RICHMOND COUNTY BOARD OF SUPERVISORS  
December 8, 2016

MINUTES

At a regular meeting of the Board of Supervisors for Richmond County, Virginia, held on the 8th day of December, 2016, thereof in the Public Meeting Room of the County Office Building.

Present:
F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Robert B. Pemberton, Member
J. David Parr, Member
William C. Herbert, II, Member

Also Present:
R. Morgan Quicke, County Administrator
Hope D. Mothershead, Administrative Assistant
Kristie S. Brann, Treasurer
Barry Sanders, Director of Code Administration
Jennifer Delano, Commissioner of the Revenue
Greg Baker, Chief of Emergency Services
Trevor Johnson, Sheriff’s Department
John Brown, Richmond County School Board
Dr. Greg Smith, Superintendent
Bill Newborg
Darlene Nichols
Joyce Pemberton
John W. Lewis
Approximately 4 others

CALL TO ORDER

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

SHERIFF

On behalf of the Sheriff’s office, Trevor Johnson presented the following report for the month of November: 626 calls for service; served 275 civil papers; 43 arrests with 78 warrants served; and served 81 traffic summons. Mr. Johnson reported that the jail population for the week in Richmond County was 20.

Trevor Johnson advised that Lt. Conkle graduated from the 90th session of the Commonwealth of Virginia Forensic Science Academy. The academy provides students with the necessary
background information and practical application techniques which provide maximum utilization of forensic science in the apprehension and prosecution of criminals.

Trevor Johnson also advised that the sheriff’s office assisted with the YMCA 5K run, provided an active shooter awareness class for the employees of Northern Neck Electric Coop. and assisted with the Christmas parade.

**ANIMAL CONTROL**

On behalf of Animal Control, Trevor Johnson presented the following Animal Control report for the month of November 2016: 1 wildlife call; 14 dog calls, 1 farm livestock call and 6 dogs were transferred to the pound.

The Animal Control Officer responded to 45 deputy calls, 1 squad assist, 3 warrant arrests and 9 papers served.

**TREASURER**

Kristie Brann, Treasurer, presented the Trial Balance Report for the month of November, 2016. The uncollected tax amount as of the meeting date was $878,610.44. Chairman Sanders asked how this number relates to prior year collection. Mr. Quicke noted that the uncollected amount is on track with previous years.

**COMMISSIONER OF THE REVENUE**

Jennifer Delano thanked Kristie Brann and her staff for all of the help throughout tax collection season. The employees in the Commissioners’ office are getting geared up for the state income tax season. Jennifer Delano noted that there were big changes with the state income tax season as the state agencies are processing more returns to help avoid fraudulent activity, scaling back the duties of the local offices.

**PLANNING & ZONING**

Barry Sanders addressed the Board and reviewed the monthly report. November was another busy month with construction values being high. Mr. Sanders noted that Northern Neck Electric Coop. had begun the remodeling of an existing building on Pine Street. Mr. Sanders hopes to have some drone footage for comparison on the improvements at Naylors Beach one year after the tornado destruction. Mr. Sanders added that the Planning Commission is working towards suggested language for sideyard set backs for piers/docks and allowance of covered boat slips.

**EMERGENCY SERVICES**

Greg Baker presented the following EMS report for the month of November: 120 calls in Richmond County; 3 calls for mutual aide into Richmond County; 6 calls for mutual aide to bordering counties and 9 fly outs. Mr. Baker indicated that $22,232.00 was collected for the month of November from EMS recovery billing. The amount of recovery is lower while waiting
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for Medicare/Medicaid to renew the account. Mr. Baker confirmed that once renewal takes place, a retroactive check would be collected for fees. The station members have collected $1,779.00 in delinquent fees this month from mailed notices. Mr. Baker mentioned the power load stretcher system that was discussed prior with the Board. The project was approved on a 50/50 grant, providing $20,000.00. The remainder of the funds ($20,000.00) will need to be funded prior to moving forward. Mr. Quicke mentioned that any new medic unit would be equip with this type of stretcher system. Mr. Quicke asked if the Board had a desire to find the funds to cover the project. Mr. Thomas and Chairman Sanders noted that the project seemed to be beneficial and should be moved forward. Mr. Quicke recommended that $10,000.00 come from the capital improvement plan and $10,000.00 from the EMS operational fund.

