

THE SHELBY COUNTY COMMISSIONERS MET ON MONDAY OCTOBER 31, 2022, AT 8:00 A.M. PRESENT WERE COMMISSIONERS' NIGH, PARKER, AND COUNTY AUDITOR

MINUTES:

MOTION TO APPROVE OCTOBER 24, 2022, MINUTES WAS MADE BY PARKER, SECONDED BY NIGH, APPROVED 2-0

BIDS/ HIGHWAY TRIAXLE:

THE COMMISSIONERS RECEIVED THREE BIDS FOR THE HIGHWAY TRIAXLE TRUCK:

1. M&K TRUCK CENTERS - \$164,590.00 2024 MAC
2. READING TRUCK – NO TRUCK BID ONLY DUMP BED
3. SHIRK’S INTERNATIONAL - \$111,543.88 2025 INTERNATIONAL

MOTION TO TABLE AND TAKE UNDER ADVISEMENT SO ANDERSON CAN REVIEW THEM UNTIL NEXT WEEK WAS MADE BY PARKER, SECONDED BY NIGH, APPROVED 2-0

SHERIFF:

N/A

HIGHWAY:

N/A

CLAIMS:

N/A

TRANSFER / ADDITIONALS:

MISCELLANEOUS:

COUNTY BURN BAN:

COMMISSIONER NIGH MADE A MOTION TO LIFT THE BURN BAN FOR NOW AND REVISIT IT IN THE NEXT COUPLE WEEKS, SECONDED BY PARKER, APPROVED 2-0

EMERGENCY MANAGEMENT:

DENIS ADVISED THE EMPG GRANT HAS BEEN APPROVED. THIS IS FOR THE SALARY REIMBURSEMENT. THIS WAS INFORMATION ONLY

DENIS ALSO ADVISED THEY HAVE STARTED THE PROCESS OF UPDATING THE MULTI MITIGATION PLAN FOR FEMA. THIS WILL TAKE ABOUT 8 MONTHS TO COMPLETE, THEY WILL HAVE TO HOLD MANY MEETINGS WITH THE PUBLIC. THIS WAS INFORMATION ONLY.

PROSECUTOR / VEHICLE TRADES:

BRAD IS REQUESTING TO TRADE ONE OF THE APS VEHICLES IN TO PURCHASE A NEWER VEHICLE. THE CURRENT ONE IS ACUTALLY OLD AND NOT RUNNING.

AND BRAD WILL ALSO BE GIVING THE SHERIFF'S OFFICE HIS CURRENT VEHICLE BACK TO THE SHERIFF'S OFFICE TO TRADE IN FOR GEAR FOR THE NEW CARS. BRAD ADVISED HE HAS A FUND THAT WILL ALLOW HIM TO PURCHASE A VEHICLE SO THERE WILL BE NO COST TO THE COUNTY. MOTION TO APPROVE WAS MADE BY NIGH, SECONDED BY PARKER, APPROVED 3-0

WAYNE BLEY / PLAN COMMISSION CONCERNS:

