



**AGENDA**  
**POWHATAN COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**JULY 27, 2020**  
**6:30 PM CALL TO ORDER**

This meeting is being held in the Village Building Auditorium and is open to the public to attend in person, but several remote options remain available to participate or watch the meeting.

If you would like to participate in the meeting, go to <https://us02web.zoom.us/j/83998792911> by computer or smartphone with the Zoom app.

or by phone, dial 1-301-715-8592 or 1-312-626-6799 or 1-929-205-6099 or 1-253-215-8782 or 1-346-248-7799 or 1-669-900-6833

Type Webinar ID: 839 9879 2911

Or iPhone one-tap :

US: +13017158592, 83998792911# or +13126266799, 83998792911#

\*\*During the public comment period, you may raise your hand using the zoom controls on your screen or press \*9 on your phone. Visit the Zoom Help Center for more information.

If you would like to watch in real-time, use this link: <http://powhatanva.gov/432/Live-Stream-of-Powhatan-County-Meetings>

If you would like to watch the meeting at your convenience later use this link: <http://powhatanva.gov/433/County-Meetings-and-Workshop-Videos-On-D>

Public comments may also be submitted to [administration@powhatanva.gov](mailto:administration@powhatanva.gov). Any comments received up until 5:00 PM of the day of the meeting shall be entered into the meeting minutes.

1. **Call to Order**
  - a. Identify Public Entity members physically and/or electronically present
  - b. Identify opportunities for the public to access and participate in the electronic meeting
2. **Pledge of Allegiance**
3. **Invocation**
4. **Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation**
5. **Formal Approval of Agenda**
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)
7. **Consent Agenda**
  - a. Minutes April 27, 2020 Regular Meeting Page 4
  - b. Minutes May 27, 2020 Closed Meeting Page 14
  - c. Minutes June 1, 2020 Budget Meeting Page 17
  - d. Minutes June 10, 2020 Workshop Meeting Page 22
  - e. Minutes June 16, 2020 Closed Meeting Page 30
  - f. Minutes June 22, 2020 Regular Meeting Page 33
  - g. Bonded Projects Update Page 43
  - h. Treasurer’s Report Page 44
  - i. R-2020-44 – B&A Interest on Bonds Page 50
  - j. R-2020-45 -B&A Grants, Donations, Passport Revenue, Ins Recoveries and Bond Proceeds Page 52
  - k. R-2020-46 – B&A CSBG Funds Page 55
  - l. Amendment and extension of the FY2019 and FY2020 Community Services Performance Contract between the Goochland and Powhatan Community Services Board and Powhatan County Page 57

- m. R-2020-43 - Approval of Memorandum of Understanding (MOU) and Resolution R-2020-43 authorizing the CARES Act Funding allocated for Economic Development Business Grants (\$517,404.60) to be transferred to the EDA for use in facilitating a grant program for small businesses Page 133
- n. Proclamation P-2020-02 Recognizing Alexander Davis for Achieving “Eagle Scout” Rank Page 140
- 8. Old Business**
- a. R-2020-47 Resolution Temporarily Continuing Existing Agricultural and Forestal Districts (AFDs) Through December 31, 2020 Page 141
- 9. New Business**
- a. R-2020-42 Resolution Supporting Second Amendment Page 151
- 10. Public Hearing**
- a. O-2020-03 (Case #20-01-CUP): Kimberly Wilkinson Payne (District #1: Subletts/Manakin/Flat Rock) Page 175
- b. O-2020-05 (Case #20-04AZ): Planned Development Ordinance Amendment Page 202
- c. O-2020-10 (Case #20-02-REZC): Marshall and Laura Martin (District #5: Smiths Crossroads/ Pineville/Tobaccoville) Page 213
- d. O-2020-11 (Case #20-02-CUP): Cellco Partnership d/b/a Verizon Wireless (District #2: Powhatan Station/Graceland) Page 239
- e. O-2020-12 Hopson LLC Right Of Way Vacation (District #5: Smiths Crossroads/Pineville/Tobaccoville) Page 294
- 11. Public Comment** (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)
- 12. County Attorney Comments**
- 13. County Administrator Comments**
- 14. Board Comments**
- 15. Adjournment**

**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, AND REMOTELY BY ELECTRONIC MEANS ON APRIL 27, 2020, AT 6:30 P.M.**

---

- Board of Supervisors Present:** David T. Williams, District 1, Chairman, present in the auditorium  
Larry J. Nordvig, District 2, remotely from his residence  
Michael W. Byerly, District 3, present in the auditorium  
Bill L. Cox, District 4, remotely from the Village Building conference room  
Karin M. Carmack, District 5, Vice Chairman, present in the auditorium
- Board of Supervisors Absent:** None
- County Staff Present:** Bret Schardein, Interim County Administrator, remotely from his residence  
Tom Lacheney, County Attorney, remotely from his residence  
Charla Schubert, Director of Finance
- Constitutional Officers Present:** Brad Nunnally, Sheriff
- Guests Present:** Dr. Eric Jones, Superintendent of the Powhatan Public Schools, remotely from his residence  
Larry Johns, Finance Director for Powhatan County Public Schools, remotely from his home

**1. Call to Order**

Chairman Williams called the meeting to order at 6:30 p.m.

- a. Identify Public Entity members physically and/or electronically present

Mr. Williams identified the Board members, Mr. Schardein, Mr. Lacheney, Dr. Jones, and their locations.

- b. Identify the persons responsible for receiving public comment

County Administration staff accepted emailed comments at [administration@powhatanva.gov](mailto:administration@powhatanva.gov). Any comments received until 6:30 pm, March 30th were entered into the meeting minutes.

- c. Identify opportunities for the public to access the electronic meeting

The public was able to participate in the meeting by using: <https://zoom.us/j/398095011> by computer. Phone access was possible by dialing: US: 1-929-205-6099 or 1-312-626-6799. As always, the public could view the live feed from the County website.

- d. Identify opportunities for the public to participate in such an electronic meeting

The public was able to view and participate in the meeting live with the Zoom meeting link. During the public comment period, members of the public could raise their hands using the zoom controls on their screens, or press \*9 on their phone.

## **2. Pledge of Allegiance**

Mr. Cox led the Pledge of Allegiance.

## **3. Invocation**

Mr. Nordvig led the Invocation.

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

No requests were made to amend the Agenda.

## **5. Formal Approval of Agenda**

Mrs. Carmack made a motion to approve the Agenda as presented. Mr. Byerly seconded the motion

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

## **6. Presentations**

- a. Update on COVID-19

2 of 10

POWHATAN COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
APRIL 27, 2020

Mr. Schardein presented an update on the COVID-19 outbreak. He reviewed the case data and the affected community lifelines graphic. He urged citizens to continue taking the recommended measures to prevent the spread of the virus. Next, Mr. Schardein shared the latest unemployment data stating that Powhatan currently has 717 ongoing claims. New weekly claim numbers peaked on April 4 and have gone down since then. He finished by noting that Virginia Career Works would hold a virtual career fair on May 6 and that Small Business Week would be May 4-8.

**7. 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 Williams opened the first Public Comment period.

Seeing there were no speakers, Chairman Williams closed the Public Comment Period.

**8. Consent Agenda**

- a. Approval of January 27, 2020, Regular Board of Supervisors corrected Meeting Minutes Page 4
- b. Resolution R-2020-24 Authorization for County Administrator to execute lease agreement with Powhatan County Public Schools for the Pocahontas Landmark Center gymnasium. Page 18
- c. Quarterly Financial Report as of March 31, 2020 Page 28
- d. Ordinance O-2020-07 An Emergency Ordinance Amending Chapter 80 (Water and Wastewater), Article III (Fees and Charges) Section 80-78 of the Code of the County of Powhatan allowing waiving of penalties and interest on past-due water and wastewater accounts during a declared emergency Page 35
- e. Resolution R-2020-25 authorizing a second amendment to the War Memorial Building sales agreement to extend the deadline for completing required capital investments according to the original sale agreement. Page 38
- f. Resolution R-2020-26 Authorization for County Administrator to execute a Mutual Aid Agreement with WARN (Virginia Water and wastewater Agency response Network) Page 41
- g. Resolution R-2020-27 Authorize the County Administrator to execute a Deed of Sublease for Communications Antenna Site Page 61

3 of 10

with the State of Virginia, Bureau of Real Estate Services

- h. 2016 Bonded Projects Update Page 96
- i. 2018 Bonded Projects update Page 117
- j. Proclamation P-2020-03 designating May 2020 as Building Safety Month Page 126

Mr. Nordvig made a motion to approve the Consent Agenda as presented. Mrs. Carmack seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**  
**MOTION Passed**

**9. Appointments to Boards, Commissions, Committees, etc.**

- a. Extension Leadership Council (ELC) - 2 reappointments, 1 appointment Page 127

Mr. Williams moved to reappoint Ruby Turner and Gail Timberlake and appoint Jeremy Davis to the Extension Leadership Council for three-year terms commencing January 1, 2020 and expiring December 31, 2022. Mrs. Carmack seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**  
**MOTION Passed**

- b. Local Board of Building Code Appeals (LBBCA) – 2 appointments Page 133

Mr. Williams moved to nominate Darrell Griffin to the LBBCA/BFPCA for a five-year term commencing April 28, 2020 and expiring December 31, 2024.

Mr. Cox moved to nominate George Matthews to the LBBCA/BFPCA for a five-year term commencing April 28, 2020 and expiring December 31, 2024.

Mrs. Carmack moved to nominate Ray Avery to the LBBCA/BFPCA for a five-year term commencing April 28, 2020 and expiring December 31, 2024. Mr. Nordvig seconded the motion

Votes were conducted in the order of the nominations.

The vote for Mr. Griffin:

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

The vote for Mr. Matthews:

Bill L. Cox voted AYE

**VOTE 0-4  
MOTION failed**

The vote for Mr. Avery:

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

Mr. Darrell Griffin and Mr. Ray Avery were appointed to the LBBCA/BFPCA for five-year terms commencing April 28, 2020 and expiring December 31, 2024.

- c. Richmond Regional Planning District Commission (RRPDC) – Page 143  
1 appointment

Mr. Byerly made a motion to appoint Bobby Hall, who is a member of the Powhatan County Planning Commission, to serve on the Richmond Regional Planning District Commission (RRPDC) Board for a four-year term (expiring December 31, 2023). Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

## **10. Public Hearings**

5 of 10

POWHATAN COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
APRIL 27, 2020

- a. Resolution R-20202-28 Dedication of County-owned right-of-way to the Virginia Department of Transportation for the SMART Scale Rt. 711 & Rt. 607 Intersection Improvement Page 144

Mr. Schardein explained that this resolution is to dedicate land for right-of-way to improve an intersection.

The Board had no comments or questions.

Chairman Williams opened the public comment period on Resolution R-20202-28 Dedication of County-owned right-of-way to the Virginia Department of Transportation for the SMART Scale Rt. 711 & Rt. 607 Intersection Improvement.

Seeing no one come forward, Chairman Williams closed the public comment period.

Mr. Nordvig motioned to approve Resolution R-20202-28 Dedication of County-owned right-of-way to the Virginia Department of Transportation for the SMART Scale Rt. 711 & Rt. 607 Intersection Improvement. Mr. Cox seconded the motion. There was no discussion on the motion.

Mr. Williams called for a roll call vote.  
Mr. Schardein conducted a roll call vote:

Mr. Williams Aye  
Mr. Nordvig Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

**VOTE 5-0**  
**MOTION Passed**

- b. FY2021 School Budget Page 155

Dr. Jones began his budget presentation with slides reviewing the major strategic goals, Personalized Learning, Leveraging Talent, Investing in Community, and Culture and Well-Being. He touched on the details of each major goal.

He reviewed historical staffing data. Classroom staffing has remained flat over the last seven years. Paraprofessional staffing, much of which is funded by federal sources such as Title 1 and Title 3, has risen. Special Education staffing levels have risen driven by student's Individual Education Plans.

Dr. Jones reviewed enrollment.

6 of 10

POWHATAN COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
APRIL 27, 2020

Next, Dr. Jones discussed the cost of education per pupil. He stated that only 33 localities of a total of 134 spend less than Powhatan per pupil, 100 spend more per pupil. Powhatan spends less than the state average, Goochland and Cumberland, but more than Amelia.

Dr. Jones reviewed the Powhatan County Public Schools partnership with Powhatan County. He noted that two capital projects had come in under budget returning \$465,567 to the County. PCPS has contributed \$1,703,360 since 2015 to the Reserve Fund. This fund has supported several projects.

The schools reduced the CIP funding needs by \$9,390,000 as a result of the Trane and Sun Tribe Solar projects. Sun Tribe replaced a roof on Powhatan Elementary. Dr. Jones anticipates over \$200,00 being returned to the County from appropriated funds.

Closing the old middle school returned \$650,000 to the County.

He stated that state funding per pupil has been reduced and that increases in the Composite Index have played a role in the funding reduction of one-half million dollars last year.

PCPS approved a balanced budget on March 19, 2020. He reviewed proposed revenue increases and proposed expenditure changes. Now PCPS is reviewing new information about reductions in revenue and is looking at cuts to expenditures.

Reductions being examined are:

\$759,084 -looking at salary increases

\$166,748- removed one new position and stipend increases

354,063- line-item increases, which include mandated increases in contracted instructional products and contracted services.

Further reductions would lead to reducing positions and/or benefits for employees

The General Assembly has approved an amended budget, which will result in PCPS receiving 450 to 500 thousand dollars less from the state than the approved budget.

Dr. Jones described the next steps. PCPS has restricted non-essential spending. It was necessary to purchase MiFi, Wi-Fi, and cameras to facilitate distance learning. These expenses will be reimbursed under the CARES Act.

PCPS will distribute teacher contracts in May and will amend the budget to reflect appropriations.

Dr. Jones invited the Board to ask questions.

Mrs. Carmack asked the difference between paraprofessionals and assistants. Dr. Jones replied paraprofessionals are in classrooms, and assistants are on busses. Mrs. Carmack further inquired if Dr. Jones has heard of relief for schools due to the increase in the Composite Index and if he has seen any savings from this year that can be used for next year. Dr. Jones replied that fuel and utilities would be held in reserve for next year. There has been a decrease in fuel, landscaping, and facilities expense, and he would know more by the end of the school year.

Mr. Nordvig congratulated Dr. Jones for all county schools receiving accreditation. He went on to say that code says May 15, or thirty days after the County receives the estimate of state funding. Do we have the state number? Mr. Lacheney stated that the Board must work with the number that they have now. Mr. Nordvig led a discussion of appropriate funding dates, concluding by saying that teacher contracts must be sent out by May 15, so the budget must be approved, but the Board does not need to appropriate at that time. Mr. Lacheney said if all areas appropriate at the same time, the Board is within the law and may appropriate monthly, which he is in favor of. Mr. Nordvig said he is in favor of monthly appropriations. He went on to inquire if substitute teachers were being paid during the shut-down. Dr. Jones replied that they are not being paid unless they are currently teaching. He added that there are one or two full-time substitutes under contract.

Mr. Byerly questioned the FY20 funding reduction of \$500,000 from the \$1,003,294 requested increase over FY19 funding levels from the state. He asked if Dr. Jones could share any idea of what PCPS can save by being closed for three months. Mr. Byerly, Mr. Johns, and Dr. Jones discussed line items, and Mr. Byerly requested that list.

Mr. Cox asked if the Schools are revising their budget. Dr. Jones reviewed the steps he will take to do that after the Schools received notice of the appropriation.

Mr. Nordvig commented that fuel is bought in large lots and asked when is the soonest that PCPS could purchase a large amount of fuel to take advantage of the currently low prices. Mr. Johns said that he could issue a bid for a specific number of gallons once he has a better idea of the amount they will need.

Mr. Williams stated that the Board has no idea and nothing historically to go on to know how the future will look. He stated that the Board would be very conservative in its planning. He will be considering funding the budget at the FY20 level, taking projected collection rates into account. He stated his recommendation for creating a revenue stabilization fund.

Charla Schubert reviewed a chart comparing revenues collected using various tax rates between \$.80 and \$.88 and collection rates from 88% to 94%. She compared these figures to the 2020 and 2021 budget. This presentation was designed to show the Board how the various rates of collection and taxation will affect the amount collected.

Chairman Williams opened the Public Hearing period on the School's budget presentation.

Mr. Jamie Timberlake, 1450 Schroeder Road, congratulated the School Board for a great job and asked the Board to beware of using savings on this year's budget to fund next year's budget because it digs a deeper hole to get out of in the following budget cycle.

Seeing no further speakers, Chairman Williams closed the Public Hearing.

**11. Public Comment** (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Mr. Michael Asip, 3673 Old Buckingham Road thanked Dr. Jones and the Board for their flexibility and vigilance in preparing the budget. He believes that the schools can be funded at the FY2020 level. He thanked Mrs. Schubert for her explanation of the numbers. He finished by thanking Dr. Jones for supplying hotspots and all the School's efforts to continue educating our students.

**12. County Attorney Comments**

The County Attorney had no comments.

**13. County Administrator Comments**

Mr. Schardein remarked that there were fourteen online viewers and thanked them for participating.

**14. Board Comments**

Mrs. Carmack had no comments.

Mr. Byerly had no comments.

Mr. Cox cautioned the Board to be careful to choose the right number on the matrix of tax rate options so that the County may pay its bills.

Mr. Williams spoke in favor of a revenue stabilization plan and planning in case the COVID situation gets worse so that the County is prepared.

Mr. Nordvig commented on the situation at the Convenience Center. He stated that citizens are purging their homes and creating debris. He fears that the prohibition on discarding large amounts of waste at the Convenience Center may increase litter and illegal dumping. He suggested at least a part-time option for discarding this type of waste.

**15. Adjournment**

Mr. Williams adjourned the meeting at 8:08 p.m.

These minutes were approved at the July 27, 2020 meeting of the Powhatan County Board of Supervisors.

