

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JULY 27, 2010

The Jefferson County Planning Commission met on Tuesday, July 27, 2010, with the following Commission members present: John Maxey, President; Thomas Trumble, Vice President; Morgan Eppers, Secretary; Stephen Alemar, Frances Morgan, Daniel Hayes, Kelly Baty, and Gene Taylor. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; and Julie Quodala, Planning and Zoning Office Manager.

Arnold Dailey was absent with notification.

Mr. Maxey called the meeting to order at 7:05 PM.

1. **Approval of minutes for the July 13, 2010 meeting:**
Mr. Baty moved to approve the minutes of the July 13, 2010 meeting. Mr. Alemar seconded the motion which carried 7 for and 1 abstention (Ms. Morgan).
2. **Citizens Communication:** Ms. Jennifer Syron, Chapel View Subdivision resident, requested that the Planning Commission allow her time at a future meeting to discuss Limited Expense Communities and Homeowner's Association covenants.
3. **A call for postponements:** None.
4. **Declaration of Violation for Mark Marlow of the Jefferson County Salvage Yard Ordinance for 1 unlicensed/junk vehicle and debris on property.**
Mr. Mason Carter, Ordinance Compliance Officer, was not present but had presented a memo to staff stating that this violation had been withdrawn and the property is now in compliance.
5. **Follow-up to issues raised by Chapel View residents discussed at the July 13, 2010 meeting.**
Mr. Saunders read from his staff report noting that the bank had expressed interest in bidding out the work that is remaining under the bond. He explained the draft Bonding Policy that was scheduled for a Public Hearing before the County Commission on August 5, 2010 and the improvements within that policy to protect citizens from issues such as that occurred in Chapel View Subdivision.

Barbara Fuller, Chapel View Subdivision resident, raised concern that there was testing of the density of the subgrade in the roads in 2004 on the Berkeley County side of the subdivision. She stated that this data was used to submit a letter to the Jefferson County Engineering Department for approval of the roads. She requested that Engineering staff look into the study.

6. Update on FOIA request regarding Brown Field Development District at Old Standard. Discussion of next steps and legal action.

Mr. Maxey distributed a copy of the list of documents included in the response to the Freedom of Information Act (FOIA) request received from the Department of Commerce on Friday, July 23, 2010. Mr. Maxey appointed a subcommittee to work with Mr. Groh and to follow up on Old Standard Quarry issues. The subcommittee consisted of four volunteers: Mr. Maxey, Mr. Hayes, Ms. Ethers, and Mr. Trumble. Mr. Maxey raised concern that the response of the FOIA did not appear to address the request and requested that Mr. Groh research the response and possible legal action and report back to the subcommittee.

Discussion ensued on processes such as stormwater management regulations, building code enforcement and bonding requirements and the departments responsible for those since this project is exempt from Article 8A of the state code. Mr. Maxey suggested filing an injunction if any work commences.

Mr. Maxey scheduled a subcommittee meeting for Friday, July 30, 2010 at 4 PM to discuss the completeness of the FOIA request and possible legal action of the status of Old Standard Quarry.

Discussion occurred regarding attendance at the subcommittee meeting by other Planning Commission members. Director Brockman pointed out that attendance by additional members would create a quorum of the entire Planning Commission. Mr. Maxey directed staff to provide public notice of the subcommittee meeting and to indicate that there could be a quorum of the entire Planning Commission in attendance, creating a special called Planning Commission meeting. Ms. Morgan added to notice there could be an Executive Session to discuss potential litigation.

Mr. Baty moved to share the FOIA information with the County Commission. Mr. Taylor seconded the motion which carried unanimously.

7. Presentation on the Draft Cell Tower Ordinance.

A draft of the Cell Tower Ordinance had been provided in the agenda packets to the Planning Commission.

Mr. Paul Rosa, of Charles Town, who had assisted Mr. Maxey in writing the draft, presented details of the ordinance. Mr. Maxey directed Mr. Barney to change the requirement for a *Conditional Use Permit* to a requirement for a *Major Site Plan* which would allow for a public hearing.

Mr. Maxey suggested holding a Planning Commission work session to amend or approve the draft before scheduling public hearings.

Mr. Maxey called for a break to allow staff to change the CD at 8:23 PM. Mr. Maxey called the meeting to order at 8:26 PM.

Mr. Maxey scheduled the work session for Friday, August 6, 2010 at 4 PM.

8. Blue Ridge Mountain Community Plan.

Mr. Rivard presented a letter from a Keyes Ferry Acres resident concerning potential pollution occurring on the mountain and suggested a requirement of septic pump cleanout. Mr. Rivard reported on a public meeting that was held on July 15, 2010. He stated the next meeting would be held August 14, 2010 at 2 PM.

9. Reports from Legal Counsel and legal advice to the Planning Commission.

Mr. Groh stated there was a judge appointed in the James Gibson, et al v. The Jefferson County Planning Commission Case No. 09-C-364 but that no schedule had been released.

10. Planning Commission Training.

Ms. Brockman explained that County Commission approved a policy that training by the American Planning Association (APA) or someone recommended by the APA be required for each Planning Commissioner within 90 days of taking office and that all Planning Commission members be required to take a continuing education course each year thereafter. Ms. Brockman stated that the Planning Commission has been asked to review this policy. Ms. Morgan asked that staff write a policy related to Planning Commission training for Planning Commission consideration and submittal to the County Commission. There was a short discussion on researching web based courses so that training could be done from home.

Mr. Rivard reviewed the powers and duties section of Article 8A of the WV State Code for the Planning Commissioners.

11. Director's Report.

- a) Activity Report. An Activity report of the staffs' schedule for the two weeks prior to the meeting was provided to the Commissioner's in the agenda packets.
- b) Reminders. Ms. Brockman notified the Planning Commission of the two upcoming Subdivision Regulation Amendment Public Hearings to be held on Wednesday, August 4, 2010 and on Monday, August 9, 2010.
- c) Update on Zoning Ordinance Amendment Efforts. Mr. Barney described the schedule that staff had prepared to outline timeframes on amending the Zoning Ordinance.
- d) Update on the SB 595 letters. Ms. Brockman presented a copy of each letter that was sent to the developers to confirm the effects of SB 595 on their projects.

12. County Commission Liaison Report:

Ms. Morgan stated that the County Commission would be discussing re-budgeting in upcoming meetings.

13. **Planning Commission Exchange:** None.

14. **President's Report:**

Mr. Maxey asked the status of the fee schedules. Ms. Brockman stated she would send an agenda request to discuss this topic at the August 12, 2010 County Commission meeting.

15. **Actionable Correspondence:**

A letter from the Planning Commission to Dr. Robert Johnson, Chairman of the Jefferson County Board of Health supporting their goal to electronically scan the septic field files was included in the agenda packets. Ms. Brockman stated that this letter had already been mailed.

16. **Non-Actionable Correspondence:**

A thank you letter from Lewis Meadows, a resident on Route 230, regarding the Planning Commission's correspondence to the Department of Transportation concerning the hazards of the intersection of Route 230 and Route 17 was included in the agenda packet.

An e-mail from Gil Garcia, a Harper's Ferry resident, was also included and stated the suggestion of having hyperlinks attached to our agenda packets for easier access to and understanding of documents relating to our meetings. Ms. Brockman explained that staff had been working on this issue. Mr. Trumble asked that staff respond to Mr. Garcia and clarify steps that are being taken to resolve this issue.

Mr. Taylor moved to adjourn at 9:40 PM. Mr. Trumble seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CDs #__ , #__ and #__ . This meeting was recorded by Julie Quodala, Department of Planning and Zoning Office Manager. These minutes were prepared by Amy Puetz, Planning Clerk.