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

TRANSCRIPT OF PROCEEDINGS
PLANNING AND ZONING COMMISSION
PUBLIC HEARINGS
OCTOBER 17, 2023
(COMMENCING AT 7:00 P.M.)

REPORTED BY:
PATSY A. MAYBERRY, C. R.
COMPLETE REPORTING SERVICES

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COMPLETE REPORTING SERVICES
19 BROOKMOORE DRIVE
UNION, MISSOURI 63084
(636)221-0418

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A P P E A R A N C E

PLANNING AND ZONING COMMISSION:

DAN HAIRE, CHAIRMAN

TIMOTHY REINHOLD, COMMISSIONER

STANLEY VOSS, COMMISSIONER

BILL McLAREN, COMMISSIONER

DEBBIE WILLETTE, COMMISSIONER

JIM GRUTSCH, COMMISSIONER

MIKE KLENKE, COMMISSIONER

DAVE LARAMORE, COMMISSIONER

PLANNING AND ZONING STAFF:

SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING

CRYSTAL HOLDMEIER, PLANNING ASSISTANT

LEGAL COUNSEL:

MARK PIONTEK, COUNTY ATTORNEY

COMPLETE REPORTING SERVICES:

PATSY A. MAYBERRY, C. R.

19 BROOKMOORE DRIVE

UNION, MISSOURI 63084

(636)221-0418/pamayberrygm1@gmail.com

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

2 (OCTOBER 17, 2023)

3 CHAIRMAN HAIRE: I'd like to
4 call the Franklin County Planning and Zoning meeting
5 to order. Scottie, will you please take roll call.

6 MS. EAGAN: Bill Evans?

7 CHAIRMAN EVANS: (Not
8 present.)

9 MS. EAGAN: Jim Grutsch?

10 COMMISSIONER GRUTSCH: Here.

11 MS. EAGAN: Dan Haire?

12 CHAIRMAN HAIRE: Here.

13 MS. EAGAN: Dennis Hartmann?

14 COMMISSIONER HARTMANN: (Not
15 present.)

16 MS. EAGAN: Mike Klenke?

17 COMMISSIONER KLENKE:
18 (Arrived later.)

19 MS. EAGAN: Dave Laramore?

20 COMMISSIONER LARAMORE: Here.

21 MS. EAGAN: Bill McLaren?

22 COMMISSIONER McLAREN: Here.

23 MS. EAGAN: Karl Mittler?

24 COMMISSIONER MITTLER: (Not
25 present.)

1 MS. EAGAN: Tim Reinhold?

2 COMMISSIONER REINHOLD: Here.

3 MS. EAGAN: Stan Voss?

4 COMMISSIONER VOSS: Here.

5 MS. EAGAN: And, Debbie

6 Willette?

7 COMMISSIONER WILLETTE: Here.

8 MS. EAGAN: Okay. We have a
9 quorum.

10 CHAIRMAN HAIRE: Thank you,
11 Scottie.

12 At this time, I'd like to give the
13 Planning and Zoning Commissioners the opportunity to
14 declare any conflict, communication or relationship
15 they may have that might influence their ability to
16 consider today's issues impartially.

17 (NONE)

18 If there's no declaration, Scottie, can
19 you give us the presentation of the meeting
20 procedures and exhibits.

21 MS. EAGAN:

22 MS. EAGAN: Tonight's
23 Planning Commission meeting is governed by the
24 Franklin County Unified Land Use Regulations.

25 Some matters on the agenda may be for

1 action by the Planning and Zoning Commission. These
2 matters do not involve public hearings.

3 Other matters on the agenda require
4 public hearings under Missouri law. If a matter
5 involves a public hearing, all individuals who
6 desire to testify will be given an opportunity to do
7 so.

8 At this time, I would like to place
9 into the record these regulations as Exhibit A, the
10 official Zoning Map as Exhibit B, the official
11 Master Plan as Exhibit C, and the case file for each
12 case as Exhibit D for all the cases to be heard
13 during the meeting.

14 (THEREUPON, EVIDENCE WAS
15 MARKED FOR IDENTIFICATION AND
16 SUBMITTED FOR THE RECORD AS
17 EXHIBITS A, B, C, AND D.)

18 All Unfinished Business items on the
19 agenda will be dealt with first. Once the
20 Unfinished Business issues have been taken care of,
21 each item of New Business will be opened.

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

25 Then if anyone in the audience would

1 like to speak or comment on a file that is part of
2 the public hearing, they must first print their name
3 on the sign-in sheet provided, and then be sworn in.

4 When it is your turn to speak, you will
5 come to the front of the room to address the
6 Commission and only the Commission, not anyone in
7 the audience, with your comments.

8 It is possible for the Planning
9 Commission to decide to move a New Business issue to
10 Unfinished Business and vote on it the same night.

11 At the conclusion of all questions,
12 comments, and discussion concerning each case, the
13 Planning Commission will proceed. Any final
14 decision by the Planning and Zoning Commission
15 concerning Conditional Use Permits may be appealed
16 to the Board of Zoning Adjustment any time within 90
17 days.

18 Applications for such an appeal may be
19 acquired from the Department offices during normal
20 business hours.

21 CHAIRMAN HAIRE: Thank you.

22 All Commissioners received a copy of
23 the September 19, 2023 minutes. If there are no
24 corrections or additions, I'd entertain a motion to
25 approve.

1 COMMISSIONER McLAREN: Motion
2 to approve, Chairman.

3 COMMISSIONER WILLETTE: I'll
4 second that.

5 CHAIRMAN HAIRE: Motion
6 approved and second. All those in favor.

7 COMMISSIONER REINHOLD: Aye.

8 COMMISSIONER VOSS: Aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER WILLETTE: Aye.

11 COMMISSIONER GRUTSCH: Aye.

12 CHAIRMAN HAIRE: Aye.

13 COMMISSIONER LARAMORE: Aye.

14 CHAIRMAN HAIRE: Opposed?

15 (NONE)

16 The minutes are approved.

17 Visitor Comments. Anyone present
18 wishing to address the Commission at this time?

19 (NONE)

20 If not, we'll move to Unfinished
21 Business, and there is no Unfinished Business. So
22 we'll move to New Business.

23 Scottie, File 230225. Will you please
24 give us the details.

25 MS. EAGAN: This is File

1 230225. The applicant is the Romanian Pentecostal
2 Church care of Aaron Wagner with BFA.

3 The applicant requests to rezone one
4 parcel from the Y Zoning District to the W Zoning
5 district.

6 The property is located at 956
7 Copperfield Drive, approximately 850 feet east of
8 the intersection of Copperfield Drive and Highway
9 47, in the Central Township.

10 THE FACTS: The total area for the
11 rezoning is approximately five acres.

12 The zoning of this property, as of
13 January 14, 2020, is Y. The applicant would like to
14 rezone to the W District.

15 The properties around the proposed site
16 are zoned Y. The properties further west, on
17 Copperfield Drive, are zoned R.

18 The properties to the west of the
19 proposed site appear to be commercial properties.
20 The properties to the east appear to be low-density
21 residential, and the properties to the north and
22 south appear to be vacant.

23 This property is a part of a larger
24 subdivision, Copperfield Acres, that has been
25 re-subdivided multiple times.

1 This property has access to Copperfield
2 Drive. This is a private road with a 50-foot wide
3 right-of-way easement.

4 STAFF COMMENTS: Rezoning are allowed
5 in our regulations due to the ever-changing
6 conditions that exist in the county and elsewhere.
7 According to Article 14, Section 321, any such
8 change must promote the health, safety, morals,
9 comfort, and general welfare of Franklin County by
10 conserving and protecting property and building
11 values, by securing the most economical use of land
12 and facilitating the adequate provision of public
13 improvements in accordance with the Master Plan
14 adopted by Franklin County.

15 CHAIRMAN HAIRE: Thank you.

16 Is the applicant present?

17 MR. AARON WAGNER: Yes.

18 CHAIRMAN HAIRE: Can you come
19 forward and sign in, please.

20 MR. WAGNER: Yes, sir.

21 (THEREUPON, THE WITNESS WAS
22 SWORN.)

23 CHAIRMAN HAIRE: Please state
24 your name.

25 MR. WAGNER: Aaron Wagner.

1 I'm here today. I'm with BFA Land Surveying and
2 Engineering. I am the applicant for this rezoning
3 request. Our client is the Romanian Pentecostal
4 Church located on Copperfield Drive.

5 Essentially the church came to us
6 originally because they wanted to do a building
7 expansion and make their church bigger. So we
8 handled the survey work for all of that.

9 Then they came back to us because where
10 they wanted to do their building expansion didn't
11 work with some easements. So we re-platted the
12 lots, changed the cul de sac around for them.

13 Then they came back to us a third time
14 after they realized the zoning they were in, and
15 asked if we could help them with the rezoning.

16 So their request is to go from the Y
17 District to the W District. The W District allows
18 for conditional use for special permits or special
19 events, and the church is requesting to switch
20 because they would like to host special events,
21 wedding receptions for their church, church camps
22 for the kids, things like that.

23 Currently you cannot do that in the Y
24 District. There is no conditional use for special
25 events. So they are requesting to change to the W

1 District so that they can host these different
2 events for their church.

3 Does anybody have any questions?

4 CHAIRMAN HAIRE: Any
5 questions for the applicant?

6 COMMISSIONER GRUTSCH: Yes, I
7 have a question.

8 CHAIRMAN HAIRE: Yeah.

9 COMMISSIONER GRUTSCH: Your
10 application states you're looking for a W Zoning
11 District. The property is currently zoned Y, and
12 you're looking to go to W, but it's -- the property
13 right now is surrounded by Y and R zoning.

14 Why wouldn't this application asking
15 for W -- why wouldn't that be considered spot
16 zoning?

17 MR. WAGNER: I'm not a
18 hundred percent sure. I was informed by Planning
19 and Zoning that switching to the W District would be
20 the best approach from Y based on what the church
21 was trying to accomplish.

22 I'm not too familiar with spot zoning.

23 COMMISSIONER GRUTSCH: I'll
24 direct the question to the Planning officer.
25 Scottie?

1 MS. EAGAN: I mean anytime
2 you change a zoning, there's a potential to be "spot
3 zoning." That's nothing in our regulations we say
4 you can or can't do.

5 It turns up going from Y to R. We
6 thought that was such a drastic change between a
7 strictly residential district to something that
8 allows for basically everything.

9 So we did talk with BFA. We said a W
10 was a good in-between to where you're still mainly
11 residential/agricultural, which is what the area
12 mainly is, but would still allow you to do those
13 special occasions like they want to do.

14 COMMISSIONER GRUTSCH: Okay.
15 I have another question for staff.

16 MS. EAGAN: Uh-huh.

17 COMMISSIONER GRUTSCH: Aren't
18 religious institutions, houses of worship, aren't
19 they exempt from special occasion type events?

20 MS. EAGAN: I also had that
21 question, and I asked Mark, and he can correct me if
22 I misquote him. But from my understanding, the
23 church portion of it is exempt. You could do that
24 anywhere you want. The renting it out for special
25 occasions is the part where then it has to follow

1 our codes.

2 COMMISSIONER GRUTSCH: So a
3 wedding reception or a church dinner, a church
4 social, something like that, a fall festival that
5 many churches have, are those exempt?

6 COUNTY ATTORNEY PIONTEK: If
7 it's purely a church function, it would be exempt.
8 But if you're renting it out for weddings and things
9 like that, that is not a church function, and that
10 would not be exempt.

11 MR. WAGNER: Can I follow up
12 with that. If it's a member of the church?

13 COUNTY ATTORNEY PIONTEK: It
14 still wouldn't be --

15 MR. WAGNER: Doesn't matter?

16 COUNTY ATTORNEY PIONTEK: --
17 a church function.

18 CHAIRMAN HAIRE: Bill, do you
19 have a question?

20 COMMISSIONER McLAREN: Well,
21 I guess I'm in an argumentative mood, and I
22 apologize. I have a hard time believing that a
23 wedding and a wedding reception hasn't been a church
24 function for the 200 plus years that -- or the
25 almost 200 years that the State of Missouri has been

1 in existence that church functions are funerals,
2 weddings, receptions, marriages, baptisms, all those
3 things seem to me like they very well fit in to what
4 we've always thought of as a church function.

5 So I really have a hard time
6 understanding why what they're talking about is not
7 already a church function.

8 I mean, I understand the slippery
9 slope, and you're making it black and white, but it
10 does not seem that black and white if there's a
11 wedding in the church and they have the reception.

12 Historically, that's the way churches
13 have operated. I don't understand why we're moving
14 away from that.

15 COUNTY ATTORNEY PIONTEK: If
16 they're performing the wedding in the church, yes,
17 that's a church function. I would agree with you
18 there.

19 If they're renting out the hall or
20 renting out some part of it for a reception or for
21 some other function, that's not necessarily a church
22 function, and that would not be exempt.

23 COMMISSIONER McLAREN: So are
24 all the churches in Franklin County grandfathered in
25 then when they're in the wrong zoning district?

1 COUNTY ATTORNEY PIONTEK: I
2 mean, that's a broad statement, but I would suggest
3 that for the most part they are. I'm not sure
4 they're -- I'm sure there are some out there that
5 are newer that may not be, but the bulk of the older
6 churches, yes, they are exempt.

7 MS. EAGAN: I will say, Bill,
8 there was one four years ago that came in, a church
9 that was building a new building, and we made them
10 go get the special occasion permit.

11 COMMISSIONER WILLETTE: I'm
12 with you.

13 COMMISSIONER KLENKE: I
14 understand what you're saying, but I think what
15 you're saying is if anybody wanted to rent that hall
16 and have a spaghetti dinner or whatever that's not
17 affiliated with the church, then I take it that it's
18 just trying to --

19 COMMISSIONER McLAREN: But
20 that's what the church has always done. They've
21 been a place that people have gone to have, you
22 know, to vote. But there's an awful lot of people
23 that vote in a church. There's, I mean, there's
24 people that have meetings for AAA in churches.

25 There's so many things that --

1 COUNTY ATTORNEY PIONTEK: Boy
2 Scouts.

3 COMMISSIONER McLAREN: Boy
4 Scouts, Cub Scouts, Girl Scouts.

5 COMMISSIONER KLENKE: So
6 you're saying in your opinion, we can just leave it
7 as it is, and they can do what they want?

8 COMMISSIONER McLAREN: That's
9 my personal opinion, that I think that we're -- and
10 obviously I'm not an attorney, so I can't have
11 anything more than my personal opinion, but I think
12 that's the way churches have operated in our country
13 forever, that they've had a hall, they've had a
14 roast beef dinner, they've had a chicken dinner, and
15 they -- you know, that's the way, part of the way,
16 they've kept the lights on.

17 COMMISSIONER KLENKE: Right.

18 CHAIRMAN HAIRE: Scottie, I
19 looked in the rules. Have we ever enforced a
20 complaint in this area?

21 MS. EAGAN: We've never --
22 okay. So before my time, there was a place that --
23 it wasn't really complaining about the church
24 though. It was an event center that became a church
25 to then have events. So it's a little bit of the

1 opposite. But that was before my time under
2 previous counselor.

3 But have we had complaints about
4 churches having events? No.

5 CHAIRMAN HAIRE: Anybody else
6 on the Commission have questions for the applicant?

7 COMMISSIONER WILLETTE: I
8 guess I do.

9 So these events, are they going to be
10 just community get-togethers? Do you foresee any
11 kind of event where people attending will have to
12 pay to get in or anything like that?

13 MR. WAGNER: I mean, I
14 wouldn't assume so. I didn't go over these specific
15 details with the church. I just went over types of
16 events that they were thinking about wanting to
17 host.

18 Obviously there's lots of churches in
19 this county, and they all host different types of
20 events throughout the year.

21 This church, as you can see on the
22 screen, isn't very large right now. They're going
23 to probably three-times it in regards to size. They
24 have a basement as well. So they're going to
25 investing quite a bit of money into the property to

1 add this addition.

2 You know, so ultimately when you're
3 going to be spending this much money to put that big
4 of an addition on to a very pretty small church,
5 they also out route. They told me they have a lot
6 of people from St. Louis County of the Eastern
7 European descent that come out for their church.

8 So obviously when you're spending that
9 much money, you need to try to recoup some of your
10 costs. So one of their ideas is to be able to have,
11 you know, be able to host different things like a
12 wedding at their church where people could rent the
13 hall to host their reception afterwards, which, you
14 know, that revenue then would help pay for the --
15 everything that they're doing to improve the
16 property.

17 They also mentioned that they would
18 like to start hosting some camps for kids during the
19 summertime. You would think that that would be
20 allowed. Personally I would think that would be
21 allowed without any rezoning. I understand getting
22 rezoned for the other aspect, but for to host a
23 camp, you would think that would be allowed.

24 I don't know if it is or not, but
25 that's another -- was one of their concerns, that

1 they just want to get everything corrected so that
2 they can proceed with their congregation. So...

3 CHAIRMAN HAIRE: Bill, do you
4 have some additional comments?

5 COMMISSIONER McLAREN: Yeah,
6 I do.

7 So this is just step one. Then they
8 would still have to come back and get a Conditional
9 Use Permit after this is, correct?

10 MS. EAGAN: Depending on the
11 size and if it's indoor or outdoor, yes. It's
12 potentially a conditional use permit through our
13 administrative work.

14 COMMISSIONER McLAREN:
15 Besides building that building, they're going to
16 have to come back and ask again for a Conditional
17 Use or a Special Use Permit, correct? More than
18 likely, correct?

19 MS. EAGAN: Correct, one or
20 the other, yes.

21 COMMISSIONER GRUTSCH: If
22 they were rezoned?

23 COMMISSIONER McLAREN: Well,
24 if they get rezoned, they're not done. They're
25 still going to have to come back and get a Special

1 Use or a Conditional Use Permit, depending on which
2 one they're doing.

3 You know, in all honesty to me, that's
4 as an important question as anything because, you
5 know, if somebody is going to host events, we need
6 to make sure that they have sprinkler systems and
7 all that and parking and all of those things. I'm
8 more concerned about that, that they keep the public
9 safe than I am truly about rezoning a church to be
10 able to do that.

11 COMMISSIONER GRUTSCH: If
12 they would propose new construction, they would have
13 to get a building permit and would have to meet all
14 those requirements, sprinkler, public safety, things
15 such as that.

16 COMMISSIONER McLAREN: But
17 they'd still have to get the Special Use or
18 depending on --

19 COMMISSIONER GRUTSCH: Yeah,
20 if they rezone.

21 COMMISSIONER McLAREN: -- if
22 they rezoned it.

23 MR. WAGNER: To my knowledge,
24 they're going to build the addition regardless if it
25 gets rezoned or not. They've basically outgrew

1 their church. They said they have over 300 members,
2 and if I had to guess, I hope they don't ever have
3 all 300 show up because they would not fit in that
4 building.

5 So from a fire code alone, I don't
6 think they'd --

7 MS. EAGAN: And they do have
8 a building permit. That came through. That's what
9 triggered this whole thing. So they did an
10 amendment currently to remove the banquet from the
11 building and just leave it an empty space.

12 If the rezoning comes through, then
13 they'll come back for just that portion of the
14 building. So it is going through. It's approved
15 and everything.

16 CHAIRMAN HAIRE: Any
17 additional comments or comments for the applicant?

18 (NONE)

19 Thank you.

20 MR. WAGNER: Thanks.

21 CHAIRMAN HAIRE: Is there
22 anyone else in the audience wishing to speak in
23 favor of this applicant?

24 (NONE)

25 None. Anybody in the audience wishing

1 to speak against the applicant's proposal?

2 (NONE)

3 None. If so, come forward, please.

4 MR. DON KLENKE: Can we just
5 ask questions?

6 CHAIRMAN HAIRE: You need to
7 come forward and sign in.

8 (THEREUPON, THE WITNESS WAS
9 SWORN.)

10 State your name for us.

11 MR. KLENKE: Don Klenke.

12 Our house -- we live right adjoining to
13 it in the corner. I mean, and we're part of Prairie
14 Dale Estates, and so we're off to the east. And I
15 just -- I'll state, the church has been great
16 neighbors. They've been there for years. I mean, I
17 have no complaints whatsoever.

18 The only time we ever hear anything is
19 on Sunday nights. We hear kids playing, and it's
20 kind of enjoyable. It's a nice thing to hear.

21 We just have questions about it, you
22 know. I mean, like, I guess, the size of the
23 building, how big it is and everything. These are
24 from some of our neighbors too.

25 Do I have to --

1 MS. EAGAN: We'll bring him
2 back up.

3 CHAIRMAN HAIRE: We'll bring
4 him back up.

5 MR. KLENKE: Okay.

6 CHAIRMAN HAIRE: So go ahead
7 and ask your questions, and we can let the applicant
8 respond to your questions.

9 MR. KLENKE: Yeah. My
10 question is like the size of the building and like
11 the lighting. I guess that's kind of a big thing
12 because we back up to each other, and right now
13 there's not much lighting back there. It's nice,
14 you know. We got it in the woods. What we have --
15 I mean, we're used to what we have and we'd kind of
16 like to keep it somewhat not like a big, you know,
17 stadium and that type of thing.

18 You know what I'm saying, not too many
19 lights and things like that that it interrupts kind
20 of what we already have. Other than that, I think
21 that's what our concerns are.

22 CHAIRMAN HAIRE: Okay. This
23 is the recommendation from Planning and Zoning that
24 goes to the Commissioners. There will be another
25 public hearing with the Commissioners which you'll

1 be able to cite any comments at that time also as a
2 matter of public record. If the event goes as
3 Commissioner McLaren said, is that they come back
4 for a Conditional Use Permit, what that also means
5 is additional parameters be placed on such as
6 lighting and other events also.

7 Will you come back up and see if you
8 can address a couple of his questions like the size
9 and the outdoor event part of it.

10 MR. WAGNER: In regards to
11 size, it looks -- actually a quick calculation.
12 They're looking to add roughly 11,000 square feet to
13 the building.

14 That will include a basement as well.
15 I think their plan was for the basement to be the
16 hall.

17 So they're looking at around 11,000
18 square feet of floor space to the building.

19 In regards to outdoor space or outdoor
20 events, to my knowledge, everything is going to be
21 inside. They've never informed me that they were
22 going to be hosting any events outside that would
23 need any type of lighting or anything like that.

24 Currently all of the parking for the
25 entire church is located in the front of the

1 building. To my knowledge, they weren't going to
2 add anything to the back, but I can double check on
3 that to see if they are going to add any parking
4 back there. But to my knowledge, they're going to
5 keep everything to the front and side.

6 Right now it's -- you can kind of see
7 where the parking lot is at in the front of the
8 building from the aerial there. My guess would be
9 they would expand that parking to the south. So
10 down the street to add additional parking.

11 I believe there's a few parking lot
12 lights right now, smaller ones. If I remember
13 correctly, very minimal. Again, right now, the
14 church is pretty small, and they're not really doing
15 any events outside of what of what the post on
16 Sundays for church service.

17 CHAIRMAN HAIRE: Yeah,
18 there's not very much lighting now. Would they be
19 planning on adding additional outdoor lighting?

20 MR. WAGNER: They might be
21 adding some additional lights if they make the
22 parking lot bigger for safety reasons.

23 We could also -- our firm, I believe,
24 is in charge of all the civil engineering work for
25 this job regarding parking lot updates and things

1 like that. So we could put a -- if they are going
2 to add lighting, we could make sure that the
3 lighting is directed west versus east or south.

4 To the west, you have an asphalt built
5 business that borders our property right to the
6 west. And then on the other side of them are
7 already -- well, it was a used car dealership. It's
8 another business now. I'm not a hundred percent
9 sure what's in there now, but it's no longer used
10 cars.

11 To the north, all those properties
12 north currently are vacant. So obviously the
13 residential to the east would be the biggest
14 concern. So we could direct all the lighting
15 towards the west versus having any of it be directed
16 to the east where the residential properties are
17 located.

18 CHAIRMAN HAIRE: Bill, do you
19 have a question?

20 COMMISSIONER McLAREN: Yes,
21 three. I didn't understand. Is the 11,000 square
22 feet including the basement, or is it 11,000 square
23 feet plus the basement?

24 MR. WAGNER: Plus the
25 basement.

1 COMMISSIONER McLAREN: So
2 they're adding 22,000 square feet?

3 MR. WAGNER: Twenty-two
4 thousand total. Yes, it would be total.

5 COMMISSIONER McLAREN: Okay.
6 So then the next question is, is there public water
7 and sewer available here? If you're the civil
8 engineer, then you just -- I understand you may not
9 be, but if your firm is representing, there's still
10 the civils.

11 MR. WAGNER: In regards to
12 water, everything is on well, on a well currently.
13 And septic -- it appears they have their own septic
14 system as well. I'm the one that surveyed the
15 entire property, so I'm looking at our plat right
16 now. But they do have a well on site. So I don't
17 think it's public water. I don't think it's public
18 sewer either. I think everything is private on
19 their property.

20 COMMISSIONER McLAREN: Is
21 there room on -- I guess that's a Building
22 Department question. It's not any of my business,
23 but five acres is an awful lot of that 13,000 square
24 feet or whatever it is -- or no, 25,000 square feet,
25 the amount of people you can put in there, that

1 would seem to be an issue to me that it's not on a
2 public utility.

3 MR. WAGNER: Scottie, do you
4 know if it's public utility in that area?

5 MS. EAGAN: I believe you're
6 in Public Water 3 District. I don't know if there's
7 any water lines nearby. But that would all be taken
8 care of with the Building Department.

9 CHAIRMAN HAIRE: Any
10 additional questions for our applicant before he
11 sits down?

12 (NONE)

13 Thank you.

14 Is there anyone else in the audience
15 that would like to speak against this applicant's
16 project?

17 (NONE)

18 No. Okay. We'll close this portion
19 and open it back up to a discussion for the
20 Commissioners.

21 COMMISSIONER KLENKE: I've
22 got a question. So if we take your advice and just
23 let it go --

24 COMMISSIONER McLAREN: I
25 don't have any advice.

1 COMMISSIONER KLENKE: -- or
2 your opinion, --

3 COMMISSIONER McLAREN: That's
4 better.

5 COMMISSIONER KLENKE: -- and
6 just let go, be a church, be exempt, whatever, then
7 what Mark is saying we shouldn't do that.

8 COMMISSIONER McLAREN:
9 Correct.

10 COMMISSIONER KLENKE: Okay.

11 COMMISSIONER VOSS: Well,
12 I've got something for you guys. What is it that
13 you're so concerned about with this being spot
14 zoned? Because once they build that thing, what
15 does the neighbor care if it's zoned W or Y?

16 I'm not quite seeing your stand, Jim.
17 Because we're trying to give this church what like
18 what -- what they should be able to do anyway.

19 COMMISSIONER GRUTSCH: Well,
20 I understand, but there's --

21 COMMISSIONER VOSS: So on
22 five acres and no one has come in here to complain
23 that we might change their zoning to this, their
24 neighbors. So I'm -- I am against spot zoning, but
25 I see this one as probably the best fit to give

1 these people what I think they deserve in a way.

2 So you tell me your side, and I'll see
3 both sides.

4 COMMISSIONER GRUTSCH: I'll
5 tell you my side.

6 COMMISSIONER VOSS: Okay,
7 thank you.

8 COMMISSIONER GRUTSCH: If we
9 would allow the zoning to change to W, and the
10 Commission passes it and approves it and it becomes
11 W zoning, and six months down the road, they say,
12 this five acres, we're going to have to -- the water
13 won't work, the sewer won't work, let's just sell
14 this property and now that it's zoned W, it opens up
15 a variety of different entities that can move into
16 that location.

17 Where if we would zone it Y or R, which
18 it presently borders, that might be a different
19 concern. But right now you're going to drop a W
20 zoning district right in between what completely
21 surrounded by Y and R.

22 And I don't think that's the intent of
23 zoning because the zoning will stay there forever.
24 As soon as they --

25 COMMISSIONER VOSS: But

1 there's a lot more things --

2 COMMISSIONER GRUTSCH: -- as
3 soon as they sell that. It doesn't have to be a
4 church. It can be an asphalt plant that's not --

5 COMMISSIONER VOSS: But under
6 zoning R, they could do a lot more things than what
7 they're asking for today, right?

8 COMMISSIONER GRUTSCH: Well,
9 I'd have to look through the W zoning versus R.

10 COMMISSIONER VOSS: And if
11 they zoned R like the asphalt plant is, they could
12 do a number of things worse than what W is.

13 COMMISSIONER GRUTSCH:
14 Uh-huh.

15 COMMISSIONER VOSS: Right?

16 COMMISSIONER GRUTSCH: Yep,
17 but they could also do other things in a W zoning
18 district. So why not just leave it R as it is right
19 now and go back to my original question that I asked
20 staff that we should not consider this application
21 because it should be exempt.

22 COMMISSIONER VOSS: It's
23 currently Y.

24 COMMISSIONER GRUTSCH:
25 Because it's a house of worship. It's a church, and

1 if the church so elects to have weddings, baptisms,
2 quite often the church I attend if there's a funeral
3 in the church hall, they'll have a gathering, a
4 get-together, and if the church would move to a new
5 location, I wouldn't want them to have to get a
6 Special Use Permit to get a funeral reception.

7 MS. EAGAN: A funeral
8 reception though is different to me than a wedding
9 reception. I still see like a funeral gathering is
10 still a part of the church function, where a wedding
11 reception anyone can come in and rent it. I guess
12 to be real technical, you can too, but most people
13 stick with their church.

14 COMMISSIONER McLAREN: There's
15 a lot of unchurched people when they die, they want
16 to have, you know -- I mean, that's kind of like a
17 culmination of everything. There's probably a lot
18 more people who want to get buried out of a church
19 than married out of a church anymore.

20 So I'm agreeing with both of my
21 neighbors here in a roundabout way. I really don't
22 think that we should rezone this, but because of
23 freedom of religion and all the other things our
24 country is built on, I don't know how we say no, you
25 can't do this when you're already operating a

1 church.

2 You know, we made accommodations for a
3 school that became a business in Labadie not very
4 long ago. I don't know how we can't make
5 accommodations for this.

6 I mean, if we can change our
7 regulations for that business to be able to operate
8 and do what they did, I don't know how we can't --
9 how we don't recognize that a church has inherent
10 special uses.

11 Otherwise, I agree with Jim. I don't
12 necessarily want to spot zone it, but I don't know
13 how you do it. I don't know how to deny it.

14 CHAIRMAN HAIRE: I mean, that
15 is our dilemma.

16 Anybody else have any final comments?

17 COMMISSIONER REINHOLD: I
18 think it's fair to them though. They're investing,
19 looks to me, like a couple of million dollars to
20 build this big addition on, and they want to be sure
21 that they don't get it all done and somebody comes
22 back and says no, you can't do that. I can see why
23 they're here to get protection that it's zoned that
24 way.

25 And me, personally, I don't see a

1 problem with rezoning it to W myself.

2 CHAIRMAN HAIRE: The Chair
3 will entertain a motion for a recommendation to the
4 Commissioners to Unfinished Business.

5 MS. EAGAN: Yeah, to move it
6 to Unfinished.

7 COMMISSIONER REINHOLD: I'll
8 make a motion to move it to Old Business.

9 CHAIRMAN HAIRE: Is there a
10 second?

11 COMMISSIONER WILLETTE: I'll
12 second it.

13 CHAIRMAN HAIRE: Okay. All
14 those in favor say aye.

15 COMMISSIONER REINHOLD: Aye.

16 COMMISSIONER VOSS: Aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER WILLETTE: Aye.

19 COMMISSIONER GRUTSCH: Aye.

20 CHAIRMAN HAIRE: Aye.

21 COMMISSIONER KLENKE: Aye.

22 COMMISSIONER LARAMORE: Aye.

23 CHAIRMAN HAIRE: Opposed?

24 (NONE)

25 The file is moved to Unfinished

1 Business.

2 The next file is 230245. Scottie, will
3 you give us the details on this one.

4 MS. EAGAN: This is File
5 230245, Planning and Zoning.

6 The applicant is seeking to amend the
7 Unified Land Use Regulations of Franklin County.
8 The proposal includes amendments to Article 10,
9 Supplemental Use Regulation.

10 So we are adding a new section in
11 Article 10 for shipping containers. So the purpose
12 of this section is to regulate the use of shipping
13 containers to protect the public health, safety, and
14 welfare of Franklin County while protecting and
15 preserving the natural aesthetics of Franklin
16 County.

17 I do have two new definitions, which
18 I'll get to when we go to Article 2.

19 So how we did this is I met with Jason,
20 our Code Enforcement officer and the Commission and
21 Mark. I put together a draft and met with them
22 again. This is what we came up with.

23 So we are going to prohibit the
24 location of shipping containers as storage unless
25 it's temporary in the R District, B District, O, P,

1 T or Y.

2 The only places we are allowing you the
3 use of shipping containers as a storage building
4 would be the A District. You're permitted to have
5 one shipping container per acre with a maximum of
6 two. And then there must be a principal structure
7 established on the property.

8 We are allowing it in the G District
9 the same, one shipping container per acre with the
10 maximum of two and a principal structure on the
11 property.

12 And then in the W District, you are
13 permitted to have one shipping container per five
14 acres with a maximum of three, and there must be a
15 principal structure established on the parcel.

16 We are going to require the shipping
17 containers to get a permit from my department and
18 with the Building Department if applicable.

19 So the general requirements we came up
20 with is the container shall not be located in front
21 of or on the side of the principal structure; it
22 shall be installed or placed in accordance with the
23 2021 International Building Code, Section 3115; the
24 container shall be subject to all state, local and
25 federal permits; semi-trailers, buses, mobile homes,

1 and similar structures may not be used as accessory
2 storage buildings; the shipping containers cannot be
3 stacked or used for advertising; they need to be
4 properly maintained; and they will need to be of one
5 color complimentary to the principals structure and
6 free from graffiti, murals or logos.

7 And then we have a section for those
8 that are currently in violation for time to comply.

9 All property owners within Franklin
10 County will have 120 days from the effective date of
11 the regulations to bring the properties which
12 currently contain shipping containers that are in
13 violation into full compliance.

14 Failure to remove the shipping
15 container or apply for a permit in the allotted time
16 authorizes the County to enter the premise and
17 remove or cause to be removed the containers at the
18 applicant's expense.

19 Upon removal of the container, the
20 property owner shall be required to pay any costs
21 for removal and storage of the container prior to it
22 being released to the applicant.

23 So we tried to do kind of a happy
24 medium between those who don't want them and those
25 who do want them. We're going to allow them in the

1 W District, which is our most agricultural district
2 where you see a lot of them.

3 We're prohibiting them from our more
4 high dense districts where people see them and
5 complain about them, and then we're going to allow
6 them in our more industrial districts where the
7 industrial factories may need them for storage.

8 CHAIRMAN HAIRE: Scottie, I
9 tried to find when we define it as temporary for the
10 other districts, I couldn't find where we define
11 temporary for this.

12 MS. EAGAN: So we have a
13 whole nother section in Article 10 for temporary
14 mobile storage. I think you guys passed it in 2022.

15 CHAIRMAN HAIRE: So that
16 would fall to that?

17 MS. EAGAN: Uh-huh.

18 CHAIRMAN HAIRE: Okay.

19 MS. EAGAN: Yes.

20 CHAIRMAN HAIRE: The other
21 was when I was looking at other zoning issues in
22 other states, they have shall not be stacked.

23 So there were several states that said
24 they cannot put items on top of the container, which
25 means somebody tried it. That's something we should

1 consider?

