

RICHMOND COUNTY BOARD OF SUPERVISORS

April 10, 2014

MINUTES

At a regular meeting of the Board of Supervisors for Richmond County, Virginia, held on the 10th day of April, 2014, thereof in the Public Meeting Room of the County Office Building.

Present:

F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Jean C. Harper, Member
John L. Haynes, Jr., Member
Robert B. Pemberton, Member

Also Present:

R. Morgan Quicke, County Administrator
Jennifer L. Clark, Finance Officer
Dr. Greg Smith, Superintendent, Richmond County Public Schools
Douglas A. Bryant, Sheriff
Edith Anne Sanders, Treasurer
Greg Baker, EMS
Randy Passagaluppi, Chief, RCVFD
David Thomas, Assistant Chief, RCVFD
Doug Erck, Project Manager, Schools
David Brown, VDOT
James Oliver, Interim Director, DSS

WELCOME AND CALL TO ORDER – CHAIRMAN SANDERS

Chairman Sanders called the meeting to order at 9:00 a.m. and led the invocation & Pledge of Allegiance.

RICHMOND COUNTY PUBLIC SCHOOLS – DR. GREG SMITH, SUPERINTENDENT

Dr. Greg Smith, Superintendent, and Doug Erck, Project Manager, gave a brief presentation to the board on the progress of the school construction. Supervisor Haynes asked Mr. Smith for a completion date for each school. Mr. Smith stated August 31, 2014 for the Elementary School and February, 2015 for the High School.

Dr. Smith discussed the future of the track and advised the board that at this time, it is not financially feasible to construct.

Dr. Smith briefly discussed the storm pipe, stating it is still an ongoing issue.

VDOT

David Brown, from VDOT, spoke to the Board about the equipment maintenance, paving repairs, and mowing.

He advised the Board that Emmanuel Church Road is the only change for the Secondary Six Year Plan.

“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to schedule a public hearing on May 8, 2014 at 9:00 a.m. to receive public comment on the proposed FY15-20 Secondary Six Year Plan.”

SHERIFF

Douglas A. Bryant, Sheriff, reported that his office has dispatched 658 calls for service (police, fire & rescue) since March 13, 2014. There have been 2106 calls this year.

The Northern Neck Regional Jail population for Richmond County this week is 21.

Sheriff Bryant reported that no money has been collected for delinquent fines and costs for the month of March, making the total collected since April 2007 (when the program started) \$123,757.59.

The DMV2GO Mobile Van was here in the courthouse parking lot on Friday, March 14, 2014 and April 2, 2014. Everything went well and they plan to return again in June and October.

The Sheriff’s Office is coordinating with the High School in preparation for the upcoming Junior-Senior Prom and the After Prom Party, which will be held on April 25, 2014.

The Sheriff’s Office is coordinating with the Rappahannock Community College Nursing Program for the National Drug Take-Back Day on April 26, 2014. There will be two drop-off sites, the Sheriff’s Office and the College.

TREASURER

Mrs. Edith Anne Sanders, Treasurer, presented the Trial Balance Report for the month of March 2014.

EMERGENCY SERVICES

Greg Baker gave the following report for the month of March 2014:

94 calls for the month of March; 2 calls for mutual aide into Richmond County; 3 calls for mutual aide assistance to bordering counties for ALS provider; 3 calls to bordering counties for mutual aide; 2 calls handled with assistance from off duty providers; 2 fly outs.

Greg Baker advised the Board that he is still meeting with VDEM on a new EOP for the County.

A grant in the amount of \$11,800 was received which will provide new computers for the agency.

The problem with the Farnham and Newland repeater sites has been fixed and are operating again.

The delinquent collections, being handled through the County Administrator's Office, through the month of January were \$2,438.00.

RICHMOND COUNTY VOLUNTEER FIRE DEPARTMENT

Chief Randy Passagaluppi, RCVFD, presented the following report for March 2014 as follows:

Company 1: 18 calls (1 EMS assist); Company 2: 10 calls (0 EMS assist); Company 3: 9 calls (3 EMS assist). Total calls for the month of March 2014 – 37 (4 EMS assist)

Chief Passagaluppi stated that the RCVFD has been very busy this month with 2 residential structure fires, many field and woods fires. Fortunately, there were no serious injuries associated with these incidents.

Chief Passagaluppi advised the Board that one fire engine, located at Newland, has ongoing mechanical issues with the air brake system. They are working to help alleviate this problem with permanent repairs or replacement of the apparatus. Unfortunately, there are limited funds for replacing this apparatus so it is quite possible that they will be down one apparatus for some time.

