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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  
AUGUST 18, 2015  
(Commencing at 7:00 p.m.)

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

**PUBLIC HEARINGS 8/18/2015**

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IDENTIFICATION	DESCRIPTION	PAGE
Franklin County:		
A	Franklin County Unified Land Use Regulations 2001	6
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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 William Evans, Jr., Chairman

4 Jay Schulteheinrich, Co-Chairman

5 Timothy Reinhold, Commissioner

6 Donald Voss, Commissioner

7 Bill McLaren, Commissioner

8 Ray Cunio, Commissioner

9 Ron Williams, 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 Ms. Nichole Zielke, Administrative Assistant

16 LEGAL COUNSEL:

17 Mark Vincent, County Attorney

18

19 MIDWEST LITIGATION SERVICES:

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

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25

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

2 (August 18, 2015)

3 CHAIRMAN EVANS: I'd like to go ahead and  
4 call to order Tuesday, August 18th meeting of the Franklin County  
5 Planning and Zoning Commission.

6 Scottie, will you please take roll.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN EVANS: Here.

9 MS. EAGAN: Jay Schulteheinrich?

10 COMMISSIONER SCHULTEHENRICH: Here.

11 MS. EAGAN: Todd Boland?

12 COMMISSIONER BOLAND: Here.

13 MS. EAGAN: Tim Reinhold?

14 COMMISSIONER REINHOLD: Here.

15 MS. EAGAN: Ray Cunio?

16 COMMISSIONER CUNIO: [Present]

17 MS. EAGAN: He is here. I know that.

18 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 EVANS: Thank you.

7 Would you please give us a presentation of the  
8 hearing procedures and exhibits.

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

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

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

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

1 and D.)

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

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

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

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

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

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

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

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

25 CHAIRMAN EVANS: Thank you. All the

1 Commissioners should have received a copy of the July 21st  
2 minutes. Are there any corrections, additions? Russell?

3 COMMISSIONER McCREARY: Yeah. First on  
4 page 19, line 17 and 23, it says Commissioner Williams. I  
5 believe that was myself who spoke that.

6 "... I was out there yesterday looking, and I'd say  
7 the vast majority were pickup trucks..." I believe that was my  
8 testimony, not Commissioner Williams.

9 Okay. And page 27, "Stanley Mozinas". It's  
10 Bocinas. I know the man. Don't ask me how to spell his name,  
11 but it starts with a 'B'.

12 And on page 61, line 1, he said, "... particularly  
13 if you've got 254 vehicles..." I think it was 25 or 24 what was  
14 said, not 254 vehicles on the property.

15 Lastly, page 77, line 12, and this is a question.  
16 "... the Applicant come forward, and would you lease, and would  
17 you be sworn in." Is what it says. Maybe it was, "Would you  
18 please come forward." I don't know. Is that what that...

19 MS. REPORTER: Probably.

20 COMMISSIONER McCREARY: Okay. And that's  
21 all I have.

22 CHAIRMAN EVANS: Okay. We have those  
23 changes. Are there any other changes, additions? If not, the  
24 Chair would entertain a motion to approve the minutes with the  
25 changes noted by Commissioner McCreary.

1 COMMISSIONER BOLAND: So moved.

2 COMMISSIONER SCHULTEHENRICH: Second, Mr.  
3 Chairman.

4 CHAIRMAN EVANS: We have a motion and a  
5 second to approve the minutes. All in favor signify by saying  
6 aye.

7 COMMISSIONER REINHOLD: Aye.

8 COMMISSIONER VOSS: Aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER CUNIO: Aye.

11 CHAIRMAN EVANS: Aye.

12 COMMISSIONER BOLAND: Aye.

13 COMMISSIONER HAIRE: Aye.

14 COMMISSIONER FISCHER: Aye.

15 COMMISSIONER SCHULTEHENRICH: Aye.

16 COMMISSIONER McCREARY: Aye.

17 CHAIRMAN EVANS: Opposed? [None]

18 The minutes are approved.

19 Communications and Visitors Comments. Is there  
20 anyone present who would like to address the Commission? [None]

21 If not, we'll move on to Old Business. File 150145,  
22 Aftermath Diesel Service, L. L. C.

23 Scottie, if you would give us the facts.

24 MS. EAGAN: This is File 150145. The  
25 Applicant is Aftermath Diesel Service, L. L. C.

1           The Applicant wishes to open and operate an  
2    automobile repair business in the Non-Urban and Agricultural  
3    Zoning District.

4           The property is located at 3030 Old Highway 100 at  
5    the southwest corner of the intersection of Sanctuary Lane and  
6    Old Highway 100 in Central Township.

7           And before I go any further, you guys probably don't  
8    have a copy of this since the Review Committee just met. So just  
9    listen carefully to what the conditions are.

10          The Facts: The property is approximately 2.88 acres  
11    in size. This property is in the Non-Urban and Agricultural  
12    Zoning District. In this District, motor vehicle service to  
13    include installation of parts, repair, and maintenance require a  
14    Conditional Use Permit.

15          The surrounding properties to the west of Highway  
16    Old 100 are zoned Non-Urban and Agricultural. The properties to  
17    the east of Old Highway 100 are zoned Suburban Development.

18          This property is surrounded to medium to  
19    large-density residential property. According to the Assessor's  
20    records, there appears to be a residential structure and a large  
21    three-bay garage on the property in question.

22          The Applicant is not the owner of the property. We  
23    have received written consent from the current owner, David Pill  
24    [phonetic], for this application.

25          Because of the zoning district, this property cannot

1 be used for any motor vehicle sale or rental.

2 Staff Comments: This property shall be used for  
3 automotive and truck repair only.

4 The Applicant shall be limited to only five  
5 employees.

6 The Applicant's proposed hours of operation are 8:00  
7 a.m. to 5:00 p.m., Monday through Friday.

8 The Applicant shall be allowed to have up to 12  
9 vehicles on the property for service.

10 All new and/or existing entrances will need to be  
11 examined by the Franklin County Highway Department for a  
12 commercial entrance.

13 Planning and Zoning shall receive documentation of  
14 final construction prior to issuance of the Conditional Use  
15 Permit.

16 Any buildings used or built in connection with the  
17 CUP will need to be approved by the Franklin County Building  
18 Department for a commercial building.

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

22 Any work being done outside, anything stored outside  
23 and/or any vehicles not being serviced but stored overnight shall  
24 be behind a six-foot high site-proof fence built with either  
25 chain link, wood or similar material. The fence shall be built

1 within 45 days of approval.

2 The Applicant shall be limited to servicing diesel  
3 cars and trucks up to two tons. Nothing larger is allowed to be  
4 serviced.

5 No other equipment shall be stored on the property.  
6 Only vehicles and equipment for the service business shall be  
7 allowed.

8 No tire servicing or repair shall be allowed.

9 No sales of car or truck parts shall be allowed.

10 No unlicensed vehicles are allowed on the property.

11 Per testimony, the Applicant shall be required to  
12 use Sanctuary Lane for ingress and egress of the property.

13 Any part of the property being used for service or  
14 storage in relation to the business, shall be hard surfaced with  
15 concrete, asphalt or chip and seal.

16 There shall be no delivery of vehicles for service  
17 except during normal business hours.

18 The Review Committee recommended approval of this  
19 Conditional Use Permit, with the 16 listed conditions, with 3 in  
20 favor and 0 opposed.

21 CHAIRMAN EVANS: Thank you.

22 Any discussion? Dan?

23 COMMISSIONER HAIRE: The parking is in  
24 front of the building where the vehicles are at now. So where is  
25 the proposed fence going to be able to go if we go to grade in

1 front of the business where the parking is now?

2 MS. EAGAN: The way our regulations are  
3 written, is you can go all the way up to the property line. If  
4 he knows where the right-of-way ends, he can build up to there.

5 COMMISSIONER HAIRE: Okay.

6 MS. EAGAN: Oh, we do have, though, a site  
7 triangle if it is at the intersection of two roads. So that  
8 would be something Ron would also have to look at.

9 CHAIRMAN EVANS: Any other discussion or  
10 questions?

11 COMMISSIONER WILLIAMS: I got one.

12 CHAIRMAN EVANS: Ron?

13 COMMISSIONER WILLIAMS: Would the fence  
14 have to go around the entire property?

15 MS. EAGAN: Just where they plan on  
16 storing or servicing the vehicles. So if they only plan to use  
17 -- for instance, if they only plan to use between the existing  
18 building and the proposed new building, that's all that would  
19 have to be behind that six-foot high site-proof fence.

20 COMMISSIONER McLAREN: And that's for a  
21 total of 12 cars. So they only have to make a site fence -- a  
22 site-proof fence big enough to hold 12 cars?

23 MS. EAGAN: Or anything else being stored  
24 outside for the business.

25 I think per the testimony last month, the fence was

1 just going to cut out that existing house on the property, and  
2 then cover the rest of the property. Whether or not they change  
3 it, that's up to them.

4 CHAIRMAN EVANS: Any questions? Russell?

5 COMMISSIONER McCREARY: Yeah, I was -- I  
6 wrote Scottie an e-mail and also Jay about this. I bring up  
7 Section 97 in Article 4, Additional Conditions of Conditional use  
8 Permits.

9 Number 4 is being in conformity with the Master Plan  
10 officially adopted by the County Commission. I looked on your  
11 existing land use, and it's residential. And I look under future  
12 land use, and it's also residential.

13 The closest commercial I could find would be down at  
14 the corner of Highway M and 100. I guess it's an abandoned  
15 store, and that was zoned for commercial use. That was the  
16 closest I could find in that area, and on that alone, I would say  
17 that I couldn't approve this also.

18 Second C3 whether or not the extent proposed to  
19 generate the air, noise or visual pollution which may adversely  
20 impact the immediate surrounding areas. Maybe if these were  
21 20-acre lots and they aren't just a few hundred feet or a couple  
22 of hundred feet away, maybe I could see it fitting in here, but  
23 if they have any growth at all, I could see this not working out.

24 The only condition I could possibly put on here that  
25 would address these concerns would be possibly to put everything

1 indoors and restrict hours of operation. I understand last month  
2 we -- you know, we have testimony that says trucks go up and down  
3 the highway all day long. I understand that, but they don't load  
4 grain trucks in the lane like they unload and load -- have been  
5 loading and unloading trucks, vehicles. And I understand that  
6 would be stopped with this entry on Sanctuary Lane.

7 I'm just wondering, Ron, how wide is -- did I hear  
8 last month that it's only nine foot wide? Would that be wide  
9 enough to use wreckers and flatbed trailers and closed bed  
10 trailers to get in there and out?

11 COMMISSIONER WILLIAMS: Well, obviously  
12 not the two trying to pass, but at the same time, that's a  
13 private road.

14 COMMISSIONER McCREARY: Uh-huh.

15 COMMISSIONER WILLIAMS: So we have no  
16 control over the width of that.

17 COMMISSIONER McCREARY: Okay. The only  
18 control you have would be the entry to Sanctuary Lane, right?

19 COMMISSIONER WILLIAMS: Right.

20 COMMISSIONER McCREARY: Okay.

21 COMMISSIONER WILLIAMS: That's correct.

22 We would look at the sight triangle at that corner, and make sure  
23 that if they put a fence up there, that if they pulled up in a  
24 stopped condition, they would be able to see traffic off to the  
25 right.

1 COMMISSIONER McCREARY: Well, that's  
2 another thing. With a six-foot high fence, my question would be  
3 is that the elevation changes from the edge of the right-of-way  
4 to the first -- where that first building is, six foot wouldn't  
5 make any difference. Would you still see vehicles parked there?  
6 I mean, the whole idea of having a fence would be to block the  
7 view of the vehicles. Would that work?

8 And also wondering if with all these restrictions  
9 put on these people as far as hours of operation only, how would  
10 it affect their business. I mean, they said they have people  
11 drop off cars that are stranded, whatever. I'm just wondering if  
12 it would restrict their business from that respect where that  
13 really wouldn't work well with them.

14 These are some of the concerns. Also 3A, whether or  
15 not -- to what extent the proposed uses are compatible with other  
16 uses in the immediate surrounding area. I talked with Nichole,  
17 and she said that it was -- the garage was built as a home  
18 office. It was permitted as a home office back, I guess, when  
19 Mr. Hill built it, but the way I look at it it's no longer that.  
20 It's an automotive repair shop. And it does need a continuous  
21 CUP to be permitted.

22 So I was under the impression it was an ongoing  
23 affair, you know, it was permitted to start with. I had no idea  
24 it was just temporary, and again, this takes -- but again,  
25 putting the cart before the horse. You know, we're going to go

1 ahead and invest, we're going to start up, we're going to do  
2 this, then we're going to ask for permission from this body.

3 So I can't see even with the restrictions where it  
4 would suit the area.

5 MS. EAGAN: Bill, can I say something.

6 The section, Russell, you're referring to is  
7 additional conditions put on a Conditional Use Permit. These  
8 aren't reasons why you can deny a Conditional Use Permit.

9 If you read Subsection A under Section 97, it says  
10 Subject to Subsection B of this section, "In granting a  
11 conditional use permit, the Planning and Zoning Commission may,  
12 but need not, impose conditions which address the following."

13 And that's where those four things that you were  
14 talking about...

15 COMMISSIONER McCREARY: Right. I don't --

16 MS. EAGAN: So that doesn't -- that  
17 doesn't address whether or not you can deny it based on the fact.  
18 It's adding additional conditions. I went over --

19 COMMISSIONER McCREARY: Okay. So that --

20 MS. EAGAN: -- with the Review Committee  
21 the reasons why you can deny it, and that would be Section 92(b)  
22 and (c), and then it goes into Section 97(a) and (b).

23 So 97 just refers to additional conditions on top of  
24 the Conditional Use Permit.

25 COMMISSIONER McCREARY: Well, how can we

1 make it conform to the Master Plan?

2 MS. EAGAN: That would be a potential  
3 condition that you put on there. So that would be something you  
4 guys would have to think about.

5 CHAIRMAN EVANS: Scottie, will you read  
6 those, the options we have for our denying.

7 MS. EAGAN: For a Conditional Use Permit,  
8 it says under Section 92:

9 "General Requirements:

10 "A. An application for a Conditional  
11 Use Permit shall be submitted to the Planning  
12 and Zoning Department.

13 "B. Subject to Subsection C, the  
14 Planning and Zoning Commission shall issue  
15 the requested permit unless it concludes,  
16 based upon the information submitted at the  
17 hearing, that:

18 "1. The requested permit  
19 is not within its jurisdiction  
20 according to Article 7, or

21 "2. The application is  
22 incomplete, or

23 "3. If completed as proposed  
24 in the application, the development  
25 will not comply with one or more

1 requirements of these regulations."

2 Letter C says:

3 "Even if the Planning and  
4 Zoning Commission finds that the  
5 application complies with all other  
6 provisions of these regulations, it  
7 may still deny the permit if it  
8 concludes, based upon clear and  
9 convincing evidence submitted at the  
10 hearing, that if completed as proposed,  
11 the development more probably than not  
12 will materially endanger the public  
13 health or safety."

14 And then if you go to Section 96, Decisions on  
15 conditional Use Permit Applications, it says:

16 "In considering whether to  
17 approve an application for a  
18 Conditional Use Permit, the  
19 Planning and Zoning Commission  
20 shall proceed according to the  
21 following format:

22 "A. The Planning and  
23 Zoning Commission shall  
24 consider whether there is  
25 substantial evidence to

1 support the application. If the  
2 Planning and Zoning Commission  
3 determines there is substantial  
4 evidence supporting the application,  
5 they shall make a motion to approve  
6 the application and determine what  
7 conditions are necessary.

8 "B. If the Planning and  
9 Zoning Commission concludes there is  
10 no substantial evidence based upon  
11 the record as a whole, the application  
12 shall be denied."

13 And then Section 97 talks about the additional  
14 conditions that you may place on the Conditional Use Permit.

15 COMMISSIONER HAIRE: I'm a little  
16 confused. So -- now, I'm looking at the original zoning  
17 district. That's why we're doing a CUP. If I look at the  
18 character of the area and it's residential, I agree with him.  
19 There's not anything relatively close to it, and it's out of  
20 character with the rest of the area immediately surrounding the,  
21 you know, potential shop.

22 So I mean, I have concerns if you put the fence up  
23 front where all the cars are where the area is paved, and you put  
24 a six-foot fence in there. It becomes extremely unsightly and  
25 potentially a risk for visual when you're going down and driving

1 down the street for, you know -- so I have some real concerns  
2 about it myself.

3 CHAIRMAN EVANS: Any other questions or  
4 comments? Bill?

5 COMMISSIONER McLAREN: As far as distance,  
6 what do we take into account that's a reasonable amount of  
7 distance that we see other activities that would be something  
8 besides residential activity?

9 COMMISSIONER McCREARY: I think that would  
10 depend on the activity. They may have a sewing shop and home  
11 office like my neighbor did, you know. It's indoor. He did boat  
12 covers and awnings and things, but if the guy was, I don't know,  
13 jack hammer repair or something, something heavy, you know, I  
14 would think that that would make a difference.

15 COMMISSIONER McLAREN: Let's do the worse.  
16 Let's do jack hammer repair. What are we -- what are we  
17 anticipating as a distance to --

18 COMMISSIONER McCREARY: How far can you  
19 hear it. You know, how much -- how much is going to disturb you  
20 when you're either in your home or in your own property? I would  
21 think, you know, we already said, I guess that one case with  
22 Landvatter, 350 feet is okay to make cement or to mix cement  
23 anyways. So I don't know. Is that our baseline?

24 MS. EAGAN: I mean, what you all have to  
25 remember is a conditional use permit is a permitted use with

1 conditions. In this district, unfortunately for everyone who  
2 lives in non-urban and agricultural, automobile service is a  
3 conditional use permit.

4 I just think you are -- you're playing with a fine  
5 line if you're -- if you start talking the way you're talking  
6 with all the other files in the past that you guys have approved  
7 with half the conditions that you put on this one.

8 Just be considerate of what has been done in this  
9 district, and then look at what could you do as a condition to  
10 potentially make it potentially in harmony with the area or to be  
11 compatible with it. You know, we always -- be creative. Think  
12 of different things that you can potentially put on it.

13 COMMISSIONER McCREARY: How can we make it  
14 compatible or conform with the Master Plan? Can you think of any  
15 conditions when both Master -- existing and future land use say  
16 it's residential?

17 MS. EAGAN: It also says you may but may  
18 not impose those conditions. It's up to the Board as a whole.

19 MS. ZIELKE: You're making a future land  
20 use map more important than the zoning map. The zoning map is  
21 regulation. The future land use map is a projection planned for  
22 the county.

23 COMMISSIONER McCREARY: Right, and also  
24 the existing land map. I --

25 MS. ZIELKE: And when you adjust zoning or

1 make changes to zoning districts, --

2 COMMISSIONER McCREARY: Yeah.

3 MS. ZIELKE: -- you're supposed to look at  
4 the Master Plan, and that would be --

5 COMMISSIONER McCREARY: I understand that  
6 this is allowable with a conditional use permit. I understand  
7 that. I'm just wondering if we can place enough conditions on it  
8 to make it compatible with the area.

9 COUNTY ATTORNEY VINCENT: Russell, by  
10 having it being permitted with conditions, it complies with the  
11 Master Plan. The Master Plan includes it.

12 COMMISSIONER McCREARY: Well, that's what  
13 I'm wondering. I'm -- I guess if you say you can put enough  
14 conditions on it, it would conform, but I don't understand it.

15 COUNTY ATTORNEY VINCENT: In order to make  
16 -- to do what you want to do, you'd have to go back to the zoning  
17 regulations and delete various conditional use permit  
18 possibilities --

19 COMMISSIONER McCREARY: Right.

20 COUNTY ATTORNEY VINCENT: -- from that  
21 zoning classification.

22 COMMISSIONER McCREARY: Uh-huh.

23 COUNTY ATTORNEY VINCENT: Otherwise, the  
24 zoning regulations comply with the Master Plan. The zoning  
25 regulations allow conditional uses with conditions. That's what

1 they are.

2 COMMISSIONER McCREARY: Right, and I'm  
3 just wondering how many conditions we can put on something to  
4 where -- I'm not saying happy, but where I would feel...

5 COUNTY ATTORNEY VINCENT: Well, that's up  
6 to you guys.

7 COMMISSIONER McCREARY: Yeah, and that's  
8 the thing.

9 COUNTY ATTORNEY VINCENT: Nothing -- don't  
10 worry about it. You can't worry about the impact it's going to  
11 have on the applicant.

12 COMMISSIONER McCREARY: Right.

13 COUNTY ATTORNEY VINCENT: I said that a  
14 while ago. That's not a valid concern.

15 COMMISSIONER McCREARY: Well -- yeah.

16 MS. EAGAN: Yeah, you also have to look at  
17 the Master Plan as a whole. You can't just focus on the future  
18 land use map. You also have to look at what it says in there  
19 where it talks about the variety of land uses and, you know,  
20 supporting businesses and everything. So you can't just use the  
21 Master Plan and the future land use map and that's the only thing  
22 you look at.

23 You know, you need to look at it as a whole, the  
24 whole document.

25 COMMISSIONER McCREARY: Right.

1 MS. EAGAN: And in terms of existing land  
2 use, I totally understand where you're coming from, but that  
3 changes every day. And unfortunately, it's always going to be  
4 outdated in our Master Plan because if somebody buys a property  
5 that was residential and turns it commercial, that existing land  
6 use map is no longer valid. Do you understand what I'm saying?

7 COMMISSIONER McCREARY: Right, I  
8 understand.

9 MS. EAGAN: Yeah.

10 COMMISSIONER McCREARY: Because we can't  
11 update it every time.

12 MS. EAGAN: Right.

13 COMMISSIONER McCREARY: Every time a case  
14 comes up, --

15 MS. EAGAN: Right.

16 COMMISSIONER McCREARY: -- we can't update  
17 the map and the Master Plan.

18 MS. EAGAN: Yeah.

19 CHAIRMAN EVANS: And because this is NUA,  
20 it is, as Mark said, a permitted -- a condition CUP use is  
21 appropriate as long as the conditions are met.

22 MS. EAGAN: Uh-huh.

23 CHAIRMAN EVANS: So it can't be  
24 arbitrarily denied --

25 COMMISSIONER McCREARY: Right.

1 CHAIRMAN EVANS: -- because it is allowed  
2 with the CUP in this zoning district.

3 COMMISSIONER HAIRE: My concern is in this  
4 particular situation putting a six-foot fence in front of that  
5 building I would -- I really disagree with. If you're going to  
6 put a fence in, put it behind it. I'd like to see it behind the  
7 building.

8 MS. EAGAN: Well, then you can change it.  
9 You could say, you know, from the front of the building back or  
10 something.

11 COMMISSIONER McCREARY: So we could put no  
12 storage in front of the existing building at all, and they would  
13 have to build the fence behind it? That's why I was saying --

14 MS. EAGAN: If you don't want anything --

15 COMMISSIONER McCREARY: -- a six-foot  
16 fence with the elevation --

17 MS. EAGAN: -- stored out front...

18 COMMISSIONER McCREARY: -- it's like, you  
19 know. I understand having them unloading off Sanctuary will stop  
20 the business out on the highway, which if you're there longer  
21 than 15 minutes, you're in trouble without having traffic  
22 control. So I come across that every day in my job, so...

23 CHAIRMAN EVANS: Mark, do you have some  
24 comments?

25 COUNTY ATTORNEY VINCENT: Yes, just one

1 comment about conditional use permits in general.

2           Scottie mentioned it. One of the reason -- well,  
3 the first decision you all have to make in every one, not just  
4 this one, is there substantial evidence to show to support the  
5 application. And that's the first call.

6           If you say no to that, then you're done. Now, I  
7 don't -- that's a call that you all have to make. When you look  
8 at the testimony that was presented, was there substantial  
9 evidence to support the application, and what goes along with  
10 that was the evidence that you heard credible.

11           Don't forget about that part of it if that's what  
12 you're concerned about because that's -- you can -- conditional  
13 use permits by definition are permitted with conditions. But  
14 just on the rezoning and anything else can be -- it's not a  
15 blanket stand. It's not carte blanche, but there are reasons  
16 that have to be in the record why you turned something down. And  
17 the biggest ones are was there enough evidence to support the  
18 application and was it credible evidence.

19           You guys are the triers of fact in this case, even  
20 though it's probably the wrong word, but you're the ones that  
21 have to make that decision. So -- and like Bill said, when  
22 you're talking about the Master Plan as a whole, the Master Plan  
23 includes those provisions of conditional use permits in those  
24 zoning classifications. This is in compliance with the Master  
25 Plan because it's with the other stuff, and you guys certainly

1 have the right, Russell, to put storage all the way behind the  
2 building. You can do that, but that's your call. That's up to  
3 you guys.

4 CHAIRMAN EVANS: Bill?

5 COMMISSIONER McLAREN: We have two  
6 different neighboring zoning classes here, correct?

7 MS. EAGAN: Uh-huh.

8 COMMISSIONER McLAREN: Is Old Highway 100  
9 the demarcation line between the two zoning classes?

10 CHAIRMAN EVANS: I believe it's Suburban  
11 Development.

12 COMMISSIONER McLAREN: Well, one is  
13 Suburban Development and the other one's --

14 CHAIRMAN EVANS: This property is NUA, and  
15 I think across the road is Suburban Development.

16 COMMISSIONER McLAREN: Yeah.

17 MS. EAGAN: Yeah, Old Highway 100 is the  
18 divider.

19 COMMISSIONER McLAREN: Is it reasonable  
20 that we take into account the State has put a stoplight there at  
21 the intersection so that they look at it that it's, you know -- I  
22 know Highway 100 was widened to four lanes, there was a lot of  
23 push to have that stoplight at Highway T instead of at Old  
24 Highway 100 and M. Is that a reasonable thing that we take into  
25 consideration, where the stoplight has been put in things like

1 this? I mean, it seems to me like we're -- you know, we got to  
2 look at the future here too, and with a four-lane highway and a  
3 stoplight, there's going to be a lot -- and I understand there's  
4 property that's been here in families for a hundred years here,  
5 and I own second farms. I get it, but by the same token, when  
6 there's a stoplight on a four-lane highway, we're going to see  
7 development at some point in time. It's inevitable.

8 CHAIRMAN EVANS: I think while we may see  
9 development in the future, we can look at the individual CUP  
10 based on possible future development. It's got to be based on  
11 the facts of this particular CUP, what he wants to do at that  
12 location.

13 COMMISSIONER McCREARY: Scottie -- oh, I'm  
14 sorry.

15 CHAIRMAN EVANS: Go ahead.

16 COMMISSIONER McCREARY: You said there was  
17 a limit of 12 vehicles stored, and then was there any time limit  
18 on vehicles stored, or as long as it's behind the site-proof  
19 fence, they can sit there forever?

20 MS. EAGAN: The Review Committee didn't  
21 put any conditions on that.

22 COMMISSIONER McCREARY: Okay.

23 COMMISSIONER HAIRE: Except it has to be  
24 licensed, correct?

25 MS. EAGAN: Correct.

1 COMMISSIONER McCREARY: Okay.

2 CHAIRMAN EVANS: Yeah, those were the ones  
3 the Review Committee came up with. The Commissioners certainly  
4 can come up with additional conditions if they choose.

5 COMMISSIONER McCREARY: I was wondering.  
6 They said that normally it's a two-week turnaround for vehicles,  
7 and may be -- I don't know -- any longer than that, but then we  
8 get testimony there were vehicles there for like eight or nine  
9 months.

10 But I don't know if they -- if that would be -- you  
11 know, if you could get a license, a two-year license now, I  
12 think, for your license plate. So...

13 MS. EAGAN: I know he did say he had some  
14 vehicles there for more than two weeks because he was waiting on  
15 parts.

16 COMMISSIONER McCREARY: Right, and also he  
17 was waiting on customers to come up with the money.

18 MS. EAGAN: Yeah.

19 COMMISSIONER McCREARY: Would that be  
20 considered, you know, what it may take a year or something for  
21 the customer to come up with the \$4,000 for the part or whatever,  
22 would that be storage or...

23 MS. EAGAN: It would be. It would be --

24 COMMISSIONER McCREARY; But it would be  
25 covered if it licensed still, right?

1 MS. EAGAN: Uh-huh. And then it would  
2 just have to be behind a site-proof fence, the way the Review  
3 Committee made the recommendation.

4 COUNTY ATTORNEY VINCENT: And it would  
5 take one of those 12 slots.

6 MS. EAGAN: Right.

7 COMMISSIONER McCREARY: Right.

8 CHAIRMAN EVANS: Any other conditions,  
9 suggestions?

10 COMMISSIONER HAIRE: I still have to  
11 consider that the fence be behind the building and not in front  
12 of the structure.

13 COMMISSIONER McCREARY: For all storage?

14 COMMISSIONER HAIRE: For all storage,  
15 yeah.

16 COMMISSIONER McCREARY: Behind the  
17 site-proof fence, behind the first -- the existing garages?

18 COMMISSIONER HAIRE: Uh-huh.

19 CHAIRMAN EVANS: Any comments to that  
20 suggestion?

21 COMMISSIONER SCHULTEHENRICH: Mr.  
22 Chairman, I would be in agreement with what Dan has suggested on  
23 the fence.

24 CHAIRMAN EVANS: Any other conditions?

25 COMMISSIONER McCREARY: What was the hours

1 of operation again?

2 MS. EAGAN: Monday through Friday, 8:00  
3 till 5:00.

4 COMMISSIONER McCREARY: No weekends?

5 MS. EAGAN: No.

6 COMMISSIONER McCREARY: Did that include  
7 drop offs and pick ups and things like that?

8 MS. EAGAN: Well, not delivery of vehicles  
9 for service except during normal business hours.

10 COMMISSIONER McCREARY: Okay. So just  
11 deliveries?

12 MS. EAGAN: Yeah.

13 COMMISSIONER McCREARY: In other words, I  
14 think somebody brought it up last month that, you know, hey, we  
15 got to close at 5:00, I can't make it there, I'll leave your  
16 truck outside or -- that would be on Sanctuary Lane not on the  
17 highway?

18 MS. EAGAN: From what I remember of  
19 testimony, they were going to use, I believe, the house as a pick  
20 up.

21 COMMISSIONER McCREARY: Okay. But it  
22 wouldn't be on Highway 100; they just wouldn't leave the truck  
23 out there?

24 MS. EAGAN: I want to say it was going to  
25 be with that lower house is where the vehicles would be picked up

1 after hours.

2 COMMISSIONER McCREARY: Where it says like  
3 155 there?

4 MS. EAGAN: Uh-huh.

5 COMMISSIONER McCREARY: Okay.

6 MS. EAGAN: I believe that's -- if I  
7 remember correctly, that's what it was.

8 CHAIRMAN EVANS: Any other questions or  
9 comments? Bill?

10 COMMISSIONER McLAREN: I feel  
11 argumentative tonight. I apologize. I don't know why.

12 We don't have a definition of storage that I just  
13 looked here real quick, what's the definition of storage.

14 MS. EAGAN: We have a definition of  
15 commercial storage.

16 COMMISSIONER McLAREN: Would that be  
17 underneath this?

18 MS. EAGAN: If it's the vehicles, we  
19 normally do it as an accessory to. If he started storing  
20 anything else for his business or -- he shouldn't -- any other  
21 business, that could be considered outdoor commercial storage.

22 But the vehicles being stored outside, no. We  
23 typically don't consider that outdoor commercial storage because  
24 it's an accessory to a vehicle service.

25 COMMISSIONER McLAREN: Okay. So I still

1 don't know what storage means.

2 COMMISSIONER BOLAND: Scottie. So I think  
3 Mr. Hill owns the property.

4 MS. EAGAN: Uh-huh.

5 COMMISSIONER BOLAND: He has a  
6 construction business?

7 MS. EAGAN: Right.

8 COMMISSIONER BOLAND: Did he store his  
9 construction equipment outside a fenced area?

10 MS. EAGAN: The way the conditions are  
11 written, he shouldn't be storing any of this equipment on that  
12 property.

13 COMMISSIONER BOLAND: Okay. I just wanted  
14 to make sure he understands that, because I think that's kind of  
15 what you're...

16 COMMISSIONER McLAREN: Well, I think we  
17 need to know what storage is if we're talking about storage, and  
18 we really don't have a definition of storage.

19 COMMISSIONER McCREARY: We do have like  
20 this here. I hope this is the one up-to-date. Commercial  
21 Storage Outdoor: Use of any building or premise for  
22 non-transitory, semi-permanent or long-term containment.  
23 Holding, leaving or placement of goods or materials used in  
24 connection with a business. Items include but are not limited to  
25 more than two commercial vehicles, equipment used in connection

1 with business, items for sale, et cetera.

2 COMMISSIONER McLAREN: So that doesn't  
3 cover anything about a car with a license can park in front of  
4 the building?

5 COMMISSIONER McCREARY: No, the next thing  
6 is commercial vehicle, and that just tells you what a commercial  
7 vehicle is.

8 COMMISSIONER McLAREN: And that does not  
9 cover anybody that parks their car in front of the building, and  
10 they have a car with a license on it, and I don't know how you  
11 could -- can regulate somebody coming and parking their car in  
12 front of a building on Saturday afternoon, because I don't think  
13 that defines storage. So...

14 COUNTY ATTORNEY VINCENT: You all can  
15 define storage and a restriction if you want to.

16 COMMISSIONER McLAREN: And that's fine.  
17 That's my point. I think we're talking about what's storage, and  
18 I don't -- I think we have differing opinions of what storage is.

19 CHAIRMAN EVANS: So you're basically  
20 talking that you could have the 12 vehicles in the back inside  
21 the fence, but what if somebody comes and drops it off and leaves  
22 it in front?

23 COMMISSIONER McLAREN: Exactly, and  
24 obviously we have a continuous situation here, and a year from  
25 now we're arguing about what we really meant and what storage

1 was.

2 MS. EAGAN: I mean, if you already have 12  
3 vehicles on the property, that 13th one technically shouldn't be  
4 there if you limit it to 12 vehicles, if that's what we're  
5 worried about. I will say with other vehicle service, when we  
6 talk about outdoor storage, it's usually related to parts of  
7 cars, which you guys restricted, having to do -- it was  
8 restricted to tires, it was restricted to, you know, radiators,  
9 transmissions, everything of that sort.

10 COMMISSIONER HAIRE: I guess before we  
11 look at the conditions, if I remember them correctly, if somebody  
12 drops a car after hours in front, it's the -- the --

13 COMMISSIONER McCREARY: It would be a  
14 violation.

15 COMMISSIONER HAIRE: -- the violation is  
16 the time when he put the vehicle there, not necessarily the  
17 vehicle being out there.

18 COMMISSIONER McLAREN: I understand that,  
19 but unfortunately, you know, it could be somebody that has no  
20 idea what the CUP is, that he, you know -- I mean, you've gotten  
21 -- I've been in a situation where I've had a car or a boat  
22 trailer break down on the highway knowing somewhere where -- that  
23 I can park it and assume I can get back there and get it before  
24 business opened up. I didn't have permission to do it. You  
25 know, so somebody not even understanding what they were doing

1 could put him in violation is my point.

2 COMMISSIONER HAIRE: Your -- I agree the  
3 point is enforceability if we put a condition like that on it. I  
4 agree.

5 COMMISSIONER McLAREN: And we're only  
6 counting cars that can be stored outside, it would be 12. We're  
7 not counting anything they would have inside, correct?

8 MS. EAGAN: It's all vehicles the way it's  
9 written. Being service, I should say. So that doesn't include if  
10 he drives and parks, --

11 COMMISSIONER McCREARY: Right.

12 MS. EAGAN: -- or if his employee drives.

13 COMMISSIONER McCREARY: Right. We got  
14 that before. Employees' cars are not considered part of it.

15 MS. EAGAN: And I'll be specific in that  
16 when I write that.

17 CHAIRMAN EVANS: Right, and we can say  
18 business hours, but like Bill mentioned, we can't put conditions  
19 on for every contingency because somebody's going to show up and  
20 drop a car off, and it's going to be unenforceable because Tori's  
21 not going to go out there on a Saturday afternoon and see the car  
22 sitting out there in front of the lot.

23 COMMISSIONER McLAREN: Well, I don't know  
24 how we can count cars that's inside the building if the doors are  
25 shut on the building --

1 MS. EAGAN: Maybe if it's not visible  
2 during Tori's inspection, we won't know.

3 CHAIRMAN EVANS: Yeah, I mean, as far as  
4 those, Tori will go during normal business hours, and he can  
5 count those. But if somebody parks in the front on a Saturday,  
6 you know, we're not going to be able to enforce that. That's  
7 what I was saying. It's going to be hard to put conditions on  
8 for every contingency, but I agree, it would be in violation.

9 COMMISSIONER McLAREN: Are we counting  
10 employees' cars as well?

11 CHAIRMAN EVANS: No.

12 MS. EAGAN: Just the vehicles being  
13 service.

14 COMMISSIONER McLAREN: Okay.

15 CHAIRMAN EVANS: Any other questions or  
16 comments?

17 I think the only change to the conditions as  
18 presented from the Review Committee would be the location of the  
19 fence. Is that correct?

20 COMMISSIONER McCREARY: I have a question.  
21 You said that entry off Sanctuary Lane there, would that mean  
22 this entrance that's presently there go away. I mean, all  
23 loading and everything is supposed to come in on Sanctuary Lane.  
24 If that driveway going to the existing building was removed,  
25 nobody could come in, go across the ditch and unload a truck on a

1 Saturday whether they knew the condition or not. I mean, the  
2 condition that we put there, the unloading of vehicles 8:00 to  
3 5:00 Monday through Friday, that would be in violation if they  
4 pulled up right now and -- yeah, right now today at this time,  
5 and unloaded a vehicle that was stuck or whatever, they had  
6 problems, that would be a violation of the conditions that we  
7 just put on there.

8 CHAIRMAN EVANS: Scottie, how does the  
9 condition read? Would that all access be on Sanctuary?

10 MS. EAGAN: "Per testimony, applicant  
11 shall be required to use Sanctuary Lane for ingress and egress."

12 CHAIRMAN EVANS: Since we have that  
13 condition on there, is that enforceable right now on other CUPs  
14 that we have required blocking of access of the driveways?

15 So what you're saying, Russell, is you want that --

16 COMMISSIONER McCREARY: Yeah, I mean --

17 CHAIRMAN EVANS: -- that closed?

18 COMMISSIONER McCREARY: -- if you're  
19 concerned about a customer coming up whenever and dropping it off  
20 in the front there, that would be in violation -- that would put  
21 this man in violation of his conditional use permit. Somebody  
22 could write a complaint and present evidence and he could lose --  
23 he could lose his conditional use permit over this, correct?

24 COMMISSIONER HAIRE: Yes.

25 MS. EAGAN: Potentially. It'd have to go

1 before you guys.

2 COMMISSIONER McCREARY: Right. I'm just  
3 saying maybe if there was no other way to get to that garage, it  
4 might behoove them to remove that on their own. I wouldn't say  
5 you had to remove it, but --

6 CHAIRMAN EVANS: Well, I think --

7 COMMISSIONER McCREARY: -- they'd be able  
8 to use it during normal business hours, but --

9 CHAIRMAN EVANS: What we've done is  
10 required either a gate or concrete pillars or large rocks be  
11 placed across an access.

12 COMMISSIONER McCREARY: Yeah, because  
13 we've already got a fence in the back, we've decided to move the  
14 fence to the back of the existing building, right? [No audible  
15 response]

16 So I mean, you wouldn't want another fence up front,  
17 would you?

18 COMMISSIONER HAIRE: Ut-uh.

19 COMMISSIONER McCREARY: Just maybe --  
20 maybe, like I said, a chain and a gate.

21 CHAIRMAN EVANS: Right. That's what --

22 COMMISSIONER McCREARY: Yeah.

23 CHAIRMAN EVANS: That's what we have done  
24 in the past -- the past.

25 COMMISSIONER McCREARY: Because I hate for

1 him to have to lose it, you know, because it's during normal  
2 business hours, it would be a good thing to do, but I -- but then  
3 again, like Bill said, I wouldn't want this guy to get in trouble  
4 because somebody didn't know. Like I guess he gave testimony  
5 last month that people break down on the highway, and they get  
6 pulled there, you know.

7 But if there was a way that that couldn't happen,  
8 and maybe a gate or a chain with a lock on it or something,  
9 they'd have to go to Sanctuary Lane to do their unloading or  
10 whatever. But that would have to prevent that.

11 MS. EAGAN: I have a question. What about  
12 employees of the business or Mr. Hill or the Applicant himself,  
13 can they park in front of that building?

14 COMMISSIONER McCREARY: Right, and that's  
15 what I think maybe instead of just removing the driveway, have a  
16 chain or something like that, you know. If they're there because  
17 they're there, you know, they're not working on anything, yeah,  
18 they should be able to use it.

19 MS. EAGAN: They can park there even if  
20 they're working?

21 COMMISSIONER McCREARY: Hours of operation  
22 or whatever.

23 MS. EAGAN: Can the employees park there  
24 during normal business hours?

25 COMMISSIONER McCREARY: I would think so,

1 yeah. We're only limiting -- we're only limited to 12. That  
2 doesn't county any employees or anything. I wouldn't have a --  
3 you know, I can see them parking there. But yeah, when Bill  
4 brought up that fact that, you know, hey, just it could happen to  
5 anybody at any time, and that would be in violation. Like well,  
6 maybe we ought to think of a way to -- and I think we have come  
7 up with a way, maybe a chain with a gate or, you know, poles,  
8 pillars.

9 CHAIRMAN EVANS: But what you're basically  
10 saying is to have the other access not accessible during  
11 non-business hours.

12 COMMISSIONER McCREARY: There you go.

13 COMMISSIONER HAIRE: Yeah.

14 COMMISSIONER McCREARY: Yeah. It's a good  
15 way to put it.

16 COMMISSIONER REINHOLD: If he widens that  
17 road to a commercial entrance like he's going to have to, I think  
18 it's going to be awful close to that driveway. I don't think  
19 they're going to allow it to stay open.

20 COMMISSIONER McLAREN: Are there  
21 regulations in the County how close driveways can be together?

22 [crosstalk]

23 COMMISSIONER REINHOLD: That's a State --

24 COMMISSIONER WILLIAMS: It's all the same  
25 road, but I'm not sure that it applies to separate roadways very

1 obviously.

2 COMMISSIONER REINHOLD: That's a State  
3 road though. Am I correct?

4 COMMISSIONER WILLIAMS: No.

5 COMMISSIONER McLAREN: No, it's a County  
6 road.

7 COMMISSIONER REINHOLD: Oh, it is a County  
8 road.

9 COMMISSIONER WILLIAMS: 100 is a County  
10 road.

11 COMMISSIONER REINHOLD: Okay.

12 CHAIRMAN EVANS: All right. We have the  
13 conditions and again, since the Review Committee just met right  
14 before the Planning and Zoning, we don't have complete copies.  
15 But as Scottie read them, the only additions that I see we've  
16 come up with would be closing the access, the other access, to  
17 the property during business hours, and moving the fence again  
18 from the front to the back --

19 COMMISSIONER HAIRE: Behind the building.

20 CHAIRMAN EVANS: -- behind the building.

21 Any discussion on that, for or against?

22 COMMISSIONER McLAREN: I guess I have one  
23 more question.

24 In the past, did we count stuff stored inside  
25 towards their total units they could have?

1 COMMISSIONER HAIRE: I don't think we've  
2 ever made a stipulation either way. The County code if it's on  
3 the property, I think.

4 COMMISSIONER McLAREN: Well, you know, in  
5 the past, we've talked about somebody could have 25 cars, but if  
6 they had cars inside the building, we'll count those. So I think  
7 it's important to have continuity here.

8 COMMISSIONER HAIRE: Would it be just  
9 easier if there's three bays just to add it to 15, and that would  
10 address your concern?

11 COMMISSIONER McLAREN: My concern is that  
12 when we come to something else, that we have said okay, this time  
13 we're counting cars inside. Next time we're not counting cars  
14 inside.

15 COUNTY ATTORNEY VINCENT: These are all  
16 independent. No precedent.

17 COMMISSIONER McLAREN: All right. Then  
18 I'm fine.

19 CHAIRMAN EVANS: Yeah, because every one's  
20 going to be different. So -- now, with the Review Committee,  
21 again, what was their feeling of the 12 cars? Was it 12 total  
22 cars or inside, out?

23 COMMISSIONER SCHULTEHENRICH: That was  
24 inside and out total cars 12.

25 CHAIRMAN EVANS: Okay.

1 MS. EAGAN: And we have to remember, guys,  
2 when there is a violation turned into our office, it's not  
3 instantly he's going to come before you guys --

4 COMMISSIONER McCREARY: Right.

5 MS. EAGAN: -- for the revocation.  
6 There's going to be a remedy period that he has to fix that  
7 violation. So it isn't this instant. If we get a call on Monday  
8 that there was a car parked there on a Saturday, he's not  
9 instantly going to lose his conditional use permit.

10 COMMISSIONER McCREARY: Right, but like --  
11 well, like Bill pointed out that, you know, inadvertent things  
12 could happen, and I would hate to see the man's conditional use  
13 permit is, you know, in jeopardy because of it. You got to  
14 understand -- or it's not automatically revoked or everything  
15 else. So...

16 CHAIRMAN EVANS: Jay?

17 COMMISSIONER SCHULTEHENRICH: Mr.  
18 Chairman, can I ask one question of Scottie, and that is we were  
19 placing a -- by approving this, we're putting a conditional use  
20 permit on what is basically going to be performed with inside of  
21 a given property line area and in the building itself. Would it  
22 still, without any restriction, would it still be able to be  
23 utilized for any type of storage of materials or anything that is  
24 not in conjunction with the conditional use permit use, which is  
25 the repair and servicing of vehicles, cars or...

1 MS. EAGAN: I mean, if he starts storing  
2 stuff for other businesses, that would fall under indoor or  
3 outdoor commercial storage, which is a whole nother  
4 classification under our code.

5 COMMISSIONER SCHULTEHENRICH: Okay.

6 MS. EAGAN: But if it's personal stuff, I  
7 don't know if there's anything you can do about it, depending on  
8 whose personal stuff it is.

9 COMMISSIONER SCHULTEHENRICH: No, I was  
10 just -- I could understand that if it's personal stuff, et  
11 cetera, but I'm talking about any other type of storage for any  
12 other usage.

13 MS. EAGAN: No, it's all under one  
14 category under our code.

15 COMMISSIONER SCHULTEHENRICH: Okay, thank  
16 you.

17 CHAIRMAN EVANS: Any other questions or  
18 comments?

19 Again, other than the changes that Scottie just  
20 mentioned, the two -- our to move the fence back to the back of  
21 the building, and number 2, restrictive access from the second  
22 driveway during business hours, anything in addition to that?  
23 Any discussion about that? [None]

24 If not, then does everybody understand the  
25 conditions; would you like Scottie to read them again, or do you

1 have a pretty good handle on it?

2 COMMISSIONER McCREARY: Do you have --  
3 that brings them up to a total of 18 conditions now?

4 MS. EAGAN: Seventeen.

5 COMMISSIONER McCREARY: Seventeen?

6 MS. EAGAN: [Nodding]

7 COMMISSIONER McCREARY: Could you go  
8 through them again? I hate to -- it's been a while.

9 MS. EAGAN: This property shall be used  
10 for automotive and truck repair only.

11 The Applicant shall be allowed to employ up to  
12 five people.

13 The Applicant's hours of operation shall be 8:00  
14 a.m. to 5:00 p.m., Monday through Friday.

15 The Applicant is allowed to have up to 12 vehicles  
16 being serviced on the property at one time. This shall not  
17 include vehicles of employees.

18 All new and/or existing entrances will need to be  
19 examined by the Franklin County Highway Department for a  
20 commercial entrance.

21 Planning and Zoning shall receive documentation of  
22 final construction prior to issuance of the Conditional Use  
23 Permit.

24 Any buildings used or built in connection with the  
25 Conditional Use Permit will need to be approved by the Franklin

1 County Building Department for a commercial building.

2 All conditions shall be completed within one year of  
3 approval, unless otherwise stated.

4 Failure to meet all conditions will result in the  
5 application expiring.

6 Any work being done outside, anything stored  
7 outside, and/or any vehicles not being serviced but stored  
8 overnight shall be behind the existing building and built behind  
9 a six-foot high site-proof fence built with either chain link,  
10 wood or similar material.

11 The fence shall be built within 45 days of approval  
12 and behind the existing building.

13 The Applicant shall be limited to servicing cars and  
14 trucks up to two tons. Nothing larger is allowed to be serviced.

15 No other equipment shall be stored on the property,  
16 besides diesel cars and trucks.

17 Number 10: No other equipment shall be stored on  
18 the property. Only vehicles and equipment for the service  
19 business shall be allowed.

20 No tire servicing or repairs shall be allowed.

21 No sales of car or truck parts shall be allowed.

22 No unlicensed vehicles allowed on the property.

23 Per testimony, the Applicant shall be required to  
24 use Sanctuary Lane for ingress and egress.

25 Any part of the property being used for service or

1 storage in relation to the business shall be hard surfaced with  
2 concrete, asphalt or chip and seal.

3 No delivery of vehicles for service except during  
4 normal business hours.

5 The Applicant shall close the private entrance onto  
6 Old Highway 100 during non-business hours.

7 COMMISSIONER McCREARY: Thank you.

8 CHAIRMAN EVANS: Bill?

9 COMMISSIONER McLAREN: You've already  
10 eliminated him doing anything if he can't sell parts. Everybody  
11 installs parts, they sell them because that's where they make  
12 their money because they mark up what they buy in order to sell.  
13 So I don't see how that is reasonable.

14 CHAIRMAN EVANS: Well, I think if he  
15 sells...

16 COMMISSIONER McLAREN: I understand what  
17 you're -- I understand what you're saying is you don't want to  
18 salvage parts and sell parts. I think it's an inference here; is  
19 that correct? Because...

20 CHAIRMAN EVANS: Well, I think it's  
21 getting -- it's the selling of parts from like a parts store. If  
22 he gets parts off a vehicle or whatever and sells them, you know,  
23 on the side or somebody else, I think that's -- we don't have a  
24 problem with that. But you know, the sales of parts is again a  
25 completely different issue if you have a parts store, you know,

1 if you're in...

2 COUNTY ATTORNEY VINCENT: Just clarify it.

3 I mean, you can't sell parts except parts put on the vehicle  
4 being repaired.

5 COMMISSIONER McLAREN: Well, then -- but  
6 that's -- he's got to sell parts in order to repair the vehicle.

7 COUNTY ATTORNEY VINCENT: That's what I  
8 said, he can sell parts for the use or for repair.

9 COMMISSIONER McLAREN: All right.

10 MS. EAGAN: Can you say that again?

11 COUNTY ATTORNEY VINCENT: No. He has to  
12 be able to sell the parts for -- to use in the repairs being made  
13 to the vehicle -- made to the vehicles he works on.

14 MS. EAGAN: So just say no sale of car or  
15 truck parts not being used in the service of the...

16 COMMISSIONER McCREARY: Not being  
17 installed? Not being installed? I mean, the guy comes in and  
18 says hey, I need six injectors for my truck. Oh, yeah, sure, I  
19 got them here. That's an auto parts store. It's not a -- you  
20 know, you bring a truck, you need six injectors. Of course, he's  
21 going to sell the new injectors after he puts them in.

22 MS. EAGAN: Now I get it.

23 COMMISSIONER McCREARY: So, yeah. But I  
24 mean, you know...

25 CHAIRMAN EVANS: And again, that's --

1 COMMISSIONER McCREARY: I see where the  
2 difference is.

3 CHAIRMAN EVANS: Yeah, and I -- again, I  
4 don't think that we can regulate every contingency, because I  
5 don't think that's going to happen. It's not going to be  
6 enforced.

7 Any other comments or questions?

8 COMMISSIONER McCREARY: No.

9 CHAIRMAN EVANS: We have the two changes,  
10 and if everyone is -- understands the 17 conditions, the Chair  
11 would entertain a motion.

12 COMMISSIONER REINHOLD: I make a motion we  
13 approve it.

14 CHAIRMAN EVANS: We have a motion. Do we  
15 have a second?

16 COMMISSIONER BOLAND: Second.

17 CHAIRMAN EVANS: We have a motion and a  
18 second to approve File 150145 with the 17 conditions as stated.  
19 All those in favor signify by saying aye.

20 COMMISSIONER REINHOLD: Aye.

21 COMMISSIONER VOSS: Aye.

22 COMMISSIONER McLAREN: Aye.

23 COMMISSIONER CUNIO: Aye.

24 CHAIRMAN EVANS: Aye.

25 COMMISSIONER BOLAND: Aye.

1 COMMISSIONER HAIRE: Aye.

2 COMMISSIONER FISCHER: Aye.

3 COMMISSIONER SCHULTEHENRICH: Aye.

4 COMMISSIONER McCREARY: Aye.

5 CHAIRMAN EVANS: Opposed? [None]

6 The motion is carried. File 150145 is approved with  
7 conditions.

8 Moving on to New Business. File 150167, Planning  
9 and Zoning Department. No public comments accepted.

10 Scottie, please give us the details.

11 MS. EAGAN: Okay.

12 What happened with Article 4, our Board of Zoning  
13 Adjustment didn't like the way the regulations were written when  
14 it came to them voting for appeals and variances. So it started  
15 with us looking at just that section, and then it was decided  
16 just to give another look at Article 4 to see if there was  
17 anything else that needed to be changed since we redid the  
18 regulations last year.

19 So it's -- I'll just kind of go through it kind of  
20 quickly page by page and tell you just here and there what we  
21 did. A lot of it was for clarification sake. We changed he and  
22 she to their so that there's minor details like that throughout  
23 the article that I'm not going to talk about.

24 The first one on 4.1, letter C. We realized that we  
25 left out the fact that permitted major subdivisions also

1 shouldn't have physical improvements to the land until it's  
2 approved. So we added that into it.

3 4.1 Section 79(a). We added that the Planning and  
4 Zoning Department may at their discretion contact the applicant  
5 to inform them of any missing information from the application  
6 prior to rejecting it. This basically is just giving us leeway  
7 on whether or not we're going to contact the applicant if  
8 something minor or we're just sending it back and rejecting it  
9 over something major.

10 Page 4.2, Letter C. We deleted it because it was  
11 already said in Letter A.

12 Under 4.2, Letter B, we realized that we didn't have  
13 anything about rezonings and preliminary plats in there. So we  
14 added that in to the first sentence. And then we added the last  
15 part when it talks about that -- it says:

16 "However, if the Planning  
17 director believes that the application  
18 is incomplete, a recommendation to the  
19 Planning and Zoning Commission or Board  
20 of Zoning Adjustment that the application  
21 be denied on that basis or a recommendation  
22 of denial will be made in applications or  
23 rezonings or preliminary plats."

24 So we had to add that about the recommendation  
25 because that's all you guys do for rezoning and preliminary

1 plats.

2 COMMISSIONER HAIRE: If it's incomplete,  
3 why would you even bring it to us?

4 MS. EAGAN: If it's -- if we deem it's  
5 incomplete but they say it's complete. Like if they're saying I  
6 have everything I want to give you, but we still feel like it's  
7 missing something, we'll recommend that to you.

8 COMMISSIONER HAIRE: Okay.

9 MS. EAGAN: 4.3, Letter A. We deleted  
10 that any person who makes a written request for such a notice  
11 that we'll actually notify them of the meeting. We deleted that  
12 because we don't do it permanently, and it kind of opens the door  
13 for us to make mistakes if they make a request and we forget  
14 about it four months later when the application is actually  
15 turned in.

16 Under 4.3(a), we actually do need to have  
17 transcripts of all public hearings. So we changed that.

18 On 4.4, Letter A and C, those are just to clarify so  
19 people understand who and what we're talking about.

20 We deleted Section 88 of Backup Permits on  
21 successors and assigns. We realized that there was a part of it  
22 that was kind of confusing, but then later on it's actually  
23 restated in the regulations. So we realized we didn't need it to  
24 be said in two different places.

25 CHAIRMAN EVANS: Scottie, I hate to jump

1 in.

2 MS. EAGAN: That's all right.

3 CHAIRMAN EVANS: Section 82 on A -- or on  
4 B. I'm sorry. And I didn't check the clean copy. If you read  
5 that, it says, the written notice not 15 days before the hearing  
6 to those persons who...

7 MS. EAGAN: Oh, who have real property.

8 CHAIRMAN EVANS: Should have -- it should  
9 be "have."

10 MS. EAGAN: Let's see. 4.5. We talked  
11 about Section 91. Under Lapse and Expiration of Permits, we  
12 added a little word that says, "The one-year time limit shall  
13 start on the date all appeals are finalized and the final  
14 decision is resolved."

15 When we realized with some cases we didn't have  
16 anything in there in case conditional use permits went to BOZA or  
17 it went to court. So we needed to have something in there that  
18 that decision of the one year does not become finalized until  
19 either BOZA makes their decision or the court makes their  
20 decision.

21 4.6 it was again it was just to clarify it. We  
22 wanted to delete it so there was no confusion with what Letter D  
23 was saying. I still go back and forth on this one because I  
24 still think it could be in there, but Mark disagreed with me. So  
25 I deleted it.

1 COUNTY ATTORNEY VINCENT: What did I do?

2 [Off-the-record comment]

3 MS. EAGAN: When we deleted that it says a  
4 vote by majority of those Board members present will be made to  
5 determine whether the hearing shall remain open and continue.

6 COUNTY ATTORNEY VINCENT: That's what you  
7 want. What did I want?

8 MS. EAGAN: I thought it should stay in  
9 there. You said it didn't make sense to stay in there. So we  
10 deleted it.

11 COUNTY ATTORNEY VINCENT: Okay. That's  
12 not a big deal either way.

13 MS. EAGAN: So again, it doesn't matter  
14 either way, obviously, and you guys need the majority vote to do  
15 anything.

16 4.7. We deleted that, "...that may at the  
17 discretion hear from the applicant or members of the public,"  
18 because you guys are required to hold a public hearing in  
19 accordance with Missouri law. So we just made that clear.

20 And then under Section 97, we wanted to put in there  
21 that -- hold on -- that you guys do have the right to put  
22 conditions on there about the length that the permit is good for  
23 as well as whether that permit can be transferred. So if you  
24 want to, you could put a condition on there that that conditional  
25 use permit doesn't necessarily transfer with the land.

1           4.9. We deleted the parentheses in Number 3 because  
2 it didn't make any sense to us, and then later on under Appeals,  
3 we just clarified what we were talking about.

4           And what we did then in Section 103, there's a lot  
5 of deleted things you guys can see. What we did is we kind of  
6 simplified the process for the way appeals are handled. We put  
7 everything under one section. We used to have it separated  
8 appeals from conditional use permits and then appeals from my  
9 decisions. So we wanted to just simplify it, put it all under  
10 one so everybody knows exactly where to go and how to read it.

11           And then it talks about that the vote for an appeal  
12 shall be taken in accordance with the bylaws adopted by the  
13 Board. So that way the Board can choose in their bylaws how they  
14 want to vote on appeals.

15                           COMMISSIONER HAIRE: On Number 2, it went  
16 from 90 days to 3 months. Actually three months can be more  
17 ambiguous, depending what 3 months it is, than 90 days. Why did  
18 we make that change?

19                           MS. EAGAN: I think that's the way the  
20 State law reads.

21                           COUNTY ATTORNEY VINCENT: State statute  
22 reads that way.

23                           COMMISSIONER HAIRE: So then the statute  
24 is ambiguous. Okay. That's fine.

25                           COUNTY ATTORNEY VINCENT: Yeah, really.

1 We don't say -- the 90 days is pretty certain, but three months  
2 could be February or whatever month.

3 COMMISSIONER HAIRE: Okay.

4 COUNTY ATTORNEY VINCENT: So they say  
5 three months.

6 MS. EAGAN: Right.

7 COUNTY ATTORNEY VINCENT: So we give them  
8 what they ask for.

9 MS. EAGAN: And then one thing Gordon  
10 Upchurch, who's chairman of the Board of Zoning Adjustment,  
11 wanted to put in there -- and, Mark, I don't know how you feel  
12 about it either. Under, I guess it's Number 6, it says:

13 "The Board of Zoning Adjustment  
14 may reverse or affirm, wholly or partly,  
15 or may modify the order requirement or  
16 decision or determination appealed from  
17 and shall make any order requirement,  
18 decision or determination that in its  
19 opinion ought to be made in the case  
20 before it. To this end, the Board shall  
21 have all the powers of the officer from  
22 whom the appeal is taken. Votes shall  
23 be taken in accordance with the bylaws  
24 adopted by the Board."

