

**VIRGINIA: AT A REGULAR MEETING OF THE POWHATAN COUNTY
BOARD OF SUPERVISORS HELD IN THE POWHATAN VILLAGE
BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN
POWHATAN COUNTY, VIRGINIA, JANUARY 25, 2016 AT 7:00 PM**

Board of Supervisors Present: William E. Melton, District 4, Chairman
Carson L. Tucker, District 5, Vice-Chairman
Angela Y. Cabell, District 3
Larry J. Nordvig, District 2
David T. Williams, District 1

Staff Members Present: Pat Weiler, County Administrator
March Altman, Deputy County Administrator
Tom Lacheney, County Attorney
Charla Schubert, Director of Finance
Steven Singer, Fire & EMS Chief
Ed Howland, Planning Manager
Ramona Carter, Public Works Director

1. Call to Order

Mr. Melton called the meeting to order at 6:00 p.m.
All Board members were present except Carson L. Tucker.

2. Invocation

Mr. Melton provided the invocation.

3. Pledge of Allegiance

Mr. Williams led the Pledge of Allegiance

**4. Requests to Postpone Agenda Items and Additions, Deletions or
Changes in the Order of Presentation**

There were no requests.

5. Formal Approval of Agenda

Mr. Williams moved to approve the agenda as presented. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton voted AYE.

VOTE 4-0

MOTION Passed

6. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date

The following citizens spoke:

1. Mr. Don Silberbauer, 1426 Donovan Mill Lane, spoke in opposition of the Constitutional Officer Agreement.
2. Chad Van Buskirk, 2410 Morningview Drive, spoke about the abandoned property across the street from him at 2404 Morningview Drive. He asked the Board to pass an ordinance address feral cats as this abandoned property has 7-9 feral cats living in and out of the structure and coming over to his property and causing damage and threatening his animals.
3. Ray Kramer, 1701 Kisra Lane, concerned about the Constitutional Officer Agreement and if it is unconstitutional.
4. Kevin Wolfe, 2467 Deerpath Drive, concerned about the abandoned property at 2404 Morningview Drive. He asked the Board to appropriate the funds to create the positions and hire proper authority to enforce the new ordinance. He stated the owner of said property was ordered in court to have the property cleaned up by March 8th and allow volunteers on the property to help. Mr. Wolfe is concerned for the health and safety of the volunteers.
5. Jim Carver, 4245 Steger Creek, spoke in opposition of the Constitutional Officer Agreement.
6. Cecil Glunt, 2419 Morningview Drive, spoke in support of cleaning up the 2404 Morningview Drive house.
7. Jamie Timberlake, 1415 Schroeder Road, Powhatan County Commissioner of the Revenue, clarified his statements from the previous Board of Supervisors meeting and apologized to Mrs. Weiler for changing his stance on the Constitutional Officer Agreement.

Seeing no one who wished to speak, Mr. Melton closed the public hearing.

7. Consent Agenda

All matters listed under the Consent Agenda are considered by the Board to be routine and will be enacted by one resolution in the form or forms listed below. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approve Meeting Minutes – January 4, 2016
- b. Resolution R-2016-03 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating \$418,515 in TANF and CSBG grant funds.

- c. Resolution R-2016-04 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating \$18,806.15 in the Grants Fund for Donations for TRIAD, the Animal Shelter, K9 Bane and Robotics Club.
- d. Resolution R-2016-05 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Transferring \$90,133 from the Capital Projects Fund back to the Capital Maintenance Reserve in the General Fund.
- e. Resolution R-2016-07 Requesting State Road Acceptance by the Virginia Department of Transportation (VDOT) for the streets in Walnut Creek Subdivision, Sections 1 and 3.
- f. Accept Treasurer's Report as of October 30, 2015
- g. Accept Treasurer's Report as of November 30, 2015
- h. Accept Monacan Soil and Water Conservation District – 2016 1st Quarter Report

Mr. Nordvig motioned for approval of Consent Agenda as presented. Ms. Cabell seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton voted AYE.

**VOTE 4-0
MOTION Passed**

8. Appointment to Boards, Commissions, Committees, etc.

- a. Planning Commission (PC)

Mr. Williams motioned to appoint Karin Carmack for District 1. Mr. Melton seconded the motion.

Mr. Nordvig motioned to appoint Owen Walker for District 2. Mrs. Cabell seconded the motion.

Mrs. Cabell motioned to appoint Jennifer Giovannitti for District 3. Mr. Nordvig seconded the motion.

Mr. Melton motioned to appoint Bill Cox for District 4. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton voted AYE.

**VOTE 4-0
MOTION Passed**

Let the Record show Mr. Tuckers arrival at 6:23 p.m.

Mr. Tucker motioned to appoint David Van Gelder for District 5. Mr. Melton seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0
MOTION Passed**

- b. Economic Development Authority (EDA)

Mr. Melton motioned to defer until February 22, 2016 regular meeting. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0
MOTION Passed**

- c. Powhatan Local Emergency Planning Committee (LEPC)

Mr. Melton motioned to accept all changes to LEPC list as presented. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0
MOTION Passed**

- d. Broadband Citizen Advisory Council (BCAC)

Mr. Nordvig motioned to appoint Jamie Duncan to the Broadband Citizens Advisory Council (BCAC). Mr. Tucker seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0
MOTION Passed**

9. Old Business

- a. Resolution R-2016-02 Extending to Constitutional Officers the Powhatan County Personnel System

Mr. Nordvig motioned to approve Resolution R-2016-02. Mrs. Cabell seconded the motion. Mr. Nordvig, Mrs. Cabell, Mr. Tucker and Mr. Melton made a statement in support of the Constitutional Officers agreement. Mr. Williams made a statement in opposition of the Constitutional Officers agreement.

Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE. David T. Williams voted Nay.

**VOTE 4-1
MOTION Passed**

10. New Business

- a. Presentation by the Virginia Fire Services Board of the Report of Findings and Recommendations: Powhatan County Fire and EMS Study.

Ms. Betty Reeves Nobles, member of Virginia Fire Services Board and member of study committee for Powhatan County Fire & EMS Services, presented the Report of findings and Recommendations to the Board.

- b. Presentation of the June 30, 2015 Comprehensive Annual Financial Report (CAFR) by Brown, Edwards & Company, LLP.

Ms. Megan Argenbright, Senior Associate, Brown, Edwards & Company LLP presented the Comprehensive Annual Financial Report (CAFR) to the Board.

- c. Resolution R-2016-08 Adopting the Powhatan County Emergency Operations Plan with the Updates from the Annual Review.

Chief Singer presented item R-2016-08 to the Board. Mr. Tucker motioned to approve as presented. Mr. Melton seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0
MOTION Passed**

- d. Presentation of the Proposed FY 2017 Five-Year Capital Improvement Program (CIP)

Ms. Weiler presented the Proposed FY 2017 Five-Year Capital Improvement Program (CIP) to the Board.

**11. Certificates of Appreciation, Special Resolutions and Proclamations –
Time Certain 6:55 PM**

- a. P-2016-01 Designating January 25-29, 2016 as Constitutional Officer Week in Powhatan County.

Mr. Melton read the Proclamation aloud and motioned for approval. Mr. Tucker seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0
MOTION Passed**

12. Public Hearings – Time Certain 7:00 PM

- a. Ordinance O-2016-01 to conditionally rezone approximately 50[±] acres of land located at intersection of Rt. 711 and Winterfield Road from Commercial (C) and Residential-Utility (R-U) and to Village Center Planned Development (VC-PD) District.

Mr. Altman presented this item the Board. Mr. Casey Sowers spoke as the applicant. Chairman Melton opened the public hearing on this item. The following persons spoke:

1. Mr. Robert Gibson, 2378 Founders Creek Court, asked the Board to make sure the construction entrance gets approved to avoid the constant construction traffic on their road. He also addressed the water concerns and asked staff to continue to work with and communicate with residents to assure the quality of the water is sufficient.
2. Mr. Richard Ayers, 2821 Maidens Road, spoke in support of the project. He asked the Board to consider the number of homes using a single entrance and require a secondary entrance as the provision in the Zoning Ordinance stipulates.

Seeing no one who wished to speak, Mr. Melton closed the public hearing.

Mr. Williams moved to approve Ordinance O-2016-01 to conditionally rezone approximately 50[±] acres of land located at intersection of Rt. 711 and Winterfield Road from Commercial (C) and Residential-Utility (R-U) and to Village Center Planned Development (VC-PD) District. Mr. Melton seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

**VOTE 5-0
MOTION Passed**

- b. Ordinance O-2016-02 Granting a Conditional Use Permit (15-11-CUP) to R. Blanton and Debora Gordon to operate a country inn at 1660 Ballsville Road.

Mr. Altman presented this item the Board. Chairman Melton opened the public hearing on this item. Seeing no one who wished to speak, he closed the public hearing.

Mr. Tucker moved to approve Ordinance O-2016-02 Granting a conditional use permit to R. Blanton and Debora Gordon to operate a country inn at 1660 Ballsville Road. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

VOTE 5-0
MOTION Passed

- c. Ordinance O-2016-03 Granting a Conditional Use Permit (15-12-CUP) to Richard W. Dressler to operate a commercial landscape operation on Tax Parcel #53-78.

Mr. Altman presented this item the Board. Chairman Melton opened the public hearing on this item. Seeing no one who wished to speak, he closed the public hearing.

Mr. Nordvig moved to approve Ordinance O-2016-03 Granting a conditional use permit to Richard W. Dressler to operate a commercial landscape operation on Tax Parcel #53-78. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

VOTE 5-0
MOTION Passed

- d. Ordinance O-2016-04 to conditionally rezone approximately 2.47[±] acres of land located in the northwest corner of the intersection of Anderson Highway (Rt. 60) and Academy Road from Residential-Commercial (R-C) to Village Center (VC).

Mr. Altman presented this item the Board. Chairman Melton opened the public hearing on this item. Seeing no one who wished to speak, he closed the public hearing.

Mrs. Cabell moved to approve Ordinance O-2016-04 to conditionally rezone approximately 2.47[±] acres of land located in the northwest corner of the intersection of Anderson Highway (Rt. 60) and Academy Road from Residential-Commercial (R-C) to Village Center (VC). Mr. Tucker seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

VOTE 5-0
MOTION Passed

Mr. Melton called a short recess at 8:35pm. Meeting resumed at 8:45pm.

- e. Ordinance O-2016-05 Granting a Conditional Use Permit (15-10-CUP) to Virginia Solar LLC to construct and operate a solar energy farm.

Mr. Altman presented this item the Board. Mr. Matthew Meers with Virginia Solar LLC, spoke as the applicant. Ms. Diane Corsello, Director of Business Development with Dominion Power addressed the Board as a co-applicant in the project. Joanne Scott Webb, Scott Timber, land owner, spoke in support of repurposing the existing house of possible. Rob Smith, Construction Manager addressed the question about security lighting. Chairman Melton opened the public hearing on this item. The following persons spoke:

- 1. Sarah Camara, 1712 Macon Orchard Drive, stated her concerns with a possible fire hazard.

Seeing no one who wished to speak, he closed the public hearing.

Mr. Melton moved to approve Ordinance O-2016-05 Granting a Conditional Use Permit (15-10-CUP) to Virginia Solar LLC to construct and operate a solar energy farm. Mr. Tucker seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

VOTE 5-0
MOTION Passed

- f. Ordinance O-2016-06 Amending Chapter 46, Article II. - Fire Prevention Code - of the Code of the County of Powhatan to revise the provisions related to the appointment of a local Fire Marshall and delineation of the Marshall's responsibilities. The proposed changes would also include certain modifications to the Virginia Statewide Fire Prevention Code requirements as enforced in Powhatan County.

Chief Singer presented this item the Board. Chairman Melton opened the public hearing on this item. Seeing no one who wished to speak, he closed the public hearing.

Mr. Tucker moved to approve Ordinance O-2016-06 Amending Chapter 46, Article II. - Fire Prevention Code - of the Code of the County of Powhatan to revise the provisions related to the appointment of a local Fire Marshall and delineation of the Marshall's responsibilities. The proposed changes would also include certain modifications to the Virginia Statewide Fire Prevention Code requirements as enforced in Powhatan County. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE.

VOTE 5-0
MOTION Passed

13. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date

The following persons spoke:

1. Sheriff Nunnally spoke of his disappointment of the Board approval of the Constitutional Officer Agreement. He stated that the Sheriff's Office will not be participating in the signing of the agreement.
2. Chief Deputy Adam Sadler, 983 Manakin Road, stated he supports the Sheriff in his decision not to participate in the Constitutional Officer Agreement.
3. Richard Cox, Powhatan Commonwealth Attorney, stated he was disappointed in the approval of the Constitutional Officer Agreement.
4. Jason Gillespie, 5773 Moore Creek Road, stated he has been following the discussion of the Constitutional Officer Agreement and he is disappointed at the approval of it.
5. Teresa Hash Dobbins, Clerk of the Circuit Court, stated she was very disappointed in the approval of the Constitutional Officer Agreement and asked the Board to listen to their constituents better.

14. County Attorney Comments

Mr. Lacheney stated he had no comments at this time.

15. County Administrator Comments

Ms. Weiler asked Ramona Carter, Public Works Director to give the Board an update state legislation related to nutrient allocation. Ms. Carter stated the Governor had issued an executive order requiring a study to be done on long term solutions for nutrient allocation and funds would be allocated by the state to do so.

16. Board Comments

Mr. Williams asked that we establish a trash clean-up fund and would like to discuss at next workshop.

Mr. Tucker stated the State Park will be moving into their next phase of construction of the park with improvements to the intersection of Maidens Road to allow horse trailers to navigate the corner. Mr. Tucker clarified the prison lockdown is at Powhatan Correctional Center, not Deep Meadow Correctional Center and it is in fact on going.

Mr. Nordvig reiterated his statement from earlier that the vote on the Constitutional Officer Agreement tonight was only to extend the offer of the agreement not to force anyone to sign.

Mr. Melton addressed a concern that came to him from several citizens asking that the Board move the proffer discussion ahead on their agenda to hear the cases prior to the Planning Commission, but the County Attorney has informed them that is not possible and the Planning Commission must hear the cases first.

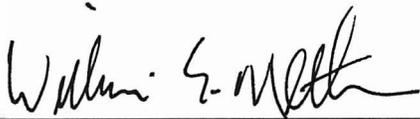
- 17. ~~Closed Meeting~~
- 18. ~~Closed Meeting Certification~~
- 19. **Adjournment**

Mr. Tucker motioned to adjourn the meeting. Ms. Cabell seconded the motion.

David T. Williams, Larry J. Nordvig, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE

VOTE 5-0
MOTION Passed

Meeting adjourned at 11:09 pm



William E. Melton, Chairman
Powhatan County Board of Supervisors



Patricia A. Weiler, Clerk
Powhatan County Board of Supervisors