

**RICHMOND COUNTY PLANNING COMMISSION  
MEETING MINUTES**

December 9, 2013

The Richmond County Planning Commission held its regularly scheduled meeting on December 9, 2013 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

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

The following members were absent:

Joseph Gaines

Also present:

R. Morgan Quicke, County Administrator  
T. Richard English, Code Compliance Officer  
Mercedes Pierce, Planning Commission Secretary  
Terrell Bowers  
Tayloe Emery  
Mercer O'Hara  
Pat Weakland  
Hill Wellford  
R.C. Wellford

**CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE**

Chairman Rick Cox called the meeting to order at 7:00 p.m. Jesse Clark gave the invocation and Chairman Cox led everyone in the Pledge of Allegiance.

### **APPROVAL OF MINUTES FROM NOVEMBER 12, 2013 MEETING**

Martha Hall pointed out the following sentence on page four of the minutes: “Martha Hall is hoping VACo will take the lead on this project.” Ms. Hall believes Mr. R. Morgan Quicke made this statement. After listening to the recording from this meeting, it has been clarified that Mr. R. Morgan Quicke did make this statement and Ms. Hall agreed it would help if VACo did take the lead. The minutes were updated to reflect this correction.

Martha Hall made a motion to approve the minutes with the correction upon clarification. Darnell Clayton seconded the motion and they were approved unanimously.

### **STORMWATER MANAGEMENT DISCUSSION**

Mr. T. Richard English provided all Planning Commission members with a handout that contained language changes proposed by the County Attorney. Martha Hall suggested the revised language be incorporated into the final draft of the ordinance. All agreed to the Attorney’s language being incorporated into the draft ordinance.

Mr. English informed everyone that he does not have anymore proposed changes to make and is currently working on finalizing code references. The submittal date for the finalized Stormwater “package” has been pushed back to January 15, 2014. Mr. English plans to present his Stormwater presentation to the Board of Supervisors at their January monthly meeting.

Mr. R. Morgan Quicke questioned whether or not the Stormwater public hearings could be scheduled for the Planning Commission in February or March and then for the Board of Supervisors in March or April. Mr. English and Chairman Cox thought it would be best if the County holds the public hearings after the public workshops are offered to the public. Mr. Quicke suggested revisiting the scheduling of the Stormwater public hearings during January’s Planning Commission meeting.

### **CAPITAL IMPROVEMENT PLAN (CIP)**

Mr. R. Morgan Quicke reminded the Planning Commission that he had sent them a letter from Dr. Greg Smith, Richmond County Public Schools Superintendent, pertaining to questions the Planning Commission had regarding the schools’ request for projects to be added to the CIP. In the letter, Dr. Smith addressed the bleachers and playground projects and provided pictures of the current conditions of these structures.

Joyce Pemberton questioned whether the entire structure of the bleachers needs replacing or just the wooden parts. Cassandra Jackson believes it is the wooden steps that need replacing. Clifton

Jenkins questioned if the wooden steps could simply be painted over. Chairman Cox believes that it would be cheaper to replace the wooden steps, but wondered if the portability of the bleachers was the main issue. Mr. Jenkins suggested allowing the Middle School shop class to take on the project of replacing the steps on the bleachers. Ms. Jackson informed everyone that the bleachers need quite a bit of work done on them. Darnell Clayton believes there are soft spots present on the bleachers. Chairman Cox is interesting in determining the cost of repairing the bleachers versus replacing them in their entirety. Dr. Smith requested the bleachers be placed in the FY15 Budget, but Mr. Quicke stated there currently is no funding for this project and believes Dr. Smith simply wants the project to be earmarked by the County. Jesse Clark requested clarification on whether Dr. Smith is requesting all the bleachers be replaced/repaired or just those in the pictures he provided. Several Planning Commission members stated they believe Dr. Smith is referring to the “visitor” bleachers. Mr. Quicke stated he would look into getting costs for replacing and repairing the bleachers.

Chairman Cox brought up the schools’ playground equipment CIP request. Chairman Cox and John Lewis felt the playground looked very old. Chairman Cox felt Dr. Smith did not address the safety concerns of the playground in his letter. Cassandra Jackson brought up the concern of children’s hands getting burned on the monkey bars after a hot sunny day. She feels the monkey bars need padding. Mr. Quicke believes Dr. Smith addressed the safety concerns of the playground equipment by showing that the old equipment is not up to par for today’s standards. Chairman Cox felt the playground equipment should go into the CIP. Mr. Lewis felt the proposed costs for the bleachers and playground items were very high. Martha Hall suggested asking Dr. Smith for an itemized list of playground equipment pieces he would like to have replaced.

Chairman Cox addressed the schools’ parking lot CIP request, which is slated for FY17. Mr. Quicke believed it would be more appropriate to address this request in 2017 after the school construction project is complete. Martha Hall asked Mr. Quicke if this project was something they were hoping any funding leftover from the school construction project would cover. Mr. Quicke informed everyone that after recent discussions with Dr. Smith and other individuals involved with the school construction project, the school is not sure if they will have any leftover funding, but it is possible. Chairman Cox suggested leaving this item in the CIP and just revisiting it in 2017.

Mr. Quicke pointed out the new additions he made to the FY15-19 Addendum, which are the school issues and the voter registrar machines. He added that he removed the School Board renovation project as a result of the Board of Supervisors earmarking \$50,000 to this project to begin immediately at their November meeting.

Chairman Cox questioned why Richmond County is being held responsible for the costs of the storm pipe when it is carrying VDOT water. Mr. Quicke explained that replacing the storm pipe is slated for FY19, which gives the County time to try and negotiate with VDOT. Chairman Cox suggested using VDOT's need for an easement as a negotiating factor for the replacement of the storm pipe. John Lewis questioned whether the \$300,000 proposed for this project was simply to cover the costs of replacing the pipe or to also include any field damage. Mr. Quicke explained that the amount proposed for this project will be used to cover everything. There was discussion on whether or not the item should be left in the CIP. Chairman Cox suggested removing the item from the CIP as to not give VDOT the impression that the County is willing to pay. Several members agreed with this idea.

Glenn Bowen questioned who the "champion" is for the goals and strategies listed in the Comprehensive Plan and asked if some of the goals should be included in the CIP. Mr. Quicke and Mr. Bowen discussed the goal of getting "wifi" for all County offices. Mr. Quicke informed Mr. Bowen that he would be willing to address any other examples he had pertaining to the Comprehensive Plan goals.

Mr. Quicke pointed out the Fire Department/Rescue Squad letter that was included in the meeting packets everyone received. The letter provided seven points on why a new joint station would be beneficial. Mr. Bowen explained that the RCVFD and EMS must have misinterpreted his question because he does not feel his question was addressed in the letter. Mr. Bowen wants to know how a new joint station will fit into the long-term plan of providing improved EMS coverage to the entire County since the County is already at a disadvantage of having only one station for the entire County. Mr. Bowen stated that he does agree that these departments need new buildings. Mr. Quicke informed Mr. Bowen that he does not believe the County has had a long-term plan in the past, but he is working to do so. Mr. Quicke plans on keeping track of response times for calls when the trucks/ambulances are stationed in different parts of the County. Mr. Bowen feels these departments should try to come up with more options. Chairman Cox stated that the County should try to work out a mutual aid agreement with Montross. Mr. Quicke informed everyone that the County does currently have a mutual aid agreement with adjoining counties, but Richmond County still has to go on the call. Martha Hall felt that the County's only option may be to get aid from adjoining counties with the current revenue coming into the County. Chairman Cox stated that he is in favor of leaving the new joint building in the CIP while exploring options. Chairman Cox instructed Mr. Quicke to advertise for the CIP public hearing.

#### **ZONING ORDINANCE AMENDMENT (PIER LENGTH)**

Mr. R. Morgan Quicke explained that the Board of Supervisors asked the Planning Commission to look into the pier length section of the Richmond County Zoning Ordinance, which was

brought on by the Rappahannock Cliffs project. Mr. Quicke provided everyone with a background of the Rappahannock Cliffs project. He explained that there is an issue because Richmond County is allowing Terrell Bowers to build a community pier with a length of 150 feet and VMRC prefers the pier's length go as far out as necessary to reach three feet of water depth. Mr. Bowers and his Attorney, Mr. Rob Smith, have requested the Board of Supervisors look into considering an Ordinance Amendment. Mr. Quicke pointed out that any amendment to the Zoning Ordinance will control the entire County, not just this specific parcel.

Chairman Cox questioned whether or not R-3 Zoning requires a community pier. Mr. Quicke confirmed that it does for major plans of development.

Mr. Quicke informed everyone that with a little research he found out that Richmond County is the only locality in the Northern Neck that does regulate pier length; all other counties leave that to the discretion of VMRC and the Army Corp. of Engineers.

Chairman Cox questioned Richmond County's interest in regulating pier length. Mr. Quicke was not sure, but explained that the Zoning Ordinance was adopted in 1995 with the pier length regulation language incorporated into it. Richmond County has the authority to regulate pier length, but Mr. Quicke wonders if the County wants to continue to do so. Mr. Quicke explained that VMRC has major guidelines when it comes to regulating community piers; they take water depth, river width, and channel width into consideration. Private piers are regulated at the County level and never go before the Board at VMRC, but are subject to the same 150 feet pier length regulation. Mr. Quicke explained that no matter what Richmond County decides regarding community and public piers, VMRC has the final say as to what will be allowed.

Joyce Pemberton asked why Mr. Creecy's pier was allowed to reach 223 feet. Mr. Quicke replied stating the Board of Zoning Appeals granted Mr. Creecy a variance.

Mr. Quicke informed everyone of a meeting he had with Chairman Cox and Martha Hall to address this Zoning Ordinance Amendment issue. During the meeting, they came up with five options to hopefully solve this issue; they include: doing away with Section 4-14-8-D in the Zoning Ordinance, keep this section in the Ordinance, allow community and public facilities to only be at the sole discretion of VMRC, amend this section in the Ordinance, and look more closely into water depth. Mr. Quicke explained that in the current Zoning Ordinance, the County allows a pier to go into five feet of water or 150 feet out, whichever comes first.

Martha Hall asked if VMRC will have sole authority over pier length for both public and private piers if the County moves to repeal Section 4-14-8-D of the Zoning Ordinance. Mr. Quicke responded by stating that if the entire section is repealed exactly how it is written now, VMRC would have sole authority over both public and private piers.

Cassandra Jackson suggested reviewing pier applications on a case by case basis. Martha Hall believes that this will leave a lot of room for subjective perspectives. Mr. Quicke does not recommend Richmond County look at piers on a case by case basis.

Martha Hall provided an option of allowing Richmond County to continue to govern the length of private piers and allow VMRC to solely regulate all other commercial and public facilities. Mr. Quicke agreed that this is an option.

Glenn Bowen questioned a statement Mr. Quicke made earlier in the meeting pertaining to VMRC having ultimate authority. Mr. Quicke explained that VMRC can override Richmond County's rule on certain things, but does respect the locality's authority as well, with pier length being something they typically do not override.

Martha Hall questioned the downside of completely removing Section 4-14-8-D of the Zoning Ordinance and turning everything over to VMRC, including private piers. Ms. Hall wants to make sure that whatever the Planning Commission recommends is a benefit to the entire County. Mr. Quicke believes one of the downfalls could be the aesthetics of it all, but is not for sure what the downside would be. Ms. Hall believes the easiest way to solve this issue is to completely remove Section 4-14-8-D from the Zoning Ordinance and turn all pier regulation over to VMRC, but is concerned that there is some reason that this would not be a good option for the County.

Mr. Quicke pointed out a section of the Zoning Ordinance that was repealed back in 2006, which stated that if a property owner wanted to build a pier, the pier could only be the average length of the neighbors' piers that spanned 300 feet on either side. He believes this section was repealed because it was not easily enforced.

Joyce Pemberton stated that she feels the depth of the water should determine pier length.

Martha Hall stated that at this point the Planning Commission has two concerns-things that are regulated by VMRC and if Richmond County wants to retain the right to govern the length on private piers.

Mr. Quicke suggested having the public hearing to get feedback from the public, but not making a decision that night. Martha Hall suggested discussing the options in more detail at the next meeting, so that the Planning Commission is prepared for the public hearing. It was decided that the Planning Commission will continue to discuss this matter at the next meeting before scheduling a public hearing.

Jesse Clark asked if VMRC stops pier length at five feet of water depth. T. Richard English replied stating that it depends upon the use of the pier. Several factors are taken into account when justifying the appropriate water depth at the end of the pier.

Mr. Quicke asked Mr. English how many private piers the County approves per year. Mr. English stated that the County has approved about ten private piers in the past two years and pointed out that many applicants would like to have larger appendages at the ends of their piers. Mr. Quicke suggested looking at the square footage of what Richmond County allows for appendages.

### **OTHER BUSINESS**

Chairman Cox informed the Planning Commission that their annual “Disclosure of Real Estate Holdings” forms are due back to the County Administrator’s Office by January 15, 2014. The forms can be found in their meeting packets.

Mr. Quicke informed the Planning Commission that he received Mr. Joseph Gaines’s resignation letter. His resignation is due to health reasons. Supervisor Jean Harper is prepared to make a recommendation for the District 2 replacement at the December Board of Supervisors meeting.

Jesse Clark suggested sending Mr. Gaines a letter commending him on his service. Mr. Quicke informed Mr. Clark that he would take care of sending out the letter.

### **PUBLIC COMMENT**

Mr. Pat Weakland explained that if the County repeals Section 4-14-8-D of the Zoning Ordinance, then this would limit the objection of Richmond County residents and those neighbors of residents who are applying for piers. Mr. Weakland feels that if pier regulation is turned completely over to VMRC, those in objection of piers would have to travel down to Newport News and anyone outside of the County would have more power with VMRC.

Chairman Cox informed Mr. Weakland to make comment during the public hearing or to send a letter in if he cannot be present.

Mr. Quicke informed everyone that no public hearings are held for private piers. At this point, VMRC only hears community and public piers.

Mr. Weakland asked if a riverfront owner can build any length/width pier of his or her choice if the County repeals Section 4-14-8-D. Mr. Quicke responded by stating that he or she could construct a pier only up to what VMRC would allow.

Mr. R.C. Wellford explained that the ordinance is in place for a reason and feels that if Section 4-14-8-D is completely removed from the Zoning Ordinance, then it will only “open a can of worms.” He feels many applicants will request to alter their applications and that pier regulation was incorporated into the Zoning Ordinance back in 1995 because of aesthetics. Mr. R.C. Wellford suggests the Planning Commission gather a lot more information before making a recommendation to the Board of Supervisors. Mr. Wellford also discussed the different plans he’s seen regarding the Fones Cliff project.

Mr. Hill Wellford informed everyone that VMRC is scheduled to hold a hearing on January 28, 2013 on the Fones Cliff project. There has been no determination, but there has been a staff report recommendation to VMRC. Mr. H. Wellford explained that VMRC does have guidelines for the criteria for a community pier. Mr. H. Wellford also explained that the appendage at the end of the community pier proposed by Mr. Terrell Bowers is of great controversy. Mr. H. Wellford informed the Planning Commission that when considering the amendment to the Zoning Ordinance, they should not only consider the extension into the river, but also the appendage or T-section.

Chairman Cox reminded everyone that this discussion is about Richmond County and not so much about Rappahannock Cliffs.

Mr. Terrell Bowers asked if the Planning Commission needs to make a motion to carry the Zoning Ordinance Amendment discussion into the January meeting. Chairman Cox informed Mr. Bowers that a motion is not needed, but the discussion will be continued at the Planning Commission’s January meeting.

On behalf of the Nominating Committee, Joyce Pemberton made a recommendation for the slate of officers for 2014 and it is as follows: Martha Hall, Chairperson; Darnell Clayton, Vice Chairperson; Mercedes Pierce, Planning Commission Secretary; Denise Dunaway, Alternate Secretary. Jesse Clark made a motion to approve this slate of officers for 2014. John Lewis seconded the motion and it was approved unanimously.

There being no further business, Martha Hall made a motion to adjourn the meeting and John Lewis seconded the motion. The meeting was adjourned at 8:44p.m.

Respectfully submitted,

Mercedes Pierce  
Planning Commission Secretary