

THE SHELBY COUNTY COMMISSIONERS MET ON TUESDAY SEPTEMBER 6, 2022, AT 8:00 A.M. PRESENT WERE COMMISSIONERS' NIGH, PARKER, ROSS, COUNTY ATTORNEY AND COUNTY AUDITOR

**MINUTES:**

MOTION TO APPROVE AUGUST 29, 2022, MINUTES WAS MADE BY PARKER, SECONDED BY ROSS, APPROVED 3-0

**PUBLIC HEARING**

AT THIS TIME COMMISSIONER NIGH CALLED TO ORDER THE PUBLIC HEARING WITH RESPECT TO THE CLOSURE TO 25 W JUST ABOUT ½ MILE SOUTH OF OLD STATE ROAD 252. CHAD ROOTS WITH US AGGREGATES HANDED OUT PACKETS WITH ALL EXHIBITS AND SPOKE ABOUT THEIR INTENTIONS AND WHY THEY ARE REQUESTING THIS ROAD CLOSURE. CHAD ADVISED THE ONLY NEW CHANGE FROM WHEN HE SPOKE WITH MR. DEIWERT THIS MORNING AND HE ASK FOR A FEW CHANGES AND WE AGREED ON MR. DEIWERTS CHANGES. ONE OF THE CHANGES WILL BE TO PUT IN A 60 x 60 TURNAROUND IN FOR BUSES, PUBLIC SAFETY VEHICLES, POSTAL SERVICE AND PEOPLE THAT DON'T RESPECT THE ROAD CLOSED SIGNS.

1. DAN CLARK: NEIGHBOR TO THE SOUTH OF US AGGREGATES, HE ADVISED HE USES THE ROAD EVERYDAY AND HE ISN'T HERE TO TRY TO STOP YOUR BUSINESS. HE WOULD JUST LIKE TO KNOW WHY YOU DON'T USE THE 120 ACRES SOUTH OF THE PROPERTY FIRST BEFORE MOVING THE LAND TO THE WEST, TO KEEP THE ROAD OPEN. MR ROOTS ADVISED OUR GROWTH PATTERN FOLLOWS THE GEOLOGY OF THE GROUND, WE DO INTEND TO FOLLOW BOTH SOUTH AND WEST AT THE SAME TIME. COMMISSONER PARKER ASKED IF THEY HAD A TIMELINE BEFORE THEY MOVE SOUTH. THEY PLAN ON MOVING WEST AND SOUTH WITHIN THE NEXT YEAR AND A HALF. MR CLARK ALSO ASKED HOW LONG THE ROAD WILL REMIAN OPEN BEFORE THEY CLOSE IT?
2. JEFF BATE: IS REPRESENTING MR. & MRS. TONY MILLER LOCATED AT 758 W 1200 S. THERE ARE OTHER OPTIONS TO GET TO THEIR HOUSE, THE MAIN THING IS WE ARE HAVING A HARD TIME FIGURING OUT HOW THIS IS BENEFITS THE PUBLIC. WHAT WE WANTED TO PUT ON PUBLIC RECORD TODAY ARE THE PEOPLE THAT ARE ON WELLS, THEY ARE CONCERNED ABOUT THEIR AQUAFER. BATE GAVE AN EXAMPLE OF THE CASINO THEY DRAINED THE POND THEY WENT BACK AND FIXED IT, BUT WE JUST DON'T SEE THE BENEFIT IN THIS FOR THE PUBLIC. TONY MILLER WANTED TO PUT ON RECORD – HOW ARE YOU GOING TO BE ABLE TO TELL WHICH STONE QUARRY IS DRAINING THE WELLS. MR. ROOTS ADVISED THE RESIDENCE THAT THEY ARE REGULATED BY THE DNR – DEPARTMENT OF WATER AND YOU CAN YOUR WELL HAVE A BASELINE STUDY FOR FREE AND WATCH YOUR BASELINE. MR BATE WANTED EXPLAINED THE USE OF HEAVY EQUIPMENT. MR ROOT ADVISED THEY WILL MOBILIZE EQUIPMENT TO DO THE STRIPPING OF THE LAND AND REMOVE THE ROAD. MR. MILLER ASKED IF US AGGREGATES WOULD HELP THE RESIDENCE GET THIS TESTING DONE BY THE DNR. MR. ROOTS ADVISED US AGGREGATES WOULD LOVE TO HELP WHERE THEY CAN.

3. MR DEIWERT: WE ARE JUST MOVING BACK HERE AFTER 40 YEARS AWAY. HE ADVISED HE DOESN'T BELIEVE HE CAN CHANGE THE WAY THINGS ARE GOING TO GO. HE ADVISED HE IS NOT A FAN OF DEADEND ROADS. AFTER TALKING TO COMMISSINER PARKER AND MR ROOTS, THEY CAME UP WITH A SOLUTION SO THEY AREN'T USING MR DEIWERTS DRIVEWAY. MR DEIWERT DOES HAVE THE SAME CONCERNS AS TONY MILLER AND THE WELL WATER LEVELS.
4. JOE MATHENA: HE ADVISED HE IS LAND LOCKED AND HIS LANE GOES THRU A WATERWAY AND HE HAS HAD TO HAVE IT REPLACED THEY LAST 5 YEARS. HE HAS LIVED THERE 38 YEARS AND THE FAMILY FARM HAS LIVED THERE FOR THE LAST 100 YEARS. HE SAID IF HE WOULD BE ABLE TO GET ACCESS TO THE 25 W WOULD HELP HIM WITH HIS DRIVEWAY. MR ROOTS ADVISED HE WOULD BE WILLING TO LOOK AT THIS FOR MR. MATHENA.
5. MARY SMILEY: ADVISED SHE LIVES BETWEEN BOTH GRAVEL PITS AND IS CONCERNED ABOUT RADON GAS. THE MORE THE BLASTING THE MORE THE GROUND GETS OPENED UP. OUR WELL HAVE ALWAYS BEEN A GOOD WELL AND HAVE NOT HAD ANY ISSUES WITH IT. OUR WELL ISN'T VERY DEEP BUT HAS ALWAYS BEEN A GOOD WELL. MR. ROOTS ADVISED THAT RADON GAS IS USUALLY ONLY FOUND IN CRAWL SPACES TRAPPED UNDER HOUSES.

