
Planning Commission Meeting Minutes

February 2, 2016

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, FEBRUARY 2, 2016 AT 7:00 PM

Planning Commissioners Present: Karin Carmack, District 1, Chairman
Owen Walker, District 2
Jennifer Giovannitti, District 3
Bill Cox, District 4
David Van Gelder, District 5, Vice-Chairman

Planning Commissioners Absent: None

Staff Members Present: March Altman, Deputy County Administrator
Ed Howland, Planning & Zoning Manager
Shaun Reynolds, Environmental Manager
Tom Lacheney, County Attorney

Staff Members Absent: None

A. CALL TO ORDER:

Ms. Carmack called the meeting to order at 7:07 PM.

B. INVOCATION:

Mr. Van Gelder gave the invocation.

C. ORGANIZATIONAL MEETING:

Mr. Altman opened the floor for nominations for Chairperson. Mr. Cox nominated Ms. Carmack as Chairperson and Mr. Van Gelder seconded the motion. All in favor.

Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE.

**VOTE 5-0
MOTION Passed**

Ms. Carmack opened the floor for nominations for Vice Chairperson. Mr. Walker nominated Mr. Van Gelder and Mr. Cox seconded the motion.

Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE.

**VOTE 5-0
MOTION Passed**

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Ms. Carmack opened discussion of the Rules of Order which included:

- Public hearing procedures
 - Signup sheet with name and address of citizen addressing Commission
 - Encourage speakers to be “on deck” for better flow
 - Encourage designated speaker for groups stating same concerns
- Call to order for the record
- Invocation per Tom Lacheney is appropriate
- Meeting call to order time to remain at 7:00 pm
- Time to remain at 10:00 pm for required vote to continue meeting

Ms. Carmack motioned for the approval of the Rules of Order without changes.

Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE.

VOTE 5-0

MOTION Passed

Ms. Carmack opened discussion of the Planning Commission meeting schedule.

- Election Day designated in packet as November 1 but it is actually November 8

Ms. Carmack motioned for the approval of the 2016 meeting schedule.

Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE.

VOTE 5-0

MOTION Passed

D. MINUTES:

1. December 1, 2015 Meeting Minutes
2. January 5, 2016 Meeting Minutes

Ms. Carmack opened discussion of the adoption of the December 5, 2015, and the January 5, 2016 meeting minutes.

- The revision of the December 5, 2015 minutes was approved
- The January 5, 2016 meeting minutes were approved with the following amendments:
 - Clarification of condition #8 of the Virginia Solar LLC CUP to include pile-driving to be performed between the hours of 8am to 6pm, Monday through Friday; clearing and grating can be performed between the hours of 8 am to 6 pm, Monday through Friday

Ms. Carmack motioned for approval of minutes as amended.

Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE.

VOTE 5-0

MOTION Passed

E. ADMINISTRATIVE ITEMS:

Mr. Altman asked if there were any questions on the Monthly Activity Report and stated there were no administrative items. He advised the PC the Board of Supervisors approved all five public

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1. Monthly Activity Report - January 2015-2016
2. Request for Deferral/Amend the Agenda

There were no questions or comments in reference to the Administrative Items.

F. PUBLIC COMMENT PERIOD

Chairman Carmack opened the public comment period.

Mr. Archie Goodwynn addressed the PC, stating his disgrace at how his clients (15-13-CUP) were treated during the public hearing period of the January 5, 2016 meeting.

Seeing as there were no more speakers, the public comment period was closed by Ms. Carmack at 7:37 PM.

G. PRESENTATIONS:

There were no presentations.

H. PUBLIC HEARINGS

There were no public hearings.

I. Other Business

1. Sowers private road

Mr. Shaun Reynolds gave an overview of case 15-03-PR, David J. Sowers for the application to construct a ten (10) lot private road. Reviewing agencies do not have adverse comments. The applicant's Conceptual Plan shows a total of 13 lots, with 10 lots having access to the private road and with parcel numbers 11, 12, and 13 having direct access to Huguenot Trail. The reviewing agencies had no adverse comments.

Applicant David Sowers addressed the PC stating staff recommended conditions and he reviewed with staff and has no opposition to these. Showed lots 11, 12, and 13 to be forthright but are not included in the application for the private road.

Ms. Carmack asked if anyone wished to speak, although private roads do not have public hearings. Seeing as there were no one wishing to speak, Ms. Carmack closed public hearing.

Ms. Carmack asked PC members. Mr. Walker began to question Mr. Reynolds statement of County's concern. County Attorney Tom Lacheney expressed he has concerns with the language in the County's Subdivision Ordinance, specifically 6.2-1.0. Ordinance is written that all lot owners abutting the right-of-way have ownership interest of the private road, bumping the number up to over 10. He recommends a deferral while the PC looks at these and see if/how the PC can address this application without being in violation of Subdivision Ordinance.

Ms. Carmack asked Mr. Sowers if he wished to comment. Mr. Sowers expressed his concerns with the treatment he is receiving from the PC.

Mr. Lacheney stated he recommend the application should be deferred because if approved tonight could be challenged.

Ms. Giovannitti made the motion that the PC take the County Attorney's recommendation and defer this application for a month to allow the PC to review the Subdivision Ordinance with the County Attorney.

Ms. Carmack made the motion that 15-03-PR be deferred.

Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE.

**VOTE 5-0
MOTION Passed**

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2. **FY 2017-2021 Capital Improvement Program**

Mr. Altman gave an overview of the copy of the FY 17 CIP stating that the County is working with BOS and School Board on accelerated process this year due the timing of the replacement of Powhatan Junior High School and the need to get bonding in place in order to begin construction after July 1, 2016. He indicated that the CIP contained both County and School Board projects and that the Board of Supervisors is scheduled to take action at their February 22, 2016 meeting. He further stated that the Planning Commission's role is to provide recommendation that the proposed CIP is in compliance with the Comprehensive Plan. He informed that the Commission that the County Administration understood that if the Commission was not comfortable making recommendation given the timing of the request that it was under requirement to do so, as the Code of Virginia stated that the Commission "may" make a recommendation.

Planning Commission, by consensus, determined not to make recommendation on the FY 17 CIP.

Mr. Lacheney suggested a closed meeting session. Ms. Carmack moved that the Planning Commission convene in closed meeting session with County Attorney for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. The motion was seconded by Mr. Van Gelder with Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox and Mr. Van Gelder voting AYE.

The Planning Commission enter Closed Meeting at 8:01 p.m.

Chairman Carmack reconvened the Regular Meeting of the Powhatan County Planning Commission in open meeting at 8:45 pm, and requested the Clerk of the Commission to conduct a roll call certification vote of the Commission.

Mr. Altman asked to the best of each Commissioner's knowledge if the matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements and only such business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting just conducted?

Mr. Altman conducted the roll call vote with Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox and Mr. Van Gelder voting AYE.

Ms. Carmack welcomed Ms. Giovannitti as newly appointed District 3 Planning Commission member.

Mr. Cox stated himself and several members required another copy of the subdivision ordinance.

Ms. Carmack adjourned regular meeting and opened workshop meeting.

J. **WORKSHOP MEETING**

1. Comprehensive Land Use Plan Update

- Discussion of Revisions & Process
- Discussion to restructure and handle in workshop; dates to follow
 - Discussion on PC decision as a group
 - Discussions conducted but no resolution

K. **ADJOURNMENT**

Ms. Carmack adjourned the meeting at 8:51 PM.

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Karin Carmack, Chairman



John M. Altman, Jr., Deputy County Administrator