25 Gordon wants it to say, "...votes shall be taken in

1 accordance with the bylaws, if any, adopted by the Board."

2 COUNTY ATTORNEY VINCENT: He's trying to  
3 -- I don't have a problem with that. He's trying to say that --  
4 whatever reason they all adopted bylaws. So that's going to go  
5 back to Roberts Rules of Order or something like that.

6 MS. EAGAN: So we can put that in there,  
7 and we'd have them correct?

8 COUNTY ATTORNEY VINCENT: Yeah.

9 MS. EAGAN: So that answers that question.

10 And then under Number 8, we added, "Written evidence  
11 may be received into evidence as directed in the bylaws adopted  
12 by the Board." Which I'm guessing we should also say, "...  
13 bylaws, if any, adopted by the Board."

14 And then I think that's all that is the major  
15 changes in Article 4.

16 MS. ZIELKE: Scottie, when you changed  
17 "his" to "their", that's not right to do as far as English goes.  
18 It would be "his or her authority", but I found later and I know  
19 that you were the one that had an issue with the his thing. In  
20 Article 1, it actually says that any masculine term --

21 COUNTY ATTORNEY VINCENT: I know. I was  
22 giving her a hard time.

23 MS. ZIELKE: Oh.

24 MS. EAGAN: So I changed all of that for  
25 nothing. So that all might get changed back.

1 CHAIRMAN EVANS: Do any of the  
2 Commissioners have any comments? Recognize the changes,  
3 deletions? Jay?

4 COMMISSIONER SCHULTEHENRICH: Yes, Mr.  
5 Chairman. Let me ask the question on there, and that is we had  
6 quite a bit of discussion tonight on page 4.6 having to do with C  
7 up above, and there in talks about shall not -- let's see. The  
8 last sentence, "...endanger the public health or safety."

9 And I know some of the Commissioners had referenced  
10 other sections having to do with other conditions potentially to  
11 be considered in regards to a denial of a -- or a recommendation  
12 to deny a conditional use permit.

13 Is this the consideration, is this potentially where  
14 we would consider anything to address potentially some of the  
15 concerns that were raised this evening?

16 MS. EAGAN: I'm sorry. Where are you at?

17 COMMISSIONER HAIRE: Top of the page, C.

18 MS. ZIELKE: 4.6.

19 MS. EAGAN: Clean version or red-lined  
20 version?

21 MS. ZIELKE: Third version.

22 MS. EAGAN: Okay.

23 COMMISSIONER SCHULTEHENRICH: Because I  
24 heard some say that in regards to the conditional use permit that  
25 was applied earlier there, there was some concerns raised in

1 regards to that it did not conform with the conformity of the  
2 neighborhood or et cetera or so reading certainly other sections  
3 as referenced in these regulations. Is that potentially where,  
4 if you're going to look upon other potential reasons as to  
5 potentially to deny, would that be the position potentially to  
6 add those conditions at all?

7 COUNTY ATTORNEY VINCENT: Yes, but you got  
8 to make sure that the record supports it.

9 That's the big problem, is that people come here to  
10 these meetings, in their presentations in the public hearings,  
11 they don't support what they're -- there is no evidence. And so  
12 they make a statement, but there is no evidence that this is  
13 going to cause air pollution. You got to have the -- if you're  
14 going to deny somebody something that's otherwise permitted, you  
15 better have substantial evidence, and that's where you go with  
16 that. You're right.

17 COMMISSIONER SCHULTEHENRICH: Otherwise,  
18 the way I understand it, at least from reading this, it basically  
19 is somewhat restricting us to say our basis is based upon  
20 endangered public health or safety, period.

21 COUNTY ATTORNEY VINCENT: Pretty much.

22 COMMISSIONER SCHULTEHENRICH: We can know  
23 pretty well what we're -- I mean, we can deny it because of an  
24 incomplete. We can deny it upon other -- not within jurisdiction  
25 according to Article 7 and all those, but then it goes on and it

1 says we have other means in which to deny it, but those other  
2 means limit us --

3 COUNTY ATTORNEY VINCENT: Very much so.

4 COMMISSIONER SCHULTEHENRICH: -- basically  
5 two reasons. Okay.

6 COUNTY ATTORNEY VINCENT: That's correct.

7 COMMISSIONER SCHULTEHENRICH: And my  
8 question to the Commission is, is with what we heard this evening  
9 among the discussion is this potentially the location, or would  
10 we -- would we wish to consider any other potential reasons to be  
11 listed in here that we would consider to be very valid, strong  
12 reasons for why we would add something other than just public  
13 health and safety? Again, as Mark said, you have to have, you  
14 know...

15 COUNTY ATTORNEY VINCENT: You got to have  
16 substantial evidence, and that would have to go through the  
17 County Commission.

18 CHAIRMAN EVANS: I think if we -- I think  
19 this is the place to put it, but then as Mark said, we could put  
20 whatever we wanted in there as far as something that would be,  
21 say, noise or whatever, but it would still be up to someone to  
22 present credible evidence to prove that point.

23 But at least by putting it in here, it would give  
24 them the option.

25 COUNTY ATTORNEY VINCENT: Two things

1 happened tonight that I'm going to point out to you guys just to  
2 make sure you understand.

3 Russell, you made one comment, and, Bill, you made  
4 one comment. Neither one were public -- part of the record which  
5 you made comments on tonight. You, Bill, on the traffic light  
6 out there, that was not part of the record, and you're looking at  
7 -- going out and looking at it was not part of the record. That  
8 has to become part of the record. The record was already closed.

9 So if you're going to make decisions based on those  
10 things, you got to bring it at the hearing.

11 COMMISSIONER McCREARY: My going out there  
12 was mentioned last month.

13 COUNTY ATTORNEY VINCENT: But when did you  
14 go out?

15 COMMISSIONER McCREARY: Before the  
16 meeting.

17 COUNTY ATTORNEY VINCENT: Then I would --  
18 [crosstalk]

19 COMMISSIONER McCREARY: [Inaudible]

20 COUNTY ATTORNEY VINCENT: You went out  
21 before?

22 COMMISSIONER McCREARY: Yeah, I went out  
23 before.

24 COUNTY ATTORNEY VINCENT: But Bill --  
25 Bill's was stop -- I'm not trying to pick on anybody.

1 COMMISSIONER McCREARY: Okay. No, I  
2 understand.

3 COUNTY ATTORNEY VINCENT: But, you guys,  
4 it's got to be there.

5 COMMISSIONER McCREARY: But I also got a  
6 question. You said substantial evidence, like the sworn  
7 testimony last month. The guy basically, "I'm standing in my  
8 yard, and I got a face full of soot," that's wasn't from this  
9 applicant. That was from a customer.

10 COUNTY ATTORNEY VINCENT: Well, I  
11 understand that.

12 COMMISSIONER McCREARY: I mean, it could  
13 have been -- but that's -- I mean, that was the testimony. So he  
14 really wasn't testifying against the people who did the repair.

15 COUNTY ATTORNEY VINCENT: I'm not --

16 COMMISSIONER McCREARY: He was just saying  
17 I'm standing in my yard --

18 COUNTY ATTORNEY VINCENT: I'm not talking  
19 about the --

20 COMMISSIONER McCREARY: But if he did --  
21 if he did give testimony saying yeah, this guy did this purposely  
22 on his property and, you know, forced onto my property, that  
23 would be -- would that be evidence if we have sworn testimony?

24 COUNTY ATTORNEY VINCENT: Sure that's  
25 evidence.

1 COMMISSIONER McCREARY: Okay.

2 COUNTY ATTORNEY VINCENT: But is it

3 substantial?

4 COMMISSIONER McCREARY: Right.

5 [crosstalk]

6 COUNTY ATTORNEY VINCENT: Is it enough to

7 make a decision?

8 COMMISSIONER McCREARY: What --

9 COUNTY ATTORNEY VINCENT: You got to

10 balance it.

11 COMMISSIONER McCREARY: Yeah, but what do

12 we --

13 [crosstalk]

14 COUNTY ATTORNEY VINCENT: There is no --

15 COMMISSIONER McCREARY: What do we call

16 substantial credible?

17 COUNTY ATTORNEY VINCENT: There is

18 nothing.

19 CHAIRMAN EVANS: No, that's what I was

20 saying. We can put it in here wherever we want, but they have

21 the burden of proof substantial evidence. Did eight people see

22 it and take pictures of it? That's credible; that's substantial.

23 COMMISSIONER McCREARY: Okay. Okay.

24 CHAIRMAN EVANS: Did he say, she say.

25 COMMISSIONER McCREARY: Right, right,

1 right.

2 COUNTY ATTORNEY VINCENT: Okay.

3 COMMISSIONER McCREARY: Because it's like  
4 what Bill's saying earlier what is so urgent, yeah, we -- that  
5 that's probably --

6 COUNTY ATTORNEY VINCENT: So that's why I  
7 was asking you guys the first thing that you have to answer  
8 yourselves, each one of you individually, was there substantial  
9 evidence to support the application, period. I mean, if somebody  
10 gets up there and says I think this is a good idea to do, well,  
11 there's no evidence.

12 COMMISSIONER HAIRE: Mark, just as  
13 clarification. If like we -- several times we keep the record  
14 open, we can go back --

15 COUNTY ATTORNEY VINCENT: Yes, sir.

16 COMMISSIONER HAIRE: -- as long as the  
17 record is open?

18 COUNTY ATTORNEY VINCENT: As long as the  
19 record is open, and it's made clear to everybody that that's  
20 going to become part of the record.

21 COMMISSIONER HAIRE: Okay.

22 COUNTY ATTORNEY VINCENT: Yes, Bill.

23 COMMISSIONER McLAREN: And I'm just -- I'm  
24 not trying to parse stuff. I'm really not, but that -- to me  
25 that's an interesting comment you just made. When this guy went

1 out to sped out or whatever, he was on a public road.

2 COMMISSIONER McCREARY: Right.

3 COMMISSIONER McLAREN: If he paid his  
4 bill, he was nothing to do with that business anymore.

5 COMMISSIONER McCREARY: Right, that's what  
6 I'm saying, you know.

7 COMMISSIONER McLAREN: So at what point  
8 does it matter, you know, the point --

9 COUNTY ATTORNEY VINCENT: The point that  
10 matters is in your individual heads.

11 COMMISSIONER McCREARY: Well, that's what  
12 I was saying. I mean, the testimony given last month was about  
13 some guy rolling and blowing in this guy's front yard. It had  
14 nothing to do with where he got it repaired at or anything. And  
15 so it's like okay, yeah, I believe that, but it had nothing to do  
16 with this entity that, you know, we're considering tonight.

17 But however, like I said, if the guy would have,  
18 yeah, okay. I'm going to sit here on my property, I'm going to  
19 do this, the guy that's working on it on purpose, you know, or  
20 whatever for whatever reason, yeah. I could say okay, that's  
21 Aftermath Diesel's employee, and yeah, this is affecting -- and  
22 like you said, not just one guy but maybe two or three people  
23 come testify yeah, he does this Monday through Friday, 8:00 to  
24 5:00 every single day.

25 I would say, well, you know what, that would imperil

1 the safety and health of the community. But just to have  
2 somebody come up here and say man, this guy was trailing smoke,  
3 it's like, yeah, I understand that, but it could have been a guy  
4 coming down the street and just stop and doing it too. So it had  
5 nothing to do with that.

6 But that's what I'm saying, where was the -- where's  
7 the credible evidence. And then like Bill pointed out, well,  
8 maybe you got eight or nine people, or maybe you got a video of  
9 it or something. That would make it more substantial, more  
10 credible?

