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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 MEETING
JULY 21, 2015
(Commencing at 7:00 p.m.)

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

PUBLIC HEARING 7/21/2015

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

1 A P P E A R A N C E S

2 BOARD OF ADJUSTMENT MEMBERS:

3 Jay Schulteheinrich, Chairman

4 Timothy Reinhold, Commissioner

5 Donald Voss, Commissioner

6 Bill McLaren, Commissioner

7 Ray Cunio, Commissioner

8 Ron Williams, Commissioner

9 Todd Boland, Commissioner

10 Dan Haire, Commissioner

11 John Fischer, Commissioner

12 Russell McCreary, Commissioner

13 PLANNING AND ZONING STAFF:

14 Ms. Scottie Eagan, Planning Director

15 LEGAL COUNSEL:

16 Mark Vincent, County Attorney

17

18 MIDWEST LITIGATION SERVICES:

19 By: Patsy A. Hertweck, C. R.

20 711 North Eleventh Street

21 St. Louis, Missouri 63101

22 (314) 644-2191

23

24

25

1 P R O C E E D I N G S

2 (July 21, 2015)

3 CHAIRMAN SCHULTEHENRICH: Okay. Let's
4 call this meeting to order.

5 And with that, Scottie, could we have roll call,
6 please.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN EVANS: [Not present]

9 MS. EAGAN: Jay Schulteheinrich?

10 CHAIRMAN SCHULTEHENRICH: Here.

11 MS. EAGAN: Todd Boland?

12 COMMISSIONER BOLAND: [Not present -
13 arrived later.]

14 MS. EAGAN: Tim Reinhold?

15 COMMISSIONER REINHOLD: Here.

16 MS. EAGAN: Ray Cunio?

17 COMMISSIONER CUNIO: Here.

18 MS. EAGAN: John Fischer?

19 COMMISSIONER FISCHER: Here.

20 MS. EAGAN: Bill McLaren?

21 COMMISSIONER McLAREN: Here.

22 MS. EAGAN: Don Voss?

23 COMMISSIONER VOSS: Here.

24 MS. EAGAN: Dan Haire?

25 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 CHAIRMAN SCHULTEHENRICH: Scottie, can we
7 have the presentation of the hearing procedures and exhibits.

8 MS. EAGAN: Tonight's Planning Commission
9 meeting is governed by the Franklin County Unified Land Use
10 Regulations of 2001.

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

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

22 (Thereupon, evidence was marked
23 for identification and presented for the record
24 as Planning and Zoning Exhibits A, B, C,
25 and D.)

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

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

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

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

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

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

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

22 Applications for such an appeal may be acquired from
23 the Department offices during normal business hours.

24 CHAIRMAN SCHULTEHENRICH: Thank you,
25 Scottie.

1 We'll move on to the approval of minutes of June 16,
2 2015. In the minutes, there was one change I'd like to make that
3 was on page 26. There was a reference of "Chairman Parsons". It
4 should be Chairman Evans.

5 Out of all those, that was the only change.

6 Do we have any other comments or corrections or
7 changes to be corrected in the minutes? [None]

8 Hearing none, I'll entertain a motion to approve the
9 minutes with the correction named. Do I hear a motion?

10 COMMISSIONER HAIR: So moved.

11 CHAIRMAN SCHULTEHENRICH: Do I hear a
12 second?

13 COMMISSIONER REINHOLD: Second.

14 CHAIRMAN SCHULTEHENRICH: We have a motion
15 and a second for approval of the June 16, 2015 minutes. All in
16 favor signify by saying aye.

17 COMMISSIONER REINHOLD: Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER CUNIO: Aye

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER HAIRE: Aye.

23 COMMISSIONER FISCHER: Aye.

24 CHAIRMAN SCHULTEHENRICH: Aye.

25 COMMISSIONER McCREARY: Aye.

1 COMMISSIONER WILLIAMS: Aye.

2 CHAIRMAN SCHULTEHENRICH: All opposed?

3 [None] The ayes will have it.

4 With that, we'll move on to New Business of the
5 Commission.

6 COMMISSIONER McCREARY: I thought we were
7 going to put the Public Comments first.

8 [Thereupon, a discussion was had to
9 move Public Comments up in the agenda for
10 this meeting.]

11 So with that, we'll take -- if anybody has any
12 comments to be made on any items that are on the agenda for this
13 evening, you're welcome to come up and to make those comments if
14 you so wish.

15 If you're here, however, for the Conditional Use
16 Permit, you will be -- the petitioner will be first to present --
17 come up and present the application, and then those who would be
18 supportive of the application will be asked to speak. Then those
19 who would be opposed will be asked to come up to follow.

20 So if you're here for the purpose of that, you don't
21 need to, unless you wish to, but if there -- there is anybody who
22 wishes to make public comments on the items on the agenda, now
23 would be the opportunity to do so.

24 With that, anybody who would like to make any public
25 comments? [None]

1 Sir, do you have a wish to make a public comment?

2 AUDIENCE MEMBER: I'll go in turn.

3 CHAIRMAN SCHULTEHENRICH: That's fine.

4 Then I will close the public comments portion of the hearing.

5 Then we'll proceed to File 150145, Aftermath Diesel
6 Service, L. L. C.

7 Scottie, I'll turn to you for the presentation.

8 MS. EAGAN: This is File 150145. The
9 Applicant is Aftermath Diesel Service.

10 The Applicant wishes to open and operate an
11 automobile repair business in the Non-Urban and Agricultural
12 Zoning District.

13 The property is located 3030 Old Highway 100, at the
14 southwest corner of the intersectio of Sanctuary Lane and Old
15 Highway 100 in Central Township.

16 The facts: The property is approximately 2.88 acres
17 in size.

18 This property is in the Non-Urban and Agricultural
19 Zoning District. In this district, motor vehicle service to
20 include installation of parts, repair and maintenance, requires a
21 Conditional Use Permit.

22 The surrounding properties to the west of Old
23 Highway 100 are zone Non-Urban and Agricultural. The properties
24 to the east of Old Highway 100 are zoned Suburban Development.

25 This property is surrounded by medium to large

1 density residential property.

2 According to the Assessor's records, there appears
3 to be a residential structure and a large 3-bay garage on the
4 property in question.

5 The Applicant is not the owner of the property. We
6 have received written consent from the current owner, Jacob Hill,
7 for this application.

8 Because of the zoning district, this property cannot
9 be used for any motor vehicle sales or rentals.

10 Staff Comments: The Applicant states this property
11 will be used for automotive and truck repair.

12 The Applicant states in his application that he
13 would employ two to four people employed.

14 The Applicant's proposed hours of operation are 8:00
15 a.m. to 5:00 p.m., Monday through Friday and occasional Saturday.

16 The Applicant states in his application that the
17 business will have anywhere from 1 to 25 vehicles on the property
18 for service.

19 All new and/or existing entrances will need to be
20 examined by the Franklin County Highway Department for a
21 commercial entrance. Planning and Zoning shall receive
22 documentation of final construction prior to issuance of a CUP.

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

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

4 Anything stored outside and/or any vehicles not
5 being service but stored overnight shall be behind a site-proof
6 fence built with either chain link, wood or similar material.

7 CHAIRMAN SCHULTEHENRICH: Thank you,
8 Scottie.

9 Is that Applicant or his representative here this
10 evening? Would you mind stepping forward to the podium. First
11 like you to be sworn in. State your name and address, please.

12 [Thereupon, the witness was sworn in.]

13 Now your name and address.

14 MR. CHRIS KLENKE: My name is Chris
15 Klenke. I live at 20 Northwood Drive in Labadie, Missouri.

16 Obviously, we know why I'm here. The shop right
17 now, it's an eyesore to the people that drive up and down that
18 road. I'm not going to ignore that fact. If this is approved, I
19 fully plan on building a fence immediately. I mean, well, as
20 soon as I possibly can. Right now I've kind of got something
21 lined up for it.

22 We also would like to build a big shop behind there,
23 get everything away from the road so people do not have to look
24 at it.

25 Beyond that, I don't know. That's really all I

1 have.

2 I don't -- unless there's any questions, everything
3 she read out and said is exactly what I intend to do. Right now
4 I have -- myself, I have two employees, and I have one person in
5 the office. Right now I think we have -- we have 16 trucks there
6 for service. I don't see us really having more than 25. That
7 could change. I mean, if business gets better, which I hope it
8 does, then we may be back here doing this again.

9 But now, within the next five years, I don't see it
10 getting past that time. Ideally, when we have the fence and we
11 have a new shop and it's higher, then we can hopefully keep some
12 vehicles away. What people's biggest concern is seeing that.

13 But I don't -- try not to be a problem to anybody.

14 MS. EAGAN: Did you sign in?

15 MR. KLENKE: I did not.

16 MS. EAGAN: Print your name and address.

17 CHAIRMAN SCHULTEHENRICH: Your intention
18 is to build a fence. I'm curious as to what type of fence in
19 your mind.

20 MR. KLENKE: At least a six-foot tall
21 privacy fence, not chain link. I'm not sure on the material
22 exactly. Just kind of figure out what it needs to be built out
23 of. Chain link is -- that doesn't really cover up anything.
24 People are going to have to look at a fence, they don't want to
25 see the junk. So I don't know yet. At least six foot tall if

1 not taller. I would ideally like to have -- I want something as
2 big as possible because I don't want people's vehicles getting
3 broke into, and that's my biggest -- my reason why I want get a
4 fence besides keeping everybody else happy. I would like to have
5 one just I don't want to deal with these.

6 CHAIRMAN SCHULTEHENRICH: Are -- these 16
7 vehicles, are they in the event there for the use of parts?

8 MR. KLENKE: No. We have -- I have two
9 that have been there for longer than a month, and both of them
10 are waiting on parts that are coming -- they're coming from
11 Germany. They're Bosch parts, and that's the only thing that
12 I've had that's been there long enough. Nothing is being parted
13 out. I don't really -- I don't get into that.

14 CHAIRMAN SCHULTEHENRICH: So would you say
15 that your average time period which you turn vehicles there for
16 repair is over?

17 MR. KLENKE: On average, I would say a
18 week. The thing is some of the stuff I get into is bigger. I'm
19 rebuilding an engine or a transmission, and just because parts
20 are always a geographic oddity, it takes time. The bigger jobs,
21 they can take long than a month. For the most part, a week to
22 two weeks tops is the average, you know, turnaround time.

23 CHAIRMAN SCHULTEHENRICH: How long have
24 you been in operations right now?

25 MR. KLENKE: It was the end of November, I

1 believe the 20th of November.

2 CHAIRMAN SCHULTEHENRICH: When you started
3 up?

4 MR. KLENKE: Yes, sir.

5 CHAIRMAN SCHULTEHENRICH: And what do you
6 do in regards to do you handle tire repair or --

7 MR. KLENKE: No, sir.

8 CHAIRMAN SCHULTEHENRICH: -- or anything?

9 MR. KLENKE: No, sir. No, it's just
10 small, light-duty diesel repair and, you know, we do everything
11 front to back on them. I don't mess with tires. We don't do
12 inspections. I don't part out vehicles. I'm not a salvage yard.
13 It's just -- it's a repair facility, and that's -- we don't
14 really get past that.

15 CHAIRMAN SCHULTEHENRICH: Your hours of
16 operation at this point in time are what?

17 MR. KLENKE: They're 7:30, 8 o'clock to
18 5:00, and that's -- we normally get there about 7:30. We're
19 there on Saturdays once a month, and it's for a couple of hours
20 in the morning, and that's -- that's it. I mean, there have been
21 times where I have been there later before. The customer breaks
22 down that's from out of town, and somebody stuck on the highway.
23 A lot of parts stores refer them to me. So I have gone up there
24 in the evening and fixed someone, but I'm -- you know, fixed a
25 truck or somebody, but other than that, I'm -- you know, it's

1 8:00 to 5:00 99 percent of the time.

2 CHAIRMAN SCHULTEHENRICH: Anyone with
3 any questions or so?

4 COMMISSIONER McLAREN: I have.

5 CHAIRMAN SCHULTEHENRICH: Uh-huh.

6 COMMISSIONER McLAREN: I have the same
7 comment as I've had before. You -- you need to count yourself as
8 one of the employees, correct, and you need to --

9 MR. KLENKE: Yes, sir.

10 COMMISSIONER McLAREN: -- count the person
11 that you've got in the office as one of your employees. So
12 you're already at four.

13 MR. KLENKE: Correct.

14 COMMISSIONER McLAREN: So if -- if you
15 need more than four, now is the time to say, you know. You're
16 already at your maximum is what you're asking for. I want
17 everybody that's going to go into business to be successful.

18 MR. KLENKE: Real...

19 COMMISSIONER McLAREN: So that's one
20 comment I want to make. The other comment is, you know, I think
21 the fence is a great idea, but -- and I don't know this man at
22 all, but you know, when I -- I have people that I do business
23 with and I ask them to set a vehicle outside for us.

24 MR. KLENKE: Uh-huh.

25 COMMISSIONER McLAREN: So I think that we

1 need to have a combination so they can set a vehicle outside or
2 pick up after hours.

3 MR. KLENKE: We do. I do have something
4 for that. In the back, there's -- there's one house back there.
5 I honestly don't remember the guys name, but I've talked to him
6 on several occasions, and we normally put them around back. And
7 my plan was that we have -- there's a road that's on the east
8 side of the property, and be able to make something to where
9 there was room for if a tow truck needed to back in and drop off
10 a vehicle or somebody needed to pick one up.

11 As far as the employees go, you're absolutely right.
12 If we get to the point where we are going to build a bigger shop,
13 I am going to have more employees. If I were to, you know,
14 double my business right now, I would have seven employees. I
15 mean, that's in my -- in my plan, that's where I would at. And
16 it could get bigger, but I -- you know, it's really hard to tell,
17 especially with doing what I do.

18 CHAIRMAN SCHULTEHENRICH: Yeah, because
19 Bill makes a very good point, that you have to --

20 MR. KLENKE: Absolutely.

21 CHAIRMAN SCHULTEHENRICH: -- when you talk
22 in regards to your future, you're talking about how many you
23 would reach in regards to what your goals are, we will consider
24 that in our discussions here.

25 MR. KLENKE: Seven -- I would seven total

1 people would be -- anytime in the near future, I don't see it
2 exceeding that, you know, whatsoever. I mean, within the next
3 five years, I will -- I will have to hire more people, but a
4 total of seven. I don't really see me needing any more than
5 that at any time. I don't think I could handle that much.

6 CHAIRMAN SCHULTEHENRICH: Go ahead, Ray.

7 COMMISSIONER CUNIO: Chris, are you going
8 to be handling a wide range of diesels, I mean, cars or just
9 strictly trucks or what?

10 MR. KLENKE: As far as repair goes, I -- I
11 do repair cars and trucks and some medium-duty trucks, like 45,
12 55 hundred trucks. Other than that, I do do performance work to
13 bigger trucks. So there might be a time where I may have a dump
14 truck or a semi without a trailer come in, but I -- I don't
15 repair any of that stuff. I -- I don't have -- I don't have the
16 facilities or the...

17 COMMISSIONER CUNIO: So most of it is
18 engine work; is that right?

19 MR. KLENKE: It's -- it's -- honestly,
20 it's everything front to back. Tires are one of the only things
21 I don't do. I mean, I do differentials. I do transmissions. We
22 do AC work. We do -- we do everything to the truck or the car.
23 I mean, I normally don't take anything in unless it's something
24 we can -- you know, we try to do everything special, you know.

25 COMMISSIONER CUNIO: Probably most of it

1 would be truck work, though, wouldn't it?

2 MR. KLENKE: Most -- most of it is, yes.

3 CHAIRMAN SCHULTEHENRICH: Go ahead, Ron.

4 COMMISSIONER WILLIAMS: Okay. So if it's
5 truck work, how large do those trucks get?

6 MR. KLENKE: Some -- there -- there are --
7 some people do have them lifted up. I mean, they're not -- I
8 don't know. They might have 30-inch tall tires on them, is about
9 the biggest that I would ever see in a pickup truck. Some of the
10 medium-duty trucks, you know, I don't know their exact height,
11 but they're --

12 COMMISSIONER WILLIAMS: I'm not talking
13 about on two ton tandem trucks?

14 MR. KLENKE: Two ton, you know. A two ton
15 truck is about the biggest one that I would get in there to
16 service.

17 COMMISSIONER WILLIAMS: We, Mr. Chairman,
18 you know, I was out there yesterday and looking, and I'd say the
19 vast majority were pickup trucks, diesel pickup trucks. There
20 was one I think single axle tow truck there.

21 MR. KLENKE: There -- there was two of
22 them, yes.

23 COMMISSIONER WILLIAMS: Two?

24 MR. KLENKE: Yes.

25 COMMISSIONER WILLIAMS: But -- but a dozen

1 or more pickups. That was -- looked like the vast majority of
2 his work was pickup trucks. There is some models, but basically
3 just diesel pickup trucks. You do diesels cars, I'm sure, too.
4 So...

5 MR. KLENKE: We do. There's just not as
6 many of them yet.

7 COMMISSIONER McCREARY: Yeah. So we
8 talked about what he's wanting to fence in basically, and also
9 you said something about paving Legacy Lane there -- or not
10 Legacy.

11 COMMISSIONER CUNIO: Sanctuary Lane.

12 COMMISSIONER McCREARY: Sanctuary Lane/

13 MR. KLENKE: Yeah.

14 COMMISSIONER McCREARY: Yeah, something to
15 get to the back where your new shop is going to be.

16 MR. KLENKE: Ideally, if this all goes
17 through, we plan on trying to build a shop behind it, and
18 Sanctuary Lane, we would pave it. We talked to the owner, who I
19 believe is the only person who owns that road. I'm not sure who
20 exactly owns it, but as far as we know right now, that's who owns
21 it, and that's what the plan is to do and really to fence off.

22 It's -- it's 80 percent of the property. There's a
23 house that's attached to the -- you know, right next to the shop
24 where we're at. That's not going to get fenced off, but other
25 than that pretty much to the road and the rest of the property is

1 going to be fenced in. That's what the intentions are to do.

2 COMMISSIONER HAIRE: What's your timeline
3 you're thinking it'll be fenced?

4 MR. KLENKE: Immediately, whenever I know
5 I'm allowed to do it. I mean, within a month.

6 COMMISSIONER WILLIAMS: Got a question.

7 CHAIRMAN SCHULTEHENRICH: Yes, go ahead.

8 COMMISSIONER WILLIAMS: You don't own the
9 property. Are you on a long-term lease with the owner of that
10 property?

11 MR. KLENKE: Yes, sir.

12 CHAIRMAN SCHULTEHENRICH: Do we have --
13 Scottie, we do have a letter to that extent on there on the lease
14 on that?

15 MS. EAGAN: Yeah, it's all in the file.

16 CHAIRMAN SCHULTEHENRICH: It is, okay.

17 Other questions on that? Ray?

18 COMMISSIONER CUNIO: I notice from the
19 photograph here, there is a house on the property.

20 MR. KLENKE: Yes, sir.

21 COMMISSIONER CUNIO: Is that where the
22 owner lives?

23 MR. KLENKE: No, that's -- the owner rents
24 that house out as well too, to someone, but that's -- that's not
25 going to be part of it. Pretty much right behind the back of the

1 house and right between the shop and where that house is, that's
2 where the fence will go.

3 COMMISSIONER CUNIO: And is it your plan
4 as far as the new shop to put it back behind the current shop
5 away from the house then?

6 MR. KLENKE: Away from the house and
7 further away from the -- you know, from Old 100 there.

8 CHAIRMAN SCHULTEHENRICH: Any other
9 questions? [None]

10 Hearing none, thank you.

11 MR. KLENKE: Thank you, sir.

12 CHAIRMAN SCHULTEHENRICH: Is there anyone
13 here to speak in support of the application? If so, come on up.
14 Be sworn in, please, and then sign the form and state your name
15 and address.

16 [Thereupon, the witness was sworn.]

17 MS. REPORTER: State your name, please.

18 MR. JACOB HILL: Jacob Hill. I'm the
19 owner of the property, and I just wanted -- so basically the
20 house I've rented out to one of my friends, and -- I mean, that
21 is not like a long-term contract. So I just wanted to make that
22 -- I mean, the house is nothing. That's you know what I'm
23 saying. It has nothing to do with the shop at all, but we will
24 not have -- there's not a problem there as far as -- I mean, we
25 got building code. So as far as the new shop goes, it will

1 follow with that, but like he was saying, the shop we want to put
2 it directly behind the other shop. So it will be away from that
3 house anyway.

4 So I just wanted to say that you knew that. And
5 then -- I mean, as far as building goes, we -- my dad, my father,
6 owns an excavating company. So our plan is is if this gets
7 passed, we are going to rock the back basically right away, and
8 then put the fence up as soon as we get it rocked. So I just
9 wanted to clear up the fence question as far as -- like that --
10 we're going to get the fence up before we start building a new
11 shop. That's going to be our first thing. So...

12 CHAIRMAN SCHULTEHENRICH: When we talk
13 about the fence, we're talking about the fence not around the
14 whole property I take it. We're talking about the fence being
15 around the areas in which he is going to be and the operation is
16 going to take place?

17 MR. HILL: Exactly. Yep. Which will
18 probably -- I'm going to say an acre and a half of the property.
19 Which does that make sense? So it'll be -- where the house sits
20 and the shop sits, it'll be from, you know, 50 feet off the house
21 and then straight back.

22 And then Ken Schrum [phonetic] is who owns the
23 property behind us, and he -- I don't know. He's told me that he
24 owns that road, and I've been in contact with him about which he
25 owns like 20 foot off that road also. So we were going to try to

1 work out where basically we're going to pave his whole driveway,
2 and then he's going to deed that road to us with him to have an
3 easement.

4 CHAIRMAN SCHULTEHENRICH: Which road are
5 you talking about, Sanctuary Lane?

6 MR. HILL: Yes.

7 CHAIRMAN SCHULTEHENRICH: Is that the road
8 --

9 MR. HILL: Yes.

10 CHAIRMAN SCHULTEHENRICH: -- you're
11 talking about?

12 MR. HILL: Yes. So I just wanted to
13 clarify that, and I mean, obviously, this is all speaking from
14 not knowing for sure if he owns the road. That's just coming
15 from him. And then whether or not how that works with the County
16 too.

17 CHAIRMAN SCHULTEHENRICH: If you don't
18 have permission to pave Sanctuary Lane, where is -- where is the
19 entrance going to be at? Is it going to be --

20 MR. HILL: Do you guys have a map that
21 shows the entrance to Sanc- -- all right. Sanctuary Lane and
22 then the entrance to our shop right now is right next to
23 Sanctuary Lane, just west of it. I don't know if you can see
24 that.

25 CHAIRMAN SCHULTEHENRICH: Off of Old

1 Highway 100?

2 MR. HILL: Yes, yes.

3 COMMISSIONER McCREARY: Here's what we've
4 got.

5 MR. HILL: Yeah, so you can see Sanctuary
6 Lane is right on the property line, or I guess the black line. I
7 guess that's showing the property line. Then you can see the
8 area that's rocked right now in front of the shop. Are you
9 seeing what I'm saying?

10 CHAIRMAN SCHULTEHENRICH: Yes.

11 MR. HILL: So we can -- I mean, obviously,
12 it's going to be what the County wants for an entrance off of Old
13 100, but right now this was all existent when I bought the
14 property. So that's what we've been using right now, but if --
15 if we get Sanctuary Lane, we'll make the entrance basically that
16 whole width like that and from the road to our entrance. So that
17 entrance will be where it is, just wider.

18 Is that making sense?

19 CHAIRMAN SCHULTEHENRICH: Yes. Is Old
20 Highway 100, is that a county road, or is that a MoDOT road?

21 MR. HILL: I believe it's a county road.

22 COMMISSIONER WILLIAMS: County.

23 CHAIRMAN SCHULTEHENRICH: County road?

24 MR. HILL: Yeah.

25 CHAIRMAN SCHULTEHENRICH: Okay.

1 MR. HILL: I mean, the County plows it.

2 So I'm sure it's a county road.

3 CHAIRMAN SCHULTEHENRICH: Okay.

4 MR. HILL: I don't know if there's any
5 other questions you have for me, but that's all I have.

6 CHAIRMAN SCHULTEHENRICH: Any other
7 questions from this witness? [None]

8 Thank you very much.

9 MR. HILL: Thank you.

10 CHAIRMAN SCHULTEHENRICH: Anyone else wish
11 to speak in support of the applicant? [None]

12 Seeing none, is there anyone that wishes to speak in
13 opposition to the applicant? If so, please come forward.

14 You need to swear in.

15 [Thereupon, the witness was sworn.]

16 MS. REPORTER: State your name for me,
17 please.

18 MR. PAUL COCKRUM: My name is Paul
19 Cockrum. I live next door to the property. I received one of
20 these in the mail. Okay.

21 CHAIRMAN SCHULTEHENRICH: You need to sign
22 the form now.

23 MR. COCKRUM: Okay, sorry. All right. I
24 have a letter for all of you that I'm going to be -- that you can
25 see that I'm going to be reading, and I brought copies for

1 everyone. Here's 12. And on this is all of the neighbors in the
2 neighborhood. Scottie, I gave you one with all the signatures on
3 it.

4 MS. EAGAN: Okay.

5 MR. COCKRUM: Anyway, that's the one.

6 Anyway, I'm an electrician. I work for BOCO
7 [phonetic, I work for Stanley Mozinas. You might recognize me.
8 I was here a couple of years ago when the gentleman down the
9 street wanted to have nine acres of a dog kennel put in next door
10 to our property, and you guys didn't let that happen. And thank
11 you so much. The gentleman is divorced, and he lives in Florida
12 now. Thank you.

13 Okay. I would like to talk to you. I would like to
14 say first and foremost that this is a neighborhood. It's a
15 neighborhood. Next to the three-car garage, about 40 feet away,
16 is a ranch house with newlyweds living there with a small child.
17 Next door to them about 50 feet away is Johnny's residence. Next
18 -- his neighbor is about a hundred foot away. Across the street
19 is Homestead Subdivision. Across the street from the garage is
20 zoned residential.

21 So across the street from the garage is Vincent's
22 house. He'll speak later on. And next to Jenny's house, is four
23 children. That's across the street from me. Next door to that
24 is Matt Vogt's house, and then Jenny's house -- she's sitting
25 here -- is there. Across the street, next door to me and next

1 door to his property, Eric's property there, and all of them have
2 signed the petition that I just gave to you, all of them.

3 Next door to their property, Johnny. He's on -- I
4 have all these. I'll just give them to Scottie.

5 MS. EAGAN: Oh, you have them.

6 MR. COCKRUM: Yeah, I couldn't get them
7 all.

8 CHAIRMAN SCHULTEHENRICH: Before you...

9 MR. COCKRUM: And I'll give them to
10 Scottie because I know --

11 CHAIRMAN SCHULTEHENRICH: Before you go
12 any further, though, if we could maybe, for clarification, since
13 we don't have the projector here, if somebody could give him this
14 -- this drawing here or this picture. It has numbers on it in
15 regards to the lots.

16 COMMISSIONER McCREARY: Here you go.

17 CHAIRMAN SCHULTEHENRICH: So if you could
18 describe as to where -- what number you can give.

19 MR. COCKRUM: Oh, okay. Sure.

20 CHAIRMAN SCHULTEHENRICH: What number is
21 your residence on?

22 MR. COCKRUM: I am north of this
23 residence.

24 MS. EAGAN: Forty-three.

25 CHAIRMAN SCHULTEHENRICH: Forty-three it

1 would be then. Is that the --

2 MR. COCKRUM: Oh, okay. Yeah, I see the
3 number 43. And then below north of my house is Eric's house.
4 Across the street from me is Vincent's house. Next door, 28, is
5 Jenny and Chris'. Next door, 29, is Matt Vogt, and then the next
6 one is Jenny Pennington right back here. Okay.

7 There's a trailer right next to the house in
8 question, and that's Johnny's. He signed. They all signed this
9 paper. The gentleman in back, Kent, on 61, is not in the county,
10 is not in the state. He never received this card. I talked to
11 his wife this morning, Carrie. They didn't know anything about
12 this.

13 Okay. Now, first of all, you got to know that this
14 is a neighborhood. Okay. And I have pictures here that were
15 taken. This is of today. You can see at least 20 some odd
16 vehicles there. That's in the front of the building. There's
17 vehicles that have sat there for eight months. I've seen
18 vehicles sit there for eight months. This has no radiator, no
19 engine in it, and it's been there from the beginning.

20 I have pictures of rusted-out vehicles. No license
21 -- no license plates on them. They're rusted out. What else are
22 you going to do but use them for parts? In the back, the back
23 field -- I'm totally off my thing here. Here's a picture of a
24 red truck sitting in the field with four- to five-foot weeds
25 growing out of the back of it. It is sitting there today. Now,

1 how can you say this is not an abandoned vehicle?

2 I have other vehicles that are in that back field
3 today, and then today they added six more vehicles in the back.
4 This is a picture of my lovely house sitting right next door that
5 I've been there 35 years. I've planted 40, 50 trees. I've been
6 there -- my wife lives and breathes this house. Okay.

7 All right. I'm sorry. The same thing is going on
8 that happened with the guy wanting the kennels, is right now.
9 This gentleman rented a three-car garage. He starts a business
10 last November, brings a dozen trucks, couple of Jeeps, and Yukon,
11 and puts them on the property. Eight of them trucks have not
12 been moved day one, period.

13 One of the trucks has no radiator. You'll see the
14 pictures coming around. Looks like the engine's missing. It's
15 never moved. There's another large vehicle van that sits right
16 next to the front door. Never moved. There's a rusted-out truck
17 with no license plates on it, just sits there. There's many
18 trucks in the front. There's so many trucks in the front of the
19 garage, that they -- in the Spring, they started putting them in
20 the back.

21 Okay. Why rezone 2.8 acres? The reason is to park
22 all these trucks on this property. I have a beautiful house.
23 Oh, nobody wants to see these vehicles in the neighborhood. I
24 can prove it. Everyone I talked to today signed this and said,
25 we're sick of the noise, the pollution, there's little children.

1 The children run out in the street. Nobody in this neighborhood
2 wants this business there. None of them wants. Nobody wants to
3 be the vehicles there. You wouldn't want them at your house.

4 My wife is retired. She's always home. She lives
5 and breathes in this yard. Flowers, trees, shrubs, gardens. She
6 has screened-in gazebos, barbecue. We entertain there. It's so
7 beautiful our post -- the mailman stops us at the Mexican
8 restaurant and tells my wife how beautiful our house is.

9 The postman. He's a representative of the United
10 States government. The government says my house is beautiful.
11 Now, this -- this place is a travesty. This cannot happen in our
12 neighborhood.

13 So anyway. Now when I get home from work for the
14 last three months, I come in. My wife tells me about the big
15 trucks going up and down the road, screaming tires, burnouts,
16 neighborhood streets -- that all our neighborhood streets, black
17 smoke multi times, and all I can think of I'm not looking behind
18 me, is thanks a lot, dude.

19 He's brought misery to my life. So now it's my
20 turn. He rents. What's going to stop him from just leaving? He
21 gets sick. He can just quit and get a better job or for a bigger
22 company and not have his own company. Who's going to get rid of
23 all these vehicles? Nobody. He doesn't own the property. He
24 doesn't live on the property. The property owners don't live on
25 the property. I want to retire in two years, two months, six

1 days. Who's counting? But I don't want to look at all this
2 junk, and it makes you sick to your stomach to see all the
3 abandoned trucks, the field next door. This is -- this isn't
4 Washington County. It's not Phelps County. You drive down 47 to
5 Washington County. Anybody with a garage, it's got vehicles,
6 vehicles, old abandoned vehicles. That's not the way Franklin
7 County works.

8 This is in the middle, in the middle, of our
9 neighborhood, right in the middle, and everybody in that
10 neighborhood wants nothing to do with this. So I not only want
11 the zoning not changed. I don't want a business there. I don't
12 want the trucks there. I don't want the noise there. It's my
13 neighborhood. I don't want any of it there.

14 Johnny, who lives in the trailer, had two demolition
15 derby cars in his yard. Sheriff came out, told him he had to get
16 rid of them. Somebody complained. He got rid of them. What's
17 the difference here? These guys are making my life miserable.
18 They're young, 30. Friday there's all kinds of people there.
19 They're drinking. They're drinking. They run them vehicles up
20 and down, up and down, up and down. This is the truth. I don't
21 want this business next door to me. I've been there 35 years.
22 I've planted trees, shrubs, everything.

23 It's just -- it's -- that's about close to what I
24 have to say. You'll notice on this piece of paper:

25 "As landowners and residents

1 of Franklin County, we are writing
2 as residents of the immediate affected
3 area to ask the Commission to consider
4 our comments and our questions before
5 making a ruling on the conditional use
6 permit, Application 150145. We are
7 providing written comments as part of
8 our testimony, and we have concerns about
9 the potential effects of this CUP and
10 the business that has already illegally
11 taken root in our community. By illegal,
12 I mean violation of the current zoning
13 laws.

14 "Although the Commission may have
15 already looked through this action, we
16 ask that the Commission take into account
17 our concerns and those living nearby
18 before coming to a decision.

19 "We are asking for the denial of this
20 conditional use permit, and that fines
21 should be administered for violating the
22 zoning regulations prior to filing this
23 for a permit."

24 The man's been in business eight months. I know
25 what it takes. I wire businesses. You walk in, the owner says

1 we're going to have a business here. We have a drawing. We want
2 you as an electrician bring this up to code. They get all their
3 permits. They get all their inspections, and then they go into
4 business.

5 What is -- this is all wrong. You know, since it
6 has not been approved, why is the applicant already operating a
7 motor vehicle repair service in the existing location? It hasn't
8 been approved. He's been doing it for eight months. It's been a
9 shop eight months ago, and I want it shut down.

10 I don't know what else to say. You know, I'm
11 begging you. I'm begging you.

12 CHAIRMAN SCHULTEHENRICH: I think you've
13 said it. You've got your points across here.

14 MR. COCKRUM: I think so.

15 CHAIRMAN SCHULTEHENRICH: Okay .

16 MR. COCKRUM: Yeah.

17 CHAIRMAN SCHULTEHENRICH: So do you have
18 any other comments to be made in that regards?

19 MR. COCKRUM: No, I only I thank you very
20 much. I'd like to thank all of you for listening to me.

21 CHAIRMAN SCHULTEHENRICH: Any questions
22 from among the Commissioners?

23 COMMISSIONER McCREARY: Yeah.

24 CHAIRMAN SCHULTEHENRICH: Russell?

25 COMMISSIONER McCREARY: Have you written

1 any formal complaints, written complaints to the --

2 MR. COCKRUM: I don't complain to any of
3 my neighbors until I get this in the mail telling you what --

4 COMMISSIONER McCREARY: Well --

5 MR. COCKRUM: They don't even come over
6 and ask. They don't talk to us.

7 COMMISSIONER McCREARY: Okay. It's been
8 there eight months?

9 MR. COCKRUM: Yes.

10 COMMISSIONER McCREARY: And this is the
11 first time you've complained to anyone about it?

12 MR. COCKRUM: Yes.

13 COMMISSIONER McCREARY: Thank you.

14 MR. COCKRUM: You're welcome. This is the
15 first time I've been asked. They would have -- See Jacob bought
16 the land. Jacob got married, moved out. One of his employees
17 moved in keeping his truck. I didn't know he moved. I thought
18 Jacob was doing this the whole time. Jacob's a wonderful young
19 man. Very good. I've known him since he was 18. A wonderful
20 man, and when we walked in here downstairs, I saw him, and I told
21 him about all this. And he goes, "I agree with you 1,000
22 percent, Paul." And he's telling me what he's going to do, but
23 nothing was done up front. Nothing was done. How can I believe
24 this.

25 CHAIRMAN SCHULTEHENRICH: Any other

1 questions to be asked?

2 COMMISSIONER McCREARY: What was it before
3 eight months ago? What took place at this?

4 MR. COCKRUM: Jacob's -- they have a
5 construction company, and his two trucks would be there and a
6 trailer. They'd work on his two trucks and a trailer or Bobcat.
7 Just normal, nothing, nobody complaining, but everybody, the
8 houses next to him, across the street, across this street, across
9 this street from Vinny, is Vinny across this street. That house,
10 that house, that house, my house, nobody wants this in our
11 neighborhood. That should mean something.

12 COMMISSIONER McCREARY: Uh-huh.

13 MR. COCKRUM: And we really want you not
14 to give him a permit to do this.

15 CHAIRMAN SCHULTEHENRICH: That -- that
16 decision will rest with the Commissioners here.

17 MR. COCKRUM: Absolutely.

18 CHAIRMAN SCHULTEHENRICH: So...

19 MR. COCKRUM: Yeah.

20 CHAIRMAN SCHULTEHENRICH: Thank you. Any
21 other questions? [None]

22 Hearing none, thank you very much.

23 MR. COCKRUM: All right. I'm going to
24 give Scottie the one with all the names on it, okay.

25 CHAIRMAN SCHULTEHENRICH: That'll be fine.

1 Anybody else that wishes to speak in opposition to the
2 application?

3 COMMISSIONER HAIRE: Scottie, was a formal
4 complaint filed against them?

5 MS. EAGAN: Honestly on this file, I don't
6 know a hundred percent. It's possible we had a complaint and
7 that's why they're filing the conditional use permit, to remedy
8 the violation, but at this point, I don't know a hundred percent.

9 COMMISSIONER HAIRE: Okay.

10 MR. COCKRUM: Yeah, on this -- on that
11 letter I gave you, I do want to file a complaint against them.
12 It says it.

13 CHAIRMAN SCHULTEHENRICH: You'll have to
14 do that, go in there --

15 MR. COCKRUM: Yeah.

16 CHAIRMAN SCHULTEHENRICH: -- during the
17 day when Planning and Zoning offices are open.

18 MR. COCKRUM: Yeah, okay.

19 CHAIRMAN SCHULTEHENRICH: So, thank you.

20 MR. COCKRUM: Is that it? Thank you all
21 so much. I appreciate it.

22 CHAIRMAN SCHULTEHENRICH: Sir, come on up.
23 Again, you will be sworn in.

24 [Thereupon, the witness was sworn.]

25 MS. REPORTER: And state your name for me,

1 please.

2 MR. VINCENT BANDERMANN: Vincent A.
3 Bandermann.

4 Good evening, gentlemen. My name is Vincent
5 Bandermann. I live at 3085 Old Highway 100. I've been there for
6 nearly 15 years. I am at the property directly across the street
7 from the gentleman asking for the zoning permit.

8 It looks like I'm going to be contradicting a lot of
9 the testimony that the young man gave tonight. That wasn't my
10 intention until heard him speak, and then I looked at my list and
11 my pictures. It's quite contrary to what he presented.

12 I'd like to start off with a little something that
13 caught my attention. You know, you don't realize things until
14 they jump right in your face. And on June 2nd, I bought myself a
15 sport utility vehicle. I bought a 2000 Chevy Tahoe, four wheel
16 drive, Z71, champagne color. And I brought it home on June 2nd,
17 and caught in the corner of my eye sitting out in front of their
18 garage was a Chevy Tahoe, similar body style, same color. That
19 was on June 2nd. I remember the date. It was the day I bought
20 the truck.

21 That vehicle was still sitting there on July 19th.
22 So when he says that vehicles are there for five days, seven
23 days, not true. Not true at all. I can also testify to other
24 vehicles that have been there for months. A large white panel
25 van. I'm not sure if it's a Mercedes or a Volkswagen. It's

1 definitely a European style panel van. I'm talking a big panel
2 van, you know. I'm saying from ground to the roof is probably
3 ten feet. It's been there for months. It has not moved.

4 We have other vehicles, and my pictures aren't the
5 greatest. I wasn't going to spend a fortune, you know, having
6 them printed out, but other vehicles that have sat there so long
7 that the grass around them is so tall it's gone to seed. That's
8 how long they've sat there. One vehicle sat there long enough
9 that when they did move it, all of the grass underneath it was
10 completely dead.

11 So you know, I don't know how long that takes. More
12 than a few days for sure. So I am testifying to this committee
13 that there is more than one vehicle that has sat on that property
14 for weeks, if not months, on end. No question about it.

15 I know one vehicle in particular. I want to say
16 it's an extended cab Chevy. It's white. The driveshaft is half
17 out of it, laying down on the ground. I noticed that when it was
18 still cold out. I said isn't that the driveshaft laying down on
19 that thing.

20 COMMISSIONER McCREARY: Excuse me.

21 MR. BANDERMANN: Yeah.

22 COMMISSIONER McCREARY: Is this that one
23 you're talking about?

24 MR. BANDERMANN: That's it. You can see
25 the driveshaft in the photograph. Yes. It was still cold out

1 when I noticed that driveshaft laying like that. So that truck's
2 been there for months.

3 CHAIRMAN SCHULTEHENRICH: The photograph,
4 just for the record, the photograph that we're now passing around
5 is the one that was presented by the previous speaker?

6 MR. BANDERMANN: By Mr. Cockrum.

7 CHAIRMAN SCHULTEHENRICH: By Mr. Cockrum.

8 MR. BANDERMANN: Yes.

9 CHAIRMAN SCHULTEHENRICH: Okay. So just
10 to be clear on that.

11 MR. BANDERMANN: Okay. So that is my
12 testimony in regard to how long these vehicles sit. Months,
13 weeks, no question about it.

14 I did not really become conscious of exactly what
15 was going on until I received a letter from this Commission,
16 which I received on July 1st. You know, that's when somebody
17 sticks something in your face and now you pay attention. So at
18 an instance on July 6th where my aunt had stopped by my house,
19 and she was dropping off some things from the Fourth of July, you
20 know. Food had been exchanged in containers and whatever. So
21 she's dropping this stuff off at my house, and so we're at the
22 back of her car with the trunk open, and so we're maybe, I don't
23 know, 30 feet off of Highway 100. And we're getting the stuff
24 out of the car, and I don't know if it was one of their employees
25 or one of their customers, pulled out of their facility and

1 started to head west on Old 100.

2 And now, you guys to keep in mind, these are all
3 diesel trucks, and you've seen what comes out of the tailpipe
4 with diesel trucks, thick, black, sooty smoke. So as they talk
5 off west on 100, this guy guns it, hammers it. Okay. Well,
6 immediately we're startled by the tremendous noise. Okay. We
7 couldn't even hear each other. She was speaking to me and I
8 couldn't even hear her anymore because of the noise.

9 We turn toward the road and watch as this black,
10 sooty smoke is fired out of the tailgate, and it's streaming
11 across the ground toward us. And as it's coming towards us, it's
12 lifting up and, gentlemen, we were literally enshrouded with a
13 cloud of black smoke. On my private property. We're not
14 standing in the street. We're not on their property. We're on
15 my property. Myself and my 65-year-old aunt enshrouded in black
16 diesel exhaust. I was not happy. You could imagine. I don't
17 think any of you gentlemen would be very pleased about that
18 either.

19 A few weeks later on July 9th, a dear friend of mine
20 stopped by and again, we're out in the driveway. Now, of course,
21 in a situation like this, overall you're worried about your
22 property value. Now, I've been in my home for 15 years, and I
23 plan is to sell my house and move within the next couple of
24 years, and this friend of mine, she has her heart set on buying
25 on my house. Okay. She's recently divorced. She's renting

1 right now, and she said, oh, the timing is perfect. You're going
2 to sell your house and move, and I can buy your house and this is
3 what she wants.

4 So her, like everyone else who has stopped by my
5 house in the last few months, the first question out of their
6 mouth is what is going on over there? What is all those trucks?
7 What is all this commotion?

8 So on July 9th when she stopped by, we're standing
9 out in the driveway, she said to me, "Vince, if this is going on
10 across the street, I don't know that I want to buy your house
11 anymore."

12 So right there, that hit home. I realized that in a
13 couple of years when I try to buy -- sell my home, this is going
14 to be a factor, whether it's to her or anyone else, anyone who
15 looks across the street and sees this. I mean, come on.

16 The young man, when he testified initially, and I
17 believe in his petition, he stated that his hours were -- and I'm
18 just going off memory of what was said -- was 7:00 to 5:00, 8:00
19 to 5:00, Monday through Friday with an occasional Saturday. I
20 can testify to this committee that I have seen the doors open on
21 that building and people working in there and people walking
22 around outside as late as 7:30 and 8 o'clock at nights on
23 weekends. To make it worse, this goes on -- during the week.
24 I'm sorry. To make this situation worse, there are customers
25 dropping their vehicles off on the weekends. I have a photograph

1 here that is dated July 11th, and now, I need to clarify that.
2 From my house, I can look out my living room window, my office
3 window, and my master bedroom window and look right onto this
4 property. It is directly across the street from my house.

5 On July 11th, I looked out my office window, and saw
6 this. The noise had caught my attention, and what was showing in
7 the picture here is a couple of gentlemen. They're driving a
8 diesel-powered truck, pulling a flatbed trailer with another
9 extended king cab diesel truck up on the trailer. This was a
10 Laurel and Hardy show, gentlemen. I mean, this was entertaining
11 for like 20 minutes, even though it's no good.

12 These guys were out there yelling at each other that
13 they couldn't get -- you know, you can see. Here's a guy trying
14 to push the truck off of the trailer, but for some reason, the
15 truck's running and the driver's revving the engine. But it's
16 not going anywhere, and he's up there pushing. They're yelling
17 at each other. It was a circus on a Saturday afternoon.

18 CHAIRMAN SCHULTEHENRICH: If you wish

19 --

20 MR. BANDERMANN: Yes.

21 CHAIRMAN SCHULTEHENRICH: If you wish for

22 us to -- if you wish to present that for us --

23 MR. BANDERMANN: Yes.

24 CHAIRMAN SCHULTEHENRICH: -- you will have

25 to present it as evidence for us to have here on file here.

1 Okay.

2 MS. EAGAN: You need to give it to me. If
3 that's okay, we'll keep it.

4 MR. BANDERMANN: Sure, keep it. But that
5 was on Saturday, July 11th. The following day, on Sunday, July
6 12th, I was at my parents' house. I was returning home 3 o'clock
7 in the afternoon. I'm headed west on Highway 100, and I see
8 this. This is another one of his customers. This is 3 o'clock
9 on a Sunday afternoon, one of his customers with a king cab
10 diesel truck pulling a flatbed trailer. This time he's parked on
11 the street. This guy's parked on the street. He's on the county
12 road unloading a truck to put onto his property. Traffic is
13 having to go around him. I had to stop. There was a car headed
14 east, and they had -- to get around him, had to come into my
15 lane. So I had to stop to let them get around. He was out there
16 for 30 minutes.

17 Now, it's important to realize that in both of these
18 situations I've described to you on the 11th and the 12th, that
19 the business owner nor the property owner were anywhere around.
20 These are their customers coming from who knows where doing these
21 things in our neighborhood, and they're not around, nowhere
22 around. This guy's on public property blocking traffic unloading
23 a vehicle, and you can have this into evidence as well.

24 The following Saturday I had the pleasure of
25 building scaffold at a power plant over in Illinois for 14 hours.

1 So I didn't get to see what happened around the neighborhood that
2 day. But the next day, on Sunday, the 19th, which was just a few
3 days ago, I got to witness this. Again, this is on a Sunday
4 afternoon. This is a wrecker company dropping a vehicle off on
5 the property, and as you can see, it's the tilt bed type. So
6 what caught my attention as, you guys realize that the tilt bed
7 is hydraulically driven, so the engine on the truck has to raise
8 the rpms to drive the hydraulic pump. You guys realize this. So
9 that's what I heard. I heard a diesel engine rev up to who knows
10 how many rpms. What is this now? I look out, wrecker service,
11 and again, this guy was out there for 20 or 30 minutes making a
12 ton of noise. You know, you can imagine the bed banging and
13 coming up and down, and you know, and then he sat out there, I
14 don't know, filling out paperwork or whatever with the engine
15 running for an extended period of time making a ton of noise.

16 And I want to point out in this photograph that you
17 can see the front end of a Jeep Liberty right here. And you
18 know, for a while Jeep was putting those little straight
19 3-cylinder diesel engines in them, and I don't know why they
20 stopped. That was an excellent idea, but anyway...

21 So the Jeep's sitting there. This is one of the
22 vehicles that's been there so long that the grass has gone to
23 seed around it, and this is you can see the asphalt here. That's
24 Highway 100. There's the Jeep. That's what, 30 feet off the
25 public road? And it's got grass going to seed around it, that

1 tall.

2 You gentlemen can have this into evidence as well.

3 MS. EAGAN: Thank you.

4 MR. BANDERMANN: The final photograph that
5 I have for you was taken today at 4:00 p.m. when I got home from
6 work. In this photograph -- and it's kind of hard to see over
7 here on the right because of the way the light was, it kind of
8 gets cloudy, but in this photograph you can count 25 vehicles, in
9 this photograph today at 4:00 p.m., 25 vehicles, plus a Bobcat.

10 Okay. So they work on Bobcats over there. He
11 didn't mention that, but there is Bobcats and other heavy
12 equipment and farm equipment over there. You guys know what
13 those things do when they go in reverse, and they do it loud,
14 really loud, beep, beep, beep, beep, beep, really loud.

15 Okay. So I also want to use this picture to put
16 things in perspective when we talk about the fence. Now, I'm
17 concerned about this whole fence and that. Are they talking
18 about building a fence around the new building they're going to
19 build, or are they going to build it around the existing
20 building? Because I can't imagine that if they build a new
21 building in back, what? They're going to abandon this big boy
22 with the three big bays? I doubt it. They're probably still
23 going to utilize this. Common sense says they're going to
24 utilize this building still. I can't imagine they'd abandon it.

25 So if they build a fence around the property, they

1 have to have a gate to get in and out because this is the main
2 drive going up to that building. So they build a fence and
3 they've got a gate that during normal business hours, the gate
4 obviously needs to be open. That means there's a 40-foot hole in
5 the fence, right? You got -- there's the driveway. So why even
6 put the fence up, because during normal business hours you've got
7 a 40-foot hole in the front of the build- -- in the front of the
8 fence, everybody can see everything anyway. It's kind of
9 pointless.

10 So you know, I really don't have a lot of faith in
11 the fence when there's got to be a huge gate in front that will
12 be open most of the time. And you know, of course, this is a
13 huge eyesore. There is not doubt about that, but this -- I would
14 say as equally disturbing as the eyesore is the noise pollution.
15 It's the -- it's the heavy equipment backing up. It's the --
16 it's the scream of a diesel engine. I'm sure it's these guys
17 whenever they're -- whenever they put something back together and
18 they're going to run it up the road, that's a huge problem, okay,
19 them and the customers when they leave.

20 You know, they pull out of that driveway, they get
21 on 100, and they hammer it. These are diesel engines. They are
22 loud. They are puffing out black smoke. It's constant. It's
23 all the time. It's unreasonable. It's unreasonable. And I
24 don't care if you build a 40-foot Nazi style fence. It doesn't
25 matter. The noise is still going to be there. The traffic

1 coming in and out of there on Highway 100 is still going to be
2 there, and every time these diesel engines pull out onto the
3 public road to take off, you guys are smart enough, you've been
4 around the block, you know what you're going to get, the noise,
5 the smoke.

6 CHAIRMAN SCHULTEHENRICH: Mr. Bander mann?

7 MR. BANDERMANN: Yes, sir.

8 CHAIRMAN SCHULTEHENRICH: Every one of
9 those that you just said I have marked down already.

10 MR. BANDERMANN: Okay.

11 CHAIRMAN SCHULTEHENRICH: So I think
12 you're repeating yourself now on your testimony. Do you have
13 anything new?

14 MR. BANDERMANN: I'm sorry. What did I
15 repeat?

16 CHAIRMAN SCHULTEHENRICH: The noise, the
17 traffic concerns, --

18 MR. BANDERMANN: Okay.

19 CHAIRMAN SCHULTEHENRICH: -- the lowering
20 of property value. I have all that written down from what you
21 previously had said. So let's try not to repeat what your point
22 is trying to get across to us.

23 If you have anything new to present, we certainly
24 would listen to those.

25 MR. BANDERMANN: Well, let -- let me look

1 at my notes here.

2 CHAIRMAN SCHULTEHENRICH: Okay.

3 MR. BANDERMANN: Nope, I would say that's
4 it. I've covered everything. I'm sorry if I repeated myself. I
5 didn't realize that I did.

6 CHAIRMAN SCHULTEHENRICH: That's fine, Mr.
7 Bandermann. Do we have any questions among the Commissioners
8 here, though? Okay.

9 Hold on just a second to see if we have any
10 questions for you.

11 Any questions or anything? [None]

12 Thank you very much for your testimony.

13 MR. BANDERMANN: Thank you, gentlemen.

14 CHAIRMAN SCHULTEHENRICH: Anyone else that
15 would like to speak in opposition to the applicant?

16 [Thereupon, the witness was sworn.]

17 MS. REPORTER: State your name for me,
18 please.

19 MS. DIANNA COCKRUM: My name is Dianna
20 Cockrum. I'm Paul's wife.

21 I'm the one who lives in the neighborhood.

22 CHAIRMAN SCHULTEHENRICH: Ms. Cockrum,
23 would you sign that form in front of you.

24 MS. COCKRUM: Sure.

25 CHAIRMAN SCHULTEHENRICH: I appreciate it.

1 Thank you.

2 MS. COCKRUM: I'm the one that is there
3 all day long. The thing I would like to say is you call these
4 places houses. That's not the case. It's a home. This is my
5 home next door. Not a house, a home. I've lived there for 35
6 years. I have no problem with Jacob at all, and if Jacob doesn't
7 have a problem with this business, how come he doesn't live next
8 door? How come he lives someplace else? So does this gentleman
9 who is putting this place. He doesn't live here. He lives
10 someplace else.

11 This is my home. It only took them eight months to
12 destroy what we have built in 35 years. I can't -- I'm afraid to
13 even let my cat out because I'm afraid they'll kill it with these
14 vehicles going up and down the street. I'm just asking that you
15 save my home, not a house, my home.

16 That's all I have to say.

17 CHAIRMAN SCHULTEHENRICH: Any questions
18 from the Commissioners? [None]

19 Hearing none, thank you, Mrs. Cockrum.

20 Anyone else wishing to speak in opposition?

21 [Thereupon, the witness was sworn.]

22 MS. REPORTER: State your name, please.

23 MS. SUZANNA BULLOCK: My name is Suzanna
24 Bullock. Hi, again. I live catty-corner across the stoplight
25 from this enterprise. I live at 355 [sic] St. Louis Rock Road.

1 My field is at the intersection of Highway M and
2 100, and I take the old road a lot. I've lived where I've lived
3 for 25 years, and my family has owned the land since 1833. That
4 just means I'm another person who lives in a community of houses.

5 And any kind of development is going to impact
6 everyone who lives there on both sides of the road, on both
7 corners of the road, and in Franklin County. If this goes on, my
8 property values are going to go down. Now, am I expecting to
9 sell my land? Not in the near future. Somebody else will
10 probably eventually, but I think as much as Franklin County
11 politicians and representatives say that business is so
12 important, they have to think whether they want this across the
13 street from them, next door, down the road, and think that there
14 are some things that are more important than jobs.

15 Now, my day job is to help students get their GED.
16 I want people to move along, but I also think you have to pick
17 your spot, and it has to fit.

18 Please vote no on this. Thank you.

19 CHAIRMAN SCHULTEHENRICH: Any questions
20 from the Commissioners? [None]

21 Thank you.

22 Anyone else that's here wish to speak in opposition?

23 [None]

24 Hearing none, would the Applicant wish to approach
25 and answer any and potentially address any of the comments that

1 were raise? One at a time, please, there so...

2 MS. REPORTER: Your name again, please.

3 MR. JACOB HILL: My name is Jacob Hill.

4 I just want to mention, well, I know it was brought
5 up that we started this business eight -- or Chris started this
6 business eight months ago, which his correct, and we -- he was in
7 a -- I mean, he had problems with his old job, and it was a bad
8 thing. So I was helping him out in using my shop. And we
9 started applying for this permit, I don't -- it's probably been,
10 I don't know -- well, we came in here twice. And the first time
11 something -- I was either mistold or I misunderstood, and I
12 thought we was supposed to get our building permits first.

13 So this is -- that's the reason it's taken so long.
14 I just wanted to clear that up as far as why we're taking so long
15 to get this -- get us here. And then we applied at, I don't
16 know, the right -- right after the last meeting. So then it was
17 obviously a whole another month before we could get -- get in
18 here.

19 And then as far as the noise goes, I mean, yes,
20 there is noise coming out of the parking lot. But I don't know
21 how many of you are familiar with Old Highway 100, but you got
22 Straatmann Feed and you've got Heisel and you've got Labadie
23 Power Plant, and there's tractor-trailers that run through there
24 all day long. And I mean, yes, we're making noise. We're not
25 denying that at all, but -- I mean, everyone that -- I lived

1 there for seven years, and there was noise going through there
2 all day.

3 And I didn't move because of this business. I moved
4 because I got a great deal on a different house from a couple
5 that was losing their house, and I wanted to move into a bigger
6 house.

7 So the -- I mean, I'm not -- I wouldn't be against
8 living there because of this, and I agree. And they are all
9 completely correct. It looks terrible right now because of what
10 the position we're in. We just didn't want to go in and build a
11 fence, and then be denied of a permit and we were out \$40,000 for
12 a fence for no reason and everything else.

13 And then as far as the old building goes, yes, we
14 are going to use it, but it is not going to be -- it's going to
15 be like our welding shop or -- so it's going to be something
16 where we're carrying something in there. The door's going to be
17 shut. It's going to be not used like it is right now.

18 And everything -- I have talk to Kent, and Kent is
19 not against this at all. He's actually going to be giving us a
20 price to build us our new shop. Which Kent is the one who lives
21 directly behind us. And as far as the vehicles parking off the
22 -- parking on the road, yes, they're parking off [sic] the road
23 right now, and I don't [sic] agree. That's not safe. But the --
24 the plan is if we can get Sanctuary Lane, we will pull onto
25 Sanctuary Lane, and our fence will be -- there would be no gate

1 in the front. The gate would be over off of Sanctuary Lane. So
2 everyone will have to pull off of Old 100 onto Sanctuary Lane and
3 then pull in after so that there is not traffic -- so that we're
4 not stopping traffic on Old Highway 100, if that's making sense.

5 And I just want to clarify all that because -- I
6 mean, I'm not here to make the neighbors mad at all, and I can
7 understand why they'd be mad because of the -- it looks terrible
8 right now, and we're not denying that at all. But that's what
9 we're trying to fix. So...

10 That's all I got.

11 CHAIRMAN SCHULTEHENRICH: I'm just
12 curious. If you come in front of us with it still looking in the
13 way we've seen photographs, why didn't you take care of that
14 before now --

15 MR. HILL: We...

16 CHAIRMAN SCHULTEHENRICH: -- so there
17 wouldn't be a presentation in front of us with these photographs
18 that look to be, as you expressed -- you have expressed agreement
19 with not to be of a good -- good sightly --

20 MR. HILL: Yes.

21 I'm -- okay. One reason is we all know we've had
22 tons of rain this year. We have tried -- there's -- you can see
23 the gravel parking lot on this parking lot. There is not much
24 parking lot at all. So yes, there has been vehicles parked in
25 the grass. We have been trying to park them all in the back of

1 the shop because it's out of sight from everybody. I mean, Kent
2 can see it coming down his driveway, and I mean, I guess a couple
3 of the houses might be able to see something there. I'm not
4 sure.

5 But obviously it's been so muddy this year. We go
6 back there and we get stuck, and then we're fighting that, and
7 then we're making more noise and more mess. But that is why we
8 need to get this rock behind the shop, and yes, we've -- I mean
9 we have tried to -- and that -- I don't -- I mean, I -- I go
10 there every day. I -- I do -- the Bobcat that's sitting there is
11 my Bobcat. We let Chris use it for unloading stuff off of
12 trucks, like transmissions or engines or whatever. And it's not
13 something that's being -- it just sits there most of the day. I
14 don't know if -- there's no backup alarm on it. So I don't know
15 where the backup alarm is coming from, but -- and I mean, I don't
16 -- I'm not saying I -- there is times I take a piece of equipment
17 there and change oil in it. But it's not -- it's something I
18 unload, change the oil in it, and put it back on the trailer and
19 go back to work.

20 There are some of our trucks. That is something
21 else that -- but it's not something that's overnight. And then I
22 mean, as far as answering your question, I don't have a -- I
23 don't have a good answer for that besides we just didn't want to
24 put a ton of money into it and then it be nothing.

25 CHAIRMAN SCHULTEHENRICH: Any questions

1 from the Commissioners? Bill?

2 COMMISSIONER McLAREN: I'm getting more
3 confused as we go along now. When you say the front building is
4 going to be a welding shop, is it for you or for the facility?

5 MR. HILL: I mean, I will use it, but for
6 Chris. I mean, yeah, he -- you know, he's got parts he has to
7 weld sometimes. I mean, that -- I'm -- I mean, I do what you do.
8 I'm going to -- I'm an excavator, so -- and we don't have a
9 mechanic. I work on our equipment most of the time on the job,
10 but if it's raining and I got a Bobcat I got to change oil in, I
11 will be bringing it here. But it is not going to be like our
12 yard for storing equipment, and yeah.

13 And then I do not -- I mean, yes, there's vehicles
14 there without -- which Chris can -- I'll let you talk to you
15 about all the vehicles. Do you guys have any other questions?

16 CHAIRMAN SCHULTEHENRICH: Answer one
17 question that was raised in regards to the fence.

18 MR. HILL: Uh-huh.

19 CHAIRMAN SCHULTEHENRICH: When you talk
20 about the fence only being around the area of the new
21 construction of the --

22 MR. HILL: All we --

23 CHAIRMAN SCHULTEHENRICH: What was your
24 plans on the fence that you'd like there?

25 MR. HILL: So on the picture, we have not

1 -- it will either -- either we are going to go like 15 feet to
2 the Old Highway 100 side of the doors of the old shop, or just go
3 to the front side of that old shop so that that old shop will
4 actually still be able to see it from the road. Honestly it
5 doesn't make a difference to us if they'd rather not see that
6 shop at all. We'll put the fence can go in front of it
7 because...

8 CHAIRMAN SCHULTEHENRICH: That would only
9 be -- that would only be able to be done if you're not going to
10 utilize that entranceway --

11 MR. HILL: Right, no.

12 CHAIRMAN SCHULTEHENRICH: -- to Old
13 Highway 100.

14 MR. HILL: Right, exactly. Exactly, yes.
15 Which that's --

16 CHAIRMAN SCHULTEHENRICH: I think in your
17 testimony, you're not sure if that other --

18 MR. HILL: Well, Kent -- Kent.

19 CHAIRMAN SCHULTEHENRICH: -- Sanctuary
20 Lane --

21 MR. HILL: Sanctuary Lane.

22 CHAIRMAN SCHULTEHENRICH: -- can in fact
23 be utilized yet, right?

24 MR. HILL: Yes. I mean, I am taking it --
25 I've talked to Kent, and he says he owns the road and the

1 property behind him has an easement to it, which as far as that
2 goes, he said that I can buy that road from him and give him an
3 easement on that road. But I have not talked to the County about
4 that. So...

5 CHAIRMAN SCHULTEHENRICH: I thought that
6 -- maybe I'm wrong. I thought through your earlier testimony you
7 said you weren't sure who owned that Sanctuary Lane.

8 MR. HILL: No, I didn't mean -- I meant
9 Kent has told me he owns it, but I have not looked into it
10 further than taking Kent's word that, you know --

11 CHAIRMAN SCHULTEHENRICH: So you're just
12 taking his word that he owns it?

13 MR. HILL: That he owns it.

14 CHAIRMAN SCHULTEHENRICH: Okay.

15 MR. HILL: Yes.

16 CHAIRMAN SCHULTEHENRICH: Thank you.

17 MR. HILL: And I have not asked the County
18 because I'm sure the County has a record of who owns it, which he
19 has to own it because I don't own it and the County doesn't own
20 it. So it has to be his is my assumption.

21 CHAIRMAN SCHULTEHENRICH: Okay. Ray?

22 COMMISSIONER CUNIO: Jacob, is it your
23 intent -- from what I hear you saying, is it your intent to close
24 that entrance off of Old Highway 100?

25 MR. HILL: Yes. The entrance, yes, but it

1 will -- so I'm not sure what the County regulations is to having
2 highway frontage like the entrance would. So Sanctuary Lane
3 right now is only nine feet wide. So I'm -- I'm sure that a
4 County regulation is wider than nine feet wide. So basically it
5 will be from Sanctuary Lane where it is now wider. So it will be
6 from Sanctuary Lane to the entrance that is there now, and then
7 getting rid of the entrance that's there now. Does that make
8 sense?

9 COMMISSIONER CUNIO: Will you be -- will
10 the vehicle enter from Highway 100 or Sanctuary Lane?

11 MR. HILL: It will enter off of Old 100
12 onto Sanctuary Lane and then in to our parking lot.

13 COMMISSIONER CUNIO: Okay. Your renter
14 there in your house --

15 MR. HILL: Uh-huh.

16 COMMISSIONER CUNIO: -- where will -- how
17 will they get access to that?

18 MR. HILL: The house is -- the driveway
19 for the house is off of --

20 COMMISSIONER CUNIO: Oh, yeah, I see.

21 MR. HILL: -- that old spur. Yeah.

22 COMMISSIONER CUNIO: Okay. Okay. Yeah, I
23 see it.

24 MR. HILL: So yeah, the house has nothing
25 -- the only thing coming off the house is a sidewalk that I put

1 in when I lived there.

2 COMMISSIONER CUNIO: How many total did --
3 there's a total of 2.88 acres in all that is delineated, is that
4 everything that you own there?

5 MR. HILL: Correct, yes.

6 COMMISSIONER CUNIO: And the conditional
7 use permit is for that 2.88, but you're not going to put a fence
8 around all of that?

9 MR. HILL: No, I'm not going to fence
10 around the house.

11 COMMISSIONER CUNIO: A question, Scottie.
12 Later on if they wanted to expand even further, they could expand
13 on the entire 2.88 acres; all they would have to do is comply
14 with whatever regulations we put on there, requirements, plus
15 they'd have to put up a fence all the way around it. Is that
16 right?

17 MS. EAGAN: Right. The way I had it
18 written is anything has to be behind a site-proof fence. It
19 doesn't say that the entire property. It's just wherever he's
20 storing, everything needs to be behind that site-proof fence, and
21 that's typically how we do it for businesses.

22 COMMISSIONER CUNIO: Seems to me like
23 you're going to have to -- if you put a new building back behind
24 that existing one, maybe I'm underestimating 2.88 acres, but it
25 seems to me like it's going to take quite a bit of room back

1 there, particularly if you've got 254 vehicles, and you're going
2 to put that fence in front of the existing...

3 MR. HILL: It -- I think the way this
4 picture shows there, it -- there is a lot of room. Yeah, it's --
5 I mean, yeah, 2.88 acres is not very big, but I mean, basically
6 that shop that's there now, the shop we will build is -- I mean,
7 it's not even going to be double that size. It might be one and
8 a half of those. So if you picture that little spot of that
9 shop, and then put another one behind it, and then go basically
10 down the center of the property is where we're going to put our
11 fence. So you'll have that all the way back to the back will be
12 out fence.

13 So there -- there's quite a bit of room back there.
14 You see what I'm saying on the fence? I can show you if you'd
15 like.

16 COMMISSIONER CUNIO: You'd have to be
17 aware that you're going to have to fence whatever you --

18 MR. HILL: Correct.

19 COMMISSIONER CUNIO: -- you know, behind
20 it.

21 MR. HILL: Yeah, I mean, that's -- that's
22 our plan. Yeah.

23 CHAIRMAN SCHULTEHENRICH: Your fence would
24 go along Sanctuary Lane as well?

25 MR. HILL: Correct, correct.

1 CHAIRMAN SCHULTEHENRICH: You then use
2 Sanctuary Lane just to consider that as a fence, are you?

3 MR. HILL: No. No, Sanctuary Lane, we
4 will have a fence. I mean, depending on if our entrance -- let's
5 say the County says our entrance has got to be 40-foot wide. I'm
6 just taking a guess from doing stuff in other counties.

7 CHAIRMAN SCHULTEHENRICH: That's fine.

8 MR. HILL: And then we'll have the road
9 20-foot wide because one thing Kent would like to have is be able
10 -- right now that is a one-way road. There's only eight-foot
11 wide. So if we pave that 20 foot wide all the way back to the
12 end of my property, that would mean our gate would be on the
13 outside of that road, which our fence -- like we were talking
14 about earlier with putting a spot to park trucks while we're not
15 there. We will have to have our fence back in a certain spot
16 where a truck can back in there and drop whatever they're
17 dropping off and then leave.

18 CHAIRMAN SCHULTEHENRICH: Any other
19 questions? Ray?

20 COMMISSIONER CUNIO: I got another
21 question for the other gentleman.

22 MR. HILL: Good. Thank you.

23 MR. KLENKE: I'm back.

24 CHAIRMAN SCHULTEHENRICH: You're still
25 sworn in.

1 MR. KLENKE: Okay.

2 CHAIRMAN SCHULTEHENRICH: Ray, you have a
3 question on it?

4 COMMISSIONER CUNIO: Yeah. I don't think
5 we addressed in your first presentation as how you're going to
6 handle -- you're going to have a lot of vehicles here. You're
7 changing oil, you're doing -- you're tearing down. I mean,
8 you're going to develop a lot of excess oil, probably scrap.
9 Anytime you're working on equipment, you're putting new parts on,
10 et cetera. How are you going to handle all that?

11 MR. KLENKE: Right now we have waste oil
12 heaters. I plan on getting another one for the waste oil.
13 Scrap-wise, one of his employees takes scrap. I'm just going to
14 give it to him every couple of weeks. I don't have time to
15 really mess with it. Other than that, I mean, our -- I have
16 services that come and pick up the coolant and the brake fluid
17 and that and stuff like that. They come and clean our containers
18 out and take it, and that's how that stuff is handled from them.
19 I don't really mess with getting rid of any of that myself, other
20 than the waste oil, and we just burn it in the winter.

21 But I have something to say about the vehicles.
22 When I was up here initially, I had said that there's two
23 vehicles that I'm waiting on parts from Mercedes. That -- that
24 Jeep Liberty which we just spoke of and the Mercedes Sprinter Van
25 are both of them. From the dealer, the one part is almost

1 \$4,000. I haven't ordered from Bosch directly because that's
2 where I buy pump shop parts. I buy injectors and things like
3 that. It's \$1,200. It has to come whenever there's a stocking
4 order, and that's how I get it there. The guy doesn't have the
5 money to spend another \$2,200 on a sensor for a van that's worth
6 \$5,000.

7 There's two trucks. The one that has grass growing
8 in the back of it in the back, that's a customer of mine. The
9 same thing with the white one, and I'm going to put them together
10 and make one truck. That truck that has grass in the bed of it,
11 the red one, it had grass in the bed of it when it was dropped
12 off. It didn't just happen. If somebody would have taken a
13 picture of it when it was first dropped off, it still had that
14 grass growing in the back of it. So it's not like the thing has
15 been sitting back there for ten months.

16 There has -- the longest that any vehicle has been
17 there has been that Sprinter Van. No question asked. The white
18 one that's in front of it, I don't know -- I can't tell you
19 exactly how long it's been there, but I called two days ago on
20 it, and I'm still waiting on the part. It's a -- nobody makes
21 parts for them, and you know, this customer is stuck in [sic] a
22 rock and a hard place, and it's -- it's \$4,000 for the sensor. I
23 wouldn't buy it either. But that's -- that's exactly where those
24 are.

25 The other trucks they were talking about with the

1 driveshafts and everything else hanging out from underneath them,
2 the truck they're talking about in the picture, I just pulled it
3 out two days ago. The guy just sent the transmission off today.
4 It'll be back next week. They all have -- they'll have
5 driveshafts hanging out from underneath of them and things like
6 when I pull transmissions. I rebuild them. It takes me a week
7 or two to rebuild the sometimes, but you know. There are times
8 -- diesel trucks are expensive.

9 I've got a guy just dropped a truck off, and he's
10 got to spend \$17,000 on a \$14,000 truck or he goes out and buys a
11 new one, but he needs the diesel truck. He's got to come up with
12 the money. It takes time sometimes when people drop it off and
13 they don't realize how much they are to fix. And so there are
14 times when they do sit there longer. I'm not like -- I'm not
15 saying that, but our average turnaround time is a week to two
16 weeks on vehicles.

17 The ones that were in question, I just told you
18 exactly what's going on with those and they're -- I'm working
19 them in at my own time, whenever I get time to, but we're very
20 busy. So...

21 CHAIRMAN SCHULTEHENRICH: But you're
22 asking us to approve a conditional use permit. It's not a zoning
23 change. It's a -- and you're in a residential area. Okay. You
24 have residences around that are here tonight expressing a concern
25 in regards to what they've seen as to how you've operated your

1 business for eight months. That's what they're expressing to
2 you, and I'm just curious. Would you have an answer to them as
3 to how you would fit in with the conditional use permit so that
4 their concerns would be significantly minimized from what they're
5 expressing tonight?

6 MR. KLENKE: I don't know how I can
7 minimize some of the concerns. I mean, I -- everybody sees stuff
8 differently. I -- I full plan on trying to make it as good
9 cosmetically as it can so it doesn't look like that, stuff is out
10 of people's way. Like Jacob stated, I had -- I didn't want to
11 put a bunch of money into something because I just started. I
12 didn't know I was starting a business. It kind of got thrown in
13 my face and I had to do something, so that's what I did. I don't
14 have -- I didn't have a bunch of money to throw at it. So I
15 haven't gone and built fences.

16 I know there's a lot of things that need to be
17 nicer, but I mean, until I have permission to do it, why, I'm not
18 going to spend money on something that I may get told I have to
19 go somewhere else anyway. And that's -- that's my biggest
20 reason. I mean, I don't want to make people upset. I mean, I --
21 I mean, I get diesel trucks are loud and all that stuff, and some
22 people just don't want it around, and I -- I mean, I fully
23 understand that. And I'm aware, but there's also -- I believe
24 there's some people you're not going to make happy no matter
25 what. It's just not what they want, and not everybody sees eye

1 to eye.

2 And all I can do, you know, that's really all I have
3 to say. I don't know what else to say to them, except for I will
4 try my best to make them happy, but I don't think that'll happen
5 anyway. It's just one of those deals.

6 CHAIRMAN SCHULTEHENRICH: Are there any
7 other questions? If so -- Russell, you have a question?

8 COMMISSIONER McCREARY: Yeah.

9 You mentioned, you said people see things a
10 different way. Basically what you've told us is your customers'
11 problems with expenses has turned into eyesores for your
12 neighbors. It's not just --

13 MR. KLENKE: Yes, sir.

14 COMMISSIONER McCREARY: I mean, if you're
15 looking at the same thing two different viewpoints. My question,
16 Scottie, is when an LLC is formed and opened for business, this
17 is allowed in this zoning district. I understand that, but not
18 without a conditional use permit. How do -- is this another case
19 of hey, I'm going to start this project, and then they ask for
20 permission later? I mean, how does this -- how does this go on
21 for eight months, and how is it okay to get a license to open a
22 business and then later on find out, through no fault of their
23 own, whether they're in compliance or not? I mean, how did this
24 -- how did this get to this point?

25 MS. EAGAN: As far as I know, the State

1 will issue LLCs to anybody. They don't check with local
2 governments on whether or not they can do it here.

3 From what I understood with Mr. Hill is they applied
4 for the building permit first, and then probably that's when it
5 got stopped with Tori saying you guys need to do a conditional
6 use permit.

7 COMMISSIONER McCREARY: Okay.

8 MS. EAGAN: It sounds like it's probably
9 just a case of they didn't know they needed a permit until they
10 got the building permit.

11 COMMISSIONER McCREARY: So as of now, this
12 is in violation?

13 MS. EAGAN: It's not --

14 COMMISSIONER McCREARY: According to
15 the --

16 MS. EAGAN: It sounds like it's officially
17 a violation since nobody has officially complained.

18 COMMISSIONER McCREARY: Right.

19 MS. EAGAN: But it got stopped by the
20 zoning enforcement officer during the building permit phase.

21 COMMISSIONER McCREARY: Okay. So if
22 somebody was to make a official complaint in writing, Tori could
23 go out, make a list of violations for compliances, and we could
24 find out and discuss this later?

25 MS. EAGAN: I mean, the remedy is going to

1 be apply for a conditional use permit.

2 COMMISSIONER McCREARY: All right.

3 COUNTY ATTORNEY VINCENT: The violation
4 would go through municipal court, not come here.

5 COMMISSIONER McCREARY: Beg your pardon?

6 COUNTY ATTORNEY VINCENT: If there are
7 violations, they'd go through out county municipal court. They
8 wouldn't come here.

9 COMMISSIONER McCREARY: Okay.

10 MS. EAGAN: I mean, as long as the cars
11 are licensed, they won't be in violation with how many they have
12 there. We don't look at weeds. We don't look at grass. We
13 don't look at noise. The business would be in violation. The
14 remedy would be to go before you guys for a CUP, which he's
15 already doing.

16 COMMISSIONER McCREARY: Right.

17 COMMISSIONER HAIRE: You said you were
18 thrown -- kind of thrown into this business. Do you have a
19 written business plan that you sat down with and developed?

20 MR. KLENKE: I have articles of
21 organization. I don't have --

22 COMMISSIONER HAIRE: No, a written
23 business plan.

24 MR. KLENKE: No, sir.

25 COMMISSIONER HAIRE: Okay.

1 CHAIRMAN SCHULTEHENRICH: Any other
2 questions? [None]

3 Hearing none, thank you very much.

4 MR. KLENKE: Thank you.

5 CHAIRMAN SCHULTEHENRICH: With there being
6 opposition to the requested conditional use permit, it is
7 customary for the file to be forwarded over to the Review
8 Committee. So hearing no opposition? Then that's what we'll do,
9 is we'll forward it on to the Review Committee for their review
10 and report back at the next meeting.

11 COMMISSIONER McCREARY: Uh-huh.

12 CHAIRMAN SCHULTEHENRICH: Now, that will
13 conclude File 150145.

14 Seeing no other New Business, we'll move on to
15 Preliminary Plats.

16 MS. EAGAN: File 150072, Raydon, L. L. C.

17 The Applicant wishes to create a one-lot
18 unsubdivided development in the Community Development Zoning
19 District.

20 The property is located at 4027 Highway 50,
21 approximately 500 feet west of the intersection of Highway 50 and
22 Highway 185 in Lyon Township.

23 The Facts: The property is approximately .8 acres
24 in size.

25 This property is located in a Community Development

1 Zoning District. The minimum lot size is 23,000 square feet in
2 this zoning district, with a maximum density of one dwelling unit
3 per 5,000 square feet. The density of this development is one
4 dwelling unit per 6,900 square feet.

5 This development is located in Public Water Supply
6 District No. 4, and the Applicant stated they will be providing
7 water to this site.

8 The plat shows all roads and right-of-ways meeting
9 the standards set forth in the Franklin County Regulations.

10 All utilities shall be placed underground.

11 Staff Comments: Any engineer drawings to be
12 reviewed by Franklin County should be submitted before final
13 approval.

14 Nothing is noted on the preliminary plat regarding
15 stormwater facilities.

16 This development is supposed to have fire protection
17 per Article 8, Section 174(e). The Applicant does show one fire
18 hydrant placed across the street that will supply fire
19 protection. Per the Regulations, fire hydrants are supposed to
20 be every 600 feet and supplied with 8-inch water lines with a
21 minimum flow of 1,000 gallons per minute.

22 As of June 16, 2015, the Planning and Zoning
23 Department did not receive anything from the Beaufort Leslie Fire
24 indicating approval for the fire protection measures or
25 information regarding the width of the proposed water line

1 supplying the water.

2 Any improvements will need to be complete or
3 escrowed prior to recording of the final plat.

4 Planning and Zoning Department had not received
5 anything from Public Water Supply District indicating they have
6 the capacity to provide this development with central water.

7 Since the last meeting, we've had lots of talks with
8 the Water District, the Fire District, and we finally have for
9 you guys a letter from the Fire District approving the fire
10 protection measures, and you also have a new plan showing the new
11 parking layout for the property.

12 And just a comment on the parking plan. Besides
13 what's shown on the plat was the ten spots, there are two garage
14 spots in the back of the building that they also can utilize.

15 COMMISSIONER HAIRE: Scottie, I just got
16 one question.

17 MS. EAGAN: Uh-huh.

18 COMMISSIONER HAIRE: If I'm reading this
19 correctly, the -- the Fire District, it doesn't meet -- it
20 doesn't comply with the minimums, but they're approving it
21 anyway. Is that kind of how I read that?

22 MS. EAGAN: Essentially that's what it's
23 come to. Yes.

24 COMMISSIONER VOSS: Mr. Chairman, I would
25 like to except myself from File 150072.

1 CHAIRMAN SCHULTEHENRICH: Let it be noted
2 Mr. Don Voss has excused himself from participation and vote on
3 the matters pertaining to this file, 150072.

4 Thank you, Don.

5 COMMISSIONER VOSS: Yes, sir.

6 CHAIRMAN SCHULTEHENRICH: Any questions of
7 Scottie in regards to this matter?

8 If I recall, I think a lot of the questions that
9 were raised in the last -- last month's meeting, that they have
10 been addressed at least in that regards. I think, if I'm seeing
11 the plat correctly on here, Scottie, the parking will be --
12 continue to be off of the shoulder of Highway 50, if I see that
13 correctly. And has MoDOT been acceptable with that, I guess, is
14 that a good way of saying that?

15 MS. EAGAN: I mean, everything we've given
16 to MoDOT, they haven't come back with any negativity on it. But
17 we'll address it again when it goes to the building permit phase.

18 CHAIRMAN SCHULTEHENRICH: All right.
19 Thank you. Russell, looked like you may have a question there?

20 COMMISSIONER McCREARY: Yeah, on the
21 parking. I took -- I didn't bring my reading glasses. What is
22 the line, is that the right-of-way --

23 MS. EAGAN: Yes. It's the property line.

24 COMMISSIONER McCREARY: -- at the end of
25 his parking spaces?

1 MS. EAGAN: It's the property line at the
2 end of those, the parking spaces. So all of the spots are on his
3 property, not in the right-of-way.

4 COMMISSIONER McCREARY: Well, what's the
5 measurements on those? I can't read them.

6 MS. EAGAN: I believe they're 9 by 19, and
7 then the two smaller ones are 9 by 16 for compact cars.

8 COMMISSIONER McCREARY: Okay. There you
9 go, perfect. Thank you.

10 MS. EAGAN: Just so you're all aware,
11 we've talked about this. Almost every week, Mark and I have
12 talked. Doug and I have talked almost every day. I talked with
13 the Fire District. I talked with the Water District. It was a
14 very difficult file, but we finally got it all to come together,
15 so hopefully you guys can take action on it tonight.

16 COMMISSIONER McCREARY: So basically from
17 what I see on the plat here, you'll be able to back your car up
18 and not be on Highway 50; you'll be able to actually have a
19 head-on view? Because it was just last week, I think, a couple
20 of people -- a woman was backing out of a similar situation, and
21 a couple of people on a motorcycle are no longer with us. They
22 weren't exceeding speed limit. She just did not see them. And
23 that's what my biggest fear was. I didn't want to open a
24 newspaper and see that somebody that lived here backing onto
25 Highway 50 and got caught by a truck or something, icy

1 conditions, whatever. But yeah, this is -- it just seems to have
2 enough room to see past the vehicles and not be on the highway
3 already. That was my biggest concern.

4 MS. EAGAN: And we'll talk to MoDOT again
5 with the building permit comes through.

6 COUNTY ATTORNEY VINCENT: [Inaudible] But
7 we got it worked out.

8 COMMISSIONER McCREARY: Well, what about
9 the -- I was a little confused with the letter from the Fire
10 Chief also. What did he say here? "The hydrant does not meet
11 this criteria. The Fire District will approve this."

12 MS. EAGAN: Where are you in the letter?

13 COMMISSIONER McCREARY: This is on the
14 letter that you handed out.

15 MS. EAGAN: Right. I know that the fire
16 hydrant doesn't necessarily meet what our requirements are, but
17 they do have tanker trucks, and the tanker trucks plus the fire
18 hydrant --

19 COMMISSIONER McCREARY: With the trucks
20 being so close, I mean, --

21 MS. EAGAN: Right.

22 COMMISSIONER McCREARY: -- it's right
23 around the corner.

24 AUDIENCE MEMBER: Ten thousand gallons.

25 MS. EAGAN: Yeah.

1 COMMISSIONER McCREARY: Pardon?

2 AUDIENCE MEMBER: Ten thousand gallons.

3 COMMISSIONER MCCREARY: You worked it out?

4 AUDIENCE MEMBER: That first [inaudible].

5 COMMISSIONER McCREARY: Okay.

6 CHAIRMAN SCHULTEHENRICH: If you're going
7 to testify in that regards, I'd have to ask you to come up here
8 and -- okay. So okay.

9 With that, any other questions though among us to be
10 spoken here? [None]

11 Hearing none, this will be a recommendation only.
12 This will be to the County Commissioners as a zoning requested
13 change.

14 MS. EAGAN: No, it's just a recommendation
15 for approval, and then the final will be in my office.

16 CHAIRMAN SCHULTEHENRICH: Oh. Oh, is that
17 right?

18 MS. EAGAN: Yes.

19 CHAIRMAN SCHULTEHENRICH: Oh, I'm sorry.

20 MS. EAGAN: Uh-huh.

21 CHAIRMAN SCHULTEHENRICH: I thought that
22 was going to the County Commissioners. Okay. Sorry.

23 MS. EAGAN: That's all right.

24 CHAIRMAN SCHULTEHENRICH: Then --

25 COMMISSIONER McLAREN: May I ask a

1 questions?

2 CHAIRMAN SCHULTEHENRICH: Yeah, Bill, go
3 right ahead.

4 COMMISSIONER McLAREN: As I look at this,
5 this is says site parking plan to option two. What was option
6 one?

7 MS. EAGAN: Option one was having two
8 angled spots where the compact car spaces were, adding two full
9 angled spots, and plus they have the two garage spots in back as
10 option three.

11 CHAIRMAN SCHULTEHENRICH: I'm going to ask
12 the Applicant to come forward. Would you, lease, and would you
13 be sworn in.

14 [Thereupon, the witness was sworn.]

15 MS. REPORTER: State your name for me,
16 please.

17 MR. DOUG VOSS: My name is Doug Voss.

18 CHAIRMAN SCHULTEHENRICH: If you would
19 sign in please on that.

20 Bill, for the record, you can go ahead and ask your
21 question of the Applicant.

22 COMMISSIONER McLAREN: As I was looking at
23 this plan, I just saw that it said the site parking plan, this
24 was option two, was presented. So I was curious what option one
25 was.

1 MR. VOSS: Well, one was he had on the
2 very end where it's a little shallower two long-ways instead of
3 front-ways. Two cars like down 50.

4 COMMISSIONER McLAREN: All right.

5 MR. VOSS: And then you know, they're a
6 little shallow on that one end. So there is a note I brought
7 with me that there can be a sign put on there saying compact cars
8 only on the very end of the building. So to keep from going
9 long-ways, I just -- people are going to pull in.

10 COMMISSIONER McLAREN: So is it legitimate
11 that we use -- that he uses the State right-of-way for...

12 CHAIRMAN SCHULTEHENRICH: I think the
13 State has expressed no option to it from what I understand. Are
14 you asking that question of Ron?

15 COMMISSIONER McLAREN: Kind of, yeah.

16 CHAIRMAN SCHULTEHENRICH: Okay. Ron,
17 would you mind answering that if you may.

18 COMMISSIONER WILLIAMS: As long as the
19 State will allow it, there's nothing that would prevent this.

20 MR. VOSS: I'll call them Monday.

21 COMMISSIONER WILLIAMS: We have no
22 jurisdiction over Highway 50. So if they will allow it...

23 MS. EAGAN: Yeah, and all our regulations
24 say is if at all possible, to not have your vehicles back out,
25 but it doesn't necessarily prohibit it. So if MoDOT doesn't come

1 back and say absolutely not, we will approve it.

2 COMMISSIONER McCREARY: And if they -- if
3 they did say no, this isn't available, you would stop it as the
4 way it is here. And you'd have to come up with a different
5 solution, either shave off the shorter parking lots and maybe
6 move to the side or something, leave the 19-foot ones if MoDOT's
7 fine with that. It would be up to you. You would --

8 MS. EAGAN: Yes.

9 COMMISSIONER McCREARY: Between the two of
10 you, it would get fixed similar like the fire thing did?

11 MS. EAGAN: Right. And Doug and I have
12 talked about it, and there's lots of options we have in case that
13 happens.

14 COMMISSIONER McCREARY: Right.

15 CHAIRMAN SCHULTEHENRICH: This stormwater,
16 is that going to run onto Highway 50, or is that running down the
17 shoulder?

18 MS. EAGAN: That would be a Ron question.

19 CHAIRMAN SCHULTEHENRICH: Ron?

20 COMMISSIONER WILLIAMS: Honestly, he's not
21 changing a darn thing from what is there now, and I have
22 suggested what minimal stormwater is going to be generated that
23 he put rain barrels on his gutters and that will suffice.

24 CHAIRMAN SCHULTEHENRICH: Thank you.

25 Any other questions? [None]

1 Hearing none, thank you.

2 MR. VOSS: Thank you.

3 CHAIRMAN SCHULTEHENRICH: What's the
4 wishes of the Commission? I'll entertain a motion to --

5 COMMISSIONER REINHOLD: I'll make motion
6 to --

7 CHAIRMAN SCHULTEHENRICH: -- recommend I
8 guess preliminary approval to the -- is that preliminary approval
9 or is that our approval?

10 MS. EAGAN: You just would recommend
11 approval or not.

12 CHAIRMAN SCHULTEHENRICH: -- approval of
13 this Applicant --

14 MS. EAGAN: Of the preliminary plat.

15 CHAIRMAN SCHULTEHENRICH: Okay. Hearing
16 that...

17 COMMISSIONER REINHOLD: I'll make a motion
18 to approve it.

19 CHAIRMAN SCHULTEHENRICH: Okay.

20 COMMISSIONER HAIRE: Do we need to specify
21 option two on that?

22 MS. EAGAN: In all reality, with the
23 preliminary plat, it doesn't matter because it's all going to be
24 taken care of at the building permit phase.

25 CHAIRMAN SCHULTEHENRICH: Okay. We have a

1 motion to approve the preliminary plat regarding File 150072. Do
2 I hear a second to that?

3 COMMISSIONER FISCHER: Second.

4 CHAIRMAN SCHULTEHENRICH: Okay. I have a
5 motion and a second. All those in favor signify by saying aye.

6

7 COMMISSIONER REINHOLD: Aye.

8 COMMISSIONER McLAREN: Aye.

9 COMMISSIONER CUNIO: Aye.

10 COMMISSIONER BOLAND: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER FISCHER: Aye.

13 COMMISSIONER SCHULTEHENRICH: Aye.

14 COMMISSIONER McCREARY: Aye.

15 CHAIRMAN SCHULTEHENRICH: All those

16 opposed. [None]

17 The ayes will have it.

18 That concludes preliminary plats. We'll move on to
19 the next item on the agenda, which will be discussion Planning
20 and Zoning Commission By-Laws.

21 Scottie, do you want to get us started in that
22 regards, because this was discussed last meeting of the
23 Commission, and it was decided that we would bring up the by-laws
24 at this meeting to see if there was any suggested changes, if I
25 recall correctly. I'll turn it over to you.

1 MS. EAGAN: What we wanted to do, you guys
2 potentially wanted to vote tonight to change the agenda until the
3 end of the year to allow public comments before the meeting
4 rather than after the meeting. So we put it on the agenda so you
5 guys could take an official vote to amend the by-laws until the
6 end of the year and see how you wanted to go after that.

7 CHAIRMAN SCHULTEHENRICH: If I recall,
8 that was one of the changes, and the other one that was discussed
9 was whether or not an applicant has to, or representative, should
10 be present to present in front of the Commissioners, if I
11 remember correctly.

12 I think while we have the means of the file as being
13 open for discussion at least, is there Scottie had mentioned one.
14 I thought there was a second one as well. Maybe there's an
15 additional one from last meeting or so that I don't remember,
16 but, Scottie, your change -- let me go through your change first
17 on there.

18 And your change would be where at in the by-laws
19 here?

20 MS. EAGAN: It would just be in order of
21 the agenda.

22 CHAIRMAN SCHULTEHENRICH: Under
23 proceedings on page 2?

24 MR. EAGAN: And I don't -- Mark, correct
25 me if I'm -- I don't think we would change the by-laws

1 necessarily. They're just going to do it on a trial basis,
2 correct?

3 COUNTY ATTORNEY VINCENT: Got to reflect
4 that in the minutes.

5 MS. EAGAN: Right.

6 COUNTY ATTORNEY VINCENT: You're not
7 actually amending it at this time.

8 MS. EAGAN: It's like a trial run?

9 CHAIRMAN SCHULTEHENRICH: Okay.

10 MS. EAGAN: And then we would in office
11 officially change the agenda for those visitors comments to come
12 before the actual meeting.

13 CHAIRMAN SCHULTEHENRICH: Okay.

14 COUNTY ATTORNEY VINCENT: If you like it,
15 then next January you would do an amendment. If you don't like
16 it, you can just set aside the motion, and you're back where you
17 are.

18 COMMISSIONER McCREARY: Okay. I'm a
19 little confused. I thought the Chair would have that option at
20 each meeting.

21 MS. EAGAN: He does.

22 COMMISSIONER McCREARY: So we didn't have
23 to have a change or anything, he could just say, hey, you know
24 what, this month we're going to do it.

25 MS. EAGAN: Right, but we talked about it.

1 Everybody was in agreement with it, let's do a trial run till the
2 end of the year. And then so you guys wanted it on your agenda
3 today to make a motion to vote for that. So that's why it's on
4 the agenda.

5 COUNTY ATTORNEY VINCENT: Give the chair
6 to vote, but it's not having a coup.

7 COMMISSIONER McCREARY: Well, I just don't
8 want to take his power away.

9 COMMISSIONER CUNIO: Mr. Chairman.

10 CHAIRMAN SCHULTEHENRICH: Yes, go ahead,
11 Ray.

12 COMMISSIONER CUNIO: I wasn't here last
13 time. What's the rationale behind bringing the visitor comments
14 up to the beginning as opposed to the end?

15 MS. EAGAN: I know it was discussed with
16 the Commissioners that they wanted people to have their chance to
17 voice their concerns without being a part of the official record,
18 if I'm correct.

19 COMMISSIONER McCREARY: Right, there
20 wouldn't be a public hearing, but there'd be a public comment
21 section. They would not be sworn in, and that would make it a
22 lot easier because if we have a public hearing and then the
23 Commission has a public hearing, there has been cases where
24 people have contradicted themselves or their testimony in both
25 public hearings hasn't lined up.

1 But if they have a public comment section, we can
2 get information that's not part of the official record where they
3 wouldn't really officially contradict themselves. But it also
4 was brought up that when people come before us, they think this
5 is the only chance they have to speak. They don't know to go
6 before the County Commission to have another change to speak or
7 vice versa. They didn't know they could give their testimony or
8 give their comments here. That's what the idea of moving the
9 public comments section forward in the meeting, because if
10 there's anything on a zoning request or something that, like
11 tonight we had the conditional use permit and there's a time for
12 people with opposite opinions or views to make comments and
13 testimony.

14 Where on other things like zoning, there's no public
15 comment taken, but there's no hearing, public hearing, but we
16 could take the comments. It wouldn't be an official part of the
17 record. That's the whole idea, we get to hear, so to speak, both
18 sides of the story before as opposed to just hearing whoever the
19 applicant is for a zoning change, only hear one side.

20 Although it would not be a public hearing, and it
21 would not be official testimony. That's what the whole idea was.

22 COMMISSIONER CUNIO: Okay.

23 COMMISSIONER HAIRE: I also think you --
24 we can get discovery. We may miss something that someone, you
25 know, then the audience may provide insight to. So it does give

1 us some discovery options.

2 The other thing is, I think it provides the citizens
3 at least the opportunity to vent where the situation has been
4 before they really didn't feel like I think a lot of times they
5 had that opportunity. So at least they feel they're giving input
6 to us so we make the best decision. I think that's important
7 that it go -- they feel that is part of the process.

8 COMMISSIONER WILLIAMS: What -- would it
9 -- would it be better to have a public comment created for each
10 item in lieu of having it all up front? I know you're shaking
11 your head.

12 COUNTY ATTORNEY VINCENT: Please don't do
13 that. You're making it more and more like a hearing.

14 COMMISSIONER WILLIAMS: No, public
15 comments is public comments. So we --

16 COUNTY ATTORNEY VINCENT: I can't tell you
17 what to do, guys, but what was done was kind of a compromise
18 between the legal aspect and the legal way of doing it and to
19 make the politicians happy.

20 COMMISSIONER WILLIAMS: I got a comment
21 for that, but I won't...

22 COMMISSIONER HAIRE: During the public
23 comment, we can restrict the amount of time like, for example,
24 there's a big issue coming up and we have a full audience. We
25 can restrict the time just like in normal proceedings, correct?

1 COUNTY ATTORNEY VINCENT: Yeah.

2 CHAIRMAN SCHULTEHENRICH: And my answer I
3 think the Chairman has a means of doing that.

4 MS. EAGAN: There is a section in here, it
5 might be for the public hearing, but it says you guys may allow
6 up to five minutes.

7 CHAIRMAN SCHULTEHENRICH: Should we
8 address that with the no public comments as well in that regards
9 on there to make sure that we are correct in limiting public
10 comments to a time period?

11 COMMISSIONER HAIRE: Because it is
12 different. That's why...

13 MS. EAGAN: I mean, I don't have anything
14 in our regulations concerning public comment. I have it
15 concerning public hearings, but not public comment. I don't
16 think we want to add anything in the regulations for that. I
17 think you leave it up to guys as a Commission and the Chairman.

18 COMMISSIONER HAIRE: Could the power of
19 the Chairman then is more vague, I guess. Leave it to the
20 Chairman to make that --

21 CHAIRMAN SCHULTEHENRICH: Would you
22 potentially under there just kind of thought there on the
23 communications and visitors comments, I think that's what we
24 would be referring to move up on the agenda, which you put
25 potentially behind that to say that the comments may be limited

1 or in light due to -- oh, I'm not sure how you would say it.

2 MS. EAGAN: I don't know that we would --

3 CHAIRMAN SCHULTEHENRICH: I just wondered
4 if we would reference something like that.

5 MS. EAGAN: I don't know if we need to put
6 anything in it. I know the County Commission does three minutes.
7 They have a time where it's three minutes. When your three
8 minutes is up, you're done, and they don't have any set rules
9 that say that as far as I know.

10 COUNTY ATTORNEY VINCENT: We don't have a
11 comment policy.

12 MS. EAGAN: Okay.

13 COMMISSIONER HAIRE: As long we're
14 consistent, I don't think we to start do this in the arbitrary.
15 Then it just opens another can of worms.

16 MS. EAGAN: Or you know, since this is a
17 trial basis, see how it goes, and then if you guys want to
18 officially amend your by-laws, at that point, add something in
19 there about it. Do like Mark said a public comment policy in
20 the by-laws when you officially amend them.

21 COMMISSIONER REINHOLD: Could I ask a
22 question? What brought that up?

23 MS. EAGAN: It was the landfill and
24 Landvatter.

25 COMMISSIONER HAIRE: Both of those.

1 COMMISSIONER REINHOLD: With the public
2 comments, they can talk about anything.

3 MS. EAGAN: Right.

4 COMMISSIONER REINHOLD: Not a
5 particular...

6 COUNTY ATTORNEY VINCENT: It depends on
7 what you guys want to do in your by-laws.

8 COMMISSION McCREARY: Right. Well,
9 basically with the zoning changes, there's no public comment, but
10 they can still address us at the end of the meeting under --

11 MS. EAGAN: Communications and Visitors
12 Comments.

13 COMMISSION McCREARY: -- Communications and
14 Visitors Comments, and basically they felt like you made this
15 decision with no input. It was one-sided. It's unfair. You
16 don't hear anything from anybody else, except for whoever is
17 applying for the zoning change. I mean...

18 MS. EAGAN: Like Mark said, it's a
19 compromise between legally what we should be doing and what the
20 County Commission wants us to do.

21 COMMISSIONER REINHOLD: Some of the people
22 that make comments shouldn't wait till the end.

23 COUNTY ATTORNEY VINCENT: That's what I
24 said.

25 COMMISSION REINHOLD: I'm just saying.

1 Some of them that come up here every time and you hear the same
2 thing over and over. I'd say leave them for the end, but that's
3 my opinion.

4 MS. EAGAN: That's why it's way in there.

5 COMMISSIONER REINHOLD: That's exactly. I
6 just wanted to say.

7 COUNTY ATTORNEY VINCENT: It will be
8 interesting to see how many people come between now and the end
9 of the year to have public comments. I would be willing to bet
10 you all that no one else will come to comment publicly.

11 CHAIRMAN SCHULTEHENRICH: The other thing
12 that I'm just looking at now Communications and Visitor Comments,
13 and it really doesn't -- I don't see anything that says that it's
14 comments in regards to what is being on the agenda for that
15 evening.

16 MS. EAGAN: I mean, we used to have people
17 come here that would talk to you guys about just stuff going on
18 in the county.

19 COMMISSIONER McCREARY: Uh-huh.

20 COUNTY ATTORNEY VINCENT: The Commission
21 policy restricts it, but that would be defeating the purpose that
22 you have, that you're trying to accomplish.

23 The Commission policy is limited to public comment
24 on matters, on action items on the agenda. There's other
25 provisions for ways people can talk to them either privately or

1 getting on the agenda. You don't have that option down here.

2 CHAIRMAN SCHULTEHENRICH: When you say we
3 don't have that option, Mark, I mean, that's because right now we
4 don't address it in here, right?

5 COUNTY ATTORNEY VINCENT: Well, how would
6 you do it? How would you -- if you're going to -- if you're
7 going to -- the Planning and Zoning thing you're going to say
8 only on action items?

9 CHAIRMAN SCHULTEHENRICH: Only items that
10 are on the agenda.

11 COUNTY ATTORNEY VINCENT: Yeah, you want
12 to do that?

13 CHAIRMAN SCHULTEHENRICH: I don't know. I
14 mean, that's --

15 COUNTY ATTORNEY VINCENT: That's fine with
16 me, but you're going to get very little comment.

17 CHAIRMAN SCHULTEHENRICH: But I mean, I
18 guess -- if we're going to be hearing concerns that somebody has
19 about -- and I'm using this as an example -- the Landvatter,
20 whatever you want to call it, okay, then if they want to come in
21 the next meeting to hear it and we've already made a decision on
22 that, is there a reason why we're basically just as a courtesy to
23 listen to them, because we're not going to base anything upon our
24 decision. We've already made the decision.

25 COUNTY ATTORNEY VINCENT: Right. That's

1 what I'm getting at, guys. Do you want to have it open, or how
2 do you want to do it? What's your preference?

3 The other option that the County Commission had is
4 that you can request to be on the agenda, but you've got to file
5 the request in writing the Wednesday before the meeting, and the
6 County Commission has the right to review it and decide whether
7 or not it should be placed on the agenda.

8 The other way to do it if you talk to them after the
9 meeting. They -- I mean, you guys want to have people contacting
10 you at home?

11 COMMISSIONER FISCHER: No.

12 CHAIRMAN SCHULTEHENRICH: We can do it on
13 a trial basis on there, but I would just say --

14 [crosstalk]

15 My concern is that all of a sudden we hear pertinent
16 comments coming after we've already made a decision on it. Okay.
17 And I view this as the purpose of it is because the way it was
18 structured in the past was we would be making the decision before
19 we heard any concerns that was being expressed from the audience.

20 Okay. So -- and I think the way we're doing it,
21 we're addressing that concern that was raised, from what Bill
22 said, by a few at least or a number of Commissioners prior to --
23 or after the last or after the two meetings ago. Okay.

24 So -- so I guess on a trial basis, I guess,
25 everybody happy, okay, with doing it on a trial basis and see

1 whether or not everything goes well?

2 MS. EAGAN: Are we going to do this trial
3 basis open to anything or a trial basis of agenda items only?

4 CHAIRMAN SCHULTEHENRICH: No, I think open
5 on anything and we'll just see how it goes. Okay?

6 MS. EAGAN: Okay.

7 CHAIRMAN SCHULTEHENRICH: That would be --
8 I comment so as not to put the restrictions on it at this point
9 in time, but if we see where all of a sudden that becomes -- that
10 all of a sudden it's occurring more frequently in that regard,
11 then we have the means of taking action at that point in time.
12 So...

13 COMMISSIONER REINHOLD: Can I ask a
14 question then.

15 COUNTY ATTORNEY VINCENT: Go ahead.

16 COMMISSIONER REINHOLD: We have a
17 question, just say Haven comes in here and wants to get a new
18 plant, and there's a hundred people here. So every one of the
19 hundred people can get up and talk to us before we have our
20 meeting then?

21 COUNTY ATTORNEY VINCENT: Yep.

22 MS. EAGAN: Unless it's a conditional use
23 permit. Then they would speak during the conditional use permit
24 section, like Bill -- sorry -- Jay said tonight. If you're here
25 for this, there is a specific time for you to speak.

1 COMMISSIONER HAIRE: So if they have a
2 specific issue they're excited about, they're going to speak
3 either -- either/or anyway. We're going to listen to them all.
4 We're not going to avoid that.

5 COMMISSIONER REINHOLD: Sure.

6 COUNTY ATTORNEY VINCENT: This rezoning
7 all 100 will talk.

8 COMMISSIONER REINHOLD: Yeah.

9 COMMISSIONER HAIRE: Right.

10 Now, the other issue though we brought up, I think
11 he mentioned, and I've been thinking about this little business
12 last week. Should the person or representative be here if it's
13 on the agenda, and I kind of feel they should be. I mean,
14 somebody shows up, we're going to have a -- if there's a question
15 or something brought up, how do we address it if there's not
16 someone here representing them so we can answer -- ask the
17 questions.

18 COMMISSIONER McCREARY: Is that the time
19 we'll table it, if we have questions and we don't get answers?

20 MS. EAGAN: Or you deny it.

21 COMMISSIONER McCREARY: Or deny it, yeah.

22 CHAIRMAN SCHULTEHENRICH: That goes back
23 to the by-laws. The by-laws do not -- from what I see, did not
24 allow a table at that point. The -- let me read it to you on
25 there.

1 "If, in the case a conditional
2 use permit and subdivision applications,
3 any applicant (or their designated
4 representative) shall fail to appear to
5 present their application, the Commission
6 shall evaluate the application as submitted."

7 COMMISSIONER McCREARY: Uh-huh.

8 CHAIRMAN SCHULTEHENRICH: That to me says
9 you're either voting it up or down. Okay. I don't think it
10 gives the latitude of a table potentially, and I would think
11 maybe in that section there of the by-laws it would be wise for
12 us to potentially have something in there that says commissioner
13 with a second and approval could in fact we could table it to the
14 next meeting as opposed to voting it up or down at that point in
15 time.

16 COMMISSIONER McCREARY: Well, that was a
17 conditional use permit, not a zoning change, right?

18 CHAIRMAN SCHULTEHENRICH: This was
19 conditional use permit and subdivision applications.

20 COMMISSIONER McCREARY: Right, but a
21 zoning change is different. If the applicant doesn't show up and
22 we have questions...

23 CHAIRMAN SCHULTEHENRICH: Would you want
24 to add that -- do you want to add that zoning to the end?

25 COMMISSIONER McCREARY: That's what I'm

1 wondering, is is it just conditional use permits that we
2 basically treat that way, or is there the same thing with a
3 zoning change?

4 MS. EAGAN: I think the way it's written
5 now is because with a -- an amendment change or a zoning change,
6 you guys are supposed to look at the regulation, the zoning map,
7 the future land use map and the master plan.

8 COMMISSIONER McCREARY: Uh-huh.

9 MS. EAGAN: What is the applicant going to
10 bring to you guys that you already don't have in front of you is
11 the question.

12 COMMISSIONER McCREARY: That is true.

13 MS. EAGAN: I know with rezonings it's
14 been told to us in the past it's their legal right to come and
15 speak if they want to, but I don't think it's a mandate.

16 COMMISSIONER McCREARY: Right. Okay. I
17 know that this is -- this is part of what if, okay. If somebody
18 wants to come and change the zoning, okay, we look at that. Then
19 later on they have some specific use and that would require a
20 conditional use permit, that would take another application on
21 top of that, correct?

22 MS. EAGAN: Correct.

23 COMMISSIONER McCREARY: And then we would
24 have the normal portion with the pro, the con?

25 MS. EAGAN: Right.

1 COMMISSIONER McCREARY: Okay. Got you.

2 Okay. Thanks.

3 CHAIRMAN SCHULTEHENRICH: Okay. So on
4 conditional use permits, do you want the means in which there
5 would be a potential table if no one of the applicant or a
6 representative shows up?

7 COUNTY ATTORNEY VINCENT: Jay, it's their
8 burden of proof. The applicant has the burden of proof, and if
9 they don't present evidence, you have no evidence upon which to
10 base the grant on.

11 COMMISSIONER McCREARY: Right.

12 COUNTY ATTORNEY VINCENT: And so if
13 they're not going to come, that's their problem.

14 COMMISSIONER McCREARY: Right.

15 CHAIRMAN SCHULTEHENRICH: And I agree.
16 Then we're saying if we deny it, which we would have the right to
17 either pass or to approve or to deny it. Then if we deny, they'd
18 have to go through the process again of reapplying.

19 COUNTY ATTORNEY VINCENT: But yes, they
20 would, or they could try to appeal those, but there would be no
21 record to appeal. So...

22 COMMISSIONER HAIRE: So maybe they'll show
23 up the second time.

24 MS. EAGAN: That's if they have new
25 information that you guys deem as appropriate and new. So...

1 CHAIRMAN SCHULTEHENRICH: But my only
2 thinking there was if they're not here and we decide to table it,
3 we can table it, but otherwise, I mean, in my mind at least, in
4 all likelihood the majority of my votes would be to deny, if
5 nobody is going to show up. Okay. So we have that right to deny
6 or to approve. So anybody see a need to change that, or is that
7 the way we wish to just keep it? [None]

8 Hearing none, I guess we'll just keep it that
9 way with the right to -- the way it reads in here, the right to
10 deny or the right to approve. Okay.

11 So -- but it does say shall evaluate the application
12 as submitted. So therefore, we -- the way it's worded, the
13 Commission is expected to act upon that applicant or that request
14 of a conditional use permit that evening. Okay. So..

15 Then when I went through, I went through under
16 order, there when you talk about a hundred people being here and
17 they all want to speak or so in there, there's a -- there's a
18 sentence in here, and I thought to myself I'm not sure exactly
19 why, and I know I was -- reviewed this before, okay under the
20 Review Committee. But this stands out a little bit to me.

21 It says that the showing of hands by those persons
22 in attendance shall not be allowed on any general question
23 presented at the public hearing. Okay. Is there -- the on
24 showing of the hands, like if somebody was to say would all those
25 in favor of or in opposition to would please stand, we wouldn't

1 allow that to occur? Is that...

2 COUNTY ATTORNEY VINCENT: Well, why would
3 you want to?

4 CHAIRMAN SCHULTEHENRICH: Well, because
5 otherwise you may hear everybody they wanted to sign and they
6 want to come up and testify when a showing of -- a standing up
7 just to show opposition would in fact satisfy them and not have
8 to stand up to testify. That's my thinking.

9 COUNTY ATTORNEY VINCENT: You're going to
10 lose a case on that if you do it. There's a case out of Georgia
11 that there's been ruling sent down by the Supreme Court of
12 Missouri that would not allow that would be a valid public
13 hearing.

14 CHAIRMAN SCHULTEHENRICH: So you're basing
15 that decision is upon not legally would cause some issues --

16 COUNTY ATTORNEY VINCENT: Oh, yeah.

17 CHAIRMAN SCHULTEHENRICH: -- potentially
18 on that?

19 COUNTY ATTORNEY VINCENT: Yes, sir.

20 CHAIRMAN SCHULTEHENRICH: Okay. That's
21 fine.

22 COMMISSIONER McCREARY: Jay, I think we've
23 kind of seen that with the signs coming up all on their own
24 before here looking at a new audience. But we didn't call for
25 it. They volunteered it, which is the difference. I mean, if we

1 -- when you look out, oh, okay. I see what they're telling us.
2 But that's the citizens own prerogative. I could see if you say
3 okay, who's for it and who's against it, that might -- somebody
4 might be intimidated and say, well, I'm afraid my neighbor might
5 not like me anymore if I stand up. So you would be putting
6 people in a position they maybe don't want to be in.

7 Whereas, if they do it on their own, that's up to
8 them, you know.

9 CHAIRMAN SCHULTEHENRICH: Right.

10 COMMISSIONER McCREARY: Like their signs
11 and all that.

12 CHAIRMAN SCHULTEHENRICH: And if you're up
13 in Jefferson City and you're presenting something in front of the
14 -- a committee up in Jefferson City, okay, and you're testifying,
15 and you can say we have 15 other individuals that would certainly
16 be willing to stand up here and speak, but in order to recognize
17 the time of everybody who's on this committee, we would just
18 request that we would be allowed to stand up, and you're giving
19 them sure, that's fine. Everybody would stand up that would have
20 opposition to it, and that's the end of that testimony.

21 COUNTY ATTORNEY VINCENT: But the --

22 COMMISSIONER McCREARY: I see.

23 COUNTY ATTORNEY VINCENT: -- person
24 initiates that.

25 CHAIRMAN SCHULTEHENRICH: Yes, that's

1 correct.

2 COUNTY ATTORNEY VINCENT: If they want try
3 to initiate that, fine. But if you want to ask them to stand up,
4 that's different.

5 CHAIRMAN SCHULTEHENRICH: Okay. Well,
6 then so we're -- we weren't on the same page then, Mark, because
7 that's where I thought that the showing of hands -- you're
8 talking about any of us asking that to be done.

9 COUNTY ATTORNEY VINCENT: Right. That
10 goes without saying.

11 CHAIRMAN SCHULTEHENRICH: Okay. Okay.
12 That's not the way I basically -- it just said the show of hands
13 by those persons in attendances shall not be allowed on any
14 general questions present at the public hearing. It sounds to me
15 like if -- if the petitioner or so or the person in opposition is
16 standing there is saying I'd like -- I have, you know, 13 other
17 property owners that would be here in opposition to it, and I'd
18 like for them to stand. That would be --

19 COUNTY ATTORNEY VINCENT: That's fine.

20 CHAIRMAN SCHULTEHENRICH: That's permitted
21 then?

22 COUNTY ATTORNEY VINCENT: That -- yes,
23 sir, that's permitted.

24 CHAIRMAN SCHULTEHENRICH: Okay. Okay.

25 COUNTY ATTORNEY VINCENT: But what you

1 can't -- what you can't do or he can't do is turn and face the
2 audience and say everybody in favor stand up, everybody opposed
3 stand up. You can't do that.

4 CHAIRMAN SCHULTEHENRICH: I understand
5 that.

6 COUNTY ATTORNEY VINCENT: All you guys say
7 okay, you'd like to have everybody for it stand up and everybody
8 gets to stand up, it would have a chilling effect and it could
9 very well cause problems on -- I know on a case recently decided
10 by the Supreme Court involved a recent case they decided that
11 case out of Georgia. So...

12 CHAIRMAN SCHULTEHENRICH: So okay. I
13 think -- you know, I -- I just think that sometimes you can cut
14 back on the number of people who would be able to stand up if you
15 get them -- if the party who's there at the microphone says that
16 and as I said sometimes in consideration of time, we'd just ask
17 those other individuals to stand up to show opposition.

18 COUNTY ATTORNEY VINCENT: So who's going
19 to count them? Who's going to put their names down?

20 CHAIRMAN SCHULTEHENRICH: Mark, I don't
21 think you get into those legal things about who counts them, et
22 cetera. It's just a matter of the expression of -- and I'll go
23 to the point of saying, I think it's sort of is expression of
24 speech in that regards to have a means in which they can show.

25 Otherwise, they have the means of having to come up

1 here and testify.

2 COUNTY ATTORNEY VINCENT: That's the whole
3 idea of the public hearing, Jay.

4 CHAIRMAN SCHULTEHENRICH: Well, I think
5 the public hearing is to show either support or opposition to
6 something. Okay.

7 COUNTY ATTORNEY VINCENT: No, it's not.

8 CHAIRMAN SCHULTEHENRICH: It's for
9 everybody to stand up and testify?

10 COUNTY ATTORNEY VINCENT: Yes, sir.

11 CHAIRMAN SCHULTEHENRICH: They have to
12 testify?

13 COUNTY ATTORNEY VINCENT: They have a
14 right to be heard.

15 CHAIRMAN SCHULTEHENRICH: They certainly
16 have a right to be heard, sure.

17 COUNTY ATTORNEY VINCENT: And you can't --
18 for that to happen, who's going to be responsible for taking down
19 the names of who stood up, who -- who was it that stood up?

20 CHAIRMAN SCHULTEHENRICH: Why would you
21 need the names, Mark?

22 COUNTY ATTORNEY VINCENT: Otherwise, it
23 means nothing. It's not on the record.

24 COMMISSIONER HAIRE: It's not a record.

25 CHAIRMAN SCHULTEHENRICH: We got to go

1 with the public comments. We're going to listen to public
2 comments that basically also is there which will have some type
3 of influence on us, at least to gather information, that also
4 wouldn't have the means in which it would be anything of value of
5 testimony then.

6 COUNTY ATTORNEY VINCENT: Right.

7 COMMISSIONER McCREARY: Well, I have seen
8 it before where, for instance tonight, the noise, the noise, the
9 noise, the noise. Okay. I have seen the chairman say if anybody
10 in the audience -- if a speaker has addressed your issues already
11 and you're just going to come up and repeat it, please refrain
12 from that.

13 CHAIRMAN SCHULTEHENRICH: Uh-huh.

14 COMMISSIONER McCREARY: If you think
15 you've gotten -- somebody else has gotten your point across, it's
16 like if I ask a question, he asks the same question, he asks the
17 same question, it's a waste of time. And the Chairman has -- I
18 can't remember if Bill or somebody said, you know, if somebody
19 before you voices your opinion or addresses your concerns, you
20 know, please refrain.

21 CHAIRMAN SCHULTEHENRICH: Russell, let me
22 ask you a question then. If you had people, that would be ten
23 more people that would want to be heard, okay, and they all want
24 to speak about noise concerns.

25 COMMISSIONER McCREARY: Right.

1 CHAIRMAN SCHULTEHENRICH: But if there is
2 no showing of the hands, you already have them -- you force them
3 to come up, and you're telling me now that we potentially would
4 say no, you've already -- we've already heard testimony on that.
5 Aren't you restricting those individuals --

6 COUNTY ATTORNEY VINCENT: Yes, you are.
7 You are, and if you do it that way and somebody later
8 objects to it, you're going to lose the lawsuit.

9 COMMISSIONER McLAREN: I'm pretty dense
10 usually, so I don't totally understand. We're not trying -- I
11 mean, we're not trying to do this as a democracy, however many
12 people are standing here, we're paying attention to. We're just
13 supposed to discover if there's new testimony or new stuff going
14 to bring to light. Is that not --

15 COUNTY ATTORNEY VINCENT: No, no.
16 Everybody has the right to speak.

17 COMMISSIONER McLAREN: I understand that,
18 but --

19 COUNTY ATTORNEY VINCENT: Even if it's
20 repetitive.

21 COMMISSIONER McLAREN: I understand that,
22 but we don't --

23 COUNTY ATTORNEY VINCENT: Right.

24 COMMISSIONER McLAREN: -- care if 40
25 people want to speak one way and only one person wants to speak

1 the other way. That really doesn't matter, does it?

2 COUNTY ATTORNEY VINCENT: No, it doesn't
3 matter, but there all 40 get to speak.

4 COMMISSIONER McLAREN: All 40?

5 COUNTY ATTORNEY VINCENT: If they want to.

6 COMMISSIONER McCREARY: That's what I'm
7 saying. The Chair --

8 [crosstalk]

9 COUNTY ATTORNEY VINCENT: Repetitive don't
10 come up.

11 COMMISSIONER McCREARY: No, no, no. He's
12 asked would you please refrain if -- so that leaves -- that's up
13 to them.

14 COUNTY ATTORNEY VINCENT: Well, I just
15 want you all to --

16 [crosstalk]

17 COMMISSIONER McCREARY: He's not saying --
18 he's not saying you can't repeat somebody else. He said if
19 somebody brings your point to the Board, if you think that's good
20 enough, you don't have to speak. You still can, and that's up to
21 them.

22 COUNTY ATTORNEY VINCENT: Okay. How he
23 words that --

24 COMMISSIONER McCREARY: Uh-huh.

25 COUNTY ATTORNEY VINCENT: -- could have a

1 chilling effect.

2 COMMISSIONER HAIRE: Because we're in a
3 position of power, you know, basically the control, and if the
4 power says something that might be perceived as restricting it,
5 then it will be perceived negatively and have I guess, Mark's
6 point, little aspect. As much as I like to be autocratic because
7 that's my personality, the process is important to the people
8 that are out there, and it's our -- you know, even though it may
9 take an extra hour, it's our role to listen to everybody.

10 COMMISSIONER REINHOLD: And they got to be
11 sworn in.

12 COMMISSIONER HAIRE: Yeah, and sign the
13 card.

14 COMMISSIONER McCREARY: Well, I thought
15 under public comment, they don't have to be sworn in.

16 MS. EAGAN: No, not public comment. He's
17 talking just normal hearing.

18 COMMISSIONER McCREARY: Hearing, yeah.

19 CHAIRMAN SCHULTEHENRICH: Any further
20 discussion on the by-laws? [None] Then we have no changes to be
21 made in the by-laws? Okay. So other than what we're on a trial
22 basis having to do with the public comments, okay.

23 COMMISSIONER HAIRE: Do we need that to be
24 in the form of a motion?

25 MS. EAGAN: Yeah, I couldn't remember if

1 we did that or not.

2 COMMISSIONER HAIRE: We didn't.

3 MS. EAGAN: Yeah, we need a motion and a
4 vote to do it on a trial basis till the end of the year.

5 CHAIRMAN SCHULTEHENRICH: Okay. Do I hear
6 a motion to that extent?

7 COMMISSIONER McCREARY: I make a motion
8 to --

9 CHAIRMAN SCHULTEHENRICH: All right.
10 Russell.

11 COMMISSIONER McLAREN: Second.

12 CHAIRMAN SCHULTEHENRICH: Second by Bill.
13 We have a motion and a second. All those in favor signify by
14 saying aye.

15 COMMISSIONER REINHOLD: Aye.

16 COMMISSIONER VOSS: Aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER CUNIO: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER FISCHER: Aye.

22 COMMISSIONER SCHULTEHENRICH: Aye.

23 COMMISSIONER McCREARY: Aye.

24 CHAIRMAN SCHULTEHENRICH: All opposed?

25 [None]

1 The ayes have it.

2 Scottie, anything under the Director's Report?

3 MS. EAGAN: We got a letter -- let's see,
4 when was it -- June 22nd addressed to you guys. I think it was a
5 mistake, but since it's addressed to you, I'm going to bring it
6 up. It was somebody who was against the landfill. I'm not going
7 to pass it around, but just so you know. Ron and Rhonda Coleman
8 were against the landfill regulation.

9 Secondly, the Wagner PUD and Woody Bogler rezoning
10 got heard today by the County Commission. They are hearing
11 Landvatter on Thursday at 1:30. So we'll have a decision later
12 on on that.

13 And then next month I have -- I definitely have one
14 regulation change for you. I might have two more coming. I'm
15 not sure yet. So...

16 And that's all I have for you.

17 CHAIRMAN SCHULTEHENRICH: Okay, thank you.

18 We've come to the conclusion of the Commission
19 meeting. I'll entertain a motion to adjourn.

20 COMMISSIONER HAIRE: So moved.

21 COMMISSIONER CUNIO: Second to that.

22 CHAIRMAN SCHULTEHENRICH: Second. All
23 those in favor signify by saying aye.

24 COMMISSIONER REINHOLD: Aye.

25 COMMISSIONER VOSS: Aye.

1 COMMISSIONER McLAREN: Aye.

2 COMMISSIONER CUNIO: Aye.

3 COMMISSIONER BOLAND: Aye.

4 COMMISSIONER HAIRE: Aye.

5 COMMISSIONER FISCHER: Aye.

6 COMMISSIONER SCHULTEHENRICH: Aye.

7 COMMISSIONER McCREARY: Aye.

8 CHAIRMAN SCHULTEHENRICH: Opposed? [None]

9 The ayes will have it, and we'll adjourn the
10 meeting. Thank you.

11 [Thereupon, the proceedings concluded at

12 9:13 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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