

**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
MAY 23, 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

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

Guests Present: Laura Lafayette, Richmond Association of Realtors
Butch Sirry, Virginia Department of Transportation
Kevin Reichert, Virginia Department of Transportation
Neil McNulty, Virginia Department of Transportation
Kyle Laux, Davenport
T.W. Bruno, McGuire Woods LLP

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. Nordvig 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**

Ms. Weiler requested that Item 11 be made Time Certain at 6:15.

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, 4245 Steger Creek Drive, expressed his disappointment in the budget decisions the Board has made. Mr. Carver asked if real estate taxes would be reduced in the future if economic development increases and the County's revenue needs are met and whether there would be a reduced rate if assessments increase.

Keith Deering, 2713 Sherwood Ridge Terrace, expressed concern about the management of the Convenience Center and the fees charged for disposal of appliances and metal. Mr. Deering also stated that slurry was put on his street that has already deteriorated after being put on just a few days ago; and he is concerned that the oil runoff will affect the well water in his neighborhood.

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 Regular Meeting Minutes – May 2, 2016
- b. Monacan Soil and Water Conservation District 3rd Quarter Report

- c. Resolution R-2016-32 Amending the Fiscal Year 2015 Powhatan County Operating Budget by Budgeting and Appropriating \$3,268 from the Virginia Department of Emergency Management for Mass Care Shelter equipment and Supplies Grant
- d. Resolution R-2016-33 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating \$38,457 in CSBG Grant Funds.
- e. Resolution R-2016-34 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Transferring \$123,967 from General Fund Contingency to the Sheriff's Office for Accrued Leave and Holiday Payouts.
- f. Resolution R-2016-38 Requesting State Road Acceptance by the Virginia Department of Transportation (VDOT) for the Streets in Bel Crest Subdivision
- g. Resolution R-2016-39 Requesting State Road Acceptance by the Virginia Department of Transportation (VDOT) for the Streets in Bel Bridge Subdivision
- h. Accept Chesterfield Health District Rabies Exposure Response Plan

Mr. Tucker motioned to approve the Consent agenda as presented. 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**

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

There were no appointments to Boards, Commissions, or Committees.

**11. Certificates of Appreciation, Special Resolutions and Proclamations
– Time Certain 6:15 PM**

- a. Proclamation P-2016-20 Recognizing May, 2016, as Older Americans Month

Ms. Cabell 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

- b. Proclamation P-2016-21 Recognizing May, 2016, as Community Action Month

Ms. Cabell 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

10. New Business – Time Certain 6:30 PM

- a. Laura Lafayette, Richmond Association of Realtors, Market Update/Analysis of the Region’s Real Estate Market with an Emphasis on Powhatan

Laura Lafayette of the Richmond Association of Realtors presented a market update of the region’s real estate market with an emphasis on Powhatan.

- b. Powhatan County Community Action Agency Community Needs Assessment Presentation

Cathy Pemberton, Director of Social Services, provided an overview of the contributions made to the Community through Powhatan County Community Action Agency and the goals of the Action Agency Program.

12. Public Hearings – Time Certain 7:00 PM

- a. Resolution R-2016-37 Approving the Secondary Six-Year Road Plan for Fiscal Years 2017-2022 and the Secondary System Construction Budget Priority List for Fiscal Year 2017

March Altman presented a brief overview of the Secondary Six-Year Road Plan and the Secondary System Construction Budget Priority List then introduced Butch Sirry, Resident Administrator from VDOT.

Mr. Sirry introduced Kevin Reichert, Assistant Resident Engineer for VDOT in Powhatan County, who presented information on the projects included in the Secondary Six-Year Road Plan.

Chairman Melton asked for clarification on the \$251,000 funding left over from the Pleasants Road project will be moved to the Carter Gallier Road project. Mr. Reichert responded that that is correct.

Chairman Melton expressed his interest in having funding for the 609/13 project and the concern about the number of accidents on Dorset Road. Mr. Reichert stated that VDOT has safety and operational money they are looking to use to extend the eastbound left turn lane on Route 60 to help reduce the number of accidents at Dorset Road.

Mr. Williams stated that he is also concerned about the accidents and is favor of fixing the left-hand turn lane at Dorset Road.

Regarding the Kool Lane project, Mr. Tucker stated that he has historically been opposed to paving it because of the number of homes on that property. Mr. Tucker stated that Aston Subdivision has asphalted the road to Kool Lane and asked if there is a way to put a counter on Kool Lane to find out how many people are now using it. Mr. Reichert stated that tubes can be put in the road to collect traffic data.

Mr. Williams stated that he is not in favor of seeing the connection to Kool Lane until there is an assurance that the trip generation will not be increased on that road; and without a turn lane on 522, a dangerous situation could be created.

There was dialog about the connection from Aston to Kool Lane and whether the chain that used to be up to prevent pass-through traffic could be reinstalled to address the issue of public safety. Staff will work with VDOT to address the chain/access issue and the necessary permits, if any.

Mr. Tucker inquired about the widening of the entrance to the park; and Mr. Sirry stated that the widening will be done prior to the opening for overnight stay at the park.

Mr. Tucker asked about the grass cutting at the entrance to the park. Mr. Reichert stated that the grass-cutting contractor has been called and mowing should be done shortly.

Chairman Melton asked about tree trimming, specifically low-hanging limbs over Ridge Road and Three Bridge Road and asked that VDOT check into what trimming could be done.

Mr. Nordvig asked about a lane to turn in to Holly Hills and access to Route 60 from Holly Hills. Mr. Nordvig asked if there were any options for allowing people an easier way to turn out of Holly Hills onto Route 60, especially during rush hour. Mr. Reichert stated that VDOT could look into a solution to the egress concern.

Chairman Melton opened the Public Hearing on the Secondary Six-Year Road Plan.

Jimmy Sowers, 3220 Three Bridge Road, suggested that a time study be done on the eastbound lane of Route 60 and stated that sun could play a major factor in the cause of accidents.

Connie Harriss, 1470 Huguenot Trail, requested that funding be found for some paving on Route 711. Ms. Harris also requested that the ditches on Route 711 be cleaned and that the speed limit be reduced to 45 MPH.

Seeing there were no other speakers, Chairman Melton closed the Public Hearing.

Mr. Tucker motioned to approve R-2016-37 as presented. 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. Ordinance O-2016-18 – Nathan Nuckols/Manage This, LLC
is Requesting the Conditional Rezoning of 14.6 acres on
Hancock Road from A-10 to R-2

March Altman presented the item to the Board of Supervisors, stating that the applicant is requesting to subdivide the 14.6 acres into four lots for single-family dwellings. Mr. Altman stated that as part of the rezoning, no adverse comments have been received from reviewing agencies; however, there were citizens opposed at the Planning Commission public hearing. The Planning Commission, on a vote of 4 – 1, recommended denial.

Woody Cofer presented on behalf of the applicant and elaborated on the request for the subdivision.

Mr. Williams explained the transition aspect of the comprehensive plan stating that the 10-acre minimum lot size transitioned to five-acre lots, then down to the two-acre lots that are currently in Chestnut Oaks and Timber Mill subdivisions.

Chairman Melton opened the Public Hearing on Ordinance O-2016-18, Nathan Nuckols/Manage This LLC.

Carroll Smith, 2005 Hancock Road, stated that the natural spring that is on the property will be destroyed if four homes go on the property and urged the Board to make a responsible decision.

Bill Cox, 1405 Giles Bridge Road, spoke on behalf of the Planning Commission and explained why the Planning Commission denied the request.

Ken Seal, 2050 Hancock Road, expressed concern about the potentially additional traffic on Hancock Road if the number of proposed units is approved.

Terry Wagner, 1901 Hancock Road, expressed concern about the spread of two-acre lot subdivisions throughout the county. Mr. Wagner stated that the Zoning Ordinance does not appear to allow R2 in this specific area.

Tommy Balzer, 2429 Gobbler Ridge Road, asked that the Board use common sense and planning practices when considering this project and urged the Board to approve the request.

Seeing there were no other speakers, Chairman Melton closed the Public Hearing.

Mr. Cofer commented that a buffer would be around the natural spring on the property.

Mr. Williams motioned to deny Ordinance O-2016-18. Ms. Cabell seconded the motion.

Mr. Tucker stated that the Comprehensive Plan would be violated if this rezoning was approved. Mr. Tucker stated that he supports the motion to deny.

Mr. Nordvig stated that he agrees an argument could be made in either direction.

Chairman Melton stated that this case has weighed on him and that prior to this meeting, he had not decided which way to vote. Chairman Melton supports Mr. Williams' motion to deny.

David T. Williams, Angela Y. Cabell, William E. Melton, Carson L. Tucker voted AYE
Larry J. Nordvig ABSTAINED stating that he was confused.

VOTE 4-0-1
MOTION Passed

- c. Ordinance O-2016-19 – County of Powhatan Request to Amending Sections 83-220-C, 83-230-C, 83-240-C of the Zoning Ordinance related to Intensity and Dimensional Standards

Mr. Altman provided a brief overview of the County's request to amend sections 83-220-C, 83-230-C, and 83-240-C of the Zoning Ordinance with respect to front setbacks. Staff is recommending that front setbacks be increased from the current 10 feet to 75 feet along major arterial roads, 50 feet along minor arterial roads, 35 feet along rural collector roads, and maintaining a 10-foot setback along local roads.

Mr. Altman stated that in the Village Center District, Staff is proposing an increase in the gross floor area maximum from 10,000 to 15,000 square feet.

Chairman Melton opened the Public Hearing on Ordinance O-2016-19.

Jimmy Sowers, 3220 Three Bridge Road, stated that when square footage is designated, the ability of the developer to do what is planned is limited; and required setbacks when the building is located between what is considered two major arterial roads, development could be deterred.

Connie Harriss, 1470 Huguenot Trail, urged the Board to maintain the rural character of Powhatan by keeping commercial enterprises in the areas that are already designated.

Seeing there were no other speakers, Chairman Melton closed the Public Hearing.

Mr. Nordvig commented that he agrees with Mr. Sowers' comments about setbacks being a possible deterrent to development.

Chairman Melton stated his agreement that big box stores in a village area could be cumbersome.

Mr. Tucker suggested that different verbiage be explored when re-writing the section of the Ordinance.

Mr. Tucker motioned to approve Ordinance O-2016-19 as presented. Mr. Williams seconded the motion.

Mr. Williams suggested that a workshop be held to further discuss this Ordinance.

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-2016-20 – County of Powhatan Requests the Rezoning of 3975 & 3977 Old Buckingham Road

Mr. Altman presented Ordinance O-2016-20, the County's request to rezone 3975 and 3977 Old Buckingham Road to be able to move forward with the construction of the joint transportation facility.

Chairman Melton opened the Public Hearing on Ordinance O-2016-20.

Jimmy Sowers, 3220 Three Bridge Road, asked the Board if anyone had come forward showing interest in purchasing the old packing plant.

Seeing there were no other speakers, Chairman Melton closed the Public Hearing.

Chairman Melton motioned to approve Ordinance O-2016-20 as presented. 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

- e. Ordinance O-2016-21 – County of Powhatan Request for a Substantial Accord Determination for the Joint Transportation Maintenance Facility at 3975 & 3977 Old Buckingham Road

Mr. Altman presented Ordinance O-2016-21, the County's request for a Substantial Accord Determination for the Joint Transportation Maintenance Facility. Mr. Altman stated that the request was considered and recommended for approval by the Planning Commission at its meeting on May 3, 2016.

Chairman Melton opened the Public Hearing on Ordinance O-2016-21.

Seeing there were no speakers, Chairman Melton closed the Public Hearing.

Chairman Melton motioned to approve Ordinance O-2016-21 as presented. 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

9. Old Business

- a. Resolution R-2016-31 Approving the Powhatan County Debt Management Policy

Ms. Weiler reported that the Board of Supervisors currently has an unwritten debt policy that it inherited from previous Boards, which only addresses specific debt ratios. Ms. Weiler stated that the proposed Policy was drafted by Davenport and was presented to the Board at a workshop on May 16, 2016, and noted the two changes that were proposed at the workshop.

Mr. Tucker motioned to approve R-2016-31 with one change to paragraph 21: replace the word *appropriate* with the word *necessary* and add "and the Board of Supervisors has a plan in place to bring the level back to 12% or less as quickly as possible."

Chairman Melton seconded the motion to approve Resolution R-2016-31 as amended.

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

VOTE 4 - 1
MOTION Passed

- b. Resolution R-2016-40 Requesting that the Economic Development Authority of the County of Powhatan, Virginia, Issue its Public Facility Lease Revenue Bonds to Finance the Costs of Certain Public Facilities

Ms. Weiler reported that this item has been being considered by the Board of Supervisors since March, 2015, at which time the Board of Supervisors and the School Board agreed on a fiscally restrained proposed CIP.

Ms. Weiler offered a history of the process taken leading to the current Resolution being presented.

Ms. Weiler thanked the Board for being conscientious during the Bond Issue process and stated her appreciation for the attention given to the different scenarios presented while trying to find a way to meet a need for what was deemed necessary for Powhatan County in a fiscally conservative, responsible way.

Ms. Weiler stated that a revised Resolution has been distributed and noted the two revisions made: under #1, the principle amount should be stated as \$56 million; and under #4, the date for final maturity of the Bonds should be June 30, 2040.

The Board discussed the issuance of Public Facility Lease Revenue Bonds to finance the costs of certain Public Facilities.

Carson Tucker motioned to approve Resolution R-2016-40 as amended. 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

10. New Business – Continued

- c. Resolution R-2016-35 Amending the Fiscal Year 2016 Powhatan County Operating Budget by Budgeting and Appropriating \$41,520 in the Capital Projects Fund for Flat Rock Water Extension

Johnny Melis and Charla Schubert presented and the Board discussed amending the Fiscal Year 2016 Powhatan County Operating Budget by budgeting and appropriating \$41,520 in the Capital Project Fund for Flat Rock Water Extension.

Chairman Melton motioned to approve Resolution R-2016-35 as presented. 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

- d. Resolution R-2016-36 Authorizing the County Administrator Page 115
to Execute a Contract with the Most Responsive Offeror to
Request for Proposal IFB-2016-01 Sheetz Waterline
Extension-Route 60 upon approval of the County Attorney

Johnny Melis presented Staff's recommendation to authorize the County Administrator to execute a contract with the most responsive offeror to Request for Proposal IFB-2016-01, Sheetz Waterline Extension – Route 60 upon approval of the County Attorney.

Mr. Tucker motioned to approve Resolution R-2016-36 as presented. 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**

Chairman Melton opened the public comment period.

Jim Carver, 4245 Steger Creek Drive, thanked Ms. Weiler for walking through the history of the Bond Issuance process. Mr. Carver stated that if the projects list the Board of Supervisor approved had been prioritized, a revenue-neutral tax rate still would have been attainable.

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

14. County Attorney Comments

Mr. Lacheny, in response to an earlier question from Mr. Nordvig, stated that the earliest the Chesterfield County Water Agreement could terminate would be 2050; and there is a five-year notice provision on that Agreement.

Mr. Lacheny commended the Board on going through the process of rezoning the bus garage, stating that the County did not have to rezone its own property.

15. County Administrator Comments

Ms. Weiler stated that, at the request of Delegate Lee Ware, the Director of the Department of Corrections is holding a Public Hearing in the Village Building Auditorium on June 20 at 6 p.m. to discuss the closing of Beaumont.

16. Board Comments

The Board had no comments.

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

Mr. Lacheny read the following Closed Meeting motion:

WHEREAS, the Board of Supervisors of Powhatan County desires to discuss in Closed Meeting the following matter(s):

- a. 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.

WHEREAS, pursuant to §§2.2-3711 (A)(1) and (A)(7) of the Code of Virginia, such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Powhatan County does hereby authorize discussion of the aforesaid matter(s) in Closed Meeting.

Mr. Tucker moved to approve the Closed Meeting resolution read by the County Attorney. 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

The Board entered Closed Meeting at 9:59 p.m.

18. Closed Meeting Certification

Chairman Melton reconvened this Regular Meeting of the Powhatan County Board of Supervisors in open meeting at 10:09 p.m. and requested the Clerk of the Board to conduct a roll call certification vote of the Supervisors, to be included in the minutes of this meeting.

Ms. Weiler, Clerk of the Board, asked to the best of each Supervisor's knowledge, do they certify that:

- (1) the only matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements; and
- (2) only such public 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?

Ms. Weiler conducted the roll call vote so the Supervisors could so certify:

Mr. Williams	<u>AYE</u>
Mr. Nordvig	<u>AYE</u>
Ms. Cabell	<u>AYE</u>
Mr. Melton	<u>AYE</u>
Mr. Tucker	<u>AYE</u>

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

VOTE 5-0
MOTION Passed

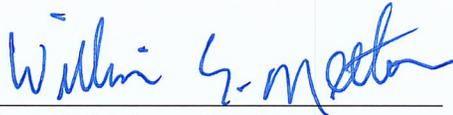
19. Adjournment

Mr. Tucker motioned to adjourn the meeting. 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**

The meeting adjourned at 10:08 p.m.



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



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