

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
APRIL 2025 REGULAR MONTHLY MEETING
AGENDA

DATE: April 3, 2025

PLACE: Commissioners' Court Room
3rd Floor, Delaware County
Building

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Stephen Brand	Chris Smith	
Nate Carroll	Jerry Dishman	Michelle Owen
Dustin Clark	Teresa Hensley	Rickie Sipe
	Jesse Landess	

Advisory Members

Tom Borchers	Justin Curley	Adam Leach
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MINUTES: Consideration of the March 2025 regular meeting minutes.

NEW BUSINESS:

MPC 10-25Z Jurisdiction: County Commissioners

Being a consideration of an appeal filed by **Monte Froehlich**, 129 North 10th Street, Suite 313, Lincoln, Nebraska, requesting a change in zone from the R-1 Residence Zone and the R-2 Residence Zone to the R-1 Residence Zone on premises located in the 5800 Block of South Burlington Drive, Perry Township, Delaware County, as more accurately described in the application.

BZA 16-25 Jurisdiction: Board of Zoning Appeals

Being a consideration of an appeal filed by **Darrell E. Smith and Integrated eBusiness Solutions Incorporated**, 1813 Edward Lane, Anderson, Indiana, requesting a special use under the terms of the Delaware County Comprehensive Zoning Ordinance for a seasonal amusement park known as Stillwell Manor Haunted Attraction on premises located at 9090 South County Road 750 West, Salem Township, Delaware County, as more accurately described in the application.

LEGISLATIVE ACTION:

DIRECTOR'S REPORT:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
APRIL 2025 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday April 3, 2025, at 6:00 P.M., in the Commissioners' Court Room of the Delaware County Building, Muncie, Indiana. President Chris Smith called the meeting to order.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Ms. Swackhamer called roll and the following members were present: Mr. Borchers, Mr. Brand, Mr. Carroll, Mr. Dishman, Ms. Hensley, Mr. Landess, and Mr. Smith. Absent: Mr. Clark, Mr. Curley, Mr. Leach, Ms. Owen, and Ms. Sipe. Also present: Mr. Murphy, attorney for the Board.

Mr. Smith stated that the court room had new microphones and speakers, so he asked that everyone speak clearly while we adjust to the new equipment. He also stated that the Board had received many letters for cases on the agenda, and would be giving the Board a few minutes to review those items. He stated that he would entertain a motion from the Board to adopt the alternate rules of procedure, allowing each speaker a 3-minute time limit.

Ms. Hensley made a motion to proceed with the alternate rules of procedure regarding time limits. Mr. Carroll seconded the motion. Mr. Smith called for all those in favor to say aye, and then all opposed same sign (for the record, all members voted yes, with one voting no). He stated that the motion was carried, and that the alternate rules would be used.

NEW BUSINESS:

MPC 10-25Z Jurisdiction: County Commissioners

Being a consideration of an appeal filed by **Monte Froehlich**, 129 North 10th Street, Suite 313, Lincoln, Nebraska, requesting a change in zone from the R-1 Residence Zone and the R-2 Residence Zone to the R-1 Residence Zone on premises located in the 5800 Block of South Burlington Drive, Perry Township, Delaware County, as more accurately described in the application.

Ms. Murrell stated that the potential buyer and the realtor had filed the rezoning application and that they were aware of the meeting.

Mr. Brand made a motion to continue MPC 10-25Z to the May 1, 2025 regular meeting. Mr. Carroll seconded the motion. Mr. Smith called for all those in favor to say aye, and then all opposed same sign. He stated that the motion was carried, and that MPC 10-25Z would be continued to the May 1, 2025 meeting.

Ms. Swackhamer stated that the office would contact the applicant to give them the meeting information.

Mr. Smith called for an eight-minute recess at this time for the Board to review the letters and emails that had been received for the following case.

BZA 16-25 Jurisdiction: Board of Zoning Appeals

Being a consideration of an appeal filed by **Darrell E. Smith and Integrated eBusiness Solutions Incorporated**, 1813 Edward Lane, Anderson, Indiana, requesting a special use under the terms of the Delaware County Comprehensive Zoning Ordinance for a seasonal amusement park known as Stillwell Manor Haunted Attraction on premises located at 9090 South County Road 750 West, Salem Township, Delaware County, as more accurately described in the application.

Allen Wiseley, attorney with Beasley and Gilkison LLP, 302 E. Jackson St., Muncie, Indiana, appeared to represent the applicant Darrell Smith, who was also present. He stated that Mr. Smith was asking for a Special Use which was not really an amusement park, but after talking with Plan Commission staff, was the term that best fit the request. He stated that this was an existing business which had been operating for several years in Anderson Indiana and the property they had previously been renting was no longer available. He stated that they had identified this location as potential new location. He stated that there was an existing house, a large section of farm ground and several acres of woods on the property. He stated that if granted, Mr. Smith would be renting the property from the Zion's who currently live on the property and would continue to do so. He stated that they had provided a map that showed the layout and how the property would be set up. He stated that the plan was to plant corn around the 2 houses in the 17 acres to the north and the 6 acres to the south of the property and that the business use would be located more to the center of the parcel. He stated that they would like for access to the business to be from 750 West since that was how the property was currently accessed, and they would have to go through the state for approval of a driveway from State Road 67.

Darrell Smith, 1813 Edward Lane, Anderson, Indiana, appeared. He stated that they had been in business for 15 years and that due to the confusion in the request, they had tried to send as much information as possible to the Board prior to the meeting. He stated that he did not draw the entire property in his plans, only the portion where they would have the mid-way and attraction area of the business. He stated that some people thought from those drawings that the parking lot extended all the way along the property but there was 200' between the parking and the property to south, and 300' to the north. He stated that they had operated in Chesterfield for 3 years and in Anderson for 12 years and that they had been at the Applewood Center location since 2012. He stated that they were not open last year because the lease had not been extended to the haunted house because they wanted to add another movie theater. He stated that their basic operations were from the middle of September to early November mainly on weekends since the weekdays were just not profitable. He stated that they had between 60-80 paid actors each night at the old location and at this location they may have 60 paid actors and 15 front house staff taking tickets and running the cash registers. He stated that everyone was paid and that they did not have volunteers anymore.

President Smith asked about the dates of operation and for more information on the special events mentioned in the application.

Mr. Smith stated that they had held special events in the past for Valentine's Day and St. Patrick's Day, and that was easier to do when they were inside. He stated that they were not scary shows but had Irish Pub music and drunken clowns usually for 1 night only. He stated that outside events would be weather permitting but people enjoyed having things to do on the weekends. He stated that they had also tried to have Christmas events and a half way to Halloween event, and that they all were a Saturday only. He stated that the actors come to these special events just because they love doing it so much, but they were not paid for those 1-night events. He stated that these were the only special events they did throughout the year which was usually 3-4 nights other than Halloween.

Ms. Hensley asked why they chose this location.

Mr. Smith stated that they had been looking for a location for about a year, and this property just came up in conversation, and the owners had always wanted to have a haunted house and corn maze so they starting talking. He stated that there was 7 acres of woods with a large canopy of trees to isolate and do some activities in that area. He stated that they looked at a property on 700 West which was so heavily wooded it would have taken more than 2 months to clear the area enough to use. He stated that he was not making money on this business, and that indoor spaces were much too expensive to rent. He stated that he loves this business, it was only 10 miles from where they used to be, and that they have a very loyal base of people that return every year. He stated with the woods, pond and being close to the main road made this a good location.

Mr. Carroll asked if the state would require architectural drawings or surveys for the parking lot including drainage before he could install that space.

Mr. Smith stated that he would not need a survey but that they would need a more professional drawing than what they had submitted. He stated that they would have to turn in the traffic flow for parking to show how cars would enter and exit since they were inspected by Homeland Security. He stated that if they found any violations they would have to corrected before they could open. He stated that every attraction had to have smoke detectors all linked together and that they had fire extinguishers all around.

