

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

December 9th, 2019

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, December 9th, 2019, in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Rick Cox
Glenn Bowen
Harry Smith, Jr.
Brian Mothershead
Cassandra Jackson
John W. Lewis
Marion James Packett
Walter Ball
Darnell Clayton

Members Absent:

J.R. Fidler

Also present:

Hope Mothershead, Director of Planning and Zoning
Liz Hylan, Administrative Assistant
Approximately 1 other

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Glenn Bowen called the meeting to order at 7:00 p.m. Mr. Bowen gave the invocation and Mr. Cox led everyone in the Pledge of Allegiance.

PUBLIC COMMENT

There is no public comment.

APPROVAL OF MINUTES – NOVEMBER 12TH, 2019 MEETING

Glenn Bowen asked if there were any additions or corrections to the minutes from the November 12th, 2019 meeting.

Mr. Lewis addressed some problems with the minutes and the way they are being done. Mr. Lewis stated the Planning Commission by-laws reads in article 3 under Officers section 4 the Secretary and/ or alternate Secretary of the Commission need not be members of the Commission, shall have no voice in the deliberations of the Commission. Mr. Lewis also read in article 4 section 3 the Secretary shall keep a written record of the proceedings of each meeting of the Commission. Mr. Lewis lastly read article 8

section 5 the Secretary shall keep a record of the minutes of the meetings of the Commission and of the names of those person(s) addressing the Commission at such hearings.

Mr. Lewis mentioned he believes the record of the minutes should be a transcript of what has been said by each individual at the meeting from gavel to gavel, nothing left out nothing added.

Mr. Lewis stated that the people who know him know that he is not exactly at a loss for words, and tends to speak his peace. Mr. Lewis noted the meeting minutes from last month only has him making two statements the entire meeting which is unbelievable. Mr. Lewis mentioned he knows for a fact there were other statements he made that are not documented.

Mr. Lewis asked Chairman Bowen for the authority or a consensus by the Commission that the Commissioners should adhere to the strict rules of the minutes and transcribe them as stated.

Chairman Bowen noted at times he can go off track and it is not worthy of being in the minutes and feels in that perspective it is okay to leave out.

Mr. Lewis mentioned he agrees not everything should be presented in the minutes but as Commissioners feels they should have the opportunity to determine what should be left in and what should be omitted before approving the minutes.

Mr. Cox asked Mr. Lewis if he was asking for a verbatim recording of the minutes. Mr. Lewis stated he is asking for an actual transcript for the public and yourselves as recollection of a meeting. Mr. Lewis mentioned everyone has the minutes to be able to reflect on what was said as well as the public and supervisors need to know exactly what was said and when it was said and who said it so they can make their determination of the Commissioners advice.

Chairman Bowen asked if the Board of Supervisors have a transcript word for word. Mrs. Mothershead mentioned there is a recorder that records every meeting and all recordings from Planning Commission, BZA, Board of Supervisors, and everything are available in the office. Mrs. Mothershead stated the Board of Supervisors is not word for word. Mrs. Mothershead mentioned when working on the minutes we try and touch on the high points. Mrs. Mothershead noted a while back it was told to make sure the motions are clear and make sure the conversation is summed up.

Mrs. Mothershead mentioned when everyone receives the minutes and reviews them, if you think something is missing that is important don't hesitate to contact us even before the meeting to go back and listen to the recording and expand on that particular piece of the meeting.

Mrs. Mothershead mentioned she used to do the minutes and understands how difficult it is at times to try and go back and listen to a meeting and summarize it in a word document. Mr. Smith noted he agreed with Mrs. Mothershead.

Chairman Bowen asked if there was a compromise. Mr. Lewis mentioned he was making an observation and reading the by-laws for what they were saying. Mr. Lewis noted the Board of Supervisors and

citizens of the County would like to know verbatim of what is being talked about so they can make their own decisions to come up with conclusions. Mr. Lewis also noted it is our job making sure the information is accurate to them. Chairperson Bowen mentioned he agrees, but can't see putting more rules than what the Board of Supervisors are doing, given that the Commissioners are recommending and they are approving.

Mr. Cox noted if something is missing from the minutes bring it to Mrs. Hylan's or Mrs. Mothershead's attention, but does not think a verbatim transcript of the meeting is necessary.

Mr. Packett mentioned Mrs. Mothershead emails each Commissioner an invitation to the meeting as well as the minutes from the prior month. Mr. Packett noted that if everyone reviews the minutes and feels something is left out bring it to attention to be plugged into the revised minutes if necessary.

Ms. Jackson commented as retired secretary anything that is pertaining directly to what is being discussed should be in the minutes and anything that has been omitted and directly is related should be brought to the attention of the Secretary prior to the next meeting so that can become an addition.

Mr. Ball noted he does not see it necessary that everything of what has been talked about does not have to be in the minutes.

Mr. Clayton mentioned he agrees with Mrs. Mothershead that there are going to be times that some things will be left out and feels that sometimes opinions are voiced and you want to be heard, but there are times that it can take quite a bit of time to compile things together. Mr. Clayton noted leaving as is and if needed make an insert later if something was left out prior to next meeting.

Mr. Lewis noted if you go through the audio transcript from last month there was a conversation himself and Mrs. Mothershead had about the perking or lack of perking of the school house on the Amish property that was omitted from the minutes.

Mr. Lewis noted some recommended changes to the minutes. Cassandra Jackson made a motion to approve the minutes, as amended. Walter Ball seconded the motion and they were approved unanimously.

SPECIAL RECOGNITION

Mrs. Mothershead recognized Mr. Walter Ball for his four years of service on the Planning Commission. Mrs. Mothershead mentioned this is Mr. Ball's last night as a Commissioner but extends an open invitation to any future meetings he wishes to attend and thanked Mr. Ball for his service to the County.

Mrs. Mothershead mentioned Mr. Brian Jackson will be filling Mr. Ball's seat starting the New Year.

VAULT PRIVY DISCUSSION

Mrs. Mothershead mentioned after a long conversation with Mr. Brann he has confirmed that vault privies are permissible through the Virginia Department of Health. Mrs. Mothershead noted if the County

Ordinance is more strict than the Virginia Department of Health than the County Ordinance must be followed, which means if the County ordinance allows conventional engineered systems only, privies would not be allowed.

Mrs. Mothershead noted currently privies are permitted at structures that do not have plumbing and are not used as primary living quarters. Mrs. Mothershead mentioned pursuant to the Virginia Building Code homes used as living quarters must be connected to water and sewer.

Mr. Cox asked when it says privies can be permitted at structures that do not have plumbing, is that State or County regulations. Mrs. Mothershead noted it is regulations for both, and if the County can permit it in our ordinance the State can permit it in theirs. Mrs. Mothershead mentioned the State looks for guidance to whatever the county ordinance is.

Mrs. Mothershead mentioned another concern was the hand washing of the students. Mrs. Mothershead noted after speaking with Mr. Brann the plans are to install a hydrant near the building for handwashing.

Mrs. Mothershead mentioned Mr. Brann stated with the handwashing taking place outside of the school area the Department of Health has no regulatory oversight.

Mrs. Mothershead noted she has spoken to other localities and one of their problems dealing with the Schools is the Amish have gone back later on and run plumbing through the structure. Mrs. Mothershead mentioned this does not necessarily mean it's going into the privy but if it's plumbing going through the structure then the vault privy permit would be null and void.

Mrs. Mothershead noted Mr. Lewis asked during the last meeting about traditional soil work being done at the site. Mrs. Mothershead mentioned she has spoken with David Miles who did the work at the site and noted that he did not perform traditional soil work at this site because of the vault privy being allowed.

Mr. Lewis mentioned he recalls from last month's meeting Mr. Cox reading something that said the site had to be non-perkable in order to be able to allow a vault privy. Mr. Lewis commented if a perk test was not given on the school why was a permit issued on the vault privy.

Mrs. Mothershead read vault privies are an acceptable method of holding human excreta where ground water/ surface water or other conditions prohibit the installation of other approved facilities. Mrs. Mothershead noted the conditions contained in subdivision B1C of this section shall be met. Mr. Lewis mentioned according to that statement a perk test had to be done before a vault privy can even be thought about.

Mrs. Mothershead noted it is allowed in the Zoning Ordinance and it is permissible through the Health Department.

Mr. Packett asked the Commissioners if the Amish are following Health Department rules and no plumbing is being run and no water is being used as stated in the rules, what issues are there. Mr. Packett mentioned if there are no problems why change it.

Mr. Lewis noted personally he has sanitation issues. Mr. Lewis mentioned adults know when to wash their hands but children are being told what to do. Mr. Lewis also mentioned everyone should be washing their hands and given the opportunity to wash your hands and taught proper hygiene.

Mr. Lewis noted he thinks the rules for the vault privy are misguided.

Mrs. Mothershead mentioned she thinks there are two issues some being upset about the vault privy being allowed and others about hand washing.

Mrs. Mothershead noted the way the Amish have their handwashing set up is separate from the vault privy.

Mrs. Mothershead mentioned they are going to do a hydrant but currently they are bringing water over from their home to an area outside of the school for handwashing. Mrs. Mothershead also noted there is another area with water brought over for drinking.

Mr. Clayton asked if getting the hydrant is a rule by the County. Mrs. Mothershead mentioned the County has not forced the issue of handwashing. Mrs. Mothershead noted the Amish have asked if putting a hydrant in will cause any issues with what has already been permitted. Mrs. Mothershead mentioned after speaking with Mr. Brann the hydrant will not be close to the school it will be close to the area where horses are brought in so it can also be used for the horses.

Mr. Cox reiterated how important hand washing is and how it can help prevent illness. Mr. Cox mentioned in his opinion there is a public health issue when the kids can't wash their hands. Mr. Cox also mentioned another issue previously discussed is the school reaching capacity or close to capacity.

Mr. Cox noted he has no issues with vault privies and in limited cases they are fine. Mr. Cox mentioned he does not believe vault privies should be outlawed because they do have their use. Mr. Cox noted he does not think the school should be one of them. Mr. Cox mentioned the lack of basic sanitation and hand washing is his issue.

Mr. Clayton asked the Comparison between Richmond County and other Counties regulations.

Mr. Clayton mentioned it is hard to change how a person lives and their culture, and we need to accept people and the way they do things and not how we want them to do it.

Mrs. Mothershead noted the County has leaned on Halifax and Charlotte Counties about the Amish community. Mrs. Mothershead mentioned the Amish come with a different life then what we are use too which raises people's attention because it's different. Mrs. Mothershead noted there is a Zoning ordinance

that has to be followed and anyone that comes to the County with a question or proposal instead of just saying no, we will try and work through it and figure out how to make it work.

Mr. Lewis asked the reasoning why the Board of Supervisors sent the vault privy discussion back to the Planning Commission. Mrs. Mothershead noted the Board of Supervisors are concerned with washing hands and no facility on site to wash hands.

Mrs. Mothershead mentioned the Board is looking for a recommendation from the Planning Commission.

Chairman Bowen noted from what he is reading you are not allowed to wash your hands outside without a permit. Mr. Cox mentioned the way the Health Department is currently interrupting this, they don't want to regulate this.

Mr. Lewis asked if a conventional perk has to be done first. Chairman Bowen read regulation B1C the last sentence states pit privies are acceptable means of sewage disposable in isolated areas such as camping areas, public launching areas, recreation areas, state parks and wilderness areas where pressurized water systems are not provided.

Ms. Jackson suggested taking a vote that this go forward if all rules and regulations have been followed thus far between the Health Department, monitoring is being done and everything is set up properly. Mrs. Mothershead asked if she means to remain as is with the same regulations in place and with the same inspections in place that are being enforced currently. Ms. Jackson mentioned to remain with the same rules and regulations until there is a problem.

Mrs. Mothershead noted making it clear at each of the school locations there needs to be adequate means for washing hands.

Mrs. Mothershead mentioned she would rather see a hydrant, than bringing water over in a cooler with risk of being contaminated.

Chairman Bowen noted adequate hand washing needs to be defined. Mrs. Mothershead mentioned if the Health Department has no regulatory oversight then the Building and Zoning will have to make sure it's available.

Mr. Mothershead mentioned he likes the idea of the hydrant.

Mr. Packett commented possibly adding a provision that a long term solution would be to have a hydrant within no later than and decide what the no later than will be on future schools, unless specifying water being there right away.

Mr. Lewis commented he has health concerns. Mr. Lewis mentioned he agrees people have the right to do what they want on their property but as far as the health concern of the children, he believes there should be running water in the facilities. Mr. Lewis noted he does not think vault privies are very sanitary. Mr. Lewis mentioned personally he would be against vault privies in the schools with housing children.

Mr. Cox noted if the Commissioners are going to make the suggested recommendation, he recommends the water being periodically tested to make sure that it remains safe.

Chairman Bowen mentioned he is trying to apply the rules equally for everyone. Mr. Cox noted any water system that serves the public should be tested.

Mrs. Mothershead asked who is going to enforce the water testing if the Health Department is not. Mrs. Mothershead mentioned she would be hesitant to enforce it only on Amish schools if it is not being enforced elsewhere.

Mr. Packett asked Mr. Cox for some examples of where people are required to have water samples done. Mr. Cox noted the Town of Warsaw has public water supply that is tested monthly, all restaurants are tested at least quarterly, daycare centers, and all people that take care of kids and if you have more than 5 kids you must be licensed.

Mr. Cox mentioned all schools in the State are tested except maybe a private home that is being used to educate kids.

Mr. Smith noted he agrees with making a recommendation to the Board of Supervisors about water testing being a concern and do some research in the meantime to see if it is done in other schools and who will regulate the testing to make sure it is good water.

Cassandra Jackson made a motion to continue to allow vault privies as long as hand washing was made available with an outside hydrant and also expressed concern about water source used for handwashing being tested periodically. Walter Ball seconded the motion and the motion carried with a vote of 7-2 (Rick Cox –nay; Glenn Bowen – aye; Darnell Clayton-aye; John W. Lewis –nay; Harry Smith, Jr. - aye; Cassandra Jackson – aye; Brian Mothershead – aye; Marion James Packett- aye; Walter Ball- aye).

OTHER BUSINESS

Mrs. Mothershead mentioned she is expecting to have a final special exception application in the next week for the solar project in Richmond County. Mrs. Mothershead noted she would forward the application to the Commissioners to begin reviewing once received.

Mrs. Mothershead mentioned Strata Solar is the company developing this solar project. Mrs. Mothershead noted Strata Solar has been successful in holding community meetings prior to the planning commission meetings. Mrs. Mothershead mentioned Strata Solar has asked for a list of adjoining property owners to send letters out to notify them of the meetings.

Mrs. Mothershead noted Strata Solar will be set up in the Public Meeting Room December 19th 4-7 p.m., January 2nd 4-7 p.m., and January 3rd 9-12 p.m. for questions and answers.

Mrs. Mothershead mentioned Strata Solar will be at the January 6th Planning Commission meeting to formally introduce the project.

Mrs. Mothershead noted the solar project will be located near Cedar Grove Road, Maon Road and Ridge Road of approximately 1500 acres and 127MW.

Mr. Lewis asked will the land be purchased or leased. Mrs. Mothershead mentioned the land will be leased.

Mr. Packett asked if the current land is open timber. Mrs. Mothershead noted she believes a large amount of the land is timbered and some of it is open fields.

Mrs. Mothershead mentioned she has received several calls concerning the solar project.

Mrs. Mothershead noted Strata Solar has a time frame but the project will need to follow the necessary steps to go through Planning Commission and then the Board. Mrs. Mothershead mentioned the County has reached out to third party inspectors to help with this project.

ADJOURNMENT

There being no further business, Glenn Bowen adjourned the meeting.

Respectfully submitted,

Liz Hylan
Commission Secretary