\_\_\_\_\_  
**Bret Schardein, Interim Clerk      Date**  
**Powhatan County Board of Supervisors**

\_\_\_\_\_  
**David T. Williams, Chairman      Date**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

**VIRGINIA: AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS HELD IN INDEPENDENCE GOLF CLUB, 600 FOUNDERS BRIDGE BOULEVARD IN POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON May 27, 2020, AT 12:30 P.M.**

---

**Board of Supervisors Present:** David T. Williams, District 1, Chairman  
Larry J. Nordvig, District 2  
Michael W. Byerly, District 3  
Bill L. Cox, District 4  
Karin M. Carmack, District 5, Vice Chairman

**Board of Supervisors Absent:** None

**County Staff Present:** Melissa Lowe, Human Resources Manager

**1. Call to Order**

Chairman Williams called the meeting to order at 12:35 P.M. Mr. Williams stated that Mr. Nordvig was joining the meeting via electronic means.

**2. Appointment of Melissa Lowe as the Acting Clerk for the Meeting**

Mr. Williams made the above in the form of a motion. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**

**MOTION Passed**

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

None

**4. Formal Approval of Agenda**

Mrs. Carmack made a motion to approve the agenda as amended. Mr. Byerly seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**

**MOTION Passed**

**5. Closed Meeting as authorized by the Code of Virginia, Section 2.2-3711(A)(5)**

Chairman Williams asked Ms. Lowe to read the motion to go into closed session

Ms. Lowe read: Whereas the Board of Supervisors of Powhatan County desires to discuss in closed meeting the following matters: Discussion consideration of interviews for prospective candidates for employment, specifically the County Administrator. Whereas pursuant to code section 2.2 3711(A)(2) of the Code of Virginia, such discussion may occur in closed session, now therefore be it resolved that the Board of Supervisors of Powhatan County does hereby authorize the discussion of the aforesated matters in closed session.

Mr. Williams made the above in the form of a motion. Mr. Cox seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**

**MOTION Passed**

**6. Certification of Closed Meeting**

Mr. Williams reconvened the meeting. Ms. Lowe read the Certification of the Closed Meeting as follows: Do you certify to the best of your knowledge that:

The only matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements, and

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?

Mr. Williams asked Ms. Lowe to take a roll call vote:

Mr. Williams Aye

Mr. Nordvig Aye

Mr. Byerly Aye

Mr. Cox Aye

Mrs. Carmack Aye

**VOTE 5-0**  
**MOTION Passed**

## **7. Adjournment**

Chairman Williams adjourned the meeting at 5:58 P.M.

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Melissa Lowe, Interim Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

**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, AND REMOTELY BY ELECTRONIC MEANS ON JUNE 1, 2020, AT 6:30 P.M.**

---

**Board of Supervisors Present:** David T. Williams, District 1, Chairman, present in the Village Building auditorium  
Michael W. Byerly, District 3, present in the Village Building auditorium  
Bill L. Cox, District 4, present in the Village Building conference room  
Karin M. Carmack, District 5, Vice Chairman, present in the Village Building auditorium

**Board of Supervisors Absent:** Larry J. Nordvig, District 2

**County Staff Present:** Bret Schardein, Interim County Administrator, present remotely from his home  
Tom Lacheney, County Attorney, present remotely from his home  
John Wood, Information Technology Director, present in the Village Building auditorium  
Phil Warner, Fire & Rescue Chief, present in auditorium

**Constitutional Officers Present:** None

**Guests Present:** None

**1a. Call to Order pursuant to Virginia Code §2.2-3708.2(A)(3)**

- a. Identify Public Entity members physically and/or electronically present

Mr. Williams identified the Board members, Mr. Schardein, and Mr. Lacheney, and their locations.

- b. Identify opportunities for the public to access and participate in the electronic meeting

The public was able to participate in the meeting by using: <https://zoom.us/j/398095011> by computer. Phone access was possible by dialing: US: 1-929-205-6099 or 1-312-626-6799. As always, the public could view the live feed from the County website.

- c. Adoption of Ordinance O-2020-06 an Emergency Continuity of Operations Ordinance pursuant to Va. Code §15.2-1413

Mrs. Carmack made a motion to approve Ordinance O-2020-06 an Emergency Continuity of Operations Ordinance pursuant to Va. Code §15.2-1413. Mr. Cox seconded the motion.

Mr. Williams called for a roll call vote.  
Mr. Schardein conducted a roll call vote:

- Mr. Williams Aye
- Mr. Byerly Aye
- Mr. Cox Aye
- Mrs. Carmack Aye

**VOTE 4-0**  
**MOTION Passed**

**1b. Call to Order of Regular Meeting**

Chairman Williams called the meeting to order at 6:30 p.m.

**2. Pledge of Allegiance**

Mrs. Carmack led the Pledge of Allegiance.

**3. Invocation**

Mr. Byerly provided the invocation.

**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**

Mrs. Carmack moved to approve the Agenda as presented. Mr. Byerly seconded the motion.

David T. Williams, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 4-0**  
**MOTION Passed**

**6. Public Comment** (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman Williams opened the first Public Comment period.

Seeing no one come forward, Chairman Williams closed the Public Comment period.

**7. Old Business**

- a. Authorization to advertise FY21 County Budget

Page 4

Mr. Schardein proposed that the Board authorize advertising the new budget at the .88 tax rate before adopting it. Mrs. Carmack asked if the final budget adopted June 29<sup>th</sup> will be advertised in the paper. Mr. Schardein confirmed it will be advertised one time as well as posted on the County Facebook and website.

Mr. Cox made a motion to advertise the FY21 County Budget. Mr. Williams seconded the motion.

David T. Williams, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 4-0  
MOTION Passed**

- b. Ordinance O-2020-07 An Emergency Ordinance Amending Chapter 80 (Water and Wastewater), Article III (Fees and Charges) Section 80-78 of the Code of the County of Powhatan allowing waiving of penalties and interest on past due water and wastewater accounts during a declared emergency Page 13

Mr. Schardein presented the ordinance correction, the purpose of which is to prevent the Board from being required to readopt the Emergency Ordinance every 60 days.

Chairman Williams made a motion to adopt Ordinance O-2020-07 An Emergency Ordinance Amending Chapter 80 (Water and Wastewater), Article III (Fees and Charges) Section 80-78 of the Code of the County of Powhatan allowing waiving of penalties and interest on past due water and wastewater accounts during a declared emergency. Mrs. Carmack seconded the motion.

Mr. Williams called for a roll call vote.  
Mr. Schardein conducted a roll call vote:

Mr. Williams Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

**VOTE 4-0  
MOTION Passed**

**8. Public Hearing**

- a. Re-adoption of Ordinance O-2020-06 an Emergency Continuity of Operations Ordinance pursuant to Va. Code §15.2-1413 Page 16

Mr. Schardein explained this ordinance allows the Board to have the ability to modify the

meeting procedures.

Chairman Williams opened the Public Hearing.

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

Mrs. Carmack made a motion to approve Ordinance O-2020-06 an Emergency Continuity of Operations Ordinance pursuant to Va. Code §15.2-1413. Mr. Williams seconded.

Mr. Williams called for questions. Mr. Byerly asked for confirmation of whether they had already voted on this motion before. Mrs. Carmack confirmed and stated that there had not been a public hearing, Mr. Lacheney explained that under the first adoption it was adopted for a period of 60 days, but by adopting it the second time with a public hearing it will be in effect indefinitely until it is rescinded.

Mr. Williams called for a roll call vote.  
Mr. Schardein conducted a roll call vote:

Mr. Williams Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

**VOTE 4-0  
MOTION Passed**

**9. 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 Williams opened the second Public Comment period.

Mr. Jim Carver, 4245 Steger Creek Dr. Mr. Carver thanked Mr. Wood and the rest of the IT staff for making these online meetings possible and complimented the updates to the County website.

Seeing no further speakers, Chairman Williams closed the second Public Comment period.

**10. County Attorney Comments**

Mr. Lacheney had no comments.

**11. County Administrator Comments**

Mr. Schardein had no comments.

**12. Board Comments**

The Board members had no comments .

**13. Adjournment**

Mr. Williams adjourned the meeting at 6:46pm.

These minutes were approved at July 27, 2020 meeting of the Powhatan County Board of Supervisors.

\_\_\_\_\_  
**Bret Schardein, Interim Clerk      Date**  
**Powhatan County Board of Supervisors**

\_\_\_\_\_  
**David T. Williams, Chairman      Date**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

**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, AND REMOTELY BY ELECTRONIC MEANS ON JUNE 10, 2020, AT 6:30 P.M.**

---

Those present

**Board of Supervisors Present:**

**David T. Williams, District 1, Chairman, present in the Village Building auditorium**  
**Larry J. Nordvig, District 2, present in the Village Building auditorium**  
**Michael W. Byerly, District 3, present in the Village Building auditorium**  
**Bill L. Cox, District 4, present in the Village Building conference room**  
**Karin M. Carmack, District 5, Vice Chairman, present in the Village Building auditorium**

**Board of Supervisors Absent:**

**None**

**County Staff Present:**

**Bret Schardein, Interim County Administrator, present in the Village Building auditorium**  
**John Wood, Director of Information Technology, present in the Village Building auditorium**

**Guests Present:**

**Dr. Christopher Ali, present in the Village Building auditorium**

**1. Call to Order**

Chairman Williams called the meeting to order at 6:30 p.m.

- a. Identify Board members physically and/or electronically present

Mr. Williams identified the Board members and Mr. Schardein.

- b. Identify opportunities for the public to access and participate in the electronic meeting

County Administration staff will accept emailed comments at [administration@powhatanva.gov](mailto:administration@powhatanva.gov). Any comments received until 6:30 pm, on the day of the meeting will be entered into the meeting minutes.

**2. Pledge of Allegiance**

Mr. Byerly led the Pledge of Allegiance.

**3. Invocation**

Mr. Nordvig led the Invocation.

**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**

Mrs. Carmack moved to approve the Agenda as presented. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack 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 Williams opened the public comment period. Speakers were as followed:

Kim Hymel, 4067 Old River Trail. School Board member representing District 5. Ms. Hymel thanked the Board of Supervisors for holding the meeting. She presented the challenges of distance learning explaining the lack of internet connection available to herself and students within District 5.

Tyler Schwend, 955 Clayton Rd. Mr. Schwend expressed this was his first meeting he has attended. He further explained that he struggles to stay connected with the outside world so in turn the broadband penetration in Powhatan is important to him.

Paula Duncan, 5903 Derwent Rd. Ms. Duncan is seconding what Ms. Hymel stated in a former public comment. She explains the amount of money she has needed to put forth to do her job as a remote teacher from Powhatan High School and expresses her excitement that the broadband discussion is starting to take place. She hopes the Board takes this issue very seriously as they have seen and experienced the difficulties that the lack of internet access has done to distance learning.

Gregory Goergen, 1995 Old Tavern Rd. Mr. Goergen and his family moved to Powhatan two years ago and were told the house came with DSL internet. Unfortunately, when the previous owners tried to transfer the DSL to them, Verizon canceled their services. His family has had to purchase a key one line which is 1.5 megabytes per second. Mr. Goergen is a work at home IT developer, due to his work they pay four hundred and fifty dollars a month for their internet access. His children are homeschooled, so they have to schedule their education around the times he needs to work. He explains that other counties he has lived in have partnered with electric companies who already have the equipment and foundation to provide high speed internet and fiber optic internet. Expressing his awareness that this meeting was about broadband he asked the Board if they were focusing on one single solution or if the County is looking at any other options.

Hannah Mauck, 3379 Upper River Way. Ms. Mauck seconded what everyone else had been saying during the public comment period. She stated that internet access is not a luxury but is a true necessity. Both her and her husband work from home and they have children at home who are distance learning due to the pandemic. Even with three hotspots within their home it will still take 10 minutes for her child's assignments to download, causing frustration. Ms. Mauck expressed her idea that the pandemic could bring more people into rural areas, thus the need to have better technology.

## **7. New Business**

Mr. Schardein Shared two advancements with the Board about broadband. He stated that Evan Weiner, with Hosted Backbone was there to listen in on the meeting. His company is doing some expansions in the Walnut Creek subdivision that is funded by the community's developer, Emerald Homes. Secondly, Powhatan has made a joint application along with Goochland County through USDA reconnect program with Firefly Broadband. He added that if we are awarded that, 1,500 homes in Powhatan will have access to high speed broadband internet. The areas in Powhatan that will be granted this are west of Routes 522 and 13 including some that are north of Rt. 711. This would be a 7-million-dollar investment by Firefly. If awarded, this will be announced in the late fall, and construction would begin sometime in 2021 and would be about a two year build out.

- a. Discussion on Broadband facilitated by Dr. Christopher Ali Page

Chairman Williams introduced the guest speaker for the evening, Dr. Christopher Ali.

Dr. Ali thanked the Supervisors for having him there and expressed his appreciation to everyone listening in on the meeting and sharing their stories regarding broadband. He began by noting what he came there to discuss:

1. His research and the state of broadband
2. Technologies of broadband
3. Funding programs available
4. To have a larger conversation of broadband in Powhatan but also in the larger United States

Dr. Ali began his presentation explaining how the spread of COVID-19 has made the poor broadband infrastructure visible to America. He stated that broadband in fact is not a luxury but a necessity and a right, and how not all broadband is created equal, it will depend on the type of connected someone has.

He went over what his presentation will cover.

1. What is broadband?
2. Why is broadband Important?
3. What is the problem?
4. Can't I just use my phone?
5. Why don't I have broadband?
6. How do I get broadband?
7. What's next?

Next, he began to talk about the question, what is broadband? He explained that broadband is an "always on" connection of 25 mbps for download and 3 mbps upload. This means someone could possibly send an email and stream Netflix at the same time but cannot stream Netflix and a video conference at the same time. On average in the United States the download speed is 135 mbps and the upload speed is 52 mbps. When the two are compared, download is for consumption and upload is for production. This causes the consumption to become more privileged than the production in our Country.

Dr. Ali moved onto the question, why is Broadband important?

1. It is needed for economic development.
2. Broadband in a community lowers unemployment rate.
3. Raises the value of homes by 3.1%.
4. Assists education, 70% of teachers assign homework online.
5. Assists health care, allows doctors to upload patient files.
6. Increases civil engagement.

He explained the technologies of broadband. He listed some of these technologies which included the DSL, satellites, and mobile/cellular hotspots.

Dr. Ali talked about the technologies with faster connections. He discussed three more technologies, which included fixed wireless, cable, and fiber.

He showed an image that contained the comparison of broadband technologies of download and upload speeds between rural and urban areas.

Next, he shared a question that was emailed to him from a Powhatan resident and he answers the question.

Dr. Ali explains that mobile is not a replacement for fixed Broadband due to data caps, throttling, signal interruptions etc.

Next, Dr. Ali spoke about the question, why don't I have broadband?

He explained the mapping of broadband and pointed out the major flaws that the FCC have for mapping out broadband.

Dr. Ali shared that according to the FCC Powhatan is 100% served with broadband and 81% is served by at least 3 providers.

He then shared data showing Powhatan with the satellite removed. Now only 18% of the County does not have access to broadband and 75% has access to only one provider.

He then moved onto explaining the FCC's new program.

He explained that 5G and LEO's will not be coming anytime soon to rural America.

Dr. Ali discussed that not all broadband is created equal.

He provided tips on steps that every community can take.

Dr. Ali thanked the Board for giving him an opportunity to talk and sharing his knowledge of broadband.

Chairman Williams opened the floor to questions for Dr. Ali.

Mrs. Carmack asked how much money they should have in savings to make this a possibility. Dr. Ali could not provide an amount but gave an example of a rural town of 10,000 people in Minnesota. The town has 99.93% broadband to the home, costing about 12 million dollars. They received a grant from the State of Minnesota for 5 million, bonded 1 million, and a company they partnered with in South Dakota funded the rest of the money.

Mrs. Carmack continued the conversation and asked what the next steps would look like. Dr. Ali provided his professional opinion on what those steps might look like.

Mrs. Carmack asked about the FCC mapping and stated that it would need to change for anything else to be able to change. Dr. Ali suggested to actively reach out to the FCC and complain about the incorrect mapping data.

Mr. Cox came forward with a few things for Dr. Ali. First, he stated that Verizon has not only stopped providing coverage in Powhatan, but they are unwiring us.

Next, Mr. Cox posed a question about wireless tower systems and inquired on Dr. Ali's thoughts. Dr. Ali responded he believes them to be viable interim solutions to fiber to the home. He stated if the County can afford fiber to the home to do that instead of fiber to the towers, but he doesn't negate the fact that it is expensive.

Mr. Cox expressed his concern with the data collected from the electric co-op Southside Services in Powhatan versus what constituents have to say about the need of better services and asked Dr. Ali if he could clarify that for him. Dr. Ali provided some examples and suggestions.

Mr. Nordvig asked what Dr. Ali could suggest to the citizens that they could do to right now to get better internet. Dr. Ali shared that his gut reaction is there is nothing they can do.

Next, Mr. Nordvig asked if there is a situation where they can provide more ways of internet to the citizens. Dr. Ali shared that a company wired public parks in Charlottesville. He suggested negotiating with a company for hotspots.

Mr. Nordvig posed another question. He asked if Dr. Ali had seen a situation where someone needed to motivate someone in the senate or congress etc. to help with the issue at hand. Dr. Ali provided his opinion that conducting meetings centered around issues of broadband can be powerful for elected Officials. He suggested to invite State Representatives from Northern Virginia to see the large difference in broadband coverage.

Mr. Nordvig asked Dr. Ali if he knew of any way to get funded for broadband. Dr. Ali could not provide an answer just yet.

Mr. Byerly made statements on the subject of money and bringing broadband to Powhatan.

Next, he asked Dr. Ali if they were in a better position to receive money VHEI rather than the federal government due to the FCC mapping. Dr. Ali answered yes to his question.

My. Byerly asked another question regarding funding and asked Dr. Ali where other counties are getting their funding from.

