

THE SHELBY COUNTY COMMISSIONERS MET AT 1:00 P.M. ON MONDAY MAY 4, 2009. PRESENT WERE COMMISSIONERS, NEWTON, NIGH, MOHR, COUNTY ATTORNEY AND THE COUNTY AUDITOR.

MINUTES:

MOTION TO APPROVE MINUTES FROM 3/30/2009 MADE BY MOHR SECOND BY NIGH, APPROVED 3-0

SOLID WASTE ORDINANCE:

JASON WISHCHMEYER WITH MCNEELY STEPHESON THOPY & HARROLD LAW OFFICE. HE IS HERE TONIGHT REQUESTING PERMISSION FROM THE COMMISSIONERS TO ADVERTISE AN ORDINANCE REVISION FOR THE SOLID WASTE MANAGEMENT. ALL THREE COMMISSIONERS ARE ON THIS COMMITTEE, THIS COMMITTEE TRIES TO PREVENT THE ACCUMULATION OF SOLID WASTE OUTSIDE OF PROPER RECEPTACLES AND MAKE SURE OWNERS KEEP THEIR PROPERTIES CLEAN. ONE OF THE THINGS THAT THEY HAVE RUN INTO AT THE COMPLIANCE BOARD LEVEL IS AS THEY GET INVOLVED IN THE DIFFERENT CLEAN UP PROJECTS, IS THAT THE ENFORCEMENT OFFICER IS NOT TAKEN SERIOUSLY. IN DOING THAT, THIS ORDINANCE ALLOW THE SOLID WASTE MANAGEMENT ENFORCEMENT OFFICER TO HAVE MORE AUTHORITY IN MATTERS AND RAISES FINES. ONE OF THE CHANGES ARE DEFINITION CHANGES, THE MOST SIGNIFICANT ONE IS THE DEFINITION OF STORAGE, YOU MAY NOT LONGER USE TARPS, BLANKETS, FENCES TO HIDE THINGS YOU MUST TAKE CARE OF THIS AND GET RID OF IT AND YOU CANNOT USE NON-PERMANENT FACILITIES. THE OTHER REAL CHANGES WILL HAVE TO DO WITH VISIBILITY, ONCE A VIOLATION IS IDENTIFIED BY THE ENFORCEMENT OFFICER THIS WILL GIVE THEM PERMISSION TO PROCEED ONTO THE PROPERTY TO ACTUALLY LOCATE ANY OTHER VIOLATIONS ON THE PROPERTY THAT MIGHT NOT BE VISIBLE FROM THE ROAD. THE FINAL ISSUE HAS TO DO WITH THE ENFORCEMENT OF THE DIRECTIVE HANDED OUT. THE FINES THAT WILL BE LEVIED, CURRENTLY THE ORDINANCE ALLOWS FINES UP TO \$300.00 PER DAY UP TO \$2,500.00 NOW IT WILL SAY \$500.00 A DAY UP TO \$5,000.00 FOR THE MAXIMUM LEVY. IF YOU ARE A REPEAT VIOLATOR THE COMPLIANCE BOARD HAS ASKED FOR PERMISSION TO HAND OUT AN INCREASED AMOUNT OF FINE OF UP TO \$10,000.00. MOTION TO APPROVE WITH THE OK FROM JOHN DEPREZ MADE BY NIGH SECOND BY MOHR, APPROVED 3-0

UTILITY REQUEST:

RUSH SHELBY ENERGY REQUEST A ROAD BORE 177 FEET EAST OF 600 W ON 500 N CHARLES CRUM. MOTION TO APPROVE MADE BY MOHR SECOND BY NIGH, APPROVED 3-0

CLAIMS:

REGULAR CLAIMS – MOTION TO APPROVE MADE BY NIGH SECOND BY MOHR, APPROVED 3-0

TANSFERS & ADDITIONALS:

COMMISSIONERS REQUEST AND ADDITIONAL IN THE EDIT FUND FOR \$25,000.00 THIS WILL BE PAID TO THE TOWN OF FAIRLAND FOR THE SEWER STUDY. MOTION TO APPROVE MADE BY MOHR SECOND BY NIGH, APPROVED 3-0

MISCELLANEOUS:

KEM ANDERSON WITH THE HIGHWAY BROUGHT TO THE COMMISSIONERS ATTENTION THAT THE BRIDGE ON 250E BETWEEN 600 S & 700 S IS FALLING IN. KEM SAID THE CONCRETE WALL IN FALLING IN AND THE STONE IS WASHING AWAY, BEAMS ARE RUSTED. NEEDS EMERGENCY REPAIR. THE COST WILL PROBABLY BE CLOSE TO \$70,000.00 IF THE HIGHWAY DOES IT THEMSELVES. NEWTON ASKED IF THERE IS ANY WAY THEY COULD WAIT TO CLOSE THIS UNTIL AFTER SCHOOL IS OUT. KEM SAID HE WOULD WATCH IT EVERYDAY, BUT WHEN HE FEELS IT NEEDS TO BE SHUT IT WILL.