11 COUNTY ATTORNEY VINCENT: Not necessarily.

12 COMMISSIONER McLAREN: But if he's out on  
13 the street --

14 COUNTY ATTORNEY VINCENT: Not necessarily.

15 COMMISSIONER McCREARY: Right, but I'm  
16 just saying --

17 COUNTY ATTORNEY VINCENT: The number of  
18 people that testify doesn't necessarily make it more credible.

19 COMMISSIONER McCREARY: Right. But...

20 CHAIRMAN EVANS: I mean, it could -- the  
21 whole thing is really credible is a relative term, and like  
22 someone mentioned before, it's in our head, where we decide it's  
23 credible.

24 COMMISSIONER McCREARY: Yeah.

25 CHAIRMAN EVANS: It's not black and white.

1 COMMISSIONER McCREARY: Yeah, we can make  
2 a definition.

3 COUNTY ATTORNEY VINCENT: And just look at  
4 this, guys. Every time that you make a decision, somebody has  
5 the right to appeal it, and they're going to look what you  
6 determined to be substantial and credible, they're going to look  
7 at it, and they may have an entirely different opinion on it.

8 COMMISSIONER McCREARY: Right.

9 COUNTY ATTORNEY VINCENT: So...

10 CHAIRMAN EVANS: And I think this all  
11 started with Jay really saying is -- do we want to put some other  
12 criteria in there because right now the public health and safety  
13 is very limiting.

14 COUNTY ATTORNEY VINCENT: Well --

15 CHAIRMAN EVANS: And so you don't have the  
16 opportunity for somebody to present credible evidence on  
17 something that could make a difference.

18 COUNTY ATTORNEY VINCENT: I think you can.  
19 I mean, you know, it depends -- what I've seen in what, how many  
20 hundreds of years I've been doing this stuff. People don't come  
21 prepared to these meetings. They come and without  
22 representation. You might have a lawyer, but they come without  
23 presentation. They come without engineers. They come without  
24 consultants, and they want you to approve everything that they  
25 want.

1                   They -- you're better off -- they're better off  
2    spending the money now and getting the best bang for the buck to  
3    have the record substantially show that there is substantial  
4    evidence to support their application. They don't do it.

5                   Yeah, you don't have to make their case for them.

6                   CHAIRMAN EVANS: No, and I think Jay's  
7    point was if he would want to deny the CUP, the public health and  
8    safety seems to be limiting.

9                   COUNTY ATTORNEY VINCENT: It is, but also  
10   -- here's where I kind of dodge your question, Bill, is I'm going  
11   to have to check the state law, the cases. That may be statutory  
12   or case law, the guidelines for a conditional use permit.

13                  CHAIRMAN EVANS: Okay.

14                  COUNTY ATTORNEY VINCENT: Okay.

15                  MS. EAGAN: Can I interrupt really quick.

16                  When we originally amended it, I wanted you to look  
17   at it --

18                  COUNTY ATTORNEY VINCENT: Yeah.

19                  MS. EAGAN: -- because we had all these  
20   other things in there, and you said we can't --

21                  COUNTY ATTORNEY VINCENT: You can't do it.

22                  MS. EAGAN: -- can't have those.

23                  COUNTY ATTORNEY VINCENT: A lot of them  
24   didn't...

25                  MS. EAGAN: You can put conditions on them

1 based on them, but you can't deny it based on those.

2 COUNTY ATTORNEY VINCENT: Yeah.

3 COMMISSIONER SCHULTEHENRICH: There was  
4 discussion, not this evening, having to do with, you know, not in  
5 conformance with the, you know, a Master Plan of the County.  
6 Okay.

7 And then it listed in here that you could put  
8 conditions upon it in order to meet the Master and conform it to  
9 the Master Plan. Those are the conditions that you put upon it.  
10 So if you put the does not conform to the Master Plan as one of  
11 the conditions for denial, then it moves it into another  
12 position in regards to the -- because right now, again, let me go  
13 back and say, you have as a condition basically upon a denial  
14 that's based upon public safety -- or public health and safety.  
15 That's your basic two reasons as to why things --

16 COUNTY ATTORNEY VINCENT: That's not true.

17 COMMISSIONER SCHULTEHENRICH: Well, you  
18 have others that --

19 COUNTY ATTORNEY VINCENT: No, you have the  
20 major one first, substantial evidence.

21 COMMISSIONER SCHULTEHENRICH: Okay. Okay.

22 COUNTY ATTORNEY VINCENT: Everybody  
23 forgets that one.

24 COMMISSIONER SCHULTEHENRICH: Okay.

25 COUNTY ATTORNEY VINCENT: That's the first

1 one.

2 COMMISSIONER SCHULTEHENRICH: Okay. So  
3 that's true on there. Okay. But what we base it upon in here is  
4 -- because that's what -- when it goes on to say that upon clear  
5 and convincing evidence submitted at the hearing, that if  
6 completed as proposed, the development more probably than not  
7 will truly endanger the public's health or safety.

8 COUNTY ATTORNEY VINCENT: Okay.

9 COMMISSIONER SCHULTEHENRICH: That's the  
10 other reason if there is substantiating evidence to -- that would  
11 warrant a conditional use permit. But there is still strong  
12 feelings to deny a conditional use permit. The only two basis  
13 that we would have to deny it is public -- endangering the public  
14 health or safety.

15 COUNTY ATTORNEY VINCENT: I understand  
16 that.

17 COMMISSIONER SCHULTEHENRICH: My only  
18 point is if you were to add something to that, you could have a  
19 third condition potentially --

20 COUNTY ATTORNEY VINCENT: Like what?

21 COMMISSIONER SCHULTEHENRICH: In  
22 conformity with the Master Plan or other plan as officially  
23 adopted by the County. I'm just throwing it out --

24 COUNTY ATTORNEY VINCENT: I understand.

25 COMMISSIONER SCHULTEHENRICH: But it could

1 be put into there.

2 COUNTY ATTORNEY VINCENT: Yeah, because  
3 what you're looking at is -- first of all, you have enough there.  
4 It's wide open. If you honestly think that something is going to  
5 jeopardize the public health, safety and welfare, that's what you  
6 -- and if that's what the evidence shows, and there's enough of  
7 you feel that way, it's denied.

8 CHAIRMAN EVANS: I think, Mark, I mean,  
9 not tonight -- it doesn't even say welfare, just public health  
10 and safety.

11 COUNTY ATTORNEY VINCENT: Public safety.

12 CHAIRMAN EVANS: So if somebody's not  
13 going to get hurt or killed, then you have to approve it.

14 COUNTY ATTORNEY VINCENT: Traffic.  
15 Traffic is safety. If there's going to be -- if you're going to  
16 have tilt bed wreckers parked in the middle of Old 100 on a  
17 regular basis, isn't that safety?

18 CHAIRMAN EVANS: Yeah. Yeah, that would  
19 be safety.

20 COUNTY ATTORNEY VINCENT: That was in the  
21 record that they do that. So, yeah. That's all --

22 COMMISSIONER McCREARY: That was some  
23 credible evidence, right?

24 COUNTY ATTORNEY VINCENT: Sure it was.  
25 Sure it was. Yeah, it was in the record.

1 COMMISSIONER McCREARY: Okay.

2 CHAIRMAN EVANS: Jay?

3 COMMISSIONER SCHULTEHENRICH: Mr.

4 Chairman, I just bring that up that if there was some reason for  
5 wanting to add some other consideration based upon what I heard  
6 on the discussion, I think now would be the time to do that. So  
7 -- but I'm not here to make the suggestion to make a change on  
8 that. I just --

9 CHAIRMAN EVANS: Okay. No, I agree with  
10 you because attending but not participating, you know, in the  
11 Review Committee, that was one issue, does it seem to be  
12 constraining. So if one -- someone comes up with additional  
13 wording that this seems appropriate, you know, that maybe give us  
14 some more latitude, I'm sure that Scottie would be more than  
15 happy to redo it again.

16 Any other changes, questions, comments? [None]

17 If not, I think we have to move this to Old  
18 Business. So the Chair would entertain a motion.

19 COMMISSIONER SCHULTEHENRICH: Mr.

20 Chairman, I make that motion to move it to Old Business.

21 COMMISSIONER HAIRE: Second.

22 CHAIRMAN EVANS: We have a motion and a  
23 second to move File 150167 to Old Business. All in favor signify  
24 by saying aye.

25 COMMISSIONER REINHOLD: Aye.

- 1 COMMISSIONER VOSS: Aye.
- 2 COMMISSIONER McLAREN: Aye.
- 3 COMMISSIONER CUNIO: Aye.
- 4 CHAIRMAN EVANS: Aye.
- 5 COMMISSIONER BOLAND: Aye.
- 6 COMMISSIONER HAIRE: Aye.
- 7 COMMISSIONER FISCHER: Aye.
- 8 COMMISSIONER SCHULTEHENRICH: Aye.
- 9 COMMISSIONER McCREARY: Aye.
- 10 CHAIRMAN EVANS: Opposed? [None]

11 The motion is carried.

12 Preliminary Plats. File 150157, Bridgewater  
13 Estates, Inc. Only written comments from the public may be  
14 submitted. No oral testimony will be accepted.

15 Scottie, will you please give us the details.

16 MS. EAGAN: This is File 150157,  
17 Bridgewater Estates.

18 The Applicant wishes to create a 15-lot major  
19 subdivision in the Resident Development 1 Zoning District.

20 The property is located on Bridgewater Chase at the  
21 southeast corner of Bridgewater Chase and Rock Ridge Road in  
22 Boles Township.

23 The Facts: The property is approximately 7.2 acres  
24 in size.

25 This property is located in the Residential

1 Development 1 Zoning District. The minimum lot size is 10,000  
2 square feet in a zoning district with a maximum density of 1  
3 dwelling unit per 10,000 square feet.

4 The density of this development is 1 dwelling unit  
5 per 15,024 square feet.

6 The Applicant states that water service will be  
7 provided by Water District 3, and sewer service will be provided  
8 by MPV, Inc. which is operated by Johnson Consulting.

9 With a development of this size, the Applicant is to  
10 offer 5 percent open space dedication. This development does  
11 meet and exceeds the County's open space requirements.

12 It was mentioned at the sketch plan meeting the  
13 stormwater will be collected in the existing lake. Stormwater  
14 calculations are to be printed and approved by the Franklin  
15 County Highway administrator.

16 The plat shows all roads and rights-of-ways meeting  
17 the standards set forth in Franklin County Regulations.

18 All utilities shall be located underground.

19 A land disturbance permit from DNR is required to  
20 disturb more than one acre of land, as well as erosion control  
21 during development.

22 Because of the size of the development, the  
23 Applicant shall provide water protection in accordance with  
24 Article 8, Section 175.

25 Because this development is located within Boles'

1 Fire Protection District, they will be required to meet the  
2 standards of that District.

3 Staff Comments: Engineer drawings for review by  
4 Franklin County should be submitted before final approval.

5 Correspondence regarding fire protection, sewer  
6 service capacity and water service has been received and is in  
7 compliance with the Franklin County Land Use Regulations.

8 Any improvements will need to be complete or  
9 escrowed prior to recording the final plat.

10 And I will say the stormwater calculations were  
11 submitted to Ron, and I did receive an e-mail from him today  
12 approving all calculations. So the stormwater isn't an issue  
13 anymore.

14 CHAIRMAN EVANS: Thank you. So to this  
15 date, you've received everything you require for the preliminary?

16 MS. EAGAN: Yes.

17 CHAIRMAN EVANS: Is the Applicant present?

18 Will you please step forward. State your name and  
19 address and sign in, please.

20 MR. MARK HARRIMAN: Hello, I'm Mark  
21 Harriman with BFA Engineering and Surveying, 103 Elm Street,  
22 Washington, Missouri 63090.

23 And good evening, and thank you for hearing this  
24 request. I believe Scottie covered pretty much everything.

25 MS. REPORTER: Just a moment, please. I

1 need to swear you in.

2 MR. HARRIMAN: Okay.

3 [Thereupon, the witness was sworn.]

4 MS. REPORTER: Thank you.

5 MR. HARRIMAN: Okay. Getting back on with

6 -- I'll be very brief. As I mentioned, Scottie covered pretty  
7 much everything. Stormwater detention is going to be covered by  
8 the lake.

