

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

July 6, 2015

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, July 6, 2015 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen

Jesse Clark

Vice Chairman Darnell Clayton

Rick Cox

Chairperson Martha Hall

Cassandra Jackson

Clifton Jenkins

John W. Lewis

Joyce Pemberton

Patrick Weakland

Also present:

Joseph Quesenberry, Planning and Zoning Administrator

Mercedes Pierce, Planning Commission Secretary

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Chairperson Martha Hall called the meeting to order at 7:00p.m. Jesse Clark gave the invocation and Chairperson Hall led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES - JUNE 8, 2015 MEETING

Glenn Bowen suggested changing “the” to “this” in the following sentence on page two of the minutes:

“Chairperson Hall informed everyone that the request for special exception for a firearms training facility was withdrawn; therefore the public hearing would be removed from the agenda.”

Chairperson Martha Hall requested “boom” be changed to “boon” in the last sentence on page two of the minutes.

Jesse Clark made a motion to approve the minutes as corrected. Cassandra Jackson seconded the motion and they were approved unanimously.

ANIMAL CONTROL AND CARE ORDINANCE

Chairperson Martha Hall informed everyone that Joseph Quesenberry submitted a draft of the Animal Control and Care Ordinance to the Planning Commission.

Mr. Quesenberry stated that the ordinance currently states that animals are not permitted to run at large in R-1 zoning districts and he added Part C to Section 6-4 of the ordinance, which states:

“For parcels less than five (5) acres in size, a Special Exception Permit may be filed to allow for the keeping of equine (horses) given that proper facilities and maintenance can be displayed to the Land Use Administrator upon application for such permit. The Land Use Administrator will conduct annual visits to ensure proper care.”

John W. Lewis questioned if there should be a reference to people (if a person is attacked) in the following sentence of Part F of Section 6-9 “Cruelty to Animals:”

“If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat.”

Mr. Lewis asked if a person has to wait until a dog, cat or person is attacked before using force against a dog.

Glenn Bowen stated the Dog Warden informed him he could not do anything until a dog attacked him.

Mr. Lewis stated he does not agree with the way this specific language reads and feels a property owner should have the right to defend his or her property.

Mr. Bowen stated he disagrees that a property owner should be allowed to use force against a dog prior to an attack because a property owner would then have to decide whether or not a dog is vicious. Mr. Bowen feels this decision would be subjective, which cannot be measured whereas a dog bite is “measurable” and therefore, the rule could be applied.

Mr. Lewis stated that since he owns the property, he should be able to have an opinion as to what occurs on his property.

Chairperson Hall read Part A of Section 6-5 “Prohibition of Animals to Trespass” aloud, which states:

“It shall be unlawful for any person who owns, keeps, or controls any animal to allow any such animal to go upon the property of another person without the property owner’s permission in any Residential, Limited (R-1), Residential, General (R-2), Residential, Mixed-Use (R-3), Business, General (B-1), or Industrial, General (M-1) zone within the county.”

Chairperson Hall, Mrs. Pemberton, Mr. Quesenberry, Pat Weakland, Mr. Lewis and Vice Chairman Darnell Clayton further discussed force against dogs prior to attacks on property and State code concerning this topic.

Rick Cox stated it will always be a judgment call on part of the homeowner as to whether or not he or she feels threatened and feels there is no way to regulate that. Mr. Cox also stated that the courts are present to settle differences of opinions concerning these types of matters.

Chairperson Hall suggested that Mr. Lewis draft language concerning this topic and send it to Mr. Quesenberry.

Mr. Lewis asked if cat owners are subject to any type of license tax in this county. Mr. Lewis then read aloud Part 2 of Section 6-16 “Unlawful Acts; Penalties,” which states:

“For any dog or cat owner to fail to pay any license tax required by this chapter on or before January 31st for the year in which it is due.”

Mr. Lewis questioned why this clause included “cats” if they are not required to be licensed in the county.

Mr. Cox stated licenses are not required for cats at this time, but at some point in the future this may change.

Mr. Lewis provided proposed language to add a subsection labeled “C” under Section 6-5 “Prohibition of Animals to Trespass,” which states:

“Hunting dogs may not be purposely released on or knowingly allowed to run on any properties (including A-1 zoned), whether posted or not posted, without expressed written permission from said property owner.”

Mr. Cox stated he would like to add language to the ordinance regarding the Animal Control Officer’s assistance with issues involving rabies at the local Health Department. Mr. Cox planned on consulting with the local Health Department before sending his draft language to Mr. Quesenberry. Mr. Quesenberry suggested adding this language to Section 6-3 “Animal Control Officer; Duties, Responsibilities, and Enforcement.”

Mr. Cox suggested editing Part 6 of Section 6-16 “Unlawful Acts; Penalties” to read as follows:

“For the owner of any dog or cat with a contagious or infectious disease, or having been exposed to any animal with such disease, to permit such dog or cat to stray from his premises if such disease is known to the owner.”

Mr. Cox suggested moving the beginning sentences of Part A of Section 6-3 “Animal Control Officer; Duties, Responsibilities, and Enforcement” to the very beginning of the ordinance.

Pat Weakland questioned whether or not the County would be violating the Dillon Rule by changing State code into local code. Mr. Quesenberry stated he would run this by the County’s Attorney, but did not think it would be an issue. Chairperson Hall stated the County would not be changing the State code, but reordering it.

Mr. Weakland addressed license fees and a concern for “puppy mills.”

The language stated in Part D of Section 6-13 “License Fee Required” was discussed. This language reads “Kennel licenses may be purchased in blocks of twenty dogs for \$20.00 per block. No more than twenty (20) dogs are allowed per block.”

Mr. Quesenberry suggested asking a representative from the Treasurer’s Office to attend next month’s meeting to provide clarification on the license fees in the County.

Jesse Clark suggested adding “unprovoked” to the definition of “vicious dog” to read “Vicious dog’ means a canine or canine crossbreed which, unprovoked, has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health or serious impairment of bodily function; or (iii) continue to exhibit behavior which previously resulted in a finding by a court that it is a vicious/dangerous dog, provided that its owner has been given the notice of the previous finding.”

Mr. Quesenberry stated he would find out whether or not this definition could be changed since it came directly from State code.

Chairperson Hall requested Mr. Quesenberry check on the use of the word “maintain” in the second sentence of Part A of Section 6-2 “Dogs and Cats Deemed Personal Property; Rights Relating Thereto.” Mr. Quesenberry confirmed that this language is from State code, but would look into it.

Chairperson Hall pointed out an additional “o” added to the word “fowl” in the title for Section 6-11 “Abandoning Domesticated Animal or Fowl in Public Places or on the Property of Another.”

Chairperson Hall asked if Mr. Quesenberry knew the difference between a natural or unnatural person as referenced in the definition for “consumer.” Mr. Quesenberry stated he would look up the State code to determine what a natural person means.

Joyce Pemberton asked if the Animal Control Officer has a duty to check on people who are raising dogs. Mr. Quesenberry stated these individuals usually purchase a kennel license through the County and that is about it, unless someone makes a call to the Animal Control Officer. Chairperson Hall suggested adding to the duties of the Animal Control Officer to conduct annual inspections on larger kennels, etc.

Mr. Weakland suggested that Richard Thomas, Jr., Animal Warden, read over the ordinance.

Mr. Lewis asked how old a newborn puppy had to be before the owner has to obtain a license. Mr. Cox stated a puppy has to be at least four months old in order to receive vaccinations and an owner cannot purchase a license prior to a puppy being vaccinated.

Mr. Lewis questioned whether or not a sick pet must go through a veterinarian to be euthanized. Mr. Quesenberry pointed out Part F of Section 6-9 "Cruelty to Animals."

Chairperson Hall suggested taking up suggested additions to the ordinance during next month's meeting.

CODE OF ORDINANCES

Joseph Quesenberry informed the Planning Commission that several years ago the County entered into contract with a company to codify all ordinances. The process began, but the company recently informed the County they would need an additional \$4,000 in order to continue. Mr. Quesenberry stated that as a result, he has begun compiling all ordinances into one booklet to serve as the "Code of Ordinances."

Mr. Cox asked if Mr. Quesenberry had a timeframe as to when the "Code of Ordinances" would be completed. Mr. Quesenberry stated the booklet currently contains about 400 pages and many more pages need to be added, but is hoping to have it before the Planning Commission in the next two months.

Mr. Cox asked Mr. Quesenberry if he is updating the ordinances in the process. Mr. Quesenberry stated he is updating as much as he can in the process. John W. Lewis told Mr. Quesenberry he could take his time on this project since he is not working with any time constraints.

OTHER BUSINESS

Joyce Pemberton questioned when the Comprehensive Plan would need to be reviewed. Mr. Quesenberry stated every five years. Ms. Pemberton stated the Comprehensive Plan does not reflect today's characteristics of the County and feels it needs to be updated. Mr. Quesenberry stated the Plan was enacted in 2013, but would check with Mr. Morgan Quicke, County Administrator, to determine the process of changing the Comprehensive Plan.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting at 8:03p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary