

TERM OF COMMISSION: April Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Commission Chambers

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Director of Planning and Building Stan Shawver
County Counselor CJ Dykhouse
Planning and Building Inspection Planner Uriah Mach
Deputy County Clerk Joshua Norberg

The meeting was called to order at 7:00 p.m.

Planning and Zoning

1. Request by Laura Lorraine Wesselman for a permit for a privately operated outdoor recreational area on 7.0 acres, located at 16853 N. Rte. U, Centralia (appeal)

Mr. Mach stated the minutes for the Planning and Zoning Commission meeting of April 16, 2009 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The site is located on the west side of Highway U approximately 1.2 miles north of Hallsville. The site is currently vacant. The zoning is A-2 as is all of the surrounding property. The applicant owns an adjacent parcel that is developed with a single family dwelling and two accessory buildings. The area is characterized by single family residences built on lots of 5 acres or less. Many of those lots are clustered around a large lake.

The request is to allow operation of a paintball field for recreational play as a privately operated outdoor recreation facility. The playing field is proposed to be 100' by 150' surrounded by a 12-foot tall net. Vinyl inflatable bunkers will be used within the playing field on days when the facility is operating. The application states that a second playing field is possible at some point in the future. A portable shed would be used for equipment storage.

Staff notified 25 property owners about this request.

The application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed use should not be detrimental to the public health safety and general welfare. The

applicant is proposing to have porta-potties available for sanitation. The paintballs themselves are generally considered to be environmentally benign: they bio-degrade within a few weeks depending upon weather conditions.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

Noise generated by the voices of the participants will carry to adjacent properties unless there is some type of mass to break up the sound. Topography in the area is flat and the predominant ground cover is turf grass or water. Noise associated with the proposed use will be injurious to the use and enjoyment of other property in the immediate vicinity due to the residential character of this neighborhood combined with the flat topography and lack of dense stands of trees. Because of this inadequate buffering, neighboring properties will be impacted by noise associated with this use.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

There is no indication that the proposed use will have a negative effect on property values except as might be expected from the noise associated with the use.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

Facilities necessary for the proposed use are minimal.

The applicant proposes to utilize porta-potties for sanitation.

Since there are no structures involved fire flow is not an issue.

The existing driveway would be used for access. The applicant will have to improve it to at least a chip and seal surface and conduct regular maintenance to ensure the dust free requirement is met over time.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

Most of the surrounding properties are built out so, the proposed use should not impede the development of the surrounding area.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

Traffic generation data is difficult to obtain for this type of use. For purposes of assessing this

criterion it should be assumed that the facility will be used to the fullest extent possible during operating hours. The applicants have proposed a parking area of 50'x150' which would provide adequate space to park 32 cars. Potentially, there could be several "cycles" of participants over the course of any given weekend. If these cycles occur at 2 hour intervals the result would be 64 in/out movements every 2-hours. This could result in congestion at the entrance to the property off of Route U. It should be noted that it is at least 1/4 mile from the driveway to the property to any horizontal curve on Route U. In other words, the driveway is located on a very straight stretch of the highway.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The applicant has designated a parking area that may provide adequate parking if correctly designed. However, design details have not been provided for review.

Staff recommends denial due to the impact to the use and enjoyment of other properties in the area. If the Commission chooses to recommend approval the following conditions are suggested:

1. All parking spaces and the access drive must be dust free with the minimum standard being chip and seal.
2. Hours of operation shall be limited to Saturday 8:00 A.M. to 7:00 P.M. and Sunday 10:00 A.M. to 6:00 P.M.
3. A detailed parking plan shall be submitted for approval by the Director and parking installed in accordance with that plan prior to commencement of the use.
4. The permit shall be reviewed in one year.
5. The Conditional Use Permit is approved for only one playing field. The applicant may apply to add the second field after the 1-year review has been completed.
6. The playing field, parking lot and staging/viewing area shall not be artificially lighted.

The Planning and Zoning Commission conducted a public hearing on this request during their April 16, 2009 meeting. There were 10 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that this request be denied. The motion to recommend denial of the request received unanimous support. The applicant filed a timely appeal of the recommendation for denial and so the request comes forward to the Commission on appeal.

Commissioner Pearson asked if there are any hills on the road near the entrance to the property.

Mr. Mach stated it is comparatively flat. There are no major visual obstructions.

Commissioner Elkin stated there is a gentle hill about 150 yards to the south.

Commissioner Pearson opened the hearing and asked for comments in favor of this request.

Tim Watring, 1505 Furlong Dr., Columbia

Mr. Watring stated he is here on behalf of Laura Wesselman's behalf. He stated he would like to present the slideshow that was presented to the Planning and Zoning Commission.

A copy of the slideshow may be obtained in the Boone County Clerk's Office, located at the Boone County Government Center at 801 E. Walnut, Columbia, MO.

Mr. Watring stated he they are requesting a conditional use permit to set up a privately operated outdoor recreation area, specifically a paintball field. He stated central Missouri and Boone County no longer have a paintball field. Within the past couple of years the only two that were in the area have closed. The closest field is at the Lake of the Ozarks or the Kansas City or St. Louis areas.

Mr. Watring stated the field will be approximately 100' x 150', and will be surrounded by the ASTM-approved 12' tall safety netting. The net is black and dense mesh supported by telephone poles around the perimeter. There will only be inflatable bunkers on the field, which are blown up and taken down after everyday of play so there will be nothing permanent on the field. He stated play would primarily be on the weekends, and possibly one or two days during the week if there was a special reservation. Play would only be during daylight hours. He stated the expected attendance will probably be about 25-30 players per day.

Mr. Watring stated the other structures that would be on the property would be a staging area next to the field with picnic tables for observers. There would be trash receptacles and a porta potty. There will also be a storage shed to keep equipment in and also to check players in and out. He stated they also mentioned the possibility of a second field if the demand warranted it, but that is being very optimistic.

Mr. Watring stated one of the reasons they want to put this field in is for safety reasons. They want to give players in this area somewhere to go where there is a safe environment and strict safety rules. He stated the guns will not be fired at anytime outside of the netted playing area. Protective masks will be worn at all times. He stated they will have a chronograph on hand to be able to monitor the guns to make sure they are not shooting at an excess velocity. There will be a Barrel Blocking Device installed on the guns before they leave the field so they don't accidentally fire outside of the playing area. He stated there will be no exceptions to the rules and there will be referees on hand to make sure the rules are being followed.

Mr. Watring stated they went around and talked to some of the residents prior to the Planning and Zoning meeting to let them know what they were doing and to listen to some of their concerns. He stated one of the main concerns was the sound. He stated he went to a field similar to the one proposed while there were two full teams playing. He took some measurements with a sound meter, and right next to the field the sound was 68-74 dba. At 100' it was 60-64 dba. He stated the next day he used the same meter to measure the sound of a gas powered weed trimmer at 100' and the level was 68-72 dba. He stated the sound level at the closest neighbor's house

would be about 56dba.

Mr. Watring stated another concern was the crowd and the type of people that would come to play paintball. He stated the predominate group bookings are birthday parties, corporate team building events, and family reunions. For the past twenty years, the largest group bookings at paintball fields have been church groups. He stated there will be no trespassing signs on the fence line so nobody goes into the neighbors' yards.

Mr. Watring stated the paintballs themselves are completely non-toxic and biodegradable. They dissolve quickly in water. He stated they will also go through and remove any excess paintballs that remain on the field after each day.

Mr. Watring stated there was also concern about property values. He stated he did some looking on the internet and Mississippi is the only place he could find that did a true evaluation of property value in relation to outdoor recreational facilities. Through the study they did, it increased the property values by 36%. He stated it also showed that for every \$1 spent on the paintball field, there was a \$1.50 impact generated for the area.

Mr. Watring stated their intention is to provide a clean, organized, monitored, and safe location for people to enjoy the sport of paintball. A lot of kids will just go out in their local woods and play without any kind of supervision or protective measures. He stated we understand the concerns of our neighbors and we are here to give the sport of paintball a positive image and not a negative one.

Mr. Watring stated if there is enough interest and opportunity, the long term plan is to move it closer to the City of Columbia in a more commercialized area so we can put it in an indoor facility, which would allow the facility to run year-round.

Commissioner Pearson asked if participants bring their own weapons.

Mr. Watring stated they can bring their own or they can rent them. He stated regardless of whether they bring their own or not, it is still monitored the same way.

Commissioner Pearson asked for further comments in favor of this request.

Jonathan Curtis, 2424 Harbor Park Dr., Columbia

Mr. Curtis stated he is here predominantly to speak on behalf of the MU paintball club sports team. He stated their numbers originally started around 80-120 players. In about a year as the local fields shut down the numbers went down to about half of that. He stated now there is a maximum of about 15 players participating at any given time because of the distance to travel that is required to play. He stated having a field in the area would allow the team to practice at least biweekly and keep the team and club intact.

Commissioner Elkin asked where they went to play before.

Mr. Curtis stated there was a field in Kingdom City and a field at Perche Creek.

Brandon Allen, 3707 Coral Dr., Columbia

Mr. Allen stated he wanted to go on record about the safety of paintball. It is considered a very safe sport, and you are much more likely to see injuries at any of the local skate parks. He stated he also would like to be able to play and not worry about having to drive 3 hours to do it. He stated someone mentioned in the past that there is a reason that paintball fields are put way out in the country. He stated there are several fields in Missouri that are in neighborhoods on small tracts of land.

Commissioner Miller stated before anyone else testifies, she would like to submit four letters of support from Ben Lowery, Nathan Martin, Daniel Edward Clark, and Paul Huffman.

Heather Alton, 2303 Shamrock Dr., Columbia

Ms. Altman stated she is amazed at the communication and teamwork that paintball builds. She stated it is a sport that teaches communication. She stated she is a teacher in Columbia and she hears her kids sometimes talk about going into the woods and play and they say they don't wear masks. It is not safe for them to do without supervision, so it would be great to have a place like this in town so kids could go out there safely and learn about the communication and teamwork that paintball requires that could benefit them later in life.

Michael Hollingsworth, 19 Spellunker Dr., Eldon

Mr. Hollingsworth stated he drives all the way from Eldon to St. Louis to play every weekend. He stated he spends all his money in St. Louis, buys gas in St. Louis, eats in St. Louis. He stated a field like this will bring some revenue to the community and there are about 15 or 20 players from his area that literally have no place to play. He stated he knows this field will be professionally run and he would like a place closer to his home.

There were no further comments in favor of this request.

Commissioner Pearson asked for comments in opposition to this request.

Dale Allison, 16851 Crownview Dr., Centralia

Mr. Allison stated some of the people in favor of this request don't live near here. They say they want to enjoy a Saturday afternoon out here, but it is our back yard. He stated he goes fishing out there and they can't use high powered gas motors on the lake. The last thing he wants to see out there is a lot of people from all around coming out to their properties. He stated he thinks it will decrease their property values.

Joel Church, 16801 N. Rte U., Centralia

Mr. Church stated he is the closest neighbor to the south. He stated he has a problem with the noise. It is not just the noise of the guns going off, but kids are yelling while they are playing and he will be able to hear it from his house. He stated he also has concerns with the traffic that will be added to the roads. He stated they all have dogs out there and most have kids that ride bikes. With increased traffic he is worried about the safety of his kids and dogs. Mr. Church stated he thinks Columbia needs paintball, but he doesn't think this is the right place for it. The area is too small and there are too many residential houses close by. It is a quiet lake out there and this will really detract from our property values and quality of living. They are talking about putting up a 12' fence. He stated that is what he is going to see from his deck. He stated he doesn't worry about the safety of the facility. He thinks they would run a quality establishment, but he thinks it just is not the right location.

Bill Osmond, 16654 N. Crownview Dr., Centralia

Mr. Osmond stated he lives right across the lake from the subject property. He stated he took some photos of the views from his property and from the lake toward the subject property. He stated you can see it very clearly from the lake. It slopes down to the lake with no sound barrier. Mr. Osmond presented his photographs. Copies of the photos may be obtained at the County Clerk's Office located in the Boone County Government Center at 801 E. Walnut, Columbia.

Cristin Mumma, 16601 N. Rte U., Centralia

Ms. Mumma stated she and her husband are in opposition to this permit. She stated a neighborhood is not the place for a business like this. She stated she agrees that it would be convenient for different paintball groups to come to our area and enjoy the convenience, but she wanted to note that she is not aware of anyone from her neighborhood in favor of this. It is very telling that the individuals in favor of this do not live on the lake. She stated the field in Kingdom City is closed and if you go on their website it says they are closed because the owner does not want paintball on his property because of the noise. She stated the field in Wentzville might have homes around it, but it is also on 30 acres of land zoned industrial. That is a big difference compared to a 7 acre plot in a residential area. She stated she is sure this would be a great facility and there is a need, but she does not think it is appropriate for a neighborhood or a residential area.

Don Dennis, 16820 N. Rte U., Centralia

Mr. Dennis stated he is opposed to this permit. He stated his parents bought his property in 1964 and he was raised there. He stated one of the few desires that his parents had was that this property would become a place that him and his brother would own and reside on. When his parents passed it became a second generation family farm. He stated he has two sons of his own and he hopes it will become a third generation family farm in the future. He stated he wants to preserve the rural setting for future generations. He looks forward to coming home to the peace and tranquility of the area, and a commercial recreational facility across the road would be a general disturbance of his peace. He stated the noise of the facility would be a problem. He

stated he is also concerned about the increased traffic. He presented photos of his driveway in relation to the hill near the subject property. The increased traffic caused by this facility would increase the risk of a major traffic incident. He stated he also opposes this permit because there would be a potential deterioration of the general community and property values. He stated there has been no specific mention of alcohol, but he thinks it is likely there will be some. Mr. Dennis stated his major concern is there will be no governing authority that will be overseeing this operation.

Brenda Dennis, 16820 N. Rte U., Centralia

Ms. Dennis stated she is concerned about the noise. She stated one thing nobody has talked about yet is advertising signs. Somehow there are going to be signs directing people to this property. She wants to know where those will be located. She stated if this paintball field goes in, that is what she is going to be looking at from her house.

Jamie Terrill, 16951 N. Rte U., Centralia

Ms. Terrill stated she understands the desire to have a conveniently located facility, but she does not believe this is the appropriate location. She stated she agrees with all of the previously voiced concerns. She stated the petitioners do not reside in this rural neighborhood, and they can go back to their quiet homes while the people of this neighborhood won't have the same opportunity.

Shari Harwood, 16650 N. Crownview Dr., Centralia

Ms. Harwood stated she is wondering what the percentage of paintball players who come without adult supervision. There could be carloads of teenagers who would be free to wander through the neighborhoods on the gravel roads.

There were no further comments in opposition.

Commissioner Pearson gave the applicant an opportunity to rebut.

Mr. Watring stated everyone keeps referring to this area as a residential area, but it is zoned A-2 (Agricultural), not A-R (Agricultural Residential). He stated the proposed use is allowable under A-2. He stated as far as he knows there is no noise ordinance for Boone County. He also pointed out on the pictures the actual location of the proposed field. He stated it would be behind the trees near the lake. A lot of people have mentioned taking this field elsewhere. He stated they would like to do that in the future, but right now they would have to make use of this land that they already own to be able to get it off the ground and move it in the future. He stated he was associated with the field in the Kingdom City area, and the reason it shut down was because the people running the field were not the owners of the property and they let their taxes slip and got into some financial trouble. The bank foreclosed on the property and the current owner bought it from the bank. Mr. Watring stated he would be in favor of more restricted hours. He stated there will be no alcohol allowed on the premises. A lot of people say this noise will be a problem, but

the noise from this field would be much less than the noise from any of the farm equipment that is always in this area. He stated it is a matter of personal preference as far as who would call what a nuisance, but all of the farm equipment is much louder than this field would be. Another comment was made about having teenagers around. One of the insurance requirements is to have players sign waivers, and if you are under 18 years of age you have to be accompanied by an adult.

Commissioner Miller stated she would like to see the video of the sound measurements Mr. Watring took.

Mr. Mach stated the computer is unable to open the video file.

Commissioner Elkin asked Mr. Watring what his role is in this proposal since he is not the land owner.

Mr. Watring stated he is Laura Wesselman's soon-to-be son-in-law.

Commissioner Elkin asked if he would be the manager.

Mr. Watring stated it would be a partnership between himself, Laura Wesselman, and Ms. Wesselman's daughter.

Commissioner Elkin stated the noise measurements had to do with the guns themselves. He stated when a team wins there is probably some celebrations.

Mr. Watring stated the measurements he took were taken during a game with all of the screaming and guns all going on. All of the noise that would be happening was captured in those measurements.

Commissioner Elkin stated he understands that but there will also be some ancillary noises like car door slamming or loud music. He stated he doesn't know if property values would necessarily be reduced, but he doubts they will be increased.

Commissioner Pearson asked if this is an activity where there are many observers and non-participants.

Mr. Watring stated occasionally, but most of the time there are maybe 1 or 2 observers for every 10 players.

Commissioner Pearson closed the public hearing.

Commissioner Elkin stated he thinks paintball is a great activity and he doesn't disagree with the fact that there is a need in the community. He stated he questions whether this is an appropriate location for this. He asked Mr. Watring if he would be interested in talking about trying to find a location closer to Columbia.

Mr. Watring stated they have done some investigating, but if you find anything closer to Columbia that is zoned commercial, the cost is too prohibitive.

Commissioner Elkin stated there could be an opportunity on the fairgrounds for an activity like this. He stated when we were doing the master planning, paintball was brought up as a recreational use, so there could be an opportunity. He stated he is very concerned about the peace and tranquility that exists out there.

Commissioner Miller stated she would like to help Mr. Watring find a place to do this because she can see that there is a need. She stated she would be very frustrated if she lived in that neighborhood and had to listen to the paintball games every weekend. She stated there are some bottom areas that might be a more ideal place.

Commissioner Pearson stated he has a concern with the noise associated with this activity. He stated noise travels a long way. He is also concerned with the safety on the road. He stated he thinks paintball is a great activity, but he doesn't think this is a great location.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **deny** the request of by Laura Lorraine Wesselman for a permit for a privately operated outdoor recreational area on 7.0 acres, located at 16853 N. Rte U, Centralia.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 195-2009**

2. Request by Gary E. and Edith A. Naugle to rezone from A-1 (Agriculture) to A-R (Agriculture Residential) on 13.67 acres, more or less, located at 1700 N. Dozier Station Rd., Columbia (appeal)

Commissioner Elkin stated he spoke with Mr. Naugle today and at his request he would like to table this item to give them some time to work on what other options are out there.

Gary Naugle, 1700 N. Dozier Station Rd., Columbia, stated he would like to explain what happened. He stated he called the Commission Office this afternoon to confirm the time of the meeting, and he was told 1:30 p.m. He stated he was preparing for the meeting because he thought it was at 7:00 p.m. He stopped preparing for the meeting since he thought it had already passed. He stated he thought he was unnecessarily questioned on his integrity, knowledge, and intent at the Planning and Zoning Commission meeting and he wanted thorough preparation for this meeting.

Mr. Naugle stated he would also like to discuss how he thinks the County is doing its citizens a disservice by the way they are handling their zoning situations with the planned designation. He

stated he thinks the Commission did a grievous injustice to the public 23 years ago in their acceptance of streets. He stated he wants the Commission and the public to know what happened during those times and why some people got hung out to dry and some people didn't. He would like to address this issue at the same time as his appeal for rezoning.

Commissioner Elkin stated on every agenda we have an opportunity for public comment. If it is specifically related to the rezoning request, you can bring it up at that time. If it is a completely separate issue then you would bring it up at the public comment stage.

Mr. Naugle stated the issue is about the Commission and Planning and Zoning treatment or acceptance of planned zoning. He stated he thinks it is not good for the County or the community.

Commissioner Elkin stated we can have a discussion about that during public comment at a commission meeting or we could all sit down in a work session with Planning and Building and talk about it.

Mr. Naugle stated he will come back next month for his appeal.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby table the request of by Gary E. and Edith A. Naugle to rezone from A-1 (Agriculture) to A-R (Agriculture Residential) on 13.67 acres, more or less, located at 1700 N. Dozier Station Rd., Columbia, until the June 2, 2009, Commission meeting.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 196-2009**

3. Petition submitted by James and Eurlene Baylor to vacate and authorize the re-plat of lots 28 and 29 of Meadow Lakes Subdivision No. 1, Amended, located at 4320 E. Lang Dr., Columbia.

Mr. Shawver stated the Commission received a petition to vacate lots 28 and 29 of Meadow Lakes Subdivision No. 1, Amended. This is located just outside the city limits of Columbia on Lang Dr. He stated the zoning there is R-S (Single Family Residential). The applicant has petitioned to have these two lots vacated so they can be re-platted. The subdivision regulations call for the County Commission to conduct a public hearing. During the public hearing, the Commission is supposed to take into consideration the following criteria: the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services, and will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate. He stated the petitioners are requesting that their lots be vacated. They

would like to build an accessory structure on what would be the vacant part of the lot, but zoning regulations prohibit accessory structures unless there is a main structure on the same lot. They want to vacate the lot line between the two lots and re-plat it as one lot so they can build the accessory structure.

Kevin Schweikert was present on behalf of this item.

Mr. Schweikert stated the staff report was thorough, and he is here to answer any questions.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the petition by James and Eurlene Baylor to vacate and re-plat lots 28 and 29 of Meadow Lakes Subdivision No. 1, Amended, located at 4320 E Lang Dr., Columbia.

Said vacation is not to take place until the re-plat is approved.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 197-2009**

4. Ashwood. S12-T49N-R13W. A-2. John & Mark Gonnerman, owners. Ronald G. Lueck, surveyor.

Holman Lake. S31-T48N-R13W. A-2. City of Columbia, owner. Bill J. Adams, surveyor.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the presiding commissioner to sign them:

Ashwood. S12-T49N-R13W. A-2. John and Mark Gonnerman, owners. Ronald G. Lueck, surveyor.

Holman Lake. S31-T48N-R13W. A-2. City of Columbia, owner. Bill J. Adams, surveyor.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 198-2009**

5. Adopt Findings of Fact and Conclusions of Law for David L. Sallee for a Permit for a Sewage Lagoon

Commissioner Pearson stated this order will adopt the findings of fact and conclusions of law,

and will amend commission order 146-2009 to be consistent with those findings of fact and conclusions of law.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby adopt the Findings of Fact and Conclusions of Law relating to a Conditional Use Permit for David L. Sallee for a sewage lagoon on 5.0 acres, located at 11251 N. Hecht Road, Hallsville, and further hereby amends Commission Order 146-2009 to be consistent with said Findings of Fact and Conclusions of Law.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 199-2009**

6. Adopt Findings of Fact and Conclusions of Law for David L. Sallee for a Permit for a Mobile Home Park

Commissioner Pearson stated this order will adopt the findings of fact and conclusions of law, and will amend commission order 147-2009 to be consistent with those findings of fact and conclusions of law.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby adopt the Findings of Fact and Conclusions of Law relating to a Conditional Use Permit for David L. Sallee for a mobile home park on 5.0 acres, located at 11251 N. Hecht Road, Hallsville, and further hereby amends Commission Order 147-2009 to be consistent with said Findings of Fact and Conclusions of Law.

Commissioner Miller seconded the motion.

Commissioner Miller stated the next step would be to get the mobile home park permit. She asked Mr. Shawver if that is something that is done through the Commission.

Mr. Shawver stated the way the Mobile Home Park Ordinance is written he has to submit his application and all the required documentation. He has submitted his application but he has not submitted all the required documentation. He stated the regulations say that the County Commission shall review the application and issue the permit if it complies. He stated technically that means that staff will review it and bring it to the County Commission saying whether the application meets the requirements. The Commission will then order the license be issued.

Commissioner Miller stated it is done on the public record.

Mr. Shawver stated that is correct. He stated if the application is denied, the applicant has the right to petition for a hearing before the Commission.

Commissioner Miller stated we are still waiting for Mr. Sallee to submit the engineered plans.

Mr. Shawver stated that is correct.

Commissioner Pearson asked what the process is if the application is denied at the hearing.

Mr. Shawver stated if the permit is denied, the applicant asks for a hearing, and the Commission still denies it, the applicant has the right to appeal to the Circuit Court.

There was no further discussion and no public comment.

The motion passed 3-0 **Order 200-2009**

Sheriff's Department

7. Budget Amendment to Establish Budget for 2008 JAG Grant (first read on 4/14/09)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to establish a budget for the 2008 Justice Assistance Grant received in 2009:

Department	Account	Department Name	Account Name	Decrease	Increase
2538	03411	Sheriff's Department	Justice Assistance Grant		\$18,218.00
2538	91300	Sheriff's Department	Mach/Equipment		\$1,223.00
2538	23201	Sheriff's Department	Ammo-Less Lethal		\$2,500.00
2538	23850	Sheriff's Department	Minor Equipment		\$5,386.00
2538	71250	Sheriff's Department	Fed Grant Pmt to Sub-Recipient		\$9,109.00

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 201-2009**

Miscellaneous

8. Appoint Jeanette Parker to Mental Health Board

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby appoint Jeanette Parker to the Mental Health Board for a term beginning April 29, 2009,

and ending April 28, 2012.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 202-2009**

9. Appoint Michele Kennett to Mental Health Board

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby appoint Michele Kennett to the Mental Health Board for a term beginning April 28, 2009, and ending April 27, 2012.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 203-2009**

10. Commissioner Reports

There were no commissioner reports.

11. Public Comment

There was no public comment.

The meeting adjourned at 8:50 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner