

MINUTES FOR 1-21-02 MEETING

Present at the meeting were Paul Lewis, Arlie Funk, Phyllis Cook, Dave Jopling, Lee Lehman, Grover See, George Leatherman and Russell Ratliff.

Dave Jopling, chairman, opened the meeting by describing the purpose of the public hearing. He stated that the purpose was to discuss and take comments regarding the proposed subdivision located on South Fork Road which is comprised of eight lots, each of which will have public access from a hard-capped road. The developer, Mountaineer Land and Timber Company, has obtained all the necessary permits.

Three families now live on land adjoining the proposed subdivision. Several of the residents expressed concern over the availability of water to them should the subdivision be approved. Chris Miltenberger explained that the water supply would come from the existing spring and that there is a continuous 3" diameter flow. Residents continued to question whether there would be an adequate supply of water.

Dave Jopling told the residents that the planning commission would take everything into consideration. He explained that the commission was required to approve or disapprove the proposal within 30 days.

The members agreed that guaranteeing availability of water is not the job of the planning commission. It was decided that Paul will set up a meeting with the Prosecuting Attorney, Lucas See, regarding the commission's authority.

Following the public hearing, the zoning map was presented to the planning commission. Dave Jopling described the various zones and boundaries. Grover See made a motion to accept the map. The motion was seconded by George Leatherman. Motion passed.

The minutes from the December 4, 2001 meeting were reviewed and approved.

The meeting was adjourned at 9:00 pm.

MINUTES FOR 2/19/02 MEETING

Present at the meeting were: Paul Lewis, Arlie Funk, Charles Kohne, George Leatherman, David Heishman, Lee Thompson, Phyllis Cook, and Dave Jopling.

The minutes from the February 5, 2002 meeting were reviewed. Charles Kohne made a motion to approve the minutes. David Heishman seconded the motion. The motion passed.

Paul opened by saying that he has not heard from the Judy's regarding Summit View subdivision. He added that Renick Williams has not delivered the final plat for Harness Ford subdivision.

Paul then explained the procedure for zoning passage. The County Commission has to say yes or no. If they reject the plan, they must make recommendations as to how to improve it. Following this, 15% of the county's registered voters ("freeholders" who own land outside of the corporate limits) have 60 days to present a signed petition. If it is a valid petition, they ask for a referendum.

Definitions and zones were reviewed by the Planning Commission. Corrections, additions and deletions were made.

The next meeting was set for Tuesday, March 5, 2002.

David Heishman made a motion to adjourn. The motion was seconded by Phyllis Cook, and the meeting was adjourned at 9:02 pm.

MINUTES FOR 2/5/02 MEETING

Present at the meeting were: Paul Lewis, David Heishman, Lee Lehman, Lee Thompson, Arlie Funk, Phyllis Cook, David Jopling, Grover See, George Leatherman, and Russell Ratliff.

Grover See moved that the 1/21/02 minutes be accepted. Arlie Funk seconded the motion. The motion passed.

Dave Jopling wanted to first address old business. Phyllis Cook moved that we begin with the Judy's subdivision proposal. George Leatherman seconded. The motion passed.

Dave Jopling then explained the plat for Summit View subdivision. Dave Judy described the subdivision as having 19 lots containing 2 acres each. There are 17 additional lots under 2 acres.

Mr. Judy explained that 6-inch water lines will be installed. The PSD engineer, Woody Thrasher, will review the water plan.

George Judy explained that there will be 12 foot single access driveways. Roads within the subdivision will be 20 feet with 10 feet of berm on each side.

It was agreed that the need for a separate right-of-way for each lot needs to be added to the covenants.

Paul will write a letter to the Judy's outlining the following changes that need to be made:

1. Septic approval
2. DOH permits
3. Letter of application with final plat
4. Reserve areas on lots
5. Re-number lots
6. Remove contours from final plat
7. Addition of legend for plat
8. Need for plat to meet requirements described in Article 7, B-2
9. Review of Article 12 regarding travelway road width and ditch depth.

Concerning old business, Paul talked with Lucas See regarding the commission's authority over water rights. These concerns are the sole responsibility of the present landowners and the prospective residents of Harness Run subdivision. It was agreed that a letter should be written to those who attended the public hearing to explain the planning commission's findings.

George Leatherman made a motion to accept and approve the Harness Ford subdivision proposal. Phyllis Cook seconded. The motion passed. Charles Kohne and Grover See abstained.

Lee Thompson read the procedures for handling zoning approval. The county commissioners approve or disapprove the proposed zoning. If they disapprove, the proposal is returned to the planning commission for change. If approved, the commissioners put the zoning plan up for public hearing. Paul will check with Lucas See to make certain that this procedure is correct.

Grover See moved to adjourn the meeting. Charles Kohne seconded.

The meeting adjourned at 9:00 pm.

MINUTES FOR 3/19/02 MEETING

Present at the meeting were: Paul Lewis, Dave Jopling, Lee Lehman, J. R. Keplinger, Lee Thompson, David Heishman, Phyllis Cook, Russell Ratliff and Charles Kohne.

In attendance to answer any questions from the Planning Commission were G. Vernon Boggs and Sheldon Barb, developers of "Barb Mountain Estates."

The first order of business was to review the minutes from the March 5, 2002 meeting. Russ Ratliff made a motion to approve the minutes. The motion was seconded by Lee Lehman. The motion passed.

Paul Lewis inquired of Mr. Boggs and Mr. Barb the matter of adequate rights-of-way. Mr. Boggs explained that the purchase of additional land provided the solution to this problem. He added that this land is presently being surveyed.

Paul Lewis asked Mr. Boggs and Mr. Barb to name the roads in their subdivision.

Mr. Boggs summarized the covenants for "Barb Mountain Estates." The roads are 16 feet plus, no mobile homes will be permitted, modular homes must be on a solid masonry foundation, and no businesses may be conducted from any home. Paul asked to be given a copy of the covenants upon their completion. It was suggested that the two developers set up a homeowners association before the lots are sold to ward off problems later. It was also suggested that there be more calls to the main road. Mr. Boggs and Mr. Barb thanked the planning commission for their time.

The feasibility of residential development in the North end of Moorefield was briefly discussed.

The members then began reviewing "C" District where they had left off at the last meeting. The suggestion was made to delete #10 dealing with the solid fence requirement and adding the #10 subheadings to #9. It was also suggested that "storage rental units" be added under #9. David Heishman made a motion to make the changes. The motion was seconded by Russ Ratliff. The motion passed.

Russell Ratliff made a motion to adjourn. David Heishman seconded.

The meeting adjourned at 9:05 pm. The next meeting date was set for Tuesday, April 9, 2002.

MINUTES FOR 3/5/02 MEETING

Present at the meeting were: Paul Lewis, George Leatherman, Charles Kohne, David Jopling, Lee Lehman, Lee Thompson, Arlie Funk, Grover See, David Heishman, Russell Ratliff and Dave Fansler.

At the opening of the meeting, the minutes from the February 19, 2002 meeting were read by the members. George Leatherman made a motion to approve the minutes as presented. Arlie Funk seconded the motion. The motion passed.

Dave Jopling questioned Paul Lewis about the status of the Williams and Judy subdivisions. Paul explained that the Judy's will need another engineer for their water lines, and that this is causing the delay.

There was a brief discussion about the proposed town bypass. Paul stated that one will have to take the bypass in order to reach Corridor H.

The revised articles of the zoning ordinance were discussed at length. Numerous corrections were suggested and agreed upon.

Paul Lewis set the next meeting date for March 19, 2002.

Russell Ratliff made a motion to adjourn. Arlie Funk seconded the motion. The meeting adjourned at 9:00 pm.

HARDY COUNTY PLANNING COMMISSION
PUBLIC HEARING
APRIL 23, 2002

The meeting was called to order by President Jopling at 7:15 p.m. in the Hardy County Courthouse.

The purpose of the meeting was to take comments on the applications for two towers to be built by Hemphill Corporation. One will be located at the 9-1-1 Center and the other one will be built on Helmick Rock. The purpose of these will be to provide 9-1-1 service to the whole county.

Those present were: John Blair of H.C. Nutting Corporation, Ken Crane of the OES Office, David Heishman, Grover See, Russell Ratliff, Paul Lewis, Dave Jopling, J. R. Keplinger and Lee Lehman.

Ken Crane along with John Blair discussed the sites and applications by Hemphill Corporation for the two towers.

John Blair noted that there are still some items that Hemphill needs to clarify before the actual building permit is issued by the County.

Dave Jopling noted to the members and those present that there seemed to be a problem with the applications dealing with setbacks and the height of the towers. Ken Crane discussed the purpose of the extra height of the towers. It will be for cellular companies, however, none have indicated an interest to date on using the towers.

Therefore, it was noted that a variance request is being asked for on the height and setback of the two towers. Members discussed this aspect of the applications in length.

Members noted that there seems to be a problem with the ordinance and that the ordinance should be amended so that we don't have to give variance in the future for setbacks and height of towers.

Dave Jopling told those present that the Commission would meet again on Thursday, April 25 to discuss the applications and the ordinance further. He also noted that there was no one present to object to the construction of the two towers.

J. R. Keplinger made a motion to adjourn the meeting. Seconded by David Heishman. Motion carried.

PLANNING COMMISSION MEETING

April 25, 2002

President Jopling called the meeting to order at 7:00 p.m. Those present were David Heishman, Grover See, Dave Fansler, George Leatherman, Paul Lewis, Dave Jopling, J. R. Keplinger, Lee Lehman and Ken Crane of OES office.

The purpose of the meeting was to continue discussion of the applications for the two 9-1-1 towers.

J. R. Keplinger moved to grant a variance to Hemphill Corporation on the two applications for the 9-1-1 towers dealing with tower height, setback requirements and the balloon test and that the applications be approved for construction of the towers to Hemphill Corporation and that before an actual permit is issued that they submit the necessary information dealing with the following:

- (1) That the required \$75,000.00 performance (removal) bond, be in place with the county prior to the issuance of the building permit and the start of construction.
- (2) That Comi Telecommunication Services, with the assistance of Hardy County OES and Hemphill Corporation, complete a review of the structural integrity of the tower, foundation and soil at the site, and certify to such prior to the issuance of the building permit and the start of construction.
- (3) That the County receive from Hemphill Corporation a certificate of insurance demonstrating the existence of the required insurance, prior to the start of construction.
- (4) That the Hardy County OES complete the NIER certification process prior to issuance of the building permit and start of any construction.

Grover See seconded the motion. Motion approved.

Dave Heishman moved to amend Section 10 and Article 14 of the "Wireless Telecommunication Facility Ordinance" to read as follows:

Section 10 – Height of Telecommunications Tower(s)

- A) The Applicant shall submit documentation justifying the total height of any Tower, Facility and /or Antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

- B) The maximum permitted height of a new tower shall be one hundred-ninety (190) feet, based on six (6) collocated antenna arrays requiring ten (10) feet of vertical space each, and an ambient tree height of eight (80) feet.
- C) No Tower constructed after the effective date of this Ordinance, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with municipal, County, State, and/or any Federal statute, law, local law, County ordinance, code rule or regulation.

Section 14 – Lot Size and Setbacks

All proposed towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirement for the property on which it is situated.

However if sufficient land cannot be purchased to allow for the lot size and setbacks, then the applicant must acquire an easement to cover the height of the tower plus ten percent (10%) from the center of the tower.

Lee Lehman seconded the motion. Motion carried.

Dave Jopling also suggested that in the future that there be a copy of all applications sent to each planning commissioner for review before the hearing.

It was noted that the next meeting would be on May 7 at 7:30 p.m.

With no further business, Dave Heishman moved to adjourn. Seconded by Grover See. Motion carried.

MINUTES FOR 4/09/02 MEETING

Present at the meeting were Paul Lewis, Lee Lehman, Dave Jopling, David Heishman, Grover See, George Leatherman, Phyllis Cook, J. R. Keplinger and Dave Fansler.

Paul stated that the public hearings for county zoning may possibly be held in May or June.

Dave Jopling asked the members to review the minutes from the 3/19/02 meeting. Phyllis Cook moved to approve the minutes. Lee Lehman seconded. The motion passed.

Paul Lewis stated that the Barb Mountain Estates road right-of-way has been delineated.

The members discussed the possibility of Grant Memorial Hospital opening a medical center at the Wellness Center building. There would be three doctors on the staff in the event that the facility is opened.

Paul Lewis stated that South Branch Trailer Court will be purchased by FEMA and that the owners, Steve and Joyce Schetrom, will relocate their trailer court on the Trough Road.

Debbie Crites is developing a rental mobile home community off of the Howard Sions Road.

Paul Lewis distributed zone introductions. They were reviewed by the members and will preface the current zone descriptions.

The County Commissioners will meet on April 16, 2002 to address the Mobile Home Courts Ordinance.

There will be a public hearing on the cellular towers on April 23, 2002.

Grover See made a motion to adjourn the meeting. The motion was seconded by George Leatherman. The meeting was adjourned at 9:20 p.m.

HARDY COUNTY PLANNING COMMISSION
Public Hearing
May 21, 2002

Those present for the hearing were: Paul Lewis, Phyllis Cook, Grover See, Charles Kohne, George Leatherman, and Lee Thompson.

The purpose of the public hearing was to take comments on the Amendments to Article 10 and Article 14 of the "Wireless Telecommunications Facility Ordinance."

There was no one from the county who attended the meeting to voice their comments on the changes. Therefore, the amendments will be forwarded to the Hardy County Commission for their approval at their next meeting.

With no other business to be discussed, Phyllis Cook moved to adjourn the meeting. Seconded by Lee Thompson. Meeting adjourned.

NOTICE

The Hardy County Planning Commission will hold a public hearing on May 21, 2002 at the hour of 7:00 p.m. in the Hardy County Courthouse, County Commissioner's chambers, at Moorefield, Hardy County, West Virginia. The purpose of this public hearing will be to hear comments regarding amendments to Article 10 and Article 14 of the "Wireless Telecommunications Facility Ordinance" for Hardy County. Copies of the proposed changes can be obtained at the Hardy County Planning Office.

David Jopling, President
Hardy County Planning Office

PUBLIC HEARING
Hardy County Planning Commission
May 28, 2002

The meeting was opened at 7:00 p.m. in the Hardy County Courtroom for the purpose of taking comments on the proposed "Mobile Home Court Ordinance."

See attached sheet for those that were present.

Perry Newton asked about the powers of the Commission to enforce a Mobile Home Court Ordinance. It was explained that the Commission has the power under Chapter 8, Article 24 of the West Virginia State Code.

Perry also had a question about the taxes and asked if they couldn't be used for more police protection for the people in the mobile home courts.

Those present began discussing the requirements for a mobile home court. It was noted that most mobile homes are 14' x 70' and that a 60' by 110' lot or 6,600 square feet should be sufficient for lot sizes.

Teddy Garrett noted that he was against a mobile home court being developed off of the Howard Sions Road. It was noted that we were there for the purpose of discussing the proposed Mobile Home Court Ordinance only.

Perry Newton noted that he wasn't against the ordinance and thought that the commission had done a good job. He did feel that some of the items needed to be reviewed before a final ordinance is passed.

Bonnie Haggerty noted that the lot sizes in the Town of Moorefield were only 50' x 100' and that she thought that tripling the size of the lots was asking too much of a developer. She felt that a lot size of 7,500 to 8,000 square feet would be sufficient.

Tommy Crites noted that the lots in his mobile home court off of Powder Spring Road were 60' x 110'.

Members and those present then discussed the section dealing with setbacks. Most wanted to know why there had to be such a distance between the mobile home and the lot line. It was noted that this was to allow for a deck or porch and still give the mobile home a yard.

Joyce Schetrom noted that most people living in a mobile home court do not want a large yard to have to maintain. This is one reason that people live in mobile home courts.

Most felt that a fifteen foot setback would be sufficient.

Perry Newton noted that item number 8 under the requirements of a mobile home court may need to be reworded for clarification.

Tom Mathias asked for an explanation of the different regulations between mobile home court lots and those of a subdivision when dealing with the sewer systems. Lee Thompson explained the requirements that were established by the State Health Department.

There were some questions dealing with the Perk Test requirements and the section dealing with asking a certified engineer to check the perk test, if there is some doubt about the test. It was felt that if the Planning Commission requests a test to be done and the original test was alright, then the Planning Commission should have to pay for the test and not the developer if there was nothing found to be wrong with the test.

Article 9 dealing with the general requirements for the roads was discussed. Mark Geary noted that he thought that the requirements for the road grades should be looked at more closely and that perhaps switch backs could be used to work with the grades. Most areas have a 10 to 12 percent grade requirement.

It was noted that the requirement for asphalt roads was asking too much for a developer to do when the state routes are only tarred and chipped. It was suggested that the asphalt requirements be based on the number of lots instead of the whole development being asphalt. The road going into the development was also discussed.

It was noted that the Planning Commission should look over items 7 and 8 of Article 8 and 10, 12 and 14 of Article 9 of the proposed ordinance for clarification and perhaps changes and what is requested of the developer.

With no further discussion, the meeting was adjourned at 9:00 p.m.

