

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

August 10, 2015

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, August 10, 2015 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen

Vice Chairman Darnell Clayton

Rick Cox

Cassandra Jackson

Clifton Jenkins

John W. Lewis

Joyce Pemberton

Patrick Weakland

The following members were absent:

Jesse Clark

Chairperson Martha Hall

Also present:

Joseph Quesenberry, Planning and Zoning Administrator

Mercedes Pierce, Planning Commission Secretary

Kristie Brann, Deputy Treasurer

Brooke Sanders

Patricia Sanders

Allen Smith

Harry Smith

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Chairman Darnell Clayton called the meeting to order at 7:00p.m. Vice Chairman Clayton gave the invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES - JULY 6, 2015 MEETING

Cassandra Jackson made a motion to approve the minutes as written. John W. Lewis seconded the motion and they were approved unanimously.

PUBLIC HEARING – ALLEN SMITH SPECIAL EXCEPTION REQUEST

Joseph Quesenberry informed everyone the following public notice for this Public Hearing had been advertised in the Northern Neck News for two weeks and all adjacent property owners had been notified:

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 a Public Hearing will start at 7:00 p.m., Monday, August 10, 2015, in the Board Meeting Room, County Office Building, Warsaw, Virginia.

- Allen Smith, 3490 Kilburn Circle, Henrico, Virginia 23233, has requested special exception approval, under Section 3-13-7 of the Richmond County Zoning Ordinance, in order to expand or enlarge an existing non-conforming use (pier), located at 4253 Naylor's Beach Road. The parcel in question is zoned Residential (R-1) and is further identified as Tax Map 14A, parcel 5.

Mr. Quesenberry stated he has not received any comments from adjacent property owners.

Mr. Quesenberry presented his staff report, in which he “recommends approval of the proposed project due to Mr. Smith following all guidelines set forth by the Richmond County Zoning Ordinance and all other pertinent state and local code sections regarding his expansion.”

He also stated Mr. Rick Cox questioned whether or not there was enough land on Mr. Smith's property to construct a new by-right pier without having to go through the special exception process. Using their best estimate, staff found the parcel width to measure 63.79', which would leave Mr. Smith with the 30' setbacks and 3.79' for the by-right pier. Mr. Quesenberry stated that it would still be a non-conforming use.

Patrick Weakland asked Mr. Quesenberry if he received any letters or phone calls of opposition. Mr. Quesenberry stated he had not received any type of correspondence regarding this project.

Vice Chairman Darnell Clayton opened the floor for discussion.

Joyce Pemberton stated that the aerial shows that Mr. Allen Smith's pier looks very similar to others around it.

John W. Lewis asked Mr. Smith if there would be an appendage at the end of the pier. Mr. Smith replied stating the pier would have an “L” shape at the end going into his property.

Rick Cox asked Mr. Smith if he plans on using the existing piles for the majority of the pier. Mr. Smith stated he does not plan on using them because they are very small; he plans on essentially replacing the entire pier.

Vice Chairman Clayton closed the Public Hearing.

Joyce Pemberton made a motion to approve Allen Smith's special exception request. Clifton Jenkins seconded the motion. The motion carried with a vote of 8-0 (*Glenn Bowen – yay; Vice Chairman Darnell Clayton – yay; Rick Cox – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John W. Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

ANIMAL CONTROL AND CARE ORDINANCE

Joseph Quesenberry informed everyone that Mr. Richard Thomas, Jr., Animal Warden, was unable to attend tonight's meeting due to his obligations at the Fair and Kristie Brann, Deputy Treasurer, was present to discuss dog tag fees.

Mrs. Brann provided current dog tag fees, which are as follows:

- Individual Tags: \$5.00 each
- Duplicate Individual Tag: \$0.25 each
- Kennel Tags: \$20.00 for a package of 25 tags (a minimum of four (4) dogs is required to purchase a Kennel)

Joyce Pemberton pointed out that the current Ordinance states a kennel license can be purchased for up to twenty dogs. Mrs. Brann stated the Treasurer's Office currently sells kennel licenses for owners with vaccination certificates for 4-25 dogs. Mr. Quesenberry pointed out Item D of Section 6-13 "License Fee Required," which states "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." Glenn Bowen stated the fees need to be updated.

Clifton Jenkins asked Mrs. Brann if she knew the total number of dogs in the County. Mrs. Brann stated she did not know the exact total, but so far in 2015, 724 individual tags and 83 kennel licenses have been purchased. Mrs. Brann informed the Commission that the Treasurer's Office has a few issues with their software program, which prevents them from reporting really detailed information.

John W. Lewis asked Mrs. Brann if the Treasurer's Office keeps track of whether or not tags are purchased by an individual or a hunt club. Mrs. Brann stated the dogs are registered based on the owner's name listed on the rabies certificate and a majority of the time they are registered by an individual name.

Mrs. Brann and Mr. Quesenberry discussed the timeframe for purchasing dog tags in the County, which runs from November 1st to January 31st each year. Mrs. Brann stated the Treasurer's Office does not charge an extra fee for tags purchased after January 31st and it is up to the Animal Warden whether or not he chooses to write the owner a ticket if a dog is found not wearing a tag.

It was confirmed the Ordinance would be updated to state a kennel license can be purchased for up to twenty-five dogs.

Mrs. Brann and Rick Cox discussed the concerns of the Treasurer's Office selling kennel licenses with twenty-five dog tags to owners who supply vaccination certificates for only at least four dogs. Mrs. Brann stated the kennel license tags come prepackaged in sets of twenty-five, so if an owner purchases a license and only has six dogs, then the remaining tags would go to waste, so the owner is given the entire prepackaged set. Mr. Cox feels this leaves the "door open" for abuse and suggested cutting the number of tags down from twenty-five when kennel licenses are purchased.

Cassandra Jackson encouraged Mrs. Brann to determine the cost to have the tags printed. Mrs. Jackson explained it would be a good idea to compare the cost of having the tags printed versus the amount of money being wasted when a person with only a few dogs purchases a kennel license and many tags are not being used.

Ms. Pemberton questioned why the price for the kennel licenses was not \$25.00. Mrs. Brann stated the Board of Supervisors sets the rates for dog tags and it is something that has not been addressed. Mr. Quesenberry suggested taking the fees before the Board to see if they are interested in updating them. Mrs. Brann reminded everyone she was present on behalf of Ms. Edith Anne Sanders, Treasurer, but could discuss this with her.

Mrs. Brann, Mr. Cox and Ms. Pemberton discussed the numbering system for kennel licenses and tags.

Mr. Bowen suggested updating Item C of Section 6-13 "License Fee Required" after Mrs. Brann clarified that the cost for individual tags for all dogs, regardless of being spayed or neutered, not covered by a kennel license is \$5.00.

Mr. Weakland, Mr. Cox, Mrs. Jackson and Mrs. Brann discussed why the numbering system was used on the tags, the maximum number of dogs in a kennel in Richmond County and the possibility of updating the current dog tag system. Dog tag numbers allow the Animal Warden

and Treasurer's Office to match a tag to an owner, which is tracked in the software program. Richmond County has several breeders who purchase many kennel licenses at one time.

Mr. Cox suggested Mr. Quesenberry get with the Treasurer's Office to brainstorm ways of improving the current dog tag sales process. Mr. Quesenberry and Mrs. Brann agreed to do so.

Vice Chairman Clayton thanked Mrs. Brann for attending the meeting.

Mr. Bowen questioned if Item A of Section 6-5 "Prohibition of Animals to Trespass" had been modified. Mr. Quesenberry stated it is written as worded in the current Zoning Ordinance.

Mr. Bowen, Mr. Quesenberry and Ms. Pemberton discussed the inclusion of "hunting dogs" in Item C of Section 6-5, which states "It shall be unlawful for the owner of any hunting dog(s) to purposely release, or knowingly allow to run on any property, hunting dogs, whether posted or not posted, without expressed written permission from said property owner."

Mr. Lewis explained that if a hunter has permission to release dogs on property A, does not have permission to be on property B and is waiting to retrieve the dogs on property C, the dogs should not be allowed to run on property B. Mr. Bowen stated he understood this scenario, but does not know how to not avoid such a situation.

Mr. Weakland stated the key words in Item C of Section 6-5 are "purposely and knowingly." Mr. Cox suggested striking Item C in its entirety. He stated a hunter cannot control exactly where a dog runs and putting this in the Ordinance creates a problem for enforcement and interpretation. Mr. Cox feels ordinances should be clear and concise.

Mr. Cox stated Item C of Section 6-5 is in conflict with Section 6-6 "Rights of Certain Hunters to Go on Lands of Another; Carrying Firearms, Bows and Arrows Prohibited." Mr. Quesenberry stated Item C of Section 6-5 does go against State code referenced in Section 6-6 and suggests rewording it or removing it completely.

Mr. Quesenberry informed the Planning Commission he would consult the County's Attorney regarding this matter and get back to them.

Mr. Cox stated he was tasked with contacting the Health Department to see if they were interested in collaborating on language pertaining to rabies control and he received an email stating they would give him a call, but he has not heard from them. Mr. Cox plans on contacting the Health Department again.

Mr. Lewis encouraged Mr. Quesenberry to get with the Treasurer's Office and possibly the County Administrator to discuss changing dog tag fees and the number of dogs comprising a kennel.

OTHER BUSINESS

Joyce Pemberton encouraged everyone to attend the Richmond County Fair.

Rick Cox encouraged everyone to see Jesse Clark starring in "Harvey" with the Westmoreland Players.

PUBLIC COMMENT

Brooke Sanders stated she attended the meeting to see how everything worked and questioned the proper way to express her concerns regarding a Planning and Zoning matter/project. Joseph Quesenberry stated the purpose of a public comment is to provide a statement that is recorded, but could answer her question. Mr. Quesenberry informed Ms. Sanders she can contact him in the office anytime and he can answer any questions and/or see about adding her to a meeting agenda.

Vice Chairman Darnell Clayton thanked Ms. Sanders for her interest and thanked everyone for their presence during tonight's meeting.

ADJOURNMENT

There being no further business, Vice Chairman Clayton adjourned the meeting at 7:55p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary