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FRANKLIN COUNTY PLANNING AND ZONING COMMISSION  
FRANKLIN COUNTY GOVERNMENT CENTER  
SECOND FLOOR COMMISSION CHAMBERS  
400 EAST LOCUST STREET  
UNION, MISSOURI 63084

TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING  
JULY 19, 2016  
(Commencing at 7:00 p.m.)

Reported by:  
Patsy A. Hertweck, C. R.  
Midwest Litigation Services

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IDENTIFICATION	DESCRIPTION	PAGE
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(All exhibits, if any, were retained by the Commission, and will not be attached hereto.)

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A P P E A R A N C E S

BOARD OF PLANNING AND ZONING COMMISSION MEMBERS:

- Jay Schulteheinrich, Co-Chairman
- Bill McLaren, Commissioner
- Ray Cunio, Commissioner
- Ron Williams, Commissioner
- Todd Boland, Commissioner
- Dan Haire, Commissioner
- Tom Tobben, Commissioner
- Russell McCreary, Commissioner

PLANNING AND ZONING STAFF:

- Ms. Scottie Eagan, Planning Director
- Ms. Nichole Zielke, Administrative Assistant

LEGAL COUNSEL:

- Mark Vincent, County Attorney

MIDWEST LITIGATION SERVICES:

- By: Patsy A. Hertweck, C. R.
- 711 North Eleventh Street
- St. Louis, Missouri 63101
- (314) 644-2191

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P R O C E E D I N G S

[JULY 19, 2016]

CO-CHAIRMAN SCHULTEHENRICH: It's seven o'clock, so let's call the meeting of the Franklin Planning and Zoning Commission to order.

Scottie, could we have a roll call.

MS. EAGAN: Bill Evans?

CHAIRMAN EVANS: [Not present.]

MS. EAGAN: Jay Schulteheinrich?

CO-CHAIRMAN SCHULTEHENRICH: Here.

MS. EAGAN: Todd Boland?

COMMISSIONER BOLAND: Here.

MS. EAGAN: Tim Reinhold?

COMMISSIONER REINHOLD: [Not present.]

MS. EAGAN: Ray Cunio?

COMMISSIONER CUNIO: Here.

MS. EAGAN: Tom Tobben?

COMMISSIONER TOBBEN: Here.

MS. EAGAN: Bill McLaren?

COMMISSIONER McLAREN: Here.

MS. EAGAN: Stanley Voss?

COMMISSIONER VOSS: [Not present.]

MS. EAGAN: Dan Haire?

COMMISSIONER HAIRE: Here.

1 MS. EAGAN: Russell McCreary?

2 COMMISSIONER McCREARY: Here.

3 MS. EAGAN: And, Ron Williams?

4 COMMISSIONER WILLIAMS: Here.

5 MS. EAGAN: Okay. We have a quorum.

6 CO-CHAIRMAN SCHULTEHENRICH: Okay.

7 Scottie, I'm going to ask you to continue then, and go ahead  
8 on the presentation of procedures and exhibits.

9 MS. EAGAN: Tonight's Planning  
10 Commission meeting is governed by the Franklin County  
11 Unified Land Use Regulations.

12 Some matters on the agenda may be for action by  
13 the Planning and Zoning Commission. These matters do not  
14 involve public hearing. Other matters on the agenda require  
15 public hearings under Missouri law. If a matter involves a  
16 public hearing, all individuals who desire to testify will  
17 be given an opportunity to do so.

18 At this time, I would like to place into the  
19 record these Regulations as Exhibit A, the official Zoning  
20 Map as Exhibit B, the official Master Plan as Exhibit C, and  
21 the case file for each case as Exhibit D for all the cases  
22 to be heard during the hearing.

23 [Thereupon, evidence was marked  
24 for identification and presented for the  
25 record as Planning and Zoning Exhibits A,

1 B, C, and D.]

2 All Old Business items on the agenda will be  
3 dealt with first.

4 Once the Old Business issues have been taken  
5 care of, each item of New Business will be opened.

6 As each case is opened, a staff report will  
7 first be read to the Commission, followed by any questions  
8 for the staff.

9 Then if anyone in the audience would like to  
10 speak or comment on a file that is part of a public hearing,  
11 they must first print their name on the sign-in sheet  
12 provided, and then be sworn in by the Chairman.

13 When it is your turn to speak, you will come to  
14 the front of the room to address the Commission and only the  
15 Commission, not anyone in the audience, with your comments.

16 It is possible for the Commission to decide to  
17 move a New Business issue to Old Business and vote on it the  
18 same night.

19 At the conclusion of all questions, comments,  
20 and discussion concerning each case, the Planning Commission  
21 will proceed. Any final decision by the Planning and Zoning  
22 Commission concerning conditional use permits may be  
23 appealed to the Board of Zoning Adjustment any time within  
24 90 days.

25 Applications for such an appeal may be acquired

1 from the Department offices during normal business hours.

2 CO-CHAIRMAN SCHULTEHENRICH: Thank  
3 you, Scottie.

4 Everybody should have received in their packet  
5 the minutes of the June 21, 2016 meeting. Any comments, any  
6 suggested changes? [None]

7 Hearing none, the Chairman will entertain a  
8 motion to approve.

9 COMMISSIONER McCREARY: Like to make  
10 a motion to approve minutes.

11 CO-CO-CHAIRMAN SCHULTEHENRICH: Do we  
12 have a second?

13 COMMISSIONER BOLAND: Second.

14 CO-CHAIRMAN SCHULTEHENRICH: We have  
15 a motion and a second to approve the June 21st minutes. All  
16 those in favor signify by say aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER CUNIO: Aye.

19 COMMISSIONER WILLIAMS: Aye.

20 CO-CHAIRMAN SCHULTEHENRICH: Aye.

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER HAIRE: Aye.

23 COMMISSIONER TOBBEN: Aye.

24 COMMISSIONER McCREARY: Aye.

25

1 CO-CHAIRMAN SCHULTEHENRICH: All

2 opposed in the negative. [None]

3 The ayes will have it. Minutes are approved.

4 Now on the agenda, we have Visitors Comments.

5 This if anyone here wishes to speak to us, now would be the

6 opportunity to do so. However, if you are here to express

7 some thoughts in regards to the matter that is on the Old

8 Business, then we'll ask for your comments at that -- at the

9 time in which we are taking that subject up.

10 But if you have any issues that you would like

11 to bring to our attention matters pertaining to us on the

12 agenda, or not necessarily, I guess, on the agenda, okay,

13 but you would have the opportunity to do so now.

14 Is there anyone here wishing to speak to the

15 Public Comment section of our meeting? [None]

16 Then we'll close the Public Comment section of

17 our meeting and we'll proceed to Old Business.

18 Old business first matter will be File 150277.

19 And, Scottie, I'll turn to you for the

20 presentation.

21 MS. EAGAN: Okay. I'm going to go

22 ahead and read the staff report that was read to you back in

23 March.

24 This is File 150277. The Applicant is Planning

25 and Zoning.

1           The Applicant requests the revocation of  
2 Conditional Use Permit 100114 for Carl Zerna, Jr.

3           The property is located at the southwest corner  
4 of Old Highway 100 and North Ridge Drive in Boles Township.

5           The Facts: Mr. Zerna received a Conditional  
6 Use Permit on July 20, 2010 with 13 conditions listed.

7           Planning and Zoning inspected the property for  
8 yearly compliance on December 9, 2015. Upon the site visit,  
9 it was determined Mr. Zerna has not completed or was not  
10 complying with the following conditions.

11           Applicant must have all the necessary licenses  
12 permits and certificates required to do business in the  
13 county and state, and any cars not for sale will need to be  
14 behind a sight-proof fence prior to the issuance of the CUP.

15           When Mr. Karim visited the properties, there  
16 were multiple vehicles on the lot that did not have any  
17 paperwork as being for sale.

18           Mr. Karim also noted a large collection of  
19 vehicles toward the back of the property behind some trees  
20 but still visible from Highway 100.

21           The Planning Department did research to find if  
22 Mr. Zerna has a dealer's license for this address, and could  
23 not find any record of one.

24           Staff Comments: As of January 8, 2016, Mr.  
25 Zerna had not provided Planning and Zoning Department with

1 any dealer's license for this location.

2 In your packet, you do have a letter about the  
3 property as well as pictures from June 21, 2016 and then  
4 being passed around were some color photos that were taken  
5 today.

6 CO-CHAIRMAN SCHULTEHENRICH: Thank  
7 you, Scottie.

8 MS. EAGAN: Uh-huh.

9 CO-CHAIRMAN SCHULTEHENRICH: Is the  
10 Applicant here. Would you care to come forward.

11 MR. CARL ZERNA: Yes, I would.

12 CO-CHAIRMAN SCHULTEHENRICH: Please  
13 sign in and be sworn in as well.

14 [Thereupon, the witness was sworn.]

15 MS. REPORTER: Name and address,  
16 please.

17 MR. ZERNA: My name is Carl Richard  
18 Zerna, Jr. Number 5 Brinley Lane, Villa Ridge, Missouri  
19 63089.

20 CO-CHAIRMAN SCHULTEHENRICH: Mr.  
21 Zerna, if I remember right, I believe it was about in our  
22 January meeting in which -- I'm not sure if it was exactly,  
23 but I think it was in the January meeting -- in which you  
24 were here in regards to this matter, and we tabled it, the  
25 matter in hopes that maybe there would be some effort to

1 comply with some of the conditions that the Commission had  
2 established some years ago as part of the conditional use  
3 permit which we had approved for you to operate your  
4 business at the location in which you presently -- and the  
5 question is now being raised.

6 So there are some issues that Scottie had  
7 mentioned having to do with license, having to do with cars  
8 that are not behind a fence, having to do with whether or  
9 not cars are in fact drivable, that are in the rocked front  
10 portion of you're acreage.

11 So would you like to address those issues for  
12 us here at the Commission?

13 MR. ZERNA: Yes, sir. I would like  
14 to.

15 CO-CHAIRMAN SCHULTEHENRICH: Then  
16 proceed.

17 MR. ZERNA: When I left here on  
18 January, which is correct, you told me that I need to do at  
19 least 10 by 20 square footage per car either concrete or  
20 asphalt . And at that time, I thought well, at least I can  
21 get away with asphalt. When I did more research on what it  
22 cost, it was unbelievable. The asphalt is almost the same  
23 price as concrete, and without any other thing other than  
24 the concrete and the wire mesh, no labor, because I have  
25 plenty of friends who would try to help me, it would cost me

1 \$1,000 for ever three and one-third spots. There was a  
2 gentleman that was on the right-hand side when I was here  
3 the last time that made the remark why would I put \$8,000 in  
4 gravel down if I knew I couldn't get it done. And I had to  
5 remember that going you know what, if I spend thousands of  
6 dollars and I still have my own bills and expenses like  
7 everybody else with my own personal family, why would I want  
8 to spend that kind of money when I realized that I have, as  
9 of today, six different car lots that are under Franklin  
10 County's jurisdiction and someone stopped me the last time  
11 and said, we look at every case individually.

12 I have talked to some attorneys, and they said  
13 that that is impartial [sic] on my part. But as of today, I  
14 have six different car lots within five miles of me that  
15 have no concrete restrictions, no limit on how many cars  
16 they have on their property, and no fence for cars that are  
17 not ready for sale.

18 Due to this, I can only say to you, and I can  
19 plead because I've never sued anybody in my life, but my  
20 back is against the wall. The gravel that you see in the  
21 front has been put on there year after year to try to make  
22 it look good to uphold so that it wouldn't sink. Whether or  
23 not I can afford to do the other stuff that you would like,  
24 I can honestly say between that and the cost of taxes every  
25 year that you're going to raise my rates for Franklin

1 County, I cannot be competitive my competitors.

2 I realize that everybody understands business.

3 So unless your competitive, you cannot stay in business. If

4 you'd like to see the pictures, I'm sure you probably would

5 say no, but I do have them with me as of today. All I can

6 do is plead and ask for the fact that I've tried since the

7 beginning. I had good intentions when I left here in

8 January to be able to at least asphalt, but I'm sorry it's

9 no expensive it's not worth it.

10 I've also found out one other thing. Your

11 attorney for Franklin County said that I wasn't licensed to

12 work on cars. I have proof from you guys -- excuse me. I

13 have proof from your Planning and Zoning that I did, of

14 which I carried it with me. Case Number 100114, and I have

15 -- also have that with me. So all the times that I was told

16 to say that I couldn't work on cars, honestly I could by

17 your report.

18 Also as far as being a car dealer, I've been a

19 car dialer for 30 years. I am not an attorney, but I do

20 know the laws as far as being a car dealer by the State of

21 Missouri. Some of the stuff that was mentioned in the

22 meeting prior that made me look bad were wrong, not on my

23 behalf, and I was told not to go further than to that unless

24 things went farther. But I do know for a fact that I am

25 right on many occasions, and I am allowed to take parts off

1 of my own cars and put on a customer's car that they are  
2 able to drive their car. I'm not operating as a salvage  
3 lot. I never was and I never have, but I've always kept my  
4 customers happy.

5 Thank you for listening.

6 CO-CHAIRMAN SCHULTEHENRICH: Before  
7 you leave, Mr. Zerna, let's -- let's -- before we ask any  
8 questions or anything on your concrete or asphalt  
9 potentially on the surface on the license, are you --

10 MR. ZERNA: I am legally --

11 CO-CHAIRMAN SCHULTEHENRICH: Are you  
12 licensed to sell vehicles as a dealer on the lot in which  
13 you currently or have cars present for sale certain?