Mr. Byerly asked if Dr. Ali has heard of employers possibly wanted to help get Broadband out to the county due to their employees working from home with slow connection.

Chairman Williams opened the floor to questions from the public for Dr. Ali.

Mr. Schardein read questions for Dr. Ali and the Board.

Mr. Nordvig asked Dr. Ali to clarify the connection between 5G and public health.

Next, Mr. Nordvig asked if the satellites would obscure the starry sky at night. Dr. Ali had no comment.

Mr. Schardein presented more questions from citizens.

Chairman Williams thanked Dr. Ali for his presentation.

**8. 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 Williams opened the second public comment period. Speakers were as followed:

Evan Weiner, P.O. Box 1 Oilville VA, with Hosted Backbone. Mr. Weiner began talking about grants through some different providers. He stated that in his opinion the grant process needs to be considered and rethought out. Referring to what Dr. Ali mentioned earlier, he discussed the repercussions of the out of date data and what that does to the process of applying for grants.

Seeing there were no further speakers, Chairman Williams closed the Public Comment period.

**11. Board Comments**

Mr. Nordvig asked Mr. Schardein to address why the county has not reopened yet. Mr. Schardein explained the reopening plan. The local phase was set to happen on June 15, 2020. He further explained some procedures that will be conducted during the reopening stages.

Next, Mr. Nordvig commented on people asking for schools to be reopened. He suggested the Board try to pass the word along that the citizens of Powhatan would like schools to reopen. He reassured the citizens that they do hear them and are trying to bring light to the issue at hand.

Mr. Cox made a statement on construction coming up in Powhatan. He further stated that Powhatan schools will not be out of remote learning any time soon based on what regulations the Governor put on school transportation.

**12. Adjournment**

Chairman Williams adjourned the meeting at 8:30pm.

These minutes were approved at the July 27, 2020 meeting of the Powhatan County Board of Supervisors.

\_\_\_\_\_  
**Bret Schardein, Interim Clerk      Date**  
**Powhatan County Board of Supervisors**

\_\_\_\_\_  
**David T. Williams, Chairman      Date**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

DRAFT

**VIRGINIA: AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS HELD IN BIENVENUE, 3841 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON JUNE 16, 2020, AT 10:30 A.M.**

---

**Board of Supervisors Present:** David T. Williams, District 1, Chairman  
Larry J. Nordvig, District 2  
Michael W. Byerly, District 3  
Bill L. Cox, District 4  
Karin M. Carmack, District 5, Vice Chairman

**Board of Supervisors Absent:** None

**County Staff Present:** Melissa Lowe, Human Resources Manager

**1. Call to Order**

Chairman Williams called the meeting to order at 11:01 A.M.

**2. Appointment of Melissa Lowe as the Acting Clerk for the Meeting**

Mr. Williams made the above in the form of a motion. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**

**MOTION Passed**

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

None

**4. Formal Approval of Agenda**

Mr. Nordvig made a motion to approve the agenda as amended. Mrs. Carmack seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**  
**MOTION Passed**

**5. Closed Meeting as authorized by the Code of Virginia, Section 2.2-3711(A)(5)**

Chairman Williams asked Ms. Lowe to read the motion to go into closed session

Ms. Lowe read: Whereas the Board of Supervisors of Powhatan County desires to discuss in closed meeting the following matters: Discussion consideration of interviews for prospective candidates for employment, specifically the County Administrator. Whereas pursuant to code section 2.2 3711(A)(2) of the Code of Virginia, such discussion may occur in closed session, now therefore be it resolved that the Board of Supervisors of Powhatan County does hereby authorize the discussion of the aforesated matters in closed session.

Mr. Williams made the above in the form of a motion. Mrs. Carmack seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**  
**MOTION Passed**

Mr. Williams recessed the meeting until Friday, June 19<sup>th</sup> at 11 a.m. Mr. Williams noted that Mr. Nordvig left the meeting at 12:50 P.M. The meeting was recessed at 1:02 P.M.

Friday, June 19<sup>th</sup> at 11:05 A.M. Mr. Williams reconvened the meeting. Mr. Williams asked for a motion to come out of the recessed meeting and go back into the previous closed session from June 16<sup>th</sup>.

Mrs. Carmack made the above in the form of a motion. Mr. Cox seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**

**MOTION Passed**

**6. Certification of Closed Meeting**

Mr. Williams reconvened the meeting. Ms. Lowe read the Certification of the Closed Meeting as follows: Do you certify to the best of your knowledge that:

The only matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements, and

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?

Mr. Williams asked Ms. Lowe to take a roll call vote:

Mr. Williams Aye

Mr. Nordvig Aye

Mr. Byerly Aye

Mr. Cox Aye

Mrs. Carmack Aye

**VOTE 5-0**

**MOTION Passed**

**7. Adjournment**

Chairman Williams adjourned the meeting at 11:38 A.M.

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Melissa Lowe, Interim Clerk**  
**Powhatan County Board of Supervisors**

<b>Recorded Vote:</b>	
<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

**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, AND REMOTELY BY ELECTRONIC MEANS ON June 22, 2020, AT 6:30 P.M.**

---

**Board of Supervisors Present:** David T. Williams, District 1, Chairman, present in the Village Building auditorium  
Larry J. Nordvig, District 2, present in the Village Building auditorium  
Michael W. Byerly, District 3, present in the Village Building auditorium  
Bill L. Cox, District 4, present in the Village Building conference room  
Karin M. Carmack, District 5, Vice Chairman, present in the Village Building auditorium

**Board of Supervisors Absent:** None

**County Staff Present:** Bret Schardein, Interim County Administrator, present in the Village Building auditorium  
Tom Lacheney, County Attorney, present in the Village Building auditorium  
Phil Warner, Fire and Rescue Chief, present in the Village Building  
Charla Schubert, Director of Finance, present in the Village Building auditorium  
Curt Nellis, Emergency Management Coordinator, present from remote at home

**Constitutional Officers Present:** Brad Nunnally, Sheriff

**Guests Present:** Andrew Pompei, present in the Village Building auditorium

**1. Call to Order**

Chairman Williams called the meeting to order at 6:30 p.m.

- a. Identify Board members physically and/or electronically present

Mr. Williams identified the Board members, Mr. Schardein, Mr. Lacheney, and their locations.

- b. Identify opportunities for the public to access and participate in the electronic meeting

County Administration staff will accept emailed comments at [administration@powhatanva.gov](mailto:administration@powhatanva.gov). Any comments received until 6:30 pm, on the day of the meeting will be entered into the meeting minutes.

**2. Pledge of Allegiance**

Mr. Cox led the Pledge of Allegiance.

**3. Invocation**

Mr. Nordvig provided the invocation.

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

Mr. Cox requests to add item 17 a closed session to discuss personnel matters.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

Mr. Nordvig requested to pull consent agenda item 7j and add it to the public hearing on the CARES fund to allow the public a chance to hear an overview of the plan and speak on it.

**5. Formal Approval of Agenda**

Mr. Nordvig moved to approve the Agenda as amended. Mrs. Carmack seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack 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)

Mr. Williams opened the public comment period. Speakers were as follows:

Mr. Steven Barham, 3492 Richards Run. Mr. Barham specifically thanked Mr. Byerly, his district Board member, and the rest of the Board members. He spoke on the subject of budget and budget cuts. He pleaded to the Board members that when they go to look over the budget that they think about what they are doing. He asked that taxes be lowered since the assessments went up. He suggested when looking at making cuts to the budget, to look at how the administration has done over the last few months with employees working from home and the office. He feels there are positions that could be cut based on the smaller scale staff being able to keep the County running. Mr. Barham suggested if cuts need to be made to the School Board budget, that they look from the top down, starting with the several superintendents.

Mr. Lynn Challenor, 2496 Red Lane Road. Mr. Challenor requested the consideration of the tax rate of 84 cents per 100. He thanked the Board for everything they do for the County.

## **7. Consent Agenda**

- |    |   |         |
|----|---|---------|
| a. | Minutes March 30, 2020 Emergency Meeting                  | Page 4  |
| b. | Minutes March 30, 2020 Regular Meeting                    | Page 8  |
| c. | Minutes April 16th Special Meeting                        | Page 18 |
| d. | Bonded Projects Update                                    | Page 25 |
| e. | Treasurer's Report  | Page 55 |
| f. | Lake Shawnee Lot Owners Association tax refund            | Page 61 |
| g. | Skaggs Road Building Renovations Contract                 | Page 62 |
| h. | Skaggs Road Building Renovations Budget Transfer          | Page 64 |
| i. | Resolution R-2020-36 Hooper Chesterfield Water Connection | Page 66 |
| j. | CARES Funding allocation plan                             | Page 76 |

Chairman Williams asked for a motion to approve the consent agenda. Mr. Cox made the motion to approve. Mr. Nordvig seconded.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**  
**MOTION Passed**

## **8. Appointments to Boards, Commissions, Committees, etc.**

- |    |  |         |
|----|--|---------|
| a. | Board of Zoning Appeals ("BZA") – One member | Page 86 |
|----|--|---------|

Mr. Nordvig motioned to approve David Bradley’s reappointment for another term on the Board of Zoning Appeals. The term is a five-year term that would commence July 1, 2020 and expire July 1,2025. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

- b. Community Policy and Management Team (“CPMT”) – One member Page 91

Mr. Byerly made a motion to appoint Ms. Brooks to the Community Policy and Management Team for a two-year term. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

- c. Central Virginia Transportation Authority (“CVTA”) – One member; and CVTA Technical Advisory Committee (“TAC”) – One member and an alternate Page 95

Mrs. Carmack made a motion to put Mr. Williams on as the CVTA and Mr. Pompei on the TAC with Mr. Schardein as the alternate. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

- d. Economic Development Authority (“EDA”) – Two members Page 106

Mrs. Carmack made a motion to reappoint Mr. Jones to the EDA for a four-year term. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

- e. Powhatan Community Action Agency Advisory Board (“PCAAAB”) – Five members (3 reappointments, 2 new) Page 112

Mr. Byerly made a motion to reappoint Ms. Booker and Ms. Moslow. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack  
voted AYE

**VOTE 5-0**  
**MOTION Passed**

Mrs. Carmack made a motion to reappoint Ms. Zakiya Worsham, Ms. Donna Terry, Ms. Arlene Booker, to the Powhatan Community Action Agency Advisory. Mr. Byerly seconded

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack  
voted AYE

**VOTE 5-0**  
**MOTION Passed**

Mrs. Carmack made a motion to reappoint Mr. Juan Hardy to the Powhatan Community Action Agency Advisory. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack  
voted AYE

**VOTE 5-0**  
**MOTION Passed**

**9. Proclamation**

- a. Proclamation P-2020-04 Recognizing the Powhatan Clothes Closet Page 124

Mrs. Carmack made a motion to recognize the services done by the Powhatan Clothes Closet for the County. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack  
voted AYE

**VOTE 5-0**  
**MOTION Passed**

**10. Old Business**

- a. Ordinance #O-2020-08 (Case #20-01-REZC): Berk and Alp LLC (District #2: Powhatan Station/Graceland) requests the amendment of the proffer statement for three parcels (Tax Map Parcels #43-33, 43-33A, and 43-35) zoned Light Industrial (I-1) with proffered conditions and Commerce Center (CC) with proffered conditions (Case #18-04-REZC: Ordinance #O-2018-28). Page 126

Mr. Pompei gave an overview of the rezoning case. Mr. Nordvig made a motion to approve Ordinance #O-2020-08 (Case #20-01-REZC): Berk and Alp LLC (District #2: Powhatan

5 of 10

Station/Graceland), by revising proffered condition #1 to reference an updated conceptual plan and adding a new proffered condition that addressed transportation improvements along US Route 60, Anderson Highway. Mr. Byerly seconded the motion.

Mr. Williams called for a roll call vote.  
Mr. Schardein conducted a roll call vote:

Mr. Williams Aye  
Mr. Nordvig Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

**VOTE 5-0**  
**MOTION Passed**

## **11. Public Hearing**

### a. FY20 Budget Amendment (CARES Funds)

Page 173

Ms. Schubert gave an overview of the federally provided grant money that is specifically for COVID-19 related expenses. Mr. Nellis joined and provided information on the best way to use the money.

Mr. Nordvig asked Mr. Nellis to discuss how easy/difficult it could be to spend the 2.6 million dollars in the COVID relief fund.

Mr. Nellis explained he did not see any difficulty in using the money in accordance with the guidelines. The expenses that had already occurred qualified.

Chairman Williams opened the public hearing. Speakers were as follows:

Ms. Betty Jean Challenor, 2496 Red Lane Road. Ms. Challenor expresses concern about the internet access in Powhatan County. She explained that they must not lose sight of this issue especially during this pandemic.

Seeing as there were not more speakers. Mr. Williams closed the public hearing.

Mrs. Carmack made a motion to approve resolution R-2020-33. Mr. Williams seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0**  
**MOTION Passed**

### b. FY21 Budget

Page 175

6 of 10

Mr. Schardein discussed the previous steps that had been taken so far in the budget process. The advertised rate and the recommendations by staff to the Board. Chairman Williams opened the public hearing. Speakers were as follows:

Ms. Courtright expressed her concern about the budget cuts being made from the school systems on along with where some of the funds are being placed that the county has had left over from the COVID funding's. She explained that it made better sense to fully fund the school district instead of cutting things to add them back in later.

Ms. Karen Rissmeyer, 3523 Richards Run. Ms. Rissmeyer asked why the Board was talking about starting a revenue stabilization fund when we are cutting the schools money. She asked if it was possible to have it voted on to have that money added to the school's budget and revisit the revenue stabilization fund next year once things are back to normal.

Seeing as there were not more speakers. Mr. Williams closed the public hearing.

c. FY21 Fee Schedule

Page 176

Mrs. Schubert presented the fee schedule. She explained where some of the increases in fees were made. There was an increase in recycling services of refrigerators. The senate bill 149 was passed which increased the courthouse security assessment.

Chairman Williams opened the public hearing. Seeing no one came forward, Chairman Williams closed the public hearing.

Mrs. Carmack made a motion to approve the ordinance O-2020-09 as presented. Mr. Williams seconded the motion.

Mr. Williams called for a roll call vote.  
Mr. Schardein conducted a roll call vote:

Mr. Williams Aye  
Mr. Nordvig Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

**VOTE 5-0**  
**MOTION Passed**

**12. Old Business (continued)**

a. FY21 Budget Discussion

Mr. Schardein asked that the Board complete any proposals or resolutions they would need to complete them so it can be published for the public in a timely manner.

**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 Williams opened the public hearing. Speakers were as follows:

Mr. Jaime Timberlake explained the issue in cutting employees raises and the losses the County is experiencing with cutting them. He points out that the County is paying to train people to get them to where they need to be in their career, only to lose them due to the type of pay the County is offering.

Mr. Nellis talked about the COVID-19 virus. He explained the County is still in a local state of emergency and estimates it could stay that way into December. There has been a total of 62 cases inside the County overall, 4 hospitalizations, and 2 deaths. The County is currently still working on acquiring enough personal protective equipment in anticipation of the different phases of opening. He is still participating in numerous state and local calls in relation to the ever-evolving situation.

Mr. Curtis Newton, 2000 Judes Ferry Road. Mr. Newton thanked Mr. Schardein for catching his comment. He shared his concern on the tax rates and expressed he would like to see it as close to .80 cents as it can get.

Seeing as there were not more speakers. Mr. Williams closed the public hearing.

**14. County Attorney Comments**

Mr. Lacheney had no comments.

**15. County Administrator Comments**

Mr. Schardein announced that all five of the SMART scale applications have passed through the prescreening, meaning VDOT found them eligible for SMART scale. He reminded the Board that they can only submit four of those for a final consideration.

He stated that as of today the County opened for their phase two reopening plan.

Next, he explained that VDOT and Mr. Bates, Powhatan's resident engineer, were able to find the funding for the Route 711 safety study.

Mr. Schardein talked about the draft resolution that the school will be considering which would be asking the Governor for flexibility for localities like Powhatan with implementing their reopening guidelines.

He reminded the Board about their next meeting being a strategic planning workshop.

**16. Board Comments**

Mr. Nordvig asked Mr. Schardein if this will be their last strategic planning meeting. Mr. Williams stepped in to answer the question. He stated that if needed there will be more meetings.

Mrs. Carmack encouraged the citizens of Powhatan to fill out their Census forms, they effect the County's funding and are especially important.

Mr. Williams recognized Powhatan's fire chief, Mr. Phil Warner for the outstanding job he did down at founder's bridge with a fire hydrant issue.

**17. Closed Meeting pursuant to Section 2.2-3712 of the Virginia Freedom of Information Act for the purposes of:**

**1. Discussion and consideration of perspective candidates for employment, specifically County Administrator**

Mr. Williams motioned to enter Closed Session for the reasons stated above. Mrs. Carmack seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

**17. Certification of Closed Meeting**

Mr. Williams reconvened the meeting. Mr. Lacheney read the Certification of the Closed Meeting as follows: Do you certify to the best of your knowledge that:

the only matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements, and

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?

Mr. Lacheney asked the Clerk to take a roll call vote:

Mr. Williams Aye  
Mr. Nordvig Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

**18. Adjournment**

Mr. Williams adjourned the meeting at 8:12pm.

These minutes were approved at the July 27,2020 meeting of the Powhatan County Board of Supervisors.

Bret Schardein, Interim Clerk      Date  
Powhatan County Board of Supervisors

David T. Williams, Chairman      Date  
Powhatan County Board of Supervisors

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

Project:	LMR-Radio
Total Project Budget	\$10,360,000
Projected funds expened	\$2,012,810.14
Radio System Budget	\$9,235,000
Towers Budget	\$1,025,000
A&E Contract	8/7/2015
Terminated A&E Contract	2/6/2017
Specifications Development 2.1 Detailed Desinged	100% Complete
County -RFP-Release	12/15/2017
County to obtain, final RFP pricing	3/19/2019
County -contract approval	6/12/2019
Detailed Designed Reivew	97%
Phase 3-Impelmentation -DDR	99%
Total Project	57%
Estimated Completion Date	TBD

Report date: Monday, July 20, 2020

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
**TREASURER'S ACCOUNTABILTY FUND**					
**CASH AND INVESTMENTS**					
100-0101	Cash In Office-Treasurer	1,000.00			1,000.00
100-0102	Petty Cash-County Administrator	50.00			50.00
100-0109	NSF Checks	5,699.93	11,018.64	8,835.26-	7,883.31
100-0111	Bank of Powhatan - Regular Account	7,286,012.42	17,782,225.13	5,881,028.90-	19,187,208.65
100-0113	BOP- Federal Asset Forfeiture Acct	7,836.04	.64		7,836.68
100-0114	Bank of Powhatan - School Food	1,192,535.71	145.04		1,192,680.75
100-0115	Bank of Powhatan-Ambulance Account	553,900.19	51,931.44		605,831.63
100-0116	BB&T Fire Truck Lease				
100-0117	Bank of Essex - PGCAA	341,120.48	28.97		341,149.45
100-0118	Signature Bank - Lease				
100-0123	Wachovia - Assets Forfeiture Acct.				
100-0124	Bank of Essex State Asset Forfeitu	10,400.67			10,400.67
100-0126	LGIP (Local Government Invest Pool	17,802.77	10.17		17,812.94
100-0128	Bank of Powhatan-Spec Welfare Acct				
100-0129	School Finance/Capital Project Fun	5.25			5.25
100-0131	CVB - Regular (MMA)				
100-0133	CVB-PSA (Pub Serv Auth) Savings CD				
100-0134	CVB - Regular Savings	17,442.73			17,442.73
100-0135	CVB-PSA (Public Serv Auth) Savings				
100-0138	Bank of America				
100-0139	Virginia SNAP 046 - VRA				
100-0140	Escrow Acct Lease Pur Telephone Sy				
100-0141	VRA SNAP 047				
100-0142	US Bank - 2015 Refunding	496.86			496.86
100-0143	US Bank - VRA2014C refunding				
100-0144	US Bank - 2016 Bonds	9,845,960.18		41,717.10-	9,804,243.08
100-0145	US Bank 2017 A Refunding				
100-0146	SNAP - 2018 Bonds	4,267,795.49		69,152.63-	4,198,642.86
100-0147	US Bank - 2019C Lease	26,211.62	99.26	26,310.88-	
100-0148	US Bank - 2019C Refunding	76,810.99	291.26	77,102.25-	
100-0151	Sigt 1995B Bnd Dbt Resrv(Cty)\$2.2				
100-0154	SNAP Adjusting Entries				
100-0155	New Horizon CD - Purchase 8/2016	500,000.00			500,000.00
100-0156	New Horizon CD 8/2011	500,000.00			500,000.00
100-0157	Bank of Essex - CD Purchase	1,500,000.00			1,500,000.00
100-0179	Virginia SNAP 90 50 New Elem Schoo				
100-0180	Virginia SNAP 90 51 Elem School In				
100-0181	Morgan Keegan Wire Account				
100-0182	24M Lease Rev SNAP 52				
100-0183	Interest Account Snap 53				
100-0184	US Bank Capitalized Interest Acct				
100-0185	VA Snap 90-56 Water/Sewer Prin 201				
100-0186	VA Snap 90-57 Water/Sewer Int. 201				
100-0187	VA Snap 90-58 PS/B Prin 2010A				
100-0188	VA Snap 90-59 PS/B Int 2010A				
100-0189	BB&T-155299673-HPSBVPD-Project Fun				

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
100-0190	BB&T-HPSBVFD 155299673-Cap Interes				
100-0191	2011 Rev Refinance (new)				
100-0192	2011 Lease Rev Refinance (new)				
	**CASH AND INVESTMENTS**	26,151,081.33	17,845,750.55	6,104,147.02-	37,892,684.86
112-0100-0	Crime Solvers Fund				
	Crime Solvers Fund				
	TOTAL ASSETS	26,151,081.33	17,845,750.55	6,104,147.02-	37,892,684.86
	Fund Balances				
	Beginning Fund Balances				
300-0100	General Fund	9,332,584.40-	1,327,403.55	14,839,053.36-	22,844,234.21-
300-0102	VPA Fund	52,956.00	143,529.01	133,639.58-	62,845.43
300-0103	PEG Fund	26,007.36-		8,367.15-	34,374.51-
300-0104	Comprehensive Services Act Fund	132,733.79	78,884.88	74,603.50-	137,015.17
300-0105	Bldg Permit Surcharge Acct	4,575.23-		1,595.43-	6,170.66-
300-0106	Delinquent Tax Collection Fee Acct	2,618.25-			2,618.25-
300-0107	Powhatan PSA Account				
300-0109	Tourism Fund	36,684.04-			36,684.04-
300-0110	Cash Proffer Fund	833,120.18-		13,985.00-	847,105.18-
300-0112	Crime Solvers Account				
300-0115	Telecommunication Tower				
300-0116	Grants Fund	26,037.27-	106,136.27	89,360.50-	9,261.50-
300-0117	PGCAA Distribution to PCCAA-deposi				
300-0120	Fire and Rescue Fund	587,854.53-	95,655.55	51,931.44-	544,130.42-
300-0121	Trial Jurors/ Witnesses				
300-0205	School Fund	1,263,056.03	3,788,240.16	2,257,373.95-	2,793,922.24
300-0207	School Food Fund	361,156.49	81,549.63	88,384.02-	354,322.10
300-0209	SRP Fund				
300-0213	E911 Fund				
300-0215	Forfeited Asset Fund				
300-0216	Forfeiture Asset Proceeds	.05-		.64-	.69-
300-0301	General Capital Projects Fund	16,274,946.35-	121,512.57	63,672.50-	16,217,106.28-
300-0302	General Obligation Bond Fund				
300-0305	School Construction Fund				
300-0401	Special Welfare Fund	28,127.25-	20,686.15	54,399.88-	61,840.98-
300-0402	Federal Rev Max Program-Social Ser				
300-0405	Bond Escrow Fund	401,227.37-	5,000.00		396,227.37-
300-0410	PGCAA Fund	338,495.48-	4,662.96	28.97-	333,861.49-
300-0501	Water & Sewer Fund	478,498.00	178,380.79	6,786.87-	650,091.92
300-0502	Utilities Capital Projects	578,897.31-			578,897.31-
300-0700	VRS Retirement Trust Fund				
300-0800	Debt Service Fund				
	Fund Balances	26,182,774.76-	5,951,641.52	17,683,182.79-	37,914,316.03-
	TOTAL PRIOR YR FUND BALANCE	26,182,774.76-	5,951,641.52	17,683,182.79-	37,914,316.03-
	TOTAL REVENUE				
	TOTAL EXPENDITURE				
	TOTAL CURRENT FUND BALANCE				
	TOTAL LIABILITIES AND FUND BALANCE	26,182,774.76-	5,951,641.52	17,683,182.79-	37,914,316.03-

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
Other Accounts					
400-0101	Treas Deferred Acct - Heath				
400-0102	Cash (Short) And Over				
400-0103	Utility Overpayments	2,392.90-			2,392.90-
400-0105	Overpayments	1,521.14-	70,603.05	72,598.54-	3,516.63-
400-0121	CVA - Current Debit Acct	4,114.73	1,081.30	792.30-	4,403.73
400-0122	CVA - Current Credit Acct	5,228.00-	128,412.66	123,534.66-	350.00-
400-0123	CVA - Unclaimed Property				
400-0125	Employee Escrow Account				
400-0151	Prepaid Taxes - RE	50,990.01		11,173.54-	39,816.47
400-0152	Prepaid Taxes - PP	13,747.71-	835.10	2,895.33-	15,807.94-
400-9999	Prepay Property Taxes Reserve				
	Other Accounts	32,214.99	200,932.11	210,994.37-	22,152.73
460-2015	State Income 2015	18,245.00			18,245.00
460-2016	State Income - 2016	5,412.17			5,412.17
460-2017	State Income 2017				
460-2018	State Income - 2018				
460-2019	State Income - 2019		50,209.00	50,209.00-	
460-9999	Reserve - State Income - State	23,657.17-	50,209.00		23,657.17-
	State Income 2015		100,418.00	100,418.00-	
465-2015	Estimated Taxes - 2015	1,286,604.59-			1,286,604.59-
465-2016	Estimated Income 2016	1,595,821.25-			1,595,821.25-
465-2017	Estimated Taxes 2017	1,525,215.51-			1,525,215.51-
465-2018	Estimated Taxes - 2018	1,090,478.00-			1,090,478.00-
465-2019	Estimated Taxes - 2019	1,163,418.76-			1,163,418.76-
465-2020	Estimated Taxes - 2020	101,904.00-		73,153.00-	175,057.00-
465-9999	Reserve - Estimated Taxes - State	6,763,442.11	73,153.00		6,836,595.11
	Estimated Taxes - 2015		73,153.00	73,153.00-	
490-0001	Sheriff's Fees - State	131,643.85-		172.66-	131,816.51-
490-0002	Penalty - State Income - State	6,081.62-			6,081.62-
490-0003	Interest - State Income - State	533.29-			533.29-
490-9999	Reserve - State	138,258.76	172.66		138,431.42
	Sheriff's Fees - State		172.66	172.66-	
		32,214.99	374,675.77	384,738.03-	22,152.73
501-0001	WATER RECEIVABLES	16,995.62	20,677.44	1,079.32-	36,593.74
501-0002	SEWER RECEIVABLES	16,043.33	28,744.85	5,270.49-	39,517.69
501-0003	PENALTY & INTEREST RECEIVABLES	1,459.30		175.80-	1,283.50
501-9999	RESERVE-WATER,SEWER & PENALTY-INT.	35,019.81-	6,525.61	49,422.29-	77,916.49-
	WATER RECEIVABLES	521.56-	55,947.90	55,947.90-	521.56-
		521.56-	55,947.90	55,947.90-	521.56-
	Uncollected County Taxes				

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
601-0000	*REAL ESTATE TAXES*				
601-0097	Real Estate Taxes - 1997				
601-0098	Real Estate Taxes - 1998				
601-0099	Real Estate Taxes - 1999	1,598.17			1,598.17
601-1999	Reserve - Real Estate Taxes	15,683,411.33-	10,955,590.88	3,579.18-	4,731,399.63-
601-2000	Real Estate Taxes - 2000	1,760.01			1,760.01
601-2001	Real Estate Taxes - 2001	2,012.31			2,012.31
601-2002	Real Estate Taxes - 2002	3,260.48			3,260.48
601-2003	Real Estate Taxes - 2003	21,947.52-			21,947.52-
601-2004	Real Estate Taxes - 2004	23,112.55-			23,112.55-
601-2005	Real Estate Taxes - 2005	22,855.16-			22,855.16-
601-2006	Real Estate Taxes - 2006	13,516.10-			13,516.10-
601-2007	Real Estate Taxes - 2007	5,425.89			5,425.89
601-2008	Real Estate Taxes - 2008	6,891.61			6,891.61
601-2009	Real Estate Taxes - 2009	8,549.82			8,549.82
601-2010	Real Estate - 2010	10,071.91			10,071.91
601-2011	Real Estate Taxes - 2011	10,747.63			10,747.63
601-2012	Real Estate Taxes - 2012	15,130.38			15,130.38
601-2013	Real Estate Taxes - 2013	18,171.40			18,171.40
601-2014	Real Estate Taxes 2014	11,265.36		971.61-	10,293.75
601-2015	Real Estate Taxes - 2015	25,706.82		3,100.89-	22,605.93
601-2016	Real Estate Taxes - 2016	32,322.78		3,185.42-	29,137.36
601-2017	Real Estate Taxes-Fiscal Year 2017	46,240.19		3,296.29-	42,943.90
601-2018	Real Estate Taxes -Fiscal Year 201	100,931.40		7,295.96-	93,635.44
601-2019	Real Estate - Fiscal Year 2019	284,340.67		68,956.98-	215,383.69
601-2020	Real Estate 2020 - Fiscal Year	15,180,415.83	3,579.18	10,868,783.73-	4,315,211.28
	*REAL ESTATE TAXES*		10,959,170.06	10,959,170.06-	
602-0000	PERSONAL PROPERTY TAXES				
602-1999	Reserve - PP Taxes	11,104,687.59-	2,732,568.96	8,873.42-	8,380,992.05-
602-2012	Personal Property Taxes - 2012				
602-2013	Personal Property Taxes - 2013				
602-2014	Personal Property Taxes - 2014	42,418.70			42,418.70
602-2015	Personal Property Taxes - 2015	48,648.16		274.78-	48,373.38
602-2016	Personal Property Taxes - 2016	65,277.39	256.01	707.92-	64,825.48
602-2017	Personal Property Taxes - 2017	80,534.67	403.60	1,537.15-	79,401.12
602-2018	Personal Property Taxes - 2018	158,156.79	1,113.41	10,645.66-	148,624.54
602-2019	PERSONAL PROPERTY TAXES - 2019	622,716.25	7,008.22	94,349.57-	535,374.90
602-2020	PERSONAL PROPERTY TAXES - 2020	10,086,935.63	1,828.73	2,626,790.43-	7,461,973.93
	PERSONAL PROPERTY TAXES		2,743,178.93	2,743,178.93-	
603-0000	PUBLIC SERVICE CORP TAXES				
603-0099	Reserve - PSC Taxes	22.34-			22.34-
603-2015	Public Service - 2015				
603-2016	Public Service Taxes 2016	81.08			81.08
603-2017	Public Service 2017				
603-2018	Public Service - 2018				
603-2019	Public Service 2019	58.74-			58.74-
	PUBLIC SERVICE CORP TAXES				

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BALANCE	DEBIT	CREDIT	ENDING BALANCE
604-0001	Rollback Taxes - Payment	1,195,726.56-		5,638.43-	1,201,364.99-
604-1999	Reserve - Rollback Taxes	1,195,726.56	5,638.43		1,201,364.99
	Rollback Taxes - Payment		5,638.43	5,638.43-	
605-0000	PPTRA ABATEMENT MADE AFTER REQUEST				
605-0099	1999 Possible C/W Reimbursement				
605-1999	Reserve PPTRA-Possible Reimbursemn	27,091,565.11-	53,886.08		27,037,679.03-
605-2012	PPTRA Abatement Made After Request	3,152,759.58			3,152,759.58
605-2013	PPTRA Abatement Made After Request	2,989,904.75			2,989,904.75
605-2014	PPTRA Abatement made after request	2,932,602.27			2,932,602.27
605-2015	PPTRA Abatements Made After Reques	3,027,623.11			3,027,623.11
605-2016	PPTRA Abatements made after reques	3,059,804.82		34.20-	3,059,770.62
605-2017	PPTRA Abatements Made After Reques	3,061,954.94		100.17-	3,061,854.77
605-2018	PPTRA Abatements Made After Reques	2,862,642.80		408.77-	2,862,234.03
605-2019	PPTRA ABATEMENTS MADE AFTER REQUES	3,074,176.82	255.33	2,285.05-	3,072,147.10
605-2020	PPTRA ABATEMENTS MADE AFTER REQUES	2,930,096.02		51,313.22-	2,878,782.80
	PPTRA ABATEMENT MADE AFTER REQUES		54,141.41	54,141.41-	
606-0000	Manual STOPS	50.00			50.00
606-1999	Reserve for Manual STOPS	50.00-			50.00-
	Manual STOPS				
			13,762,128.83	13,762,128.83-	
	LTD OBLIGATIONS				
801-0005	Literary Loans - \$1.7- Pow ES #1				
801-0006	Literary Loans - \$5 million				
801-0007	2002 VPSA 7,084,114.00				
801-0008	Literary Loan Anticipation Note				
801-9999	Reserve for Literary Loan Payables				
	Literary Loans - \$1.7- Pow ES #1				
802-0004	1985B School Bonds-\$2.3M, 10-1-85				
802-0010	2005 Lease Revenue Bonds 775,750				
802-0011	2003 Lease Revenue Bond 1,015,000				
802-0012	2002 Lease Revenue Bond 14,135,000				
802-0013	2001 Gen Obl School Bond 27,370,00				
802-0014	2000 Lease Revenue Bond 5,808,405				
802-0015	1999 VRA Lease Rev Bond 2,386,274				
802-0016	1997 Gen Obl Ref Bonds 1,300,000				
802-0017	1995 Lease Rev Bonds 2,200,000				
802-0018	2004 VPSA 4,043,402.95				
802-0019	1996A VPSA 485,000				
802-0020	1994B VPSA 4,046,592				
802-0021	1994A VPSA 4,000,000				
802-0022	1992B VPSA 700,000				
802-0023	6,680,000 VRA Water and Sewer 05/0				
802-0024	2005 Bond Anticipation Note 374k				

6/18/20  
FUND #-999

\*GL070\*

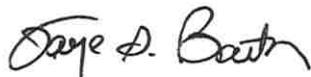
\*\*TREASURER'S ACCOUNTABILTY FUND\*\*

COUNTY OF POWHATAN  
BALANCE SHEET  
5/31/2020

PAGE 6  
TIME 15:01

ACCOUNT NUMBER -----	ACCOUNT DESCRIPTION -----	PREVIOUS BALANCE -----	DEBIT -----	CREDIT -----	ENDING BALANCE -----
802-0025	24m Lease Rev Issue 2007				
802-0026	2010A VRA Bonds - Route 60				
802-9999	Reserve for General Oblig Bonds 1985B School Bonds-\$2.3M, 10-1-85				
804-0001	Capital Leases - School - Equipmen	524,975.00			524,975.00
804-0006	\$643,500 Bus Lease 2005	524,975.00-			524,975.00-
804-0007	County Vehicle Lease 12/2005				
804-9999	Reserve for Capital Lease Oblig. Capital Leases - School - Equipme				

Respectfully Submitted,



Faye G. Barton, MGT  
Treasurer of Powhatan



## Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

---

Agenda Item Title: Resolution R-2020-44 Amending the Fiscal Year 2020 Powhatan County Operating Budget by Budgeting and Appropriating \$208,097.60 in Interest Earned on Debt Proceeds

Motion: Move to approve Resolution R-2020-44 as presented

Dates Previously  
Considered by Board: N/A

Summary of Item: The resolution budgets and appropriates \$208,097.60 in interest earned on the 2016 and 2018 bond proceeds. The additional interest has been appropriated to the Public Radio System to help with additional radios and to the PMS repurpose for the gym upgrades. There was a \$100,000 additional request in the FY21 CIP and this will remove that request. This resolution budgets and appropriates these funds.

