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Shenandoah County : Board of Supervisors : Meeting Minutes

Board of Supervisors	Current Agenda	Archives	<b>Meeting Minutes</b>	Board Members	Meeting Schedule	Budget Schedule	Committee Assignments
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## Board of Supervisors

Minutes of meeting: November 09, 2010

A regular meeting of the Board of Supervisors was held at 10:00am in the Board Meeting Room, 600 North Main Street, Woodstock, Virginia, on November 9, 2010. The following members of the Board of Supervisors were present: Chairman David Ferguson, Vice-Chairman Conrad Helsley, Steve Baker, Dennis Morris, Dick Neese and Sharon Baroncelli. Others present included County Administrator Doug Walker, Assistant County Administrator Mary Price, County Attorneys Don Litten and Jay Litten and Executive Assistant Chris Sherman

Chairman Ferguson called the meeting to order at 10:00am.

An invocation was given by Chairman Ferguson followed by the Pledge of Allegiance.

Supervisor Baroncelli made a motion, seconded by Supervisor Baker to approve the November 9, 2010 meeting agenda.

Public Comments (On new business agenda items only) - No comments were received.

Consent Agenda - Supervisor Helsley made a motion, seconded by Supervisor Morris to remove Item B from the Consent Agenda and place under New Business Items and to approve Items A, C, D and E under Consent Agenda. The motion was approved by a vote of 6-0.

A. Approval of Minutes - October 26, 2010 Regular Meeting.

**C. Approval of a Resolution to the U.S. Forest Service on the George Washington Natural Forest Plan, Drinking Water Resource Management and Hydraulic Fracturing Natural Gas Mining .**

Resolution to the U.S. Forest Service on the George Washington Natural Forest Plan, Drinking Water Resource Management and Hydraulic Fracturing Natural Gas Mining

WHEREAS, the U.S. Forest Service is preparing a draft forest plan and environmental impact statement for release in January 2011 that will govern management of resources within the George Washington National Forest (GWNF) for the next 15 years, and

WHEREAS, water sources within the GWNF serve an estimated 8,452 residents in the Shenandoah County towns of Strasburg and Woodstock, and

WHEREAS, the Shenandoah Board of Supervisors passed a resolution on May 12, 2009 calling on the U.S. Forest Service to provide comprehensive management and protection of drinking water resources in the Forest, and

WHEREAS, nearly all of the GWNF on the western border of Shenandoah County is underlain by the Marcellus shale geological formation, a potential source of natural gas that is mined by a drilling process known as hydraulic fracturing, and

WHEREAS, hydraulic fracturing requires from two to 10 million gallons of water per well, combined with sand and numerous chemicals, to break up shale and access natural gas, a drilling and mining process that has been linked to surface water and drinking water contamination, air pollution and soil contamination in a dozen states, and WHEREAS, hydraulic fracturing gas mining has been linked to other significant adverse environmental impacts, including massive water withdrawals, gas migration from new and abandoned wells, the inability of public treatment plants to adequately treat millions of gallons of gas mining waste water, underground injection of brine waste water, improper erosion and sediment control, improper cementing and casing of wells, over-pressurized wells, significant increases in industrial truck traffic with subsequent increases in accidents on rural roads, and other accidents and spills, and

WHEREAS, Congress' 2005 Energy Policy Act exempts the hydraulic fracturing drilling process from long-held environmental regulations such as the Clean Air and Clean Water Acts, the Safe Drinking Water Act, the Superfund law and other environmental regulations, and

WHEREAS, the exact chemicals used in the hydraulic fracturing process are currently considered 'proprietary' and therefore are not disclosed to federal, state or local health officials or the public, and

WHEREAS, the U.S. Environmental Protection Agency is in the midst of a two-year study of effects of hydraulic fracturing gas mining on water quality and other resources, to inform the development of regulations and recommendations to reduce environmental impacts,

NOW, THEREFORE, BE IT RESOLVED that the Shenandoah Board of Supervisors requests that the U.S. Forest Service, in the revised management plan for the GWNF, act to aggressively protect drinking water resources, and prevent other significant environmental harm, by prohibiting hydraulic fracturing natural gas wells or mining in the National Forest.

Approved on a motion by Supervisor \_\_\_\_\_ and seconded by Supervisor \_\_\_\_\_ and by a vote of \_\_\_\_\_ at a regularly scheduled meeting by the Shenandoah County Board of Supervisors on November 9, 2010.

\_\_\_\_\_, Chairman of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk to the Board

D. Approval of a County ordinance titled Section 124 Pawnbrokers .  
Chapter 124

PAWNBROKERS

§ 124-1. Statutory authority for regulation.

§ 124-2. Definition.

§ 124-3. License required; license authorized by court; building designated in license.

§ 124-4. Limitations on number of pawnshops.

§ 124-5. Daily reports.

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§ 124-1. Statutory authority for regulation.

Pursuant to § 54.1-4000 et seq. of the Code of Virginia, the County of Shenandoah hereby regulates pawnbrokers. This chapter shall not in any manner be deemed or construed to alter or abrogate any law of the state applicable to the subject matter hereof.

§124-2. Definition.

As used in this Article, the following term shall have the meaning as indicated:

PAWNBROKER - Any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

§ 124-3. License required; license authorized by court; building designated in license.

A. No person shall engage in the business of pawnbroker without having a valid license in accordance with this article.

B. Any person seeking a pawnbroker's license shall first file a petition with the Circuit Court of Shenandoah County to obtain authorization for the Sheriff of the County to issue a pawnbroker's license in accordance with § 54.1-4001 of the Code of Virginia.

C. Upon receiving authorization for the Sheriff of the County to issue a pawnbroker's license from the Circuit Court of Shenandoah County, the applicant shall make application for the license on a form supplied by the Sheriff. The applicant shall furnish the following information:

- (1) Full name, address and telephone number.
- (2) Date of birth and gender.
- (3) Any and all aliases by which the applicant is or has been known.
- (4) Employer name, address and phone number if applicable.
- (5) A sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the Commonwealth.
- (6) A receipt from the treasurer indicating payment of an application fee of two hundred dollars (\$200.00).
- (7) Any other pertinent information deemed necessary by the Sheriff to adequately evaluate the application.

D. The license shall designate the building in which the licensee shall operate the business. The licensee shall not operate the business in any other location without the consent of the Circuit Court and written notice to the Sheriff.

§ 124-4. Limitation on number of pawnshops.

The number of locations licensed where the business of a pawnbroker may be conducted shall be limited to three (3) locations in unincorporated Shenandoah County.

§ 124-5. Daily reports.

Every pawnbroker shall prepare a daily report of all goods, articles, or things pawned, pledged or purchased each day and shall submit the report to the Sheriff by noon of the following day. The report shall contain the information as set forth in § 54.1-4010 of the Code of Virginia and shall be compiled, maintained and submitted in electronic form.

E. Approval of a request from People, Inc. to serve as the Indoor Plumbing Rehabilitation Program Administrator in Shenandoah County.

Public Hearing(s) - There were no public hearings scheduled.

Reports:

Chairman Ferguson presented Employee Service Awards to Dave Wiatrowski, Adam Sheets, Kenny Monkman, Daniel Funkhouser, Ralph Crabill and Jessie Clark each with 5 years of service to the Department of Fire and Rescue.

Old Business - There was no old business to discuss.

Consideration of Planning Commission Item(s)

Consideration of a request for a text amendment to Section 165-16 B(1)(v), of the Shenandoah County Zoning Ordinance, adding "Pawn Shops" as a by-right use in the Local Business (B-1) Zoning District and a staff initiated text amendment to Section 165-17 B(1)(II), adding "Pawn Shops" as a by-right use in the General Business (B-2) Zoning District, as well as the addition of the terms "Pawn Shop" and "Pawnbroker" to Section 165-4, Definitions, of the Shenandoah County Zoning Ordinance. The Planning Commission recommends approval.

Supervisor Baker made a motion, seconded by Supervisor Morris to approve the text amendment to Chapter 165 adding Pawn Shops to the definition. The motion was approved by a vote of 6-0.

New Business

Consideration of a request from Bryce Resort to defer action on specific pending Rezoning and Special Use Permit applications for a period of up to one year beginning November 30, 2010.

Supervisor Helsley made a motion to deny the application. The motion failed due to lack of a second.

Supervisor Neese made a motion to approve the one year extension, seconded by Supervisor Baroncelli.

Supervisor Helsley expressed concern that the Townhouses would be located at the foot of the lake. He added that it is uncommon for Shenandoah County to keep deferring action from one year to the next without any knowledge of how long it will continue. Dr. Helsley stated that it is for these two reasons that he cannot support this request.

Chairman Ferguson stated that he believes this extension does not consider dam safety especially when the Townhouses are proposed at the foot of an earthen dam. He added that safety issues are his concern and that he has a problem supporting the deferral based on those concerns.

Supervisor Neese stated that the Townhouses are one mile away and that only part of the plan is located in the Flood Plain which makes it hard to say no to this request. Supervisor Morris said that he would support the request for an extension, and added that it did not mean that he would support action on the plan at a later date.

Motion was approved 4-2 on a roll call vote as follows:

Mr. Baker aye Dr. Helsley no  
Mr. Morris aye Ms. Baroncelli aye  
Mr. Neese aye Mr. Ferguson no

Public Comments (Non-Agenda Items) There were no public comments on non-agenda items.

ADMINISTRATOR'S COMMENTS

County Administrator Doug Walker presented the Board with a draft calendar for January 2011 to illustrate to the Board a suggested new meeting format. He also handed out a sample meeting agenda for the day Board of Supervisors meeting scheduled for January 11, 2011 which included all monthly, bi-monthly and quarterly reports from various departments and agencies. He stated that this format is assuming committees will no longer exist, but acknowledged that the work of the Board will continue but with fewer, longer and more efficient meetings.

Mr. Walker also indicated that in the suggested format the day meeting would begin at 9:00am on the second Tuesday of each month and a Board of Supervisors work session would be scheduled for the first Thursday of each month at 4:00pm and would include topics that require considerable conversations to talk through. Mr. Walker informed the Board that in his mind the night Board Meeting, held on the fourth Tuesday of each month would include Public Hearings to better accommodate public participation.

OTHER BUSINESS - No other business was discussed.

CLOSED SESSION - There were no Closed Sessions.

With no further business to come before the Board, the meeting was adjourned at 10:45am.

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