President Smith asked where his drawing fit on the whole parcel.

Mr. Smith stated that on the Beacon map showing 750 West was the area marked 406.3 and up to 1292 was the parking lot. He stated that there was 17 acres to the north and the 6 acres to the south which would all be farmed and not part of the haunt.

Mr. Brand stated that question #13 of the application asked if the envelopes to be sent to property owners within 300' had been provided and had answered "yes". He stated that the second part of question #13 asked if he had spoken to any of those individuals and he had answered "some", and asked how many he had talked to.

Mr. Smith stated that he had personally talked to 2 of those individuals.

Mr. Brand stated that the question goes on to ask the attitude of the proposal and that Mr. Smith had responded that they were generally supportive, and asked if that was correct.

Mr. Smith stated yes. He stated that a few had mentioned noise and traffic as concerns but that they planned to plant corn to help act as a buffer. He stated that people had misconception as to what a haunted house was and that they were just normal people who enjoy entertaining. He stated that they did not do any demonic scenes they provide entertainment in a safe manner that was fun for everyone. He stated that people leaving telling him it was the best haunt they have ever visited and that was the best feeling to him. He stated that they spend 40 hours training each actor usually during July and August to make sure they were all trained properly.

President Smith asked how many times during the 12 years in Anderson was emergency services called to the site.

Mr. Smith stated that he had made 7 calls to the local fire station all related to guests fainting or having a panic attack from getting scared. He stated that they always had 2 Anderson police officers in uniform there on Friday and Saturday nights. He stated that when they first started they had strobe lights, and they had a few issues so they have since removed all of those lights. He stated that they had an actor who had a few panic attacks and probably accounted for over half of the emergency calls that they made.

Kevin Zion, 9090 S. CR 750W, Daleville, Indiana, appeared. He stated that he was the property owner with a large family that included 13 grandkids and that they had never owned or operated a business but thought the idea of a haunted house and corn maze would be fun. He stated that they had 80 acres that had been farmed by the same person for a long time and the first thing they did was talk to him about this idea. He stated that the farmer stated he was ok with that and that he would plant the corn and maybe some tall grasses. He stated that some people don't like change and that this would not change the country setting except for those 6 weeks out of the year. He stated that this would be a fun activity and would bring something other than another gas station to the community. He stated that they would install a fence to help with privacy and that they did not want people to change the way they were living their lives. He stated that they would still be farming and maybe add a pumpkin patch and activities for the kids during the day, he just felt that there was a lot of misunderstanding of what the plans were.

Holly DeHart, 121 W. Monroe St., Alexandria, Indiana, appeared. She stated that she had been with Stillwell Manor for 10 years and that her children started there as actors when they were teenagers. She stated that she wanted everyone to understand that this was an opportunity for people to explore acting in a safe and secure environment, and that they take those things very seriously. She stated that her 12 year old granddaughter wants to be an actor this year and she felt comfortable allowing her to do that. She stated that a lot of people has misconceptions about what happened in haunted attractions, but they take the safety and security of the people and the actors very seriously and want to be part of this community.

Austin Light, 141 E. Streeter Ave., Muncie, Indiana, appeared. He stated that he had been working at Stillwell Manor for 6 years and had been acting his entire life and when he found out about haunted house acting he was excited. He stated that he enjoyed working with his fellow actors and that when they noticed someone getting upset, they would stop the show to check to make sure everything was ok before continuing. He stated that this would be a great and interesting addition to Daleville.

Mr. Brand asked Mr. Smith how many people might visit each night at the Anderson location during the September to November Halloween times.

Mr. Smith stated that in 2023 they had just over 5400 people total for 17 nights being open. He stated that the biggest weekend was always the weekend before Halloween which is usually the third weekend in October. He stated that the highest they had ever had in one night was 821 people. He stated that in 2022 they had just over 6300 people total from what he can remember.

Mr. Brand asked if that was also for 17 nights.

Mr. Smith stated he thought that season may have been 21 nights. He stated that they tried not to be open on nights that were not profitable due to the preparation of the actors with dressing and make up. He stated that those numbers did not include the hardly haunted numbers, which was during the day on Fridays. He stated that they wanted to expand that and add a pumpkin patch and more kid friendly activities during the day. He stated that they try and inform the parents that if they bring the kids to the haunt at night it can be scary.

Mr. Brand stated that not including the peak night, the average was around 306 people per night.

Mr. Smith stated yes, it can start off a little slow and increase on Saturdays closer to Halloween.

Mr. Brand asked how many parking spaces they had planned for.

Mr. Smith stated that they had 120 spaces at Applewood but it could hold 200 cars.

Mr. Brand asked if people were backed up on the road waiting to get in.

Mr. Smith stated no, there was always parking. He stated that on busy night they always had a staff member out directing traffic. He stated that the traffic flow was such that they come in one entrance and out another so that no one gets stuck in line. He stated that at this location they would have 1 staff member at the road directing traffic and 1-2 people in the parking lot to direct people to empty parking spaces. He stated that some guests come and stay 3 hours and other people come and stay for 1 hour and then leave, so not everyone is coming and going at the same time. He stated that they planned on having grass at this time and not gravel, so they want to make sure guests park where they are supposed to.

Mr. Brand asked with the parking being grass versus gravel if it was wet and mud was dragged out to the road, what would be his plans to clean that.

Mr. Smith stated that he hoped it did not get muddy but if it did they would put mulch on the grass to cut that down and move to gravel if they needed to. He stated that if he needed to get a street sweeper to clean the road he would rent one to take care of it.

Brian Jacobs, 12610 S. CR 750W., Daleville, Indiana, appeared in opposition. He stated that he lived 1.25 miles away, and that the "drunken clowns" would be traveling past his house at the end of the night. He stated that he would like to know the hours and when the chainsaws, screaming, and other noises would stop. He stated that he wanted to know if they had an alcohol license or if the food trucks vendors would have that and who would be monitoring the underage drinking that might occur. He stated that he had added concerns since this had been an inside venue in the past, and now moving to outside it would be noisier, and it would be harder to contain the guests on the property. He stated that his daughter had attended a similar event and had come home very upset because the actors can get very aggressive and touch and grab while attempting to scare the guests.

Brenda Watson, 105 S. Buckingham Rd., Yorktown, Indiana, appeared in opposition on behalf of her parents who live at 9300 S. Green Way Dr., Daleville, Indiana. She stated that they live in the house that was the closest to the proposed venue and her father was a Vietnam veteran and she had concerns about how all of the noise and screaming would affect him. She stated that the roads were very narrow and that the day-to-day traffic had difficulty sharing that road and increasing the traffic would only increase those issues. She stated that since her parents were adjacent to the property, it would be their yard that ended up with ruts and extra cars in their yard if drivers were not extremely careful. She stated that guests coming to the venue would be turning off SR 67 and that there was no traffic signal at that intersection and that the accidents that happen here were sometimes catastrophic and were not small. She stated that the town of Daleville was small and that the resources they have to deal with those traffic issues and respond to accidents was concerning. She stated that she wanted to be respectful to the property owners of the venue but that she personally felt that the property was already not maintained and she had concerns about property values if they were allowed to add more structures. She stated that she had no idea that this was happening until she saw the circus tent that was already there to store materials.

Emily Rector, 12390 W CR 550S., Daleville, Indiana, appeared in opposition. She stated that she lived directly across the street from Sam Pierce Chevrolet and that this location makes her most concerned because of the accidents they had witnessed right outside her house. She stated that they witnessed State Police and Daleville Officers pulling people over constantly and this added traffic would make that worse. She stated that she had concerns about people partying on their way to the venue and leaving and driving impaired and causes accidents in the dark and without a traffic signal at the intersection. She stated that she had concerns for the pets and children that live in the neighborhood next to this site and how those loud noises can startle them and they try and run and are injured. She stated that she was not against the idea but that she was mostly concerned for the safety of everyone in the community. She stated that they would have fun actors and activities but the people coming and going from the venue were the biggest concerns of hers. She stated that there were already people that wander up and down the roads and she did not want to experience and increase in that or possibly guests fighting with each other in the area.

Dawn Cravens, 8701 S. CR 800W., Daleville, Indiana, appeared in opposition. She stated that they purchased a home in that area for peace and quiet and if they had wanted to live next to chainsaw noises and extra traffic they would have choose a different community. She stated that 3.5 acres for a parking lot less than ½ mile from her house was very concerning and she wanted them to look elsewhere for the venue.

Brent Watson, 105 S. Buckingham Dr., Yorktown, Indiana, appeared in opposition. He stated that he grew up in that neighborhood and that he was here to speak on behalf of his parents Rick and Linda Watson, and all of the other residents in that neighborhood. He stated that his parents had lived in that same neighborhood for 60 years and that it was full of good people and a good area. He stated that he did not argue that this a fantastic business or that haunted houses weren't fun. He stated that his wife spoke earlier and had stated that his parents were the closest to the venue, but they also owned the lot across the street from the proposed parking lot and he had concerns about where the overflow parking would go. He stated that he planned to build a home on that lot at some time and to have an amusement park across the street would not be ideal for his future plans. He stated that people live in Hickory Park to avoid the noise, and it had always been a quiet neighborhood and he hoped that could continue. He stated that he understood the general schedule around Halloween, but that he still had questions and concerns about keeping

the general events open ended since that provides opportunity to be opened year-round. He stated that he would ask all of the residents in opposition to please speak and to note that none of the surrounding property owners had been to speak in support other than the property owners.

Kevin Jacobs, 8721 S. CR 800W., Daleville, Indiana, appeared in opposition. He stated that he lived within ½ mile west of the proposed venue. He stated that what the business was fine, he had concerns about people leaving the site and coming onto his property. He stated that he had anger issues and that if someone was on his property, he would have concerns about what might happen to them. He stated that this was not a contained area but rather an open field with no clear boundaries. He stated that they moved to the country for peace and quiet and not to listen to chainsaws and screaming at night.

Kristina Andrews, 9321 S. Green Way Dr., Daleville, Indiana appeared in opposition. She stated that she would like to begin by having everyone present from the neighborhood or the area in opposition to please stand (~25 people stood). She stated that she had moved to Hickory Park 30 years ago as a single mom and that she appreciated the security of neighbors that made her feel like she was back home. She stated that she had loved the peace and serenity that she had experienced. She stated that her friend and neighbor Vickie Reece had joined her going door-to-door and that 100% of the people they talked had signed their petition in opposition. She stated that there was no one that they knew of in the neighborhood that was in favor of the venue and that she would like to know who the applicant talked to that was in support.

Dakota Foster, 9721 S CR 750E., Daleville, Indiana, appeared in opposition. He stated that he was originally from Anderson so he was familiar with the haunt and that it was an eyesore. He stated that he had never personally gone to Stillwell Manor but they had year-round attractions with small carnivals that come and go. He stated that they were one of the youngest couples in the neighborhood and lived .60 miles away with a baby on the way and had moved there for peace and quiet.

Chris Combs, 9820 S. CR 750W., Daleville, Indiana, appeared in opposition. He stated that he lived outside of the 300' notification range, but that he had concerns. He stated that this property was zoned farming and no electric, sewer, drainage or other utilities available for the venue. He stated that the field floods and had standing water whenever it rained which just added mud to the narrow roads. He stated that the timeframe which the venue would be open from September to November was also harvest time and there would be combines, tractors, and semis on those narrow roads and additional traffic will add to those issues. He stated that it would negatively impact the property values in that area as well. He stated that this site was outside of the Daleville town limits and that police department did not have to come since it was policed by Delaware County. He stated that the Daleville Fire Department was volunteer and was not staffed 24/7 so there was a possibility of no one being close by for a call. He stated that he could hear the trucks on SR 67 as of now, not to mention screaming and noises from a haunted house.

Cathy Downard, 9401 S. Green Way Dr., Daleville, Indiana, appeared in opposition. She stated that she moved to this house when she was 3 years old and lived there all her life. She stated that there had been several police and ems calls and she had concerns that without well defined perimeters and boundaries, how much worse could things get.

Vickie Reece, 9401 S CR 750W., Daleville, Indiana, appeared in opposition. She stated that she agreed with all of the concerns that had been mentioned and that having been a special education teacher, she had added concerns for those individuals that did live in the neighborhood. She

stated that those kids with autism and other disabilities were very sensitive to loud noises and that we had to take them into consideration.

Collin Combs, 9950 S CR 750W., Daleville, Indiana, appeared in opposition. He stated that he wanted to start off by saying that he was not against the property owners, Mr. Smith, or the employees of Stillwell Manor. He stated that he had issues with the traffic congestion on a road that narrowed to 15' wide and was not safe. He stated that the loud noises associated with music, screaming, and a haunted house in general was noise pollution that would negatively affect the work and school lives of the community. He stated that within $\frac{1}{4}$ of a mile of the site they had at risk individuals including a resident who was blind, another who was deaf, one with autism and numerous veterans with PTSD and he was worried about the triggering affects of those noises and sounds to those residents. He stated that Mr. Smith had stated that the business was of low revenue, and that their properties would benefit from this proposed business.

Mr. Zion stated that he had talked to people in the community in general and not necessarily the neighborhood. He stated that he did speak to 2 people in the neighborhood, one who lived on the corner where the driveway would be and they were ok with it. He stated that the main concern that he was hearing was safety on the road and that they had measured it to be 19' wide. He stated that on the corner there was a gravel pit and that they had dump trucks coming and going all of the time and this business would not have as much traffic as they did. He stated that the attraction would be in the woods which would cut down a lot of the noise and there would not be as much sound as everyone thinks they would. He stated that they would not have an alcohol permit and that if anyone came and smelled like they had been drinking they would be asked to leave because they would not tolerate any drugs or alcohol on the property.

Mr. Smith stated that the road all the way to the addition was 19' wide and might narrow to 17' near the addition. He stated that if a combine or tractor was traveling this road someone would need to pull over because there would not be room now for that traffic and most farmers were not driving at night. He stated that they would be mostly in the woods and that they would have a few indoor scare buildings that no one would hear $\frac{1}{4}$ of a mile away other than maybe the 3 houses the closest to them. He stated that they did not allow alcohol and that they had police officers on duty and they had the authority to remove any guests that they needed to. He stated that they used metal detectors and that no backpacks, knives, or guns were permitted. He stated that if someone had a larger purse those were checked and that they officers were trained to do that and remove anyone that they feel is a problem. He stated that they did not do year-round attractions, but that Applewood Center there had been a carnival that was not associated with Stillwell Manor. He stated that they had talked to the Town of Daleville to see if there was a possibility of having them in Daleville for a week at some point.

President Smith asked if the pictures that had been provided were of his business.

Mr. Smith stated yes, those were pictures that they had on their website. He stated that one of the pictures was of a food vendor that would be onsite.

President Smith asked if all of the items would stay on the property from November to August or be stored somewhere else.