PUBLIC COMMENT

None

BILL NEWBORG – METROCAST GENERAL MANAGER – FRANCHISE AGREEMENT

Bill Newborg addressed the Board and gave an overview of the history of Metrocast. In 2008, Metrocast brought fiber technology to Richmond County and in February of 2010, the franchise expired. Mr. Newborg has proposed a new franchise agreement which includes updates for governmental requirements and requests that the Board give consideration for renewal.

Mr. Quicke indicated that a public hearing would be necessary for adoption of the new franchise agreement. It is a non-exclusive franchise agreement meaning other companies can operate within the County.

Bill Newborg added that Metrocast had invested a large amount of time in the system and hoped to remain in the County for an extended amount of time.

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; William C. Herbert, II – aye; J. David Parr – aye; Robert B. Pemberton – aye: to schedule a Public Hearing at 9:00 a.m. on February 9, 2017 for approval of the new franchise agreement with Metrocast.”

OLD BUSINESS

BOARD APPOINTMENTS

Mr. Quicke noted that Bill Johns’ term on the Industrial Development Authority ends on December 31, 2016 and he is eligible for re-appointment if it is the pleasure of the Board. The new term will run from January 1, 2017 – December 31, 2020.

“On a motion made by William C. Herbert, II, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; William C. Herbert, II – aye; J. David Parr – aye; Robert B. Pemberton –
aye: to re-appoint Bill Johns to the IDA for a term from January 1, 2017 – December 31, 2020.”

NEW BUSINESS

BROADBAND GRANT APPLICATION – DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Mr. Quicke advised that recently the details of a grant, created in last year’s General Assembly, were released. The purpose of this grant is to help localities bridge the gap in the funding of broadband extensions to rural, less dense areas of the County. When Metrocast is approached with an expansion of service, per the Franchise Agreement, they need (30) homes per mile to justify spending the dollars necessary to extend. When they do not have those numbers, they will still expand but at a cost to either the homeowners or locality.

Mr. Quicke noted that the County has been approached by two possible expansions, of which neither qualify for build out with Metrocast and would need additional funding sources of about $50,000 each. Those two projects are:

- Suggetts Point – From Sharps Road intersection to Suggetts Point
- Menokin Road – From Main Street to Chestnut Hill Road

Mr. Quicke would like to be able to apply for funding for both of these expansions, however is not sure if that is allowed. Jerry Davis at the NNPDC has offered his assistance in getting these grants submitted to the State prior to the due date of December 21, 2016. If only one project can be applied for at a time, Mr. Quicke would recommend to the Board to go with the Suggetts Point project since it was the one we were first approached with back in the spring of 2016. This is a two-year grant, so if successful with one, we could try the Menokin Road project in FY18. Mr. Herbert recognizes that in the near future, there will be a need for broadband coverage in the whole county and he feels that the Board should try to take advantage of whatever opportunities exist.

FY18 PROPOSED BUDGET ADOPTION SCHEDULE

Mr. Quicke announced that it is time to begin thinking about the FY18 Budget and the work sessions involved. The proposed schedule is as follows:

**FY18 Budget Adoption Schedule**

Friday, December 9, 2016 – Budget Request Letters submitted to Departments

Friday, January 27, 2017 – Department Budget Requests due to County Administrator

Friday, February 24, 2017 – FY18 Budget Requests given to Board of Supervisors
January Organizational Meeting

Chairman Sanders noted that an issue came up last year on the fact that our annual organizational meeting of the Board does not take place until the 2nd Thursday of the Month. Chairman Sanders thought it would be a good idea to have a Special Called Meeting each year the first week of January to organize in the event something major were to happen.

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; William C. Herbert, II – aye; J. David Parr – aye; Robert B. Pemberton – aye: to schedule a special called organizational meeting for January 3, 2017 at 1:00 p.m.”

ongoing projects

little florida

Mr. Quicke commented that Andrew McRoberts appeared before a panel of the Supreme Court of Virginia for a 10 minute hearing to argue to the Supreme Court on why they should hear the appeal. Mr. Quicke noted that more information would follow once a decision is made by the Supreme Court.

monthly appropriations – richmond county department of social services

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; William C. Herbert, II – aye; J. David Parr – aye; Robert B. Pemberton – aye: to appropriate $85,000.00 to the Richmond County Department of Social Services for the month of January, 2017.”

monthly appropriations – richmond county public schools

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Robert B. Pemberton – aye; William C. Herbert, II – aye; J. David Parr - aye: to appropriate $1,290,116.00 to the Richmond County School Board for the month of January, 2017.”
APPROVAL OF MINUTES – NOVEMBER 10, 2016

“On a motion made by Richard E. Thomas, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; William C. Herbert, II – aye; J. David Parr – aye; Robert B. Pemberton – aye: to approve the minutes from the November 10, 2016 meeting.”

OTHER BUSINESS

Mr. Thomas thanked everyone for the hard work throughout the year and wished everyone a Merry Christmas.

Mr. Parr felt like everyone was on the right track and moving forward for success. He thanked the School Board for the wonderful Christmas luncheon and commended the Technical Center on all of their great programs.

Mr. Herbert echoed the remarks of Mr. Parr. Mr. Herbert is encouraged by the possible broadband grant. Mr. Herbert wished everyone a safe and happy Christmas.

Chairman Sanders shared a picture with everyone of the Christmas tree at the Capitol, displaying the ornament from Richmond County on the tree. Chairman Sanders added that he wished to further discuss the allowance of horses on agricultural land of less than 5 acres. Mr. Quicke commented that the decisions made prior on the zoning ordinance would be reviewed before to the public hearing.

Mr. Quicke shared with the Board an invitation to the historical monument dedication at North Farnham Episcopal Church. He also commented on the VML VACO forum that would be held on January 4th. The forum is a good way to kick off the budget season. Mr. Quicke mentioned that there had been some trouble on the Downings Bridge with construction and accidents but thought that VDOT had done a good job clearing the work areas to allow traffic flow.

OLD BUSINESS

RCPS – BIDS ON DEMO WORK – RICHMOND COUNTY INTERMEDIATE SCHOOL

Dr. Smith addressed the Board and shared information about the demolition of the 6th grade building and other various outbuildings as previously discussed. The lowest bid received was from C. M. Munden, LLC in the amount of $116,900.00. The School Board and Dr. Smith recommends to move forward with the demolition.

Mr. Quicke noted that the trial balance in the RCPS CIP account of $109,263.65 is available for the project and the other $7,637.00 could come from the general fund with the understanding that it would be paid back by the Richmond County Public Schools after July 1, 2017. Mr. Herbert asked about the payment schedule for the project. Dr. Smith indicated that the total job cost would be paid upon satisfaction of the completed site. Mr. Herbert asked about disposal of the
materials. Dr. Smith noted that the materials would not be recycled on site, it would be carried to one of two sites, either King George or King & Queen.

“On a motion made by William C. Herbert, II, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; William C. Herbert, II – aye; J. David Parr – aye; Robert B. Pemberton – aye: to move forward with the demolition project; appropriating $109,263.65 from RCPS CIP Fund and $7,637.00 from the general fund to be reimbursed after July 1, 2017 by Richmond County Public School.”

RECESS

Chairman Sanders recessed the meeting until the Public Hearing portion at 7:00 p.m.

RECONVEYNE MEETING – 7:00 P.M. – PUBLIC HEARING

F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Robert B. Pemberton, Member
J. David Parr, Member

Absent: William C. Herbert, II, Member

Also Present:
R. Morgan Quicke, County Administrator
Barry Sanders, Director of Code Administration
Hope Mothershead
John W. Lewis

PUBLIC HEARING

In accordance with Section 15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to Sections 15.2-2285 and 15.2-2310 of the Code of Virginia, 1950 as amended, the Richmond County Board of Supervisors hereby gives notice that a Public Hearing will be held starting at 7:00 p.m., Thursday, December 8, 2016 in the Richmond County Public Meeting Room, 101 Court Circle, Warsaw, Virginia 22572. The purpose of the Public Hearing is to consider the following:

Thomas M. Weschler, Sr. and Teresa L. Weschler of 17309 MacDuff Avenue, Olney, MD 20832, proposes to rezone 2.00 acres (further identified as Tax Map No. 29A(3)B4) located on Lambs Lane, Warsaw, VA, from Residential Limited (R-1) to Agricultural General (A-1).

Mr. Quicke read the Public Notice and turned the meeting over to Barry Sanders, Director of Code Administration.
Mr. Sanders addressed the Board to explain that Mr. & Mrs. Weschler own a 2.00 acre parcel of land on Lambs Lane in Warsaw, VA. The landowners’ granddaughter has volunteered for the past 5 years at Days End Horse Rescue in Lisbon, MD. Mr. Sanders noted that the granddaughter has interest in adopting a rescue horse to be housed on the 2.00 acre parcel. The parcel of real estate is currently zoned residential therefore not allowing for a horse, however a 2.00 acre agricultural lot will allow for the housing of a horse, pursuant to Zoning Ordinance, Section 3-15-1 (A16). Mr. Sanders stated that there had been no complaints from the adjoining property owners and the planning commission unanimously recommended approval of the Re-Zoning on November 7, 2016.

Mr. Parr asked if Mr. & Mrs. Weschler owned other property on Lambs Lane. Mr. Sanders confirmed that Mr. & Mrs. Weschler also owns a waterfront lot with a home across the street from the subject parcel.

Chairman Sanders opened the floor for public comment.

Chairman Sanders closed the public hearing.

Chairman Sanders was concerned about horses on less than a 5 acre parcel and the effects on the neighboring property owners. Mr. Quicke noted that under the current law, the Board members could either accept or deny the request. The Board can also move the matter back to the Planning Commission for adjustment to the language on the horse allowance. Mr. Quicke suggested that going forward, a special exception may be an alternate requirement for housing horses on a parcel less than 5 acres.

Mr. Pemberton suggested that the request of Mr. & Mrs. Weschler be agreed upon and the zoning ordinance amendment for horses be sent back to the planning commission to possibly add additional requirements in the future.

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – nay; Richard E. Thomas – aye; Robert B. Pemberton – aye; J. David Parr – aye; to approve the application for rezoning of Tax Map No. 29A(3)B4 from Residential Limited (R-1) to Agricultural General (A-1).”

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Robert B. Pemberton – aye; J. David Parr – aye; to ask the planning commission to re-review the zoning ordinance section regarding allowance of horses, considering an addition of a special exception for any parcels under 5 acres.”

PUBLIC HEARING

In accordance with Section 15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to Sections 15.2-2285 and 15.2-2310 of the Code of Virginia, 1950 as amended, the Richmond County Board of Supervisors hereby gives notice that a Public Hearing will be held starting at 7:00
p.m., Thursday, December 8, 2016 in the Richmond County Public Meeting Room, 101 Court Circle, Warsaw, Virginia 22572. The purpose of the Public Hearing is to consider the following:

To receive public comment on a proposed amendment to the Richmond County Zoning Ordinance. The updated language modifies the provisions for allowance of chickens in Residential Districts.

Mr. Quicke read the Public Notice and turned the meeting over to Mr. Barry Sanders, Director of Code Administration.

Mr. Sanders notified the Board that many questions had arisen on the current provisions in the zoning ordinance about the allowance of chickens in agricultural and residential areas. After much research on allowances in surrounding counties, the following language was proposed:

(16a) Chickens may be permitted in Residential, Limited (R-1) and Residential, General (R-2) subject to the following provisions:
1. No more than six (6) chickens.
2. No roosters allowed.
3. Pens and housing shall not be permitted within the front yard setback and must maintain a minimum of fifteen (15) feet setback from rear and side property lines.
4. Chickens must not roam as to be a nuisance to adjoining properties.
5. Manure management is required so as not to adversely affect adjoining properties.

Mr. Sanders noted that the new ordinance language would provide requirements for the benefit of the animal as well as the adjoining property owners. The new language would also give more leverage on enforcing safe habitats for chickens. Mr. Sanders stated that the planning commission unanimously recommended approval of the ordinance amendment on November 7, 2016.

Chairman Sanders opened the floor for public comment.

Chairman Sanders closed the public hearing.

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Robert B. Pemberton – aye; J. David Parr – aye; to make the following amendment to the zoning ordinance.”

3-15 ACCESSORY USES

(16a) Chickens may be permitted in Residential, Limited (R-1) and Residential, General (R-2) subject to the following provisions:
1. No more than six (6) chickens.
2. No roosters allowed.
3. Pens and housing shall not be permitted within the front yard setback and must maintain a minimum of fifteen (15) feet setback from rear and side property lines.
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4. Chickens must not roam as to be a nuisance to adjoining properties.
5. Manure management is required so as not to adversely affect adjoining properties.

ADJOURNMENT

After no further business, Chairman Sanders adjourned the meeting.

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F. Lee Sanders, Chairman
Richmond County Board of Supervisors