PUBLIC COMMENT

Mr. Davis Bailey briefly commented to the Board. ([See Attachment](#))

Colonel Snavely, District 4 Constituent, read a letter to the Board from Mr. Richard Foley. ([See Attachment](#))

Mr. Rusty Acree addressed the Board about the County's relationship with the Northern Neck News. ([See Attachment](#))

Mr. Carter Wellford spoke to the Board about the conflict concerning Joyce Pemberton and Robert Pemberton, family members serving on different boards. ([See Attached](#))

DEPARTMENT OF SOCIAL SERVICES – BY – LAW AMENDMENTS

Mr. James Oliver, DSS Interim Director, advised the Board that he and Mr. Quicke had discussed the need for amendments to the recently approved by-laws. There were three minor changes that were discussed with the Board.

“On a motion made by Jean C. Harper, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve the amended by-laws with the three (3) changes discussed.

Mr. Oliver updated the Board that the Director Position application deadline is April 18, 2014.

STORMWATER MANAGEMENT UPDATE

Mr. Quicke gave a briefing and summary of the Stormwater Management Program and it was decided that this issue will be discussed further at the April 14th budget work session. The discussion hinged around the options that the County had regarding Opt in and Opt out decisions regarding the upcoming stormwater regulations.

Mr. Richard English was in attendance to go over the scenarios with the Board. The Board was advised that the Richmond County Planning Commission had recommended on a 10-0 Vote that the County chose the Opt Out Option.

AMBULANCE BILING – SCALE OF EXEMPTIONS

Mr. Quicke presented the issue of hardship exceptions to the Board. He indicated that the Ambulance Recovery Board had asked that Richmond County consider adopting a resolution that was set income exemptions in line with the other three counties. The Board was presented recent resolutions from Lancaster County and Westmoreland County outlining the income levels that are considered when giving exemptions to citizens.

The Board took no action on the issue and asked for more information, specifically with individuals that tend to use the EMS more than most.

OLD SCHOOL BOARD RENOVATION - UPDATE

Mr. Quicke advised the Board that Mr. Northern has extended the lease for the Extension Office building until July 31, 2014 and that Barry Sanders and Motley Norris have worked hard on the house renovations.

MONTHLY APPROPRIATIONS

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to appropriate \$75,000.00 to the Richmond County Department of Social Services for the month of May 2014.”

“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders –aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr.; Robert B. Pemberton – aye: to appropriate \$1,212,464.00 to the Richmond County Public Schools for the month of May 2014.”

APPROVAL OF MINUTES – MARCH 13, 2014 & MARCH 24, 2014

Supervisor Thomas had one correction to the March minutes, which is on page 14. The word “new” should be “old” when referring to the fairgrounds.

“On a motion made by Jean C. Harper, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve the minutes from the March 13 & 24, 2014 meetings with one correction.”

OTHER BUSINESS

Mr. Thomas commented on the RCVFD and the truck issues being had at Company 3 in Newland.

Chairman Sanders responded that the issue was stemming from the air system.

Mr. Haynes asked that Mr. Quicke write a letter the Judge Taliaferro regarding the status of the new appointments to the Selection Commission. The Board agreed to have Mr. Quicke draft that letter.

Mr. Haynes also referenced the recent changes of the Northern Neck New and how he is helpful that the change will bring better reporting to the County. He discussed the issue of Public Comment and how he felt that the Board now allowed more Public Comment and free speech.

Mr. Pemberton advised that he and Mr. Quicke had attended the Rappahannock River Basin Commission in Fredericksburg and that he had recently attended the grand opening of the Northern Neck Food Bank.

Mr. Quicke asked the Board to consider a donation to the After Prom Celebration.

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve a \$250.00 donation to the After Prom Celebration.”

Mr. Quicke reminded everyone that they were invited to attend lunch at the Ag. Extension office beginning at 11:00 A.M.

RECESS UNTIL 1:00 P.M. – BUDGET WORKSHOP

Chairman Sanders recessed the meeting until 1:00 p.m. in which the Board of Supervisors will have a budget work session.

RECONVENE MEETING – 1:00 P.M. FOR FY 15 BUDGET WORKSESSION

Chairman Sanders reconvened at 1:00 p.m. to discuss the FY 15 budget.

Present:

F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Jean C. Harper, Member
John L. Haynes, Jr., Member
Robert B. Pemberton, Member

Also Present:

R. Morgan Quicke, County Administrator
Jennifer L. Clark, Finance Officer
Dr. Greg Smith, Superintendent, RCPS
Brenda Pemberton, School Board Member
John Brown, School Board Member
Pat Pugh, School Board Member
Ken Blackley, School Board Member

Mr. Quicke reviewed the budget expenditures over the past 8 years through a powerpoint presentation.

Supervisor Haynes indicated that the slide showing the RCPS budgets did not include debt service payments.

Mr. Quicke indicated that the \$400,000 debt service on the Courthouse was also not shown in the Sheriff's Department Budget, but that it was shown through Debt Service.

Mr. Quicke indicated that of the approximate \$1,200,000 yearly debt service, two-thirds of that was focused towards the School System.

Interim DSS Director Mr. James Oliver then presented the requested FY15 Budget. Mr. Oliver discussed the needs of the Department in the FY15 Budget and explained the FY14 DSS close out number versus the FY15 requested number.

The reason for the difference in local funds from \$275,000 to \$325,000 was due to the fact that the department lost the director in February and a full time position in December. If both of those positions had carried out until the end of the Fiscal Year, then the local amount would have approached the requested \$325,000.

Mr. Oliver then discussed the benefits that Social Services bring to Richmond County and dollar figures associated with that.

Mr. Oliver then discussed the FY15 request and the new positions associated with the increased request. He also discussed the impact that the Affordable Care Act would have on the Department.

Mr. Oliver also discussed the CSA budget and how that is not a DSS Function.

Mr. Haynes commented that a single CSA case could produce a great hardship on small localities such as Richmond County.

Mrs. Harper commented that the training of a Social Worker could take up to a year until they are fully trained to perform the job.

Mr. Haynes mentioned the fact that the Department occupied more square footage than necessary.

Mr. Oliver discussed the fact that the unused space could be used for storage, specifically voting machines that need it.

The starting salary of the new director was also mentioned as a money saver if the Board wished to hire at a lower salary.

Mr. Quicke then discussed the issue of the funding of the Richmond County Public Library and presented the board e-mail correspondence between himself and the State of Virginia regarding Library Funding.

Mr. Haynes asked Mr. Quicke to obtain from the Library what the effects would be if the Board decided to not grant the library additional funding and therefore were to lose state funding.

Mr. Quicke advised that he would get that information from the Library Director.

Mr. Thomas commented on the increase in County Vehicle Tags, the need to support the fire department in terms of vehicles, and the fact that the Library is a positive for Richmond County.

Mr. Thomas also discussed the need to support the Northern Neck Free Health Clinic and the County Administrators proposed \$3,000 cut.

RECESS

Chairman Sanders recessed the meeting until 7:00 p.m.

RECONVENE

Chairman Sanders reconvened the meeting at 7:00 p.m. to consider public comment on a proposed amendment to the Richmond County Zoning Ordinance.

Present:

F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Jean C. Harper, Member
John L. Haynes, Jr., Member
Robert B. Pemberton, Member

Also Present:

R. Morgan Quicke, County Administrator
Jennifer L. Clark, Finance Officer
Joyce Pemberton
Rick Cox
Rob Smith
Harry Smith
Carter Wellford
Pat Weakland
Hill Wellford
John Lewis
Rusty Acree
Brad Croxton
Andrew McRoberts

Mr. Quicke read the following public notice:

- To receive public comment on the proposed amendment to the Richmond County Zoning Ordinance, which would repeal Section 4-14-8-D, regarding maximum pier length? The proposal would grant all pier length jurisdictions to the Virginia Marine Resource Commission (VMRC). Further information may be obtained 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.

Chairman Sanders opened the public hearing and advised members and guests that this discussion is not about the Fones Cliff project but about pier length.

PUBLIC COMMENT

Mr. Tayloe Emery commented that in 1994 the 150' length was put in place for a reason and commented that he did not want the County to change. He feels that Richmond County is smart in having the ordinance in place because it makes Richmond County beautiful. This was not an issue until Mr. Bowers and his attorney requested that the Board of Supervisors consider a change.

Mr. Rusty Acree commented that he was not there to discuss the pier length amendment, rather the process involving Supervisors Pemberton voting on the same issue that his mother, Joyce Pemberton, had voted on as a member of the Richmond County Planning Commission. He reminded the Board of the lawsuit brought against the County three years ago regarding non disclosure of conflicts relating to the High School Project. Mr. Acree advised that the process

was wrong and that the Board needed to send the issue back to the Planning Commission to correct the process.

Mr. Brad Croxton started out by mentioned that he had been a member of the Richmond County Board of Zoning Appeals as Chairman until 2013 and was also an employee of Wood Preservers. He discussed the average length of a pier being 75'-100'. Mr. Croxton felt that the right avenue to address the situation of Rappahannock Cliffs was through the BZA. He was not in favor of the proposed amendment.

Mr. Carter Wellford spoke and advised that he agreed with the comments of Mr. Croxton. He mentioned the fact that the request was made from the Rappahannock Cliffs Development and discussed the fact that there was originally a BZA hearing to discuss the pier length, which was withdrawn the day of the proposed meeting. He argued that the process was wrong and discussed the fact that the ordinance had worked well for 15 years with very few applications for Variance. He did not agree with the proposed ordinance amendment.

Mr. Terrell Bowers discussed the fact that Richmond County was formed in 1692 and survived for 300 years with no zoning ordinance. The County adopted the zoning ordinance in 1995 and from 1995-2011 there were no problems with the 150' length ordinance. He discussed the previous BZA case regarding Mr. Creecy's pier application that was originally denied but a year later was approved. Mr. Bowers agreed with the recommendation of the Planning Commission and asked the Board to approve the change.

Mr. Rob Smith explained that he was the attorney for Mr. Applestein who owned 3 tracts of land along the Rappahannock River. He discussed property rights and the fact that there was no reason for this type of thing to be a political process due to the undue burden on the landowner. He advised that Mr. Creecy had spent \$50,000 on the Variance Application a year earlier. He agreed with the Planning Commission's recommendation.

Mr. Hill Wellford explained that he owns property in Essex County across from Mr. Bowers Property. He said this this is not a private property right and that the opportunity to appear before a local board was better for the citizens rather than having to drive to Newport News for a hearing. He did not agree with the proposed amendment.

Chairman Sanders closed the public comment.

QUESTIONS & COMMENTS FROM THE BOARD

Supervisor Harper questioned why the Creecy pier was approved.

County Attorney Mr. McRoberts described to the Board the facts to the legal requirements for the Board of Zoning Appeals to grant a Variance.

When Zoning was created in the 1920's, it was determined that no perfect zoning existed and that land owners needed an avenue to do activities that contradicted the Zoning Ordinance.

Mr. Haynes commented on objections regarding the Fones Cliff example from a non county citizen. He mentioned that fact that no other counties in the state regulate pier length like Richmond County.

Mr. Thomas questioned the relationship of Community Piers and VMRC.

Mr. McRoberts advised that the County has the authority to regulate all piers in the County.

Mr. Thomas asked Mr. Quicke about the County burden on regulating pier lengths.

Mr. Quicke responded that the proposed amendment would be less of a burden on the County.

Mr. Pemberton asked about the state guidelines.

Mr. Thomas feels like the county should continue to regulate private piers and let VMRC deal with commercial piers.

Mr. Pemberton also supports that idea.

RECESS

Chairman Sanders recessed the meeting for five (5) minutes in order for the County Attorney and the County Administrator to draft proposed language for the ordinance amendment

RECONVENE

Chairman Sanders called the meeting back to order.

Mr. Quicke read the following proposed language to the Board: *“Maximum length of a private pier or dock shall be only so long as to obtain a depth of five (5) feet of water as measured at mean low water (MLW) on tidal shorelines or the normal water, except that the length of any private pier or dock shall not exceed one hundred fifty (150) feet from mean low water (MLW) on tidal shorelines or forty (40) feet from the normal water line on non-tidal waters.”*

“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – nay; Richard E. Thomas – nay; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – nay; to approve the recommendation of the Planning Commission, and repeal Section 4-14-8-D of the Richmond County Zoning Ordinance regarding maximum pier length requirements, therefore turning all length requirements over to the Virginia Marine Resource Commission (VMRC) and the Army Corps of Engineers. The motion failed with a vote 2-3.”

Mr. Thomas re-read the proposed language that Mr. Quick had drafted.

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – nay; John L. Haynes, Jr. – nay; Robert B. Pemberton – aye: to approve the amended language to Section 4-14-8-D of the Richmond County Zoning Ordinance. The motion passed with a vote 3-2.”

RECESS

Chairman Sanders recessed the meeting until April 14, 2014 to discuss the FY 15 budget.