MR. BLEY WANT TO TALK TO THE COMMISSOINER WITH SOME CONCERNS FROM THE TUESDAY OCTOBER 25, 2022, PLAN COMMISSION MEETING. MR BLEY READ DIRECTLY FROM THE UNIFIED DEVELOPMENT ORDINANCE. AT THE TUESDAY'S MEETING THE SUNBEAM I-74, LLC DEVELOPMENT WAS APPROVED PLAN NUMBER DP22-1. MR BLEY ADVISED DURING THE REVIEW PROCESS THE PLAN DIRECTOR AND THE BOARD PRESIDENT EMPHASIZED TO THE PLAN COMMISSION MEMBERS AND I QUOTE "THE PLAN COMMISSION IS LEAGALLY OBLIGATED TO APPROVE ANY DEVELOPMENT PLAN PRESENTED THAT COMPLIES WITH THE PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE. THE ONLY OPTION THEY WERE GIVEN IS TO APPROVE. MR. BLEY ADVISED THIS PHRASE DOES NOT OCCURE ANYWHERE IN THE UNIFIED DEVELOPMENT ORDINANCE. HE THEN READ THE ORDINANCE ON HOW THINGS SHOULD HAVE BEEN DONE. MR. BLEY POINTED OUT THE ORDINANCE SAYS THEY MEMBERS SHOULD EITHER APPROVE, APPROVE WITH CONDITIONS OR DENY. THE MEMBERS SHALL TAKE FINAL ACTION OR CONTINUE THE ACTION TO A FUTURE MEETING DATE. THE COUNCIL WILL THEN FORWARD THE DECISION TO THE COMMISSIONERS FOR APPROVAL. MR. BLEY ADVISED HE REQUESTED THIS BE CONTINUED UNTIL THE JANUARY MEETING IN ORDER TO HAVE A THIRD-PARTY TECHNICAL REVIEW TO BE COMPLETED. MR. BLEY ADVISED HE IS REQUESTING THE FOLLOWING FROM THE COMMERS. 1. VACATE, SET A SIDE, AND OR REVERSE THE PLAN COMMSIONS VOTE OF THIS PAST TUESDAY, DUE TO THE FACT THE PLAN COMMISSION WAS GIVEN AN ILLEGAL ARM TWISTING TO GET A SINGLE RUBBER STAMP VOTE, PLUS THREE MEMEBERS WERE ABSENT SOME OF WHOM THAT HAVE EXPRESSED FRUSTRATION OF THE WHOLE MEETING. 2. REMAND THE DECISION BACK TO THE PLAN COMMISSION WITH THE INSTRUCTION TO RESTART A PUBLIC REVIEW OF THE PROCESS TO VERIFY THAT THIS PROJECT MEETS ALL FEDERAL, STATE AND LOCAL POLICIES, CODES, REGULATIONS AND LAWS AND IS PUT IN THE PUBLIC RECORED SO THAT EVERYONE IN THE COUNTY CAN READ AND VERIFY THAT THEY HAVE MET ALL REQUIREMENTS. 3. EXECUTE AN INJUNCTION OR STAY PENDING FURTHER INVESTIGATE. 4. COMMISSIONERS FULL INVESTIGATE THE BEHAVIOR OF THE ADMINISTRATOR AND PRESIDENT AND IF NEED BE, THEY BE REPRIMAND AND EXERCISES DISCIPLINE AS APPROPRIATE. THERE WAS DEFINELTY A NEGLIGENCE BEHAVIOR AND MANOR BY WHICH THE INDIVIDUALS PERFORMED THEIR FUNCTION AND RESPONSIBILITY TO THE COUNTY. MR BLEY ADVISED WITH THAT BEING SAID HE CLOSES WITH THIS QUESTION. WILL YOU VOTE ON ANYONE OF THESE WITHOUT GOING TO AN EXECUTIVE SESSION BECAUSE THAT WOULDN'T BE A LEGAL USE OF THE EXECUTIVE SESSION PER THE OPEN DOOR LAW? COMMISISONER NIGH ADVISED HE WILL NOT VOTE ON EITHER ONE OF THESE TODAY. MR. BLEY ADVISED THERE HAS TO BE A PUBLIC MEETING ON THIS AND IT CAN NOT BE DONE IN AN EXECUTIVE SESSION. MR. BLEY ASKED WHEN THERE WILL BE A PUBLIC MEETING SCHEDULED TO HEAR THIS? NIGH ADVISED HE DOESN'T THINK THERE WILL BE A PUBLIC HEARING ON THIS BECAUSE THERE WAS NO ZONING CHANGE. MR. BLEY ADVISED THIS ISN'T ABOUT THE ZONING THIS IS ABOUT WETHER OR NOT THE PROJECT MEETS THE MINIMUM STANDARDS. NIGH ADVISED THIS WAS

A DECISION FOR THE PLAN COMMISSION TO MAKE AND HE FEELS THE PLAN COMMISSION FELT THEIR PLOT PLANS MET THE STANDARDS. MR. BLEY ADVISED THEN YOU LEAVE NO ALTERNATIVE FOR THE CITIZENS OF THIS COUNTY TO REBUT THAT AND DEMONSTRATE THE FACT THAT THERE ARE FINDINGS AND FACTS THAT NEED TO BE CONSIDERED BEFORE THIS GOES FORWARD. AND THEN ASKED THE SAME QUESTION. YOU ARE TELLING US YOU ARE NOT GOING ENGAGE IN THIS PROCESS AND YOU ARE GOING TO PERSIST WITH THE RUBBER STAMP? NIGH ADVISED IT HAS GONE THRU THE PROCESS AND YOU ARE FULLY NOT HAPPY WITH THE OUTCOME OF THE MEETING AND THE PROCESS. MR. BLEY ADVISED HE IS ALSO NOT HAPPY ABOUT THE LYING BY TELLING THE PLAN COMMISSION BOARD MEMBERS THAT THEY MUST AND HAVE A LEGAL OBLIGATION TO DO SOMETHING THAT THERE IS NO LEGAL OBLIGATION FOR THEM TO DO. THE LEGAL OBLIGATION IS FOUR OPTIONS AND ASKED IF THEY ARE JUST GOING TO GO ALONG WITH THE RUBBER STAMP PROCESS AND NOT REVIEW WHAT HAPPENED. NIGH ADVISED HE DOESN'T FEEL THERE WAS A RUBBER STAMP PROCESS. MR. BLEY SUGGESTED TO THEM TO WATCH THE RECORDING OF THE MEETING AND IF YOU COME TO THAT CONCLUSION, I WOULD BE STUND AND SURPRISED BUT ON THE OTHER HAND I WOULD NOT BE. THANK YOU

COMMISSIONERS:

COMMISSIONER PARKER WANTED TO BRING TO EVERYONES ATTENTION THEY STATE IS DOWN WORKING ON THE DRAINAGE ON 252 FROM WHEN THEY DID ALL OF THE ROAD WORK. THIS SHOULD ONLY TAKE ABOUT A MONTH. THIS WAS INFORMATION ONLY; NO ACTION WAS NEEDED.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD. A MOTION TO ADJOURN WAS MADE BY PARKER SECONDED BY NIGH, APPROVED 2-0

AYE:

NAYE:

ATTEST:

AMY L. GLACKMAN

SHELBY COUNTY AUDITOR