

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
MARCH 10, 2009

The Jefferson County Planning Commission met on Tuesday, March 10, 2009, with the following Commission members present: Robert Reynolds, President; John Sidor, Ellen May; Edward Dunleavy; Tom Kane; John Maxey and Jim Surkamp. Staff members present included Kirk Davis, Acting Director of Planning; Jennifer Snyder, Acting Zoning Administrator; Jonathon Saunders, Engineer; James Casimiro, Assistant Prosecuting Attorney and Shannon Phillips, Planning Clerk.

Mr. Dailey and Ms. Deming were absent with notification.

Mr. Reynolds called the meeting to order at 7:03 PM.

1. Approval of minutes.
 - a) February 10, 2009.

Mr. Davis explained to the Planning Commission there was an incorrect placement in the draft minutes of a document read into the record by Mr. Maxey. Mr. Davis requested that this correction be considered in this approval of minutes. The Commission members were in agreement with Mr. Davis' request. Mr. Dunleavy moved to approve the February 10, 2009 Planning Commission meeting minutes as amended and with the following changes recommended by Commission members:

- 1) Page 2; Item #6; last sentence, replace "*Mr. Maxey expressed concern with the public needing to go through a referendum again if the County Commission adopted the alternative draft document proposed within "A Way Forward."* with "*Mr. Maxey expressed concern that citizens had signed a petition requesting a referendum on the new zoning ordinance as written, and that making modest changes to avoid the referendum would force them to repeat the process unfairly.*"

Mr. Sidor seconded the motion, which carried 7 for and 0 opposed.

- b) February 24, 2009.

Mr. Dunleavy moved to approve the minutes of the February 24, 2009 Planning Commission meeting. Mr. Maxey seconded the motion. Ms. May, Mr. Kane and Mr. Sidor abstained from voting on these minutes because they were not present at the meeting. The motion carried 4 for, 0 opposed and 3 abstentions.

2. Citizen Communications. None.
3. Requests for postponement. None.

4. Final Plat Public Hearing for Timothy W. Smith & Garnett E. Payne Minor Subdivision, Lots 1, 2 and 3-Residue (PC File #09-04). The property is to consist of 2 Single-Family Lots and 1 Single-Family Residue Lot on 57.954 acres. The property is located on the south side of Melvin Road approximately 0.553 miles west of Route 230 (Shepherdstown Pike). District: Shepherdstown; Map: 23; Parcel: 21.

Ms. Hartman read from her staff report and recommended approval of the final plat.
Mr. Saunders read from his staff report and recommended approval of the final plat.

Ed Johnson with Johnson & Associates was present on behalf of the applicant to answer Planning Commissioners' questions.

Mr. Dunleavy moved to approve the final plat for the Timothy W. Smith & Garnett E. Payne Minor Subdivision, Lots 1, 2 and 3-Residue (PC File #09-04). Mr. Kane seconded the motion, which carried 7 for and 0 opposed.

5. Director's Report.

Mr. Davis updated the Planning Commission on his continued efforts to have the County Commission issue reclassifications of the current Planning and Zoning Department employees. Mr. Davis reviewed a proposed 2010 Salary Budget with the Commission. Further discussion ensued.

Mr. Reynolds interrupted the Director's report to introduce scout members from Boy Scout Troop 82 of Charles Town, West Virginia. Joseph Girard, Senior Scout, explained to the Commission that his troop was present to observe the Planning Commission meeting as part of their efforts to earn a Communications Merit Badge. Other troop members present were: Josh Kluge; Gary Mace; Travis Mace; Rex Potter; Matthew Harris and Bob Young, Scout Leader.

Mr. Davis continued with his Director's Report. Mr. Davis explained to the Commission that he had intended on presenting the Commission with a proposed fee schedule for consideration, however could not due to discussion with Roger Goodwin, Chief County Engineer. Mr. Goodwin had informed Mr. Davis that he would like the opportunity to create a separate fee schedule for the Engineering Department before Mr. Davis created a proposed fee schedule for the Planning and Zoning Department.

Mr. Davis informed the Commission that an intern will start in the GIS department on May 1, 2009, and will begin the Mountain Slope Study.

Mr. Davis stated he had no new Planning and Zoning Department policies to present to the Commission at this time.

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
MARCH 10, 2009
PAGE 3 of 4

Mr. Davis reminded the Commission that the subcommittee for the Director search will be meeting on March 17, 2009, at 2:00 p.m. in order to narrow down the number of candidates. There was concern expressed with the lack of a determined timeline in order to choose and hire a new Director.

Mr. Maxey moved the Planning Commission ask Mr. Davis to request the County Commission schedule a joint session between the County Commission and Subcommittee for the purpose of evaluating the subcommittee's eight choices for a Department Director. Mr. Surkamp seconded the motion, which carried 6 for, 0 against and 1 abstention (Mr. Dunleavy).

6. President's Report.

Mr. Reynolds informed the Commission that he addressed the County Commission on March 5, 2009, and requested they schedule the election for the Zoning Ordinance as soon as possible, without result.

7. Planning Commission Exchange. Mr. Sidor asked Mr. Davis if the County Commission gave authority to advertise for the position of Planner. Mr. Davis stated they had not.

Mr. Reynolds called a break at 8:17 in order to change the CD. Mr. Reynolds called the meeting back to order at 8:22 p.m.

Mr. Maxey requested an update on a joint Public Service District meeting. Mr. Davis stated the liaison is no longer with us, but he would look into it. The Commission agreed it is not a priority and can wait until the Planning Department staff has more time.

Mr. Maxey asked Mr. Casimiro for a status on the ongoing Zoning Ordinance law suit involving Arcadia Development. Mr. Casimiro stated there still is no scheduled hearing date and it is his belief that Arcadia is no longer interested in pursuing the matter, but no formal dismissal has been given by the Courts.

8. Reports from Legal Counsel and legal advice to PC. Mr. Casimiro updated the Commission on the Henry case that is currently in court. Mr. Casimiro stated that since this suit asked for monetary compensation it is being represented by the County's insurance company's (AIG) attorneys.

Mr. Casimiro stated it was brought to his attention that members of the Planning Commission are coming to the end of their current term on the board. Any member of the Commission whose term may be expiring should submit to the County Commission, in writing, their desire to either resign from the board or to seek a new term. The County Commission will then follow proper procedure for reappointment or the appointment of a new member.

9. Actionable Correspondence. None

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
MARCH 10, 2009
PAGE 4 of 4

Mr. Sidor moved to adjourn at 8:32 PM. Mr. Dunleavy seconded the motion, which carried 7 for and 0 opposed. A detailed transcript of the meeting may be found on CDs #12 & #13. These minutes were prepared by Shannon Phillips.