

1 FRANKLIN COUNTY PLANNING AND ZONING
2 PLANNING AND ZONING COMMISSION
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 MAY 15, 2018
11 (COMMENCING AT 7:00 P.M.)
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16
17

18 Reported by:
19 Patsy A. Hertweck, C. R.
20 Alaris Litigation Services
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(NONE MARKED)

(NOTE: ALL EXHIBITS, IF ANY, WERE RETAINED BY THE PARTIES AND ARE NOT ATTACHED HERETO.)

1 P R O C E E D I N G S
2 (MAY 15, 2018)
3 CHAIRMAN EVANS: I'd like to
4 call to order the May 15, 2018 Franklin County
5 Planning and Zoning Commission.
6 Scottie, will you please take roll.
7 MS. EAGAN: Bill Evans?
8 CHAIRMAN EVANS: Here.
9 MS. EAGAN: Jay
10 Schulteheinrich?
11 COMMISSIONER SCHULTEHENRICH:
12 Here.
13 MS. EAGAN: Todd Boland?
14 COMMISSIONER BOLAND: Here.
15 MS. EAGAN: Tim Reinhold?
16 COMMISSIONER REINHOLD: (Not
17 present.)
18 MS. EAGAN: Ray Cunio?
19 COMMISSIONER CUNIO: (Not
20 present.)
21 MS. EAGAN: Tom Tobbin?
22 COMMISSIONER TOBBIN: Here.
23 MS. EAGAN: Bill McLaren?
24 COMMISSIONER McLAREN: Here.
25 MS. EAGAN: Stan Voss?

1 COMMISSIONER VOSS: Here.

2 MS. EAGAN: Dan Haire?

3 COMMISSIONER HAIRE: Here.

4 MS. EAGAN: Russell McCreary?

5 COMMISSIONER McCREARY: Here.

6 MS. EAGAN: And, Ron Williams?

7 COMMISSIONER WILLIAMS: Here.

8 MS. EAGAN: Okay. We have a

9 quorum.

10 CHAIRMAN EVANS: Thank you.

11 We are going to go ahead and move the
12 presentation of the meeting procedures and exhibits
13 down in the agenda and go to the minutes.

14 All the Commissioners should have
15 received a copy of the minutes of April 17th. If
16 there are no revisions or corrections, the Chair
17 would entertain a motion to approve.

18 COMMISSIONER McLAREN: I would
19 make that motion that they be approved.

20 COMMISSIONER SCHULTEHENRICH:
21 I'll second that motion, Mr. Chairman.

22 CHAIRMAN EVANS: We have a
23 motion and a second to approve the minutes from April
24 17th.

25 All in favor signify by saying aye.

1 COMMISSIONER VOSS: Aye.
2 COMMISSIONER McLAREN: Aye.
3 COMMISSIONER WILLIAMS: Aye.
4 CHAIRMAN EVANS: Aye.
5 COMMISSIONER BOLAND: Aye.
6 COMMISSIONER HAIRE: Aye.
7 COMMISSIONER TOBBIN: Aye.
8 COMMISSIONER SCHULTEHENRICH:
9 Aye.
10 COMMISSIONER McCREARY: Aye.
11 CHAIRMAN EVANS: Opposed?
12 (NONE)

13 The minutes are approved.
14 Before we move on, we have a statement
15 to be made by our attorney.

16 COUNTY ATTORNEY ZASTROW-HIATT:
17 Yes. So today the Court of Appeals of the Eastern
18 District issued an opinion. If you guys -- if you
19 all recall, the Kelly Brothers Masons versus
20 Landvatter Enterprises that was for a concrete --
21 yeah.

22 So today the Court of Appeals of the
23 Eastern District issued an opinion on the case
24 stating Kelly Brothers Masons, et al. versus the
25 County Commission and Landvatter Enterprises. This

1 is a concrete plant out in Pacific.

2 In October the Court of Appeals issued
3 an opinion in finding for the County and Landvatter.
4 The issue in that case was whether or not the
5 appellants were entitled to public comment at the
6 Planning and Zoning meeting. Again, in October, the
7 Court of Appeals found in the County's and
8 Landvatter's favor.

9 After it issued the opinion, the
10 appellants filed a Motion for Rehearing and for
11 transfer to the Court of Appeals. That was back in
12 October. That motion had been setting since October,
13 and the Court issued a judge -- the Court of Appeals
14 issued a new judgment with reversing and remanding
15 the case.

16 So in essence, the Court of Appeals
17 changed its mind, and so as the law stands today,
18 there are several decisions yet to be made as far as
19 whether we would like transfer to the Supreme Court
20 on this issue. I've been in conversation with our
21 new County Counselor Mark Piontek about that, and we
22 obviously need to speak to the Commissioners about
23 that. So it might be going to the Supreme Court or
24 we might -- we may request transfer to the Supreme
25 Court.

1 But as the law stands right now, it
2 requires a public hearing with public comment at
3 Planning and Zoning meetings.

4 So today proper notice was given to
5 those requiring notice by state statute; however,
6 right on the notice it says that public comment would
7 not be allowed. Obviously we have to allow that, and
8 I don't want anyone who received that thinking they
9 wouldn't show up because they couldn't give a
10 comment.

11 So obviously we -- it is my legal advice
12 to you that we not take any action on these
13 applications for rezoning or any amendments to the
14 Land Use Code.

15 I have copies of the Decision if anyone
16 would like to read it, and I am happy to speak with
17 anyone on that and answer any questions.

18 CHAIRMAN EVANS: Any questions
19 from the Commissioners?

20 COMMISSIONER WILLIAMS: I got
21 one.

22 COUNTY ATTORNEY ZASTROW-HIATT:
23 Yes.

24 COMMISSIONER WILLIAMS: I
25 guess having worked with zoning regulations, you

1 know, earlier in my career, I'm kind of -- I guess,
2 I'm kind of struck by the decision. Isn't that
3 decision going to be very -- I don't know how to
4 phrase it -- but affecting a lot of people,
5 especially in the zoning regulations?

6 COUNTY ATTORNEY ZASTROW-HIATT:
7 Yes. That is accurate. I will say read the Opinion,
8 and I'll give you a brief. What it really turns on,
9 I believe, is in Article 14, Section 325, Land Use
10 Code. It says:

11 "No order or recommendation
12 that amends any of the provisions
13 to these regulations may be adopted
14 until a public hearing has been
15 held on a proposed amendment."

16 So the term "recommendation", which is
17 what this body does, it could be interpreted requires
18 a public hearing. That's what the Court of Appeals
19 believed, and that's what the law is. Okay.

20 Now, this is a Franklin County rule.
21 This isn't a State rule, so there's nothing requiring
22 Section 325, Article 14 to be in your Code.

23 Now, they did find that procedural due
24 process was not afforded appellants in this because
25 they received notice, they did not believe it was a

1 meeting. It -- everything -- the whole procedure
2 would lend itself to be a hearing, and in the
3 Campbell case, which I don't know -- I'm sure you are
4 familiar, which was the case involving Ameren, the
5 holding in that was these public hearings require
6 public comment. Okay.

7 So again, I will be speaking more with
8 -- this judgment just came this afternoon. So right
9 now the law is that it requires public hearing, and
10 given the notice that was sent out, again, my advice
11 is, please, do not take action on these requests
12 tonight.

13 Any other questions?

14 CHAIRMAN EVANS: Thank you.

15 So I think the bottom line is that we
16 are unable to address any of the files, the rezoning
17 or the amendments, tonight. But if -- it would be
18 appropriate to take the files and to table them?

19 COUNTY ATTORNEY ZASTROW-HIATT:

20 Yes.

21 CHAIRMAN EVANS: So we have
22 the four files, and I suggest we just do one motion
23 to take the four files en masse and table them.

24 COMMISSIONER McLAREN: Mr.

25 Chairman, I'll make that motion based on the

1 presentation of Counsel.

2 COMMISSIONER HAIRE: I'll

3 second it.

4 CHAIRMAN EVANS: All right.

5 We have a motion and a second to table

6 File 180082, File 180070, File 810072, and File

7 180073.

8 All in favor signify by saying aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 CHAIRMAN EVANS: Aye.

13 COMMISSIONER BOLAND: Aye.

14 COMMISSIONER HAIRE: Aye.

15 COMMISSIONER TOBBIN: Aye.

16 COMMISSIONER SCHULTEHENRICH:

17 Aye.

18 COMMISSIONER McCREARY: Aye.

19 CHAIRMAN EVANS: Opposed?

20 (NONE)

21 Communications and Visitors Comments.

22 Anyone wishing to address the Commission?

23 Please sign in and state your name and

24 address, please.

25 MR. JOHN VOLTS: 12990 -- or

1 excuse me. 2802 Spring Valley Road, Pacific.

2 CHAIRMAN EVANS: And I'd like
3 to address anyone addressing the Commission to keep
4 their remarks to three minutes.

5 MR. VOLTS: And thank you,
6 Chairman Evans, and I thought I would be speaking
7 about a file to be taken up, but I found out this
8 morning per Judy Landvatter that that probably would
9 not happen because it was exactly the circumstance.
10 But -- and I may not be -- may or may not be present
11 when this is rescheduled because I assume that will
12 happen promptly, but I think the Planning and Zoning
13 showed great wisdom in unanimously voting against
14 this application last time it was brought before
15 them.

16 Obviously there were more interested
17 parties here than now, and I hope the same great
18 wisdom is shown when this is rescheduled.

19 Thank so much.

20 CHAIRMAN EVANS: Thank you.

21 Anyone else wishing to address the
22 Commission?

23 (NONE)

24 If not, we move on to Planning and
25 Zoning Commission Forum discussing -- discussion

1 regarding by-laws.

2 MS. EAGAN: I gave all of you
3 a copy of page 2 of your by-laws. After talking to
4 Mary, and Mary talked with Mike Piontek, the
5 recommendation is that we just remove Robert's Rules
6 of Order from our by-laws.

7 From my understanding, Mark Piontek
8 works with various boards and commissions, and he
9 says none of his boards use Robert's Rules of Order.
10 He doesn't see why we use it as well.

11 CHAIRMAN EVANS: Any comments?

12 COMMISSIONER WILLIAMS: Yeah.

13 This -- this really mirrors what CBA
14 does, I think. I mean, they -- they really -- under
15 the rules of procedures, they don't really talk about
16 how you do motions, how you do -- and they are a
17 quasi-judicial board. And I think we should take
18 that rule out, and that way we can deal with these
19 issues as seen fit.

20 COMMISSIONER HAIRE: Yeah.

21 CHAIRMAN EVANS: Jay?

22 COMMISSIONER SCHULTEHENRICH:

23 Well, I guess I've been an opponent of elimination
24 completely of Robert's Rules. Modification is the
25 way I think would be best for us to consider. I

1 think when you have nothing to fall back upon, you
2 basically are leaving it open. And by leaving it
3 open, I mean I think it has -- the controlling
4 mechanism of whoever basically is wanting to run
5 meetings. Bill does a great job, but I've never
6 looked upon individuals, okay. I've looked upon the
7 position. Okay.

8 And therefore, that's what I do in this
9 case here, and I think it's just wrong for us to
10 basically consider moving into a direction in which
11 we would have nothing to fall back on to raise any
12 questions or any concerns that we believe there's a
13 procedural issue that we have the meeting in which we
14 should raise for any point of -- during our
15 discussion or a point of interest or whatever it may
16 be.

17 I said last meeting I think the word
18 "shall" was the problem, but I think eliminating it
19 completely, I think, would be in fact on our part.

20 COMMISSIONER HAIRE: Jay,
21 would you be interested in if we eliminate it now
22 because we don't have -- I think that would be the
23 best direction to go, and then if that is -- there
24 was an alternate to modify it at some future date and
25 then give us time. But until then, we're not --

1 we're not handcuffed by Robert's Rules of Order in
2 any of our actions in the next few months or every
3 time we need to make a decision whether there's
4 something better.

5 COMMISSIONER SCHULTEHENRICH:
6 I think what you just said, Dan, was what I had made
7 at the last meeting on, and that was we just go with
8 it being used as a guidance, okay, that there is some
9 type of a -- of a swaying away from the strict
10 interpretation of Robert's Rules. It can't be used
11 basically to come back to be used in detriment to a
12 decision that maybe we had made as a commission.

13 Therefore, I think if we were to just
14 modify it to that extent, I would think that would
15 suffice at least to this until we come up with one.

16 But by eliminating it in its entirety, I
17 think then now we have to go back and we have to now
18 -- there would have to be a majority that would be in
19 agreement of putting it back in. Okay.

20 And I would just as soon not see it go
21 out completely.

22 COMMISSIONER HAIRE: Which
23 puts us at greater risk, with or without?

24 COUNTY ATTORNEY ZASTROW-HIATT:
25 Is the question?

1 I think you're --

2 (OFF-THE-RECORD COMMENTS)

3 Okay. I think you're at greater risk
4 keeping it in, and the only reason why I'm saying
5 that I -- I understand the concern coming from Mr.
6 Schulteheinrich.

7 The -- but the language that he has
8 proposed doesn't offer any more clarity I guess than
9 saying we're following Robert's Rules of Order.

10 So if it's there, it's only there for us
11 to trip up on. It's only there for somebody to call
12 you out, for lack of a better term. Your by-laws --
13 the procedural rules right now provide for what a
14 quorum is, for what to do in conflict. And those are
15 the two main issues that I think you would want
16 addressed. That's already in your rules of
17 procedure.

18 If you have a particular procedural
19 question, I'm sure Mr. Piontek or myself -- I don't
20 know -- as long as I am here, we can draft that for
21 you. But right now, if Robert's Rules of Order is
22 there, even if we claim it as a guidance, it's going
23 to trip you up.

24 Mr. Piontek has served as an attorney
25 for many boards and maintains that Robert's Rules of

1 Order should not be in any procedures. They're
2 outdated and antiquated, and nobody knows how to do
3 it, not -- not procedurally anymore.

4 Obviously you want structure, but you
5 have to be able to put that in your -- your
6 procedures, and I don't want that. But they'd be
7 committed to helping you put that into your by-laws.

8 CHAIRMAN EVANS: Thank you

9 COMMISSIONER SCHULTEHENRICH:

10 Why haven't we seen something to this point? I mean,
11 this question has come up now, and Mark, before he
12 left, was supposed to have been writing something up
13 for us to look at it.

14 MS. EAGAN: That's an issue.
15 Mark left and then we were in the dark of what was
16 going to happen. Mary was filled in.

17 She didn't know what her position is, so
18 she didn't draft anything. I know we have Mark
19 Piontek, but his recommendation is that we remove it.

20 So that's where we stand.

21 COMMISSIONER SCHULTEHENRICH:

22 But why wouldn't we have something that potentially
23 would give us an example -- instead give us a
24 potential list that says it shouldn't be in there, I
25 don't know, a draft if he sees -- if he doesn't want

1 it in there.

2 As mentioned here, I think Dan presented
3 -- what Dan presented and I presented something -- I
4 don't know, Mary maybe, actually send something over.

5 MS. EAGAN: We did today
6 present that in our meeting with Mark Piontek.

7 COMMISSIONER SCHULTEHENRICH:
8 There wasn't anything suggested for the wording?

9 COMMISSIONER BOLAND: That's
10 what she mentioned, just remove Robert's Rules of
11 Order. That's at least something to do.

12 COMMISSIONER SCHULTEHENRICH:
13 What brought about the proposal to eliminate Robert's
14 Rules of Order, because there was a lawsuit filed
15 against the County, if I remember right?

16 MS. EAGAN: Right.

17 COMMISSIONER SCHULTEHENRICH:
18 One in which there was, I know, utilized Robert's
19 Rules before. So the issue of it, I think, is it
20 gives me the appearance at least that the concern is
21 more towards that there be no more additional -- no
22 more lawsuits filed against the County potentially or
23 the matter of using Robert's Rules of Order.

24 But by doing that, are we going to
25 eliminate the matter of how we're going to conduct

1 the meeting -- hearing? Okay, because if there is a
2 -- just a real consideration throughout one decision
3 that we made, can that in fact be brought up at the
4 next public hearing still? Do you know? Can it be
5 brought up at a public hearing after four times where
6 we're supposedly have done anything that if there is
7 a request for a vote to be changed as opposed to --
8 to verbal votes? Are we at the mercy of the chairman
9 to make sure that there is going to be a -- there are
10 things that come about, in my mind at least, because
11 Robert's Rules of Order do cover those kind of
12 things?

13 MS. EAGAN: But there's so
14 much in Robert's that nobody does -- or nobody knows
15 how to do them, you're opening up too many. Well, he
16 didn't do that. We're going to take you to court
17 over that.

18 COMMISSIONER SCHULTEHENRICH:
19 I continue to address -- I'm not saying that we don't
20 need Robert's or don't need it as a guideline, but
21 what is being done or complete elimination of
22 Robert's, then I don't see where there's any
23 alternative that we will in fact, you know, all come
24 back with some kind of alternative words that address
25 maybe some of our concerns, at least my concerns.

1 MS. EAGAN: In, I mean,
2 planning don't we take a vote what the recommendation
3 from the County counselor and then we discuss with
4 him later those specific questions of how do -- do
5 things progress like you're talking?

6 I can tell you in the 11 years I've been
7 here, none of those issues have come up, not saying
8 they won't, not saying we won't have a question when
9 they do, but to say we're going to follow the
10 Robert's Rules of Order, even leave a glimmer of an
11 issue that we may be using it scares me because after
12 I read what Robert's Rules of Order all entailed,
13 it's something that I think as a board if we keep it,
14 we need to have continuous training on.

15 COMMISSIONER McLAREN: You
16 know I always respect your opinion. You obviously do
17 a great job in whole and it makes things work right,
18 but to me I don't see how we parse this. It's either
19 Robert's Rules of Order or it's not. You're either
20 pregnant or you're not.

21 There's no gray area here. I don't
22 really see how we can take all use of Robert's Rules
23 claiming it allows a gray area, then and we get from
24 insight. I just really don't care to be -- I
25 would -- once again, if that's what your County

1 counselor's recommending.

2 I understand your concern, but I would
3 think that we could create a platform that would work
4 and not get plugged and beat with.

5 CHAIRMAN EVANS: Any other
6 comments?

7 I want to say as well Mary is here.

8 COMMISSIONER HAIRE: Mr.
9 Chairman, I did look at Democracy Now, and I did
10 bring it up at one of the meetings that those are
11 services available. You have to pay for them, which
12 is something you want to do. I did say that.

13 I looked there a little closer.

14 COUNTY ATTORNEY ZASTROW-HIATT:
15 It seems like this one -- like I think there's ways
16 that you can do this and in-house. Mark Piontek
17 obviously believes that you can do it, and that's my
18 recommendation as well.

19 I've only been here for a few meetings.
20 They have run moderately. Why have something in
21 there that you can just get tripped up on?

22 CHAIRMAN EVANS: Any other
23 comments?

24 COMMISSIONER McCREARY:
25 Correct.

1 COMMISSIONER SCHULTEHENRICH:
2 If it's wrong, I think he's worried about us trying.
3 I can because of having none for a period of time.

4 COMMISSIONER WILLIAMS: We're
5 not finding any --

6 COMMISSIONER McCREARY: Using
7 the Robert's Rules of Order and have nothing to
8 follow up if there are things that -- that aren't
9 spelled out in the by-laws. But again, I think one
10 section of Robert's Rules says when I talk I must
11 address the chairman only. The chairman, not -- we
12 can't say Bill, we can't do that.

13 So in a way, we haven't really been
14 doing that, I wouldn't say, at all, but I think
15 that's what he's concerned about, not having
16 something in the by-laws that cover that, even though
17 we don't use Robert's Rules to its full extent.

18 I think that's what we're worried about.
19 I can see the concern, but again, if the professional
20 people, lawyers, that are looking at this say this is
21 your best course of action, I think that's what we
22 should do and then work on it from there. But like I
23 say, Ron, it's not -- not changing the whole by-laws.

24 COMMISSIONER WILLIAMS: Sorry.
25 Didn't mean to step on you. I was out of order.

1 COMMISSIONER SCHULTEHENRICH:
2 Do we have the means of having something going to be
3 presented back to us, potentially, to consider as --
4 something for us to consider as far as guidelines to
5 follow in regards to procedure?

6 MS. EAGAN: Guidelines for
7 what specifically are you looking for? I don't --
8 there's what we need to address. He's going what
9 he's supposed to draft?

10 COMMISSIONER SCHULTEHENRICH:
11 Well, I'm sure, okay, that's fine. I'm sure Mark has
12 been on enough boards, okay. I mean, he's served on
13 boards of directors, and I would expect he's very
14 familiar on some of this. I don't know the -- okay,
15 but I certainly -- I would think he would be there in
16 serving on some, but that it's not going to be
17 anything specific and for our consideration. Then
18 I'd say we -- any vote would be do away with them
19 totally, Mr. Chairman.

20 CHAIRMAN EVANS: Jay, I
21 understand what you're saying, because I haven't made
22 any comments because I think without any rules, it
23 gives -- the chairman almost becomes autocratic as
24 far as making your rules.

25 So some guidelines should be proposed;

1 otherwise, we did violate Robert's Rules constantly.