14 MR. ZERNA: As far as the Meade  
15 County lot, 2229?

16 CO-CHAIRMAN SCHULTEHENRICH: I'm not  
17 referring to the Meade County lot.

18 MR. ZERNA: Okay, but you asked me  
19 currently, and I'm repeating -- -- I'm trying to get very  
20 specific, sir.

21 CO-CHAIRMAN SCHULTEHENRICH: Okay.

22 Let's ask the question on the lot or the  
23 acreage in which we are currently here to discuss with you.

24 MR. ZERNA: I have no license at that  
25 lot or that location, sir.

1 CO-CHAIRMAN SCHULTEHENRICH: Okay.

2 Do you have to have a license in the state of  
3 Missouri to sell vehicles as a dealer on that acreage?

4 MR. ZERNA: Yes, sir. Yes, sir, I  
5 do.

6 CO-CHAIRMAN SCHULTEHENRICH: Was the  
7 conditions that was placed upon you by the Commission some  
8 years ago to meet all requirements for a dealership?

9 MR. ZERNA: I have a dealer's license  
10 at 2229 Highway 100, sir, and that's where I operate out of.  
11 Everything on the other lot doesn't have for sale signs or  
12 nothing.

13 So if you're going to try to bring on a big  
14 long discussion about that, I don't sell cars off that lot.  
15 I leave them sit there until I was trying to get moved down  
16 there. That is your answer.

17 CO-CHAIRMAN SCHULTEHENRICH: But we  
18 as a Commission established a conditional use permit you  
19 have, from my understanding, one year in which to basically  
20 make some movement and meet those requirements that we have  
21 placed upon you on the -- on the land in which you have  
22 petitioned there to be a conditional use permit. And it  
23 seems, at least from what you're indicating, that to have a  
24 dealership, that's what you proposed to sell cars on that  
25 property, it appears as though you have not met that

1 requirement, that conditional to be licensed in order to do  
2 so on that property.

3 MR. ZERNA: In 2010, to your answer  
4 to your part of your question, it was nothing other than  
5 rubbish of nothing. There was nothing there. I wish there  
6 were aerial photos that you could take from prior to 2010,  
7 and obviously you could see from that that it was nothing  
8 other than rubbish. The original road that went in, you  
9 couldn't even drive through. There was at; east three to  
10 four inches of trees in diameter going through it. It took  
11 me years to get through that and to pay off the property.  
12 And no one -- and I repeat no one in any of these  
13 conversations ever told me on the CUP there was a limit of  
14 time.

15 CO-CHAIRMAN SCHULTEHENRICH: Mr.  
16 Zerna, the question I'm asking you has to do with licensing.  
17 You threw it over again over to the condition of land, et  
18 cetera. My question is on licensing. And do you have, in  
19 fact, have a license to sell cars on the lot in which we are  
20 under discussion at this time?

21 MR. ZERNA: I keep telling you no.

22 CO-CHAIRMAN SCHULTEHENRICH: Okay.

23 MR. ZERNA: I mean, I'm telling you  
24 no.

25 CO-CHAIRMAN SCHULTEHENRICH: Okay.

1 MR. ZERNA: I have a license at 2229  
2 Highway 100.

3 CO-CHAIRMAN SCHULTEHENRICH: Were  
4 under the understanding that that was condition that we  
5 placed upon it --

6 MR. ZERNA: No, sir.

7 CO-CHAIRMAN SCHULTEHENRICH: -- under  
8 the conditional use permit?

9 MR. ZERNA: No, sir. There was no  
10 timeline given to me at any one time telling me I had to  
11 leave within one year. None.

12 CO-CHAIRMAN SCHULTEHENRICH: Is  
13 anything else that you would like to try to address with us  
14 first before --

15 MR. ZERNA: I'm sorry. I can't hear  
16 you.

17 CO-CHAIRMAN SCHULTEHENRICH: Is there  
18 any other issue, matters that you would like to present to  
19 us other than what you've just presented?

20 MR. ZERNA: I will want to tell you  
21 that also with the pictures that your sight-proof fence,  
22 none of the other five other dealers have it. None of them  
23 have concrete or gravel. I am being singled out. I would  
24 like to address that.

25 And all these have come since after, well

1 after, 2010, and they are all under five miles from my  
2 place. Why should I have to come up and step up to the  
3 plate like I'm in the middle of St. Louis and then compete  
4 with people that are out in Richwoods? I can't compete.  
5 That's what I'd like to add, and I also see people here that  
6 would like to say how I've helped them.

7 When will they have the opportunity to speak,  
8 sir?

9 CO-CHAIRMAN SCHULTEHENRICH: Right  
10 after you Pare finished and any questions that the  
11 Commission may have for you. Okay.

12 But, Mr. Zerna, I'm not sure if these other  
13 places had a conditional use permit requested through the  
14 County. I don't recall them coming in front of us. If they  
15 did, I don't recall, but your request came in front of us,  
16 and that conditional use permit is the role that we serve  
17 here is to basically look at the request. And we then try  
18 to address some of the concerns that could come about from  
19 that conditional use permit.

20 And that's what we did when you presented your  
21 condition use permit to us as the Commission. So basically  
22 what we did was we took your consideration, and we discussed  
23 many of these issues with you here at the evening of the --  
24 in which it was presented here some years ago. And you were  
25 instructed at that point in time that these were conditions

1 that had to be met. Okay. So -- and now you seem as though  
2 you're wanting to challenge the conditions based upon what  
3 are not required upon other businesses that do similar type  
4 of an activity as you do.

5 MR. ZERNA: Yes.

6 CO-CHAIRMAN SCHULTEHENRICH: So I'm  
7 not sure where you're going with that because the  
8 conditional use permit is what you asked us some years ago  
9 to consider for your operation to be on this piece of  
10 property. And that's what we did.

11 MR. ZERNA: Thank you for saying that.  
12 I asked you.

13 CO-CHAIRMAN SCHULTEHENRICH: Right.

14 MR. ZERNA: Okay. In 1987, I opened  
15 up my lot in June, and as we might know -- or you may not  
16 know -- but January 1st of 1987, this County went to first  
17 class. We were supposed to have all asphalt roads, the  
18 whole nine yards. I went to Franklin County, and I went to  
19 the State of Missouri, and I got a license at 2229 Highway  
20 100. I quite my job at Lou Fuse so I could raise my son and  
21 be with him. And guess what. Three months later came  
22 Franklin County after me and said I have to close. I was in  
23 the wrong zone, and they showed me an aerial map, and thank  
24 God that's up there, because that blue piece of property I  
25 bought, yeah, in 1987 the man told me -- and his name was

1 Faloon [ph] -- it was split across the top of that property.  
2 And where my cars sit right now, right now, is where that  
3 line was. And they said if you would have been on that  
4 line, we wouldn't have a problem with you.

5 In 1987 I to come back to this type of a court.  
6 I had to fight to win, and guess what. It took me three  
7 months. Sam Walton came to town. He got the piece of  
8 property changed over to Wal-Mart over in Washington the  
9 same time. Check me out. I'm telling you the truth. And  
10 guess what. In 2001 I bought that piece of property right  
11 there, and Franklin County was part of it. I said this is  
12 okay for a car lot. And the people at Franklin County told  
13 me yes. That piece.

14 And if you go back a look at the line, there is  
15 a line. And I can even show you how a line draws across it.  
16 My top, tiptop piece was cut off, but that's not Franklin  
17 County, and they said I would never have a problem putting a  
18 car lot there.

19 CO-CHAIRMAN SCHULTEHENRICH: okay.

20 Well, I don't know about --

21 MR. ZERNA: I do. I do.

22 CO-CHAIRMAN SCHULTEHENRICH: All I  
23 can tell you, Mr. Zerna, is this -- okay -- is that, if you  
24 were told that you could put a car lot there, --

25 MR. ZERNA: In 2001.

1 CO-CHAIRMAN SCHULTEHENRICH: -- the --  
2 probably County out there probably was yes, you can based  
3 upon a conditional use permit. Okay.

4 MR. ZERNA: They did not say that,  
5 sir.

6 CO-CHAIRMAN SCHULTEHENRICH: That's  
7 what you came to us and asked us because that's what you  
8 needed. So --

9 MR. ZERNA: They did not -- I  
10 appreciate your comment on that. That's not what they told  
11 me because I was at there before I spent the kind of money I  
12 spent for the piece of property. I understand your  
13 situation.

14 CO-CHAIRMAN SCHULTEHENRICH: I wasn't  
15 around at that point.

16 MR. ZERNA: But I was.

17 CO-CHAIRMAN SCHULTEHENRICH: Let's  
18 ask if there is anybody else that has any questions from the  
19 Commission of you first, okay, before you sit down and  
20 others can come and speak. Okay.

21 Commissioners, anybody have any questions for  
22 Mr. Zerna by chance?

23 COMMISSIONER McCREARY: Yeah, I have  
24 a question right off the bat.

25 CO-CHAIRMAN SCHULTEHENRICH: Okay.

1 COMMISSIONER McCREARY: How many  
2 different conditions are you in compliance with? I think  
3 Scottie said originally 13.

4 MS. EAGAN: There's 13 listed.

5 MR. ZERNA: Thank you.

6 COMMISSIONER McCREARY: How many are  
7 you in compliance with?

8 MR. ZERNA: I don't know which the 13  
9 are, sir. That's just straight up.

10 COMMISSIONER McCREARY: So that's the  
11 answer, you don't know?

12 MR. ZERNA: I'd like to see what they  
13 are. I mean, I've kept it clean and --

14 MS. EAGAN: You have a copy of it.

15 COMMISSIONER McCREARY: Having a  
16 license to operate as a car dealer at that address --

17 MR. ZERNA: The lot -- and once  
18 again, we're going back to the license, which is --

19 COMMISSIONER McCREARY: At that  
20 address, that was one of the conditions. Do you have one at  
21 the address?

22 MR. ZERNA: You can't -- we tried to  
23 get a building permit after the January issue.

24 COMMISSIONER McCREARY: Yes or no, do  
25 you have a license to operate --

1 MR. ZERNA: No, don't -- don't tell  
2 me yes or not. I'm giving you an explanation, sir. That's  
3 what you're asking for, an explanation.

4 COMMISSIONER McCREARY: No, I'm  
5 not --

6 MR. ZERNA: I tried -- I tried for --

7 COMMISSIONER McCREARY: I'm asking if  
8 you have a license to operate a dealership --

9 MR. ZERNA: I can't have a dealer's  
10 license until there is a building there. We applied for a  
11 building permit, and they said we won't give you a building  
12 permit because we weren't in compliance. How can I be in  
13 compliance if I don't have a building where I can't get a  
14 dealer's license. You've got trapped one or the other. I  
15 can't move. You can sit here all you want. I'm telling you  
16 up front.

17 COMMISSIONER McCREARY: Sir.

18 MR. ZERNA: Sir.

19 COMMISSIONER McCREARY: This is the  
20 original testimony you gave when you came for the  
21 application, the conditional use permit. It wasn't in  
22 compliance then, and you were told get it in compliance, and  
23 we'll give you a conditional use permit. So obviously at  
24 one point in time it was in compliance. I guess you could  
25 have gotten a license then.

1 MR. ZERNA: Can't get a license  
2 without a building.

3 COMMISSIONER McCREARY: You could  
4 have got a building permit if it was in compliance then.

5 MR. ZERNA: But you have to get a  
6 building, and they wouldn't give us a building license.

7 COMMISSIONER McCREARY: Because you  
8 weren't in compliance, which you agreed to in your own  
9 testimony here, correct?

10 MR. ZERNA: I wish I knew, Jay, how to  
11 say your last name. I'm sorry. I keep looking at it, and  
12 I'm not going to bagger [sic] it.

13 CO-CHAIRMAN SCHULTEHENRICH: That's  
14 fine.

15 MR. ZERNA: Jay, I apologize. I'm not  
16 for certain what the answer with Mr. McCreary here.

17 CO-CHAIRMAN SCHULTEHENRICH: Okay.

18 MR. ZERNA: And I apologize, but I'm  
19 not going to go over and over like we did the other time.

20 CO-CHAIRMAN SCHULTEHENRICH: Okay.

21 MR. ZERNA: And I do want to make  
22 sure in 2010 after I was badgered the last go-around, it  
23 took us forever to find this paperwork. It says right in  
24 here. For the purpose of gathering facts concerning and  
25 application submitted by Carl Zerna for approval to operate

1 an automobile sale and repair business. Your copy. So I'm  
2 sorry. I can't answer all those questions.

3 CO-CHAIRMAN SCHULTEHENRICH: Do you  
4 have any other questions on the -- let's move on with the  
5 licensing. All right. I think he answered the questioning  
6 on the licensing on there.

7 COMMISSIONER McCREARY: So a  
8 different question.

9 MR. ZERNA: Okay.

10 COMMISSIONER McCREARY: Page 40, line  
11 13 through 17.

12 "Mr. Wilson: "So he needs  
13 nine spots then, plus one  
14 handicap spot which would make  
15 ten?"

16 "Ms. Eagan: Then it would  
17 be paved.

18 "Mr. Zerna: I have no  
19 opposition to that."

20 I wasn't here. This is what you said.

21 MR. ZERNA: I'm listening.

22 COMMISSIONER McCREARY: Have you  
23 paved ten spots?

24 MR. ZERNA: No. I have somebody over  
25 here telling me why would I spend \$8 000 in gravel, and more

1 or less poke fun at me.

2 COMMISSIONER McCREARY: This wasn't  
3 -- this wasn't this year. This was when you applied. You  
4 have no opposition for that. Why didn't you do it?

5 MR. ZERNA: Didn't have the money.

6 COMMISSIONER McCREARY: Yet, you  
7 agreed to do it.

8 MR. ZERNA: Yes, sir.

9 COMMISSIONER McCREARY: Well, you  
10 enter into contracts with people all the time, correct?

11 MR. ZERNA: Yes, sir. I -- yes, sir,  
12 I do.

13 COMMISSIONER McCREARY: If they don't  
14 fulfill their end of the contract, what do you do?

15 MR. ZERNA: Forfeit the contract.  
16 It's a contract.

17 COMMISSIONER McCREARY: Do you repo  
18 the cars, you take them back?

19 MR. ZERNA: We never make it that  
20 far. We're at the beginning stages here. You're talking  
21 about end stages.

22 COMMISSIONER McCREARY: No, I'm  
23 asking about you and what you deal with in your business.

24 MR. ZERNA: I give them a lot of grace  
25 period trusting.

1 COMMISSIONER McCREARY: Okay. And  
2 from 2010 to 2016 --

3 MR. ZERNA: From 2016, do an aerial  
4 map.

5 COMMISSIONER McCREARY: Is that a --

6 MR. ZERNA: From 2010, do an aerial  
7 map, sir.

8 COMMISSIONER McCREARY: Is that a  
9 descent grace period? You came before here, and you agreed  
10 to certain conditions to operate a business at that site.

