

**VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS
HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD
BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, ON
MARCH 28, 2016 AT 6:00 P.M.**

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

Staff Members Present: Patricia A. Weiler, County Administrator
March Altman, Deputy County Administrator
Charla Schubert, Finance Director
Tom Lacheney, County Attorney
Steve Singer, Fire and Rescue Chief
Ed Howland, Planning and Zoning Manager
Cathy Pemberton, Social Services Director
Ashley Rimmer, Family Services Specialist

Guests Present: Mary Ellen Freer, Co-Chair, Powhatan Resource Council
Brad Luxford, Deputy Sheriff, Co-Chair, Powhatan
Resource Council

1. Call to Order

Chairman Melton called the meeting to order and at 6:00 p.m. Chairman Melton stated to let the record show all Board of Supervisors members are in attendance.

2. Invocation

Mr. Tucker provided the invocation.

3. Pledge of Allegiance

Chairman Melton led the Pledge of Allegiance.

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

Mr. Tucker requested to postpone item 11 (c) until the April 18, 2016, Board of Supervisors meeting.

Chairman Melton requested to remove Items # 17 and 18 from the Agenda.

5. Formal Approval of Agenda

Mr. Tucker motioned to approve the agenda as amended. 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**

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

Chairman Melton opened the public comment period.

Jim Carver, a County resident, urged the Board of Supervisors to reconsider the advertised tax rate and lower it to \$0.85/\$100.

Joe Washington, a County resident, requested that the Board take some type of action towards restoring Lake Louise. Mr. Washington is concerned about the dry hydrant conditions.

Janet Newton, a County resident, stated that since Lake Louise went dry, property values around the lake have declined. Mrs. Newton also expressed concern about the erosion of Mountain View Road each time there is significant rain.

Seeing there were no additional speakers, Chairman Melton closed the public comment period.

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 Special Joint Meeting Minutes – January 20, 2016
- b. Approve Special Meeting Minutes – January 20, 2016
- c. Approve Special Joint Meeting Minutes – February 3, 2016
- d. Approve Special Meeting Minutes – February 10, 2016

- e. Approve Special Joint Meeting Minutes – February 17, 2016
- f. Approve Regular Meeting Minutes – February 22, 2016
- g. Approve Special Meeting Minutes – February 22, 2016
- h. Approve Regular Meeting Minutes – February 29, 2016
- i. Approve Regular Meeting Minutes – March 7, 2016
- j. Approve Special Meeting Minutes – March 9, 2016
- k. Resolution R-2016-17 – Requesting State Road Acceptance by the Virginia Department of Transportation (VDOT) of the Streets in Section 1, Tilman’s Farm Subdivision
- l. Resolution R-2016-18 – VDOT Revenue Sharing Program Cancellation of Dorset Road and Winterfield Road Projects
- m. Accept Treasurer’s Report dated January 31, 2016
- n. Accept Treasurer’s Report dated February 29, 2016

Mrs. Weiler requested that for Item # 7 (l), the Board substitute a corrected Resolution that has been distributed.

Chairman Melton motioned to approve the Consent agenda as amended. 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**

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

- a. Appointment to the Richmond Area Transportation Planning Organization Citizens Transportation Advisory Committee (RRTPO)

Mr. Williams motioned to defer the appointment of a representative to the RRTPO until the April 18, 2016, Board of Supervisors meeting. 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-2016-16 Fixing Calendar Year 2016 Personal Property Tax Rates

Mr. Williams motioned to approve Resolution R-2016-16. Chairman 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. Resolution R-2016-15 Adopting the Powhatan County Economic Development Strategic Plan

Mr. Tucker motioned to approve Resolution R-2016-15. 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. Economic Development Strategic Plan Implementation Plan Monthly Update

Mr. Altman presented and the Board discussed the Economic Development Strategic Plan Monthly Update.

- d. Strategic Plan Monthly Update

Mrs. Weiler presented and the Board discussed the Strategic Plan Monthly Update.

10. New Business

- a. Presentation from the Powhatan Resource Council

Mary Ellen Freer, Co-Chair of the Powhatan Resource Council, presented an update from the Powhatan Resource Council to the Board.

Mr. Tucker remarked that he has watched Mrs. Freer and Mrs. Pemberton build the Powhatan Resource Council effort over the last year, adding that “our community has needed this resource for years.” He thanked all the volunteers for their time and participation.

Chairman Melton stated that he is in total agreement with Mr. Tucker’s comments and that the volunteers do a wonderful job.

**11. Certificates of Appreciation, Special Resolutions and Proclamations
– Time Certain 6:30 PM**

- a. P-2016-09 Recognizing National Telecommunicator Week and the Telecommunicators of the Powhatan County Sheriff’s Office 911 Center

Mr. Nordvig read the Proclamation aloud in the form of a motion to approve recognizing April 10 – 16, 2016, as National Telecommunicator Week and the Telecommunicators of the Powhatan County Sheriff’s Office 911 Center. Mr. Williams seconded the motion.

Chairman Melton remarked that the Telecommunicators for Powhatan County are the front line of defense and he appreciates all that they do.

Mr. Nordvig stated that he is impressed with the professionalism of the County’s Telecommunicators.

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

**VOTE 5-0
MOTION Passed**

- b. P-2016-10 Recognizing April 2016 as Child Abuse Prevention Month

Mrs. Cabell read the Proclamation aloud in the form of a motion to approve recognizing April 2016 as Child Abuse Prevention Month. Mr. Tucker seconded the motion.

Mrs. Cabell noted that the Pinwheel Picnic is scheduled for Saturday, April 23, and encouraged everyone to attend with their families.

Mr. Tucker and Mr. Williams both thanked the County’s Social Services staff for what they do every day.

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

**VOTE 5-0
MOTION Passed**

- c. P-2016-11 Celebrating the 2,000th Disabled Veteran Riding at Lonesome Dove Equestrian Center

This item was deferred until the April 18, 2016, Board of Supervisors meeting.

At 6:48 PM, Chairman Melton called for a recess. At 7:00 PM, Chairman Melton called the meeting back to order.

12. Public Hearings – Time Certain 7:00 PM

- a. Ordinance O-2016-07 – Powhatan Properties, LLC, requests the amendment of proffer #4 of the proffer statement for Appomattox Trace Subdivision (Case #06-18-REZC) to reduce the cash proffer amount from \$7,236 to \$2,000 and amend the zoning district map.

Mr. Altman presented this item to the Board.

Mr. Williams stated that when the Board originally decided that proffers should be reduced, he supported that decision; however, he should have requested a fiscal impact statement at that time. Mr. Williams stated that he later found out that the potential fiscal impact of reducing the proffers is \$3 million. Mr. Williams stated that he will not be able to support the proffer reductions; however he will be moving forward with eliminating them altogether.

Mr. Tucker stated that proffers are a recurrent revenue to the County if the building takes place and that putting people to work building the houses is an important benefit to the County, noting that a large percentage of the people in Powhatan County are part of the building industry. Mr. Tucker stated that he will be in favor of the proffer reductions.

Mrs. Cabell stated that she would like to do away with proffers and that the economic impact of eliminating proffers would be far greater than what might be lost on a Budget line item. Mrs. Cabell stated that she will be in favor of the proffer reductions and asked that Staff investigate how to eliminate proffers in the future.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for Powhatan Properties, LLC.

Phil Scott, developer for Powhatan Properties and Powhatan Country Properties, gave an example of the economic benefit of eliminating proffers and stated that the benefit to the County is significant in terms of tax revenue.

Andrew Clark of the Homebuilding Association of Richmond discussed the intent of SB549, stating that the intent was to add transparency to the cash proffer system, make housing more affordable, and positively impact the local economy.

Kenneth Hatcher, a County resident, stated that the cash proffers at the time the cases were rezoned were about the school that was built. This is a request for a tax payer bailout; and the school still has to be paid for. Mr. Hatcher asked the Board not to lower or eliminate proffers.

Jeff Hankins with Fine Creek Building Company stated that it is important to lower proffers, as it will stimulate the economy and create jobs.

Bill Bryant, a contractor and land developer, stated that it is the home owner who is responsible for paying the proffer, as it is rolled into their mortgage. Mr. Bryan stated that the tax payer is the one who is being saddled with the expense.

Seeing there were no other speakers, Chairman Melton closed the public hearing.

Mr. Tucker motioned to approve Ordinance O-2016-07. Mrs. Cabell seconded the motion.

Mr. Nordvig commented that he understands both sides of the issue and the he agrees that cash proffers are unfair. Mr. Nordvig stated that the current proffers are linked to the CIP and that the proposed lower amount of \$1,880 is too low; but he is willing to compromise on the number. Mr. Nordvig stated that the Planning Commission voted 4-0 at its meeting on reducing proffers. Mr. Nordvig does not support the currently proposed reduction in proffers.

Chairman Melton commented on the tax revenue generated by new home construction and discussed the benefits of residential growth. Chairman Melton stated for the record that the Planning Commission vote of 4-0 mentioned by Mr. Nordvig was a 3-1 vote against the recommendation to deny the applications to reduce proffers. Chairman Melton supports the currently proposed reduction in proffers.

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

VOTE 3-2
MOTION Passed

- b. Ordinance O-2016-08 – Powhatan Country Properties, LLC, requests the amendment of proffer #4 of the proffer statement for The Preserve at Huguenot Springs Subdivision (Case #05-12-REZC) to reduce the cash proffer amount from \$7,236 to \$2,000, eliminate the escalator and amend the zoning district map.

Mr. Altman presented this item to the Board.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for Powhatan Country Properties, LLC.

Phil Scott, developer for The Preserve at Huguenot Springs, clarified that the proffer has nothing to do with what a house costs, it is a set amount of money paid by the homeowner at the time the Certificate of Occupancy is issued.

Kenneth Hatcher stated that the market dictates the price of the house and cash proffers are not taken into consideration. Mr. Hatcher stated that three current Board of Supervisors members who were previously on the Planning Commission voted to approve a number of rezoning cases and the higher proffers.

Seeing there were no other speakers, Chairman Melton closed the public hearing.

Mr. Tucker motioned to approve Ordinance O-2016-08. Mrs. Cabell seconded the motion.

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

VOTE 3-2
MOTION Passed

- c. Ordinance O-2016-09 – Dumont Homes, LLC, requests the amendment of proffer #6 of the proffer statement for Oak Leaf Subdivision (Case #05-21-REZC) to reduce the cash proffer amount from \$7,236 to \$1,880, eliminate the escalator and amend the zoning district map.

Mr. Altman presented this item to the Board.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for Dumont Homes, LLC.

Cameron Palmore of Balzer & Associates stated the rooftops will drive the commercial growth of the County; and the cases being heard are already approved lots. Mr. Palmore stated that reducing the proffers can help fill the short-term gap in revenues.

Seeing there were no other speakers, Chairman Melton closed the public hearing.

Mr. Tucker motioned to approve Ordinance O-2016-09. Mrs. Cabell seconded the motion.

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

VOTE 3-2
MOTION Passed

- d. Ordinance O-2016-10 – HOVAC, LLC, requests the amendment of proffer #6 of the proffer statement for Mill Station Subdivision (Case #05-19-REZC) to reduce the cash proffer amount from \$7,236 to \$1,880 and amend the zoning district map.

Mr. Altman presented this item to the Board.

Mr. Nordvig commented that the effort and time invested in this meeting could be better spent focusing on Economic Development efforts and asked Mr. Altman to provide an estimate of how much staff time was put into the documentation.

Mr. Altman explained the process and approximate time required.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for HOVAC, LLC.

Michael Tyler, a County resident, spoke about the possibility of elimination of proffers; and if that is an option, the current process should be stopped and a County-wide decision should be made.

Seeing there were no other speakers, Chairman Melton closed the public hearing.

Chairman Melton motioned to approve Ordinance O-2016-10. Mr. Tucker seconded the motion.

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

VOTE 3-2
MOTION Passed

- e. Ordinance O-2016-11 – Hobson, LLC, requests the amendment of proffer #5 of the proffer statement for Walnut Creek Subdivision (Case #05-11-REZC) to reduce the cash proffer amount from \$7,236 to \$1,880 and amend the zoning district map.

Mr. Altman presented this item to the Board.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for Hobson, LLC. Seeing there were no speakers, Chairman Melton closed the public hearing.

Mr. Tucker motioned to approve Ordinance O-2016-11. Mrs. Cabell seconded the motion.

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

VOTE 3-2
MOTION Passed

- f. Ordinance O-2016-12 – Reeds Landing Corporation, requests the amendment of proffer #2 of the proffer statement for Maple Grove Subdivision (Case #06-13-REZC) to reduce the cash proffer amount from \$7,236 to \$1,880 and amend the zoning district map.

Mr. Altman presented this item to the Board.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for Reeds Landing Corporation.

Bill Bryant asked if there is some way to hear these cases as a blanket approval process, reducing all the proffers and let them all be passed, without having each subdivision present its own case.

Seeing there were no other speakers, Chairman Melton closed the public hearing.

Mrs. Cabell motioned to approve Ordinance O-2016-12. Chairman Melton seconded the motion.

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

VOTE 3-2
MOTION Passed

- g. Ordinance O-2016-13 – HPCPET, LLC, requests the amendment of proffer #2 of the proffer statement for The Paddock Subdivision (Case #07-02-REZC) to reduce the cash proffer amount from \$7,236 to \$2,000 and amend the zoning district map.

Mr. Altman presented this item to the Board.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for HPCPET, LLC. Seeing there were no speakers, Chairman Melton closed the public hearing.

Mr. Tucker motioned to approve Ordinance O-2016-13. Chairman Melton seconded the motion.

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

VOTE 3-2
MOTION Passed

- h. Ordinance O-2016-14 – Aquest, LLC, requests the amendment of proffer #6 of the proffer statement for West Lake at Mill Mount Subdivision (Case #06-17-REZC) to reduce the cash proffer amount from \$3,530 to \$1,880 and amend the zoning district map.

Mr. Altman presented this item to the Board.

Mrs. Weiler stated that the Ordinance states from \$3,530 to \$2,000; so the motion to be made needs to be made to approve the Ordinance as amended.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for Aquest, LLC. Seeing there were no speakers, Chairman Melton closed the public hearing.

Chairman Melton motioned to approve Ordinance O-2016-14 as amended. Mr. Tucker seconded the motion.

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

VOTE 3-2
MOTION Passed

- i. Ordinance O-2016-15 – Dean Patrick, requests the amendment of proffer #5 of the proffer statement for Sparrows Landing Subdivision (Case #04-15-REZ) to reduce the cash proffer amount from \$6,395 to \$1,880.

Mr. Altman presented this item to the Board.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for Dean Patrick. Seeing there were no speakers, Chairman Melton closed the public hearing.

Chairman Melton motioned to approve Ordinance O-2016-15. Mr. Tucker seconded the motion.

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

VOTE 3-2
MOTION Passed

- j. Ordinance O-2016-16 – Windswept Development, requests the amendment of proffer #9 of the proffer statement for Aston Subdivision (Case #06-17-REZC) to reduce the cash proffer amounts from \$4,530 and \$6,398 to \$1,880 and amend the zoning district map.

Mr. Altman presented this item to the Board.

Chairman Melton opened the public hearing on this request to reduce the cash proffer for Windswept Development. Seeing there were no speakers, Chairman Melton closed the public hearing.

Chairman Melton motioned to approve Ordinance O-2016-16. Mr. Tucker seconded the motion.

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

VOTE 3-2
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**

Chairman Melton opened the public comment period. Seeing there were no speakers, Chairman Melton closed the public comment period.

- 14. County Attorney Comments**

Mr. Lacheney had no comments.

- 15. County Administrator Comments**

Mrs. Weiler stated that the April 18, 2016, Board of Supervisors meeting will include a Public Hearing on the FY 2017 Budget, CIP, and Tax Rates and encouraged the public to come out and speak at the meeting.

- 16. Board Comments**

Chairman Melton thanked the gentleman who spoke earlier about the difficult decision regarding the Budget and thanked him for his professionalism.

Mr. Tucker reported that the Vietnam War Memorial Traveling Wall will be at the Powhatan War Memorial from July 14 -17 and encouraged all to visit it.

Mr. Tucker spoke about Lonesome Dove's horseback riding program for disabled veterans and stated that on May 11 at 11:30 a.m., the 2000th disabled veteran will be riding. The event is open to the public.

17. ~~Closed Meeting, as authorized by the Code of Virginia, Section 2.2-3711(A), to discuss the following matter(s):~~

This item was removed from the Agenda.

- a. ~~One (1) matter concerning the salary or performance of specific personnel—§2.2-3711(A)(1) of the Code of Virginia.~~

~~Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.—§2.2-3711(A)(7) of the Code of Virginia.~~

18. ~~Closed Meeting Certification~~

No closed meeting was held.

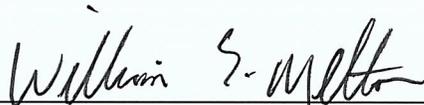
19. ~~Adjournment~~

Mr. Tucker motioned to adjourn the 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**

The meeting adjourned at 8:09 p.m.



**William E. Melton, Chairman
Powhatan County Board of Supervisors**



**Patricia A. Weiler, Clerk
Powhatan County Board of Supervisors**