2 MS. EAGAN: I mean, it
3 wouldn't surprise me.

4 CHAIRMAN HAIRE: And one of
5 the other comments was whether you would allow
6 utilities to be in the ones and where we would allow
7 it electric and plumbing.

8 Now that may be part of the Building
9 Department, but it was part some of the zoning
10 restrictions in some other states.

11 MS. EAGAN: Are you saying
12 they did not allow electricity?

13 CHAIRMAN HAIRE: They allow
14 electricity in some of them, but nothing addition
15 other than electricity for lighting but I'm
16 assuming.

17 COMMISSIONER McLAREN: Mr.
18 Chairman.

19 CHAIRMAN HAIRE: Yes, go
20 ahead.

21 COMMISSIONER McLAREN:
22 Scottie, are you considering a container and a
23 shipping container to be two different things?

24 MS. EAGAN: I mean, I always
25 see them as one, but I understand why you're asking

1 because I have two different definitions.

2 COMMISSIONER McLAREN: Okay.

3 Well, I'll followup with Dan's question. I can take
4 you to at least six of them that are the freezer
5 containers that people are using in businesses
6 because instead of putting a freezer in, you know, a
7 walk-in freezer or a walk-in cooler, they're using
8 shipping containers because they're already
9 insulated, and they're using them for a walk-in
10 freezer or walk-in cooler. And obviously they have
11 electricity to them.

12 MS. EAGAN: In their
13 building?

14 COMMISSIONER McLAREN: I
15 could take you where they're in buildings and
16 outside of buildings both.

17 MS. EAGAN: Mark, how would
18 you classify that?

19 COUNTY ATTORNEY PIONTEK: I
20 assume they're in a container, I presume.

21 COMMISSIONER McLAREN: I'm
22 sorry?

23 COUNTY ATTORNEY PIONTEK: I
24 would assume you're talking about a refrigerated
25 container.

1 COMMISSIONER McLAREN: A
2 refrigerated container instead of putting up a --
3 you know, the put-together refrigeration units they
4 put in a -- that was the easiest and probably the
5 most durable for outside is a shipping container.
6 That's what they're made for.

7 So is that a freezer now that's
8 permitted, or is that a shipping container that's
9 not permitted or a refrigerator?

10 COUNTY ATTORNEY PIONTEK: I
11 would argue it's a refrigerator or a freezer and not
12 a shipping container.

13 COMMISSIONER McLAREN: Well,
14 I would argue that also, but it's a shipping
15 container that's made for refrigeration.

16 COUNTY ATTORNEY PIONTEK: So
17 I don't think they're converted.

18 COMMISSIONER McLAREN: No,
19 they're not converted. They're made to ship
20 across --

21 COMMISSIONER KLENKE: Well, I
22 know that, but they put the refrigeration in the
23 unit.

24 COMMISSIONER WILLETTE: I
25 believe the unit comes with it.

1 COMMISSIONER McLAREN: The
2 refer unit comes that way. That's the way they ship
3 vegetables across the country on trains and
4 whatever, and that's the way the ship on oceans when
5 we ship fresh beef all over the world is in
6 refrigerated containers. And they're insulated and
7 they're lined and they're made for that, but they're
8 a container.

9 So, like I said, I can take you to at
10 least four businesses that have those that they're
11 using them for refrigeration.

12 MS. EAGAN: Any gray area I
13 ask Mark. So if he says it's fine...

14 COUNTY ATTORNEY PIONTEK: We
15 may need to revisit that to address that situation.
16 That was -- I know that was not in my mind when we
17 were looking at these definitions --

18 MS. EAGAN: No.

19 COUNTY ATTORNEY PIONTEK: --
20 and refrigerated container or refer unit, whatever
21 it's called. You know, that was not -- that was
22 nothing that I had considered at that time. And so
23 we may need to revisit this.

24 COMMISSIONER McLAREN: Well,
25 like I said, I can take you to several, several

1 facilities that have them.

2 COMMISSIONER KLENKE: Now
3 that you mention that, I know where there are three
4 or four of them or two.

5 I guess my question is how many
6 complaints do we get?

7 MS. HOLDMEIER: A lot.

8 MS. EAGAN: Numerous.

9 COMMISSIONER KLENKE: I mean,
10 it is that big of an issue?

11 MS. HOLDMEIER: A lot. We
12 have a lot of violations.

13 MS. EAGAN: Which is why we
14 started with temporary mobile storage, and then it
15 just continued to be a problem. Unfortunately, we
16 have multiple businesses in Franklin County cities
17 that sell these for storage.

18 COMMISSIONER KLENKE: Right.

19 COMMISSIONER GRUTSCH:
20 Scottie, how does the department find a complaint
21 for this? Is it a written complaint that's given
22 to you?

23 MS. EAGAN: Yes. All of our
24 complaints have to be on a witness report form.

25 COMMISSIONER GRUTSCH: And

1 does that witness report have to come from a
2 taxpayer, or does the compliance officer sees them
3 as he drives by and then stops by and says you're in
4 violation?

5 MS. EAGAN: Jason does not
6 open any. It's all from citizens.

7 COMMISSIONER GRUTSCH: Okay.
8 Because I had previously done several warrants, and
9 they were thrown out by the court when I registered
10 those complaints.

11 MS. EAGAN: And that is an
12 opinion of our municipal court prosecutor.

13 COMMISSIONER GRUTSCH: Yeah.
14 They were not mobile storage units.

15 COMMISSIONER McLAREN: I have
16 a hard time seeing the difference between one of
17 these and a tub shed personally or whatever, except
18 sometimes they're pretty rusty.

19 MS. EAGAN: We wanted to have
20 -- we did talk about the possibility of just getting
21 rid of all of the codes and saying do what you want.

22 The only issue we saw with that in
23 other places that have no codes, you see now storage
24 facilities that are made out of these. So you have
25 hundreds of these scattered throughout a property

1 that people rent. You have them stacked on top of
2 each other. They're rusted apart, they're falling
3 apart.

4 We want to keep Franklin County looking
5 nice, so we wanted -- like I said, it's hard to try
6 to find that middle ground, and this is what we are
7 trying to see if it works. If in a few years, you
8 know, something else is coming up that we're not
9 thinking up like refrigerators, you know, obviously
10 it's a work in progress.

11 CHAIRMAN HAIRE: It's an
12 emerging issuing because when I was doing the
13 research, I have seen that there was a lot of stage,
14 a lot of discussions, especially in Chicago area.
15 There was real conflicts there between where they
16 were kind of loosey-goosey and how it got out of
17 control.

18 And some of the municipalities started
19 implementing their own and then everybody had a
20 different rule.

21 MS. EAGAN: Yeah. And there
22 are some areas around us that are very strict that
23 it has to be on a hard surface, it has to be covered
24 by a fence or shrubbery, you know. We didn't want
25 to go that extreme. We kind of wanted to do middle

1 ground, and the Building Department is currently
2 upgrading their codes to the 2021 IBC, which is kind
3 of why we're trying to mirror them.

4 Bill and I worked together to get our
5 codes very similar when it comes to these shipping
6 containers. Our goal is to have both of them roll
7 out at the beginning of the year of 2024.

8 COMMISSIONER WILLETTE: Mr.
9 Chairman.

10 There's one thing, Scottie, I may have
11 missed it, but I didn't notice anywhere where it
12 says that one cannot use one as a residence.

13 MS. EAGAN: We do permit them
14 as a resident as long as they meet building code.

15 COMMISSIONER WILLETTE: Okay.

16 CHAIRMAN HAIRE: Any
17 Commissioners have any additional comments on this
18 article?

19 (NONE)

20 If not, Scottie, did you want to do a
21 little research and bring it back to us next month?

22 MS. EAGAN: I can.
23 Otherwise, we can -- it's up to you. Well, I guess,
24 Mark, we probably need to talk about the
25 refrigeration aspect of it.

1 COUNTY ATTORNEY PIONTEK:

2 Yeah.

3 MS. EAGAN: So yeah. I'll
4 come back next month.

5 CHAIRMAN HAIRE: Do we just
6 want to table that then?

7 MS. EAGAN: I would table
8 this one and then table Article 2.

9 CHAIRMAN HAIRE: Okay.

10 The Chair will take a motion at this
11 time to table.

12 COMMISSIONER GRUTSCH: Mr.
13 Chairman, I make the motion to table the two
14 Planning and Zoning files that submitted.

