

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
MARCH 13, 2007

The Jefferson County Planning Commission met on Tuesday, March 13, 2007 with Paul Burke, President presiding. John Sidor, Russell Roper, Arnie Dailey, Ellen May, Tom Kane and Jim Surkamp were present. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Lynne Deming and Todd Baldau were absent with notification.

Mr. Burke called the meeting to order at 7:03 p.m.

1. Minutes. Mr. Sidor motioned to approve the February 27, 2007 minutes as outlined in Mr. Baldau's and Mr. Burke's handouts (see attached): (1) Page 1, Item #1 should read Mr. Baldau motioned to approve the January 23, 2007 minutes with the following changes as outlined in Mr. Baldau's and Mr. Burke's handouts (see attached); (2) Page 2, 3rd paragraph should read Ms. Deming seconded the motion, which passed 6 for and 2 abstentions (Mr. Kane and Mr. Baldau since they were not present at this Planning Commission meeting); (3) Page 2, 6th paragraph the second sentence should read Ms. Deming motioned to authorize legal counsel to seek to vacate the Joyce Thornton Order and to follow due process and bring it back to the Planning Commission; (4) Page 3, Item #6, the fifth sentence should read Mr. Burke had questions regarding septic; . (5) Page 4, 5th paragraph, 3rd sentence, Item #10 add a sentence to read: Mr. Baldau stated that he would like the limited site plan to be modified so that the handicapped parking spaces were located closer to the entrance of the Food Lion (at the end of aisle #3 or aisle #4), rather than at the end of aisle #6; (6) Page 5, Item #14, the seventh sentence should read Mr. Roper seconded the motion, which passed with a vote of 7 for and 1 opposed (Mr. Burke); (7) Page 6, Item #18, the fourth sentence should read Mr. Baldau motioned to schedule the public hearing for March 27, 2007 with advertising being at least 15 days prior to the meeting; (8) Page 8, Item 28, 3rd paragraph, first sentence change the word died to failed. Mr. Roper seconded the motion which passed with a vote of 6 for and 1 abstention (Ms. May).

Mr. Kane motioned to approve the minutes of the December 19, 2006 Special Meeting. Mr. Dailey seconded the motion which carried unanimously.

2. Requests for postponement. None.

3. Continued from the February 27, 2007 meeting. Review of Hillside Development, Forest Management Plan, density as a result of merger, and satisfaction of community service letters, for Beacon Hill Estates, Section II (PC File #05-19). Ms. Kelly recommended approval of the 4 items. Matthew Powell, Trish Sanderson and Jason Azaar with Huron spoke and answered questions from the Planning Commission. John Casimiro, Assistant Prosecuting Attorney, stated there was no density issue. Mr. Surkamp motioned to approve all four elements as submitted. Mr. Kane seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Burke).

4. Request by Harry M. and Carol F. Kable for a variance from the subdivision ordinance to permit the 159+ acre residue parcel located within the proposed Jackson Woods Subdivision to retain the existing access from the public road, Hite Road, and not require the residue lot be served by internal subdivision roads. Staff recommended granting approval of the variance. Annette van Hilst with Dewberry presented the request. There was no public comment. Mr. Kane motioned to approve the variance. Mr. Roper seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Burke).

5. Request by David Bussard and Diana Gray for a variance from the Subdivision Ordinance in order not to install the required shoulder improvements along Kabletown Road. Ms. Shrader,

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County Engineer, recommended granting the variance. There was no public comment. Mr. Dailey motioned to grant the variance. Mr. Roper seconded the motion which carried unanimously.

6. Request by South Jefferson Ruritan Club for a variance from the requirements for a Community Impact Statement for Lot 4 in Macoughtry Subdivision. Ms. Kelly recommended granting the variance. Al Pace with the Ruritan Club spoke. There was public comment from Buck Wilingham. Mr. Roper motioned to grant the variance. Mr. Surkamp seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Burke).

Mr. Surkamp left the meeting room. The Planning Commission took up Item #8 before Item #7 since Mr. Surkamp left the meeting room.

8. Continued from the February 27, 2007 meeting. Subdivision Processing Fees. Mr. Burke stated they are waiting on answer from the County Commission. No action taken.

Mr. Surkamp returned to the meeting room.

7. Actionable Correspondence.
(a.). Reorganization (Requested by Paul Burke).

Mr. Surkamp stated the Planning Commission needs to decide the budget they are requesting. Mr. Surkamp suggested hiring someone to analyze a web based sharing document plan.

Ms. Kelly stated that if she stayed as department head that the Planning Department will need to hire a planner and an additional clerical.

There was public comment from Henry Haas. Mr. Haas stated that an IT person spread across four departments would be a slow process.

9. Spreadsheet of Past and Pending Projects. Mr. Burke stated that under the circumstances, staff has not gotten to this item.

10. Approval Annual Reports. Mr. Burke stated that Sherry Kelly wants time to go through the Annual Reports with him. Mr. Burke stated to remove this item from the agenda.

11. Postponed from the January 23, 2007, February 13, 2007 and the February 27, 2007 meetings. Appointment times for major agenda items. Mr. Burke suggested removing this item until we get past the transition. Mr. Kane suggested removing this as an agenda item. The Planning Commission agreed to remove this item from the agenda.

12. Staff interactions with applicants, public & Planning Commission (Requested by Todd Baldau. None.

13. Committees and committee reports:

Mr. Kane stated that he continues to object to committees and subcommittees times not allowing the full body to meet.

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Ms. May stated she attended the PSD meeting. Ms. May stated she emailed her minutes from the PSD meeting, but the minutes were not in the packets. The minutes will be mailed in the packets for the March 27, 2007 meeting.

James Casimiro stated meetings should be in compliance with the open meetings law.

Long Range Planner Committee: Mr. Sidor stated that they've had two meetings. Mr. Sidor further stated that interviews are scheduled for the week of March 26, 2007 and a recommendation made by the end of that week.

14. Non-Actionable Correspondence. None.

15. Legal representation, advice and possible action. Some or all the discussion may be closed to the public. Any decisions will be made in open session. Mr. Casimiro stated the County Commission asked whether to send Plan B of the Subdivision Ordinances to Lane Kendig. Mr. Surkamp motioned without prejudice the Planning Commission request to Lane Kendig for review and comment on Plan B. Ms. May seconded the motion which passed with a vote of 5 for and 2 opposed (Mr. Kane and Mr. Roper).

Mr. Surkamp motioned to ask the Prosecuting Attorney's office to research the Fair Labor Standards Act and the West Virginia Wage Payment and Collections Act and other legal documents as applicable. Mr. Sidor seconded the motion which carried unanimously.

Mr. Burke stated that there is an existing and a draft employee manual.

Mr. Kane motioned to go into executive session stating to discuss legal items the reason being Peters vs. Wood County . Mr. Sidor seconded the motion which carried unanimously.

9:57 p.m. Paul Burke stated the Planning Commission is back in Session.

Mr. Kane motioned not to appeal the Benview decision. Mr. Dailey seconded the motion which passed with a vote of 4 for and 3 opposed (Ms. May, Mr. Burke and Mr. Surkamp).

Ms. May motioned to ask the Prosecuting Attorney to draft a time limit waiver document that the Planning Commission could use. Mr. Sidor seconded the motion which carried unanimously.

Fred Blackmer asked to hear the motion regarding Lane Kendig and Plan B. The motion was read.

Mr. Roper motioned to adjourn the meeting at 9:53 p.m. on March 13, 2007. Mr. Dailey seconded the motion which carried unanimously. A detailed transcript of this meeting can be found on CD #25, #26 and #27. These minutes were prepared by Sherry Cole.

