

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

December 8, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, December 8, 2014 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 Lewis

Joyce Pemberton

Patrick Weakland

Also present:

Joseph Quesenberry, Planning and Zoning Administrator

R. Morgan Quicke, County 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 NOVEMBER 10, 2014 MEETING

Chairperson Martha Hall requested “and perpetuity” in the first paragraph on page three be changed to “in perpetuity” and adding “a” in between “is” and “date” in the third sentence in the first paragraph on page seven.

Cassandra Jackson suggested changing “everything” in paragraph two on page five to “everyone.”

Glenn Bowen brought up the fact that in the second paragraph on page four, a motion had been carried, but had not been seconded. While discussing this, it was determined the motion had been seconded during the November meeting, but the secretary had to step out due to technical difficulties and no one could remember which member seconded the motion. No changes were made to this section.

Mr. Bowen suggested changing "...into the Newland area, into Richmond County" in the paragraph under "Staff Report-Hydraulic Fracturing..." to "...into the Newland area, in Richmond County."

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

PUBLIC HEARING – LIMITED FOOD SERVICE AND SALES AMENDMENT & PUBLIC HEARING – FY 2016-2020 CAPITAL IMPROVEMENT PLAN

Chairperson Martha Hall declared the Public Hearing open.

Joseph Quesenberry stated the County did not have to mail the notice to adjacent property owners, but it was advertised in the Northern Neck News for two weeks. Mr. Quesenberry read the notice for both Public Hearings, which stated:

In accordance with §15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to §15.2-2310 of the Code of Virginia, 1950 as amended, the Richmond County Planning Commission hereby gives notice that two Public Hearings will start at 7:00 p.m., December 8th, 2014, in the General Public Meeting Room, County Office Building, 101 Court Circle Warsaw, Virginia. The purpose of the Public Hearings is to consider the following:

- To receive public comment on a proposed amendment to the Richmond County Zoning Ordinance, Section 2-2-2A "Special Exception Uses," item 22 "Limited food service and sales permitted as an accessory use." The proposal would allow for limited food service and sales in Agricultural General (A-1) Zones as an accessory use to the following Special Exception Uses: Antique Shops, Bed and Breakfasts, Campgrounds, Livestock Auction Markets, Commercial Marinas, Clubs or Lodges and Assembly/Retreat Facilities.

No one from the public was present.

Mr. Quesenberry read the purpose of the FY 2016-2020 Capital Improvement Plan (CIP) Public Hearing, which stated:

- To receive public comment on the Fiscal Year 2016-2020 Capital Improvement Plan. The Capital Improvement Plan provides long-term planning objectives from each department in identifying future improvement needs. The proposed FY 16-20 CIP can be viewed in person at the Richmond County Administrator's office at 101 Court Circle, Warsaw, Virginia 22572 between 9:00 A.M. and 5:00 P.M.

Chairperson Hall stated she was under the impression that the State was requiring the County to have the voting machines replaced by the 2016 Presidential Election. R. Morgan Quicke stated that was the original report he received from the Registrar, but several localities, including Richmond County, complained to the State about this mandate and he believes the County does not have to have the voting machines phased out by the election. Eventually, the voting machines will need to be replaced, but localities are making attempts to secure funding from the State to help cover the costs associated with the replacements.

Mr. Quicke informed the Planning Commission that this CIP item has been moved to FY17 and the County recently purchased ten used WIN voting machines from Fairfax County at a cost of \$50 per machine.

Joyce Pemberton questioned the status of repairing the Courthouse Complex roof. Mr. Quicke stated Motley Norris, Maintenance Supervisor, is currently working with several local contractors on getting estimates for immediate repairs that will hold over until the full replacement of the roof can take place. The costs of roof repairs will be taken out of the maintenance budget annually.

Chairperson Hall closed the Public Hearing.

Jesse Clark made a motion to recommend to the Board of Supervisors to approve the special exception uses on limited food service and sales. Vice Chairman Darnell Clayton seconded the motion and the motion carried with a vote of 10-0 (*Glenn Bowen – yay; Jesse Clark – yay; Vice Chairman Darnell Clayton – yay; Rick Cox – yay; Chairperson Martha Hall – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

John Lewis made a motion to recommend to the Board of Supervisors to adopt the FY 2016-2020 Capital Improvement Plan. Cassandra Jackson seconded the motion and the motion carried with a vote of 10-0 (*Glenn Bowen – yay; Jesse Clark – yay; Vice Chairman Darnell Clayton – yay; Rick Cox – yay; Chairperson Martha Hall – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

ANIMAL CONTROL AND CARE ORDINANCE – DISCUSSION, QUESTIONS

Joseph Quesenberry informed the Planning Commission that State code did define “kennel” as having five (5) or more dogs being kept and not the four (4) originally stated in the ordinance. Mr. Quesenberry stated he obtained the original wording of four dogs from the Richmond County Zoning Ordinance. Mr. Quesenberry plans on updating the “Animal Control and Care Ordinance” to reflect the same language as the Zoning Ordinance and define “kennel” as having four (4) or more dogs being kept. It was decided to move forward with this change.

Mr. Quesenberry read the following changes made to the “Animal Control and Care Ordinance” from a letter he addressed to each Planning Commission member:

- “Dangerous dog” definition now includes the term “unprovoked” in describing dangerous actions
- Vaccination approval has been changed to the State Veterinarian, instead of County Health Department
- Several definitions have been added and amended per State code
- Prohibition of animals to trespass now excludes A-1 zones and only incorporates R-1, R-2, R-3 zones and M-1 and B-1 zones
- Mules and horses were removed from ‘Farm Animals’ under Section 12A
- Section 13 was amended to correct Treasurer’s Office charges (twenty dogs per block)

Chairperson Martha Hall pointed out to everyone that the State code gives localities the option to “prohibit dogs from running at large.”

Rick Cox suggested changing all references to “dog/s” in Section 5C to “animal/s” since “animal” is used in Sections 5A and 5B; this will allow for more consistency. Mr. Cox felt there was a conflict between Sections 5A and 5C, being that if a resident lives in an A-1 zoning district, in Section 5C, he or she can let their dog out, but in Section 5A, if the dog roams onto someone else’s land, the law has been broken.

Patrick Weakland pointed out that Section 5C refers to an animal running at large and Section 5A refers to an animal going upon the premise of another person.

Chairperson Hall suggested removing the sentence, “The Animal Control Officer and Deputy Animal Control Officers are authorized to catch all dogs found running at large and house them in the regional animal shelter,” and moving it under Section 3, which explains the Animal Control Officer’s duties, responsibilities and authority.

R. Morgan Quicke suggested combining Sections 5A and 5C.

Mr. Quesenberry informed everyone that Officer Thomas had just pulled up the State code section that Section 5 references and State code includes “dogs” instead of “animals.” Chairperson Hall stated that changing the wording to “animals” is simply making the ordinance more restrictive, which can be done.

John Lewis questioned whether Section 5 refers to all four-legged animals or companion animals. Mr. Quesenberry stated it could refer to either or, but right now it includes all animals.

Mr. Lewis asked if eliminating the A-1 zoning district from Section 5 allows hunters to release their dogs on any A-1 property without having any recourse. Mr. Quicke stated hunters still have to have permission to go onto other people’s properties and it is against the law to hunt or release dogs on properties you do not have permission to hunt on.

Chairperson Hall, Glenn Bowen and Mr. Quicke discussed scenarios and legislation pertaining to hunters releasing, running and retrieving their dogs on properties they do not have permission to hunt on.

Joyce Pemberton suggested informing the local Hunt Clubs whenever residents have issues with hunters coming onto their properties.

Jesse Clark suggested adding “repeatedly” to Section 5 after subsections A and C are combined. Chairperson Hall felt this would weaken the protection the County is trying to give to the property owner rather than strengthening it. Chairperson Hall stated the ordinance currently gives property owners recourse even if the issue arises only once.

Chairperson Hall clarified the changes to be made to Section 5. Sections A and C are to be combined, the last sentence from Section 5C is to be moved to Section 3 and “dog/s” is to be changed to “animal/s” in Section 5C.

In regards to Section 12, Rick Cox asked if farm animals shall not be permitted in the R-3 zoning district as well. Mr. Quicke found this language in the Zoning Ordinance and read Section 3-15-1-15 aloud. It read as follows:

Farm animals (such as cows, pigs, hogs, goats, sheep, mules, horses and other livestock, chickens and other fowl, bees, and similar utilitarian animals), *with the exception of equine*, shall not be permitted in the Residential, *Limited (R-1) or Residential, General (R-2)* Districts. Farm animals in the Residential, *Mixed-Use (R-3)* District may be allowed if adequate space and other provisions are included in the plan of development for the project. *(Amended July 10, 2008)*

Mr. Quicke and Chairperson Hall suggested adding the last sentence of this section to Section 12A of the “Animal Control and Care Ordinance.” This change was agreed upon.

Rick Cox asked if the County could allow for a special exception to allow residents to house equine on smaller amounts of acreage. Glenn Bowen pointed out the language does not refer to the entire land, rather just the pasture size. Mr. Quicke pointed out that the language in the Zoning Ordinance actually says “property” and not “pasture” and the “Animal Control and Care Ordinance” should refer to “property” and not “pasture” as well. Mr. Quicke stated the Zoning Ordinance would need to be amended if the County were to allow special exceptions for the acreage necessary for equine, but thinks it is a good idea.

Mr. Quesenberry informed the Planning Commission he would draft language for the special exception for acreage for equine.

FLOODPLAIN ORDINANCE – BRIEF ANNOUNCEMENT

Joseph Quesenberry informed the Planning Commission that FEMA will hold an open house on Wednesday, January 14th, from 5-7pm at the Rappahannock Community College for both Richmond and Essex Counties to thoroughly discuss the changes being made to the Floodplain Ordinance.

OTHER BUSINESS

Joyce Pemberton reported for the Nominating Committee and presented the following Slate of Officers for 2015:

Martha Hall – Chairperson
Darnell Clayton – Vice Chairman
Mercedes Pierce – Secretary

Rick Cox made a motion to approve the presented Slate of Officers for 2015. Jesse Clark seconded the motion and the motion carried with a vote of 10-0 (*Glenn Bowen – yay; Jesse Clark – yay; Vice Chairman Darnell Clayton – yay; Rick Cox – yay; Chairperson Martha Hall – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting at 7:54p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary