

DRAFT MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
APRIL 7, 2009

The Jefferson County Planning Commission met in Special Session on Tuesday, April 7, 2009, with the following Commission members present: Robert Reynolds, President; Arnold Dailey, Vice president; John Sidor; Ellen May; Ed Dunleavy, Lynne Deming, Tom Kane, and John Maxey. Staff members present included Kirk Davis, Acting Director of Planning and Jennifer Snyder, Acting Zoning Administrator.

Jim Surkamp and Ed Dunleavy previously notified the Commission in writing that they would be recusing themselves from Item #1. Jim Surkamp was absent without notification.

Mr. Reynolds called the meeting to order at 7:02 PM.

1. Executive Session to discuss litigation related to Decisions #33438 of the West Virginia Supreme Court of Appeals, Far Away Farms.

Mr. Fred Blackmer, resident of Jefferson County, addressed the Commission with public comment. He requested the Commission keep minutes of the executive session and stated that he would be requesting a copy of the minutes. If his request for minute taking was denied, he expected to file for an opinion from the West Virginia Ethics Commission based on the Freedom of Information and Open Meetings provisions in state code. Action would be initiated. He provided the Commission with a copy of his comments and W.Va. Code §6-9A-5.

Mr. Maxey motioned to go into executive session to discuss legal matters. Mr. Sidor seconded the motion, which carried 7 for and 0 opposed. Staff was instructed to leave the room.

Ms. May moved to leave executive session. Mr. Kane seconded the motion, which carried 7 for and 0 opposed

The Planning Commission returned from executive session at 8:15 PM.

Mr. Reynolds opened the floor for discussion on potential litigation. Mr. Maxey moved that the Planning Commission file a Rule 24 motion with the West Virginia State Supreme Court of Appeals to intervene in the Far Away Farms vs. Jefferson County Board of Zoning Appeals case and move for a relief from judgment. Mr. Sidor seconded the motion, which carried 7 for and 0 opposed.

Mr. Maxey moved that the Community Impact Statement hearing currently scheduled for Tuesday, April 14th, for Far Away Farms be postponed on grounds that the Planning Commission has voted to pursue legal action challenging the West Virginia Supreme Court's Order that a Conditional Use Permit be issued. Ms. May seconded the motion. Discussion ensued. The Commission expressed concerns over due process for Far Away Farms and the

public's perception of the process. Mr. Reynolds called for a vote. The motion failed with 3 for and 4 opposed (Ms. Deming, Mr. Dailey, Mr. Reynolds, and Mr. Sidor).

Mr. Dunleavy arrived at 8:25 PM.

2. Consideration of specific recommendations for presentation to the County Commission as part of the Planning Commission Annual Report and Budget Statement.

Ms. May presented a draft chart which detailed basic workflow options and outlined key points at which the County Commissioners' input would be required prior to moving forward with staff instruction or special projects. Mr. Reynolds presented a draft agenda for the joint workshop that included two main topics of discussion, program services and program resources, with various subtopics. Staff provided the document "Key Future Planning Initiatives," that listed 19 special projects which were presented to the County Commission along with the 2007-2008 Annual Report and Budget Statement. The Commissioners discussed these three documents as well as the 2008-2009 Planning & Zoning Department Work Log which was handed out at the March 24, 2009 Planning Commission meeting. The Commissioners expressed concerns over forming a partnership with the County Commission; the state of the plebiscite; the timeframes for updating the Comprehensive Plan; the inequities in salary and vacancies in Staff; as well as, legal representation and the ability to fund special initiatives. Mr. Reynolds informed the Commission that the previously chosen date for the joint workshop was unavailable and that the County Commissioners requested alternative dates. The Planning Commissioners chose May 5, 2009, or May 19, 2009, and asked Mr. Davis to present the dates to the County Commission on the following Thursday. The Commission also asked Mr. Davis to prepare a Staff presentation, to include expanding on his Work Log report, for the workshop.

Mr. Sidor moved to adjourn at 9:10 PM. Mr. Kane seconded the motion, which carried 8 for and 0 opposed. A detailed transcript of the meeting may be found on CD #19. These minutes were prepared by Jennifer Snyder.