ATTENDEES OF MAY 28, 2002 PUBLIC HEARING

Lee Thompson	411 Spring Ave., Moorefield, WV	538-6355
Ted Garrett	HC 66, Box 59, Moorefield, WV	538-2584
Tom Mathias	15 Valley View Rd., Moorefield, WV	538-6975
Perry Newton	P.O. Box 617, Moorefield, WV	538-3449
Lemuel Fowble	P.O. Box 913, Moorefield, WV	434-2572
Adam Colasessano	P.O. Box 48, Moorefield, WV	434-2534
Jenny Riggleman	P.O. Box 47, Moorefield, WV	434-2124
Rog Riggleman	“ “	“
Karen Colasessano	P.O. Box 48, Moorefield, WV	434-2534
Steve/Joyce Schetom	P.O. Box 61, Fisher, WV	538-6467
Carlton Hilliard	218 Jefferson St., Moorefield, WV	538-6383
Bonnie Haggerty	216 No. Main St., Moorefield, WV	538-6174
H. L. Wilson, II	P.O. Box 302, Moorefield, WV	538-2201
Tommy & Debbie Crites	140 No. Main St., Moorefield, WV	538-3456
Jerud Crites	“ “	“
David Heishman	P.O. Box 380, Moorefield, WV	538-3316
Phyllis Cook	HC 70, Box 96B, Moorefield, WV	538-7075
Lee Lehman	Box 11, Moorefield, WV	538-6717
Grover See	302 Central Ave., Moorefield, WV	538-6688
Arlie Funk	HC 77, Box 26, Rio, WV	897-5742
Charles Kohne	HC 87, Box 11, Wardensville, WV	874-3228
Morris Homan, Jr.	P.O. Box 663, Moorefield, WV	538-6017
Mark Geary	106 No. Main St., Petersburg, WV	257-2022
J. R. Keplinger	P.O. Box 337, Moorefield, WV	434-2779
Paul Lewis		
Dave Jopling		
Russell Ratliff		

MINUTES FOR 5/7/02 MEETING

Present at the meeting were Paul Lewis, Arlie Funk, Phyllis Cook, David Heishman, Lee Thompson, Dave Fansler, Dave Jopling, Russell Ratliff, Grover See and Charles Kohne.

Minutes from previous meetings and from the public hearing regarding the 9-1-1 towers were read and reviewed by the Planning Commission. David Heishman made a motion to approve the three sets of minutes with a few changes agreed upon by the members. Grover See seconded the motion. Motion passed.

Dave Jopling announced that the public hearing regarding the Mobile Home Park Ordinance will be held on May 28, 2002.

Russell Ratliff made a motion to change the wording in Article 5 of the ordinance. The motion was seconded by Dave Heishman. Motion passed.

The members agreed to use the description "Mobile Home Park" throughout the ordinance.

Russell Ratliff made a motion to delete the specified \$25 fee for an application for variance and substitute "a fee to be set annually by the Planning Commission." Charles Kohne seconded the motion. Motion passed.

Regarding mobile homes, President Jopling stated that there will be a 20 foot side setback, 20 foot rear setback and 30 foot front setback from the road right-of-way and a 50 foot setback along a WVDOT road.

The need for a definition for "recreational vehicle" was discussed.

David Heishman made a motion to adjourn. The motion was seconded by Grover See. The meeting adjourned at 9:00 p.m.

MINUTES FOR 6/24/02 MEETING

Present at the meeting were Paul Lewis, Lee Lehman, Dave Jopling, Arlie Funk, Grover See, Lee Thompson, Phyllis Cook, Charles Kohne, Russ Ratliff and Dave Fansler.

Minutes from the May 7, 2002 and June 4, 2002 meetings were reviewed. Grover See made a motion to approve both. Russ Ratliff seconded the motion.

The commission discussed the definition of "mobile home" and "mobile home court." Paul Lewis read the state definition of "Mobile Home Court." Russ Ratliff made a motion to adopt the state's definition. Charles Kohne seconded the motion.

Numerous changes were made to the most recent revision of the "Mobile Home Court Ordinance."

Russell Ratliff made a motion to send the amended ordinance to the County Commission. Phyllis Cook seconded the motion.

Paul Lewis set the next meeting for July 9, 2002 for review of the zoning ordinance.

Grover See made a motion to adjourn. Russell Ratliff seconded the motion. The meeting was adjourned at 8:45 p.m.

MINUTES FOR 6/4/02 MEETING

Present at the meeting were Paul Lewis, Russell Ratliff, Grover See, Arlie Funk, Lee Lehman, Charles Kohne, and engineer, Mark Geary.

Comments from previous public hearings were discussed as were changes to the Mobile Home Ordinance.

Future public hearings were brought up with tentative locations of East Hardy High School and the Hardy County Courthouse.

The next regular meeting was set for June 25, 2002.

MINUTES FOR 7/22/02

Present at the meeting were Paul Lewis, Phyllis Cook, Arlie Funk, Charles Kohne, Lee Lehman, David Jopling, Russ Ratliff, J. R. Keplinger and Grover See.

Charles Kohne made a motion to approve the minutes from the May 21, 2002 public hearing on Wireless Telecommunications. The motion was seconded by Grover See.

Phyllis Cook moved to approve the minutes from the May 28, 2002 public hearing on the Mobile Home Ordinance. Lee Lehman seconded the motion.

The minutes from the June 24, 2002 meeting of the Planning Commission were reviewed. Arlie Funk made a motion to approve the minutes. Lee Lehman seconded the motion.

Phyllis Cook made a motion to approve the minutes from the July 9, 2002 meeting. The motion was seconded by Russ Ratliff.

Charles Kohne made a motion to leave the Mobile Home Court Ordinance as is and to send it back to the County Commission. In addition, he recommended that the Planning Commission approach the County Commission as a group on August 7, 2002. The motion was seconded by Grover See.

Russ Ratliff made a motion to rescind the last vote and to re-amend the rights-of-way portion of the ordinance to require a 20 foot travelway from any public road and then send the ordinance to the County Commission on August 7, 2002. The motion was seconded by Charles Kohne.

The Ordinance on Exotic Entertainment was discussed. Charles Kohne made a motion to send the ordinance to public hearing. The motion was seconded by Phyllis Cook.

Grover See made a motion to adjourn. The motion was seconded by J. R. Keplinger. The meeting adjourned at 8:50 p.m.

MINUTES FOR 7/9/02 MEETING

Present at the meeting were Paul Lewis, Lee Thompson, Grover See, Lee Lehman, Phyllis Cook and Russell Ratliff.

The Mobile Home Court Ordinance will be discussed at the next meeting of the Hardy County Commission on July 16, 2002.

Corrections were made to the Hardy County Zoning Ordinance.

Grover See made a motion to adjourn. The motion was seconded by Lee Lehman. The meeting adjourned at 8:30 p.m.

MINUTES FROM 8/6/02 PUBLIC HEARING

The public hearing on the Hardy County Zoning Ordinance convened at 7:00 p.m. in the Hardy County Courtroom. A total of thirty-six were in attendance.

Dave Jopling welcomed everyone and explained the purpose of the public hearing. He then introduced Paul Lewis who displayed and explained the proposed zoning map.

The Prosecuting Attorney, Lucas See, will be asked to attend next week's public hearing at East Hardy High School.

Questions from the public dealt with county licenses for kennels, the need for light industrial areas in agricultural zones, and establishment of historic districts in the county.

The hearing concluded at 8:10 p.m.

David Heishman	136 So. Main St., Moorefield, WV	538-6609
Phoebe Heishman	“ “	“
Sara Esias	302 Hawse Village, Baker, WV	897-7693
Becky Look	301 Hawse Village, Baker, WV	897-7254
Gregory Quiintrell	P.O. Box 164, Mathias, WV	897-5438
Lee Thompson	411 Spring Ave., Moorefield, WV	538-6355
Gregory Greenwalt	P.O. Box 594, Moorefield, WV	538-6785
George T. Leatherman, III	P.O. Box 22, Old Fields, WV	538-2788
J. Michael Teets	HC 83, Box 2, Lost River, WV	897-5415
Arlie Funk	HC 77, Box 26, Rio, WV	897-5742
Chip Combs	105 So. Elm St., Moorefield, WV	538-7976
Robert Livingston	P.O. Box 14, Seneca Rocks, WV	567-2822
Harry P. Mathias	P.O. Box 479, Wardensville, WV	874-3886
Margaret Janes	HC 67, Box 27A, Mathias, WV	897-6048
Jay Mathias	HC 63, Box 300C, Wardensville	874-3164
Eleanor L. Heishman	210 Washington St., Moorefield	
Renick C. Williams	P.O. Box 664, Moorefield, WV	538-6233
Phyllis Cook	336 So. Main St., Moorefield, WV	538-7075
Lee Lehman	Box 11, Moorefield, WV	538-6717
Roger Champ	Box 395, Moorefield, WV	538-6529
Jimmy Dyer	HC 87, Box B-90, Wardensville	897-6425
Vickie Dyer	“ “	“
John Treadway, Jr.	P.O. Box 434, Moorefield, WV	538-7777
David Judy	P.O. Box 636, Moorefield, WV	538-7777
Leicester Bishop	P.O. Box 541, Moorefield, WV	538-6164
Bob Taylor	HC 85, Box 1, Fisher, WV	538-6500
Mary Lou Taylor	“ “	“
Charles Kohne	HC 87, Box 11, Wardensville, WV	874-3228
David Jopling	HC 68, Box 15B, Old Fields, WV	538-2705
Ronald See	114 Caledonia Dr., Moorefield, WV	538-7219
Ted Garrett	HC 66, Box 59, Moorefield, WV	538-2584
Grover M. See	302 Central Ave., Moorefield, WV	538-6688
David Fansler	Rt. 1, Box 125, Mathias, WV	897-5154
C. D. Alt	P.O. Box 149, Moorefield, WV	538-2666

PUBLIC HEARING MINUTES FOR
EXOTIC ENTERTAINMENT ORDINANCE
August 26, 2002

David Jopling welcomed everyone and explained the purpose of the public hearing. He stated that only questions pertaining to this specific ordinance would be answered and that exotic entertainment clubs already in existence would stay.

Concerns of the public began with opinions that the proposed ordinance is not restrictive enough. Paul Lewis explained that ours is the most restrictive in the state at this point.

Lucas See, Prosecuting Attorney, explained that the Supreme Court has upheld a "decency standard." Therefore, the state can restrict, but not prohibit, exotic dance clubs. He also explained that if the citizens of the county want the clubs prohibited under state law that the citizens need to appear before the legislature.

The "grandfather clause" was explained by saying that any business opening before the ordinance was enacted would not be affected. Also, the ordinance only applies to the unincorporated areas of the county.

One of the citizens wanted an explanation of what the Planning Commission considered "restrictive" in the ordinance. The Commission feels that prohibition of alcohol, the 2,500' distance requirement, the application for a permit and the requirement of the names of all owners were sufficiently restrictive.

Septic concerns were mentioned. Lee Thompson explained that a septic tank is on the club property and that he needs a justifiable reason to inspect the establishment. Lee also explained that an exotic dance club is not regulated by the Health Department.

The public also expressed the need for fingerprinting, verifiable ID's for all employees, police surveillance, and increasing the initial permit fee from \$500 to \$1,500.

The public, in general, agreed that the proposed ordinance should be presented as is to the Hardy County Commission at the next meeting. Amendments which would be more restrictive could be added at a later date.

Dave Jopling expressed his appreciation for those present being "proactive" rather than "re-active."

Arlie Funk made a motion to pass the ordinance as is. The motion was seconded by George Leatherman.

Paul set the next meeting of the Planning Commission for Thursday, September 5, 2002.

The hearing was adjourned at 8:15 p.m.

Sara Estes	302 Hawse Village, Baker, WV	897-7693
Stanley Basye	303 Hawse Village, Baker, WV	897-7744
Becky Look	301 Hawse Village, Baker, WV	897-7254
Helen Whetzel	Rt. 1, Box 107D-1, Mathias, WV	897-5827
Dale Whetzel	Rt. 1, Box 107D-1, Mathias, WV	897-5827
Greg Quintrell	P.O. Box 164, Mathias WV	897-5438
Joel Harmon	HC 83, Box 63, Lost River, WV	897-5816
Bobbie Harmon	“ “	“
Stanley Moyer	Rt. 1, Box 405, Mathias, WV	897-6102
Elizabeth M. Snapp	Rt. 1, Box 50A, Mathias, WV	897-6233
Janie Eayres	Rt. 1, Box 166, Mathias, WV	897-5039
Annabelle F. Vance	Rt. 1, Box 2, Mathias, WV	897-5634
Charles E. Wilkins	Rt. 1, Box 147, Baker, WV	897-7291
Vivian C. Wilkins	“ “	“
Patsy M. Delawder	Rt. 1, Box 81A, Mathias, WV	897-5099
Martin L. Delawder	“ “	“
Connie Wood	Rt. 1, Box 65-1A, Mathias, WV	897-5469
Carolyn Combs	Rt. 1, Box 124, Mathias, WV	897-5078
Raymond Daugherty	Rt. 1, Box 125, Mathias, WV	897-5366
Lee Thompson	411 Spring Ave., Moorefield, WV	538-6355
Charles Kohne	HC 87, Box 11, Wardensville, WV	874-3228
Bonnie Kohne	“ “	“
Jacqueline Markley	HC 68, Box 644, Wardensville, WV	874-3572
Amy B. Halterman	Rt. 1, Box 573, Mathias, WV	897-5248
Elizabeth K. Foltz	Rt. 1, Box 26, Mathias, WV	897-6187
Ernest B. Halterman	Rt. 1, Box 573, Mathias, WV	897-5622
Richard Markley	HC 68, Box 634, Wardensville, WV	874-4141
Joseph Harbett	HC 68, Box 403, Wardensville, WV	874-3574
Joyce Schetrom	P.O. Box 61, Fisher, WV	538-6467
Earl Combs	HC 87, Box 18, Wardensville, WV	874-3292
Paul Mongold	RR 1, Box 193A, Baker, WV	897-6796
Pamala Whetzel	103 Mt. Acres, Moorefield, WV	434-2678
Frank J. Crites	102 Mt. Acres, Moorefield, WV	434-2391
Dorothy Crites	102 Mt. Acres, Moorefield, WV	434-2391
Bonnie Moton	P.O. Box 91, Baker, WV	897-7258
Tomas Moton	P.O. Box 91, Baker, WV	897-7258
Randy VanMeter	210 So. Elm St., Moorefield, WV	538-2478
Sarah VanMeter	210 So. Elm St., Moorefield, WV	538-2478
Luther E. Crites	HC 63, Box 304B, Wardensville, WV	874-3731
Phoebe F. Heishman	P.O. Box 380, Moorefield, WV	538-2342
Daniel Landacre	RR1, Box 76, Mathias, WV	897-6267
Hope A. Yankey	P.O. Box 475, Mathias, WV	897-6820
Delores Smith	P.O. Box 745, Moorefield, WV	434-2250
Elva D. Hesse	HC 85, Box 7B, Fisher, WV	434-2854
Lairety Heavner	HC 70, Box 19, Moorefield, WV	538-7368

Marguerite Heavner	HC 70, Box 19, Moorefield, WV	538-7368
Anna Bennett	337 So. Main St., Moorefield, WV	538-2190
Susan Shively	114 No. Elm St., Moorefield, WV	538-3448
David Shively	114 No. Elm St., Moorefield, WV	538-3448
Delores Ford	305 Holly Ave., Moorefield, WV	
Phyllis Cook	336 So. Main St., Moorefield, WV	538-7075
Arlie Funk	HC 77, Box 26, Rio, WV	897-5742
George Leatherman	P.O. Box 22, Old Fields, WV	538-2788
Carolyn Berg	217 S. Elm St., Moorefield, WV	538-7119
Carolyn Washington	530 Spring Ave., Moorefield, WV	538-2755
Sharon Harrison	HC 66, Box 6, Moorefield, WV	538-3530
Ernest Miller	P.O. Box 212, Wardensville, WV	874-3576
Beverly Kelley	101 Paskell Hill, Moorefield, WV	538-7635
Sandra Dunsmore	RR 1, Box 183-B1, Baker, WV	897-6753
Christine Dunsmore	RR 1, Box 183-B1, Baker, WV	897-6753
Jean Mongold	P.O. Box 22, Mathias, WV	897-5251
Jim Mongold	P.O. Box 22, Mathias, WV	897-5251
Omer Washington	332 Spring Ave., Moorefield, WV	538-2755
Glenden Berg	217 S. Elm ST., Moorefield, WV	538-7119
Charles Myers	P.O. Box 17, Fisher, WV	434-3033
Brenda S. Cook	HC 65, Box 332, Moorefield, WV	unlisted
Gearld F. Cook	HC 65, Box 332, Moorefield, WV	unlisted
Buddy Thorn	110 Dogwood St., Moorefield, WV	unlisted
J. R. Keplinger		
Judy A. Moyer	HC 83, Box 1C, Lost City, WV	897-5594
Teresa Crites	HC 83, Box 16-B1, Baker, WV	897-5701
Michael Funkhouser	P.O. Box 294, Wardensville, WV	874-3824
Doug Brininger	22 Dan's Court, Fisher, WV	434-2923
Lee Lehman	City	538-6717
Grover See	302 Central Ave., Moorefield, WV	538-6688
Michael Teets		897-5415
Lucas J. See	Moorefield, WV	538-7063
Paul R. Lewis	Moorefield, WV	538-6157
Dave Jopling	HC 68, Box 15B, Old Fields, WV	257-4818

HARDY COUNTY PLANNING COMMISSION
PUBLIC HEARING MEETING
ZONING ORDINANCE
August 12, 2002

The Hardy County Planning Commission held a public hearing on August 12, 2002 at the East Hardy High School Complex. Approximately forty people were in attendance to review the Zoning Ordinance and to make comments.

David Jopling opened the meeting and welcomed all those in attendance and told them that this was just a meeting to take comments on the proposed ordinance. He noted that comments will be taken into consideration and reviewed by the Planning Commission members to make adjustments and changes to the ordinance before it goes to the County Commission for approval or disapproval.

Many of those in attendance voiced their feelings that the Planning Commission designated too much of the 259 corridor as commercial and was taking most of the agricultural land out of the agricultural district. It was felt that the purpose of the zoning ordinance should be to preserve as much as possible of the agricultural lands within Hardy County.

Those present said that the zoning ordinance should protect the farmers and farm land from residential subdivision and businesses.

It was also felt that there should be some type of consideration given to the historical sites in Hardy County by zoning them as such.

It was suggested that there be three maps available for people to look at showing the current situation of Hardy County, the proposed map and one that shows what the people want.

It was also suggested that the map be placed on the internet for people to look at and to make their comments.

It was also noted that the people in attendance would like to have a copy of the "Exotic Entertainment Ordinance" mailed to them for review before the August 26 public hearing.

Walt Davis	HC 71, Box 129B, Augusta, WV	496-7451
D. Grady Bradfield	HC 64, Box 86, Yellow Spring, WV	874-3826
Greg Kenney	P.O. Box 218, Capon Bridge, WV	856-3841
Rodney Branson	HCR 83, Box 27A, Baker, WV	897-6297
Charles Kohne	HC 87, Box 11, Wardensville, WV	874-3228
David Fansler	Rt. 1, Box 125, Mathias, WV	897-5154
Jerry Yates	HC 64, Box 213, Wardensville, WV	874-3561
Phoebe F. Heishman	136 So. Main St., Moorefield, WV	538-2342
R. Morca	HC 83, Box 8A, Lost River, WV	897-6788
Margo Pflieger	“ “ “	“
Charlotte Davis	RR 1, Box 197A, Baker, WV	897-5611
James Davis	“ “ “	“
Gerald Connor	RR 1, Box 204, Baker, WV	897-6315
Lee Lehman	Box 11, Moorefield, WV	538-6717
Arlie Funk	HC 77, Box 26, Rio, WV	897-5742
Charles R. McMullen	RR 1, Box 202, Baker, WV	897-7613
Eleanor McMullen	“ “ “	“
Lowell Mathias	Rt. 1, Box 160B, Mathias, WV	897-5083
Scott Edgerton	% RFD #1, Box 52E, Mathias	897-5767
Tony Whetzel	Rt. 1, Box 162A, Baker, WV	897-5465
Ramona Wolford	P.O. Box 37, Baker, WV	897-5571
Bonnie Moton	P.O. Box 91, Baker, WV	897-7258
Tom Moton	“ “ “	“
Stephen G. Smith	P.O. Box 281, Old Fields, WV	538-6634
Elizabeth H. Smith	“ “ “	“
Ernest B. Halterman	Rt. 1, Box 573, Mathias, WV	897-5622
Kent Shipe	Rt. 1, Box 423, Mathias, WV	897-5136
Wayne Miller	Rt. 1, Box 103, Mathias, WV	897-5003
Nick Yurcaba	P.O. Box 510, Mathias, WV	897-7512
Amy Halterman	Rt. 1, Box 573, Mathias, WV	897-5243
Elizabeth K. Foltz	Rt. 1, Box 26, Mathias, WV	897-6187
Nicole Fansler	P.O. Box 497, Mathias, WV	897-7566
Stanley Moyers	Rt. 1, Box 405, Mathias, WV	897-6102
Jill Jeffries	RR 1, Box 114, Mathias, WV	897-5847
Marcia McDonough	“ “ “	“
Janie Eayres	Rt. 1, Box 166, Mathias, WV	897-5039
Annabelle F. Vance	Rt. 1, Box 2, Mathias, WV	897-5634
J. R. Keplinger	Moorefield	
David Jopling	Old Fields	
Paul R. Lewis	Moorefield	
Roger Champ	Moorefield	

MINUTES FROM 9/16/02 MEETING

Present at the meeting were Paul Lewis, Phyllis Cook, Dave Jopling, Arlie Funk, Russ Ratliff, Grover See, Charles Kohne, J. R. Keplinger, Lee Lehman, Dave Fansler, and George Leatherman. Twenty-five citizens of Hardy County were also in attendance.

President Dave Jopling began by greeting everyone and explaining that the meeting was a regular meeting of the Planning Commission and not a public hearing regarding zoning.

Questions from the public dealt with the origin of the Comprehensive Plan, agricultural zoning, the timetable for the adoption of a zoning ordinance, commercial zoning of Route 259, and property tax increases.

After the ordinance passes, variances will have to be handled by a Zoning Board of Appeals. This board will be a separate entity from the Planning Commission.

Dave Jopling concluded the discussion by saying that the Planning Commission will take all of the ideas presented and make adjustments.

The next meeting was set for October 1, 2002.

Dianne Gardner
Marcia McDonough
Deborah White
Hope Allen Yankey
Nicole Fansler
Judy Fansler
Kenton Miller
Stanley Moyer
Margo Pfleger
Ann Morgan
Susan Miller
Carl Burgess
James Early
Jill Jefferies
Joshua Miller
Laura Bryant
Leona F. Dove
Andrew Dove
John H. Weese
Steve Caldwell
Rodney Branson
Ernest A. Drake
Mark Hedrick
Robert F. Williams
Robert Moran

MINUTES FROM 10-01-02 MEETING

Present at the meeting were Paul Lewis, Dave Jopling, Lee Thompson, Lee Lehman, Phyllis Cook, Dave Heishman, Grover See, Charles Kohne, Arlie Funk, Dave Fansler and Renick Williams.

President Dave Jopling asked that the members review the minutes from the August 26, 2002 meeting. Arlie Funk made a motion to accept the minutes. The motion was seconded by Grover See.

The Planning Commission concentrated on the commercial zones of the proposed map.

The 2 mile radius at Baker will remain as a commercial zone except East of Baker to the river in a clockwise fashion only.

The Wardensville commercial zone encompasses a 1 and ¼ mile area. The members discussed cutting the area West of the river.

Eliminating the commercial zone at Needmore was discussed.

The Crider's Store commercial zone will remain.

The Moorefield commercial zone which has a radius of 2 ¼ miles was reviewed. It was agreed that the area West of the river, North of the dike and West of 220 would be eliminated from the zone.

The ¼ mile commercial zone at Rig will remain.

The ½ mile commercial zone at Old Fields will remain.

The commercial zone from the Grant County line to Moorefield will be eliminated.

The commercial zone that extends from the Hampshire County line to Old Fields will be eliminated.

The commercial zone that extends from Old Fields to Moorefield will remain commercial.

The commercial zone between Wardensville and Baker will be eliminated as will the commercial zone that extends from Baker to Lost River.

The commercial zone between Lost River and Lost City will remain commercial.

The commercial zone between Lost City and Mathias will be eliminated.

The commercial zone from Mathias to the state line will be eliminated.

MINUTES FROM 10-01-02 MEETING (Con't.)

The Perry area will remain as a commercial zone.

Dave Heishman made a motion to accept the above zoning changes. Phyllis Cook seconded the motion. The motion passed.

Paul Lewis set future Planning Commission meeting dates to be held every 1st and 3rd Tuesday of each month.

Dave Fansler made a motion to adjourn. Grover See seconded the motion. The meeting adjourned at 8:55 pm.

MINUTES FROM 10-15-02 MEETING

Present at the meeting were Paul Lewis, David Heishman, Lee Lehman, Grover See, Dave Jopling, Lee Thompson, Charles Kohne, Russ Ratliff, Arlie Funk and Renick Williams.

President Dave Jopling asked the commission to look over the minutes from the 9-16-02 and 10-1-02 meetings. Wording changes in the 10-1-02 minutes were discussed and agreed upon. Phyllis Cook made a motion to accept the 10-1-02 minutes as amended. Grover See seconded the motion. The motion passed. Charles Kohne made a motion to accept the 9-16-02 minutes. The motion was seconded by Lee Lehman. The motion passed.

President Jopling presented computer images of residential subdivisions within the county.

There was lengthy discussion regarding which areas should be zoned agricultural, the possible sale of it, and problems which could result from newly purchased adjoining land being used for residential purposes.

The next meeting was set for November 4, 2002 since the regularly scheduled meeting would fall on Tuesday, November 5, 2002, Election Day. David Jopling asked members to each zone an area in Hardy County with which he/she is familiar and bring it to the meeting on November 4, 2002.

David Jopling made a motion to adjourn. The motion was seconded by Russell Ratliff. The meeting adjourned at 8:40 p.m.

MINUTES FOR 11-19-02 MEETING

Present at the meeting were: Paul Lewis, David Jopling, David Heishman, Lee Thompson, Grover See, George Leatherman, Arlie Funk, Phyllis Cook, Charles Kohne, Lee Lehman and J. R. Keplinger. Four guests (Marcia McDonough, Jill Jeffries, Steven Hines and Renick Williams) were also in attendance.

The members read the minutes from the November 4, 2002 meeting. Charles Kohne made a motion to approve them which was seconded by Grover See.

Paul Lewis opened discussion by reminding the commission members that Perry Newton's one hundred lots are 60' wide instead of the 65' width specified in the Mobile Home Court Ordinance. The members agreed that this would be acceptable since Mr. Newton brought in his plans in 1999 prior to the enactment of the ordinance.

Discussion began on how the Planning Commission could go about ascertaining a starting point at which to begin zoning. Lee Thompson had researched the various subdivisions and read a list of sixteen subdivisions which he felt could be zoned residential. They are as follows: Carla Acres, Forest Glen, Gretchen Acres, Potomac Valley View, High Knob, Highland Springs, Lost River Ridge, Lost River Valley, Mathias Acres, Ogden Farm Meadows, South Fork Estates I, II & III, Trout Pond, Warden Lake Hollow and Warden Lake.

David Heishman suggested using "contour lines" from a geological survey map to determine zones. The lower elevations would be zoned agricultural, the higher elevations would be zoned residential, and the highest elevations would be zoned agricultural or possibly modified residential. This method would eliminate arbitrary zoning and consideration of "what is there now."

Arlie Funk made a motion to adjourn the meeting. The motion was seconded by Grover See.

MINUTES FOR 11-4-02 MEETING

Present at the meeting were Arlie Funk, Grover See, David Jopling, Lee Thompson, Charles Kohne, George Leatherman, David Fansler, J. R. Keplinger, and guest, Lisa Kesecker.

President Jopling asked that the members review the minutes from the October 15, 2002 meeting. One change in wording was made, and Grover See made a motion to accept the minutes as corrected. The motion was seconded by Arlie Funk.

During the meeting, discussion continued regarding commercial, residential and agricultural zoning. There was much debate.

Dave Jopling made a motion to adjourn the meeting at 8:30 p.m. The motion was seconded by Grover See.