

Meeting Minutes
Jefferson County Planning Commission
August 29, 2023

The Jefferson County Planning Commission met on August 29, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission Liaison; Jack Hefestay; Aaron Howell; Tim Smith; and J. Ware were present in person.

Wade Louthan, Secretary and Donnie Fisher were absent without notice.

Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Alexandra Beaulieu, Deputy Director and Zoning Administrator; Nathan Cochran, Prosecuting Attorney; and Michelle Evers, Planning Clerk.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed a quorum was present.

1. **Citizens Comment (up to 3 minutes per person, not to exceed 30 minutes total):** Citizens may provide comment on the proposed Shannondale Lake Telecommunication Tower that is subject to an appeal in the United States District Court, Northern District Case No. 3:23-CV-171 (PC File #23-3-SP).

Planning Commission member Aaron Howell recused himself from the meeting.

Mr. Shepp opened the Citizens Comment. The following citizens provided comment:

- Mr. Eddie Love (Opposed), Daniel Kaseman (Opposed), Ms. Rachel Shub (Opposed), Ms. Charlotte Fremaux (Opposed), Ms. Rachel Grogan (Opposed), Mr. Alex Korovin (Opposed), Jon Avery (Opposed), Mr. Jean Vezzosi (Support), Ms. Carolyn Vezzosi (Support) Joanne Curran (Support) and Sam Byrer, the applicant's representative (Support).

Mr. Shepp closed the Citizens Comment.

2. **Legal Advice, Discussion and Action:** Discussion of VB BTS, LLC v. JEFFERSON COUNTY, WEST VIRGINIA, & THE JEFFERSON COUNTY PLANNING COMMISSION (United States District Court, Northern District Case No. 3:23-CV-171) including potential resolution/settlement offer presented by Plaintiff.

Mr. Cochran advised the Planning Commission that a settlement offer had been received by the Plaintiff.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Item #2 on the agenda at 7:34 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 8:10 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp stated that he was not in favor of the settlement offer as presented which included a camouflage option to disguise as a tree. The Planning Commission asked staff several clarifying questions related to the requirements for a new telecommunication tower.

Mr. Hefestay made a motion to postpone action until the next Planning Commission meeting to allow the County Commission and public to review the settlement offer and provide input. The motion failed due to lack of a second.

Mr. Shepp made a motion for a counter offer to include the following: (1) locate the monopole further back on the property; and (2) add buffering around the site where natural buffers do not already exist. Mr. Ware requested to add that the pole be painted a color to blend in with the surroundings. Mr. Shepp accepted the amendment. Mr. Knott seconded the motion, which carried unanimously.

Mr. Shepp called a Special Meeting on Wednesday, September 6, 2023 to discuss the Plaintiff's response to Planning Commission's counter offer.

Mr. Shepp made a motion to release the settlement offer to the public.

Mr. Stolipher seconded the motion, which carried unanimously.

3. Non-Actionable Correspondence:

1. Eddie Love dated August 16, 2023
2. John Freiler dated August 20, 2023
3. Charlotte Fremaux dated August 21, 2023
4. Corey Ash dated August 21, 2023
5. Jon Avery dated August 23, 2023
6. Robert Berg, Esq. dated August 23, 2023
7. Rachel Grogan dated August 24, 2023
8. Adam McDowell dated August 24, 2023

Mr. Shepp made a motion to adjourn the meeting at 8:27 pm. Mr. Ware seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.