15 CHAIRMAN HAIRE: Article 10
16 and Article 2. Do I have a second?

17 COMMISSIONER McLAREN:
18 Second.

19 CHAIRMAN HAIRE: Thank you,
20 Bill. All those in favor say aye.

21 COMMISSIONER REINHOLD: Aye.

22 COMMISSIONER VOSS: Aye.

23 COMMISSIONER McLAREN: Aye.

24 COMMISSIONER WILLETTE: Aye.

25 COMMISSIONER GRUTSCH: Aye.

1 COMMISSIONER HAIRE: Aye.

2 COMMISSIONER KLENKE: Aye.

3 COMMISSIONER LARAMORE: Aye.

4 CHAIRMAN HAIRE: Opposed?

5 (NONE)

6 Okay. Article 10 and 2 are tabled to
7 the next upcoming meeting.

8 We have a preliminary plat. Scottie,
9 will you tell us the details on this.

10 MS. EAGAN: This is File
11 230222. The applicant is 44-100, L. L. C.

12 The applicant requests to create a
13 four-lot subdivision in R Zoning District.

14 The property is located at 2778 Highway
15 100 in Boles Township.

16 THE FACTS: The subdivision includes
17 two parcels approximately 32.5 acres in size.

18 The zoning of this property is R. The
19 minimum lot size with central water and sewer in the
20 R Zoning District is 22,000 square feet for
21 residential development and 10,000 square feet for
22 commercial development.

23 The maximum density in the R Zoning
24 District is one dwelling unit for 5,000 square feet.

25 The average lot size of the proposed

1 development is approximately 18,000 square feet.

2 The applicant is proposing commercial
3 development in this subdivision.

4 Water will be provided by Water
5 District 3. The sewer will be treated by Brush
6 Creek Sewer District.

7 The applicant showed the required
8 utilities easement along all roads and property
9 lines. Roads must have a 50-foot right-of-way and
10 26-foot surface width. Roads are shown to meet our
11 requirements.

12 A land disturbance permit from DNR is
13 required to disturb more than one acre of land, as
14 well as erosion control during development.

15 All utilities shall be placed
16 underground.

17 Because of the size of the development,
18 the applicant shall provide fire protection in
19 accordance with Article 8, Section 175. Because
20 this development is located in Boles Fire Protect
21 District, they will be required to meet their
22 regulations.

23 The applicant is required to provide
24 open space for this development. They are providing
25 two areas of common ground in accordance with our

1 regulations.

2 STAFF COMMENT: Complete engineered
3 drawings and improvement plans are to be reviewed by
4 Franklin County should be submitted before final
5 approval.

6 It does appear this development is
7 providing for stormwater detention. Calculations
8 will need to be reviewed by our contracted company
9 to ensure what is being proposed is adequate for
10 this development.

11 That's all I got.

12 CHAIRMAN HAIRE: Is the
13 applicant present. Will you please come forward and
14 sign in, please.

15 (THEREUPON, THE WITNESS WAS
16 SWORN.)

17 MR. THOMAS DOUGLAS: Good
18 evening. My name is Thomas Douglas. I'm directing
19 development for 44-100, L. L. C.

20 And what we're proposing is a small
21 commercial lot subdivision, and we're hopefully
22 going to work within -- well, we are going to work
23 within all the regulations and divide the property
24 and hopefully get some development.

25 With that, I'm happy to answer any

1 questions anyone has.

2 We've worked with Boles. We're
3 comfortable with the fire regulations they've
4 submitted. We actually have a DNR permit from -- in
5 our hands right now. So we've crossed that off our
6 list also.

7 And we're working with Stock
8 Engineering to do our civil drawings and expect
9 those any day now.

10 CHAIRMAN HAIRE: Any
11 questions from the Commissioners?

12 COMMISSIONER GRUTSCH: Pettus
13 Avenue to the northeast of this project --

14 MR. DOUGLAS: Yes, sir.

15 COMMISSIONER GRUTSCH: -- is
16 a Franklin County roadway. No plan, preliminary
17 plan has been submitted to us. There's no been no
18 action on our part. An access plan will have to be
19 obtained from our department before any construction
20 can take place.

21 MR. DOUGLAS: Okay.

22 COMMISSIONER GRUTSCH: I
23 don't know if the road you have designed here is
24 wide enough at that point for a commercial entrance.

25 So I advise before you do go any

1 further with your plans that we have an opportunity
2 to review that.

3 MR. DOUGLAS: Okay.

4 COMMISSIONER GRUTSCH: Where
5 that road ties into Pettus may be too close to
6 Highway 100. So before you go any further, I'm just
7 giving you fair warning, please take that into
8 consideration that that permit must be obtained.

9 MR. DOUGLAS: When we
10 submitted our plat, that wasn't discussed and
11 mentioned to us, but we will certainly address any
12 concerns that need to be addressed.

13 COMMISSIONER GRUTSCH: Okay.

14 COMMISSIONER McLAREN: Mr.
15 Chairman.

16 CHAIRMAN HAIRE: Yes.

17 COMMISSIONER McLAREN: On
18 this plan, it says site acreage is 23.8. On
19 Scottie's workup, it says it's 32.5.

20 MS. EAGAN: It includes two
21 separate parcels.

22 MR. DOUGLAS: Yes, if you
23 look at the map, we actually own that whole parcel
24 that's outlined in blue up there. And what we're
25 focusing on primarily right now is everything, well,

1 I'll say, it's west of Pettus. We have one section
2 we're doing a little bit of borrowing from to fill
3 this site with the topography.

4 But primarily all the development
5 currently is proposed to the west of Pettus.

6 COMMISSIONER McLAREN: So the
7 site is actually 32.5 acres?

8 MR. DOUGLAS: Pardon?

9 COMMISSIONER McLAREN: The
10 site is actually 32.5 acres?

11 MR. DOUGLAS: For the
12 subdivision, yes, I believe that's correct.

13 COMMISSIONER McLAREN:
14 Scottie, I have a question for you if that's okay.

15 I don't know that I've sat in on when
16 we've done a commercial subdivision. Is a
17 commercial subdivision different than a residential
18 subdivision, because it says this is a major
19 subdivision. I didn't think that fell under the
20 definition of what a major subdivision is.

21 MS. EAGAN: This is a major
22 subdivision because their lots are calling for three
23 acres. That's the only reason.

24 COMMISSIONER McLAREN: Right.

25 MS. EAGAN: Yeah, we don't

1 differentiate in terms of requirements for a
2 commercial and residential-only lot size.

3 COMMISSIONER McLAREN: All
4 right. Thank you. I didn't understand that. So
5 thank you.

6 MS. EAGAN: Uh-huh.

7 CHAIRMAN HAIRE: Any
8 additional questions for our applicant?

9 (NONE)

10 Thank you.

11 MR. DOUGLAS: Thank you.

12 CHAIRMAN HAIRE: Any further
13 discussion from the Commissioners?

14 (NONE)

15 If not, I'll take a motion to move this
16 to Unfinished Business.

17 MS. EAGAN: This you guys can
18 just vote.

19 CHAIRMAN HAIRE: I can go
20 ahead, okay. I stand corrected. I need a motion.

21 COMMISSIONER McLAREN: Can we
22 have a little bit more discussion?

23 CHAIRMAN HAIRE: Yes,
24 absolutely.

25 COMMISSIONER McLAREN: Jim,

1 is everything correct other than the item on the
2 road?

3 COMMISSIONER GRUTSCH: On
4 Pettus, yes. But that's very typical that in a
5 preliminary like this, they have not applied for a
6 access permit. I just want to make them aware that
7 they have to do that.

8 We had one two years ago, they just --
9 they didn't follow it through, and I just want to
10 make sure that we have any opportunity to review it
11 before they start construction.

12 MS. EAGAN: And we can always
13 do it contingent upon Highway approval because if
14 they do need to make any sort of modifications, we
15 will need that turned into us if they change any
16 aspect of that road.

17 COMMISSIONER McLAREN: Okay.

18 CHAIRMAN HAIRE: Any
19 additional questions, comments?

20 (NONE) {FLUSH}

21 I'll take a motion on File 230222.

22 COMMISSIONER REINHOLD: I'll
23 make a motion to approve.

24 CHAIRMAN HAIRE: A motion to
25 approve. Can I have a second?

1 COMMISSIONER KLENKE: Second.

2 CHAIRMAN HAIRE: We have a
3 second.

4 MS. EAGAN: Did you want it
5 contingent upon Highway approval or just --

6 CHAIRMAN HAIRE: Yes, go
7 ahead and -- can you go ahead and amend your motion?

8 COMMISSIONER REINHOLD: Yes.

9 CHAIRMAN HAIRE: The original
10 motion is amended and seconded.

11 Okay. All those in favor say aye.

12 COMMISSIONER REINHOLD: Aye.

13 COMMISSIONER VOSS: Aye.

14 COMMISSIONER McLAREN: Aye.

15 COMMISSIONER WILLETTE: Aye.

16 COMMISSIONER GRUTSCH: Aye.

17 COMMISSIONER HAIRE: Aye.

18 COMMISSIONER KLENKE: Aye.

19 COMMISSIONER LARAMORE: Aye.

20 CHAIRMAN HAIRE: Opposed?

21 (NONE)

22 The preliminary plan is approved.

23 We're going to move back to Unfinished
24 Business. We have File 230225. Commissioners want
25 any additional discussion before we take the vote

1 for recommendation?

2 (NONE)

3 No additional discussion. Then the
4 Chair will entertain a motion for recommendations.

5 COMMISSIONER REINHOLD: I
6 make a motion we approve it.

7 CHAIRMAN HAIRE: We have a
8 motion to approve the recommendation for the
9 rezoning. Do I have a second?

10 COMMISSIONER VOSS: I'll
11 second it.

12 CHAIRMAN HAIRE: And we have
13 a second. Okay. All those in favor say aye.

14 COMMISSIONER REINHOLD: Aye.

15 COMMISSIONER VOSS: Aye.

16 COMMISSIONER McLAREN: Aye.

17 COMMISSIONER WILLETTE: Aye.

18 COMMISSIONER HAIRE: Aye.

19 COMMISSIONER KLENKE: Aye.

20 COMMISSIONER LARAMORE: Aye.

21 CHAIRMAN HAIRE: Opposed?

22 COMMISSIONER GRUTSCH: Aye.

23 CHAIRMAN HAIRE: One opposed.

24 Okay.

25 Do we have, Scottie, any Planning and

1 Zoning Commission Forum or Director's Report from
2 you?

3 MS. EAGAN: I think as far as
4 next month, I think the only thing we'll have are
5 these amendments. Am I correct, Crystal?

6 MS. HOLDMEIER: Potentially
7 if I get that rezoning application for that
8 property.

9 MS. EAGAN: For this
10 property?

11 MS. HOLDMEIER: The property
12 next to it.

13 MS. EAGAN: So you might have
14 another rezoning, or it's just the amendments next
15 month.

16 CHAIRMAN HAIRE:
17 Commissioners have any discussion, comment on
18 anything?

19 COMMISSIONER McLAREN: I --
20 yes. I think if we're looking at stuff, we need to
21 look at the church. It should not have -- I mean, I
22 did not want to vote for this, but I -- and I'm with
23 Jim. I think that changing the zoning was not
24 necessarily the correct thing to do, but I think
25 churches and fraternal organizations have had leeway

1 all along.

2 I think they should -- if they're an
3 existing church, I think they should have leeway.

4 COMMISSIONER GRUTSCH:

5 There's a separation between churches and State.

6 It's in the Constitution.

7 As a government body, we should not be
8 dictating what a church can and can't do.

9 COMMISSIONER KLENKE: Well,
10 can I ask a question here. If we didn't do that and
11 they added 22,000 or 35,000 square feet, is it not a
12 check-and-balance to find out what's going on from a
13 safety standpoint?

14 COMMISSIONER GRUTSCH: They
15 would have to get a building permit, without a
16 question.

17 COMMISSIONER KLENKE: Okay.
18 So that's the check-and-balance, is the building?

19 COMMISSIONER GRUTSCH:
20 Absolutely.

21 COMMISSIONER REINHOLD: And
22 that's where they wouldn't get approval because it
23 ain't zoned correctly for what they're asking for.

24 CHAIRMAN HAIRE: Mark, will
25 you make a comment on this?

1 COUNTY ATTORNEY PIONTEK: Let
2 me ask you this, Bill.

3 If you have a building that's
4 100,000-square-foot building and 90,000 square feet
5 of that is used for a church, and 10,000 square feet
6 of it is used for a coffee shop, retail coffee shop,
7 anybody can go in and buy coffee, is the entire
8 building a church or just the part that's used for
9 religious services?

10 COMMISSIONER McLAREN: You
11 know, I think there's a church down in Fenton off
12 Gravois Road that has a bowling alley in it.

13 COUNTY ATTORNEY PIONTEK:
14 There's a church at St. Claire that's exactly the
15 situation I'm describing.

16 COMMISSIONER KLENKE: Yeah.

17 COMMISSIONER WILLETTE: Mark,
18 are you saying the church owns the coffee shop?

19 COUNTY ATTORNEY PIONTEK: The
20 church does own the coffee shop. The part of the
21 building that is utilized for church services is
22 exempt from real estate taxes as a church.

23 The portion of the building that's used
24 for the retail coffee shop is not exempt and pays
25 real estate taxes.

1 Now let me give you the flip side of
2 that. You have a 90,000-square-foot retail store
3 that has a room in the back that's 10,000 square
4 feet where they run church services once a week.

5 It's primarily operated as a retail
6 store, but it does have church functions in the back
7 of the store in the 10,000 square foot.

8 Is that a store or is it a retail store
9 and a church? What is it?

10 COMMISSIONER McLAREN: I
11 think this is a very gray thing. I'm not going to
12 tell you I don't think it's extremely gray. I do
13 not think it's black and white. But I also know
14 there's a lot of churches that operate resale shops.
15 There's a lot of churches that things like hobby
16 stores and Principal's.

17 COUNTY ATTORNEY PIONTEK:
18 Correct.

19 COMMISSIONER McLAREN: You
20 know, there's churches that operate food banks and
21 food pantries. And then there's people that cheat
22 at everything they do.

23 COUNTY ATTORNEY PIONTEK:
24 Right.

25 COMMISSIONER McLAREN:

1 There's no doubt about that.

2 COUNTY ATTORNEY PIONTEK: You
3 can have parochial school or a Christian school that
4 is clearly, you know, its function is, at least in
5 part, religious education, and that is not exempt
6 from rezoning.

7 You can have a sign outside of the
8 church that says -- you've seen them. They've got a
9 religious message on the sign outside the church.
10 Those are not exempt from zoning, but I think most
11 people would say that's kind of part of the church,
12 that's -- it's preaching a religious message on the
13 sign, but they're not exempt. So...

14 So if you're allowed to regulate a
15 religious schooling and you're allowed to regulate a
16 sign outside of a church that has a religious
17 message on it, why can you not regulate a dining
18 hall that's not necessarily a function of the church
19 only because in your scenario it would be you can't
20 do that because that's where the revenue is coming
21 from to fund the church.

22 That's the same situation with the
23 church over in St. Claire with the coffee shop.
24 They use the profits from the coffee shop to help
25 finance the church, but that's not a church

1 function.

2 COMMISSIONER REINHOLD: I got
3 a question.

4 COUNTY ATTORNEY PIONTEK:
5 Yeah.

6 COMMISSIONER REINHOLD: So
7 what's the difference if they could have a
8 concession stand in a church for when they're having
9 -- say they had a gymnasium in there and they have a
10 gym function and they have a concession stand versus
11 a coffee shop?

12 COUNTY ATTORNEY PIONTEK: If
13 the concession stand is part of the church function,
14 part of a sponsored church function that they're
15 having a worship service and they're having dinner
16 or something down there, snacks or whatever you can
17 buy, arguably that's part of the church's function
18 because it's sponsored by the church, something that
19 the church is promoting for itself.

20 COMMISSIONER REINHOLD: So if
21 the coffee --

22 COUNTY ATTORNEY PIONTEK: But
23 if you're opening a concession stand down in the
24 basement that's open regardless of whether anything
25 is going on in the church and anybody can pull in

1 off the street and go buy something, that's not part
2 of the church, and that's not exempt.

3 COMMISSIONER REINHOLD: So is
4 the coffee shop ran by volunteers or paid people?

5 COUNTY ATTORNEY PIONTEK:
6 That I don't know, but it doesn't matter. It
7 doesn't matter.

8 COMMISSIONER McLAREN: So,
9 you know, as an existing church, two weeks ago out
10 here on Highway A had the -- a fundraiser for the --
11 I'm drawing a blank. What's the Powers of the Purse
12 that they --

13 MS. EAGAN: United Way.

14 COMMISSIONER McLAREN: United
15 Way. So they provided their hall for United Way.
16 That's not necessarily a function of the church, per
17 se, but that is a function of the church to provide
18 for the community. So the same thing. I think they
19 did the Back Stoppers there last week. That's not a
20 function of the church, but it still supports the
21 life and humanity of the town or the village that's
22 around it.

23 I think that's part of the function of
24 churches that they supported the humanity that's
25 around them.

1 COUNTY ATTORNEY PIONTEK: Are
2 you talking about St. Gertrude's?

3 COMMISSIONER McLAREN:
4 Uh-huh.

5 COUNTY ATTORNEY PIONTEK: I
6 mean, that church has been there since 1920.

7 COMMISSIONER McLAREN: I
8 understand that.

9 COUNTY ATTORNEY PIONTEK: I
10 don't know what that property is zoned either to
11 know whether it --

12 COMMISSIONER McLAREN: I'm
13 just saying that --

14 COUNTY ATTORNEY PIONTEK: Is
15 it a Y or what is it?

16 COMMISSIONER McLAREN: I'm
17 just saying if churches are a function of their
18 community, they support a loft of things.

19 COUNTY ATTORNEY PIONTEK: And
20 I don't disagree with that, but that doesn't
21 necessarily exempt them from your zoning
22 considerations.

23 COMMISSIONER McLAREN: You
24 win. I give up.

25 COUNTY ATTORNEY PIONTEK:

1 It's not a -- I'm not trying to win or lose. I'm
2 just saying there are multiple sides to this.

3 COMMISSIONER McLAREN: I
4 agree there are a lot of sides to this.

5 COUNTY ATTORNEY PIONTEK:
6 Yes.

7 COMMISSIONER GRUTSCH: Mark.
8 The church is allowed the zoning district. The
9 church is allowed in virtually all zoning districts.

10 COUNTY ATTORNEY PIONTEK:
11 It's the special occasion permit that's the issue.

12 COMMISSIONER GRUTSCH: But
13 the act of -- you're saying that if you have a
14 function that allows people from all walks of life
15 to come into the church and buy something, then that
16 is a business that should be viewed as not allowed?

17 And what I'm getting at --

18 COUNTY ATTORNEY PIONTEK:
19 That's not necessarily the way. That's too broad a
20 statement to say it's not allowed. It may be
21 allowed in that zoning district.

22 MS. HOLDMEIER: St.
23 Gertrude's is zoned B. So it's zoned commercial.

24 COMMISSIONER GRUTSCH: But
25 what I'm getting at is if you have a church dinner

1 -- we have a church dinner up in New Haven at our
2 church, and we don't say only church members can
3 come to this dinner. We put out the banners and
4 invite people just coming up Highway 100 to stop at
5 Assumption Church and have the chicken dinner with
6 us.

7 COUNTY ATTORNEY PIONTEK:
8 Uh-huh.

9 COMMISSIONER GRUTSCH: And
10 the seven or eight dollar per plate that we get,
11 that goes back into the church or it goes into the
12 community.

13 MS. EAGAN: But that's a
14 church function. The church is sponsoring for that
15 and the church is paying for that. A reception --

16 COMMISSIONER GRUTSCH: And we
17 have weddings and we have funerals.

18 MS. EAGAN: But the church
19 isn't paying for that. I am renting it. I am
20 paying for it I'm inviting the guests. The church
21 has nothing to do with it except the place I'm going
22 to get married.

23 (CROSS SPEAK)

24 COUNTY ATTORNEY PIONTEK:
25 There's lots of churches around New Haven, if I'm

1 not mistaken.

2 COMMISSIONER GRUTSCH: That's
3 true. That's true.

4 COMMISSIONER McLAREN: My
5 point is for the last 200 years, it's primarily been
6 attending the church buildings that have been big
7 enough that have done all the things that has been
8 done in a community. That's basically what I'm
9 trying to say, that -- and they've --

10 COUNTY ATTORNEY PIONTEK: And
11 you have the Knights of Columbus, you have the Elks
12 Lodges, you have the Moose Lodge, you have the
13 Masonic Lodge, you have all -- and now you have all
14 of these wedding venues that have opened up for that
15 purpose that are clearly not religious.

16 COMMISSIONER McLAREN: I'm
17 not going to argue.

18 COUNTY ATTORNEY PIONTEK:
19 They may have a wedding there and there may be a
20 minister there performing that wedding, but does
21 that convert that event center into a church?

22 COMMISSIONER McLAREN: No, I
23 would not --

24 COUNTY ATTORNEY PIONTEK: So
25 would that event center be exempt because there's a

1 minister performing a religious service, which as
2 you said a wedding is a religious function. So is
3 that entire process then make that wedding venue
4 exempt?

5 COMMISSIONER McLAREN: No. I
6 would not, and I don't want to make that argument.
7 But you know, fraternal organizations that do stuff
8 like the Back Stoppers and these kind of things and
9 churches are -- I think they're special. I'm done.

10 I understand that it's hard to draw
11 that line.

12 COUNTY ATTORNEY PIONTEK: I'm
13 just looking at what is defensible and what is the
14 state of the law, not whether it's a good idea or a
15 bad idea, just what is the law as it exists today
16 and how does it apply in that circumstance. That's
17 all.

18 CHAIRMAN HAIRE: Hey, Mark,
19 when they're having -- when they're like renting it
20 out or not out to third parties, whatever, how does
21 the IRS treat that income? That would be my
22 question.

23 COUNTY ATTORNEY PIONTEK: I'm
24 not a tax lawyer.

25 CHAIRMAN HAIRE: Okay.

1 COUNTY ATTORNEY PIONTEK: I
2 represented a non-profit some years ago, and they
3 were a non-profit that had the tax exemption and all
4 of that, and they operated some property that they
5 owned, they rented it out for a retail purposes.

6 There are some rules that govern how
7 much of your revenue can be from that purpose and if
8 it's coming from a non-tax exempt function, you may
9 have to pay income taxes upon the revenue from that
10 non-exempt function.

11 CHAIRMAN HAIRE: Yeah, I
12 remember --

13 COUNTY ATTORNEY PIONTEK:
14 That's what I vaguely remember. So it may be --

15 CHAIRMAN HAIRE: We
16 understand depending what type of 503(1), 503C the
17 IRS has different rules and you can only have so
18 much money. Otherwise, it comes into play, but I
19 would guess the IRS sets rules.

20 COUNTY ATTORNEY PIONTEK:
21 Yeah.

22 CHAIRMAN HAIRE: Thank you,
23 Mark.

24 COUNTY ATTORNEY PIONTEK:
25 You're welcome.

1 CHAIRMAN HAIRE: That was a
2 good discussion. Learn something every day here.

3 If there is no further discussion,
4 Chair will take a motion adjourn.

5 COMMISSIONER KLENKE: I
6 motion to adjourn.

7 COMMISSIONER WILLETTE: I
8 think Stan has something.

9 CHAIRMAN HAIRE: Oh, I'm
10 sorry. Stan.

11 COMMISSIONER VOSS: I wanted
12 to say something a little bit more about this
13 because I know we've been getting into all this
14 church and State stuff, and I appreciate that and
15 respect it, by the way, Jim.

16 But to me, I'm looking at this more
17 cut-and-dry that this is the only legal channel to
18 give this church what they're looking for.

19 COMMISSIONER WILLETTE:
20 Protect.

21 COMMISSIONER VOSS: Yeah, and
22 we're trying to -- I understand Jim's completely,
23 but I'm just looking at it that the best thing to do
24 is this.

25 That's all I wanted to say.

1 COMMISSIONER KLENKE: Well,
2 no, I mean, I agree with what you're saying. They
3 came to us apparently and asked for guidance because
4 if they're going to invest a couple of million
5 bucks, they wanted to make sure somebody didn't come
6 along and say hey, you can't do that.

7 So I think that's how they ended up
8 here. Oftentimes, I think churches have that
9 thought process that they are exempt because they're
10 a church. And they just do what they want to do.

11 COMMISSIONER McLAREN: Okay.
12 Let's do this a different way. The easier thing
13 would have been just to say if the church can be
14 there -- no, never mind. I'm going down the rabbit
15 hole.

16 COMMISSIONER KLENKE: Another
17 rabbit hole, huh.

18 COMMISSIONER McLAREN: Yeah.
19 I'm going down a road I can't even defend myself.

20 COMMISSIONER REINHOLD: What
21 actually happened is they summited for building
22 permits, and they were stopped at the Building
23 Department because they didn't have the right zoning
24 for what they wanted, and that's how they ended up
25 here.

1 Am I correct?

2 MS. EAGAN: Uh-huh.

3 COMMISSIONER GRUTSCH: Well,
4 we'll get to see them a few more times because
5 they'll have to get permits from us, Conditional Use
6 Permits.

7 COMMISSIONER KLENKE: Right.
8 Good to know there's a check-and-balance, like Bill
9 brought up early on, keeping the public safe, to
10 know that they will have to still apply for building
11 permits and comply with the building, you know.

12 Just one of those things. Bill, I'm
13 like you. I think we should just it go, especially
14 with the check-and-balance. Because if it sells...

15 COMMISSIONER GRUTSCH: Right.

16 CHAIRMAN HAIRE: Any last
17 comments?

18 COMMISSIONER REINHOLD: I
19 just said if they wanted to zone it R, they could do
20 ten times more things in R versus -- that's why I'm
21 good to go.

22 CHAIRMAN HAIRE: So gave them
23 a good recommendation?

24 COMMISSIONER REINHOLD: Yeah.

25 MS. EAGAN: I try.

1 CHAIRMAN HAIRE: Okay. If
2 there are no further comments, I would entertain a
3 motion to adjourn.

4 COMMISSIONER KLENKE: Motion
5 to adjourn.

6 COMMISSIONER McLAREN: Second.

7 CHAIRMAN HAIRE: {FLUSH}All a
8 motion and second. All those in favor.

9 COMMISSIONER REINHOLD: Aye.

10 COMMISSIONER VOSS: Aye.

11 COMMISSIONER McLAREN: Aye.

12 COMMISSIONER WILLETTE: Aye.

13 COMMISSIONER GRUTSCH: Aye.

14 COMMISSIONER HAIRE: Aye.

15 COMMISSIONER KLENKE: Aye.

16 COMMISSIONER LARAMORE: Aye.

17 CHAIRMAN HAIRE: Opposed?

18 (NONE)

19 Okay. Good evening.

20 (THEREUPON, THE PROCEEDINGS

21 CONCLUDED AT 8:21 P.M.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) SS
COUNTY OF FRANKLIN)

I, PATSY A. MAYBERRY, 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; the witness whose testimony appears in the foregoing transcript was duly sworn by me; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken; further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Mayberry, Court Reporter
Notary Public, State of Missouri
My Commission Expires: September 14, 2026