

1 FRANKLIN COUNTY PLANNING AND ZONING  
2 BOARD OF ZONING ADJUSTMENT  
3 FRANKLIN COUNTY GOVERNMENT CENTER  
4 SECOND FLOOR COMMISSION CHAMBERS  
5 400 EAST LOCUST STREET  
6 UNION, MISSOURI 63084

7  
8  
9 TRANSCRIPT OF PROCEEDINGS  
10 NOVEMBER 24, 2020  
11 (COMMENCING AT 7:00 P.M.)  
12  
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16  
17

18 Reported by:  
19 Patsy A. Mayberry, C. R.  
20 Alaris Litigation Services  
21  
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23  
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A P P E A R A N C E

FRANKLIN COUNTY BOARD OF ADJUSTMENT COMMISSION:

GORDON UPCHURCH, CHAIRMAN

FRED THATCHER, COMMISSIONER

DEREK SCHRIEWER, COMMISSIONER

STEVE HOFF, COMMISSIONER

TIMOTHY TOBBEN, COMMISSIONER

PLANNING AND ZONING STAFF:

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

2 (NOVEMBER 24, 2020)

3 CHAIRMAN UPCHURCH: Good  
4 evening. I'm Gordon Upchurch, and I'll call to order  
5 this meeting of the Franklin County Board of Zoning  
6 Adjustment.

7 Tonight I'm joined by Steve Hoff, Tim  
8 Tobben, Derek Schriewer, and Fred Thatcher. We  
9 welcome all of you.

10 I believe we have one matter on the  
11 agenda this evening, which we'll read shortly. We  
12 also have some procedural matters to address first.

13 In addition, all of you will have one of  
14 these tethered to you. We're all going to right now  
15 turn these off or put them on vibrate. In addition,  
16 we are not going to answer these phones this evening.  
17 We are going to return those calls when the meeting is  
18 over.

19 Next, Ms. Eagan, will you call roll?

20 MS. EAGAN: Steve Hoff?

21 COMMISSIONER HOFF: Here.

22 MS. EAGAN: Derek Schriewer?

23 COMMISSIONER SCHRIEWER:

24 Present.

25 MS. EAGAN: Fred Thatcher?

1 COMMISSIONER THATCHER:  
2 Present.  
3 MS. EAGAN: Tim Tobben?  
4 COMMISSIONER TOBBEN: Present.  
5 MS. EAGAN: And, Gordon  
6 Upchurch?  
7 CHAIRMAN UPCHURCH: Here.  
8  
9 MS. EAGAN: Okay. We have a  
10 quorum.  
11 CHAIRMAN UPCHURCH: I believe  
12 we need a motion on the last prior minutes. I'd  
13 entertain a motion to approve, amend or correct.  
14 COMMISSIONER SCHRIEWER: Move  
15 to approve.  
16 CHAIRMAN UPCHURCH: There is a  
17 motion by Mr. Schriewer to approve. Is there a second  
18 to that?  
19 COMMISSIONER THATCHER: I would  
20 second that.  
21 COMMISSIONER SCHRIEWER: I  
22 would second.  
23 CHAIRMAN UPCHURCH: Couple of  
24 seconds. Those in favor aye.  
25 COMMISSIONER THATCHER: Aye.

1 COMMISSIONER SCHRIEWER: Aye.

2 COMMISSIONER TOBBEN: Aye.

3 CHAIRMAN UPCHURCH: Aye.

4 COMMISSIONER HOFF: Aye.

5 CHAIRMAN UPCHURCH: Opposed

6 same sign.

7 (NONE)

8 I believe they pass.

9 Scottie, will you read into the record  
10 the -- and let me back up for a minute. One thing  
11 that we started doing, and I -- here it is. I would  
12 invite before we reach this matter any members who are  
13 present who feel that they suffer a conflict or some  
14 particularized knowledge of this case that might be  
15 viewed as a conflict, this would be an opportunity for  
16 any of the members to share before we move further on  
17 this matter.

18 (NONE)

19 Seeing no eye contact, I presume none of  
20 the Board members know of or perceive any knowledge to  
21 be in conflict.

22 Again, back to you, Ms. Eagan, will you  
23 read into the record the hearing procedures.

24 MS. EAGAN: Tonight's Board of  
25 Zoning Adjustment hearings are governed by the

1 Franklin County Land Use Regulations.

2 At this time, I would like to place into  
3 the record these Regulations as Exhibit A, the  
4 official Zoning Map as Exhibit B, the official Master  
5 Plan as Exhibit C, and the case file for each case as  
6 Exhibit D for all the cases to be heard at this  
7 hearing.

8 (THEREUPON, EVIDENCE WAS MARKED  
9 FOR IDENTIFICATION AS BOARD EXHIBITS  
10 A, B, C, AND D.)

11 The Board of Zoning Adjustment will  
12 address each case as they are listed on the agenda.  
13 As each case is opened for hearing, a staff report  
14 will first be read to the Board, followed by any  
15 questions for the staff.

16 Then if anyone in the audience would  
17 like to speak or comment during this public hearing,  
18 they must first print their name on the sign-in sheet  
19 provided, and then be sworn in by the court reporter,

20 When it is your turn to speak, you will  
21 come to the front of the room to address the Board and  
22 only the Board, not anyone in the audience, with your  
23 comments.

24 At the conclusion of all questions,  
25 comments and discussion concerning each case, the



1 public hearing for that case will conclude and the  
2 Board of Zoning Adjustment will proceed with a  
3 decision.

4 Any decision by the Board may be  
5 appealed. If anyone desires to appeal a decision made  
6 by the Board of Zoning Adjustment, they need to submit  
7 it to Circuit Court.

8 CHAIRMAN UPCHURCH: I don't  
9 believe we have any Old Business. I think the only  
10 matter before us this evening then is the New  
11 Business. I think that is File Number 200212, and  
12 that is an appeal by a Jan Schmerber, and we'll get to  
13 that in a moment.

14 I perused the Ordinances today, and I  
15 believe we proceed in the normal fashion with this  
16 kind of appeal. We don't see a lot of this particular  
17 kind of appeal, but I believe we still start with the  
18 staff report.

19 Do we have a staff report?

20 MS. EAGAN: I do, but on the  
21 agenda we do have election of officers first.

22 CHAIRMAN UPCHURCH: Okay.

23 Then we'll take up election of officers  
24 first. And is there a motion with regard to officers  
25 -- and I did not make a note of that in advance. So,

1 Scottie, help me out and tell me how we did that last  
2 time or the time before that.

3 MS. EAGAN: So we need to vote  
4 on a chairman and then a vice-chair.

5 CHAIRMAN UPCHURCH: I'd  
6 entertain a motion for -- I guess we'll start with the  
7 vice-chair -- a motion for a vice-chair. Is there a  
8 nomination?

9 MS. EAGAN: Yeah, currently  
10 it's Justin Head is our vice-chair.

11 CHAIRMAN UPCHURCH: Okay. And  
12 so Justin is the current vice-chair. Is there a  
13 nomination for anyone for that post from the members  
14 of the Board?

15 COMMISSIONER HOFF: I motion we  
16 leave Justin vice-chair.

17 CHAIRMAN UPCHURCH: Is there  
18 any other motions of other possible candidates for  
19 that office?

20 (NONE)

21 Hearing none, I will close those  
22 nominations and call that for a vote of Justin Head as  
23 vice-chair. Let's start with an oral vote to try to  
24 move on briskly. Those in favor aye.

25 COMMISSIONER THATCHER: Aye.

1 COMMISSIONER SCHRIEWER: Aye.

2 COMMISSIONER TOBBEN: Aye.

3 CHAIRMAN UPCHURCH: Aye.

4 COMMISSIONER HOFF: Aye.

5 CHAIRMAN UPCHURCH: Those

6 opposed same sign.

7 (NONE)

8 Moving on to the chairman. Last I knew  
9 I have been the chairman, so if we were confused on  
10 that. I would open it up for nominations for  
11 chairman.

12 COMMISSIONER THATCHER: I would  
13 like nominate Gordon Upchurch in the best interest of  
14 this Board.

15 CHAIRMAN UPCHURCH: I was  
16 afraid somebody would come up with that. Are there  
17 other nominations?

18 (NONE)

19 Hearing none, I'd open for an oral vote.  
20 Those in favor aye.

21 COMMISSIONER THATCHER: Aye.

22 COMMISSIONER SCHRIEWER: Aye.

23 COMMISSIONER TOBBEN: Aye.

24 COMMISSIONER HOFF: Aye.

25 CHAIRMAN UPCHURCH: Those

1 opposed same sign.

2 (NONE)

3 So it appears that I'll do this for a  
4 while or till there are darker days.

5 Do we need to do more on that, Scottie?

6 MS. EAGAN: Not on the election  
7 of officers. Did you guys approve the minutes from  
8 February?

9 CHAIRMAN UPCHURCH: Approved.

10 MS. EAGAN: Then we're good.

11 CHAIRMAN UPCHURCH: I believe  
12 what's before us tonight is the appeal of 200212.  
13 Again, it is an appeal of an administrative decision,  
14 officer decision, and we get some of these. We don't  
15 get a lot of them. I think procedurally we still  
16 start with the staff report.

17 So if can have a staff report, if there  
18 is one prepared.

19 MS. EAGAN: This is File  
20 200212. The applicant is Jan Schmerber. Sorry about  
21 pronouncing that wrong.

22 The applicant is appealing the decision  
23 of the Planning Director to deny a rezoning request  
24 for parcel 873500005011200, owned by Castlewood  
25 Treatment Center, L. L. C.

1           The property is located at 2510 Spring  
2 Valley Road at the intersection of Spring Valley Road  
3 and Highway 100 in Bowles Township.

4           THE FACTS: On January 14, 2020, after a  
5 year and a half of planning, four public hearings, and  
6 seven articles were noticed in "The Missourian", the  
7 Franklin County Commission approved a new zoning map  
8 of Franklin County.

9           The property in question was zoned B.  
10 The B District is intended to bring shopping, the  
11 workplace and home closer together by allowing a mixed  
12 use of all types of residential density and most forms  
13 of commercial development.

14           Franklin County zoned most properties  
15 along Highway 100 as B. The properties to the south  
16 at zoned W.

17           On September 29th, Jan Schmerber applied  
18 for a rezoning to rezone a piece of property now owned  
19 by Castlewood Treatment Center, L. L. C.

20           Castlewood Treatment Center, L. L. C.  
21 purchased the property on October 30, 2020. Article  
22 14, Section 322(B) states:

23                   "Any other person may  
24                   petition to amend these  
25                   Regulations. The petition

1 shall be filed with the  
2 Planning and Zoning Department,  
3 and shall include among the  
4 information deemed relevant  
5 by the Planning Director."

6 On October 1, 2020, after discussion  
7 with the County Counselor and presiding Commissioner,  
8 the Planning Director decided to reject the  
9 application in accordance with Article 14, Section  
10 322 (C) .

11 Article 14, Section 322 states:

12 "Upon receipt of a  
13 petition, the Planning  
14 Director if he or she believes  
15 that the proposed amendment  
16 has significant merit and  
17 would benefit the general  
18 public, shall forward the  
19 petition to the Planning and  
20 Zoning Commission for their  
21 recommendation and have a  
22 public hearing set in accordance  
23 with these Regulations."

24 Due to the fact that the applicant was  
25 not the owner of the property and because the proposed

1 rezoning would not benefit the general public, the  
2 Planning Director rejected the application.

3 STAFF COMMENTS: On September 21, 2020,  
4 Jan Schmerber e-mailed the Planning and Zoning  
5 Department asking general questions about the zoning  
6 of 2510 Spring Valley Road indicating a company was  
7 interesting in purchasing it and using it  
8 commercially.

9 The Planning Department responded on  
10 September 22nd that the property was zoned B and the  
11 use as in the e-mail would be permitted.

12 After the initial e-mail, the office  
13 received calls regarding the zoning asking how they  
14 changed the zoning back to what it was.

15 The Planning and Zoning Department  
16 informed the callers that the County just went through  
17 a rezoning, and their only option would be to try to  
18 amend the proposal and remove the activity they think  
19 should be permitted.

20 The callers stressed they thought the  
21 zoning should go back to what it was, and asked who  
22 they'd talk to voice their concerns. The Planning and  
23 Zoning Department referred them to the County  
24 Commission.

25 On September 24th, secretary for the

1 County Commission e-mailed Jan Schmerber with Article  
2 14 with some highlighted sections from the County  
3 Counselor. The County Counselor highlighted Article  
4 14, Section 322.

5 The Planning and Zoning Department  
6 received a call on September 26th regarding filling  
7 out a rezoning request for this property. It was  
8 explained that per our policy we do not accept  
9 rezoning requests from persons who have no legal  
10 authority to rezone.

11 So we explained that the County  
12 Counselor was referring them to Article 14 for  
13 amending Article 7 not to rezone the property.

14 The callers were adamant that they  
15 wanted to rezone the property and it was explained  
16 then if they submitted an application, we would have  
17 to discuss it with the County Counselor and the  
18 Commission because we typically do not allow what was  
19 being proposed.

20 We received the application to rezone  
21 the property in question on September 29th. It has  
22 been the policy of the Planning and Zoning Department  
23 not to accept rezoning requests unless the application  
24 meets the standards of Article 4, Section 78, Who May  
25 Submit Applications.



1 Section 78 states:

2 "Applications will be  
3 accepted only from persons  
4 having the legal authority  
5 to take action in accordance  
6 with a permit or subdivision  
7 approval, or by persons who  
8 have permission from persons  
9 having legal authority to take  
10 action."

11 This means applications can be made by  
12 owners or lessees, agents of the owner, or persons  
13 having contract to purchase the property contingent  
14 upon the permit.

15 Since Ms. Schmerber was not the owner,  
16 the agent of the owner, and she did not have a  
17 contract to purchase the property, the application was  
18 rejected.

19 As with any permitted use in Franklin  
20 County, the Planning and Zoning Department does not  
21 require any permits from our office. We always  
22 recommend for people to get a zoning verification to  
23 ensure the activity they are wanting to do is in fact  
24 permitted.

25 As with any permitted use, the property

1 owners are still required to abide by all Planning and  
2 Zoning Regulations, as well as Building Department  
3 Regulations.

4 The applicant claims that the Planning  
5 and Zoning Department would not enforce occupancy  
6 limits or septic limits. The Planning and Zoning  
7 Department stated these were issues the applicant  
8 would have to take up with the Building Department  
9 because we do not have regulations in our office for  
10 those issues.

11 The applicant claims Franklin County did  
12 not notify the residents of the zoning change earlier  
13 this year.

14 The Planning and Zoning Department  
15 started rezoning the county in May 2018 when we  
16 announced it at our monthly Planning and Zoning  
17 meeting.

18 Since may 2018, the rezoning of the  
19 county was mentioned at 11 out of 12 Planning and  
20 Zoning meetings.

21 We had the rezoning maps posted in the  
22 county courthouse and the county government center for  
23 six months, four public notices were printed in the  
24 paper, along with four articles about the rezoning.

25 The Planning and Zoning Commission held

1 three public hearings, as well as working session  
2 regarding the rezoning, and the County Commission held  
3 one public hearing, one working session, and the final  
4 commission meeting for the rezoning was approved.

5 CHAIRMAN UPCHURCH: Is that the  
6 extent of the staff report?

7 MS. EAGAN: Yes.

8 CHAIRMAN UPCHURCH: Candidly  
9 I'm just trying to perfect this record, and want to  
10 know a couple of things for which I don't know the  
11 answer to, and perhaps you might.

12 Has your office before this ever  
13 received a rezoning request from some- -- within your  
14 tenor? How long have you been with the County?

15 MS. EAGAN: Thirteen years.

16 CHAIRMAN UPCHURCH: In the 13  
17 years that you've been with the County, have you ever  
18 had a zoning request lodges with your office by  
19 someone for a piece of property they did not own or  
20 were an agent for the owner?

21 MS. EAGAN: Never.

22 CHAIRMAN UPCHURCH: Was that  
23 no?

24 MS. EAGAN: Yes, that was a no.

25 CHAIRMAN UPCHURCH: Okay.

1 Because I don't remember ever hearing of or seeing  
2 this. So in light of that, I'm concerned having  
3 reviewed the Ordinance today as to whether this  
4 application -- applicant has standing to raise a  
5 zoning issue for another piece of property, but I  
6 wanted to be clear about that.

7 It could happen with regularity, and I  
8 could just not have known it.

9 Would it be fair then that that was one  
10 consideration that you took into account in denying  
11 the request for the rezoning?

12 MS. EAGAN: That's correct.

13 CHAIRMAN UPCHURCH: I think  
14 that's the only question that comes to mind right now.

15 I expect that there's someone here to  
16 speak on behalf of the applicant. And let me just  
17 kind of outline for you. You could easily have been  
18 at several of these before.

19 We try to handle these sort in pretty  
20 darned informally, and we've been asked from time to  
21 time to be more formal. And when they kick me out,  
22 that may happen, but until then, I prefer to give  
23 everybody kind of a, if you will, a level playing  
24 field.

25 In a moment, you'll step up to the mic.

1 You'll need to sign in, and you'll need to be sworn.  
2 And it's an opportunity for you to share with us in  
3 addition to your paperwork or to go over your  
4 paperwork, whatever you want us to know with regard to  
5 your application.

6 And if there are other witnesses on your  
7 behalf that want to be heard, we'll take them in  
8 order. When we get done with your team, if you will,  
9 we'll permit the County to offer some rebuttal.

10 If somehow that startles you, we may  
11 permit you to do what's called a rebuttal, which isn't  
12 a repeat, but it's to respond to something that you  
13 hadn't touched on because you didn't see that coming.  
14 And if you do that, then we give them another shot at  
15 it too, and eventually it turns into like herding cats  
16 is the word that I use.

17 But in any event, if you're prepared,  
18 will you step up and sign in.

19 (THEREUPON, THE WITNESS WAS  
20 SWORN.)

21 MS. JAN SCHMERBER: My name is  
22 Jan Schmerber. S-C-H-M-E-R-B-E-R.

23 Thank you all for coming out tonight on  
24 a rainy cold night. I appreciate you being here and  
25 just listening to our concerns. I don't know whether

1 it will help or not, but it's always nice to know that  
2 you're willing to listen.

3 I am an analyst by trade. So what I do  
4 ever day is I look at risks which are known problems.  
5 I look at the assumptions, what are the assumptions  
6 made when you're coming up to a change or situation.  
7 I look at issues. Issues are things that aren't  
8 problems yet, but they could be a problem.

9 And then once you have all that  
10 detailed, then that's when you make a decision.

11 So that's -- I just kind of give that to  
12 you because that's where I'm coming from. That's the  
13 way my mind works. And when I first heard the  
14 property had been made commercial, which I was not  
15 aware of before, I did not know of the other meetings  
16 because I've not -- I work 12-hour days.