11 MR. ZERNA: No, whenever --

12 COMMISSIONER McCREARY: You have not  
13 fulfilled those conditions.

14 MR. ZERNA: Absolutely. You're  
15 absolutely correct, sir.

16 COMMISSIONER McCREARY: Thank you.

17 MR. ZERNA: But and thank you because  
18 no one told me there was one year to do it. No one told me  
19 any -- no one -- go and find it on the record. No one ever  
20 told me there is a limit.

21 MS. EAGAN: It's a part of Franklin  
22 County regulations for all conditional use permits that if  
23 there is no activity or the business ceases to operate  
24 within a year, they expire. It doesn't have to be on a  
25 conditional use permit. It's a part of the Franklin County

1 Unified Land Use Regulations.

2 MR. ZERNA: So why is it written on  
3 one of these pieces of paper here then, if I lose, now I can  
4 never apply for a car lot there again? What does that have  
5 to do with anything if I lose tonight?

6 MS. EAGAN: That's just the way the  
7 Code reads. If they decide they're going to revoke your  
8 permit, they voted on these regulations that they don't  
9 think you should be able to come back and apply for the same  
10 exact permit that they just revoked.

11 MR. ZERNA: And is there -- what is  
12 the justification on that, just out of curiosity?

13 MS. EAGAN: You can ask the Board  
14 that voted on regulations.

15 MR. ZERNA: Jay S., what is the  
16 reasoning? Because I don't afford to do it now because our  
17 economy where I'm at is not the best. If I can't produce  
18 nine spots and one handicap spot, of which I want to  
19 re-instate has not been at any of these five places since  
20 2010 and most of them since 2013, not one of them of which I  
21 have them all right here, and I'm glad to name they to you  
22 I've actually talked to a few of the owners today. And  
23 they're going I can't believe they're making you go through  
24 that.

25 And I said, I don't what to say. I think there

1 must be someone with a lot of money trying to go against me,  
2 but I can't prove it and I don't know.

3 CO-CHAIRMAN SCHULTEHENRICH: Mr.  
4 Zerna, I don't think there's any of that. Now, let's not go  
5 into that --

6 [crosstalk]

7 MR. ZERNA: Jay. Jay.

8 CO-CHAIRMAN SCHULTEHENRICH: There's  
9 nothing -- there's nobody -- nobody has talked to me --

10 MR. ZERNA: I have 27 --

11 CO-CHAIRMAN SCHULTEHENRICH: And I  
12 don't think anybody has talked to any commissioners. So  
13 let's not --

14 MR. ZERNA: I have 27 acres --

15 CO-CHAIRMAN SCHULTEHENRICH: Let's  
16 not raise that type of an issue.

17 MR. ZERNA: Okay. How about this. I  
18 have 27 acres, sir. It's easier for me to call you sir. I  
19 have 27 acres, and you limited me to 100 cars for sale in  
20 the front.

21 The five other lots together do not compose  
22 more than 11 acres. There's almost 300 cars on 11 acres. I  
23 got 27, and you're limiting me to a 100 model a day, and I  
24 was trying grow even though I can't afford the concrete,  
25 because concrete doesn't pay anything back for me. It just

1 gets me more taxes.

2 I mean, I'm trying to be real here, but this is  
3 real as I can get without -- I don't want to get an  
4 attorney. I read where there's lawsuits against Planning  
5 and Zoning. I don't want to do that. I want to be the good  
6 guy and say hey, look I'm trying. I've been there for 30  
7 years. There's not one other sole proprietor in Franklin  
8 County at the same dealership, mark my words, that has been  
9 there for 30 years. I have. I have an excellent reputation  
10 with the Better Business Bureau.

11 All I'm trying to do is move my lot from my  
12 parents lot to where the meat company was at down the  
13 street. I don't have the kind of money to be able to spend  
14 over a thousand dollars for three acres, no labor, no pound,  
15 just three spots and a third. I don't have the money for  
16 that.

17 CO-CHAIRMAN SCHULTEHENRICH: Mr.  
18 Zerna, there is -- some of our responsibility here is to  
19 basically see that things should in fact -- because we had  
20 -- if I remember right, there were residents that were  
21 around the property that raised some questions to us when  
22 you first applied. Okay

23 MR. ZERNA: Yes, sir.

24 CO-CHAIRMAN SCHULTEHENRICH: So we  
25 have obligations here as well to address some concerns that

1 they in fact may in fact raise with us. Okay. And I  
2 remember I pointed out to you that the lot that you had on  
3 your original lot there at Zerna Meats.

4 MR. ZERNA: Yes, sir.

5 CO-CHAIRMAN SCHULTEHENRICH: Those  
6 cars were extremely close, and I didn't understand how  
7 people could even get into those vehicles. Okay.

8 MR. ZERNA: Yes, sir.

9 CO-CHAIRMAN SCHULTEHENRICH: Now I'll  
10 compliment you because those vehicles, they seem to have  
11 spread out a little bit more. Okay.

12 MR. ZERNA: Thank you.

13 CO-CHAIRMAN SCHULTEHENRICH: And it  
14 looks like it's been looking a lot nicer than what they did  
15 some years ago when they were just crammed on each other.  
16 Okay. So I'll compliment you in that regards. Okay.

17 MR. ZERNA: I'm trying to make  
18 progress.

19 CO-CHAIRMAN SCHULTEHENRICH: I  
20 understood that you -- by seeing that, I can understand and  
21 I can compliment you on. But when I also look at the  
22 property that you petitioned to us on a conditional use  
23 permit, and in the trees back there, the weeds are growing  
24 up around some of those vehicles there looks like there's no  
25 upkeep of any type of cleanliness, if you want to call it

1 that, I guess, within the vehicles in there in order to at  
2 least not let shrubs and --

3 MR. ZERNA: I agree. There's three or  
4 four of them up on the back there. I agree.

5 CO-CHAIRMAN SCHULTEHENRICH: That's  
6 sort of -- I must say I'm just a little bit -- I've gone --

7 MR. ZERNA: If you -- for me to pull  
8 those out, it would be kind of cool, but that's just the  
9 three or four. And they are in high weeds. I understand  
10 that.

11 CO-CHAIRMAN SCHULTEHENRICH: Okay.

12 MR. ZERNA: That there's three or  
13 four. I'm not going to -- I will not dodge the bullet.  
14 I'll take the bullet.

15 CO-CHAIRMAN SCHULTEHENRICH: Okay.  
16 Because I mean that's -- I've seen that in the pictures and  
17 I --

18 MR. ZERNA: There's a white van and a  
19 white Ford pickup. Yes, sir. I mean, I know where they're  
20 at.

21 CO-CHAIRMAN SCHULTEHENRICH: I'm sure  
22 some of the neighbors around there probably really  
23 appreciate some of that. Even though there's trees that  
24 are hiding it, okay. In the fall, they fall off, and in the  
25 winter, there are no leaves to hide some of that. Okay.

1                   So that's a concern that I expressed back to  
2     you.

3                   MR. ZERNA: I appreciate you talking  
4     to me like this. I feel a lot better now.

5                   CO-CHAIRMAN SCHULTEHENRICH: Now, but  
6     is there any other questions that we have here on the acres  
7     that we are currently addressing on the conditional use  
8     permit?

9                   COMMISSIONER HAIRE: I got a couple  
10    of questions.

11                  CO-CHAIRMAN SCHULTEHENRICH: Okay.

12                  MR. ZERNA: If I'm not mistaken, I  
13    think that's the fellow that asked me about the \$8,000 that  
14    evening. I threw it away.

15                  CO-CHAIRMAN SCHULTEHENRICH: Don't  
16    known that, but --

17                  MR. ZERNA: I'm pretty sure.

18                  CO-CHAIRMAN SCHULTEHENRICH: Mr.  
19    Zerna, let them ask you the question.

20                  COMMISSIONER HAIRE: I guess one of  
21    my questions is, in 2010 when you came and had the original  
22    CUP and you agreed to the terms and conditions, and then  
23    over the next five and a half years, then when you showed up  
24    in January of 2016, I guess you would assume at that time  
25    you didn't have the money. It was going to be very

1 expensive. The competitive environment hasn't changed a  
2 whole lot. So I am concerned why you agreed to all the  
3 conditions that we talked about, putting a building up and  
4 doing this, in January when I would assume over the last  
5 previous five and a half years you pretty much knew the  
6 answer.

7 MR. ZERNA: In 2010, Mr. Haire,  
8 correct? Mr. Haire, in 2010, I did all kinds of work  
9 slowly, and my friends even said, oh, you're a tree hugger.  
10 And I was. Rather than have somebody go in bulldoze  
11 everything down, I kept all kinds of trees. Slowly but  
12 surely, just trying to keep them because I was a tree hugger  
13 and it got to point where when I had to move the building in  
14 2013 because of an individual that is here, and I thought,  
15 you know what, I'm going to move the building back.

16 I moved it back. I'm trying to keep peace with  
17 the individual neighbor so that I can keep piece with him  
18 because he's going to be there, even though he bought five  
19 years after I did. I bought before him. I bought 27 acres.  
20 I'm just trying to make my one neighbor happy. I scooted it  
21 back. When we went through -- Willie Bryson went through  
22 and was excavating it, we ran into solid rock. It cost me a  
23 fortune more because I had to turn around and either blow  
24 out the back section or build up the front.

25 So it cost me a lot more money, but I did it

1 because I thought it was the right thing to do.

2 Now, I had to wait for at least one full year.

3 Now, this is after 2013 because it took me forever to get  
4 the entrance done that was legal by your specs, of which  
5 once again I want to tell everybody. No one ever told me  
6 you got a year to do this.

7 I don't know how -- I mean, unless you're a  
8 Dollar General or something, I don't know how you can go in  
9 and spend hundreds of thousands of dollars, and you're just  
10 trying to make it. And that's all I'm trying to do. And I  
11 will improve on the back of the lot where the grass is  
12 definitely two feet high around a couple of cars.  
13 Absolutely. But it's hard for me to maintain the lot that's  
14 making me money and then still come down to the other lot  
15 and try to keep it clean. I have a ditch witch where I'm  
16 able to try to keep the grass down in front a little bit. I  
17 am trying to make a look nice while I'm work in progress.

18 So I apologize if I'm not at your speed.

19 COMMISSIONER HAIRE: No, that's not  
20 really the question. The question is --

21 MR. ZERNA: Well, I apologize for --

22 COMMISSIONER HAIRE: -- in January  
23 why -- if you had all these concerns, why did you agree to  
24 all the conditions --

25 MR. ZERNA: January?

1 COMMISSIONER HAIRE: This is this  
2 year.

3 MR. ZERNA: This year here, okay.

4

5 COMMISSIONER HAIRE: Yeah, I mean, I  
6 remember you saying distinctly, I can have a building up in  
7 90 days.

8 MR. ZERNA: I did.

9 COMMISSIONER HAIRE: Which I thought  
10 was way aggressive.

11 MR. ZERNA: And I was trying to be  
12 aggressive, until I went out and started. First of all, we  
13 did the thing. Mike Savu went down and seen this young lady  
14 here at her office, and said we're not going to issue a --

15 MS. EAGAN: That's not accurate. No  
16 one saw me at my office.

17 MR. ZERNA: Mike Savu.

18 MS. EAGAN: No one saw me in my  
19 office concerning this property. I can tell you that a  
20 hundred percent.

21 MR. ZERNA: Mike Savu said he told --

22 MS. EAGAN: The only person I talked  
23 to was your mother. She's the only person that's come into  
24 our office about this file.

25 Nichole, has anyone been in our office

1 concerning this file that you know of?

2 MS. ZIELKE: Not that I remember.

3 MS. EAGAN: Okay.

4 MR. ZERNA: Mike Savu. S-A-V-U.

5 Safeco Manufacturing, Union, Missouri. With that being  
6 said -- sorry now I'm off base. But anyway, I tried to get  
7 the building permit, and they said we're not going to issue  
8 one because I'm not in compliance, as Russell said over  
9 here.

10 And I'm thinking right now I'm up against a  
11 fence. I checked up to get it cost to get a privacy fence  
12 in the front. To do one straight 200-foot section in the  
13 gravel, it was going to cost me \$8,200 from a place out of  
14 St. Charles, Missouri. They were the cheapest one because  
15 they have to beef up everything for the wind. And that was  
16 just a straight 200-foot run.

17 The concrete and the asphalt was so close  
18 together and I didn't want to put asphalt because of the  
19 fact it costs so much money, and it's going to fall apart.  
20 And then I was talking about the concrete. And we did the  
21 math on the concrete and the mesh. And like I said, it was  
22 a thousand dollars. No materials -- I'm sorry -- no labor,  
23 just the concrete and the mesh, and it was a thousand  
24 dollars. And I could do three 20 by 10s and a third of the  
25 next. No labor. I was all gung ho, but in between that and

1 doing the math and then realizing nobody else is getting put  
2 onto my level, I'm thinking there's no way I can ever  
3 compete unless I just going to do ten spots. And then after  
4 I do ten spots and put up a building, then I can -- Jay told  
5 me that I could redo the CUP or something, and I'm thinking  
6 well, I might as well just redo the CUP now. I can't afford  
7 that kind of money. I'd love to put concrete all over it,  
8 but I don't want the taxes at the end of the year.

9 CO-CHAIRMAN SCHULTEHENRICH: Mr.  
10 Zerna --

11 MR. ZERNA: Yes, sir.

12 CO-CHAIRMAN SCHULTEHENRICH: -- I  
13 understand your pricing and you're concerns of your  
14 financials. Okay. So you've expressed that to us on a few  
15 occasions now. Okay. So I think we understand that issue  
16 there.

17 Scottie, you want to...

18 MS. EAGAN: Just to clarify a few  
19 things. The meeting happened in March of 2016, not January,  
20 just to straighten that out.

21 COMMISSIONER HAIRE: No, it was  
22 January.

23 COMMISSIONER WILLIAMS: No

24 MS. EAGAN: I thought it was March.

25 COMMISSIONER HAIRE: No, it's

1 January.

2 MS. EAGAN: So we went from January  
3 to June, we gave him six months?

4 COMMISSIONER HAIRE: Yes, we did.

5 MS. EAGAN: Oh, okay. I was thinking  
6 we gave him three months. So that's my fault.

7 Secondly, the asphalt or the paving that keeps  
8 being brought up, he has until May 1st of 2017 to get that  
9 done. The conditions that we are here about today are  
10 compliance with all provisions of the Unified Land Use  
11 Regulations. Applicant must have all the necessary  
12 licenses, permits and certificates required to do business  
13 in the county and state, and any cars not for sale would  
14 need to be behind a sight-proof fence.

15 Those are the three conditions as of now that  
16 he is not meeting. There is another one in here about any  
17 buildings built in connection with the CUP will need to be  
18 approved by the Franklin County Building Department. If in  
19 fact he did apply for a building permit, we would have  
20 approved it based on the fact that he had a conditional use  
21 permit at that time.

22 So I don't know who they talked to, if it was  
23 someone in the Building Department, but if an application  
24 would have come through Planning and Zoning, Tory, the one  
25 who actually reviews building permits, would have signed off

1 on it.

2 COMMISSIONER TOBBEN: Scottie, this  
3 predates me being on the Board. It was issued in July of  
4 2010?

5 MS. EAGAN: Correct.

6 COMMISSIONER TOBBEN: If that's --  
7 when was he first notified that he was not in compliance of  
8 his CUP? Does that -- I mean, would that be in 2011?

9 MS. EAGAN: I think it was 2014.

10 COMMISSIONER TOBBEN: I hate to  
11 rehash the past, but I'm just trying to get the timeline of  
12 events.

13 MS. EAGAN: I think it was 2014 when  
14 we sent a letter. No, I guess it would be --

15 MR. ZERNA: '15

16 MS. EAGAN: -- December of '15.

17 MR. ZERNA: I agree.

18 MS. EAGAN: Yeah, because we're  
19 supposed to do yearly compliance. With a department of only  
20 three people, we get behind.

21 COMMISSIONER TOBBEN: Okay. I  
22 understand.

23 MR. ZERNA: Jay?

24 CO-CHAIRMAN SCHULTEHENRICH: Any  
25 other -- any other --

1 MR. ZERNA: Oh, I mean, I just  
2 wanted to ask a quick question.

3 CO-CHAIRMAN SCHULTEHENRICH: Anything  
4 that Scott just brought up to you?

5 MR. ZERNA: No, the second one I kind  
6 of missed, but I was going to ask you a different question,  
7 but --

8 CO-CHAIRMAN SCHULTEHENRICH: Let me  
9 ask you a question before you go to that.

10 When you by chance -- we gave you six months,  
11 from January till now. If you -- have you made any effort  
12 to discuss with the department any of these issues that have  
13 both brought up in January and discussed that we gave you  
14 the opportunity to get -- to address those, did you discuss  
15 any with the department to get any clarification so it was  
16 clear?

17 MR. ZERNA: I understand your  
18 question. I was actually, and I mean, you can make fun of  
19 me if you want. I'm actually afraid, and that's why I sent  
20 Mike Savu, because he's used to dealing with Planning and  
21 Zoning and with getting building permits. And that's why I  
22 sent him. I said, can you help me out? I'm afraid.

23 CO-CHAIRMAN SCHULTEHENRICH: Mr.  
24 Zerna, I'm not going question you on that because I'll take  
25 your word for it. But you're presenting yourself very well

1 in front of us. so --

2 MR. ZERNA: You know what --

3 CO-CHAIRMAN SCHULTEHENRICH: So --

4 MR. ZERNA: A rock and a hard place,  
5 and that's where I'm at. And you trap a snake, and you're  
6 going to get bit. I have nowhere to go. It got a little  
7 bitty baby at home, which nobody cares about but me. And  
8 I'm here to defend what I got. I'm here to tell Mr. Tobben  
9 that I knew it was in the 15. I'm here to show pictures  
10 that nobody has to do what I have to do.

11 I'm here to defend myself. I'm all the way in  
12 the corner. If you want me to pull the cars out of the  
13 grass -- and there's only a couple -- and you are right.  
14 With that being said, yeah, there's a couple of them I got  
15 to pull out, two. Not more. There's two.

16 I'll be glad to pull them out, but as far as  
17 doing all the concrete work and that, I mean, if you want me  
18 to go ahead and pour ten spots, I can afford ten spots, and  
19 then reapply for the CUP. I guess that's what I got to do.

20 CO-CHAIRMAN SCHULTEHENRICH: I think  
21 Scottie just addressed that you don't have to comply on the  
22 -- on the conditional use permit of concrete until or  
23 asphalt until 2017 from what Scottie just said.

24 MR. ZERNA: Yes, sir.

25 CO-CHAIRMAN SCHULTEHENRICH: So let's

1 concentrate -- that's not a violation obviously then. So  
2 let's concentrate on other things having to do with you not  
3 having a license. You don't have that. Okay.

4 MR. ZERNA: I can't -- I can't get a  
5 license.

6 CO-CHAIRMAN SCHULTEHENRICH: Hold on  
7 just a second. You need to have a building on there,  
8 supposedly. Is that what you've expressed?

9 MR. ZERNA: That is correct.

10 CO-CHAIRMAN SCHULTEHENRICH: So  
11 therefore, how are you going to comply with the conditional  
12 use permit to get yourself licensed to sell cars on that  
13 operation?

14 MR. ZERNA: So if I go down and I ask  
15 for a building permit, I can to get a building permit to get  
16 a building? And all I wanted was just a barn style building  
17 that was nice. That's what I wanted. I didn't want nothing  
18 super fancy. I just want something that looks nice. I can  
19 get that? That's a question.

20 CO-CHAIRMAN SCHULTEHENRICH: That  
21 would be the way you would address it, because the  
22 Commissioners I think want to know.

23 MR. ZERNA: No, I'm asking you. If I  
24 go and say hey, could I...

25 CO-CHAIRMAN SCHULTEHENRICH: You had

1 six months. To be exact you've had much more than that ever  
2 since the conditional use permit was approved some years  
3 ago, but we gave you a good grace period of six months. I'm  
4 hearing that you haven't taken it upon yourself to try to  
5 address some things here to present back to us. It appears,  
6 to at least me, that you're efforts to try to address the  
7 concerns that were raised in January, you haven't really put  
8 much of an effort forward to do so. I'm sorry to say, but  
9 that's what it appears.

10 MR. ZERNA: Jay, if you went by prior  
11 to the snow storm when we were here last, which was actually  
12 in March, and went by there in the last couple of months,  
13 you can't tell me you've seen a big difference?

14 I'm asking you because you're telling me you  
15 know what my property looks like. It's really, really nice.

16 CO-CHAIRMAN SCHULTEHENRICH: The  
17 question is whether or not you're able to obtain and how are  
18 you going do address the issue of a license on there because  
19 that's one of the issues --

20 MR. ZERNA: I need a building.

21 CO-CHAIRMAN SCHULTEHENRICH: -- you  
22 need to have out there.

23 MR. ZERNA: Well, I need a building.

24 CO-CHAIRMAN SCHULTEHENRICH: So how  
25 are you going to address it when there appears not to have

1 been communication to address it?

2 MR. ZERNA: If I go back to what Mr.  
3 Haire said before, as long as I know I can put a building up  
4 and I don't have to go jump through hoops to get all this  
5 concrete and asphalt, I can afford to make a living there.  
6 But I'm willing to try to compensate part. I just can't  
7 tell you yes, 200 square feet per car. That's what your  
8 books say.

9 CO-CHAIRMAN SCHULTEHENRICH: Let's  
10 not talk about concrete right now --

11 MR. ZERNA: All right. Yes, sir. We  
12 won't --

13 CO-CHAIRMAN SCHULTEHENRICH: --  
14 because you till 2017 to comply.

15 Any other questions by any of the Commissioners  
16 here? Ray?

17 COMMISSIONER CUNIO: Scottie, was one  
18 of the conditions, one of the 13, removal of those cars that  
19 were still in the --

20 MS. EAGAN: That's not a condition.  
21 That's a separate violation case. So there's a violation  
22 for material public nuisance with all those vehicles on the  
23 back of the property that he last --

24 COMMISSIONER CUNIO: Sir, were you  
25 aware of that, that violation?

1 MR. ZERNA: May I -- may I respond to  
2 you in the violation?

3 COMMISSIONER CUNIO: I want to know  
4 are you aware of that violation?

5 MR. ZERNA: No, it's not a violation.

6 MS. EAGAN: It is a violation.

7 MR. ZERNA: I replied -- I applied  
8 for automobile sales and repair business, and it was all  
9 because they said I didn't have a repair business, and I did  
10 ask for a repair.

11 COMMISSIONER CUNIO: I'm talking  
12 about --

13 MR. ZERNA: But that's on your sheet.

14 COMMISSIONER CUNIO: I'm talking  
15 about those two automobiles setting back -- back in the  
16 brush .

17 MR. ZERNA: No, oh. I'm sorry. What  
18 about the two automobiles?

19 COMMISSIONER CUNIO: Were those in  
20 violation, and you said it was --

21 MS. EAGAN: There's a number of  
22 vehicles at the back of the property behind the trees that  
23 we've been on property and have taken pictures of that are  
24 in violation of our code.

25 COMMISSIONER CUNIO: It seems to me

1 like the good faith first step would have been at least to  
2 get those things out there in a more presentable fashion.

3 Why have you not --

4 MR. ZERNA: I got rid of about eight  
5 of them. Does that --

6 COMMISSIONER CUNIO: Why not the  
7 other two?

8 MR. ZERNA: Well, the other two are  
9 on a different side. They're out in the front.

10 COMMISSIONER CUNIO: What's that got  
11 to do with it?

12 MR. ZERNA: Well, you just asked me.  
13 I just told you where they were at. I didn't get rid of  
14 them.

15 COMMISSIONER CUNIO: But my question  
16 to you why not all of them. Is it just because it's on one  
17 side?

18 MR. ZERNA: Those two were actually  
19 out where you could actually see them. The eight that I got  
20 rid of were up in the back.

21 COMMISSIONER CUNIO: See, to me -- to  
22 me -- and I'm sitting here and maybe I'm not reading this --  
23 maybe I'm reading this different than the other  
24 Commissioners. It seemed to me like you're really spinning  
25 this. Okay.

1 MR. ZERNA: Well, you can't see the  
2 cars that this young lady is talking about.

3 COMMISSIONER CUNIO: What I mean  
4 by --

5 MS. EAGAN: You can see them from  
6 Highway 100.

7 COUNTY ATTORNEY VINCENT: Well, hold  
8 on, you guys. That's not an issue here tonight. Those are  
9 things for the municipal court.

10 CO-CHAIRMAN SCHULTEHENRICH: Okay.

11 COMMISSIONER CUNIO: Okay. So that's  
12 not an issue.

13 MS. EAGAN: That is not a condition.  
14 The condition in here about cleaning up the violation was a  
15 different violation at that time.

16 MS. ZIELKE: After he became in  
17 compliance with the Unified Land Use Regulations.

18 MS. EAGAN: Right.

19 COMMISSIONER McLAREN: Can I give a  
20 try?

21 CO-CHAIRMAN SCHULTEHENRICH: Okay,  
22 Bill.

23 COMMISSIONER McLAREN: I think what  
24 we're all missing here -- and I'm very pro business.  
25 I think everybody understands that I'm pro business, but I

1 think what we're missing and especially I think you're  
2 missing -- and I'm not trying to put words in your mouth --  
3 is -- I'm just going to say it myself. I'm not going to put  
4 words in anybody's mouth. Let's start there.

5                   What I am missing is you're really not in  
6 business there.

7                   MR. ZERNA: No, sir.

8                   COMMISSIONER McLAREN: Correct?

9                   MR. ZERNA: I'm sorry. I didn't mean  
10 to -- no, sir.

11                   COMMISSIONER McLAREN: You're really  
12 not in business there.

13                   MR. ZERNA: No, sir.

14                   COMMISSIONER McLAREN: And that's  
15 what this -- and I've gone back and read, you know, Howard  
16 McKeever sat in my place when this happened. There's been a  
17 couple of people since then has been here. So I don't have  
18 a flavor except what I've been able to read by the court  
19 reporter, and part of this is they didn't, this Commission,  
20 didn't give you a CUP to store cars there. They were giving  
21 you a CUP to be in business. And that's really what I think  
22 we're trying to say, is that you need to be in business in  
23 order to fulfill this -- this CUP. And until you're willing  
24 to be in business, it's really we're talking past each  
25 other.

1           So you know, you can be in business with a  
2 building and just a few cars there and move down. What you  
3 really can't do is have this as not a business and a storage  
4 yard, because that's kind of what you're doing right now --

5                           MR. ZERNA: Yes.

6                           COMMISSIONER McLAREN: -- using it as  
7 a storage yard.

8                           MR. ZERNA: Yes.

9                           COMMISSIONER McLAREN: And that's not  
10 what you asked for. You asked for, from my reading of this,  
11 to be a car lot and to be in business. And ten -- 2010 they  
12 said okay, we want you to be a car lot and be in business,  
13 and now you've had six years, and you're still not in  
14 business. And that's where the rub is. You know, we're  
15 talking about whether or not paving, and Jay's point is  
16 that's the part that's really the CUP. And I hope I'm not  
17 putting words in Jay's mouth now, but that's what the real  
18 CUP is, is to operate a business there.