NO NEED IN TAKING CHANCES OF SOMEONE GETTING HURT. MOTION TO APPROVE MADE BY MOHR SECOND BY NIGH, APPROVED 3-0

KEM ALSO WANTED TO LET THE COMMISSIONERS KNOW THAT THEY WILL BE CHANGING THEIR HOURS FOR THE SUMMER STARTING ON MAY 18, 2009 THE NEW SUMMER HOURS WILL BE 6:30 A.M. TO 5:00 P.M. MONDAY – THURSDAY.

GREG WENDLING FROM USI WANTED TO UPDATE THE COMMISSIONERS ON THE WALDRON DRAINAGE PROJECT AT 600 E & MAIN STREET. THEY HAVE RUN INTO A PROBLEM AND WANT TO KNOW WHAT THE COMMISSIONERS WOULD LIKE TO DO. THE LANE OWNED BY THE CONSERVANCY IS ONLY 33' WIDE AND MEASURED AT A DIAGONAL. THEY COULD EITHER TALK TO THE RAILROAD AND PAY FOR PERMITS AND THINGS WITH THEM WHICH WILL COST AROUND \$10,000.00 OR THEY COULD EXTEND DONE THE LANE AND GET PERMISSION FROM THE LAND OWNER AND RUN ANOTHER 500' OF 36" PIPE. NEWTON ADVISED IT WOULD PROBABLY BE CHEAPER TO GO THROUGH THE RR BECAUSE THE PIPE IS VERY EXPENSIVE AND THAT IS A LOT OF PIPE. MOTION TO HAVE USI PROCEED THROUGH THE RAIL ROAD (CENTRAL RAILROAD OF INDIANA) MADE BY NIGH SECOND BY MOHR, APPROVED 3-0

AMY DILLON WITH THE PLAN COMMISSION BROUGHT TO THE COMMISSIONERS TWO PROPERTIES WANTING THEIR PROPERTIES REZONED. BOTH PROPERTIES HELD PUBLIC MEETINGS ON APRIL 28, 2009 ALL NOTICES WERE POSTED AND ADVERTISED IN THE SHELBYVILLE NEWS.


THE FIRST ONE WAS AT 10680 N 150 E IN MORRISTOWN. THEY WANT TO GO FROM A1 & R1 TO RE. THEY HAVE RECEIVED ALL PAPER WORK AND APPLICATION NECESSARY, NO PUBLIC COMMENT WAS MADE AND WITH STIPULATIONS RECOMMENDATION FROM THE PLAN COMMISSION WAS IN FAVOR WITH A VOTE OF 9-0, MOTION TO APPROVE MADE BY MOHR SECOND BY NIGH 2009-05, APPROVED 3-0

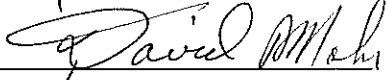
THE SECOND PROPERTY IS LOCATED AT 4329 N 575 E OWNED BY JEFF BROWN. THIS PROPERTY OWNER WANTS THIS REZONED FROM A1 CONSERVATION AGRICULTURAL TO OP (OPEN SPACE & PARKS DISTRICT). THE PLAN COMMISSION HAS RECEIVED ALL PAPER WORK, ONE PUBLIC COMMENT WAS HEARD AND AFTER REVIEW THE PLAN COMMISSION WAS IN FAVOR WITH STIPULATION RECOMMENDATION FROM THE PLAN COMMISSION WAS IN FAVOR WITH A VOTE OF 9-0. MOTION TO APPROVE MADE BY NIGH SECOND BY MOHR, APPROVED 3-0

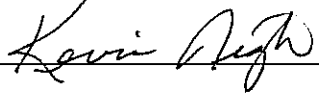
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD. A
MOTION TO ADJOURN WAS MADE BY NIGH SECOND BY MOHR. APPROVED
3-0

AYE

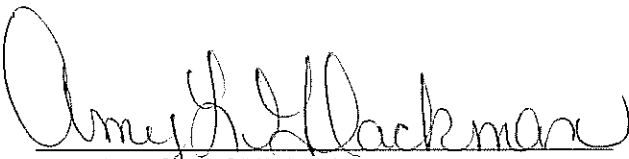
NAYE







ATTEST:



AMY L. GLACKMAN
SHELBY COUNTY AUDITOR