Mr. Smith stated that the food wagons would be removed, and that they would not allow those food vendors to serve alcohol even if they had a license. He stated that they occasionally had problems with guests that showed up drunk or high, but they were followed and if they caused

a problem they would be removed or taken to jail. He stated that they had never had any issues with people wandering around the surrounding neighborhoods and that the nearest house to this location was over 250' away. He stated that they could try and move the parking lot to a different area if that would help, but it may cause more congestion towards SR 67. He stated that their portable buildings would be stored near the barn when not being and would not just be out in the field. He stated that he could not anticipate how loud the noise would be but unless the wind was blowing a certain direction no one should be hearing the chainsaws and screaming. He stated that haunted houses overuse chainsaws and that they only have one in their show and you would not hear that from the woods. He stated that the actors would know the boundaries of the property and would be trained not to go outside of that area or they would be fired. He stated that they take the training of the staff and actors very seriously, and that they had a few of those staff members who have autism and veterans and they respect everyone. He stated that they had some actors that had been volunteering since they were teenagers and were now employees that come back each year. He stated that if anyone under 16 years old wants to work there then they have to have a parent that works there as well. He stated that traffic was a concern and they had discussed having guests exit the parking lot and travel south, which would take them past the addition and to the stop sign which was the safest path but that may not work. He stated that they could try and petition the state for a stop light at the intersection because if the traffic was that bad now it needed one anyway. He stated that he did not know how to address the concerns about the kids and pets, but that no one would be leaving the property.

Mr. Brand stated that he had heard questions and concerns about the hours of operation.

Mr. Smith stated that the hours were normally 7:30 PM, or dusk, and that on Friday and Saturday nights they would stop sales at 11:00 PM and allow guests to finish the attractions they were already in so they would be closing at midnight at the latest. He stated that if they were to be open on a Thursday night the latest was 10:00 PM since it was a school night.

Mr. Brand asked if he was aware of any noise ordinance in the county.

Mr. Smith stated that if there was one he would comply with that.

Mr. Brand stated that another concern that was mentioned was the actors touching or grabbing the guests.

Mr. Smith stated that they have done a touch option at their haunt for guests who wanted an up close and personal experience and that they would wear a glow stick necklace and that a few actors were trained to get up close to those guests. He stated that if at anytime they decided that was too much, they could take the necklace off and they would go back to normal. He stated that his actors were also trained that if a guest pushed or hit them that they were to move away and call it in to staff. He stated that the Valentine's Day event was a little more of an up close and personal show and that the actors had be trained a different way to do that. He stated that his son was in charge of all of the training and that they bring in some of the best trainers across the country to go through that training every year.

Mr. Brand stated that it sounded as if they already had materials stored on site.

Mr. Smith stated that they had the circus tent which had all of the main props stored underneath and was easy to see. He stated that they had other items in the barn that could not be stored

outside in the weather. He stated that also had the merchandise trailer and one other trailer stored on the property right now.

Mr. Brand stated that Mr. Smith had mentioned that the fire alarms would all be connected and that he had done some research on the facility that they were using in Anderson. He stated that the building there had a fire suppression system, and he asked if they had ever operated while the system was not working.

Mr. Smith stated no, they use Safety Tech from Lapel Indiana and that they could not operate if the fire panel was not working. He stated that they had to get a part one year before they opened and it took several days to find the problem and fix it. He stated that they had one guest who pulled a fire alarm and that she went to jail for doing that because she did it right in front of a police officer.

Mr. Brand asked if he still wanted to move forward with the request after seeing this much opposition.

Mr. Smith stated yes, he appreciated all of the concerns but that the venue would be less of an impact than what people think. He stated that they had a list of charities that they work with and that they always tried to be a good community neighbor. He stated that they were more than happy to talk to the neighbors more about the concerns they had about traffic and other safety issues. He stated that if they were not meeting the noise ordinance, let him know and if people were turning around in the addition he would consider hiring a police officer to be stationed there to direct traffic. He stated that if it was already a bad intersection a light would only help the issues.

Mr. Brand stated that Daleville Fire Chief Thompson was in the hallway and asked if he could ask him a few questions.

Mr. Murphy stated that he did not believe so since everyone had been given a full opportunity to speak on either side.

Ms. Hensley made a motion for an unfavorable recommendation for BZA 16-25 the request for a special use for Darrell Smith and Integrated eBusiness Solutions Inc., as stated in the application. Mr. Carroll seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Dishman, Ms. Hensley, Mr. Landess, and Mr. Smith. Voting against: None. Motion carried, an unfavorable recommendation will be forwarded to the BZA for their April 24, 2025 regular meeting.

LEGISLATIVE ACTION:

Ms. Swackhamer reported that MPC 09-25Z, the request by Fred & Nellie Edwards Trust to rezone from the R-1 Residence Zone to the F Farming Zone had been adopted by the County Commissioners.

DIRECTOR'S REPORT:

Ms. Swackhamer stated that she had provided the Board with her regular monthly report that included permits, inspections, complaints, variances, rezonings, and plats that had been completed as of the end of March 2025. She stated that the MPO documents and grants that had

been in the works were still moving along and those were also listed on the report. She stated that April was Distracted Driving Awareness Month and that she had shared a few statics on her report to give them an idea of the impact distracted driving had on the population. She stated the week of April 20th was also National Work Zone Awareness Week and we needed to remember that those people who work on the streets were working in a dangerous environment. She also reported that Denelle Murrell was moving from Planning Technician to the Community Planner and that Kayla Ferguson had joined the staff as a GIS Staff Member and had been training with Mr. Daniel. She also gave an update on the Boards and Committees that she was now part of and stated she was very excited about the Cardinal Greenway Board. She stated that when a solar ordinance was submitted by the County Commissioners that there would be a special Plan Commission meeting to discuss that and we would keep the Board updated on that matter.

Ms. Hensley asked about the progress of a pond ordinance.

Ms. Swackhamer stated that Mr. Borchers (County Surveyor) and Ms. Pruitt (Stormwater Management) had been gathering all of the information they had from when the matter was first looked into. She stated that they had planned to meet to discuss that information and then move forward.

Ms. Hensley asked if other counties had pond ordinances.

Mr. Borchers stated that he had reviewed other counties and some were very involved and others were very simple and that we needed to find something that included setbacks and maintenance issues, but that was not overboard.

Ms. Swackhamer stated that Commissioner Henry had recommended a committee get together and discuss those concerns which would include Mr. Borchers, Ms. Pruitt and the County Building Commissioner Mr. Fouch. She stated that the main issue was having a permit to show when and where these ponds were being installed.

Ms. Hensley stated that she could show 2 ponds that had been installed that were complete disasters and that one was on a field that she farmed and it had been destroyed. She stated that she was sure that they spent a lot of money to install the ponds, but that they were muddy eyesores and could not imagine having to look at that as a neighbor.

Ms. Swackhamer asked Ms. Hensley to get those addresses to her for the records.

Mr. Landess asked what it would take to make the solar ordinance a referendum and allow the residents of Delaware County decide instead of a small group of people.

Mr. Brand stated that Mr. Murphy may know better, but it would be a mid-term and would need to remain in a moratorium and then if it could be placed on the ballot.

Mr. Murphy stated that local referendums were almost always statutory and that you would usually only see those for schools. He stated that his instinct was that we would not be able to do that, and that this was the Board along with the County Commissioners that would adopt these types of ordinances. He stated that he would be happy to look into that and get a firm answer for the next meeting.

Mr. Brand asked how many open positions the office had at this time.

Ms. Swackhamer stated that a new employee had been hired and that she was scheduled to begin April 17th and then there would be zero open positions.

Mr. Brand stated that was exciting for the office.

Ms. Ingermann stated that Mr. Fouch had been out assessing damage that had occurred from the storms and tornado the day before, and just making sure that people who suffered damaged did not get scammed by out of state contractors and answering any questions they had.

Ms. Swackhamer stated that Mr. Fouch was surprised by the amount of damage that he witnessed today and the stories people had been sharing.

ADJOURNMENT:

Chris Smith, President

Kylene Swackhamer, Secretary