9 The water districts and sewer districts have been  
10 contacted. We're working with them, and they're aware about it.  
11 And they have capacity to service the subdivision.

12 The Boles Fire Protection District has been  
13 contacted, and they approved the layout. The proposes street is  
14 30-foot wide with curb and gutter. There will be a diversion  
15 ditch along the west side to keep the water from the new home,  
16 stormwater on our subdivision development.

17 And as Scottie mentioned, there will be over one  
18 acre of open space left as existing woodlands.

19 And with that said, we are requesting approval of  
20 the preliminary plat. Any questions?

21 CHAIRMAN EVANS: Any questions from the  
22 Commissioners? [None]

23 All right. Thank you.

24 And again, Scottie, you're satisfied that all the  
25 material for the preliminary plat has been received?

1 MS. EAGAN: Yes. I do just want to  
2 elaborate a little bit. I know when I was sending out my sketch  
3 plan review meeting e-mails, a lot of people had questions about  
4 their referring to them as the cottages, they are planning to be  
5 single-family homes and not multi-family if I'm correct.

6 MR. HARRIMAN: That is correct.

7 CHAIRMAN EVANS: Okay. Any other comments  
8 or questions? [None]

9 If not, the Chair would entertain a motion to move  
10 this to Old Business.

11 COMMISSIONER HAIRE: So moved.

12 COMMISSIONER BOLAND: So moved.

13 COMMISSIONER WILLIAMS: Second.

14 CHAIRMAN EVANS: We have a motion and a  
15 second to move File 150157 to Old Business. All in favor signify  
16 by saying aye.

17 COMMISSIONER REINHOLD: Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER CUNIO: Aye.

21 CHAIRMAN EVANS: Aye.

22 COMMISSIONER BOLAND: Aye.

23 COMMISSIONER HAIRE: Aye.

24 COMMISSIONER FISCHER: Aye.

25 COMMISSIONER SCHULTEHENRICH: Aye.

1 COMMISSIONER McCREARY: Aye.

2 CHAIRMAN EVANS: Opposed? [None]

3 Motion is carried.

4 Moving back to Old Business. We have File 150167,  
5 Planning and Zoning, which should be the changes we discussed to  
6 Article 4.

7 If there no further comments or discussion, the  
8 Chair would entertain a motion to approve it.

9 COMMISSIONER BOLAND: So moved.

10 COMMISSIONER CUNIO: Second.

11 CHAIRMAN EVANS: We have a motion and a  
12 second to approve File 150167. All in favor signify by saying  
13 aye.

14 COMMISSIONER REINHOLD: Aye.

15 COMMISSIONER VOSS: Aye.

16 COMMISSIONER McLAREN: Aye.

17 COMMISSIONER CUNIO: Aye.

18 CHAIRMAN EVANS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER FISCHER: Aye.

22 COMMISSIONER SCHULTEHENRICH: Aye.

23 COMMISSIONER McCREARY: Aye.

24 CHAIRMAN EVANS: Opposed? [None]

25 Motion is carried.

1 Moving back to File 150157, Bridgewater Estates,  
2 Incorporated.

3 Any further discussion? [None] If not, the Chair  
4 would entertain a motion to approve.

5 COMMISSIONER BOLAND: So moved.

6 COMMISSIONER HAIRE: Second.

7 CHAIRMAN EVANS: We have a motion and a  
8 second to approve File 160157. All in favor signify by saying  
9 aye.

10 COMMISSIONER REINHOLD: Aye.

11 COMMISSIONER VOSS: Aye.

12 COMMISSIONER McLAREN: Aye.

13 COMMISSIONER CUNIO: Aye.

14 CHAIRMAN EVANS: Aye.

15 COMMISSIONER BOLAND: Aye.

16 COMMISSIONER HAIRE: Aye.

17 COMMISSIONER FISCHER: Aye.

18 COMMISSIONER SCHULTEHENRICH: Aye.

19 COMMISSIONER McCREARY: Aye.

20 CHAIRMAN EVANS: Opposed? [None]

21 Motion is approved.

22 Planning and Zoning Commission Forum. Anyone have  
23 anything they'd like to discuss? [None]

24 Planning Director's Report.

25 MS. EAGAN: I don't have too much. If I

1 remember correctly, I don't think we have any files for  
2 September. So we might not have a meeting, but we'll double  
3 check tomorrow, and we'll let you guys know about September.

4 CHAIRMAN EVANS: Okay. Because that's --  
5 we do have election of officers, so we just postpone that, or  
6 would we --

7 MS. EAGAN: That's what we would do for  
8 BOZA. I mean, we would postpone it.

9 CHAIRMAN EVANS: Okay. I didn't know. I  
10 was simply stating in the regulation if we would have the  
11 meeting.

12 MS. EAGAN: I don't know now. For BOZA, I  
13 know we postpone it, but I don't know about it being specifically  
14 stated in the regulations that we have to vote on it.

15 COUNTY ATTORNEY VINCENT: Would you guys  
16 consider having a meeting just to review some procedures and talk  
17 about stuff in general, not have any files? I know that puts a  
18 burden on Scottie, but that would be an opportunity to get  
19 together and kind of talk about how -- whatever questions you may  
20 have.

21 CHAIRMAN EVANS: That would be...

22 COUNTY ATTORNEY VINCENT: Is that okay  
23 with you, Scottie? No, it's not.

24 MS. EAGAN: I have another meeting --

25 [crosstalk]

1 COUNTY ATTORNEY VINCENT: But without any  
2 files, we don't have to -- we just have to have Nikki here. We  
3 don't need Scottie.

4 MS. ZIELKE: Happy Birthday to me.

5 MS. EAGAN: If you have a meeting, I would  
6 come.

7 COUNTY ATTORNEY VINCENT: Never mind.

8 CHAIRMAN EVANS: If we don't have any  
9 files, I think that'd be a really good idea. Simply put it on  
10 the calendar.

11 MS. EAGAN: Would we need Patsy here?

12 COUNTY ATTORNEY VINCENT: No.

13 MS. EAGAN: Okay.

14 COUNTY ATTORNEY VINCENT: We wouldn't need  
15 -- just talk about whatever you guys want to talk about, answer  
16 questions, and like Jay tonight, his question. There -- I can  
17 make this commitment to Jay. I will look at the cases that I'm  
18 aware of to find out the basis for conditional use permits being  
19 denied.

20 COMMISSIONER SCHULTEHENRICH: Yeah.

21 COUNTY ATTORNEY VINCENT: And I know of  
22 several different things which you have. If you guys want to  
23 include those, I don't have a problem with it. So we'll talk  
24 about that kind of stuff.

25 COMMISSIONER SCHULTEHENRICH: That'll be

1 fine.

2 CHAIRMAN EVANS: Yeah. And I know there's  
3 been other cases where -- while you're rewriting this is to make  
4 it conform --

5 COMMISSIONER SCHULTEHENRICH: To State  
6 law?

7 COUNTY ATTORNEY VINCENT: Right.

8 CHAIRMAN EVANS: Right. We've got  
9 questions on it whether it conforms to State law. So even the 90  
10 days versus 3 months.

11 COUNTY ATTORNEY VINCENT: Very good. I  
12 can -- I know of one that's really weird -- or not weird. It's  
13 just hard to handle. You can deny a conditional use permit if  
14 you have -- if you find that it has a detrimental impact on the  
15 property or value of property in the adjoining area. But how do  
16 you prove it.

17 COMMISSIONER McCREARY: Exactly.

18 CHAIRMAN EVANS: Well, and that was  
19 someone's consideration, is that health and safety.

20 COUNTY ATTORNEY VINCENT: Yeah. But you  
21 can do that. You can have a condition that it does not adversely  
22 impact upon the property values. You just can't have somebody  
23 come in -- it's not substantial testimony to have somebody come  
24 in and say it's going to hurt my property value. That means  
25 nothing.

1                   CHAIRMAN EVANS: Well, see, and that's the  
2 whole thing, and we've had to that done, but you can have a real  
3 estate agent come in and say I've got this study and when this is  
4 done property values are going down 20 percent.

5                   COUNTY ATTORNEY VINCENT: Exactly.

6                   CHAIRMAN EVANS: But the way it's written  
7 -- and that was the point -- with just health and safety, they  
8 can't present that credible evidence on property values.

9                   COUNTY ATTORNEY VINCENT: I can be more  
10 specific with you guys. That's the kind of thing I'd like to go  
11 over with you and all -- how you tie in. The last one we did  
12 about rezonings, what you're supposed to look at when you do a  
13 rezoning.

14                   You know, for example, I'm not going to get into it  
15 tonight. When you're talking about rezoning, you're not supposed  
16 to look at a particular use that may or may not be done in that  
17 zoning classification. It's would I be satisfied with all these  
18 uses or any one of them, because you got -- if I was coming  
19 forward to have something rezoned, I wouldn't tell you what I was  
20 going to do on it.

21                   CHAIRMAN EVANS: Yeah, I have got a page  
22 full of notes here on rezonings, all you can really ask the  
23 applicant is to define the parameters of the property he's going  
24 to rezone.

25                   COUNTY ATTORNEY VINCENT: Yeah.

1 CHAIRMAN EVANS: Not what he's using it  
2 for.

3 COUNTY ATTORNEY VINCENT: And I may do  
4 this today. I may change and do that tomorrow. I may sell it to  
5 somebody else, and they may do something else with it.

6 But to get down and say well, this one particular  
7 use, that has nothing to do with it. So those kind of things  
8 we'll have to talk about.

9 CHAIRMAN EVANS: Okay. Well, we'll just  
10 have a meeting.

11 COUNTY ATTORNEY VINCENT: Okay.

12 CHAIRMAN EVANS: We'll have a September  
13 meeting then one way or the other.

14 COUNTY ATTORNEY VINCENT: Okay.

15 MS. EAGAN: I have a question. If we have  
16 a September meeting and they vote on officers, will we need  
17 Patsy?

18 COUNTY ATTORNEY VINCENT: No.

19 MS. EAGAN: Okay. I can take minutes?

20 COUNTY ATTORNEY VINCENT: Yeah, or I can  
21 take minutes if you don't want to be here.

22 CHAIRMAN EVANS: Yeah, because --

23 MS. EAGAN: I'll be here.

24 COUNTY ATTORNEY EVANS: Okay.

25 CHAIRMAN EVANS: -- that would be the only

1 agenda item, and we would just adjourn and then -- and then have  
2 our discussions afterwards. So...

3 COUNTY ATTORNEY VINCENT: I don't want to  
4 be a burden on anybody. It's a free night if you guys don't want  
5 to come.

6 COMMISSIONER SCHULTEHENRICH: I think it  
7 is.

8 COUNTY ATTORNEY VINCENT: I know I'm a  
9 burden. My wife's been telling me for years. If you think it's  
10 worthwhile, we'll do it. If not, no big deal.

11 CHAIRMAN EVANS: No, I think it would be a  
12 good idea if the rest of the Commissioners. All right. Just  
13 plan on a September meeting, and again, if nothing else, do  
14 election of officers and adjourn, and then have our discussion.

15 [crosstalk]

16 Sorry, Joe, I didn't ask you.

17 Anything else? [None] If not, the Chair would  
18 entertain a motion to adjourn.

19 COMMISSIONER FISCHER: I make a motion to  
20 adjourn.

21 COMMISSIONER CUNIO: Second.

22 CHAIRMAN EVANS: We have a motion and a  
23 second to adjourn. All in favor signify by saying aye.

24 COMMISSIONER REINHOLD: Aye.

25 COMMISSIONER VOSS: Aye.

- 1 COMMISSIONER McLAREN: Aye.
- 2 COMMISSIONER CUNIO: Aye.
- 3 CHAIRMAN EVANS: Aye.
- 4 COMMISSIONER BOLAND: Aye.
- 5 COMMISSIONER HAIRE: Aye.
- 6 COMMISSIONER FISCHER: Aye.
- 7 COMMISSIONER SCHULTEHENRICH: Aye.
- 8 COMMISSIONER McCREARY: Aye.
- 9 CHAIRMAN EVANS: Opposed? [None]

10 The meeting is adjourned.

11 (Thereupon, the proceedings concluded at  
12 8:44 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

PUBLIC HEARINGS 8/18/2015

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