MOTION TO APPROVE THE ROAD CLOSURE WITH AMENDED DRAWING EXHIBIT F, WAS MADE BY PARKER, SECONDED BY ROSS, APPROVED 3-0

#### **PLAN COMMISSION / REZONES:**

THE FOLLOWING 5 ARE REQUEST TO REZONE. THESE WERE ALL HEARD AT THE AUGUST 23, 2022, PLAN COMMISSION MEETING AND HAD A FAVORABLE RECOMMENDATION TO SEND TO THE COMMISSIONERS.

1. PLAN COMMISSION RZ 22-13 FARNSLEY FAMILY FARM REQUESTING TO REZONE 1.711 ACRES FROM A1 (CONSERVATION AGRICULTURAL) TO R1 (SINGLE-FAMILY RESIDENTIAL) LOCATED WEST OF AND ADJOINING 7092 E SHORT BLUE RD) PLAN COMMISSION VOTE WAS 7-0. MOTION TO APPROVE ORDINANCE 2022-23 WAS MADE BY ROSS, SECONDED BY PARKER, APPROVED 3-0
2. PLAN COMMISSION RZ 22-14 BOWMAN RENTAL REQUESTING TO REZONE 27.648 ACRES FROM A1 (CONSERVATION AGRICULTURAL) TO R1 (SINGLE-FAMILY RESIDENTIAL AND I1 (LOW INTENSITY INDUSTRIAL DISTRICT TO I2 (HIGH INTENSITY INDUSTRIAL) LOCATED AT 6224 W 800 N, FOUNTAINTOWN. PLAN COMMISSION VOTE WAS 9-0 WITH STIPULATIONS. MOTION TO APPROVE ORDINANCE 2022-24 WAS MADE BY ROSS, SECONDED BY PARKER, APPROVED 3-0
3. PLAN COMMISSION RZ 22-15 P&E 12 LLP REQUESTING TO REZONE 10 ACRES FROM RE (RESIDENTIAL ESTATE) TO A2 (AGRICULTURAL) LOCATED AT 6535 W 600 N, FAIRLAND. PLAN COMMISSION VOTE WAS 9-0 WITH STIPULATIONS. MOTION TO APPROVE ORDINANCE 2022-25 WAS MADE BY ROSS, SECONDED BY PARKER, APPROVED 3-0

4. PLAN COMMISSION RZ 22-17 JASON WEST IS REQUESTING TO REZONE .64 ACRES FROM RE (RESIDENTIAL ESTATE) TO R1 (SINGLE-FAMILY RESIDENTIAL) LOCATED NORTH OF AND ADJOINING 7316 N 600 W, FAIRLAND. PLAN COMMISSION VOTE WAS 7-0 WITH STIPULATIONS. MOTION TO APPROVE ORDINANCE 2022-26 WAS MADE BY ROSS, SECONDED BY PARKER, APPROVED 3-0
5. PLAN COMMISSION RX 22-18 RITCHIE IS REQUESTING TO REZONE 2.07 ACRES FROM A1 (CONSERVATION AGRICULTURAL) TO VM (VILLAGE MIXED-USE) LOCATED EAST OF AND ADJOINING 4771 W 400 N, FAIRLAND. PLAN COMMISSION VOTE 7-0 WITH STIPULATIONS. MOTION TO APPROVE ORDINANCE 2022-27 WAS MADE BY NIGH, SECONDED BY PARKER, APPROVED 3-0

**UTILITY REQUEST:**

1. NINESTAR IS REQUESTING TO BORE AT VARIOUS LOCATIONS ON W 1200 N, N 800 W, SYCAMORE ROAD AND MICHIGAN ROAD. MOTION TO APPROVE WAS MADE BY ROSS, SECONDED BY PARKER, APPROVED 3-0
2. MOHR DRAINAGE & EXCAVATING IS REQUESTING TO DO A ROAD CUT AT 225 S WEST OF SMITHLAND ROAD. MOTION TO APPROVE WAS MADE BY NIGH, SECONDED BY PARKER, APPROVED 3-0

**SHERIFF:**

N/A

**HIGHWAY:**

N/A

**CLAIMS:**

**MONTHLY CLAIMS** – MOTION TO APPROVE MONTHLY CLAIMS WAS MADE BY PARKER, SECONDED BY NIGH, APPROVED 2-0-1 (ROSS)

**TRANSFER / ADDITIONALS:**

N/A

**MISCELLANEOUS:**

N/A

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD. A MOTION TO ADJOURN WAS MADE BY ROSS SECONDED BY PARKER, APPROVED 3-0

**AYE:**

**NAYE:**

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**ATTEST:**

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**AMY L. GLACKMAN**

**SHELBY COUNTY AUDITOR**