17 So not often at leisure to just come to  
18 hearings, and I had never gotten a postcard or  
19 anything saying that any property by me was changing  
20 to commercial.

21 So the first time that I heard about the  
22 property changing to commercial was -- yes, sir?

23 CHAIRMAN UPCHURCH: And just so  
24 I'm clear. I'm just trying to be efficient here.

25 So your property is near the property

1 that you've asked to be rezoned?

2 MS. SCHMERBER: Yes. If you  
3 turn around, okay. Do you see that property line  
4 right there where it says 16. I'm 16. So I'm right  
5 there. 2534 Spring Valley Road. And the building is  
6 about ten feet from the property line. So it is --

7 CHAIRMAN UPCHURCH: The  
8 property is the green piece then?

9 MS. SCHMERBER: That is  
10 correct, sir.

11 CHAIRMAN UPCHURCH: Okay.

12 MS. SCHMERBER: Thank you.

13 CHAIRMAN UPCHURCH: Thank you.

14 MS. SCHMERBER: I'm going to  
15 start with some of the issues which are the known  
16 risks, and I think you all might have like some of the  
17 pictures of what the road looks like.

18 CHAIRMAN UPCHURCH: That was  
19 included in the packet, and I should have covered that  
20 earlier.

21 MS. SCHMERBER: Yes, sir.

22 CHAIRMAN UPCHURCH: I as a  
23 routine matter announce for the record that we will  
24 declare that everything that you filed in the  
25 application which was provided to us, and I call it a

1 packet --

2 MS. SCHMERBER: Yes.

3 CHAIRMAN UPCHURCH: -- that's  
4 being received as part of the -- your record. So you  
5 don't have to necessarily offer it further, and  
6 candidly, if people don't like what happens here, they  
7 can appeal it to the court, and that happens with some  
8 regularity. And that's okay too.

9 But you don't have to worry about doing  
10 more with that. Everything that you submitted has  
11 been submitted to us, and if not done by operation of  
12 law, by declaration of myself, we're receiving all of  
13 that as part of our record and your record.

14 MS. SCHMERBER: Okay. Thank  
15 you.

16 I'll try and be really brief, and I'll  
17 just touch on it. So --

18 CHAIRMAN UPCHURCH: I'm not  
19 pushing you. We've been here to midnight before. So  
20 trust me, you're about three and a half hours away  
21 from to begin hurried.

22 MS. SCHMERBER: Okay.

23 The road is quite curvy. There was even  
24 an accident there two weeks ago. So often because it  
25 is a 35-mile-an-hour curve and the traffic is heavy,



1 there are accidents there.

2 Spring Valley Road is a  
3 privately-maintained gravel road, where that entire  
4 Spring Valley Road there are approximately either 35  
5 to 40 individuals that live off that road. We do  
6 maintain it. I am out there with buckets and gravel  
7 bags and shovels in the spring to dig out the ditches  
8 along my property, and even all the way up to Spring  
9 Valley Road. I'm 55 years old with a questionable  
10 back, but I'm out there doing it.

11 We have had problems before when Spring  
12 Valley planned that property which is 2510 Spring  
13 Valley Road. It is a little bit of an incline, and at  
14 times if it is not maintained correctly, it will wash  
15 out Spring Valley Road.

16 So I have aided the former owner, Tracy  
17 Levey, in digging out ditches to make sure that the  
18 water flows directly into the runoff so that the road  
19 does not wash away.

20 But it is a road that is  
21 privately-maintained by the individuals who live on  
22 that road. It is also very dangerous for curves, and  
23 so if you have traffic back up there, there's been  
24 more than one occasion where I thought I was going to  
25 be hit by tiny swipes by cars coming around the curve.

1                   So if you add a great number of  
2 individuals on that property, you are greatly  
3 increasing the risks of increased accidents.

4                   Also interestingly enough, until today,  
5 I did not know Castlewood, L. L. C., they have been in  
6 the news. I believe it might even be in your packets  
7 that they wrote the article on that particular  
8 company. I didn't know it was that company when I --  
9 when I got that they had been there.

10                  But they have had these huge messes.  
11 While we knew it was Castlewood that they are having  
12 issues with the current government officials there,  
13 and they do have on their property, they charge a  
14 thousand dollars per person per day. And they have a  
15 great number of people that are in that property as a  
16 psychiatric facility that is in Castlewood currently.

17                  And it is a "St. Louis Today" article.  
18 If for any reason it's not in your packets, I'll be  
19 glad to look it up again on "St. Louis Today" and  
20 order two.

21                  But those are some of the risks. Also I  
22 was kind of surprised at the response I got from  
23 Planning and Zoning that there were restrictions on  
24 this property of any kind. According to the job of  
25 Planning and Zoning, it is to make sure to promote the

1 health, safety, prosperity and welfare of the county  
2 inhabitants.

3 And so I guess I'd like to know as an  
4 analyst what kind of research you all have done,  
5 because I see risks with the health.

6 CHAIRMAN UPCHURCH: Ma'am, I  
7 will interrupt you at that time.

8 MS. SCHMERBER: Yes, thank you.

9 CHAIRMAN UPCHURCH: It is not a  
10 time for you to quarry of us and what we've done. It  
11 is an opportunity for you to be heard with regard to  
12 your positions.

13 MS. SCHMERBER: Okay. I  
14 appreciate that. Sometimes it helps in my job to know  
15 where the opts are, what the assumptions were, so  
16 that's kind of us going forth.

17 CHAIRMAN UPCHURCH: Ma'am, I'll  
18 be generous in those regards, and say that a lot of  
19 what you described here in your testimony and I'm  
20 going to permit you more time. Don't misunderstand my  
21 interruption.

22 MS. SCHMERBER: That's okay.

23 CHAIRMAN UPCHURCH: But a lot  
24 of your factual representations go to the -- if you  
25 will, the logic in the zoning that currently exists in

1 a large portion of Franklin County.

2 I'll be so generous as to say that some  
3 of that map and the regs might be border on insanity.  
4 Others would call them genius. But be that as it may,  
5 that order and that map were done by political  
6 entities entitled to make those decisions, and that is  
7 not before us tonight.

8 So I don't mean to interrupt or  
9 discourage you, but I also want to be clear and  
10 candidly, I'm trying for you not to tilt at windmills.

11 MS. SCHMERBER: I appreciate  
12 that.

13 CHAIRMAN UPCHURCH: And I'll  
14 dovetail behind that that this Board has rather  
15 focused and somewhat limited powers, and one is not  
16 for us to sort of substitute our judgment for the  
17 County Commission or necessarily Planning and Zoning.

18 So we're pretty limited with the, if you  
19 will, the ordinance that permits us to address. And  
20 what your appeal on its face speaks to is the  
21 administrative official, who I believe was Ms. Eagan,  
22 her denial of your rezoning request.

23 MS. SCHMERBER: Okay.

24 CHAIRMAN UPCHURCH: And I  
25 realize some of these facts impact that, but it

1 appears that part of your challenge is with that  
2 zoning. And again, I'm being very generous to say  
3 some people would agree with you wholeheartedly that  
4 gosh that didn't make any sense.

5 But again others would call it genius,  
6 and places that don't have zoning, people can put up  
7 anything anywhere. So maybe it is genius.

8 But that's not before us tonight.

9 MS. SCHMERBER: Okay.

10 CHAIRMAN UPCHURCH: Okay?

11 I've interrupted you, but please  
12 continue.

13 MS. SCHMERBER: No. Might I  
14 ask you a question?

15 CHAIRMAN UPCHURCH: You can't  
16 ask me questions. We've went over that already.

17 MS. SCHMERBER: Okay. Because  
18 I'm curious as to how --

19 CHAIRMAN UPCHURCH: I can't  
20 answer your questions, ma'am.

21 MS. SCHMERBER: Okay.

22 CHAIRMAN UPCHURCH: It's for  
23 you to present your case, and I'm giving you every  
24 opportunity to do so.

25 MS. SCHMERBER: Sure, okay.

1 Well --

2 CHAIRMAN UPCHURCH: You take  
3 all the time you need. I don't want anyone ever at  
4 that podium to ever feel rushed before this Board.

5 MS. SCHMERBER: I do -- I would  
6 respectfully request that if it is within the Board's  
7 power, perhaps maybe it is not, to you know, consider  
8 changing this property back to residential for the  
9 safety of the community because of the road, because  
10 it is currently a road where most of the individuals  
11 are of retirement age. Most of them are older than I  
12 am. It is privately maintained. It has been a  
13 residential community for quite some time.

14 It is a private road. I do have  
15 signatures of most of those that live on the road,  
16 except for one individual who is selling their  
17 property currently. They put it on the market right  
18 after 2524 closed.

19 CHAIRMAN UPCHURCH: Did you  
20 include that in your --

21 MS. SCHMERBER: I did.

22 CHAIRMAN UPCHURCH: Then we  
23 have that.

24 MS. SCHMERBER: Yeah.

25 CHAIRMAN UPCHURCH: I thought

1 I'd seen a list, but I just wanted to make sure that  
2 it wasn't something new.

3 MS. SCHMERBER: Yeah.

4 CHAIRMAN UPCHURCH: Okay.

5 MS. SCHMERBER: Yeah. So that  
6 does include most of them. I had just went out on a  
7 Saturday and -- and just -- and I realized it sounds  
8 like it's kind of an all-or-nothing, whether it  
9 becomes commercial or not commercial. Or whether it  
10 becomes back to residential from commercial, but I  
11 worry the impact on the surrounding area if there  
12 aren't at least some minimum good neighbor guidelines  
13 on the residences.

14 Like I said, there's already one  
15 property that immediately went for sale the minute the  
16 other property closed. And it's a neighborhood that a  
17 lot of us love, and it's a neighborhood --

18 CHAIRMAN UPCHURCH: I did not  
19 hear you.

20 MS. SCHMERBER: I said it's a  
21 neighborhood that a lot of us love, and where a lot of  
22 us have built our dream homes expecting to retire  
23 there and not something where we expected it to  
24 basically be pulled out from underneath us as far as  
25 the community goes.

1 I don't know what else would be more  
2 logical to present that would be in line with what we  
3 are looking for. And I think everything is in  
4 contained in the packets that are my quarries, which  
5 are not quarries that can be answered I understand.

6 But I'm just trying to figure our why  
7 this was done, why it was changed.

8 CHAIRMAN UPCHURCH: And in  
9 terms of the change I think you're talking about, and  
10 I want to be clear on this, and please correct me if  
11 I'm wrong.

12 MS. SCHMERBER: Sure.

13 CHAIRMAN UPCHURCH: I think  
14 you're talking about the rezoning and rezoning map  
15 that, you know, and I'll even characterize it as being  
16 with -- and it's my belief, large portions of Franklin  
17 County in these very open, if you will, definitions of  
18 what's permitted, and as I said earlier, jokingly but  
19 it's more seriously at this point, there are many  
20 people who disagree that why would we do that kind of  
21 zoning, sort of a hodgepodge for just about anything  
22 goes.

23 Be that as it may, that is through that  
24 hearing process that was part of our record, that is  
25 what got approved. And again, I'm as confident as I



1 can be that issue in terms of what the zoning map  
2 looks like is one not before us, and frankly not  
3 within the power of this Board.

4 And I could be wrong, but I don't think  
5 that's before us, and I don't think it's within our  
6 power. We -- to my knowledge in the years that I have  
7 sat here, I absolutely do not recall us ever making a  
8 declaration about zoning or rezoning.

9 There's something called a variance,  
10 which this isn't a variance, that those come before  
11 us. And again, that's just a different process, but I  
12 speak as honestly as I can. And I don't think I have  
13 ever seen nor do I believe it's approved in the  
14 Ordinance for us at this Board and for you or anyone  
15 else to declare a rezoning or to add conditions to a  
16 zoning.

17 So I've blathered on here, but I've  
18 blathered on honestly.

19 Having done so, having given you a  
20 moment to offer us anything else with regard to your  
21 application that is before us.

22 MS. SCHMERBER: I'm not sure  
23 what you're looking for. I wish --

24 CHAIRMAN UPCHURCH: I'll tell  
25 you what I'm looking for. I'm looking that when I

1 walk out of here the last time, I would like to  
2 honorably feel that every person that stood in front  
3 of me at that podium knew when they walked away, that  
4 I had given them every opportunity to be heard.

5 And I'm giving you that opportunity.

6 MS. SCHMERBER: I was under the  
7 impression, perhaps the false impression, that this  
8 was to discuss if there was merit to change this  
9 property back to residential.

10 But I believe I'm hearing from you that  
11 that is not within your power nor within the power of  
12 this Board. Isn't that correct?

13 CHAIRMAN UPCHURCH: And that is  
14 my belief, but an appellate court could tell me I'm  
15 wrong, and I'll even expand on that because I frankly  
16 I hadn't seen one like this, so I spent more time for  
17 the whole 24 and a half dollars I think they pay me to  
18 do these and looked back over the Ordinance.

19 And I believe the only issue, it's  
20 almost a toggle decision, and that is whether Ms.  
21 Eagan properly did not forward your request on to a  
22 Planning and Zoning committee to further review, then  
23 make a recommendation, because I think the decision  
24 you're really asking would fully and finally under our  
25 rules, which we don't get to change, would have to be

1 by the Franklin County Commission. So --

2 MS. SCHMERBER: And that's --  
3 and I apologize. That's what I thought I was bringing  
4 this to, was to the Franklin County Planning and  
5 Zoning Commission. So I was under a misconception.

6 CHAIRMAN UPCHURCH: No, we're  
7 just a meager little bunch. The Franklin -- and  
8 again, there's no embarrassment with that. There are  
9 lawyers who struggle with these issues every day, and  
10 all of these are sort of a spider's web because there  
11 are rules that are set up within these ordinances.

12 But I'm pretty darn confident that we  
13 have no power to do that, and that process, even with  
14 your application, is really only as to that toggle  
15 decision should Ms. Eagan have passed that on to that  
16 committee and started that ball rolling to create a  
17 rezoning, or was she in no way entitled not to forward  
18 it on.

19 MS. SCHMERBER: Okay. Yeah,  
20 and I do have when I first submitted, but I -- you  
21 know, when I first e-mailed, which was back in -- I  
22 think it was early September. Yes, September. Well,  
23 it was actually mid September.

24 CHAIRMAN UPCHURCH: I saw  
25 communications in the packet.

1 MS. SCHMERBER: Yeah.

2 CHAIRMAN UPCHURCH: Absolutely.

3 And I did read through the packet, and I'm sure I  
4 speak for everyone in this Board that everybody read  
5 your packet.

6 MS. SCHMERBER: Yeah. Okay.

7 Well, I appreciate the time. I did do that before the  
8 property ever sold, not knowing even, and I picked up  
9 that article, not even knowing that that article was  
10 regarding the actual buyer -- that was just a fluke --  
11 and the legal problems they're having.

12 So that was just a fluke. A nice fluke,  
13 I guess, but you all are -- you know, and Planning and  
14 Zoning should have been fully aware of everything that  
15 will or could fire before such actions happened.

16 And I guess that's all I can do is to --  
17 again, going back to my analyst roots, say you've got  
18 the risks, you've got the issues, there was some  
19 assumptions, and decisions have been made that are  
20 either going to affect them or not. I've done my best  
21 to present what I see.

22 So thank you all for your time. I  
23 appreciate your listening.

24 CHAIRMAN UPCHURCH: I've  
25 interrupted you a couple of times with some questions.

1 If you'll permit us. Are there any other members that  
2 have questions of the applicant?

3 (NONE)

4 Seeing none, thank you, ma'am.

5 MS. SCHMERBER: Thank you for  
6 your time.

7 CHAIRMAN UPCHURCH: Okay.

8 Is there anyone else to be heard in  
9 support of the applicant's petition? You can't talk  
10 back there because we're making a record, but before  
11 you get up...

12 People can be here and support other  
13 people, and we all do that as family and friends, and  
14 that's okay. If you want to be heard, that's okay  
15 too, and if you want to be heard on the application,  
16 you'll need to step forward and sign in as the  
17 applicant did. And that's entirely up to you.

18 (THEREUPON, THE WITNESS WAS  
19 SWORN.)

20 MS. SHERRIE BURNS: My name is  
21 Sherrie Burns, and I just live on the same road as  
22 Jan, and just want you to know that I -- we fully  
23 support her in what she is trying to accomplish here  
24 tonight.

25 And if there was anyway we had known

1 prior to this, and we moved into the property that we  
2 owned in June of last year.

3 CHAIRMAN UPCHURCH: Let me  
4 interrupt you just so I can be clear. So you own a  
5 property here nearby also?

6 MS. BURNS: Yes.

7 CHAIRMAN UPCHURCH: Okay.

8 MS. BURNS: Just down the same  
9 road, 2555 Spring Valley Road, and we've only been  
10 there about a year and a half. So if any rezoning has  
11 taken place prior to us moving in, we did not know  
12 about it.

13 So just rezoning that property to  
14 commercial is a little concerning to us since we've  
15 just moved in and feel that we're going to spend the  
16 rest of lives there. And it's just disheartening to  
17 know that that has been changed and we were unaware.

18 And we fully support Jan and what she  
19 has done here tonight with -- you know, been in  
20 constant communication with her. She has presented  
21 all the information that she has to us, and that's  
22 really all I have to say. We do support her.

23 CHAIRMAN UPCHURCH: I don't  
24 have any questions of you, but someone from the Board  
25 could.

1 (NONE)

2 Thank you. We appreciate our presence.

3 MS. BURNS: Thank you.

4 CHAIRMAN UPCHURCH: Is there  
5 anyone else to be heard in support of the application?

6 (NONE)

7 Seeing no hands, I'll let the applicant  
8 side rest. Just for the record, there's no one else  
9 in the room, strange faces. So I'll turn back to the  
10 County, and, Ms. Eagan, is there -- do you want to  
11 offer any testimony with regard to by way of rebuttal  
12 or stand on the staff report or what?

13 MS. EAGAN: No, I'm good with  
14 what the staff report said.

15 CHAIRMAN UPCHURCH: In light of  
16 that, I presume there's no rebuttal?

17 (NONE)

18 Thank you.

19 Discussion among the Board?

20 (NONE)

21 I don't see any want for discussion.

22 I'm going to ramble here for a minute.

23 I believe from my review of the  
24 Ordinance, and I can easily be corrected, but I  
25 believe the -- as with many of these, the finite issue

1 that is before us is whether the zoning director, when  
2 asked to rezone a piece of property by a non-owner  
3 which on its face appears perhaps to not be permitted,  
4 but aside from that, it would appear that there was a  
5 suggestion to rezone a piece of property and not owned  
6 or managed by the applicant and again only that parcel  
7 which would appear to sort of be what's known in the  
8 law as spot zoning, which is generally disfavored in  
9 the law, and when faced with that and certainly on the  
10 heels of the County having just gone through a major  
11 rezoning of the entire county map with frankly much  
12 publicity in the paper and otherwise, I think that's  
13 the singular issue before us under the Regulations.

14 Even had the zoning officer found all of  
15 that to be appropriate, it would then have been  
16 incumbent upon her to simply forward that paper on to,  
17 I believe it's Planning and Zoning, and I may be using  
18 the wrong term there, for them to then have hearings  
19 and come up with plan to approve or disapprove that  
20 change to the map or rezoning. And then for that  
21 ultimately to arrive at the doorstep of the County  
22 Commission.

23 But again, all of those steps are far  
24 beyond what is before us this evening. I believe the  
25 only thing that is before us this evening is on the



1 facts that have been permitted -- and I'll back up  
2 from that.

3 Certainly there has been testimony given  
4 this evening that there is fear or concern with regard  
5 to this use, and concern with regard to that use. It  
6 would appear from what is publicly known is that with  
7 the creation of these large areas of generally open  
8 zoning permitting many uses and not even requiring a  
9 conditional use, which is a term of art that is  
10 required under certain zoning areas that isn't in this  
11 case, with a conditional use which could be a  
12 requirement that the Commission could have done, but  
13 didn't when it came up very recently with this matter.

14 So on the heels of the fact that the  
15 County Commission did not see fit to limit or require  
16 conditional uses for these kinds of uses to be made in  
17 these properties, certainly there was a calculated  
18 decision. And again, I don't think it's for us to  
19 declare that that was smart or not smart, but to  
20 permit these uses to be side by side.

21 And again, that was for another forum  
22 and another day and none of that is, if you will, the  
23 lay of the land at this point in time. And the lay of  
24 the land is before the zoning officer who was  
25 approached.

1                   And again back to the issue that I  
2 believe is before us on this record is whether the  
3 zoning officer when asked by a non-owner to do a  
4 rezoning, which is beyond her authority to do, and/or  
5 to rezone or to ratchet back to old zoning.

6                   Again, I see nothing in the Ordinance  
7 that would permit her to do that. So the sole issue  
8 is whether we affirm or declare that an error, she  
9 didn't receive that rezoning request and forward it on  
10 to the appropriate committees for them to act on it  
11 and have public hearings.

12                   In light of that, I will be so bold this  
13 evening, if there's still no discussion, then I will  
14 -- I welcome discussion if there is any, but I would  
15 entertain a motion that on the petition before us on  
16 these facts I believe it was incumbent upon the zoning  
17 officer to, as she did, decline their request for  
18 rezoning of an adjacent parcel for the facts that I've  
19 outlined in my babbling here in front of you.

20                   Is there discussion on my motion?

21                   COMMISSIONER SCHRIEWER: Yeah,  
22 I would have just have more or less I guess a point of  
23 clarity just so I do understand it.

24                   In our packet and our staff report, it  
25 goes to Article 14, Section 322, "Any other person may

1 also petition to amend these Regulations."

2 It goes on through to provide among  
3 information deemed relevant by the Planning Director,  
4 in that same section, which again Section C, which is  
5 8 in our packet here:

6 "Upon receipt of a  
7 petition, the Planning  
8 Director, if he or she  
9 believes that the proposed  
10 amendment has significant  
11 merit or will benefit the  
12 general public shall forward  
13 that petition to the P and  
14 Z Commission for the  
15 recommendation of public  
16 hearing."

17 I'm wanting to understand because in a  
18 later section which becomes part of the comments,  
19 refers to Article 4 and Section 78, Who May Submit the  
20 Applications, and it seems they were denied because of  
21 78. And because they didn't meet 78, she just  
22 followed protocol of the next article.

23 So is that my understanding, and does  
24 that seem accurate, Scottie?

25 MS. EAGAN: So typically when

1 we get a rezoning, we go by the article and it's  
2 three, four -- Article 4, Section 78.

3 It was pointed out by our County  
4 Counselor that Article 14 says, "Any other person may  
5 amend these Regulations." We had a long discussion  
6 that I read it as amend the physical regulation not  
7 the zoning map. So we had a big discussion about  
8 that.

9 So I denied it based on the fact that I  
10 didn't believe there was significant merit because  
11 they weren't the owner of the property, and it didn't  
12 benefit the general public of Franklin County.

13 So it's kind of tied together in a  
14 sense, if that answers your question at all.

15 COMMISSIONER SCHRIEWER: It  
16 does. I just take a second to wrap my head around it,  
17 but thank you.

18 CHAIRMAN UPCHURCH: Is there  
19 other discussion?

20 COMMISSIONER THATCHER: I think  
21 we open up large Pandora's box if we could rezone our  
22 neighbor's property if we didn't like the use of it,  
23 if we had the right to get it rezoned.

24 CHAIRMAN UPCHURCH: And that  
25 was sort of unstated in my review of the packet that

1 if this is permitted at any level, then the -- if you  
2 will, the spot zoning and/or the sort of proactive  
3 attack that I'm, you know, going to limit or ratchet  
4 down my neighbors looked like a sort of open.

5 But again, I think that's probably a  
6 larger issue as I spent significant time on this  
7 before we got here obviously tonight.

8 I think to that extent, the drafters did  
9 a good job in terms of the steps that need to be  
10 properly taken for a rezoning, and I don't think some  
11 of these -- the definitions of parties, et cetera were  
12 done accidentally. I think they were done  
13 purposefully to avoid this.

14 The reality is that with any zoning like  
15 this, and I have seen and felt for clients who have  
16 seen permitted uses show up. It is hurtful, some  
17 zoning is created to avoid having no control over what  
18 happens in your neighborhood, et cetera.

19 And it would appear that in a global  
20 sense the current County Commissioners made the  
21 determination that they moved significant back toward  
22 not no zoning but the freedom of zoning to let people  
23 do as they wish with their piece of property.

24 And sometimes those areas which appear  
25 great when viewed from afar, when you look at a

1 specific use and a specific piece of property are  
2 hurtful. But it is not ours to paint outside the  
3 lines, if you will, in those sort of circumstances.

4 COMMISSIONER THATCHER: I'd  
5 like to make a point, Gordon, if I may.

6 CHAIRMAN UPCHURCH: Please.

7 COMMISSIONER THATCHER: This 14  
8 acres is part of a -- was part of a larger tract that  
9 was subdivided off of a larger tract, I would imagine,  
10 at some point in time. It shares a private road with  
11 many other parcel.

12 The subdivision, if it's -- maybe it's  
13 not a subdivision. But the land use probably should  
14 have been directed on the onset by the fellow who  
15 originally subdivided it.

16 And the County's Regulations do not  
17 supersede or overrule the subdivision restrictions  
18 that are placed on the property. So many pieces of  
19 property have been subdivided off. Now I see narrow  
20 roads. And this one I think is a very narrow road.

21 MS. SCHMERBER: That's very  
22 narrow.

23 COMMISSIONER THATCHER: So many  
24 parcels of land were subdivided, and the person who  
25 subdivided it left restrictions on the property so

1 that the property could not be used for commercial use  
2 or hog operations or trailer parks or property that is  
3 normally restricted.

4 Is your property restricted in any way,  
5 shape -- well.

6 CHAIRMAN UPCHURCH: Evidence is  
7 closed.

8 COMMISSIONER THATCHER: Yeah,  
9 it's closed. It's closed. I'm sorry. But my point  
10 being is that the private side of it and the County  
11 side of it, the County cannot overstep the private  
12 side.

13 So if there were restrictions by the  
14 original developer, those stand in fact over and  
15 beyond the County. Am I correct?

16 CHAIRMAN UPCHURCH: Certainly  
17 we have seen on numerous occasions where there were  
18 restrictions. And more on point, we've seen numerous  
19 cases where there were restrictions of record with  
20 regard to roads and easements. And we've seen this  
21 come up in a regular course over the years.

22 And certainly the County has no business  
23 to alter those. So to the extent that an original  
24 developer had the foresight to create restrictions, it  
25 would not be for the County to trump those with new a

1 ordinance.

2 But again, it is not, in spite of our  
3 heart in some cases, it is not ours to try to create  
4 those restrictions, and it is beyond our power.

5 So we're back to sort of the finite  
6 issue that is before us.

7 Is there other discussion?

8 (NONE)

9 If not, is there a second on my motion?

10 COMMISSIONER THATCHER: Repeat  
11 the motion.

12 CHAIRMAN UPCHURCH: I started  
13 with a motion, but --

14 COMMISSIONER THATCHER: Sorry.

15 CHAIRMAN UPCHURCH: And it's  
16 all good. Again, it's like herding cats sometimes.

17 COMMISSIONER THATCHER: Yeah.

18 CHAIRMAN UPCHURCH: My motion  
19 was in light of the evidence that we've been given and  
20 as to the particular issue that has been raise is  
21 whether it was appropriate under these facts that the  
22 Planning Director declined the request for the  
23 rezoning, which would have been otherwise regard to  
24 forwarded that to the Planning and Zoning Department  
25 for them to go through an application and process and



1 hearings.

2 And that it was reasonable for the  
3 Planning and Zoning Director under these facts to  
4 decline that request.

5 So that's my motion, that we affirm the  
6 act of the Planning and Zoning Director for those  
7 reasons.

8 COMMISSIONER THATCHER: I would  
9 agree with it and second it.

10 CHAIRMAN UPCHURCH: There's a  
11 second from Thatcher.

12 Is there other discussion on the motion  
13 and second?

14 (NONE)

15 Hearing none, Ms. Eagan, can you call  
16 that for a vote.

17 MS. EAGAN: Derek Schriewer?

18 COMMISSIONER SCHRIEWER: Aye.

19 MS. EAGAN: Fred Thatcher?

20 COMMISSIONER THATCHER: Aye.

21 MS. EAGAN: Tim Tobben?

22 COMMISSIONER TOBBEN: Aye.

23 MS. EAGAN: Gordon Upchurch?

24 CHAIRMAN UPCHURCH: I'm in

25 favor.

1 MS. EAGAN: And, Steve Hoff?

2 COMMISSIONER HOFF: Aye.

3 MS. EAGAN: Okay. With five in  
4 favor and zero opposed, the decision has been made to  
5 affirm the Planning Director's decision.

6 CHAIRMAN UPCHURCH: And as we  
7 always do at the conclusion of these hearings, we  
8 honestly with no malice recognize the fact that we're  
9 just one stop on the train track, and people have the  
10 right to appeal to the courts to correct us or tell us  
11 we did it wrong.

12 There is no hard feelings to anyone who  
13 takes that next step, and again, I do have in pretty  
14 much every hearing that we do, because literally our  
15 powers here are pretty confined and we're -- I really  
16 characterize this as just one stop on the rails.

17 And to the extent that the applicant  
18 wishes to have the court correct us, there will be no  
19 hard feelings. There would absolutely be no hard  
20 feelings from this Board if you were to do so and if  
21 the court were to find that somehow we entered this  
22 ruling in error.

23 So we thank you all for being here. I  
24 don't think we have any other matters. I ask for a  
25 motion that we adjourn. Don't we normally do that?

1 COMMISSIONER THATCHER: I move  
2 that we adjourn.  
3 CHAIRMAN UPCHURCH: Is there a  
4 second?  
5 COMMISSIONER TOBBEN: Second.  
6 CHAIRMAN UPCHURCH: And those  
7 in favor aye.  
8 COMMISSIONER THATCHER: Aye.  
9 COMMISSIONER SCHRIEWER: Aye.  
10 COMMISSIONER TOBBEN: Aye.  
11 COMMISSIONER HOFF: Aye.  
12 CHAIRMAN UPCHURCH: Those  
13 opposed same sign.  
14 (NONE)  
15 Thank you.  
16 (THEREUPON, THE PROCEEDINGS  
17 CONCLUDED AT 8:01 P.M.)  
18 o8o  
19  
20  
21  
22  
23  
24  
25

1 CERTIFICATE OF REPORTER  
2 I, PATSY A. MAYBERRY, Professional Court  
3 Reporter and Notary Public within and for the State of  
4 Missouri, before whom the foregoing proceeding was  
5 taken, do hereby swear that: the aforementioned was  
6 held at the time and in the place previously  
7 described; the proceedings were taken down in  
8 stenographic notes by me and transcribed by me, or  
9 under my supervision, to the best of my ability; and  
10 that the aforementioned represents a true and accurate  
11 transcript of said proceedings.

12 IN WITNESS WHEREOF, I have hereunto set  
13 my hand.

*Patsy A. Mayberry*



14  
15 Patsy A. Mayberry, Court Reporter  
16 Notary Public, State of Missouri

17 My Commission Expires:  
18 August 26, 2022

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24  
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