2 Any other discussion, comments?

3 (NONE)

4 Anybody care to make a motion?

5 COMMISSIONER WILLIAMS: I
6 don't mind waiting on this because I agree with the
7 comments. So I move we approve the by-laws as
8 amended.

9 CHAIRMAN EVANS: Is there a
10 second?

11 COMMISSIONER HAIRE: I'll
12 second that.

13 CHAIRMAN EVANS: We have a
14 motion and a second to approve the by-laws as
15 amended, which is the section in our rule procedures.

16 All in favor signify by saying aye.

17 COMMISSIONER VOSS: Aye.

18 COMMISSIONER McLAREN: Aye.

19 COMMISSIONER WILLIAMS: Aye.

20 CHAIRMAN EVANS: Aye.

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER HAIRE: Aye.

23 COMMISSIONER TOBBIN: Aye.

24 COMMISSIONER McCREARY: Aye.

25 CHAIRMAN EVANS: Opposed?

1 COMMISSIONER SCHULTEHENRICH:

2 Nay.

3 CHAIRMAN EVANS: Motion is
4 carried.

5 Anything else we need to discuss before
6 the Commission Forum?

7 If not, Planning Director's Report.

8 MS. EAGAN: Sorry.

9 CHAIRMAN EVANS: Bill?

10 COMMISSIONER McLAREN: Yeah.

11 I have two questions. I have two questions.

12 And they are both pertaining to
13 something we did not talk about tonight. So you tell
14 me if they are out of order.

15 We've got the highway traffic study that
16 you gave us at the end of last month.

17 MS. EAGAN: Traffic study for?

18 COMMISSIONER McLAREN: This
19 technical --

20 MS. EAGAN: I don't remember
21 what it's for.

22 COMMISSIONER McLAREN: It was
23 presented -- maybe I'm not supposed to have it.

24 It was --

25 COMMISSIONER WILLIAMS: It had

1 to do with the old --

2 MS. EAGAN: I think this was
3 given to you by somebody in opposition to the Salama
4 appeal.

5 COMMISSIONER McLAREN: It is,
6 I think, on the Muckler file.

7 MS. EAGAN: About Muckler?
8 Because they were showing you what this traffic study
9 looked like as opposed to the Salama traffic study.

10 COMMISSIONER McLAREN: So this
11 is something that we don't need?

12 MS. EAGAN: That -- that's
13 nothing to do with zoning recommendations.

14 COMMISSIONER McLAREN: That
15 was that. Question two didn't have to do with the
16 rezoning either. As I thought about everything when
17 we amended our CUP in order to eliminate so many CUPs
18 coming on Tuesday on special uses, occasional use
19 permits. If we take away somebody's right by giving
20 that, still do you have a hearing?

21 MS. EAGAN: No.

22 COMMISSIONER McLAREN: And we
23 take away somebody's right by not allowing them to
24 have an opportunity to comment?

25 MS. EAGAN: They could have

1 come when we had the hearing, which that's indicated
2 the -- noted by the notice as well. That's what's
3 happening, if people aren't involved. They could
4 have come to say -- there's no right in that
5 direction to be permitted.

6 COMMISSIONER McLAREN: As I
7 thought about this, you know. We have -- we have
8 arbitrarily said at 300 people are notified. Over
9 300 people are going to have an opportunity to
10 comment on a CUP; under 300 feet, people are not
11 going to have that opportunity. So I'm sure somebody
12 thinks we've indeed taken away somebody's rights to
13 comment on it at an open hearing.

14 I'm done.

15 CHAIRMAN EVANS: I'm not sure
16 what could have been done. We follow the regulations
17 as they are. So I understand your point, but
18 there's my take. There's only so much we can do
19 without going door to door.

20 MS. EAGAN: When we did the
21 regulations, you guys looked at them, and did pass
22 the conditional use permits that we've been doing
23 according to the regulations similarly to the
24 conditions that you guys are already putting on
25 those. So...

1 COMMISSIONER McLAREN: I -- I
2 thought that, but I -- as I thought about this, I
3 have a little bit of fear that the public's rights to
4 come and comment on their objections or support of a
5 CUP aren't trampled at 299 feet. So --

6 COMMISSIONER HAIRE: And isn't
7 that why we have an open comment section, to permit
8 some -- to get them to be able to comment?

9 COMMISSIONER McLAREN: But you
10 know, I understand that, if I wanted to do a special
11 use I guess, I go to Scottie, and she doesn't notify
12 the surrounding people. So --

13 COMMISSIONER HAIRE: Okay.

14 COMMISSIONER McLAREN: So if I
15 come and say I want to do whatever I wanted to do and
16 I'm going to have 275 people there, then the
17 neighbors couldn't have any ability to come or
18 they're not going to be notified to come. And I
19 didn't think about this when we did it, and it's just
20 come to me as I've thought about it.

21 I kind of wonder if we -- maybe that
22 wasn't correct because we didn't allow them to
23 comment.

24 COMMISSIONER WILLIAMS: But
25 take that there are how many of those types of

1 occasions in the code that exist that you have
2 regulated types of uses that, if they meet those
3 criteria, they, as it's worded, aren't given the
4 right to issue permits or did so many things.

5 Fireworks stands are a good example.
6 They don't come here for a CUP. That's a great thing
7 because we don't want to hear them. They've got all
8 sorts of concerns with them, but they're still in the
9 Code.

10 COMMISSIONER McLAREN: It's
11 just something I wanted to mention as I thought about
12 it.

13 I'm done.

14 CHAIRMAN EVANS: Okay.

15 Yeah, we used to do cell phone towers
16 too.

17 COMMISSIONER WILLIAMS: Yeah.

18 CHAIRMAN EVANS: Anything else
19 to discuss? Russell?

20 COMMISSIONER McCREARY: I was
21 looking at the e-mail that you sent in maybe the
22 couple of years. It was last update 2002, the
23 version that I have at home.

24 MS. EAGAN: That date's always
25 on this. So even though it says 2002, it doesn't

1 mean that's the most updated version.

2 COMMISSIONER McCREARY: What I
3 do, I save and I don't go to the website. I'll go
4 ahead and update my own. Thanks.

5 MS. EAGAN: You can also just
6 e-mail a request, and we can e-mail you the most
7 updated version of it.

8 COMMISSIONER McCREARY: That's
9 even easier. Thank you.

10 CHAIRMAN EVANS: Anything
11 else?

12 MS. EAGAN: You skipped my
13 part.

14 So we're going to move all four of these
15 files to next month as public hearings. We're going
16 to notice four public hearings because Muckler wanted
17 to move forward tonight. Article 11 needs to move
18 forward.

19 Besides that, I'm going to hopefully
20 meet with the Commission and County counselor and see
21 what they want to do with Article 11.

22 Also next month we have Planning and
23 Zoning, then I think one or two other files. Then go
24 off what the zoning map we get with the Commission
25 about zoning, the counties they gave us, the

1 Commissioners said go ahead and start.

2 So we have officially started coloring.
3 I'm working with the IT and our technicians to get on
4 the map and start seeing what that looks like.

5 Right now general area, then we get into
6 the middle grid of it, and it's still going to be a
7 while before you guys see anything, but that's the
8 work that has officially begun.

9 CHAIRMAN EVANS: That's good
10 because we use the land use -- future land use map to
11 make decisions depending on some of those rezonings.
12 So...

13 COMMISSIONER HAIRE: Scottie,
14 what you're saying is next month bring a snack, huh?

15 CHAIRMAN EVANS: And we --
16 we've tabled all four of those files. They can just
17 remain on the table until such time we want to pull
18 them out of the schedule.

19 MS. EAGAN: I'm hoping next
20 month they are all going to be pulled off the table.

21 CHAIRMAN EVANS: And that's
22 that.

23 Do we have a motion to adjourn?

24 COMMISSIONER HAIRE: So moved.

25 COMMISSIONER McLAREN: Second.

1 CHAIRMAN EVANS: We have a
2 motion and a second to adjourn.

3 COMMISSIONER VOSS: Aye.

4 COMMISSIONER McLAREN: Aye.

5 COMMISSIONER WILLIAMS: Aye.

6 CHAIRMAN EVANS: Aye.

7 COMMISSIONER BOLAND: Aye.

8 COMMISSIONER HAIRE: Aye.

9 COMMISSIONER TOBBIN: Aye.

10 COMMISSIONER SCHULTEHENRICH:

11 Aye.

12 COMMISSIONER McCREARY: Aye.

13 CHAIRMAN EVANS: Opposed?

14 (NONE)

15 We are adjourned.

16 (Thereupon, the proceedings
17 concluded at 7:39 p.m.)

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that: the aforementioned was held at the time and in the place previously described; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

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

My Commission Expires:
August 26, 2018

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