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JEFFERSON COUNTY PLANNING COMMISSION SPECIAL MEETING JULY 30, 2010

The Jefferson County Planning Commission met on Friday, July 30, 2010 with John Maxey, President presiding. Stephen Alemar, Daniel Hayes, Morgan Etters, Gene Taylor, Tom Trumble, and Kelly Baty were present. Staff members present were Steve Barney, Zoning Administrator; Seth Rivard, Planner; Steve Groh, Assistant Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Maxey called the meeting to order at 4:04 PM.

Mr. Groh provided an update on his research into whether the Freedom of Information Act (FOIA) request sent by the Planning Commission to the WV Development Office had been complete and accurate. There was discussion regarding if further research should be done since there is conflict between the estimate number of pages (approximately 2,000) and the actual number of pages (about 600) received. There was also concern that there were several duplicates in the information received making the total of unique documents around 325 pages. Mr. Maxey noted that the application did not appear to be signed or dated. Mr. Groh stated he had spoken with Mr. Jon Amores, Deputy Secretary/General Counsel, who declared that all correspondence and documentation related to the Old Standard Quarry file had been released to the Planning Commission.

Mr. Maxey asked Mr. Groh to discuss the designation of the Brownfield status of Old Standard Quarry and what legal options the Planning Commission had regarding that status. Mr. Groh suggested holding an executive session. Mr. Alemar moved to go into executive session. Mr. Trumble seconded the motion which carried unanimously. Mr. Fred Blackmer, resident of Harper's Ferry, submitted a written request that formal minutes be kept of the executive session (attached). There was public debate as to the necessity of executive session. Mr. Groh suggested leaving the recorder running for that purpose.

Executive session began at 4:26 PM. Mr. Hayes moved to end executive session. Mr. Taylor seconded the motion which carried unanimously. Regular session resumed at 5:19 PM.

Mr. Trumble moved to direct Mr. Groh to prepare a follow-up letter regarding the FOIA request to Mr. Amores, to ensure that all information had been received including the e-mails and other legislative documents that were requested by the Planning Commission and that the letter serve as written documentation. Mr. Maxey offered a friendly amendment that the letter ask specifically about having a signed application. Mr. Trumble accepted the friendly amendment. Mr. Hayes seconded the motion which carried unanimously.

Mr. Hayes moved to direct Mr. Groh to write a second FOIA request to the state government body responsible for developing legislative rules requesting all e-mails, voice recordings, and

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any media or documentation related to the development of legislative rules. Mr. Maxey seconded the motion which carried unanimously.

Mr. Trumble moved to direct Planning Staff to obtain the name of the Department of Environmental Protection (DEP) Manager for this project and contact him, to draft a letter including memorandum of understanding between the DEP and the Planning Commission. Mr. Maxey seconded the motion which carried unanimously.

Mr. Trumble moved to direct staff to prepare a letter, including the most recent traffic study, to the Department of Highways, Secretary of Transportation, Paul Mattox, and request his comments to ensure he is aware of the traffic issues. Mr. Maxey offered a friendly amendment that the letter specifically requests a reconsideration of the previous decision to approve an at-grade signalized intersection and to have Mr. Mattox recommend a non-at-grade intersection. Mr. Trumble accepted the friendly amendment as long as the tone of the letter remained positive and not adversarial. Mr. Maxey seconded the motion which carried unanimously.

Mr. Maxey consulted with the Planning Commission and scheduled a follow-up meeting for Thursday, August 5, 2010 at 7 PM.

Mr. Trumble moved to adjourn. Mr. Hayes seconded the motion which carried unanimously.

The meeting ended at 5:27 PM. A detailed transcript of this meeting can be found on CD # _____. These minutes were prepared by Amy Puetz, Planning Clerk.