19                           So storing cars and all that is not part of  
20 this. You know, cars and weeds, that's a violation. That's  
21 not part of this CUP. The CUP was to have a business so you  
22 really, you know, there was a timeframe in order to  
23 establish that business, and that's where the rub is, is  
24 that business is not established there.

25                           And maybe I misunderstood everything we have

1 talked about.

2 MR. ZERNA: I think that's fair.

3 COMMISSIONER McLAREN: But I think  
4 that's where the rub is, is because -- that's the biggest  
5 part of what has to happen, is you haven't moved down there,  
6 whether you're selling one car or a hundred cars is really  
7 immaterial. The biggest part of it is we were giving you  
8 this -- we. I wasn't here then. Okay.

9 MR. ZERNA: I understand.

10 COMMISSIONER McLAREN: And I didn't  
11 understand, and Russell and I were a big part this Spring of  
12 saying okay, we maybe didn't understand. So we gave extra  
13 time for this. But what you need to do or needed to have  
14 done is establish a business there. That's the key to this.

15 MR. ZERNA: Do I have to -- do I have  
16 to have a full size building right now, or can I have one of  
17 those temporary -- - and I'm just asking off the wall -- one  
18 those white buildings like they use at a building site? Are  
19 you allowed to have -- I'm just asking.

20 CO-CHAIRMAN SCHULTEHENRICH: I can't  
21 answer that question because I don't know what the  
22 requirements are for you to obtain an automobile dealer  
23 license. Okay.

24 MR. ZERNA: It has nothing -- I'm not  
25 asking about a dealer license. I know the dealer license

1 part. I'm asking about the Franklin County part.

2 COMMISSIONER BOLAND: We're not the  
3 Building Department.

4 MR. ZERNA: Oh, well, because I know  
5 on the State of Missouri, I can get one of those trailers to  
6 pull in until I have the building put up if that is the big  
7 issue. But I still want to go back to the concrete.

8 CO-CHAIRMAN SCHULTEHENRICH: The  
9 issue is what Mr. McLaren explained. And that is you have  
10 not met your obligation to have a business on this piece of  
11 property because your conditional use permit that you asked  
12 for basically was to operate a business. That's what you  
13 wanted a conditional use permit for from us.

14 MR. ZERNA: I'm not arguing with you.

15 CO-CHAIRMAN SCHULTEHENRICH: I  
16 understand. I appreciate that, but that's what you haven't  
17 met.

18 MR. ZERNA: But nobody told me.

19 CO-CHAIRMAN SCHULTEHENRICH: Now, if  
20 you could have met that by way of bringing up some business,  
21 a small building on in there or a shed. I don't know if  
22 that meets it or not, but if that would have, you could have  
23 already been in operation and have met at least that  
24 conditional use permit clause that we had put on you that  
25 you had to get -- your licenses had to be met in order to

1 operate a business there. Okay.

2 And you didn't fulfill that. That's the  
3 disappointment that I see. Okay.

4 MR. ZERNA: I understand your  
5 disappointment, but at least if you drive by, you can tell  
6 that I did make progress. But I mean, it doesn't look at  
7 all the same. I dressed it really nice, and I've been  
8 keeping up with the biggest part of the front, except for  
9 the two cars in back, and --

10 COMMISSIONER McCREARY: Mr. Zerna.

11 MR. ZERNA: Yes, sir.

12 COMMISSIONER McCREARY: I drive past  
13 that every day, twice a day roughly.

14 MR. ZERNA: Sure.

15 [crosstalk]

16 COMMISSIONER McCREARY: You put up  
17 hog panels for a fence, and you have a limb -- a week ago,  
18 two weeks ago, you had a limb on a flat tire in a wheel for  
19 a gate.

20 MR. ZERNA: Yes, sir, that's two  
21 gates I had --

22 COMMISSIONER McCREARY: Sir.

23 MR. ZERNA: Well, that's because I  
24 had --

25 COMMISSIONER McCREARY: As it is now

1 that is not dressing it up. Okay. I disagree. There is a  
2 problem --

3 MR. ZERNA: I'm talking about the  
4 front.

5 COMMISSIONER McCREARY: There is a  
6 problem. Number one, you don't know what conditions you  
7 have or have not met. And that tells me right now you don't  
8 care, period.

9 MR. ZERNA: You don't know how much  
10 theft goes on when people pull in there.

11 COMMISSIONER McCREARY: Sir.

12 MR. ZERNA: Sir.

13 COMMISSIONER McCREARY: It doesn't  
14 make any difference. That's irrelevant.

15 MR. ZERNA: Why do you think that  
16 that stick is in there?

17 COMMISSIONER McCREARY: We're not  
18 talking about your competitors. We're not talking about --

19 MR. ZERNA: I understand. No --

20 CO-CHAIRMAN SCHULTEHENRICH: Let's  
21 stay focused just on the issue of the conditional use  
22 permit.

23 COMMISSIONER McCREARY: And the fact  
24 that you have not complied in over six years, that's what  
25 the facts are.

1 CO-CHAIRMAN SCHULTEHENRICH: Any

2 other questions or so.

3 MR. ZERNA: I'm not going to argue

4 with you.

5 CO-CHAIRMAN SCHULTEHENRICH: If not,

6 then we'll have -- does anyone else -- I'm going to ask for

7 those who wish to speak in support of the -- Scottie, I'm

8 turning it over to you.

9 MS. EAGAN: For the --

10 CO-CHAIRMAN SCHULTEHENRICH: For the

11 petitioner or those in support of...

12 MS. EAGAN: We'll go with those in

13 support of...

14 CITY ATTORNEY: Those in opposition

15 of having it revoked.

16 CO-CHAIRMAN SCHULTEHENRICH: Those

17 who are --

18 Thank you, Mr. Zerna. Okay.

19 MR. ZERNA: Thank you, Jay.

20 CO-CHAIRMAN SCHULTEHENRICH: Those

21 who would be in opposition of revoking the condition use

22 permit we'll here from you at this point in time. Anyone

23 wishing to speak certainly you can come up and sign and be

24 sworn in. Those wishing to ask that it would not be

25 revoked.

1 MS. EAGAN: So he could keep the CUP.

2 CO-CHAIRMAN SCHULTEHENRICH: Ma'am,  
3 if you sign in and swear.

4 [Thereupon, the witness was sworn.]

5 And, ma'am, what is your name?

6 MS. PEGGY HOEMANN: Peggy Hoemann.

7 CO-CHAIRMAN SCHULTEHENRICH: I'm  
8 sorry?

9 MS. HOEMANN: Peggy Hoemann.

10 CO-CHAIRMAN SCHULTEHENRICH: Okay.  
11 Peggy, what would you like to tell us?

12 MS. HOEMANN: Well, I just -- I don't  
13 understand why I he's having such a problem because I mean,  
14 he helps a lot of people out. Myself I think he should  
15 deserve to get the property, get what he needs.

16 I just had a three-pound spleen removed, and he  
17 let us wait payments whenever I got back on my feet and  
18 everything. So he does work with you.

19 CO-CHAIRMAN SCHULTEHENRICH: Okay.  
20 We appreciate that.

21 Any questions from any of the Commissioners?

22 [None]

23 Thank you, Peggy.

24 MS. HOEMANN: If it wouldn't be for  
25 him, I wouldn't be able to have a vehicle. So...

1 CO-CHAIRMAN SCHULTEHENRICH: Thank  
2 you, Peggy. We appreciate that.

3 Anyone else? [None] Okay.

4 Then we move over to anyone that would be  
5 supportive of revoking the conditional use permit. Would  
6 anyone like to speak in favor of revoking the conditional  
7 use permit. Now would be the opportunity to come forward  
8 and let us know. Come on forward.

9 [Thereupon, the witness was sworn.]

10 And, sir, what is your name?

11 MR. RUSSELL MAUNE: My name is  
12 Russell Maune. I live at 510 Highway AT in Villa Ridge. I  
13 own the property right next to his property, and partially  
14 I'm just asking for some clarification for my sake, your  
15 sake as well as Carl's sake. The willed sight-proof fence  
16 you're mentioning as of one of the conditions, is that  
17 supposed to be a short fence just the Highway 100 direction,  
18 or is that supposed to be from all the neighboring  
19 properties? Because from my property, I can see a number of  
20 cars. And I can tell you there's two or three vehicles that  
21 have been sitting back in the woods for six years probably  
22 at least.

23 You know, it's not just two vehicles that he  
24 forgot to move out. There is a number of vehicles back  
25 there that are clearly visible from my property. And so is

1 the site built for the sight-proof fence supposed to be  
2 built just towards 100, or is this supposed to be  
3 surrounding the -- his entire storage area of all his unused  
4 or unsalable vehicles, whatever they are?

5 CO-CHAIRMAN SCHULTEHENRICH: Well,  
6 Scottie, I'm going to look to you, but when I read the  
7 minutes, because I don't have a copy of conditions that we  
8 placed upon him. Okay. But my understanding was, is that  
9 the fence was there to -- to -- that was supposed to keep  
10 from being able to see those vehicles from Highway 100.  
11 There was expected to be buffers on all the other sides.  
12 Okay. And the way I understood on reading the minutes, a  
13 buffer could in fact be the trees that was on the sides of  
14 the property.

15 But the fence was to be at least across to 100  
16 there would be no seeing of those vehicles from Highway 100.

17 And, Scottie, you can correct me if I'm wrong  
18 on that. That's my recollection on what I read.

19 MS. EAGAN: It does state that the  
20 applicant shall construct a buffer around the property to  
21 screen the proposed operations from surrounding properties.  
22 Applicant shall have at least a 50-foot buffer between the  
23 proposed site and the property on either side.

24 That's condition 9, and then condition 13 says  
25 any cars not for sale will need to be behind a sight-proof

1 fence prior to issuances of the CUP.

2 So it doesn't actually state specifically where  
3 that needs to be, but I remember with you the buffers would  
4 have been on the side, the fence would have been along 100.

5 CO-CHAIRMAN SCHULTEHENRICH: And I do  
6 remember reading there was questions asked as to what's a  
7 buffer. And I remember reading in the minutes there was  
8 pointed out the trees would in fact be considered a buffer.

9 MR. MAUNE: Okay. I understand that.  
10 Thank you.

11 CO-CHAIRMAN SCHULTEHENRICH: So that  
12 answers your question.

13 MR. MAUNE: Just -- -- just for  
14 clarity, I guess Scottie probably has pictures of those  
15 already, but there is a number of vehicles back there. I  
16 would say probably 20 vehicles, not two, left back there.  
17 You know, but there's a lot of vehicles as a junkyard back  
18 there.

19 CO-CHAIRMAN SCHULTEHENRICH: That's  
20 the matter that basically needs to be addressed in the  
21 municipal --

22 COUNTY ATTORNEY VINCENT: Right.

23 CO-CHAIRMAN SCHULTEHENRICH: What is  
24 it?

25 MR. MAUNE: Thank you. That's all I

1 have.

2 COUNTY ATTORNEY VINCENT: The county  
3 municipal court. There's a possibility that he's not being  
4 able to get a building permit because of that violation.  
5 And he won't get until all those vehicle are gone.

6 CO-CHAIRMAN SCHULTEHENRICH: Okay.

7 COUNTY ATTORNEY VINCENT: That has  
8 something to do with what's going on here tonight.

9 MR. MAUNE: Uh-huh. Okay, thank you.

10 CO-CHAIRMAN SCHULTEHENRICH: Answer  
11 your question. Thank you.

12 Anyone else wishing to speak? [None]

13 Seeing no one, okay. We'll move -- let's see.  
14 What do we want to do on this first, I guess, is the  
15 question that I have.

16 I guess the options that we have is to move the  
17 file to New Business and take action upon it tonight.

18 MS. EAGAN: No, it would stay Old  
19 Business.

20 CO-CHAIRMAN SCHULTEHENRICH: Oh, it's  
21 on Old Business. I'm sorry. Excuse me. I guess I don't  
22 know if we have the means of going to Review Committee. I  
23 don't know if that is an option for us to consider.

24 COUNTY ATTORNEY VINCENT: I don't  
25 think so. I think we've got to take action --

1 CO-CHAIRMAN SCHULTEHENRICH: -- take  
2 action upon it tonight.

3 CITY ATTORNEY: Right. Either reject  
4 it or -- either revoke the permit or not.

5 CO-CHAIRMAN SCHULTEHENRICH: Well,  
6 that's what I'm looking for is exactly what are the options  
7 that the Commission can do.

8 COUNTY ATTORNEY VINCENT: I guess you  
9 could post -- continue it again if you wanted to, for some  
10 period of time. That's up to you all.

11 CO-CHAIRMAN SCHULTEHENRICH: Any  
12 other questions before we make a decision then or so?  
13 [None]

14 Then I'll entertain a motion to either table  
15 for another or to revoke or not to revoke. Okay. Those are  
16 the three options I think basically we have.

17 So as Chairman, I'll look for a Commissioner to  
18 make a motion on one of those three options, and a second  
19 and we'll take a vote.

20 COMMISSIONER McLAREN: Can I back up  
21 and ask a question?

22 CO-CHAIRMAN SCHULTEHENRICH:  
23 Certainly can.

24 COMMISSIONER McLAREN: If we move to  
25 revoke, what are his options? He cannot come back and ask

1 for the same thing over again; is that correct?

2 CO-CHAIRMAN SCHULTEHENRICH: Scottie,  
3 or I'm going to go to Mark as well. What are --

4 COMMISSIONER McLAREN: What options?

5 CO-CHAIRMAN SCHULTEHENRICH: Because  
6 you said he could not come back under a request for a  
7 dealership there selling cars.

8 MS. EAGAN: Well, the way it's zoned,  
9 he won't be able to do car sales there anymore. So he'd  
10 have to rezone the property.

11 CO-CHAIRMAN SCHULTEHENRICH: Okay.  
12 So then we go into the rezoning at that point in time. So  
13 that option would be available for him if we revoke the  
14 condition use permit now, is what I understand.

15 COUNTY ATTORNEY VINCENT: The other  
16 option is that he has the right to appeal your decision.

17 MS. EAGAN: Right.

18 CO-CHAIRMAN SCHULTEHENRICH: Mark,  
19 explain that for us. Appeal it to?

20 COUNTY ATTORNEY VINCENT: Circuit  
21 Court.

22 MS. EAGAN: No, the Board of Zoning.

23 COUNTY ATTORNEY VINCENT: The Board of  
24 Zoning Adjustment. Then the court.

25 COMMISSIONER McLAREN: And if the

1 property would be rezoned, I guess I might ask for your  
2 guidance for my thought path here.

3 If the property becomes rezoned, he just asks  
4 for a zoning that he could do this in, and we have no  
5 comments at all. We either rezone it...

6 CITY ATTORNEY: No, that's the same  
7 thing we've talked about before.

8 COMMISSIONER McLAREN: Okay. Well,  
9 help me then because I'm afraid I may be confused here.

10 COUNTY ATTORNEY VINCENT: All right.

11 I mean, even rezoning, you guys have the right  
12 to discuss among yourselves and ask for comments and  
13 questions from staff. But you also have to consider all the  
14 different potential uses that could be made of that  
15 property.

16 There is another one that was revoke -- was  
17 denied today by the County Commission. A rezoning request  
18 was denied. So there is -- it's not an automatic thing.  
19 You have to look at do you think -- and I offered to have a  
20 class with you all about what kind of things you can  
21 consider and what you can look at. But yeah, it's just not  
22 cut-and-dried.

23 COMMISSIONER McLAREN: But we would  
24 not necessarily -- if he asked -- my question was if he came  
25 and asked for a rezoning of this property, we have to look

1 at potentially that he could do this. But we would look at  
2 potentially he could do anything else in that --

3 COUNTY ATTORNEY VINCENT: That's  
4 correct. Yes, sir.

5 COMMISSIONER McLAREN: --  
6 classification?

7 CITY ATTORNEY: That's correct. Very  
8 much, yes, sir. And then the public hearing would be held  
9 by the County Commissioners. You cannot -- that's why that  
10 case that was just decided recently that I told you all  
11 about. You have the comment like we're doing here, public  
12 comments, but no -- not a public hearing on a rezoning  
13 application. You all consider among yourselves the impact  
14 that it could have on that kind of use or zoning could have  
15 on the surrounding areas, and all those other issues you can  
16 talk about. There is no comments from the public on that.

17 But then it goes up to what -- your  
18 recommendation is sent up to the County Commission, and they  
19 have a full-blown public hearing on it. And then --

20 COMMISSIONER McLAREN: Okay.

21 COUNTY ATTORNEY VINCENT: -- whatever  
22 is done, and if it is rezoned, then he can do -- whoever can  
23 do whatever is permitted.

24 COMMISSIONER McLAREN: And what  
25 zoning district would it be rezoned to in order to let him

1 do that? Am I allowed to ask that question?

2 COUNTY ATTORNEY VINCENT: I don't  
3 know about that. Scottie's the --

4 COMMISSIONER McLAREN: Is that  
5 commercial?

6 MS. EAGAN: It would be CA3 or CA or  
7 ID.

8 COUNTY ATTORNEY VINCENT: Right now I  
9 have no idea what's around this. I can't say what would  
10 happen. I do to point out something on the record.  
11 Franklin country didn't become first class til January 1st  
12 of 1991.

13 COMMISSIONER McLAREN: Okay.

14 COUNTY ATTORNEY VINCENT: I did it.

15 COMMISSIONER McLAREN: Counselor, let  
16 me tell you the way I'm thinking here. If it was rezoned to  
17 CA or CA3, at that point in time, are there any -- I mean,  
18 if that would happen at that point in time, do we have the  
19 ability to -- to say anything about it --

20 COUNTY ATTORNEY VINCENT: No.

21 COMMISSIONER McLAREN: -- or can he  
22 have a gravel parking lot and do whatever at that time?

23 COUNTY ATTORNEY VINCENT: He would  
24 have to comply with the --

25 MS. EAGAN: He would still have to

1 comply with the all of our code. So it all depends on what  
2 his plan would be for that property, depending on what the  
3 parking would be, the parking surface material.

4 If it is in fact a vehicle sales and service,  
5 he would still have to do a sight-proof fence, and anything  
6 not for sale and stored outside would have to be behind it.  
7 We changed that I think in March of this year.

8 COUNTY ATTORNEY VINCENT: And he  
9 would still have to get rid of the violations that exist now  
10 because those are -- that is -- it has nothing to do with  
11 zoning or anything else. It's a violation of the code as it  
12 is today. So those have to be done.

13 Okay. Is that fair -- are we good?

14 COMMISSIONER McLAREN: I think so. I  
15 think I understand.

16 CO-CHAIRMAN SCHULTEHENRICH: Any  
17 other Commissioners have any questions? [None]

18 Now go back and I'll entertain a motion. One  
19 of the three options that I have previously noted that we  
20 currently have in front of us.

21 COMMISSIONER McCREARY: Mr. Chair,  
22 I'd like to make a motion to revoke Conditional Use Permit  
23 100114.

24 COMMISSIONER CUNIO: Second.

25 CO-CHAIRMAN SCHULTEHENRICH: We have a motion and a second

1 to revoke Conditional Use 100114. All those in favor  
2 signify by saying aye.

3 COMMISSIONER McLAREN: Aye.

4 COMMISSIONER CUNIO: Aye.

5 COMMISSIONER WILLIAMS: Aye.

6 COMMISSIONER BOLAND: Aye.

7 COMMISSIONER HAIRE: Aye.

8 COMMISSIONER TOBBEN: Aye.

9 CO-CHAIRMAN SCHULTEHENRICH: Aye.

10 COMMISSIONER McCREARY: Aye.

11 CO-CHAIRMAN SCHULTEHENRICH: All

12 opposed to the negative. [None]

13 Ayes will have it.

14 That concludes the Old Business. We will move  
15 on to New Business.

16 New Business is File 160134, having to do with  
17 a request on a conditional use permit by Peggy L. Hope.

18 Scottie.

19 MS. EAGAN: This is File 160134,  
20 Peggy Hope.

21 The Applicant requests to host Special Events,  
22 Periodic in the proposed Non-Urban and Agricultural Zoning  
23 District.

24 The property is located at 2603 Wild Plum  
25 Valley, approximately 150 feet west of the intersection of

1 Highway O and Wild Plum Valley in Calvey Township.

2 The Facts: The total area for the rezoning is  
3 approximately 21 acres.

4 The zoning of this property is Suburban  
5 Development. The Applicant has a request in to the County  
6 Commission to rezone the property to Non-Urban and  
7 Agricultural.

8 In the Non-Urban and Agricultural Zoning  
9 District, Special Events, Periodic requires a Conditional  
10 Use Permit.

11 The properties around the proposed site are  
12 zoned Suburban Development.

13 This property is surrounded primarily by  
14 low-density residential land.

15 This property has access to Wild Plum Valley,  
16 which is a County-maintained road.

17 The Applicant is not the current owner of the  
18 property, but they do have a contract with the owner to  
19 purchase.

20 The Applicant states all events would be  
21 Thursday through Sunday, and not run later than 11:00 p.m.

22 Staff Comments: Any buildings used or built in  
23 connection with this CUP will need to be approved by the  
24 Franklin County Building Department for a commercial  
25 building.

1 All conditions shall be completed within one  
2 year of approval, unless otherwise stated. Failure to meet  
3 all conditions may result in the application expiring.

4 All new and/or existing entrances onto Wild  
5 Plum Valley Road will need to be examined by the Franklin  
6 County Highway Department for a commercial entrance.  
7 Planning and Zoning shall receive a copy of the permit prior  
8 to the Applicant commencing any activities on the property.

9 Parking and parking surface shall be provided  
10 in accordance with the Franklin County Land Use Regulations.

11 And the County Commission met today and it  
12 actually approved this rezoning to Non-Urban and  
13 Agricultural Zoning Distinct.

14 CO-CHAIRMAN SCHULTEHENRICH: Okay.

15 Is the Applicant present? Wish to step  
16 forward, please.

17 MS. PEGGY HOPE: I do.

18 [Thereupon, the witness was sworn.]

19 Peggy, we have your Conditional Use Permit, and  
20 you've heard the staff comments and so on. These basically  
21 meet your -- your acceptance or so? Are there concerns or  
22 anything that you may have in parts to these?

23 MS. HOPE: No. I have my blueprints.  
24 The parking was a big deal of having so many handicap and so  
25 far away, right -- correct? And I have all that. Do you

1 want to see it? So can I give it to you?

2 CO-CHAIRMAN SCHULTEHENRICH: Yeah.

3 MS. EAGAN: I mean, you can, but also  
4 that will be turned in when you do your building permit.

5 MS. HOPE: Cool, you don't need it?

6 CO-CHAIRMAN SCHULTEHENRICH: Sure.

7 Basically this is going to be, from what I  
8 understood the last -- the other time that we had  
9 discussed -- the Commission had discussed with you basically  
10 going to be for wedding venues and what your plans are to  
11 have other --

12 MS. HOPE: And bed and breakfast.

13 CO-CHAIRMAN SCHULTEHENRICH --  
14 activities there and it would fall under this Conditional  
15 Use Permit.

16 MS. HOPE: Family reunions, yes.

17 CO-CHAIRMAN SCHULTEHENRICH: And  
18 primarily you're looking at it being on Thursday through  
19 Sunday and 11 o'clock for any of the activities to basically  
20 cease. That's the way this --

21 MS. HOPE: Correct.

22 CO-CHAIRMAN SCHULTEHENRICH: Okay.

23 MS. HOPE: I say Thursday through  
24 Sunday, but I hope Thursday through Sunday.

25 CO-CHAIRMAN SCHULTEHENRICH: We're

1 looking at pictures and everything. You have a lake out  
2 there in back?

3 [crosstalk]

4 MS. HOPE: Yes, sir. Uh-huh.

5 CO-CHAIRMAN SCHULTEHENRICH: So  
6 everything -- that's the reason for why you're wishing to  
7 be --

8 MS. HOPE: Uh-huh. Has a little  
9 boathouse and --

10 CO-CHAIRMAN SCHULTEHENRICH: Any  
11 questions or anything from and of the Commissioners or so in  
12 that regards?

13 COMMISSIONER McLAREN: I guess I do.

14 CO-CHAIRMAN SCHULTEHENRICH: Bill.

15 MS. HOPE: He does.

16 COMMISSIONER McLAREN: I'm assuming  
17 that you are going to hook onto Calvey Creek sewer district?

18 MS. HOPE: No, I'm not.

19 COMMISSIONER McLAREN: All right.

20 MS. HOPE: Should I?

21 COMMISSIONER McLAREN: You know --

22 CO-CHAIRMAN SCHULTEHENRICH: I think  
23 this is going a question you need to answer yourself.

24 MS. HOPE: Well, I know. It  
25 costs so much money to put in a sprinkler system. That has

1 been the biggest bummer to me.

2 COMMISSIONER McLAREN: Okay.

3 MS. HOPE: You've got to have a  
4 holding tank because I am on septic -- I mean sewer.

5 COMMISSIONER McLAREN: County water?

6 MS. HOPE: Well.

7 COMMISSIONER McLAREN: Oh, you're on  
8 a well?

9 MS. HOPE: Yeah. So someone told me,  
10 you know, I don't know yet, how it's far away to get that to  
11 come into my place.

12 COMMISSIONER McLAREN: Well --

13 MS. HOPE: And what does that entail?  
14 I mean, I don't even know.

15 COMMISSIONER BOLAND: Why would that  
16 matter, Bill? I'm just curious.

17 COMMISSIONER McLAREN: She has six  
18 bathrooms in there. And where the barn is is pretty...

19 MS. HOPE: How do you know I have six  
20 bathrooms?

21 COMMISSIONER McLAREN: Because I've  
22 looked at the picture that you drew on this paper.

23 MS. HOPE: I didn't even know I have  
24 six bathrooms.

25 [crosstalk]

1 I mean, other than those two in the barn.

2 COMMISSIONER McLAREN: Somewhere on  
3 this picture, you have an artist rendering on the back side  
4 of this picture here that shows --

5 MS. HOPE: Oh, I do.

6 COMMISSIONER McLAREN: -- six  
7 bathroom stalls.

8 MS. HOPE: Plus I have that little  
9 boathouse will be that on that same septic too. So --

10 Well, what I was advised to do is the house  
11 needs a new septic, and so they said to do a septic for the  
12 barn and then to tie into the boathouse also.

13 So why -- are you telling me I should do that?

14 CO-CHAIRMAN SCHULTEHENRICH: No,  
15 we're not telling you that.

16 MS. HOPE: I think he is.

17 COMMISSIONER McLAREN: No, I am just  
18 asking because you are in that sewer district. And --

19 MS. HOPE: What's the sewer district?

20 COMMISSIONER McLAREN: That's the --  
21 what am I doing wrong here?

22 COMMISSIONER BOLAND: Nothing.

23 MS. HOPE: I just want to know the  
24 sewer district.

25 CO-CHAIRMAN SCHULTEHENRICH: What

1 sewer district is that, Calvey?

2 COMMISSIONER BOLAND: That's Calvey  
3 Creek.

4 CO-CHAIRMAN SCHULTEHENRICH: Calvey  
5 Creek.

6 COMMISSIONER McLAREN: No, that's  
7 Calvey Creek.

8 MS. HOPE: Well, I bet he'd help me  
9 with my -- those. That's like \$150,000 to put in sprinkler  
10 systems.

11 MS. EAGAN: And the Building  
12 Department would regulate all that.

13 MS. HOPE: Correct. They sure do.

14 CO-CHAIRMAN SCHULTEHENRICH: So...

15 MS. HOPE: So?

16 COMMISSIONER McLAREN: No. I'm  
17 justing asking for my knowledge of knowing where your  
18 property is and knowing where -- that you're in the sewer  
19 district, knowing where the lake is, and knowing that there  
20 is a house down the hill from that barn with -- if that was  
21 your intension to hook onto the sewer district. And my  
22 further question is going to be, have it -- is it okay. We  
23 have ask questions like that before on subdivisions, whether  
24 they had approval from the -- that it was big enough to hook  
25 onto. So I thought that was a fair question.

1 COMMISSIONER HAIRE: It's a fair  
2 question. I think it's a fair question, Bill.

3 COMMISSIONER McLAREN: Pardon me?

4 COUNTY ATTORNEY VINCENT: This is a  
5 public hearing. You can ask her anything you want.

6 MS. HOPE: Oh, dear. Any other?

7 CO-CHAIRMAN SCHULTEHENRICH: But it's  
8 not part of the Conditional Use Permit that's being  
9 suggested from staff at this point in time.

10 MS. HOPE: I have a question.

11 You know when you talk about that  
12 end-of-the-year, it made me nervous, that gentleman saying  
13 that, you know, you have a year to do that. Like I have  
14 to -- I mean, so then you can tell me in a year like if you  
15 don't like something, or if I complied, I'm still good in a  
16 year?

17 CO-CHAIRMAN SCHULTEHENRICH: If  
18 you're --

19 MS. EAGAN: You will be notified what  
20 conditions still haven't been done.

21 MS. HOPE: That haven't been done  
22 right.

23 MS. EAGAN: We'll give you that line  
24 of what you need to be met.

25 MS. HOPE: Oh.

1 CO-CHAIRMAN SCHULTEHENRICH: And you  
2 have to begin your operations within the year at that point  
3 in time.

4 MS. HOPE: I sure hope so.

5 CO-CHAIRMAN SCHULTEHENRICH: We've  
6 had requests that have come in here. We have granted this  
7 request, and there has been nothing done on the property for  
8 one year.

9 MS. HOPE: Okay.

10 CO-CHAIRMAN SCHULTEHENRICH: Okay?

11 MS. HOPE: All right. I just wanted  
12 to make sure that I --

13 CO-CHAIRMAN SCHULTEHENRICH: Okay. I  
14 don't think you'll run into that issue, at least you  
15 shouldn't. So...

16 MS. HOPE: So what does this mean?  
17 Like how long do you all take to do this?

18 CO-CHAIRMAN SCHULTEHENRICH: We can  
19 vote on this tonight yet. So give us time. Give us time.

20 MS. HOPE: Okay.

21 CO-CHAIRMAN SCHULTEHENRICH: Any other  
22 questions --

23 [crosstalk]

24 MS. HOPE: I thought it was like  
25 August 26th or something.

1 MS. EAGAN: If they move it -- if  
2 they don't move it to Old Business, it would be August.

3 COUNTY ATTORNEY VINCENT: You keep  
4 talking it'll be August.

5 CO-CHAIRMAN SCHULTEHENRICH: Any  
6 other questions to be asked?

7 COMMISSIONER McLAREN: So you said  
8 you have been to the Fire Department, and then you went --

9 MS. HOPE: No, I didn't go to the  
10 Fire Department. I talked to the gentleman. And then I  
11 talked to my builder, and then the job that they did before  
12 they had to have that whole holding thing underneath barn,  
13 enough water put out the fire held at all times.

14 COMMISSIONER McLAREN: Okay.

15 MS. HOPE: So that's who I talked to,  
16 and then that gentleman told me how to get in my square  
17 footage, but blueprints back.

18 COMMISSIONER McLAREN: Okay. All  
19 right.

20 MS. HOPE: That fireman. I don't  
21 know his name. Do you all know his name?

22 CO-CHAIRMAN SCHULTEHENRICH: So one  
23 of the conditions that we want to put on it is that they  
24 have to have -- the Fire Department has given her a nod of  
25 approval?

1 MS. HOPE: Well, what he told me was  
2 if I have 99 or less people, I don't have to have a  
3 sprinkler system, but if I over 99, then I would be breaking  
4 the law. So of course --

5 MS. EAGAN: Well, I think she is in  
6 either Pacific or Boles, and both of them have their own  
7 rules and regulations that she has to follow.

8 MS. HOPE: Can you give me a name,  
9 and I'll tell you if that's him?

10 MS. EAGAN: I --

11 COMMISSIONER McLAREN: Gary Pritchard  
12 or Rick Friedman. It's --

13 MS. HOPE: Rick Friedman.

14 COMMISSIONER McLAREN: It's the  
15 Pacific Fire Protection.

16 MS. HOPE: Yeah. He was very nice.  
17 He was very nice. He just had big dollars.

18 CO-CHAIRMAN SCHULTEHENRICH: Any  
19 other questions from the Commissioners? Hearing none.  
20 Thank you. Okay. You might want to stay around.

21 MS. HOPE: Did you ask me if I had  
22 any more questions?

23 CO-CHAIRMAN SCHULTEHENRICH: No.

24 MS. HOPE: Oh.

25 CO-CHAIRMAN SCHULTEHENRICH: I did

1 not ask. You might wish to stay around.

2 MS. HOPE: Oh, I'm going to stay.

3 CO-CHAIRMAN SCHULTEHENRICH: Okay.

4 I don't see anyone else to speak, but I'm going  
5 to ask the question if anyone else is here to speak in  
6 support of the Conditional Use Permit. [None]

7 Anyone here to speak in opposition to the  
8 Conditional Use Permit? [None]

9 Seeing none, gentlemen would we like to move  
10 this Conditional Use Permit over to New Business?

11 MS. EAGAN: Old Business.

12 CO-CHAIRMAN SCHULTEHENRICH: Old  
13 Business. Okay. I'll entertain a motion to move this to  
14 Old Business.

15 COMMISSIONER BOLAND: So moved.

16 CO-CHAIRMAN SCHULTEHENRICH: Mr.  
17 Boland made the motion.

18 COMMISSIONER HAIRE: Second.

19 CO-CHAIRMAN SCHULTEHENRICH: Mr.  
20 Haire is second. All those in favor signify by saying aye.

21 COMMISSIONER McLAREN: Aye.

22 COMMISSIONER CUNIO: Aye.

23 COMMISSIONER WILLIAMS: Aye.

24 COMMISSIONER BOLAND: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 CO-CHAIRMAN SCHULTEHENRICH: Aye.

3 COMMISSIONER McCREARY: Aye.

4 CO-CHAIRMAN SCHULTEHENRICH: All

5 opposed to the negative. [None]

6 Ayes will have it.

7 Not yet. Okay. We will now go back to Old  
8 Business, and Old Business will be File 160134.

9 MS. EAGAN: Do you want the hours to  
10 be an actual condition of Sunday -- Thursday through Sunday,  
11 no later than 11:00?

12 CO-CHAIRMAN SCHULTEHENRICH: She  
13 seemed to be acceptable to it. I think that would be fine I  
14 guess.

15 MS. EAGAN: So that would be a fifth  
16 condition.

17 COMMISSIONER TOBBEN: Scottie, can I  
18 ask you a question?

19 MS. EAGAN: Sure.

20 COMMISSIONER TOBBEN: This is  
21 probably the third wedding venue that we have had come  
22 before us. I just want to make sure that there's  
23 consistency among those conditions within those respective  
24 permits.

25 MS. EAGAN: Yes. For the most part,

1 there is. Some of them do go later. Some of them are the  
2 entire week, you know, Sunday through Sunday, and some of  
3 them who talk about having outdoor bands when they are close  
4 to other residences, they put an earlier time on that so the  
5 band has that and so on and so forth.

6 COMMISSIONER TOBBEN: Okay.

7 MS. EAGAN: But overall these are  
8 pretty much the same conditions that each of them get  
9 depending on the area they are in.

10 COMMISSIONER TOBBEN: Okay. Thank  
11 you.

12 CO-CHAIRMAN SCHULTEHENRICH: Tom,  
13 that was a question that Bill raised a few meetings ago.  
14 Okay. And I supportive of that goes back to or to the June.  
15 So it may be -- and I thought that was valid that Bill was  
16 raising that because now if we don't go with conditional use  
17 and we just grant it through the zoning, those that are  
18 conditional use would potentially have put up more  
19 restrictions than if it's done through the zoning.

20 And it seems as though that may be a little bit  
21 of an inequity potentially that we have brought about. And  
22 that's why I thought we were going to sometime look at that  
23 pattern just to see if there is some guidelines that you all  
24 have maybe established for those venues under a zoning quest  
25 as opposed to a conditional use request.

1 MS. EAGAN: We haven't had any come  
2 through for a zoning at all. But we wouldn't have -- I  
3 mean, we still have the parking requirement, the commercial  
4 building requirement. We wouldn't have any sort the hours  
5 of operation or anything like that.

6 CO-CHAIRMAN SCHULTEHENRICH: Well,  
7 that's --

8 MS. EAGAN: I mean, two of them I  
9 know of that have conditional use permits no longer need  
10 them because when we changed zoning, the they became  
11 permitted uses. Then there's two of them in SD that you can  
12 no longer get a conditional use permit. So if they lose  
13 those, they can't get them back.

14 CO-CHAIRMAN SCHULTEHENRICH: Are  
15 you -- are you telling us that it is somewhat addressing it  
16 by of changing from conditional use over to zoning that they  
17 are in fact somewhat all meeting the same type of criteria  
18 that we have established on them?

19 MS. EAGAN: No. I'm saying the ones  
20 that are now under zoning permits don't have any of those  
21 regulations attached to them, like hours of operation and  
22 bands, and they still have the parking requirement, the  
23 building requirements, stuff of that nature that's in our  
24 regulation book. But the additional stuff that you guys put  
25 on it, no, they don't have those.

1 CO-CHAIRMAN SCHULTEHENRICH: Is there  
2 something that the Commission here would like to look into  
3 or look at, discuss and see if there is something that we  
4 would like to recommend in that regards. I'm just asking.

5 COMMISSIONER WILLIAMS: Should we  
6 deal with this now?

7 MS. EAGAN: Yeah. Do you want to  
8 vote on this and do that during Commissioners --

9 CO-CHAIRMAN SCHULTEHENRICH: That's  
10 fine. Let's go back to that then.

11 MS. EAGAN: So I added a condition  
12 five of hours of operation.

13 CO-CHAIRMAN SCHULTEHENRICH: Okay.  
14 Fine.

15 Do I hear a motion to approve then File 6- --  
16 160134? Hear a motion to approve?

17 COMMISSIONER BOLAND: I move to  
18 approve File 160134.

19 CO-CHAIRMAN SCHULTEHENRICH: Have a  
20 second?

21 COMMISSIONER HAIRE: Second.

22 COMMISSIONER McCREARY: Second.

23 CO-CHAIRMAN SCHULTEHENRICH: All  
24 those in favor signify by saying aye.

25 COMMISSIONER McLAREN: Aye.

1 COMMISSIONER CUNIO: Aye.

2 COMMISSIONER WILLIAMS: Aye.

3 COMMISSIONER BOLAND: Aye.

4 COMMISSIONER HAIRE: Aye.

5 COMMISSIONER TOBBEN: Aye.

6 CO-CHAIRMAN SCHULTEHENRICH: Aye.

7 COMMISSIONER McCREARY: Aye.

8 CO-CHAIRMAN SCHULTEHENRICH: Opposed

9 in the negative. [None]

10 Ayes will have it. Okay.

11 MS. HOPE: Now can I woo-woo?

12 [Off-the-record comments.]

13 Thank you.

14 CO-CHAIRMAN SCHULTEHENRICH: Not to  
15 prolong anything, but the question I would ask of the  
16 Commission, do you wish to look at that or discuss that --  
17 not tonight, but at another meeting and potentially to  
18 discuss and see about it?

19 COMMISSIONER McLAREN: I think it's  
20 extremely important to discuss it.

21 COMMISSIONER HAIRE: Well, yeah. I  
22 mean, if we talk about having to different rezoning issue  
23 too. We have several things I would like to bring in to  
24 review.

25 COMMISSIONER McLAREN: I think there

1 should be allowed in any zoning district, but it ought to be  
2 a CUP in any zoning district. I think it should be -- these  
3 kind of events should be based somewhat on size. I mean, if  
4 somebody owns 22 or 26 acres, that's one thing. If somebody  
5 happens to be and owns three acres and is contiguous to a  
6 bunch of subdivisions, I think it's another thing  
7 altogether. So I think in any planning and zoning district  
8 it should take a CUP.

9 I don't think we should be rezoning property  
10 to -- for -- I don't think we should rezone property in  
11 order to do this. I think we should do it in every district  
12 with a CUP> I feel pretty strongly on that.

13 CO-CHAIRMAN SCHULTEHENRICH: Is that  
14 consideration a majority of the Commissioners that you'd  
15 like to discuss this issue further at some point down the --  
16 it's not on the agenda tonight, and I don't want to get into  
17 a discussion until we basically put it on the agenda for  
18 discussion or so there, Bill. Okay.

19 So anybody have any strong feelings not to get  
20 into this or so?

21 COMMISSIONER McCREARY: No.

22 COMMISSIONER HAIRE: [Negative head  
23 shake.]

24 CO-CHAIRMAN SCHULTEHENRICH: Okay.

25 Then maybe, Scottie, my suggestion would be I'll wait for,

1 you know, his suggestion as the Chairman. But maybe it  
2 would be -- maybe it could be at a meeting in which there is  
3 hardly any activities. Maybe that could be a discussion  
4 that we would put on there. I don't know what next month  
5 looks like or the month after that, but I'll leave that to  
6 you as to when to potentially put it on the agenda for a  
7 little bit of a discussion at least. And see where we want  
8 to go with that issue.

9 MS. EAGAN: You guys also want to  
10 discuss the rezonings with Mark?

11 CO-CHAIRMAN SCHULTEHENRICH: I do. I  
12 think from what I saw -- I wasn't here last week, as you  
13 know, but I think there certainly seem to be some support  
14 for that. So everybody in agreement to do that?

15 Now, does at that -- we still to have that in  
16 the evening hours as well with what, or is that -- would you  
17 want to have that as a special type of a meeting or  
18 something like that? I didn't gather from the minutes.

19 COUNTY ATTORNEY VINCENT: Pick your  
20 poison. It doesn't matter to me.

21 CO-CHAIRMAN SCHULTEHENRICH: So what  
22 would you guys want to do on that?

23 COMMISSIONER HAIRE: Do we want it as  
24 a matter of record or not?

25 COUNTY ATTORNEY VINCENT: That would

1 -- there would not be a record of it.

2 COMMISSIONER HAIRE: There wouldn't  
3 be a record?

4 COUNTY ATTORNEY VINCENT: Well, it  
5 would be a public meeting, but there would not be a record.

6 COMMISSIONER HAIRE: Okay.

7 COMMISSIONER McCREARY: Similar to  
8 the training meeting we had before?

9 COUNTY ATTORNEY VINCENT: Right.

10 COMMISSIONER McCREARY: It would be  
11 similar to the meeting we had before?

12 COUNTY ATTORNEY VINCENT: Yeah.

13 COMMISSIONER HAIRE: Okay.

14 COMMISSIONER McCREARY: Yeah, Bill  
15 brought up, you know, it's not just the different  
16 classifications and what's allowed and what's not allowed,  
17 but also the size of the property.

18 I think, you know, why are you rezoning 21  
19 acres when you're only going to use three? Well, and you  
20 pointed out to that applicant, you know, you could do this.  
21 You could keep this one little three acres like this, but  
22 now you can do anything else in this zone that other, you  
23 know, 17, 19 acres, whatever. And I mean, really almost go  
24 through each zone and use one at a time and say yes, is this  
25 right, should this be a conditional use permit put on that,

1 or you know, it's a big, big thing to look at it and look at  
2 all the different zones we've had and what can and can't be  
3 done not only just without a conditional use permit but  
4 with.

5 CO-CHAIRMAN SCHULTEHENRICH: Do we  
6 want to do that in conjunction with our regular meeting or  
7 would we like to do that and take another potential evening  
8 in which we would try to address that? I'm just throwing  
9 that out for consideration.

10 COMMISSIONER McLAREN: Well, I think  
11 as many of these are coming to us, we need to do it rather  
12 quickly. I think there is a big difference between somebody  
13 that wants to spend, you know, a hundred and however many  
14 thousand dollars on her sprinkler system versus somebody  
15 that wants to put up a tent.

16 I don't know that they should be under the same  
17 set of regulations. I think that having a CUP to look at  
18 that makes better sense. I will tell you that I think  
19 special uses occasional versus special uses periodic is  
20 confusing. As I read it, and I'm probably wrong. I am most  
21 of the time, according to our counselor.

22 As I read it, I could have a holiday party and  
23 have a band there and have 200 people and it would be fine.  
24 I could have that same band there as an event and charge  
25 people to come in and it wouldn't be fine. That we did

1 exactly the same thing, we had exactly the same number of  
2 people there, but one's period one's occasional.

3 COUNTY ATTORNEY VINCENT: One you  
4 made money on, the other you didn't.

5 COMMISSIONER McLAREN: Hopefully I  
6 made money on both of them. That would be the reason I  
7 wanted to do it. You know, one I rent the facility to  
8 somebody to have a holiday party, and they had a band there.  
9 The second one I had the same band there, and I charge  
10 admission to come in.

11 COUNTY ATTORNEY VINCENT: One thing  
12 you did say though that needs clarifying. Whether or not  
13 building stuff you'll never get involved in that. That's in  
14 our building code.

15 CO-CHAIRMAN SCHULTEHENRICH: Scottie,  
16 do you have any idea as to what our potentially the agenda  
17 may look like for next month?

18 MS. EAGAN: I may try to put  
19 something on the agenda if I can get it done. Other than  
20 that, I don't think we have anything.

21 CO-CHAIRMAN SCHULTEHENRICH: Do we  
22 have many other requests, rezoning requests or anything --  
23 or zoning requests I should say?

24 MS. EAGAN: No, but I would make a  
25 suggestion that if you guys -- if you guys honestly want to

1 go through every zoning district with every category that's  
2 there, do it ahead of the meeting because, no offense, but  
3 I'm not go to sit here and go through every single use with  
4 you guys.

5 COMMISSIONER McCREARY: No, but I'm  
6 just saying, you know, I don't insist on that by any stretch  
7 of the imagination, but maybe w should all individually do  
8 that before. I mean, how long was that last meeting we had,  
9 training session, a couple, three hours in the morning?

10 COUNTY ATTORNEY VINCENT: A couple of  
11 hours, I think.

12 COMMISSIONER McCREARY: Yeah, it was  
13 at least a couple of hours in the morning, and that works  
14 for me. I mean, take a day off and come in while you guys  
15 are working. But I don't know what works for anybody else,  
16 but I'm more than happy to --

17 COMMISSIONER HAIRE: I'd just like to  
18 make sure we have the right sense of direction. I mean,  
19 just look at it. We rezoned several times and the  
20 Commissioners denied them. So I'd just like to make sure  
21 we're on the same -- you know, the same page as everybody in  
22 how we look at things.

23 COUNTY ATTORNEY VINCENT: When I  
24 suggested to the County Commissioners was that whenever you  
25 had that class, we'll try to get them to come too.

1 COMMISSIONER HAIRE: Okay.

2 COMMISSIONER McCREARY: Okay.

3 CO-CHAIRMAN SCHULTEHENRICH: Well,  
4 now, with that being the case, then why don't we have that  
5 like a two-hour session in the morning sometime or so? I  
6 think that would be a better opportunity if everybody can  
7 make that. Okay.

8 Why don't we establish maybe -- I'm going to  
9 through out maybe not next week but the first week of  
10 August, maybe okay?

11 COMMISSIONER HAIRE: Not fair week.

12 CO-CHAIRMAN SCHULTEHENRICH: Oh, that  
13 would be fair week.

14 COUNTY ATTORNEY VINCENT: Fair week  
15 and election week.

16 COMMISSIONER McCREARY: Yeah.

17 CO-CHAIRMAN SCHULTEHENRICH: Or do we  
18 want to try -- you had mentioned earlier something more  
19 quickly. Do we want to try something towards the end of  
20 next week, like Thursday of next week or something like  
21 that?

22 COMMISSIONER WILLIAMS: I have no  
23 idea what my schedule looks like yet.

24 COMMISSIONER TOBBEN: I'm not  
25 available next Thursday.

1 COUNTY ATTORNEY VINCENT: We got to  
2 make sure the Commissioners are here, unless you guys don't  
3 want them, but I mean, right now their schedule is pretty  
4 hectic. We got two of them running for re-election.

5 COMMISSIONER McCREARY: No.

6 CO-CHAIRMAN SCHULTEHENRICH: Why  
7 don't we wait until the second week of --

8 COUNTY ATTORNEY VINCENT: Joe may not  
9 care then.

10 CO-CHAIRMAN SCHULTEHENRICH: Why  
11 don't we look at on the -- maybe on the 10th of August on a  
12 Wednesday eve- -- a Wednesday morning?

13 COMMISSIONER McCREARY: I have an  
14 all-day meeting on 10th already.

15 CO-CHAIRMAN SCHULTEHENRICH: You do.

16 COMMISSIONER McCREARY: Yes.

17 CO-CHAIRMAN SCHULTEHENRICH: Okay.

18 COMMISSIONER HAIRE: When are the  
19 Commissioners normally available on their schedules?

20 CITY ATTORNEY: From 9:30 to 10:30 on  
21 Tuesdays and Thursdays. They're -- usually in the mornings  
22 they're fine.

23 COMMISSIONER HAIRE: Okay.

24 MS. EAGAN: Except Tuesdays.

25 CITY ATTORNEY VINCENT: Wednesday or

1 Thursday would be the best for them. But that's without  
2 knowing. The 10th or the 11th. Russell can't do the 10th?

3 COMMISSIONER McCREARY: Or the 9th or  
4 the 16th or the 18th or the 2nd or the 1st.

5 CO-CHAIRMAN SCHULTEHENRICH: How  
6 about the 11th on there then?

7 COMMISSIONER McCREARY: The 11th  
8 will be much more --

9 COMMISSIONER HAIRE: What day of the  
10 week is that?

11 COMMISSIONER TOBEN: Thursday.

12 CITY ATTORNEY VINCENT: Thursday.

13 CO-CHAIRMAN SCHULTEHENRICH: The 11th  
14 start at what, nine o'clock?

15 COUNTY ATTORNEY VINCENT: If you -- I  
16 don't know. Probably if you're going to have John there,  
17 it'll probably be 9:30.

18 COMMISSIONER HAIRE: Now, wait a  
19 minute. If we tell him there's going to be meatloaf there,  
20 he'll be there early.

21 CO-CHAIRMAN SCHULTEHENRICH: Let's  
22 make it nine o'clock. I think John can make it at nine  
23 o'clock. I can make it at 9:30.

24 COMMISSIONER McLAREN: Is somebody  
25 going to e-mail us to confirm this?

1 CO-CHAIRMAN SCHULTEHENRICH: Scottie,  
2 I would turn to you maybe to do that.

3 MS. EAGAN: As long as the  
4 Commissioners let me know.

5 COMMISSIONER McLAREN: Okay. And  
6 we're going to discuss -- we're going to have a zoning class  
7 learning zoning, is that what this --

8 COUNTY ATTORNEY VINCENT: We're going  
9 to talk about the things, the facts that you look at for  
10 rezoning, but I think you're going to have to spend more of  
11 your time on this issue here than you will on that.

12 COMMISSIONER McLAREN: So we're going  
13 to talk about both things?

14 CO-CHAIRMAN SCHULTEHENRICH: Yeah.  
15 Two issues. Two issues we'll cover.

16 MS. EAGAN: Got it.

17 COUNTY ATTORNEY VINCENT: Anything to  
18 make you happy, Bill.

19 CO-CHAIRMAN SCHULTEHENRICH:  
20 Gentlemen, anything else to be brought before us?

21 MS. EAGAN: I have something.

22 CO-CHAIRMAN SCHULTEHENRICH: Go  
23 ahead, Scottie.

24 MS. EAGAN: We had a gentleman call.  
25 He -- it's a unique situation. He owns a business where he

1 goes to hospitals and doctors' buildings and he fixes x-ray  
2 machines and other ones there. But he doesn't have an  
3 office, per se, at his house. He gets calls on his cell  
4 phone, and then he leaves to go fix the machine, and then he  
5 comes back to his house.

6                   Technically office, medical or independent  
7 contractor would require a conditional use permit, but it  
8 was such a rare case that I said I'd bring it before you  
9 guys, and if you're okay with it not being a conditional use  
10 permit and doing it as home occupation, then we'd do it as a  
11 home occupation.

12                   COUNTY ATTORNEY VINCENT: He's not  
13 bringing any equipment into his house, is he?

14                   MS. EAGAN: No, he just has his tools  
15 in his truck and leaves and comes back.

16                   COMMISSIONER HAIRE: He's pretty much  
17 mobile all the time.

18                   MS. EAGAN: Correct.

19                   COUNTY ATTORNEY VINCENT: It looks  
20 like a strictly copy machine repairman.

21                   COMMISSIONER McLAREN: How did he  
22 happen to ask?

23                   MS. EAGAN: He called.

24                   COMMISSIONER McLAREN: Okay. Was  
25 somebody complaining or he just wants to make sure he's

1 right?

2 MS. EAGAN: No, he just called.

3 COUNTY ATTORNEY VINCENT: He's a law  
4 abiding citizens. That's one so far.

5 MS. EAGAN: So if you're okay with it,  
6 I'll just tell him he can do it as a home occupation, and  
7 I'll write him a letter.

8 CO-CHAIRMAN SCHULTEHENRICH: That  
9 will be fine.

10 [Off-the-record comments]

11 Anything else to come before us? Anything  
12 else? I'm going to try to move us forward. Anything else  
13 coming up? Hearing none.

14 Scottie, anything from you as well?

15 MS. EAGAN: We do have a new P and Z  
16 Commissioner, Stanley Voss, but he didn't make it tonight.  
17 So it's Don's son who took over his position.

18 That's it.

19 CO-CHAIRMAN SCHULTEHENRICH: Okay.

20 [Off-the-record comments.]

21 Is there a motion to adjourn.

22 COMMISSIONER McLAREN: Motion to  
23 adjourn.

24 CO-CHAIRMAN SCHULTEHENRICH: And a  
25 second?

1 COMMISSIONER McCREARY: Second.  
2 CO-CHAIRMAN SCHULTEHENRICH: All  
3 those in favor signify by saying aye.  
4 COMMISSIONER McLAREN: Aye.  
5 COMMISSIONER CUNIO: Aye.  
6 COMMISSIONER WILLIAMS: Aye.  
7 COMMISSIONER BOLAND: Aye.  
8 COMMISSIONER HAIRE: Aye.  
9 COMMISSIONER TOBBEN: Aye.  
10 CO-CHAIRMAN SCHULTEHENRICH: Aye.  
11 COMMISSIONER McCREARY: Aye.  
12 CO-CHAIRMAN SCHULTEHENRICH: All

13 opposed to the negative. [None]

14 The ayes will have it. The meeting is  
15 adjourned.

16 [Thereupon, the proceedings concluded  
17 at 8:38 p.m.]

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court  
Reporter and Notary Public within and for the State of  
Missouri, before whom the foregoing proceeding was taken, do  
hereby swear that the aforementioned was held at the time  
and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my  
hand.

\_\_\_\_\_  
Patsy A. Hertweck, Court Reporter  
Notary Public, State of Missouri

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