

Meeting Minutes  
Jefferson County Planning Commission  
September 26, 2023

The Jefferson County Planning Commission met on September 26, 2023 at 6:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission Liaison; Wade Louthan, Secretary; Jack Hefestay; Aaron Howell; and Tim Smith.

Donnie Fisher and J. Ware were absent without notice.

Staff members present included Alexandra Beaulieu, Deputy Director and Zoning Administrator; Luke Seigfried, County Planner; Nathan Cochran, Prosecuting Attorney; and Michelle Evers, Planning Clerk.

Mr. Shepp called the meeting to order at 6:00 pm. and confirmed a quorum was present.

**There is no public comment for the following items.**

- 1. 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 and Plaintiff's response to Planning Commission's counter offer.

Mr. Howell of the Planning Commission recused himself from this agenda item.

Mr. Cochran requested to go into executive session to discuss Item #1 on the agenda.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Item #1 at 6:03 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 6:25 pm. Mr. Louthan seconded the motion, which carried unanimously

Mr. Cochran read into the record the response from Vertical Bridge with the public regarding the Planning Commission's counter offer stating that they were in agreement with the terms requested. *A copy of the letter was submitted for the record and posted to the website for public review the following business day.*

Mr. Hefestay requested that the new settlement include the exact location and visuals to reflect the changes in the settlement.

Mr. Knott made a motion to accept the terms of the settlement which met the conditions of the concept plan with the condition that Vertical Bridge provide a sketch reflecting the coordinates of the new location of the monopole with the original proposed location. Mr. Stolipher seconded the motion, the motion passed with the vote 5 to 1 (Mr. Hefestay opposed).

Mr. Cochran asked Mr. Shepp for the approval to work with the VB BTS, LLC attorney to draft the final settlement agreement. Mr. Shepp confirmed that was the direction.

Mr. Howell of the Planning Commission rejoined the meeting.

2. **Discussion and Action:** Discussion of Section 8.20 of the Zoning Ordinance regarding Solar Energy Facilities and legal advice regarding current and future projects.

Mr. Cochran requested to go into executive session to discuss Item #2 on the agenda.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Item #2 at 6:42 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 7:01 pm. Mr. Louthan seconded the motion, which carried unanimously.

Mr. Stolipher made a motion to adjourn the meeting at 7:02 pm. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.