

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

November 10, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, November 10, 2014 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen
Jesse Clark
Darnell Clayton
Rick Cox
Chairperson Martha Hall
Cassandra Jackson
Clifton Jenkins
John Lewis
Joyce Pemberton
Patrick Weakland

Also present:

Joseph Quesenberry, Planning and Zoning Administrator
Mercedes Pierce, Planning Commission Secretary
Richard E. Thomas, Jr., Animal Control Officer

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 FROM OCTOBER 6, 2014 MEETING

Chairperson Martha Hall mentioned that Mercedes Pierce, Secretary, did a nice job of including the fee schedule revision material in the minutes and thanked her for doing so. Chairperson Hall requested “has” be removed from the second sentence at the top of page 9.

Glenn Bowen requested the two occurrences of “aircrafts” be replaced with “aircraft” on page 2, as the plural form of this word does not include an “s.” Mr. Bowen also clarified his provided scenario in the third paragraph on page 10. Mr. Bowen suggested editing the sentence as follows,

“...you letting your dog outside, at your doorstep and the dog finding another dog, that came from about two miles away...”

Rick Cox suggested adding “ed” to “cover” under Item #1a on page 6 of the minutes.

Rick Cox made a motion to approve the minutes as amended. Cassandra Jackson seconded the motion and they were approved unanimously.

LIMITED FOOD SERVICE AND SALES AMENDMENT – CONCLUDING DISCUSSION

Joseph Quesenberry stated he struck out the language regarding the surety bond and he would be working on the review form this month.

Chairperson Hall and Mr. Quesenberry clarified that a public hearing would be needed to approve the amendment to the language.

Rick Cox brought up the need to close the parentheses or reword the bold face text. Mr. Cox suggested rephrasing the language to read, “Limited food service and sales may be permitted as a conditional accessory use,” and stopping there. Chairperson Hall thought it would be best to include the special exception uses. Chairperson Hall suggested closing the parentheses after “permitted as an accessory use.” Mr. Cox then read exactly what he wrote down regarding his suggested revision to the language; it read as follows, “Limited food service and sales may be permitted as a conditional accessory use of the following uses...”

Chairperson Hall asked Mr. Quesenberry to amend the language, so that a public hearing could be scheduled for next month.

Jesse Clark stated the apostrophe after “Bed and Breakfasts” should be removed.

Patrick Weakland, Chairperson Hall and Mr. Quesenberry discussed the listing of special exception uses in this language.

Patrick Weakland made a motion to have Mr. Quesenberry update the language and present it at a public hearing next month. Darnell Clayton seconded the motion and all were in favor.

FY 2016-2020 CAPITAL IMPROVEMENT PLAN – STAFF UPDATE CONCERNING CIP COMMITTEE BUSINESS, FURTHER DISCUSSION

Joseph Quesenberry informed everyone he spoke with Mr. Quicke, County Administrator, regarding the questions the Commission had regarding the School Board and the CIP. He provided the following response from Mr. Quicke, “The School Board is set to be included in each subsequent CIP in perpetuity.” Mr. Quesenberry stated he was not initially aware of this, but the School Board was not included because they did not have any new requests this year, but will be added if new requests arise. Mr. Quesenberry added that no new bonds will be taken out. He also shared how he discerns between CIP and general maintenance items. CIP items are non-recurring capital improvements to a structure and maintenance items are smaller in nature and occur at a more frequent pace.

Mr. Quesenberry stated he received a request from the Commonwealth’s Attorney’s Office after the deadline, but allowed the request to be included in the CIP. The request was added to FY17 in the amount of \$12,000.

Patrick Weakland asked if “RCIS” on the last page under “Future Projects” referred to the Richmond County Intermediate School. It was confirmed this was correct. Mr. Weakland questioned the future of the building. Chairperson Hall stated the building would be renovated for another use. Mr. Quesenberry stated the building would house the School Board and a cultural museum.

John Lewis and Darnell Clayton discussed the possibility of school buses being moved to this location. This has not been set in stone.

Mr. Weakland, Chairperson Hall and Mr. Clayton discussed the renovation and the stability of the structure of the building. Chairperson Hall stated she believed the building was not suitable for schooling, the middle section of the building is historical and the building can still be used for other purposes.

Rick Cox questioned the \$200,000 for courthouse roof repair being delayed for three years since it came in as an emergency request. Mr. Quesenberry stated the County has not had anyone come out to look at the roof, but plans on doing so in the near future. Chairperson Hall suggested waiting until the roof is looked at before deciding whether or not the item should be moved to priority.

Glenn Bowen shared that Mr. Quicke stated he would look into seeing if the roof could be patched as a short-term fix until the roof can be replaced.

Jesse Clark questioned whether or not the replacement of the voting machines was State mandated. It was confirmed the replacement was mandated by the State.

After further discussion of the CIP, John Lewis made a motion to approve the FY 2016-2020 Capital Improvement Plan to go to public hearing in December. The motion was seconded and it carried.

ANIMAL CONTROL AND CARE ORDINANCE – DISCUSSION, QUESTIONS FOR OFFICER RICHARD THOMAS, JR.

Chairperson Hall stated the hunting dog issue had been taken care of, so there was no further discussion needed on this subject.

Joseph Quesenberry stated he wrote a letter to the Planning Commission explaining that only Sections 4, 8, 12 and 13 of the Animal Control and Care Ordinance could be amended, since the vast majority consisted of state code.

Mr. Quesenberry stated he cross-referenced the County's Zoning Ordinance for Section 4, regarding the keeping of livestock, and then read the section aloud.

Joyce Pemberton questioned the inclusion of cattle in this section. Chairperson Hall stated she believed the wording "livestock domesticated by man" referenced cattle. Mr. Quesenberry stated the specific wording for cattle was not included, but could be added.

Rick Cox stated he has issues with several of the definitions and asked Mr. Quesenberry where the definitions came from. Mr. Quesenberry stated he went on the "Legislative Information System" website and copied and pasted the definitions verbatim from state code.

Patrick Weakland stated under the definition for kennel, the code states "five or more canines, etc." and this Ordinance states "four or more..." and pointed out that there is a section in the code that allows local governing bodies to change the number and just wanted to know if Mr. Quesenberry intentionally put four and why. Mr. Quesenberry stated he truly copied and pasted the definition from the state code website. It was clarified that Mr. Quesenberry did not intentionally add "four" in the definition. Mr. Quesenberry stated he would go back and look at it.

Mr. Cox informed Mr. Quesenberry he took a look at the definitions listed under state code and found several differences from that listed in the Ordinance, specifically the "livestock" definition. Mr. Cox stated the state code definition lists companion animals as the exception and that is not included in the definition in the Ordinance. Mr. Quesenberry stated that he may have

cut this wording out since “companion animals” is listed as the first definition; he did not want the wording to be redundant. He plans on taking a look at it.

Chairperson Hall asked Mr. Quesenberry to go back and look at the definitions portion of the Ordinance and reminded everyone this copy of the Ordinance is not the final draft.

Mr. Weakland complimented Mr. Thomas on approaching and trying to do something with the Ordinance.

Jesse Clark suggested adding the word “unprovoked” to the “dangerous dog” definition.

Mr. Quesenberry informed the Planning Commission he would like to run the Ordinance by the County Attorney.

Mr. Cox, Mr. Quesenberry and Chairperson Hall discussed the involvement of the County Health Department and State Veterinarian in animal vaccinations.

Mr. Cox asked if the County currently had an adopted Ordinance. Mr. Quesenberry stated the current Ordinance is from 1962 and has only been amended a few times in 1979, thus the reason behind Mr. Thomas approaching Mr. Quesenberry to assist in revamping the Ordinance.

Mr. Quesenberry asked if the Planning Commission wanted to look into amending the acreage listed under Section 4. He added that the acreage was amended in 2008 and seems to be a safeguard for horses and neighbors. John Lewis and Joyce Pemberton stated they are content with the current acreage.

Mr. Weakland questioned why one horse would not be allowed on three acres if three horses are allowed on five acres. Glenn Bowen stated that the “general rule of thumb” when he was growing up was a ratio of one to one, meaning one horse per acre. Chairperson Hall stated that since horses are allowed in the R-1 zoning district and it is more densely populated, she would recommend keeping the five acres. Mr. Cox asked if they could do anything with a special exception to allow for less acreage. Mr. Quesenberry stated it is something they could consider. Mr. Weakland stated it sounds like a person could have eight horses on ten acres. Mr. Bowen stated the land could sustain enough pasture, theoretically. Mr. Quesenberry stated he could look up language for possibly including a special exception to allow less acreage.

Mr. Quesenberry stated Section 8 of the Ordinance was included as more of a safeguard. He then read the section aloud. Chairperson Hall stated that the inclusion of the wording, “without the consent of the owner of the property,” gives someone recourse if there is a nuisance animal on the property.

Mr. Quesenberry informed the Commission he included language from both the County's Zoning Ordinance and state code in Section 12 and then read the section aloud. Chairperson Hall stated this section also gives recourse should there be an issue regarding waste matter, etc. Mr. Bowen stated that Item A of Section 12 states, "...with the exception of equine..." but horses are included in the list of farm animals and horses and equine are the same. Chairperson Hall suggested removing horses from the list of farm animals. Mr. Bowen also suggested removing mules from the list since a mule is half horse; mules and horses are being removed from Section 12.

Mr. Quesenberry stated the former County Administrator, William Duncanson, was working on the fee schedule back in 2006, so he simply included exactly what Mr. Duncanson had saved for Section 13.

Mr. Cox stated he was a little confused with Item D of Section 13, which stated the allowed number of dogs per block. Mr. Quesenberry stated he would check with the Treasurer's Office regarding this item.

Mr. Weakland stated that Section 5 would not go well with the citizens of the County. Mr. Cox stated this section resembled a leash law. Mr. Cox and Mr. Thomas discussed the code for a County's adoption of a leash law. It was clarified that state code allows a County to adopt a leash law, but does not require it to do so.

Mr. Thomas pointed out that Section 5 allows for enforcement if an owner is unable to maintain control of a dog.

Jesse Clark asked Mr. Thomas how many times this year he received phone calls regarding a property owner being upset because a dog is roaming on its property. Mr. Thomas replied stating several, at least one or two per week.

Mr. Lewis and Mr. Thomas discussed the right to shoot dogs to protect property.

Chairperson Hall suggested carrying the discussion forward to next month's meeting and thanked Mr. Thomas and Mr. Quesenberry on the work they have performed on the Ordinance.

Cassandra Jackson suggested highlighting the state law reference clause under Item C of Section 5. Mr. Quesenberry stated he would increase the font of these clauses.

Mr. Thomas stated he would be available during next month's meeting.

FLOODPLAIN ORDINANCE REVISION – OVERVIEW, QUESTIONS, DISCUSSION

Joseph Quesenberry informed the Planning Commission that DCR contacted the County and stated that FEMA is requesting that all localities update their Floodplain Ordinances. Mr. Quesenberry stated he was told what to write and added this language to the Ordinance. Glenn Bowen asked if there is a date when the Ordinance has to be finalized. Mr. Quesenberry stated he initially received a date of sometime in April, but just recently received a call stating it needed to be ready by this coming Friday.

Mr. Quesenberry informed the Commission the base flood elevation is increasing to 18 inches from one foot.

Rick Cox asked if Mr. Quesenberry could get the PDC to run an overlay of the County that shows where the new floodplain boundaries will be located. Mr. Quesenberry stated he would ask the PDC to give a presentation during next month's meeting.

Chairperson Hall suggesting tabling this matter until Mr. Quesenberry is able to have the PDC provide a brief overview. Mr. Cox asked Mr. Quesenberry to have the PDC create a statement of impact.

STAFF UPDATE – HYDRAULIC FRACTURING ORDINANCE, PRELIMINARY PHASE

Mr. Quesenberry stated he attended two hydraulic fracturing conferences and found out this is not going well for localities. A Board of Supervisors member requested Mr. Quesenberry look into this matter. Mining and other similar practices are currently allowed under special exception. He also confirmed the Taylorsville Basin comes into the Newland area, in Richmond County.

OTHER BUSINESS

Chairperson Hall asked Joyce Pemberton, Cassandra Jackson and Glenn Bowen to serve on the Nominating Committee for the appointment of officers for the coming year. Mrs. Pemberton was also asked to serve as the Chairperson to the Committee. All were in agreement to serve. Chairperson Hall asked the Nominating Committee to bring recommendations to the next meeting.

Chairperson Hall also reminded the Planning Commission members to complete the disclosure forms and get them in by December 15th.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting at 8:20p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary