

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 FEBRUARY 25, 2019, AT 6:00 P.M.

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

Board of Supervisors Absent: None

County Staff Present: Ted Voorhees, County Administrator
Bret Schardein, Assistant County Administrator
Tom Lacheney, County Attorney
Ramona Carter, Director of Public Works
Andrew Pompei, Director of Community Development
Charla Schubert, Director of Finance
Tom Nolan, Director of Public Safety Communications
Sharon Rochelle, Director of Social Services
Ed Howland, Principal Planner
Steve Singer, Fire and Rescue Chief
Jeff Searfoss, Sheriff's Office Captain
Mike Wentworth, Sheriff's Office Sergeant
Richard Cox, Commonwealth's Attorney
Rob Cerullo, Deputy Commonwealth's Attorney
Audra Morris, CSA Coordinator

Constitutional Officers Present: Brad Nunnally, Sheriff

Guests Present: Parker Sloan, Cypress Creek Renewables
Chris Shust, Balzer & Associates

1. Call to Order

Chairman Cabell called the meeting to order at 6:00 p.m.

Chairman Cabell asked that the record show all Board of Supervisors members are present.

2. Pledge of Allegiance

Captain Jeff Searfoss led the Pledge of Allegiance.

POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 25, 2019

3. Invocation

Chairman Cabell called for a moment of silence during the invocation period.

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

There were no requests to amend the Agenda.

5. Formal Approval of Agenda

Mr. Melton motioned to approve the Agenda 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**

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)

Chairman Cabell opened the Public Comment period.

Pete Burruss, 1701 Mill Quarter Road, spoke regarding the R-C Zoning work group and expressed his disappointment that the work group appointed by then Chairman Tucker was not able to complete its work. Mr. Burruss requested that the Board further review the proposed R-C Zoning changes.

Elizabeth Greenfield, 8975 Three Chopt Road (Richmond, VA), representing the Richmond Association of Realtors, stated that the Association has received several concerns from Powhatan citizens that R-C Zoning would negatively impact the property values of their clients and requested that the Board defer a decision on R-C Zoning.

Jim Carver, 4245 Steger Creek Drive, spoke regarding the R-C Zoning work group, stating that the group was not tasked with reaching a consensus but to analyze the impact of elimination of R-C Zoning. Mr. Carver requested that the Planning Commission's recommendation to eliminate the R-C Zoning district be accepted by the Board.

Stevie Barham, 3492 Richards Run, spoke regarding the first R-C group that was formed; asked why a second was formed; and stated that there needs to be transparency in government to keep citizens informed.

Don Rissmeyer, 3523 Richards Run, commented on the R-C Zoning designation, stating that the designation should be eliminated, as "Residential-Commercial" makes no sense.

Don Silberbauer, 1426 Donavon Mill Lane, spoke about high-density housing in Powhatan and the population growth it would bring. Mr. Silberbauer requested that R-C Zoning be eliminated.

Curtis Newton, 2000 Judes Ferry Road, commented that the County would have better control over development if R-C Zoning was eliminated.

Victoria Ronnau, 6430 Blenheim Road, addressed Mr. Tucker urging him to do the right thing, referring to a statement he made at a previous meeting.

Seeing there were no other speakers, Chairman Cabell closed the Public Comment period.

7. Consent Agenda

- a. Approval of the December 13, 2018, Special Board of Supervisors Meeting Minutes
- b. Resolution R-2019-02: A Resolution Requesting State Road Acceptance by the Virginia Department of Transportation (VDOT) for the Streets within Section 4 of the Westlake at Mill Mount Subdivision
- c. R-2019-03: A Resolution Requesting that a Portion of State Route 1343 (Carter Gallier Boulevard) be Assigned a Federal Functional Classification of *Collector*
- d. R-2019-04: A Resolution Requesting that State Route 1351 (Luck Stone Road) be Assigned a Federal Functional Classification of *Collector*
- e. R-2019-05: Amending the Fiscal Year 2019 Powhatan County Operating Budget by Budgeting and Appropriating \$172,235.53 for Medicaid Expansion Revenue and Insurance Recoveries
- f. R-2019-06: Amending the Fiscal Year 2019 Powhatan County Operating Budget by Budgeting and Transferring \$14,422.00 from the Salary Adjustment and Payouts in the General Fund to the Social Services and Utilities Funds
- g. R-2019-07: Amending the Fiscal Year 2019 Powhatan County Operating Budget by Budgeting and Transferring \$180,000 from General Fund to Capital Projects Fund for Down Payment on School Buses

- h. R-2019-08: Amending the Fiscal Year 2019 Powhatan County Operating Budget by Budgeting and Appropriating \$500,000 from School Capital Maintenance Reserve for the Elementary Energy Performance Contract Project
- i. R-2019-09: Authorizing the County Administrator to Terminate the School Supplemental Retirement Plan
- j. Treasurers Report as of 12.31.2018

Mr. Williams 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. Appointments to Boards, Commissions, Committees, etc.

- a. Appointment to Richmond Regional Tourism Board

Mr. Melton motioned that Chairman Cabell be appointed to the Richmond Regional Tourism Board. 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. Appointment to Piedmont Community Criminal Justice Board

Mr. Melton motioned to appoint Judge Paul Cella to the Piedmont Community Criminal Justice Board. Chairman 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

- c. Appointment to Goochland-Powhatan Community Services Board

Mr. Tucker motioned to appoint Jacquelyn Cahill to the Goochland-Powhatan Community Services Board. 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. Appointments to Anti-Litter Council

Two appointments were made to the Anti-Litter Council.

Mr. Melton motioned to appoint Barbara Adcock and Arthur Gregory Jr. to the Anti-Litter Council. 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**

e. Appointments to Audit Committee

Chairman Cabell motioned to reappoint Mr. Nordvig to the Audit Committee. 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**

Chairman Cabell stated that she currently serves on the Audit Committee and no longer wishes to serve in that capacity.

Mr. Tucker motioned that Mr. Melton serve on the Audit Committee to replace Chairman Cabell. Chairman 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**

9. Certificates of Appreciation, Special Resolutions, Proclamations and Presentations

- a. P-2019-03 Recognizing Cecil W. Jordan for his service on Powhatan's Electoral Board

Mr. Tucker read Proclamation P-2019-03 aloud in the form of a motion. Mr. Nordvig seconded the motion.

Members of the Board thanked Mr. Jordan for his dedicated service to Powhatan County.

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

VOTE 5-0
MOTION Passed

b. Piedmont Community Criminal Justice Board update

Mr. Cox presented and the Board of Supervisors discussed an update on Piedmont Court Services (PCS), a division of the Department of Criminal Justice Services, which provides local probation services for adult non-violent offenders and supervises offenders during the probation period.

Mr. Nordvig asked about the recidivism rate of opioid abuse offenders who have been through the program. Mr. Cox stated that one of the services PCS provides to offenders following their release from the program is counseling resources for those who request it.

c. Virginia Alcohol Safety Action Program update

Mr. Cerullo presented and the Board of Supervisors discussed an overview and update on the Virginia Alcohol Safety Action Program (VASAP). Mr. Cerullo stated that 29 people die in alcohol-related vehicle accidents in the United States every day; and 25% of the drivers causing the accidents have offended before.

d. 2018 Fire & Rescue Annual Report

Chief Singer presented and the Board of Supervisors discussed the 2018 Fire and Rescue Annual Report.

Following the presentation, Mr. Williams asked about planned strategies for additional ALS and fire fighter coverage. Chief Singer reviewed the current classes being held and training being conducted for additional volunteer staffing and increased coverage at stations.

Mr. Tucker offered his appreciation for the comprehensiveness of his presentation and thoughtful planning for continuous improvement being done by Fire and Rescue staff. Mr. Tucker asked Chief Singer to share his thoughts on the issue of shrinking volunteerism. Chief Singer responded that the volunteerism problem is growing nation-wide.

Mr. Nordvig also commented on the difficulty of maintaining an all-volunteer fire and rescue team and asked if there is a dedicated person who is searching for grant funding. Chief Singer stated that there is a grant writer who has been very beneficial to the department.

Mr. Melton thanked all the volunteers of Powhatan Fire and Rescue for the wonderful work and countless hours dedicated to the department.

10. Old Business

a. Bonded Projects Update

Mr. Voorhees presented and the Board of Supervisors discussed the Bonded Projects Update.

Mr. Voorhees stated that the revised date of substantial completion for the Courthouse expansion is March 1; and it is expected that there will be a contract award offer for the Land Mobile Radio (LMR) project brought to the Board at its March 25 meeting.

b. Strategic Priority Scorecard

Mr. Voorhees presented and the Board of Supervisors discussed the Strategic Priority Scorecard.

- c. Ordinance O-2018-38 (Case # 18-09-AZ) The County of Powhatan proposes the amendment of the Powhatan County Code of Ordinances to amend the provisions of Chapter 83 (Zoning Ordinance), Article V (Transition Base Districts), Sections 83-360 through 83-364 by eliminating the Residential-Commercial (R-C) zoning district and reclassifying all parcels currently zoned as R-C to another zoning district, depending upon the current use of the parcel and the location of the parcel within a platted subdivision or planned development.

Mr. Pompei provided an overview of Ordinance O-2018-38. The Board of Supervisors discussed the Ordinance and staff recommendations for elimination of the R-C Zoning district.

Mr. Nordvig reviewed the steps taken by the R-C workgroup and presented the workgroup's summary.

Mr. Williams spoke regarding R-C Zoning and presented a PowerPoint explaining district designation and development options.

Mr. Tucker discussed the issue of the "right thing to do" for the community and stated that he is in favor of eliminating R-C Zoning. Mr. Tucker added that the balance between orderly development and property rights must be maintained.

The Board discussed property rights, designations, and land owners' interests.

Mr. Williams asked whether, if R-C zoning is eliminated, anyone along Route 60 who is currently zoned R-C being denied the opportunity to commercially develop. Mr. Pompei responded that most of the current R-C designations will still be eligible to develop a commercial use.

Mr. Nordvig asked whether, if Powhatan keeps “Commercial” and by-right, particularly along Route 60, how can that be regulated. Mr. Pompei responded that the plans can be reviewed and approved per the standards outlined in the land use map and overlay districts.

Mr. Tucker motioned to defer Ordinance O-2018-38 for 90 days, allowing for the Board to determine the best way to soften the blow to the affected property owners. Mr. Melton seconded the motion.

Mr. Nordvig commented that keeping the “by-right” guidelines of the Commercial designation does not allow the Board or the Planning Commission to have input into planned development and recommended that the vote be taken at this meeting.

Mr. Williams agreed that the vote should be taken at this meeting.

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

VOTE 3-2
MOTION Passed

Mr. Melton confirmed that the motion is to defer action on eliminating R-C Zoning and exploring ways to lessen the blow to affected property owners.

11. New Business

Chairman Cabell requested that the order of the new business items be reversed due to staff obligations.

b. FY2018 Children's Services Act (CSA) Audit

Ms. Morris presented and the Board of Supervisors discussed the FY2018 Children’s Services Act (CSA) Audit.

Mr. Tucker stated that the Powhatan Social Services office is highly regarded both in Powhatan County and by the Commonwealth of Virginia and thanked Ms. Morris for her conscientious oversight of the CSA program.

Mr. Melton also thanked Ms. Morris for her dedication to the program.

a. FY2018 2nd Quarter Financial Report

Mrs. Schubert presented and the Board of Supervisors discussed the FY2018 2nd Quarter Financial Report.

Mr. Tucker thanked Mrs. Schubert for her diligence in tracking County funds and expressed the Board’s trust in her ability to manage the County’s finances.

Chairman Cabell called for a five-minute recess at 8:22 p.m. The Board reconvened at 8:28 p.m.

12. Public Hearings, 6:30PM or thereafter

- a. **O-2019-06 (Adoption of the 2019 Long-Range Comprehensive Plan):** The County of Powhatan requests review and adoption of the proposed 2019 Long-Range Comprehensive Plan, which includes the Countywide Future Land Use Plan and the Major Thoroughfare Plan. The Long-Range Comprehensive Plan is a general guide for public officials, citizens, and other stakeholders regarding the physical development of Powhatan County, establishing a framework for decision-making. §15.2-2223 of the Code of Virginia requires that every governing body adopt a Long-Range Comprehensive Plan. The current Powhatan County Long-Range Comprehensive Plan was adopted on July 12, 2010.

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-06, Adoption of the 2019 Long-Range Comprehensive Plan.

Mr. Williams commented that the public comments received regarding the Comprehensive Plan stressed that citizens do not want high density housing within the County.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-06.

Pete Burruss, 1701 Mill Quarter Road, stated that the Comprehensive Plan aligns closely with the R-C Zoning district and asked that the Board not adopt the Comprehensive Plan.

Mac McGinty, 2780 Maple Grove Lane, addressed the Board speaking against high-density housing, primarily for economic reasons.

Nancy Alexander, 2561 Maidens Road, spoke regarding the need for affordable housing for residents with lower incomes.

Don Rissmeyer, 3523 Richards Run, addressed the Board regarding the R-C Zoning being tied to the Comprehensive Plan, adding that he would be open to any future meetings concerning both issues.

Cody Frayser, 3580 Pineview Drive, presented a video and spoke regarding the apparent lack of transparency by the Board regarding high-density housing.

Darlene Bowlin, 630 Petersburg Road, spoke in opposition to high-density housing in Powhatan and suggested that minimum acreage requirements for housing be revisited.

Stevie Barham, 3492 Richards Run, spoke regarding the Comprehensive Plan and the apparent push for high-density housing. Mr. Barham asked that the Board do the right thing for the County.

POWHATAN COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

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Joey Paquette, 1440 Morewood Drive, spoke regarding the need for affordable housing in Powhatan.

Karen Rissmeyer, 3523 Richards Run, stated that she, as well as a majority of the people who have addressed the Board regarding high-density housing, is opposed to this type of development.

Bill Cox, 1405 Giles Bridge Road, addressed the Board regarding the Future Land Use Map, proposed development, and the need for an overlay district. Mr. Cox stated that property owners should be involved in the planning process so they will be informed of how proposed changes will impact them.

Rocky Gary, 1826 Hillenwood Drive, spoke in opposition to high-density housing and he moved to Powhatan to be protected from that type of development.

Parker Sloan, Cypress Creek Renewables (Asheville, NC), addressed the Board regarding solar farms and the County's restriction on the size of possible farm installations. Mr. Sloan urged the Board to eliminate the solar farm size restriction from the Comprehensive Plan.

Franklin Wood, 5635 Cartersville Road, spoke regarding solar farms and stated that the Comprehensive Plan should guide the nature and general character of land use.

Cecil Youngblood, 2554 Ridge Road, spoke in opposition to high-density housing and apartments stating that they decrease property values.

Debra Green, 1961 Autumn Oaks Lane, urged the Board to do the right thing and eliminate R-C Zoning.

Herbert Straughter, 4629 Bell Road, stated that affordable housing options allow young people an opportunity to save money so they can afford to buy a home.

Mike Asip, 3673 Old Buckingham Road, urged the Board to vote in support of the Comprehensive Plan and affordable housing options, referencing recent citizen survey results reflecting an approximate 50/50 county favorable opinion for offering affordable housing in Powhatan.

Susanne Earnhardt, 2495 Judes Ferry Road, stated that 92% of the County's tax base is residential, and that the high-density option would not be a benefit to the County.

Andrew Snead, 3710 Maidens Road, spoke regarding the recent Martin Luther King remembrance and the youth who represented Powhatan County and remarked that these young people should have diverse housing options in Powhatan.

Adam Warman, Waltman Development (8000 West Park Drive, McLean, Virginia) spoke in support of the proposed Comprehensive Plan and the enhancement of Economic Development and affordable housing growth in Powhatan and offered to work with the Board to design and build the desirable economic development and housing options.

Steve Mulhern, 2677 Liberty Hill Road, addressed the Board regarding a previous meeting during which young people expressed that they were in no need of a “hand up” from Powhatan and have no desire to bring neighboring counties with them.

Danny Atkins, 5375 Cartersville Road, spoke in opposition to high-density housing and in favor of keeping Powhatan a rural community.

Branda, a Powhatan resident, spoke regarding the need for affordable housing options for people who are not able to manage high maintenance properties.

Ryan Bichsel, 2220 Fall Line Drive, addressed the Board regarding affordable housing, stating that rental fees are not as affordable as mortgage payments.

Kathryn Waycaster, 1530 Greenberry Road, thanked the Board and the Planning Commission for creating a Comprehensive Plan that provides for sustainable growth while ensuring that Powhatan County retains its rural character and beauty. Ms. Waycaster stated that she is pleased that the Plan contains housing options that benefit the County economically and urged the Board to approve the proposed Comprehensive Plan.

Curtis Newton, 2000 Judes Ferry Road, spoke in opposition to high-density housing in Powhatan County; stated that the majority of citizens are also opposed to that type of development; and asked that the Board be responsible and responsive to the citizens.

Abel Harris, 2303 Three Bridge Road, urged the Board to be mindful of the decisions made and thoughtful of others within the community when it comes to affordable housing options. Mr. Harris added that the County needs affordable housing.

Rhonda Harris, a Powhatan resident, thanked the Board for deferring a decision on R-C Zoning and stated that there would have been reduced resistance from the public if the topic and options being considered were better communicated. Ms. Harris also requested that the Board carefully consider decisions that will affect residents’ lifestyles.

Jarrett Spaw, 1516 Holly Hills Road, stated that it is a privilege, not a right, to be able to live in Powhatan County and urged the Board to not make decisions that change the character of the County. Mr. Shaw expressed his opposition to high-density housing development.

Victoria Ronnau, 6430 Blenheim Road, addressed the Board stating that high-density housing will further strain the EMS system and schools within the County. Ms. Ronnau stated that all citizens should be notified of development changes and decisions that are being considered by the Board.

Mike Byerly, 2606 Maple Grove Lane, stated that the Board is faced with a decision of not whether Powhatan will grow but how it grows. Mr. Byerly also spoke regarding the added strain on the EMS system and schools brought about as a result of high-density housing development and urged the Board to make a decision on R-C Zoning prior to adopting the Comprehensive Plan.

Nicholas Snead, 3710 Maidens Road, stated that Powhatan County needs affordable housing and urged the Board to approve the proposed Comprehensive Plan.

Seeing there were no other speakers, Chairman Cabell closed the Public Hearing on Ordinance O-2019-06.

Mr. Williams commented that two open houses have been held to review the proposed Comprehensive Plan; however, he thinks that a re-advertisement and another meeting should be held to give the public an opportunity to provide input and thoughts regarding the Plan.

Mr. Williams recommended that the Board defer any action on the Comprehensive Plan and hold a workshop to consider and reflect on all comments shared at tonight's meeting. Mr. Williams added that the Board's goal is to get the Comprehensive Plan right.

Mr. Williams motioned to defer action on Ordinance O-2019-06 and hold a workshop to further discuss the Comprehensive Plan and consider all public input. Mr. Nordvig seconded the motion.

Mr. Melton spoke regarding the 2010 Adopted Comprehensive Plan, which addressed eliminating sprawl in the County. Mr. Melton stated that the vision of the 2019 Plan is the same as the 2019 Plan -- both stating that diverse housing options would be included in the Plan -- and outlined the proposed housing designations within the Plans.

Mr. Melton referenced several reports he reviewed and evaluated in order to assist him in making an informed decision regarding meeting Powhatan future housing needs.

Mr. Tucker stated that the majority of the public addressing the Board at tonight's meeting have stated that they are not in favor of diversity of housing and do not think they are being heard by the Board. Mr. Tucker added that the Board listen to the comments and concerns being brought up and takes all of them into consideration; but a decision still has to be made.

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

VOTE 5-0
MOTION Passed

Chairman Cabell called for a recess at 10:41 p.m. The Board reconvened at 10:48 p.m.

- b. **O-2019-08 (Case #18-05-REZC): Powhatan Plaza, LLC (District #1: Subletts/Manakin/FlatRock)** requests the rezoning from Agricultural-10 (A-10) (1.43 acres), Residential-Commercial (R-C) (5.72 acres), Mining and Mineral Extraction (M) (5.67 acres), and General Commercial (C) (1.52 acres) to Commerce Center Planned Development (CC-PD) with proffered conditions and amendment of the zoning district map of approximately 14.34 acres of land located north of U.S. Route 60 (Anderson Highway) at its intersection with State Route 1351 (Luck Stone Road), being Tax Map 42-25, 42-25A, 42-26F, and

42-26E and portions of Tax Map 42-25M and 42-26-1. Proffered conditions relate to transportation infrastructure. The 2010 Long-Range Comprehensive Plan designates the subject properties as Commerce Center (Route 60 Corridor East Special Area Plan) on the Countywide Future Land Use Map.

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-08, a rezoning request by Powhatan Plaza LLC. Mr. Pompei reported that the applicant has amended Proffer #3 of the request, which addresses allowing VDOT to adjust the traffic signal timing at Route 60 and Luck Stone Road as needed to accommodate increased traffic.

Mr. Williams spoke regarding the by-right development of this proposed development and reiterated the need to eliminate R-C Zoning.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-08. Seeing there were no speakers, Chairman Cabell closed the Public Hearing.

Mr. Melton thanked the representatives of Luck Stone for their patience during the development application process.

Mr. Williams also thanked the Planning Commission Chairman, Karin Carmack, who worked with staff, the County Attorney, and Luck Stone representatives during the application process.

Mr. Williams motioned to accept the amended Proffer #3 submitted by Luck Stone. 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. Williams motioned to approve Ordinance O-2019-08 as presented in the Agenda Packet. 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**

- c. **Appeal of Planning Commission Determination (Case #18-08-CUP):** Cartersville Solar, LLC and Powhatan Properties Land and Lumber, L.C. appeal the determination made by the Powhatan County Planning Commission on November 7, 2018, which found that the proposed use is not in substantial accord with the 2010 Long-Range Comprehensive Plan. This petition was made under §15.2-2232 of the Code of Virginia.

- d. **O-2019-01 (Case #18-08-CUP): Cartersville Solar, LLC (District #5: Smiths Crossroads/Pineville/Tobaccoville)** requests a conditional use permit (CUP) to permit a solar energy farm and related accessory uses, including an electrical substation, within the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The proposed use will be located at Tax Map 13-2, 13-15, and 13-16 near the intersection of State Route 684 (Cartersville Road) and State Route 715 (Duke Road). The subject properties consist of approximately 2,998.76 acres, and the proposed use will be located on approximately 1,300 acres. The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Preservation and Natural Conservation on the Countywide Land Use Plan Map.

Mr. Pompei presented an appeal of the Planning Commission's determination of Case #18-08-CUP along with Ordinance O-2019-01, both regarding Cartersville Solar, LLC.

Mr. Williams inquired as to why the Board is voting on the ruling of the Planning Commission. Mr. Lacheney stated that there is a state provision that allows the applicant to appeal the decision of the Planning Commission to the Board of Supervisors.

Parker Sloan of Cypress Creek Renewables presented Cartersville Solar, LLC's plans for the proposed solar farm near the intersection of State Route 684 (Cartersville Road) and State Route 715 (Duke Road). Mr. Sloan stressed the benefits of solar energy to the economy of the county and the nation.

Chris Shust, Balzer & Associates, presented the environmental benefits of the project to the Board.

Chairman Cabell opened the Public Hearing on the appeal of the Planning Commission's determination that Case #18-08-CUP was not in substantial accord with the Comprehensive Plan.

Reed Schweickent, 5300 Cartersville Road, addressed the Board regarding the solar farm and asked that the Planning Commission's determination be upheld so that wildlife could be protected on the property.

Jim Carver, 4245 Steger Creek Drive, addressed the Board stating that he is very interested in hearing from citizens who are more knowledgeable in this subject matter.

Bob Reilly, 2685 Old Timber Way, as a representative of the Land Use and Land Preservation Citizens Working Group for the 2010 Comprehensive Plan, presented a PowerPoint to the Board. Dr. Reilly outlined the environmental protection zones within the County, stated that the proposed location for the solar farm is not consistent with the Comprehensive Plan, and asked that the Board reject the appeal of Cartersville Solar, LLC.

Mr. Tucker thanked Dr. Reilly for his work and dedication to the working group and the group's contributions to the 2010 Comprehensive Plan.

James Reilly, 1513 Stavemill Court, spoke regarding the negative ecological impact of the solar farm, stating that the proposed project is not environmentally friendly. Dr. Reilly urged the Board to uphold the denial decision of the Planning Commission.

Stevie Barham, 3492 Richards Run, addressed the Board asking that the surrounding land owners not be stepped on and the project not be approved.

Brian Purcell, 154 Pinewood Road, Virginia Beach, one of the land owners of the proposed project site, stated that the buffers for the solar farm will be greater than if timber was cut on the property and residential development was approved. Mr. Purcell asked that the Board continue to research the environmental impacts of the project prior to making a decision.

Terry Adcock, 5719 Cartersville Road, speaking on behalf of the residents surrounding the property, stated that the residents reject the appeal of the Planning Commission's determination.

Max Timberlake, 1479 Dorset Road, speaking on behalf of the Powhatan Farm Bureau, stated that the Farm Bureau is opposed to the project as it sacrifices the quality of the local environment so that a distant corporation can claim it as a champion of environment. Mr. Timberlake asked the Board to deny the project.

Seeing there were no other speakers, Chairman Cabell closed the Public Hearing on Case #18-08-CUP.

Mr. Tucker motioned to deny the appeal of Case #18-08-CUP. 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

Chairman Cabell opened the Public Hearing on Ordinance O-2019-01.

Kenneth Hatcher, 3617 Trenholm Road, spoke in opposition to the approval of Ordinance O-2019-01 and urged denial by the Board.

Louis Seivard, 5480 Cartersville Road, stated that the site of the proposed solar project is a unique preservation area; and, if approved, the project would be ecologically damaging and the entire watershed will be impacted. Mr. Seivard asked that the Board be consistent with the Comprehensive Plan and deny the application.

William Shoemate, attorney for the applicant, stated that the client has requested input from the Board regarding totally removing the project from the preservation area by reconfiguring the plans for the project. Mr. Shoemate then stated that the applicant is withdrawing the request for a Conditional Use Permit.

Franklin Wood, 5635 Cartersville Road, requested that the Board deny the applicant's request for withdrawal of the Conditional Use Permit application.

Darlene Reilly, 5470 Cartersville Road, spoke in opposition to approval of the proposed solar farm project because of its probable environmental impact.

Terry Adcock, 5719 Cartersville Road, asked for the denial of the solar project and presented a petition signed by 97 citizens surrounding the proposed site.

Mike Chancellor, 5430 Cartersville Road, expressed his opposition to the proposed solar project, as it contradicts the Comprehensive Plan.

Brian Purcell, 154 Pinewood Road, Virginia Beach, addressed the Board regarding the issue of deforesting of the proposed project site, stating that there will be more deforesting involved with a different type of project than a solar farm.

Matthew Mears, 106 Wood Hall Drive, Henrico, stated his support for the solar project and the tax revenue it can generate.

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

As the application was withdrawn, there is no requirement for a Board of Supervisors vote on this Ordinance.

Mr. Tucker addressed the audience, apologizing that there is no current solution -- nor requirement for a solution -- on Ordinance O-2019-01. Mr. Williams agreed with Mr. Tucker's comments.

- i. **O-2019-13 (Amendment of Fee Schedule: Fees for Conditional Accessory Uses):** The County of Powhatan requests amendment of the Code of the County of Powhatan, Virginia, Appendix A (Fee Schedule) to establish a new type of development review fee for conditional accessory uses. The proposed fee for an application requesting a permit for a conditional accessory use, as identified in the Zoning Ordinance of the County of Powhatan (Chapter 83), will be set to \$600. Currently, the fee for an application requesting a conditional use permit (regardless of type of use) is \$1,500. All interested persons are invited to attend the hearing and to present their views and/or to submit written comments. Persons requiring special assistance to attend and participate in these hearings should contact the Powhatan County Administrator's Office at (804) 598-5612 at least three days prior to the meeting.

Chairman Cabell requested that this item be addressed prior to Item 12(e).

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-13, an amendment to the Fee Schedule for Conditional Accessory Uses.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-13. Seeing there were no speakers, Chairman Cabell closed the Public Hearing.

Mr. Melton motioned to approve Ordinance O-2019-13 as presented and apply the Ordinance retroactively to existing applications. 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

- e. **O-2019-09 (Case #19-01-AZ): The County of Powhatan** requests the amendment and reenactment of provisions contained in the Zoning Ordinance of the County of Powhatan (Chapter 83), Article VIII (Development Standards), Section 83461 (Landscaping and Buffers) to modify standards regarding the minimum size of required plantings at the time of installation; to add standards regarding the provision of landscaped buffers between major thoroughfares and commercial, institutional, and mixed-use development; and to require foundation plantings for development occurring with all zoning districts.

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-09, an amendment to the Landscaping and Buffers section of the Zoning Ordinance.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-09. Seeing there were no speakers, Chairman Cabell closed the Public Hearing.

Mr. Melton motioned to approve Ordinance O-2019-09 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

- f. **O-2019-10 (Case #19-02-AZ): The County of Powhatan** requests the amendment and reenactment of provisions contained in the Zoning Ordinance of the County of Powhatan

(Chapter 83), Article III (Rural Districts), Sections 83-190 [Crossroads (CR) District], 83-191 (Permitted Uses) and 83-192 (Conditional Uses) for the purposes of adding/removing certain uses permitted by-right or with a conditional use permit within the Crossroads (CR) zoning district and clarifying standards regarding permitted residential density and minimum lot size. No properties in Powhatan County are currently zoned Crossroads (CR). The amendment is intended to encourage the creation of businesses that are compatible with the rural character of surrounding areas.

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-10, an amendment to the Conditional Use Permits within the Crossroads zoning district section of the Zoning Ordinance.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-10. Seeing there were no speakers, Chairman Cabell closed the Public Hearing.

Mr. Melton motioned to approve Ordinance O-2019-10 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

- g. **O-2019-11 (Case #19-03-AZ): The County of Powhatan** requests the amendment and reenactment of provisions contained in the Zoning Ordinance of the County of Powhatan (Chapter 83), Article VII (Use Standards), Section 83-432 (Standards for Specific Principal Uses) to modify use standards associated with *dwelling, live/work*. Proposed amendments establish minimum size requirements for the commercial portion of a live/work dwelling; specify what commercial activities are permitted; require that one resident work on-site; remove restrictions regarding the number of non-resident employees; and specify that only one dwelling unit is permitted within the residential portion of a live/work dwelling.

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-11, an amendment to the Live/Work Dwellings section of the Zoning Ordinance.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-11. Seeing there were no speakers, Chairman Cabell closed the Public Hearing.

Mr. Melton motioned to approve Ordinance O-2019-11 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

- h. **O-2019-12 (Case #19-04-AZ): The County of Powhatan** requests the amendment and reenactment of provisions contained in the Zoning Ordinance of the County of Powhatan (Chapter 83), Article XI (Definitions), Section 83-521 (Definitions) to modify the definitions of *home occupation* and *homebased business* to better clarify permitted activities associated with those uses. Proposed amendments to the definition of *home occupation* clarify that such businesses generally operate on an appointment only basis and that a studio for fine arts and crafts is an example of an appropriate *home occupation*. The definition of *home-based business* is shortened, with language referencing the relationship between *home occupation* and *home-based business* and specifying that a *home-based business* may have a certain number of non-resident employees (in accordance with current use standards).

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-12, an amendment to the Home Occupation and Home-based Business section of the Zoning Ordinance.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-12. Seeing there were no speakers, Chairman Cabell closed the Public Hearing.

Mr. Melton motioned to approve Ordinance O-2019-12 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

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)**

Chairman Cabell opened the Public Comment period. Seeing there were no speakers, Chairman Cabell closed the Public Comment period.

14. County Attorney Comments

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Mr. Lacheney had no comments.

15. County Administrator Comments

The County Administrator had no comments.

16. Board Comments

Mr. Melton announced that the Richmond Region Workforce will be holding a job fair for youth between 14 and 24 years of age on March 23 at the Virginia Career Workforce Center, 304 Turner Road in Richmond.

Chairman Cabell thanked County Staff for their efforts.

Mr. Williams stated that the Board should address excessively lengthy Board meeting Agendas.

17. Closed Meeting

No closed meeting was held.

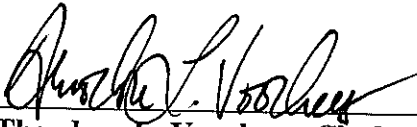
18. Certification of Closed Meeting

No closed meeting was held.

19. Adjournment

Mr. Melton motioned to adjourn the meeting. Chairman Cabell seconded the motion. The meeting adjourned at 12:58 a.m.

These minutes were approved at the March 25, 2019, meeting with a vote of 5-0.


Theodore L. Voorhees, Clerk 3/25/19 Date
Powhatan County Board of Supervisors


Angela Y. Cabell, Chairman 3/28/19 Date
Powhatan County Board of Supervisors