

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
JANUARY 10, 2006

The Jefferson County Planning & Zoning Commission met on Tuesday, January 10, 2006, with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Todd Baldau, Russell Roper, John Sidor, Paul Burke, Tom Kane and Greg Corliss. Staff members present were Sherry Kelly, Kim Shrader, Sherry Cole and Stephanie Grove, Assistant Prosecuting Attorney.

Mr. Dailey called the meeting to order at 7:00 p.m. Mr. Baldau stated that the minutes of the December 13, 2005 meeting stated that Item #9 - Final Plat Public Hearing for the Cambridge Manufactured Home Development, Section 4 would be advertised for the meeting of January 10, 2006. Mr. Baldau stated that this item is not on the agenda and that he understands that it was an oversight by staff. Mr. Baldau further stated that under Item #7. Final Plat Public Hearing for the Lake Forest Estates Subdivision, the second sentence should be changed from Paul Burke to read Mr. Burke. Mr. Baldau stated that under Item #18. Correspondence, that the first sentence should read Ms. Kelly stated instead of Staff stated. Mr. Burke stated that minutes should be corrected as follows: (1) Under Item #1, the last sentence should read Mr. Burke abstained from voting as he was not at the November 8, 2005 meeting; (2) Under Item #10 the last sentence should read Mr. Burke abstained from voting as he was not at the October 25, 2005 meeting; (3) Under Item #11, Request by Sylvannah Baptist Church, Mr. Burke stated that he believes the minutes are correct and that the first sentence says that they asked for a waiver and Mr. Sims' motion was to grant the waiver and that passed unanimously. Mr. Burke stated that he doesn't think there was any motion to deal with the ILP. Mr. Burke further stated that the waiver was simply a waiver from the site plan process so the Planning & Zoning Commission would not have had authority to vote on the ILP. Mr. Burke stated that the Planning & Zoning Commission didn't vote on the Improvement Location Permit and he stated that the minutes show that PC simply granted the waiver from the site plan process. Mr. Burke stated that the Planning & Zoning Commission has a note from the staff that this needs to be addressed at the next meeting because staff read these minutes as saying that the Planning & Zoning Commission granted a waiver from the Improvement Location Permit which the Planning & Zoning Commission has no authority to do. Mr. Burke stated that the way he read the literal minutes is they asked for a waiver from the site plan and the motion was to approve the waiver. Mr. Burke stated that this is his interpretation. Mr. Sims stated that is the way he made the motion and that Mr. Burke is correct. Mr. Burke stated that he thinks the Planning & Zoning Commission are done with this item and that the Planning & Zoning Commission acted within their authority. Bill Lewandowski stated that the motion was not intended to impact the Improvement Location Permit; (4) Under Item #12, the second sentence should read revise the Community Impact Statement instead of review; Under Item 15, the third sentence, change from contribution to the legal firm to contribution to a legal fund opposing the subdivision. Mr. Lewandowski motioned to amend and approve the minutes as stated and in addition let the minutes for the January 10, 2006 meeting reflect that Item #9 on the agenda for the December 13, 2005 meeting was advertised for the January 24, 2006 meeting and also that Item #11 on the agenda for the December 13, 2005 meeting that the Planning & Zoning Commission did not intend to impact the Improvement Location Permit. Mr. Sims seconded the motion which carried unanimously.

1. Election of Officers. Mr. Sims nominated to elect Mr. Lewandowski for President. Mr. Corliss seconded the motion. There were no other nominations. Mr. Dailey stated that the nominations for President are closed. Mr. Lewandowski was elected President unanimously. Mr. Lewandowski took over as President.

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Mr. Lewandowski made a motion thanking Mr. Dailey for his service. Mr. Baldau seconded the motion which carried unanimously.

Mr. Sidor nominated to elect Mr. Sims for Vice President. Mr. Baldau seconded the motion. There were no other nominations. Mr. Sims was elected unanimously.

Mr. Baldau nominated to elect John Sidor for Secretary. Mr. Sims seconded the motion. There were no other nominations. Mr. Sidor was elected unanimously.

2. Declaration of violation for Craig Abshire of the Jefferson County Improvement Location Permit Ordinance for placement of an addition on property designated as Parcel 11 on Tax Map 11A of the Charles Town District as found in Deed Book 392 at Page 5. Staff stated that Mason Carter is in the process of resolving this violation. Mr. Abshire filed a variance which will go before the Board of Zoning Appeals on February 16, 2006. Staff stated that they are withdrawing the request at this time.

3. Postponed from the October 11, 2005 meeting. Discussion and action by the Planning Commission regarding the Request by Gary G. Smith and A. Kathy Kiss for a variance from upgrading an existing right-of-way and road to County standards through Hermitage Ridge Subdivision and across lot 30 (Article 8, Section 8.2a of the Jefferson County Subdivision Ordinance). Mr. Lewandowski stated that he defers to counsel regarding public hearings on subdivision variances. Ms. Grove stated that she would do some research. Mr. Burke stated that he was not at the October 11, 2005 meeting, therefore, he would not participate or vote on this item on the agenda. Ms. Kiss stated that she would like to withdraw her request and reapply. John Skinner who represents the Homeowners Association spoke regarding a request for a member recusal. Mr. Baldau motioned to withdraw the request. Mr. Sims seconded the motion which passed with a vote of 8 for and Mr. Burke abstained. Staff stated that Ms. Kiss should submit a whole new application.

4. Postponed from the November 8, 2005 meeting. Request by James P. Campbell on behalf of the Sheridan Subdivision to reopen the subdivision file and extend the Community Impact Statement. Mr. Burke stated that he received a request by Sheridan, LLC, not to participate. Mr. Burke stated that he would like some examples of when he openly was against this subdivision. Mike Cassell, Attorney stated that he was not going to argue with Mr. Burke and he further stated that it was up to Mr. Burke whether he wanted to participate or not. Mr. Burke stated that he would recuse himself at this time as he spoke for the Community Impact Statement. Mr. Cassell stated that he consulted with Stephanie Grove and Steve Groh. Mr. Cassell asked for a postponement of this item until the January 24, 2006 meeting. Mr. Cassell also extended the 60-day Rule until the January 24, 2006 meeting. Assistant Prosecuting Attorney Stephanie Grove recommended putting this item on the January 24, 2006 agenda. Mr. Kane motioned to postpone this request until the January 24, 2006 meeting following the executive session. Mr. Corliss seconded the motion which carried unanimously. Mr. Burke returned to the meeting room.

5. Request by Tyler Caudle on behalf of Lawton Rogers/Claymont Society For Continuous Education for a waiver from the site plan for a greenhouse (Article 4, Section 4.0 of the Jefferson County Improvement Location Permit Ordinance). Tyler Caudle made a presentation. The County Engineer stated that the lane is very muddy and does not have much gravel cover. The County Engineer recommended a stabilized construction entrance (heavy gravel 50' back). Mr. Kane motioned to approve the request for a waiver subject to staff contingencies; a stabilized

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construction entrance, and not constructing a french drain type system/pond. Mr. Sims seconded the motion which carried unanimously.

6. Request by Bruce DeAtley on behalf of Rock Ferry, LLC for additional time to record the final plat for Rock Ferry Subdivision (Article 8, Section 8.1.d of the Jefferson County Subdivision Ordinance). Bruce DeAtley made a presentation. Mr. Sims motioned to allow 45 days additional time to record the final plat. Mr. Dailey seconded the motion which carried unanimously.

7. Discussion of 8A. Mr. Lewandowski stated that there was an issue with the Lane/Kendig contract and Lane/Kendig were brought back in. They are in the final negotiations. Mr. Lewandowski stated that Mr. Sims and Mr. Sidor have been attending the County Commission meetings. Mr. Lewandowski stated that there are two separate ordinances. There is one for the subdivision ordinance and one for the zoning ordinance. He stated that they will be rewritten concurrently. Mr. Lewandowski further stated that he asked the County Commission as a private citizen if three Planning Commission members could sit in on the meetings. Mr. Corliss told Mr. Lewandowski to put it all in writing. Mr. Corliss further stated that Leslie Smith will be the single point of contact.

Mr. Lewandowski stated that he would like to have a motion that extends the management committee to include a minimum of three Planning Commissioners to work in conjunction with the County Commission to manage the contract performance. Mr. Corliss made the motion as stated above by Mr. Lewandowski. Mr. Baldau seconded the motion which carried unanimously.

Vicki Faulkner stated the agenda needs to be clear. Ms. Faulkner stated that Item #6 on the agenda is not clear. Ms. Faulkner stated the street name should be listed.

Mr. Sidor and Mr. Lewandowski said to put "Contract for New Zoning and Subdivision Ordinance" on the agenda until further notice.

8. Discussion of Public Service District. Mr. Sidor stated that he would like the Public Service District to provide the Planning & Zoning Commission with a copy of all current applications. Mr. Baldau stated that he would like the members of the Public Service District to come in and address the Planning & Zoning Commission. Mr. Sidor stated that the Public Service District is having a Public Hearing on February 6, 2006 from 3:00 until 5:00 p.m. regarding proposals. Mr. Lewandowski suggested that a motion be made that a Planning Commission committee attends the Public Service District Meetings to establish a relationship and work the flow of the information. Mr. Sidor motioned to formally request from the Public Service District copies of all current and future applications. Mr. Sims seconded the motion which carried unanimously.

Mr. Lewandowski stated that he would like to have a motion from the Commission establishing a standing Public Service District Committee for the purpose of liaison with the Public Service District and for requesting information and providing it back to the Planning & Zoning Commission. Mr. Sims motioned to have a standing Public Service District Committee for the purpose of a liaison and for requesting information and providing it to the Planning & Zoning Commission. Mr. Baldau seconded the motion which carried unanimously. John Sidor and Todd Baldau volunteered to be on this committee.

Mr. Lewandowski stated that he wants to set up a permanent agenda item titled "Committees and Committee Reports".

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Mr. Sidor commented that one piece of information that came up at a Public Service District Meeting that may be of interest is that it was reported that both the Highland Farm and the Old Standard Plants that it was reported that both have received their Public Service District certifications and that both have been appealed to the Environmental Quality Board. Vicki Faulkner spoke regarding the Old Standard Plant.

9. Bylaws. Mr. Lewandowski stated that he emailed the revisions to the bylaws to all who had email and that he asked Paul to give Mr. Dailey and Mr. Roper a hard copy. Mr. Dailey stated that he got his copy. Mr. Lewandowski asked for a motion to establish a bylaws committee with their goal to have the bylaws complete and approved by the County Commission by March 30, 2006. Mr. Corliss stated that the bylaws need to go through legal review. Mr. Baldau motioned to create a committee for revision of the bylaws. Mr. Dailey seconded the motion. Mr. Kane stated that he would recommend a committee as a whole. The motion passed with a vote of 8 for and 1 opposed (Mr. Kane). Mr. Burke and Mr. Sims volunteered for the bylaws committee.

10. Long Range Planner. Mr. Sims stated that the selection committee met and interviewed three people. They are in the decision making stage now as to who to offer the job to.

11. Correspondence. Letter from Assistant Prosecuting Attorney Stephanie Grove requesting an executive session for January 24, 2006 at 6:30 p.m. Mr. Kane motioned to have an executive session regarding legal advice and pending litigation on January 24, 2006 at 6:30 p.m. Mr. Sims seconded the motion which carried unanimously.

Letter from the Office of the Prosecuting Attorney regarding Jefferson Orchard, Inc. vs. Jefferson County Zoning Board of Appeals, et al, Civil Action No. 04-C-432 with an Order by Judge Steptoe. No action was taken.

Paul Burke submitted correspondence to be placed on the agenda for the January 24, 2006 meeting.

Mr. Lewandowski stated that he would like Discussion and Action of Correspondence put on the January 24, 2006 agenda.

The meeting adjourned at 9:07 p.m. on January 10, 2006. A detailed transcript of this meeting can be found on CD #3 and #4. These minutes were prepared by Sherry Cole.