Staff:                                  X   Approve                             Disapprove                             See Comments

Commission/Board:                  N/A   Approve                             Disapprove                             See Comments

County Administrator:                  X   Approve                             Disapprove                             See Comments

Comments: None

Budget/Fiscal Impact: Budget and Appropriate \$208,097.60

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, [cschubert@powhatanva.gov](mailto:cschubert@powhatanva.gov)

**RESOLUTION  
AMENDING THE FISCAL YEAR 2020 POWHATAN COUNTY OPERATING BUDGET  
BY BUDGETING AND APPROPRIATING \$208,097.60 IN INTEREST EARNED ON  
DEBT PROCEEDS**

**WHEREAS**, on May 9, 2019 and June 13, 2019, the Powhatan County Board of Supervisors adopted Resolution R-2019-25 and R-2019-26, respectively, which adopted the Fiscal Year 2020 Powhatan Operating Budget in the amount of \$114,022,945; and

**WHEREAS**, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

**WHEREAS**, the amendment of the budget in this resolution in the amount of \$208,097.60 (0.183%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2020 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

**CAPITAL PROJECTS FUND**

**REVENUES**

Interest Earned on Debt	3-301-015010-0001	\$	208,097.60
-------------------------	-------------------	----	------------

**EXPENDITURES**

PMS Repurpose	4-301-062100-8304	\$	100,000.00
Public Safety Radio System	4-301-031200-6001		114,835.58
2018 Bonds Contingency	4-301-012100-0001		(6,737.98)

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

<b>Recorded Vote:</b>	
<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	



## Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

---

Agenda Item Title: Resolution R-2020-45 Amending the Fiscal Year 2020 Powhatan County Operating Budget by Budgeting and Appropriating \$660,056.57 in Donations, Grants, Passport Revenue, Insurance Recoveries and Bond Proceeds

Motion: Move to approve Resolution R-2020-45 as presented

Dates Previously  
Considered by Board: N/A

Summary of Item: The County received a grant from the VA Outdoor Foundation in the amount of \$1,500. The County also refunded some debt and received proceeds from that refunding in the Mount of \$597,510.43. The remainder of the revenues to be appropriated are various miscellaneous revenues collected. This resolution budgets and appropriates these funds.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: Budget and Appropriate \$660,056.57

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, [cschubert@powhatanva.gov](mailto:cschubert@powhatanva.gov)

**RESOLUTION**  
**AMENDING THE FISCAL YEAR 2020 POWHATAN COUNTY OPERATING BUDGET**  
**BY BUDGETING AND APPROPRIATING \$660,056.57 IN DONATIONS, GRANTS,**  
**PASSPORT REVENUE, INSURANCE RECOVERIES AND BOND PROCEEDS**

**WHEREAS**, on May 9, 2019 and June 13, 2019, the Powhatan County Board of Supervisors adopted Resolution R-2019-25 and R-2019-26, respectively, which adopted the Fiscal Year 2020 Powhatan Operating Budget in the amount of \$114,022,945; and

**WHEREAS**, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

**WHEREAS**, the amendment of the budget in this resolution in the amount of \$660,056.57 (0.579%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2020 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

**GENERAL FUND**

**REVENUES**

Sheriff Reimbursables	3-100-018030-0010	\$	1,490.00
Insurance Recoveries	3-100-041010-0001		7,196.14
Passport Revenue	3-100-016010-0019		1,960.00
Bond Proceeds	3-100-041040-0002		597,510.43

**EXPENDITURES**

Auto parts/repairs	4-100-032200-6009	\$	2,391.14
Part-time Passport	4-100-021600-1301		1,820.72
FICA	4-100-021600-2100		139.28
Security for Private Events	4-100-031200-1202		1,490.00
Auto parts/repairs	4-100-031200-6009		4,805.00
Bond Issuance Costs	4-100-095101-9151		218,826.56
Contribution to Fund Balance	4-100-093101-0209		378,683.87

**GRANTS FUND**

**REVENUES**

Sheriff Deputies Ancillary Fund	3-116-018990-0009	\$	400.00
Cares Act	3-116-033010-0006		50,000.00
VA Outdoors Foundation	3-116-018990-0019		1,500.00

**GRANTS FUND (Continued)**

**EXPENDITURES**

Fighting Creek Interpretive Panel	4-116-081100-0001	\$	1,500.00
Sheriff Deputies Ancillary Fund	4-116-031212-6015		400.00
Cares Act	4-116-012200-0001		50,000.00

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	



## Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

---

Agenda Item Title: Resolution R-2020-46 Amending the Fiscal Year 2020 Powhatan County Operating Budget by Budgeting and Appropriating \$390,251.01 in the General Fund for CSBG Grant Funds

Motion: Move to approve Resolution R-2020-46 as presented

Dates Previously  
Considered by Board: N/A

Summary of Item: The resolution budgets and appropriates carryover of the FY20 CSBG and Emergency COVID grant funds and the additional FY21 grant funds. This resolution budgets and appropriates these funds.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: Budget and Appropriate \$390,251.01

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, [cschubert@powhatanva.gov](mailto:cschubert@powhatanva.gov)

**RESOLUTION  
AMENDING THE FISCAL YEAR 2021 POWHATAN COUNTY OPERATING BUDGET  
BY BUDGETING AND APPROPRIATING \$390,251.01 IN THE GENERAL FUND FOR  
CSBG GRANT FUNDS**

**WHEREAS**, on May 14, 2020 and June 29, 2020, the Powhatan County Board of Supervisors adopted Resolution R-2020-29 and R-2020-38, respectively, which adopted the Fiscal Year 2021 Powhatan Operating Budget in the amount of \$112,844,944; and

**WHEREAS**, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

**WHEREAS**, the amendment of the budget in this resolution in the amount of \$390,251.01 (0.346%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

**NOW, THEREFORE, BE IT RESOLVED** that the FY 2021 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

**GENERAL FUND**

**REVENUES**

CSBG Federal	\$	156,139.71
CSBG Federal - Emergency COVID		132,861.30
TANF Funds		101,250.00

**EXPENDITURES**

CSBG Federal	\$	156,139.71
CSBG Federal - Emergency COVID		132,861.30
TANF Funds		101,250.00

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

**ATTEST:**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

<b>Recorded Vote:</b>	
<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	



## Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

---

Agenda Item Title: Amendment and extension of the FY2019 and FY2020 Community Services Performance Contract between the Goochland and Powhatan Community Services Board and Powhatan County.

Motion: Move to approve the contract as presented.

Dates Previously  
Considered by Board: N/A

Summary of Item: The existing contract must be amended and extended to allow additional flexibility in how services are delivered to the public during the pandemic. these flexibilities are relevant to the delivery of services related to COVID-19 detection and treatment, as well as maximizing access to care and minimizing viral spread through community contact. This would extend the contract to December 21, 2020.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Performance Contract, Process, Department of Justice Settlement Agreement Requirements, Federal Grant Compliance Requirements

Staff/Contact: Stacy H. Gill, LCSW, Executive Director  
Goochland Powhatan Community Services Board  
804-556-5404  
[sgill@goochlandva.us](mailto:sgill@goochlandva.us)

**AMENDMENT NO. 1**  
**FY2019 and FY2020 COMMUNITY SERVICES**  
**PERFORMANCE CONTRACT**  
**GOOCHLAND AND POWHATAN COMMUNITY SERVICES BOARD**

This Agreement amends the FY2019 and FY2020 Community Services Performance Contract (the “Contract”) bearing the effective date of July 1, 2019 between the Department of Behavioral Health and Developmental Services (the “Department” or “Agency”) and the Goochland and Powhatan Community Services Board (the “CSB”), (referred to collectively as the “Parties”).

**RECITALS**

WHEREAS, the public health emergency presented by the COVID-19 virus has warranted the need for flexibility with CSB requirements; and

WHEREAS, these flexibilities are relevant to the delivery of services related to COVID-19 detection and treatment, as well as maximizing access to care and minimizing viral spread through community contact; and

WHEREAS, the CSB desires to extend the term of their FY2019 and FY2020 Community Services Performance Contract; and

As provided for under the terms of this Contract, the Department and the CSB agree to amend the following provisions:

1. **Section 3: Contract Term** shall be amended to extend the term effective July 1, 2020 through and ending on December 31, 2020 (the “Amendment Term”).
2. **Section 4.q.: Department of Justice Settlement Agreement Requirements** shall be deleted in its entirety and replaced with Exhibit M: Department of Justice Settlement Agreement Requirements as attached hereto.
3. **Exhibit A: Resources and Services** shall be deleted in its entirety and replaced as attached hereto.
4. **Exhibit E: Performance Contract Process** shall be deleted in its entirety and replaced as attached hereto.
5. **Exhibit F: Federal Compliances** shall be deleted in its entirety and replaced with Exhibit F: Federal Grant Compliance Requirements as attached hereto.
6. This amendment shall be retroactive to July 1, 2020, and shall be binding upon any funds advanced by the Department since that date as provided in this agreement.

All other terms and conditions that are not hereby amended shall remain in full force and effect.

**Counterparts and Electronic Signatures:** Except as may be prohibited by applicable law or regulation, this Agreement and any amendment may be signed in counterparts, by facsimile, PDF, or other electronic means, each of which will be deemed an original and all of which when taken together will constitute one agreement. Facsimile and electronic signatures will be binding for all purposes.

**Signatures:** In witness thereof, the Department and the CSB have caused this Agreement to be

**AMENDMENT NO. 1  
FY2019 and FY2020 COMMUNITY SERVICES  
PERFORMANCE CONTRACT  
GOOCHLAND AND POWHATAN COMMUNITY SERVICES BOARD**

executed by the following duly authorized Parties.

**Virginia Department of Behavioral  
Health and Developmental Services**

By: \_\_\_\_\_

Name: Alison G. Land, FACHE

Title: Commissioner

Date: \_\_\_\_\_

**Goochland and Powhatan Community  
Services Board By:**

\_\_\_\_\_

Name: Julie Franklin

Title: Chairperson

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: Stacy H. Gill, LCSW

Title: Executive Director

Date: \_\_\_\_\_

**FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT**

**FY 2021 Exhibit A: Resources and Services**

CSB: \_\_\_\_\_

<b>Consolidated Budget (Pages AF-3 Through AF-10)</b>				
<b>Funding Sources</b>	<b>Mental Health (MH) Services</b>	<b>Developmental (DV) Services</b>	<b>Substance Use Disorder (SUD) Services</b>	<b>TOTAL</b>
State Funds				
Local Matching Funds				
Total Fees				
Transfer Fees (In)/Out				
Federal Funds				
Other Funds				
State Retained Earnings				
Federal Retained Earnings				
Other Retained Earnings				
<b>Subtotal: Ongoing Funds</b>				
State Funds One-Time				
Federal Funds One-Time				
<b>Subtotal: One-Time Funds</b>				
<b>Total: All Funds</b>				

<b>Cost for MH, DV, SUD Services</b>				
	<b>Cost for Emergency Services (AP-4)</b>			
	<b>Cost for Ancillary Services (AP-4)</b>			
	<b>Total Cost for Services</b>			

<b>Local Match Computation</b>	
Total State Funds	
Total Local Matching Funds	
Total State and Local Funds	
Total Local Match Percentage (Local ÷ Total State + Local Funds)	

<b>CSB Administrative Percentage</b>	
Administrative Expenses	
Total Cost for Services	
Administrative Percentage (Admin ÷ Total Expenses)	

**Note: Exhibit A is submitted to the Department by the CSB electronically using the CARS software application.**

FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT

FY 2021 Exhibit A: Resources and Services

CSB: \_\_\_\_\_

Financial Comments

Comment 1	
Comment 2	
Comment 3	
Comment 4	
Comment 5	
Comment 6	
Comment 7	
Comment 8	
Comment 9	
Comment 10	
Comment 11	
Comment 12	
Comment 13	
Comment 14	
Comment 15	
Comment 16	
Comment 17	
Comment 18	
Comment 19	
Comment 20	
Comment 21	
Comment 22	
Comment 23	
Comment 24	
Comment 25	

**Use of Retained Earnings**

FY 2021 Exhibit A: Resources and Services for Mental Health (MH) Services

CSB:

Funding Sources	Funds
FEES	
MH Medicaid Fees	
<u>MH Fees: Other</u>	
Total MH Fees	
<u>MH Fees Transfer In/(Out)</u>	
MH NET FEES	
<b><u>FEDERAL FUNDS</u></b>	
MH FBG SED Child & Adolescent (93.958)*	
MH FBG Young Adult SMI (93.958)*	
MH FBG SMI (93.958) <sup>1</sup>	
MH FBG SMI PACT (93.958) <sup>1</sup>	
MH FBG SMI SWVBH Board (93.958) <sup>1</sup>	_____
Total MH FBG SMI Funds*	
MH FBG Geriatrics (93.958)*	
MH FBG Peer Services (93.958)*	_____
<b>Funds*</b>	<b>Total MH FBG Adult</b>
MH Federal PATH (93.150)*	
MH Federal COVID Emergency Grant (93.665)*MH	
Other Federal - DBHDS*	
MH Other Federal – COVID Support*	
MH Other Federal - CSB*	_____
TOTAL MH FEDERAL FUNDS	
<b><u>STATE FUNDS</u></b>	
<b><u>Regional Funds</u></b>	
MH Acute Care (Fiscal Agent)* <sup>2</sup>	
MH Acute Care Transfer In/(Out)	_____
Total MH Net Acute Care - Restricted	
MH Regional DAP (Fiscal Agent)* <sup>2</sup>	
MH Regional DAP Transfer In/ (Out)	_____
Total MH Net Regional DAP - Restricted MH	
Regional Residential DAP - Restricted	
MH Crisis Stabilization (Fiscal Agent)* <sup>2</sup>	
MH Crisis Stabilization Transfer In/(Out)	_____
Total MH Net Crisis Stabilization – Restricted	
MH Transfers from DBHDS Facilities (Fiscal Agent)*	
MH Transfers from DBHDS Facilities - Transfer In/(Out)	_____
Total Net MH Transfers from DBHDS Facilities	
MH Expanded Community Capacity (Fiscal Agent)*	
MH Expanded Community Capacity Transfer In/(Out)	
Total Net MH Expanded Community Capacity	
MH First Aid and Suicide Prevention (Fiscal Agent)*	
MH First Aid and Suicide Prevention Transfer In/(Out)	

FY 2021 Exhibit A: Resources and Services for Mental Health (MH) Services

CSB:

Funding Sources	Funds
Total Net MH First Aid and Suicide Prevention	
MH STEP-VA Outpatient (Fiscal Agent)*	
MH STEP-VA Outpatient Transfer In/(Out)	
Total Net MH STEP-VA Outpatient	
MH STEP-VA Crisis (Fiscal Agent)*	
MH STEP-VA Crisis Transfer In/(Out)	
Total Net MH STEP-VA Crisis	
MH Forensic Discharge Planning (Fiscal Agent)*	
MH Forensic Discharge Planning Transfer In/(Out)	
Total Net MH Forensic Discharge Planning	
MH Permanent Supportive Housing (Fiscal Agent)*	
MH Permanent Supportive Housing Transfer In/(Out)	
Total Net MH Permanent Supportive Housing	
MH Recovery (Fiscal Agent)+	
MH Other Merged Regional Funds (Fiscal Agent)+	
MH State Regional Deaf Services (Fiscal Agent)+	
MH Total Regional Transfer In/(Out)	_____
<b>Regional Funds</b>	<b>_____ MH Net Unrestricted</b>
<b>State Funds</b>	<b>_____ Total MH Net Regional</b>
Children’s State Funds	
MH Child & Adolescent Services Initiative*	
MH Children’s Outpatient Services*	
MH Juvenile Detention*	
Total MH Restricted Children’s Funds	_____
MH State Children’s Services‡	
MH Demo Project - System of Care (Child) ‡	
Total MH Unrestricted Children’s Funds	_____
MH Crisis Response & Child Psychiatry (Fiscal Agent)*	
MH Crisis Response & Child Psychiatry Transfer In/(Out)	
Total MH Net Crisis Response & Child Psychiatry	_____
Total MH Children’s State Funds (Restricted)	_____
<b>Other State Funds</b>	
MH Law Reform*	
MH Pharmacy - Medication Supports* MH	
Jail Diversion Services*	
MH Rural Jail Diversion*	
MH Docket Pilot JMHCP Match*	
MH Adult Outpatient Competency Restoration Services* MH	
CIT Assessment Sites*	
MH Expand Telepsychiatry Capacity*	
MH PACT*	
MH PACT Forensic Enhancement*	
MH Gero-Psychiatric Services*	
MH Permanent Supportive Housing*	

**FY 2021 Exhibit A: Resources and Services for Mental Health (MH) Services**

**CSB:** \_\_\_\_\_

<b>Funding Sources</b>	<b>Funds</b>
MH Step-VA – SDA, Primary Care Screening, Ancillary Services, and Clinicians Crisis*	
MH Young Adult SMI*	
Total MH Restricted Other State Funds	
MH State Funds‡	
MH State NGRI Funds‡	
MH Geriatric Services‡ _____	
Total MH Unrestricted Other State Funds	_____
Total MH Other State Funds _____	
TOTAL MH STATE FUNDS	_____
<b>OTHER FUNDS</b>	
MH Other Funds*	
MH Federal Retained Earnings*	
MH State Retained Earnings*	
MH State Retained Earnings - Regional Programs*	
MH Other Retained Earnings*	
TOTAL MH OTHER FUNDS	
<b><u>LOCAL MATCHING FUNDS</u></b>	
MH Local Government Appropriations‡	
MH Philanthropic Cash Contributions‡	
MH In-Kind Contributions‡	
MH Local Interest Revenue‡ _____	
TOTAL MH LOCAL MATCHING FUNDS	_____
TOTAL MH FUNDS	
<b><u>ONE-TIME FUNDS</u></b>	
MH FBG SMI (93.958)*	
MH FBG SED Child & Adolescent (93.958)*	
MH FBG Peer Services (93.958) *	
MH State Funds	
MH One-Time Restricted State Funds*	_____
TOTAL MH ONE-TIME FUNDS	
TOTAL MH ALL FUNDS	_____

<sup>1</sup> These funds are earmarked but not restricted; they are part of MH FBG SMI.

<sup>2</sup> MH acute care (LIPOS), regional DAP, and crisis stabilization funds are restricted, but each type of funds can be used for the other purposes in certain situations approved by the Department.

\* These funds are restricted and expenditures of them are tracked and reported separately.

‡ These funds are earmarked but not restricted; expenditures are reported for the total amount.

+ Funds are earmarked in a pool of Regional Funds; expenditures are reported for the total amount.

**FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT**  
**FY 2021 Exhibit A: Resources and Services for Developmental (DV) Services**

**CSB:** \_\_\_\_\_

<b>Funding</b>	<b>Funds</b>
FEES	
DV Medicaid DD Waiver Fees	
DV Other Medicaid Fees	
DV Medicaid ICF/IDD Fees	
DV Fees: Other	_____
Total DV Fees	
DV Fees Transfer In/(Out)	_____
DV NET FEES	
 <b><u>FEDERAL FUNDS</u></b>	
DV Other Federal - DBHDS*	
DV Other Federal - CSB*	
DV Other Federal – COVID Support*	_____
TOTAL DV FEDERAL FUNDS	
 <b><u>STATE FUNDS</u></b>	
DV State Funds‡	
DV OBRA Funds‡	_____
Total DV Unrestricted State Funds	
DV Trust Fund*	
DV Rental Subsidies*	
DV Guardianship Funding*	
DV Crisis Stabilization (Fiscal Agent)*	
DV Crisis Stabilization Transfer In/(Out)	_____
DV Net Crisis Stabilization*	
DV Crisis Stabilization - Children (Fiscal Agent)*	
DV Crisis Stabilization - Children Transfer In/(Out)	_____
DV Net Crisis Stabilization - Children	_____
DV Transfers from DBHDS Facilities (Fiscal Agent)*	
DV Transfers from DBHDS Facilities - Transfer In/(Out)	_____
Total Net DV Transfers from DBHDS Facilities	_____
<b>Total DV Restricted State Funds</b>	_____
<b>TOTAL DV STATE FUNDS</b>	
 <b><u>OTHER FUNDS</u></b>	
DV Workshop Sales*	
DV Other Funds*	
DV State Retained Earnings*	
DV State Retained Earnings - Regional Programs*	
DV Other Retained Earnings*	_____
<b>TOTAL DV OTHER FUNDS</b>	
 <b><u>LOCAL MATCHING FUNDS</u></b>	
DV Local Government Appropriations‡	
DV Philanthropic Cash Contributions‡	
DV In-Kind Contributions‡	
DV Local Interest Revenue‡	_____
<b>TOTAL DV LOCAL MATCHING FUNDS</b>	_____
<b>TOTAL DV FUNDS</b>	_____

FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT  
FY 2021 Exhibit A: Resources and Services for Developmental (DV) Services

CSB: \_\_\_\_\_

**Funding**

**Funds**

**ONE-TIME FUNDS**

DV One-Time Restricted State Funds\* \_\_\_\_\_

**TOTAL DV ONE-TIME FUNDS** \_\_\_\_\_

**TOTAL DV All FUNDS**

\* These funds are restricted and expenditures of them are tracked and reported separately.

‡ These funds are earmarked but not restricted; expenditures are reported for the total amount.

**FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT**

**FY 2021 Exhibit A: Resources and Services for Substance Use Disorder (SUD) Services**

**CSB:** \_\_\_\_\_

**FEES**

SUD Medicaid Fees

SUD Fees: Other

**Total SUD Fees**

SUD Fees Transfer In/(Out)

**SUD NET FEES**

**FEDERAL FUNDS**

SUD FBG Alcohol/Drug Treatment (93.959)‡ <sup>1</sup>

SUD FBG SARPOS (93.959)‡

SUD FBG Jail Services (93.959)‡

SUD FBG Co-Occurring (93.959)‡

SUD FBG New Directions (93.959)‡

SUD FBG Recovery (93.959)‡

SUD FBG Medically Assisted Treatment (93.959)

**Total SUD FBG Alcohol/Drug Treatment Funds**

\_\_\_\_\_

SUD FBG Women (Includes LINK at 6 CSBs) (93.959)\*

\_\_\_\_\_

**Total SUD FBG Women Funds**

SUD FBG Prevention (93.959) <sup>2</sup>

SUD FBG Prevention Family Wellness (93.959) <sup>2</sup>

\_\_\_\_\_

**Total SUD FBG Prevention Funds**

SUD Federal VA Project LINK/PPW (93.243)\*

SUD Federal Strategic Prevention (93.243)\*

SUD Federal COVID Emergency Grant (93.665)\*

SUD Federal YSAT – Implementation (93.243)\*

SUD Federal OPT-R Prevention (93.788)\*

SUD Federal OPT-R Treatment (93.788)\*

SUD Federal OPT-R Recovery (93.788)\*

OPT-(93.788)\*

\_\_\_\_\_ Total SUD Federal

SUD Federal Opioid Response Recovery (93.788)\*

SUD Federal Opioid Response Prevention (93.788)\*

SUD Federal Opioid Response Treatment (93.788)\*

Total SUD Federal Opioid Response (93.788)\*

SUD Other Federal - DBHDS\*

SUD Other Federal - CSB\*

SUD Other Federal – COVID Support\*

**TOTAL SUD FEDERAL FUNDS**

\_\_\_\_\_

**STATE FUNDS**

**Regional Funds**

SUD Facility Reinvestment (Fiscal Agent)\*

SUD Facility Reinvestment Transfer In/(Out)

SUD Net Facility Reinvestment Funds

\_\_\_\_\_

SUD Transfers from DBHDS Facilities (Fiscal Agent)\*

FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT

FY 2021 Exhibit A: Resources and Services for Substance Use Disorder (SUD) Services

CSB: \_\_\_\_\_

<b>Funding Sources</b>	<b>Funds</b>
SUD Transfers from DBHDS Facilities – Transfer In/(Out)	_____
Total Net DV Transfers from DBHDS Facilities	
SUD Community Detoxification (Fiscal Agent)*	
SUD Community Detoxification Transfer In/(Out)	
Total Net SUD Community Detoxification	
SUD STEP-VA (Fiscal Agent)*	
SUD STEP-VA Transfer In/(Out)	
Total Net SUD STEP-VA	
Total SUD Net Regional State Funds	
<b><u>Other State Funds</u></b>	
SUD Women (Includes LINK - 4 CSBs) <sup>3*</sup>	
SUD Recovery Employment*	
SUD MAT - Medically Assisted Treatment*	
SUD Peer Support Recovery*	
SUD Permanent Supportive Housing Women*	
SUD SARPOS*	
SUD Recovery* _____	
<b>Total SUD Restricted Other State Funds</b>	
SUD State Funds <sup>4‡</sup>	
SUD Region V Residential‡	
SUD Jail Services/Juvenile Detention‡	
SUD HIV/AIDS‡	
<b>Total SUD Unrestricted Other State Funds</b>	_____
<b>Total SUD Other State Funds</b>	
<b>TOTAL SUD STATE FUNDS</b>	
<b><u>OTHER FUNDS</u></b>	
SUD Other Funds*	
SUD Federal Retained Earnings*	
SUD State Retained Earnings*	
SUD State Retained Earnings - Regional Programs*	
SUD Other Retained Earnings* _____	
<b>TOTAL SUD OTHER FUNDS</b>	_____
<b>LOCAL MATCHING FUNDS</b>	
SUD Local Government Appropriations‡	
SUD Philanthropic Cash Contributions‡	
SUD In-Kind Contributions‡	
SUD Local Interest Revenue‡ _____	
<b>TOTAL SUD LOCAL MATCHING FUNDS</b>	_____
<b>TOTAL SUD FUNDS</b>	_____

FY 2021 Exhibit A: Resources and Services for Substance Use Disorder (SUD) Services

CSB: \_\_\_\_\_

Funding Sources	Funds
<b><u>ONE-TIME FUNDS</u></b>	
SUD FBG Alcohol/Drug Treatment (93.959)*	
SUD FBG Women (includes LINK - 6 CSBs) (93.959)*	
SUD FBG Prevention (93.959)*	
SUD FBG Recovery (93.959)*	
SUD State Funds	_____
<b>TOTAL SUD ONE-TIME FUNDS</b>	_____
<b>TOTAL SUD ALL FUNDS</b>	

<sup>1</sup> Includes former SUD FBG Crisis Intervention. SUD FBG Alcohol/Drug Treatment funds are restricted, all of the following funds are also SUD FBG Alcohol/Drug Treatment funds but are only earmarked; the total amount of SUD FBG Alcohol/Drug Treatment expenditures shall be tracked and reported.

<sup>2</sup> While SUD FBG Prevention funds are restricted, these funds are also SUD FBG Prevention funds but are only earmarked; and the total amount of SUD FBG Prevention expenditures shall be tracked and reported.

<sup>3</sup> Includes former SUD Postpartum Women funds.

<sup>4</sup> Includes former SUD Facility Diversion funds.

\* These funds are restricted and expenditures of them are tracked and reported separately.

‡ These funds are earmarked but not restricted; expenditures are reported for the total amount.

**FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT**

**FY 2021 Exhibit A: Resources and Services**

**Local Government Tax Appropriations**

City or County	Tax Appropriation
<b>Total Local Government Tax Funds</b>	

**Reconciliation of Projected Resources and Services Costs by Program Area CSB:**

	MH Services	DV Services	SUD Services	Emergency Services	Ancillary Services	Total
<b>Total All Funds (Page AF-1)</b>						
<b>Cost for MH, DV, SUD, Emergency, and Ancillary Services (Page AF-1)</b>						
<b>Difference</b>						

**FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT**

**FY 2021 Exhibit A: Resources and Services**

**Difference results from Explanation of Other in Table Above**

**Other:**

--

**FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT**

**FY 2021 Exhibit A: Resources and Services**

**CSB 100 Mental Health Services**

<b>Form 11: Mental Health (MH) Services Program Area (100)</b>			
<b>Services</b>	<b>Projected Service Capacity</b>	<b>Projected Numbers of Individuals Receiving Services</b>	<b>Projected Total Service Costs</b>
<b>250 Acute Psychiatric Inpatient Services</b>	<b>Beds</b>		
<b>310 Outpatient Services</b>	<b>FTEs</b>		
<b>312 Medical Services</b>	<b>FTEs</b>		
<b>350 Assertive Community Treatment</b>	<b>FTEs</b>		
<b>320 Case Management Services</b>	<b>FTEs</b>		
<b>410 Day Treatment or Partial Hospitalization</b>	<b>Slots</b>		
<b>420 Ambulatory Crisis Stabilization Services</b>	<b>Slots</b>		
<b>425 Mental Health Rehabilitation</b>	<b>Slots</b>		
<b>430 Sheltered Employment</b>	<b>Slots</b>		
<b>465 Group Supported Employment</b>	<b>Slots</b>		
<b>460 Individual Supported Employment</b>	<b>FTEs</b>		
<b>501 MH Highly Intensive Residential Services (MH Residential Treatment Centers)</b>	<b>Beds</b>		
<b>510 Residential Crisis Stabilization Services</b>	<b>Beds</b>		
<b>521 Intensive Residential Services</b>	<b>Beds</b>		
<b>551 Supervised Residential Services</b>	<b>Beds</b>		
<b>581 Supportive Residential Services</b>	<b>FTEs</b>		
<b>610 Prevention Services</b>	<b>FTEs</b>		
<b>Totals</b>			

<b>Form 11 A: Pharmacy Medication Supports</b>	<b>Number of Consumers</b>
<b>803 Total Pharmacy Medication Supports Consumers</b>	

**FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT**

**FY 2021 Exhibit A: Resources and Services**

**CSB 200 Developmental Services**

<b>Form 21: Developmental (DV) Services Program Area (200)</b>			
<b>Services</b>	<b>Projected Service Capacity</b>	<b>Projected Numbers of Individuals Receiving Services</b>	<b>Projected Total Service Costs</b>
<b>310 Outpatient Services</b>	<b>FTEs</b>		
<b>312 Medical Services</b>	<b>FTEs</b>		
<b>320 Case Management Services</b>	<b>FTEs</b>		
<b>420 Ambulatory Crisis Stabilization Services</b>	<b>Slots</b>		
<b>425 Developmental Habilitation</b>	<b>Slots</b>		
<b>430 Sheltered Employment</b>	<b>Slots</b>		
<b>465 Group Supported Employment</b>	<b>Slots</b>		
<b>460 Individual Supported Employment</b>	<b>FTEs</b>		
<b>501 Highly Intensive Residential Services (Community-Based ICF/IDD Services)</b>	<b>Beds</b>		
<b>510 Residential Crisis Stabilization Services</b>	<b>Beds</b>		
<b>521 Intensive Residential Services</b>	<b>Beds</b>		
<b>551 Supervised Residential Services</b>	<b>Beds</b>		
<b>581 Supportive Residential Services</b>	<b>FTEs</b>		
<b>610 Prevention Services</b>	<b>FTEs</b>		
<b>Totals</b>			

**FY 2021 AND FY 2022 COMMUNITY SERVICES PERFORMANCE CONTRACT**

**FY 2021 Exhibit A: Resources and Services**

**CSB 300 Substance Use Disorder Services**

<b>Form 31: Substance Use Disorder (SUD) Services Program Area (300)</b>			
<b>Services</b>	<b>Projected Service Capacity</b>	<b>Projected Numbers of Individuals Receiving Services</b>	<b>Projected Total Service Costs</b>
<b>250 Acute Substance Use Disorder Inpatient Services</b>	<b>Beds</b>		
<b>260 Community-Based Substance Use Disorder Medical Detoxification Inpatient Services</b>	<b>Beds</b>		
<b>310 Outpatient Services</b>	<b>FTEs</b>		
<b>312 Medical Services</b>	<b>FTEs</b>		
<b>313 Intensive Outpatient Services</b>	<b>FTEs</b>		
<b>335 Medication Assisted Treatment</b>	<b>FTEs</b>		
<b>320 Case Management Services</b>	<b>FTEs</b>		
<b>410 Day Treatment or Partial Hospitalization</b>	<b>Slots</b>		
<b>420 Ambulatory Crisis Stabilization Services</b>	<b>Slots</b>		
<b>425 Substance Use Disorder Rehabilitation</b>	<b>Slots</b>		
<b>430 Sheltered Employment</b>	<b>Slots</b>		
<b>465 Group Supported Employment</b>	<b>Slots</b>		
<b>460 Individual Supported Employment</b>	<b>FTEs</b>		
<b>501 Highly Intensive Residential Services (Medically Managed Withdrawal Services)</b>	<b>Beds</b>		
<b>510 Residential Crisis Stabilization Services</b>	<b>Beds</b>		
<b>521 Intensive Residential Services</b>	<b>Beds</b>		
<b>551 Supervised Residential Services</b>	<b>Beds</b>		
<b>581 Supportive Residential Services</b>	<b>FTEs</b>		
<b>610 Prevention Services</b>	<b>FTEs</b>		
<b>Totals</b>			

**FY 2021 Exhibit A: Resources and Services**

**CSB 400 Emergency and Ancillary Services**

<b>Form 01: Emergency and Ancillary Services (400)</b>			
<b>Services</b>	<b>Projected Service Capacity</b>	<b>Projected Numbers of Individuals Receiving Services</b>	<b>Projected Total Service Costs</b>
<b>100 Emergency Services</b>	<b>FTEs</b>		
<b>Ancillary Services</b>			
<b>318 Motivational Treatment Services</b>	<b>FTEs</b>		
<b>390 Consumer Monitoring Services</b>	<b>FTEs</b>		
<b>720 Assessment and Evaluation Services</b>	<b>FTEs</b>		
<b>620 Early Intervention Services</b>	<b>FTEs</b>		
<b>730 Consumer-Run Services</b>			
<b>Ancillary Services Totals</b>			

**Exhibit E: FY21 and FY22 Performance Contract Process**

<b>DUE DATE</b>	<b>DESCRIPTION</b>
<b>5-22-20</b>	<ol style="list-style-type: none"> <li>1. The Department distributes the FY 2021 Letters of Notification to CSBs by this date electronically with enclosures that show tentative allocations of state and federal block grant funds. <i>This is contingent on the implementation of the fiscal year budget as passed by the General Assembly and signed into law by the Governor. The Code of Virginia allows the Governor to make certain adjustments to the Budget. Changes in Federal legislation, inclement weather and uncertain revenue collections, are just a few examples of events that may require adjustments to the budget in order to maintain the balanced budget as required by Virginia's constitution.</i></li> <li>2. Contracts shall conform to Letter of Notification allocations of state and federal funds or amounts subsequently revised by or negotiated with the OMS and confirmed in writing and shall contain actual appropriated amounts of local matching funds.</li> <li>3. The Department distributes the amendment and extension of the FY 2019 and FY 2020 Community Services Performance Contract.</li> <li>4. The Department's Office of Information Services and Technology (OIS&amp;T) distributes the FY 2021 Performance Contract package software in the Community Automated Reporting System (CARS) to CSBs.</li> <li>5. CSB Financial Analysts in the Department's Office of Fiscal and Grants Management (OFGM) During June and July, prepare electronic data interchange transfers for the first two semi- monthly payments (July) of state and federal funds for all CSBs.</li> </ol>
<b>06-24-20</b>	<p>FY 2021 Exhibit A submitted electronically in CARS, are due in the OIS&amp;T by this date. Table 2 Board Management and Salary Cost and Integrated Behavioral and Primary Health Care Questions of Exhibit A shall be submitted with in CARS.</p>
<b>07-01-20</b>	<ol style="list-style-type: none"> <li>1. All required signature pages for the amendment to extend the term of the FY19-20 performance contract shall be signed and submitted electronically. This shall include the AMENDMENT NO. 1 FY2019 and FY2020 COMMUNITY SERVICES PERFORMANCE CONTRACT and any applicable Exhibits D that may be due at this time to the Office of Management Services (OMS) attached by email and sent to the <a href="mailto:performanconctractsupport@dbhds.virginia.gov">performanconctractsupport@dbhds.virginia.gov</a> email address.</li> <li>2. If the CSB has not included the minimum 10 percent local matching funds in the contract, it shall submit a written request for a waiver of the matching funds requirement, pursuant to § 37.2-509 of the Code and State Board Policy 4010, to the OMS with its contract. However, if a local match waiver has been granted for the FY19-20 Contract, this waiver shall be extended.  <i>For example: If a CSB was granted a waiver for its FY 2020 contract, that waiver is extended for the FY 2020 contract extension. However, if a CSB did not need a waiver for its original FY 2020 contract and now needs one for the contract extension, it shall include a waiver request for its FY 2020 contract extension.</i></li> <li>3. If the amount of CSBs local match in their end of year report results in reducing the local match below the required 10%, then this requirement also applies to end of the fiscal year performance contract reports. The waiver shall conform to the Minimum Ten Percent Matching Funds Waiver Request Guidelines.</li> </ol>

**Exhibit E: FY21 and FY22 Performance Contract Process**

<b>DUE DATE</b>	<b>DESCRIPTION</b>
	<ol style="list-style-type: none"> <li>4. The CSB Financial Analysts prepares the transfers for payments 3 and 4 during July and August (August payments) of state and federal funds. CSB Financial Analysts prepare the transfers for payments 5 and 6 during August and September (September payments) of state and federal funds.</li> <li>5. Payments may not be released without complete contracts. Once the completed contract is received transfers for these two semi-monthly payments will be processed and funds will be disbursed with the next scheduled payment.</li> </ol>
<b>07-13-20</b>	The OIS&T distributes FY 2020 end of the fiscal year performance contract report.
<b>07-31-20</b>	CSBs submit their June Community Consumer Submission 3 (CCS 3) extract files for June to the OIS&T in time to be received by this date.
<b>08-21-20</b>	CSBs submit their complete CCS 3 reports for total (annual) FY 2020 CCS 3 service unit data to the OIS&T in time to be received by this date. The Department will not accept any corrections to the FY2020 end of year CCS report after this date.
<b>08-31-20</b>	<ol style="list-style-type: none"> <li>1. CSBs send complete FY 2020 end of the fiscal year electronic CARS performance contract reports to the OIS&amp;T in time to be received by this date.</li> <li>2. The OMS reviews services sections of the reports for correctness, completeness, consistency, and acceptability; resolves discrepancies with CSBs; and communicates necessary changes to CSBs.</li> <li>3. OFGM CSB Financial Analysts review financial portions of reports for arithmetic accuracy, completeness, consistency, and conformity with state funding actions; resolve discrepancies with CSBs; and communicate necessary changes to CSBs.</li> <li>4. Once they complete their reviews of a CSB's reports, the OMS and OFGM CSB Financial Analysts notify the CSB to submit new reports reflecting only those approved changes to OIS&amp;T.</li> <li>5. CSBs submit new reports to correct errors or inaccuracies no later than <b>09-18-2020</b>. The Department will not accept CARS report corrections after this date.</li> <li>6. Submitting a report without correcting errors identified by the CARS error checking program may result in the imposition by the Department of a one-time, one percent reduction not to exceed \$15,000 of state funds apportioned for CSB administrative expenses.</li> <li>7. CSBs shall submit their July 2021 CCS 3 monthly extract files for July to the OIT&amp;S in time to be received by this date.</li> </ol>

**Exhibit E: FY21 and FY22 Performance Contract Process**

<b>DUE DATE</b>	<b>DESCRIPTION</b>
<b>09-30-20</b>	<ol style="list-style-type: none"> <li>1. Department staff complete reviews by this date of contracts received by the due date that are complete and acceptable.</li> <li>2. The OFGM analyzes the revenue information in the contract for conformity to Letter of Notification allocations and advises the CSB to revise and resubmit financial forms in Exhibit A of its contract if necessary.</li> <li>3. The Offices of Community Behavioral Health, Child and Family, and Developmental Services review and approve new service proposals and consider program issues related to existing services based on Exhibit A.</li> <li>4. The OMS assesses contract completeness, examines maintenance of local matching funds, integrates new service information, makes corrections and changes on the service forms in Exhibit A, negotiates changes in Exhibit A, and finalizes the contract for signature by the Commissioner. The OMS notifies the CSB when its contract is not complete or has not been approved and advises the CSB to revise and resubmit its contract.</li> <li>5. The OIS&amp;T receives CARS and CCS 3 submissions from CSBs, maintains the community services database, and processes signed contracts into that database as they are received from the OMS.</li> <li>6. CSBs submit their CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for August to the OIT&amp;S in time to be received by this date.</li> </ol>
<b>10-02-20</b>	<ol style="list-style-type: none"> <li>1. After the Commissioner signs the contracts, a fully executed copy of the Contract will be send to the CSBs.</li> <li>2. CSB Financial Analysts prepare transfers for payments 7 and 8 during September and October (October payments).</li> <li>3. Payment 7 or 8 may not be released without receipt of a CSB’s final FY 2020 CCS 3 consumer, type of care, service, diagnosis, and outcomes extract files and FY 2020 end of the fiscal year by the due date.</li> <li>4. CSB Financial Analysts prepare transfers for payments 9 and 10 during October and November (November payments).</li> </ol>
<b>10-16-20</b>	CSBs submit Federal Balance Reports to the OFGM in time to be received by this date.
<b>10-31-20</b>	<ol style="list-style-type: none"> <li>1. CSBs submit CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for September to the OIT&amp;S in time to be received by this date.</li> <li>2. CSB Financial Analysts prepare transfers for payments 11 and 12 During November and December (December payments), Payments may not be released without receipt of September CCS 3 submissions and final Federal Balance Reports.</li> </ol>
<b>11-30-20</b>	CSBs submit their CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for October to the OIT&S in time to be received by this date.

**Exhibit E: FY21 and FY22 Performance Contract Process**

<b>DUE DATE</b>	<b>DESCRIPTION</b>
<b>12-04-20</b>	<ol style="list-style-type: none"> <li>1. CSBs that are not local government departments or included in local government audits send one copy of the Certified Public Accountant (CPA) audit reports for the previous fiscal year on all CSB operated programs to the Department's Office of Budget and Financial Reporting (OBFR) by this date.</li> <li>2. CSBs submit a copy of CPA audit reports for all contract programs for their last full fiscal year, ending on June 30th, to the OBFR by this date. For programs with different fiscal years, reports are due three months after the end of the year.</li> <li>3. The CSBs shall have a management letter and plan of correction for deficiencies which must be sent with these reports.</li> <li>4. Audit reports for CSBs that are local government departments or are included in local government audits are submitted to the Auditor of Public Accounts (APA) by the local government.</li> <li>5. The CSB must forward a plan of correction for any audit deficiencies to the OBFR by this date.</li> <li>6. To satisfy federal block grant sub-recipient monitoring requirements imposed on the Department under the Single Audit Act, a CSB that is a local government department or is included in its local government audit shall contract with the same CPA audit firm that audits its locality to perform testing related to the federal Mental Health Services and Substance Abuse Prevention and Treatment Block Grants. Alternately, the local government's internal audit department can work with the CSB and the Department to provide the necessary sub-recipient monitoring information.</li> <li>7. If the CSB receives an audit identifying material deficiencies or containing a disclaimer or prepares the plan of correction referenced in the preceding paragraph, the CSB and the Department may negotiate an Exhibit D that addresses the deficiencies or disclaimer and includes a proposed plan with specific timeframes to address them.</li> </ol>
<b>12-31-20</b>	<ol style="list-style-type: none"> <li>1. CSB Financial Analysts prepare transfers for payment 13 through 16 (January and February payments). For CSBs whose FY 2020 end of the fiscal year performance contract reports have been not verified as accurate and internally consistent, and whose CCS 3 monthly extracts for October have been not received, payments may not be released.</li> <li>2. CSBs submit their CCS 3 monthly extract files for November to the OIT&amp;S in time to be received by this date.</li> </ol>
<b>01-08-21</b>	The OIS&T distributes FY 2021 mid-year performance contract report software in CARS
<b>01-29-21</b>	CSBs submit their CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for December to the OIS&T in time to be received by this date.
<b>02-19-21</b>	<ol style="list-style-type: none"> <li>1. CSBs send complete mid-year performance contract reports and a revised Table 1: Board of Directors Membership Characteristics to the OIS&amp;T electronically in CARS.</li> <li>2. CSB Financial Analysts prepare transfers during February for payment 17 and 18 (March payments) for CSBs whose monthly CCS3 extract for December and CARS reports not received by the end of January; payments may not be released.</li> <li>3. CSB Financial Analysts prepare transfers during March for payments 19 and 20 (April payments) for CSBs whose complete FY 2020 mid-year performance contract reports not</li> </ol>

**Exhibit E: FY21 and FY22 Performance Contract Process**

<b>DUE DATE</b>	<b>DESCRIPTION</b>
	received by the due date, payments may not be released.
<b>02-26-21</b>	CSBs submit their CCS3 extract files for January to the OIS&T in time to be received by this date, for CSBs whose monthly CCS3 extract files for January were not received by the end of the month, payments may not be released.
<b>03-31-21</b>	<ol style="list-style-type: none"> <li>1. CSBs submit their CCS 3 extract files for February to the OIS&amp;T in time to be received by this date.</li> <li>2. CSB Financial Analysts prepare transfers during March for payments 21 and 22 (May payments) for CSBs whose mid-year performance contract reports have not been verified as accurate and internally consistent and whose monthly CCS3 extract files for February were not received by the end of the month. Payments may not be released.</li> </ol>
<b>04-30-21</b>	<ol style="list-style-type: none"> <li>1. CSBs submit their CCS 3 monthly consumer, type of care, service, diagnosis, and outcomes extract files for March to the OIS&amp;T in time to be received by this date.</li> <li>2. CSB Financial Analysts prepare transfers during May for payment 23 and 24 (June payments) for CSBs whose monthly CCS3 extract files for March were not received by the end of April, payments may not be released.</li> </ol>
<b>05-31-21</b>	<ol style="list-style-type: none"> <li>1. CSBs submit their CCS 3 monthly extract files for April to the OIS&amp;T in time to be received by this date, for CSBs whose monthly CCS 3 extract files for April were received by the end of May.</li> <li>2. If April CCS 3 extract files are not received by May 31st, this may delay or even eliminate payment 24 due to time restrictions on when the Department can send transfers to the Department of Accounts for payment 24.</li> </ol>
<b>06-30-21</b>	CSBs submit their CCS 3 monthly extract files for May to the OIS&T by this date.

## Exhibit F: Federal Grant Compliance Requirements

### Background

State agencies often administer federal awards received as pass-through funds to other non-federal entities. These non-federal recipient entities are called Subrecipients and they assist in carrying out various federally-funded programs. Subrecipients are typically units of local government (i.e. city and county agencies) but also include other entities such as Native American tribes, institutions of higher education, special districts and non-profits. The nature of these relationships are governed by federal statute, regulations, and policies in addition to state laws and regulations. The source of the funding determines the regulations and policies that govern the provision of the funds. The Substance Abuse and Mental Health Services Administration (SAMHSA) is the primary source of federal funds awarded to DBHDS. DBHDS also receives funds from the U.S. Department of Justice and the U.S. Department of Education.

As a primary recipient of federal funds, state agencies serve a pass-through role in which funds are subawarded to Subrecipients. Federal regulations require that pass-through entities provide monitoring of their Subrecipients which is outlined in Sections 200.330 through 200.345 in 2 C.F.R. Part 200 and Sections 75.300 through 75.391 in 45 C.F.R. Part 200 for SAMHSA awards. Further, audit requirements contained in 2 C.F.R. Part 200, Subpart F and 45 C.F.R. Part 75, Subpart F for SAMHSA awards, require that pass-through entities monitor the activities of their Subrecipient, as necessary, to ensure that federal awards are used appropriately and that performance goals are achieved.

In order to further the provision of necessary goods and services to the community, DBHDS may enter into federally-funded subrecipient relationships with Community Service Boards (CSBs). This exhibit provides compliance requirements for the federal grants that DBHDS serves as the pass-through entity to the CSBs.

### Defined Terms

**Drug-free Workplace** – A site for the performance of work done in connection with a specific agreement awarded to a Subrecipient, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the agreement.

**Intangible Property** – Property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

**Major Medical Equipment** – An item intended for a medical use that has a cost of more than \$1,000 per unit.

**Minor Renovation, Remodeling, Expansion, and Repair of Housing** – Improvements or renovations to existing facilities or buildings that do not total more than \$5,000.

**Notice of Award (NOA)** – The formal documentation received from the federal awarding entity that notifies the recipient of a grant award. The document also typically outlines grant-specific compliance and reporting requirements.

**Pass-Through Entity** - Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

**Recipient** – The non-federal entity that receives a grant award from a federal entity. The recipient may be the end user of the funds or may serve as a pass-through to subrecipient entities.

**Subaward** - An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.

**Subrecipient** - A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

## **Exhibit F: Federal Grant Compliance Requirements**

**Unliquidated Obligations** – An invoice for which the Subrecipient has already been allocated funding to pay by the pass-through entity that falls within timeframe for expending unliquidated obligations provided in Section III of this Exhibit. Unliquidated Obligations cannot include personnel costs and are limited to goods or services that were purchased or contracted for prior to the end of the Period of Performance but were not yet expensed as the goods or services were not yet received or the Subrecipient had not yet received an invoice.

### **I. Federal Grant Requirements for DBHDS as the Pass-through Entity**

As the pass-through entity for federal grant funds, DBHDS must comply and provide guidance to the subrecipient in accordance with U.S. C.F.R. 2 § 200.331 and CFR 45 § 75.352 (for SAMHSA awards):

- A.** Ensure every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward. If any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward:
  - 1. Subrecipient name (which must match the name associated with its unique entity identifier);
  - 2. Subrecipient's unique entity identifier;
  - 3. Federal Award Identification Number (FAIN);
  - 4. Federal Award Date (see § 75.2 Federal award date) of award to the recipient by the HHS awarding agency;
  - 5. Subaward Period of Performance Start and End Date;
  - 6. Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;
  - 7. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;
  - 8. Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;
  - 9. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
  - 10. Name of HHS awarding agency, pass-through entity, and contract information for awarding official of the pass-through entity;
  - 11. CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;
  - 12. Identification of whether the award is R&D; and
  - 13. Indirect cost rate for the Federal award (including if the de minimis rate is charged per § 75.414).
  
- B.** Comply with all Federal statutes, regulations and the terms and conditions of the Federal award.
  
- C.** The Department shall negotiate with the subrecipient an approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in § 75.414(f).
  
- D.** The Department is responsible for monitoring the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include, but not limited to the following:
  - 1. Reviewing financial and performance reports required by the pass-through entity.
  - 2. Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means.
  - 3. Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by § 75.521.
  - 4. The Department shall evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring.

## Exhibit F: Federal Grant Compliance Requirements

5. The Department shall verify that every subrecipient is audited as required by subpart F when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in § 75.501.
6. The Department shall consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.

### II. General Federal Grant Requirements for the Department and CSBs

The federal grants listed in Section IV of this Exhibit have requirements that are general to the federal agency that issues the funds. Included below are the general grant terms and conditions for each of the federal agencies for which DBHDS is the pass-through entity to the CSBs.

#### A. SAMHSA GRANT

1. **Grant Oversight:** The CSBs and the Department are legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 45 CFR §§ 75.351 – 75.352, Sub-recipient monitoring and management.
2. **Non-Supplant:** Federal award funds must supplement, not replace (supplant) nonfederal funds. All recipients who receive awards under programs that prohibit supplanting by law must ensure that federal funds do not supplant funds that have been budgeted for the same purpose through non-federal sources. Applicants or award recipients may be required to demonstrate and document that a reduction in non-federal resources occurred for reasons other than the receipt of expected receipt of federal funds.
2. **Unallowable Costs:** All costs incurred prior to the award issue date and costs not consistent with the Funding Opportunity Announcement (FOA), 45 CFR Part 75, and the HHS Grants Policy Statement, are not allowable under this award.
3. **Availability of Funds:** It is understood and agreed between the Subrecipient and DBHDS that DBHDS shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this agreement.
4. **Improper Payments:** Any item of expenditure by Subrecipient under the terms of this Agreement which is found by auditors, investigators, and other authorized representatives of DBHDS, the Commonwealth of Virginia, the U.S. Department of Health and Human Services, the U.S. Government Accountability Office or the Comptroller General of the United States to be improper, unallowable, in violation of federal or state law or the terms of the Notice of Award, Funding Opportunity Announcement, or this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of the Subrecipient, shall become Subrecipient's liability, to be paid by Subrecipient from funds other than those provided by DBHDS under this Agreement or any other agreements between DBHDS and the Subrecipient. This provision shall survive the expiration or termination of this Agreement.
5. **Conflicts of Interest Policy:** Recipients must establish written policies and procedures to prevent employees, consultants, and others (including family, business, or other ties) involved in grant supported activities, from involvement in actual or perceived conflicts of interest. The policies and procedures must:
  - a) Address conditions under which outside activities, relationships, or financial
  - b) interests are proper or improper;
  - c) Provide for advance disclosure of outside activities, relationships, or financial
  - d) interests to a responsible organizational official;
  - e) Include a process for notification and review by the responsible official of

## Exhibit F: Federal Grant Compliance Requirements

- f) potential or actual violations of the standards; and
  - g) Specify the nature of penalties that may be imposed for violations.
6. **Restriction on Executive Pay:** The Consolidated Appropriations Act, 2019 (Pub. L.115-245) signed into law on September 28, 2018, limits the salary amount that may be awarded and charged to SAMHSA grants and cooperative agreements.
- Award funds may not be used to pay the salary of an individual at a rate in excess of Executive Level II or \$192,300 annually. This amount reflects an individual's base salary exclusive of fringe and any income that an individual may be permitted to earn outside of the duties to the applicant organization. This salary limitation also applies to sub awards/subcontracts under a SAMHSA grant or cooperative agreement.
7. **Treatment of Property and Equipment:** If the Program permits the Subrecipient or entities that receive funding from the Subrecipient to purchase real property or equipment with grant funds, the Program retains a residual financial interest, enabling the Program to recover the assets or determine final disposition. This will be accomplished on a case-by-case basis, according to the federal grant guidelines applicable to the grant that is funding the service(s). Per 2 CFR 200.33 and 45 CFR 75.2, Equipment is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.
8. **Program Income:** Program income accrued under this grant award must be reported to the Recipient and must be used to further the objectives of the grant project and only for allowable costs.
9. **Travel:** Funds used to attend meetings, conferences or implement the activities of this grant must support the per diem applied to Federal travel costs for Meal and Incidental expenses. If meals are provided, the per diem must be reduced by the allotted meal cost(s).
10. **Fraud, Waste and Abuse Reporting:** The Subrecipient shall report any fraud, waste or abuse to the HHS Inspector General.
11. **Financial Management:** Subrecipient shall maintain a financial management system and financial records and shall administer funds received pursuant to this agreement in accordance with all applicable federal and state requirements, including without limitation: 1) the Uniform Guidance, 45 C.F.R. Part 75; 2) the Notice of Award; and 3) Funding Opportunity Announcement. The Subrecipient shall adopt such additional financial management procedures as may from time to time be prescribed by DBHDS if required by applicable laws, regulations or guidelines from its federal and state government funding sources. Subrecipient shall maintain detailed, itemized documentation and records of all income received and expenses incurred pursuant to this Agreement.
12. **Audit of Financial Records:** The Subrecipient shall comply with the audit and reporting requirements defined by the Federal Office of Management and Budget (OMB) 2 CFR 200 (Audits of States, Local, Governments and Non-Profit organizations) and 45 CFR 75-500 – 75.521 as applicable. The Subrecipient will, if total federal funds expended are \$750,000 or more a year, have a single or program specific financial statement audit conducted for the annual period in compliance with the General Accounting Office audit standards (45 CFR 75-501(a)). Within thirty 30 days of the effective date of this Agreement, the Subrecipient will provide the Federal Grants Manager at DBHDS with a copy of its most recent (last) single audit. If any findings were noted in the audit report, corrective actions taken to fully resolve the finding must also be provided. If there are no audit findings, a letter indicating no findings shall be submitted. If a 2 CFR 200 or 45 CFR 75 audit occurs during the term of this Agreement, a copy of that audit and response to any findings must be provided to DBHDS' Federal Grants Manager within 30 days of the completion of the audit.

## Exhibit F: Federal Grant Compliance Requirements

If total federal funds expended are less than \$750,000 for a year the Subrecipient is exempt from federal audit requirements (45 CFR 75-501(d)), however, the Subrecipient's records must be made available to the pass-through agency and appropriate officials of HHS, SAMHSA, the U.S. Government Accountability Office and the Comptroller General of the United States upon request, and it must still have a financial audit performed for that year by an independent Certified Public Accountant. Further, if applicable, within 30 days of the effective date of this Agreement, the Subrecipient must submit to DBHDS' Federal Grants Manager a written statement of exemptions to the single audit requirement and a copy of the most recent audited financial statement along with any findings and corrective action plans.

Should an audit by authorized state or federal official result in disallowance of amounts previously paid to the Subrecipient, the Subrecipient shall reimburse the pass-through Agency upon demand.

Pursuant to 45 CFR 75.361, the Subrecipient shall retain all books, records, and other documents relative to this agreement for three (3) years from the date of the final expenditure report provided by the Department. In the event that any litigation, claim, or audit is initiated prior to the expiration of the 3 year period, all records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. DBHDS, its authorized agents, and/or federal or state auditors shall have full access to and the right to examine any of said materials during said period.

13. **Standards for Documentation of Personnel Expenses:** The Subrecipient shall comply with 2 CFR 200.430 and 45 CFR 75.430 Compensation-Personal Services and 2 CFR 200.431 and 45 CFR 75.431 Compensation-Fringe Benefits as required by the Federal Office of Management and Budget (OMB) Circular 2 CFR 200 (Cost Principles for State, Local and Indian Tribal Government). Per Standards for Documentation of Personnel Expenses 45 CFR 75.430(x)(3) in accordance with Department of Labor regulations implementing the Fair Labor Standards Act (FLSA) (29 CFR Part 516), charges for the salaries and wages of nonexempt employees, in addition to the supporting documentation described in this section (45 CFR 75.430), must also be supported by records indicating the total number of hours worked each day. As a result, all nonexempt employees paid in whole or in part from grant funds should prepare a timesheet indicating the hours worked on each specific project for each pay period. Based on these times sheets and hourly payroll cost for each employee, a statement indicating the distribution of payroll charges should be prepared and placed in the appropriate files and shall be made available for inspection.
17. **Accounting Records and Disclosures:** The Subrecipient must maintain records which adequately identify the source and application of funds provided for financially assisted activities, including awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. The Subrecipient should expect that the Recipient and SAMHSA may conduct a financial compliance audit and on-site program review of this project.
18. **Federal Funding Accountability and Transparency Act (FFATA):** The Subrecipient will meet the following conditions in compliance with FFATA:
  - a) Maintain registration in the federal System Award Management (SAM) throughout the duration of this project, or at least five years;
  - b) Maintain a DUNS number and share it with DBHDS;
  - c) Provide address for primary Virginia service location(s), including nine digit zip code;
  - d) Provide Executive compensation information for five most highly compensated officers if all of the following apply:
    - i. The organization receives more than 80 percent of its annual gross revenues in Federal awards,
    - ii. The organization receives \$25,000,000 or more in annual gross revenues from Federal awards,

## Exhibit F: Federal Grant Compliance Requirements

- iii. Executive compensation has not previously been reported to any Federal Agency through any other reporting system.
19. **Mandatory Disclosures**: Pursuant to 45 CFR 75.113, the Subrecipient must report to the pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal Award. These reports must be made in writing in a timely manner.
  20. **English Language**: All communication between the pass-through entity and the Subrecipient must be in the English language and must utilize the terms of U.S. dollars. Information may be translated into other languages. Where there is inconsistency in meaning between the English language and other languages, the English language meaning shall prevail.
  21. **Restrictions on Lobbying**: Pursuant to 45 CFR 75.215, no portion of these funds may be used to engage in activities that are intended to support or defeat the enactment of legislation before the Congress or Virginia General Assembly, or any local legislative body, or to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any federal, state or local government, except in presentation to the executive branch of any State or local government itself. No portion of these funds can be used to support any personnel engaged in these activities. These prohibitions include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.
  22. **Confidentiality of Alcohol and Drug Abuse Patient Records**: Regulations specified in 42 CFR Part 2 are applicable to any information about patients that are participating in a “program” as defined in 42 CFR 2.11 if the program is federally assisted in any manner (42 CFR 2.2b(1)(2)). Information may only be disclosed in accordance with 42 CFR Part 2, and the Subrecipient is responsible for assuring security and confidentiality of all electronically transmitted patient material.
  23. **Intangible Property Rights** (Pursuant to 2 CFR 200.315 and 45 CFR 75.322):
    - i. Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally authorized purpose, and must not encumber the property without approval of the Federal awarding agency (SAMHSA). When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 CFR 200.313(e) and 45 CFR 75.320(e).
    - ii. The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and to authorize others to do so.
    - iii. The non-Federal entity is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR Part 401.
    - iv. The Federal Government has the right to: 1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal Award; and 2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.
    - v. Freedom of Information Act:
      - i. In response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under a Federal award that were used by the

## Exhibit F: Federal Grant Compliance Requirements

Federal Government in developing an agency action that has the force and effect of law, the HHS awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the HHS awarding agency obtains the research data solely in response to a FOIA request, the HHS awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the HHS awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

- ii. Published research findings means when:
  - a. Research findings are published in a peer-reviewed scientific or technical journal; or
  - b. A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal Government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.
- iii. Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: Preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples). Research data also do not include:
  - a. Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
  - b. Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.
- vi. The requirements set forth in paragraph (v)(i) of this section do not apply to commercial organizations.
- vii. The pass-through agency reserves the irrevocable right to utilize any Intangible Property described above, royalty-free, for the completion of the terms of this Grant and Agreement.

24. **Crediting Grant on Publications and Conference Materials:** Conference materials and other publications funded by this agreement must include language that conveys the following:
  - i. The publication, event or conference was funded [in part or in whole] by SAMHSA Grant #[APPLICABLE GRANT NUMBER MUST BE PROVIDED];
  - ii. The views expressed in written materials or by conference speakers and moderators do not necessarily reflect the official policies of the U.S. Department of Health and Human Services or the Executive Branch of the Commonwealth of Virginia;
  - iii. Mention of trade names, commercial practices or organizations does not imply endorsement by the U.S. Government or the Commonwealth of Virginia.
25. **Trafficking Victims Protection Act:** This agreement is subject to the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104). See <http://www.samhsa.gov/grants/grants-management/policies-regulations/additional-directives>.
26. **National Historical Preservation Act and Executive Order 13287, Preserve America:** The Subrecipient must comply with this federal legislation and executive order.

## Exhibit F: Federal Grant Compliance Requirements

27. **Executive Order 13410 Promoting Quality and Efficient Health Care in Federal Government Administered or Sponsored Health Care Programs**: In the exchange of patient level health information to external entities, the Subrecipient must:
- i. Use recognized health information interoperability standards at the time of any HIT system update, acquisition, or implementation, in all relevant information technology systems supported, in whole or in part, through this agreement; and
  - ii. Use Electronic Health Record systems (EHRs) that are certified by agencies authorized by the Office of the National Coordinator for Health Information Technology (ONC), or that will be certified during the life of this agreement.
28. **Welfare-to-Work**: The Subrecipient is encouraged to hire welfare recipients and to provide additional needed training and mentoring as needed.
29. **Applicable Laws and Courts**: This agreement shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The Subrecipient shall comply with all applicable federal, state and local laws, rules and regulations.
30. **Drug Free Workplace**: During the performance of this agreement, the Subrecipient agrees to 1) provide a drug-free workplace for the Subrecipient's employees; 2) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violations of such prohibition; 3) state in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient that the Subrecipient maintains a drug-free workplace; and 4) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
31. **Confidentiality of Alcohol and Drug Abuse Patient Records**: Pursuant to 45 CFR 2 all project patients' records are confidential and may be disclosed and used only in accordance with 42 CFR 2. The Subrecipient is responsible for assuring compliance with these regulations and principles including responsibility for assuring the security and confidentiality of all electronically transmitted patient material.
32. **Prohibition on the use of Marijuana for Treatment**: Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. § 75.300(a) (requiring HHS to "ensure that federal funding is expended . . . in full accordance with U.S. statutory . . . requirements."); 21 U.S.C. §§ 812(c)(10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.
33. **Accessibility Provisions**: The Subrecipient must administer their programs in compliance with Federal civil rights law. This means that the Subrecipient must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age, and in some circumstances, sex and religion. This includes ensuring the programs are accessible to persons with limited English proficiency.

## Exhibit F: Federal Grant Compliance Requirements

34. **Immigration Reform and Control Act of 1986**: By entering into a written agreement with the Commonwealth of Virginia, the Subrecipient certifies that the Subrecipient does not, and shall not during the performance of the agreement for goods and/or services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.
35. **Same-Sex Marriage Requirements**: Consistent with HHS policy and the purposes of SAMHSA programs, same-sex spouses/marriages are to be recognized in this program. This means that, as a recipient of these funds you are required to treat as valid the marriages of same-sex couples whose marriage was legal when entered into. This applies regardless of whether the couple now lives in a jurisdiction that recognizes same-sex marriage or a jurisdiction that does not recognize same-sex marriage. Any same-sex marriage legally entered into in one of the 50 states, the District of Columbia, a U.S. territory or a foreign country will be recognized. However, this does not apply to registered domestic partnerships, civil unions or similar formal relationships recognized under state law as something other than a marriage.
36. **Intent to Utilize Funding to Enter into a Procurement/Contractual Relationship**: If the Subrecipient utilizes any of these funds to contract for any goods or services, the Subrecipient must ensure that the resultant contract complies with the terms of Appendix II, 45 C.F.R. 75 which governs the contractual provisions for non-federal entity contracts under federal awards issued by the Department of Health and Human Services.
37. **Compliance with Federal Regulations/Statute/Policy**: The Subrecipient agrees to enforce, administer, and comply with any applicable federal regulations, statutes, or policies that are not otherwise mentioned in this agreement including 2 C.F.R. § 200, 45 C.F.R. § 75, the Department of Health and Human Services Grant Policy Statement, SAMHSA Grant Administration Policies and Regulations, the relevant Funding Opportunity Announcement (FOA), relevant Notice of Award (NOA), or any other source.
38. **Equal Treatment for Faith-Based Organizations**: The Subrecipient assures that it is and will continue to be in full compliance with the applicable provisions of 45 CFR Part 54, Charitable Choice Regulations, and 45 CFR Part 87, Equal Treatment for Faith- Based Organizations Regulations, in its receipt and use of federal Mental Health Services and SABG funds and federal funds for Projects for Assistance in Transitions from Homelessness programs. The regulations prohibit discrimination against religious organizations, provide for the ability of religious organizations to maintain their religious character, and prohibit religious organizations from using federal funds to finance inherently religious activities.

### III. Federal Grant Specific Requirements

There are additional requirements to the grants included in Section IV of this Exhibit that are not universal to all grants that DBHDS administers. Included below, by grant name, is a list of the grant specific requirements as required by federal statute, regulation, and policy.

#### A. SAMHSA GRANTS

##### 1. **State Opioid Response Grant (SUD Federal Opioid Response)**

Pursuant to the Notice of Award received by DBHDS and the Funding Opportunity Announcement (TI-18-015) associated with the State Opioid Response Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures**: State Opioid Response Grant funds may not be used to:
  - i. Pay for any lease beyond the project period.

## **Exhibit F: Federal Grant Compliance Requirements**

- ii. Pay for the purchase or construction of any building or structure to house any part of the program. (Applicants may request up to \$75,000 for renovations and alterations of existing facilities, if necessary and appropriate to the project.)
- iii. Provide residential or outpatient treatment services when the facility has not yet been acquired, sited, approved, and met all requirements for human habitation and services provision. (Expansion or enhancement of existing residential services is permissible.)
- iv. Provide detoxification services unless it is part of the transition to MAT with extended release naltrexone.
- v. Make direct payments to individuals to enter treatment or continue to participate in prevention or treatment services. Note: A recipient or treatment or prevention provider may provide up to \$30 non-cash incentive to individuals to participate in required data collection follow up. This amount may be paid for participation in each required follow-up interview.
- vi. Meals are generally unallowable unless they are an integral part of a conference grant or specifically stated as an allowable expense in the Funding Opportunity Announcement. Grant funds may be used for light snacks, not to exceed \$3.00 per person.
- vii. Support non-evidence-based treatment approaches.
- viii. For services that can be supported through other accessible sources of funding such as other federal discretionary and formula grant funds, e.g. HHS (CDC, CMS, HRSA, and SAMHSA), DOJ (OJP/BJA) and non-federal funds, 3rd party insurance, and sliding scale self-pay among others.
- ix. To provide a grant or subaward to any agency which would deny any eligible client, patient, or individual access to their program because of their use of FDA-approved medications for the treatment of substance use disorders.
- x. To provide incentives to any health care professional for receipt of data waiver or any type of professional training development.
- xi. Directly or indirectly, purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental health disorders. This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under and FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

**b. Expenditure Guidelines:**

- i. Grant funds:
  - a) Shall be used to fund services and practices that have a demonstrated evidence-base, and that are appropriate for the population(s) of focus.
  - b) For treatment and recovery support services grant funds shall only be utilized to provide services to individuals with a diagnosis of an opioid use disorder or to individuals with a demonstrated history of opioid overdose problems.
  - c) May only fund FDA approved products.

## Exhibit F: Federal Grant Compliance Requirements

**c. Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to the Effective Date of this agreement, or following 40 days after the end of the Period of Performance provided on the initial signature page of Exhibit D.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement

**d. Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days from the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations as defined in this agreement

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75<sup>th</sup> day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Ramona Howell

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

### 2. Substance Abuse Prevention and Treatment Block Grant (SUD FBG)

Pursuant to the Substance Abuse Prevention and Treatment Block Grant (SAPTBG) Funding Agreement and relevant federal statutes, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

a. **Restrictions on Expenditures:** No SAPTBG funds may not be used for any of the following purposes:

## Exhibit F: Federal Grant Compliance Requirements

- i. To provide inpatient hospital services unless it has been determined, in accordance with the guidelines issued by the Secretary of Health and Human Services, that such treatment is a medical necessity for the individual involved and that the individual cannot be effectively treated in a community-based, non-hospital, residential program of treatment;
  - ii. To make cash payments to intended recipients of health services;
  - iii. To purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling with DBHDS, Federal Grants Manager approval) any building or other facility, or purchase major medical equipment as defined in the Defined Terms section of this Exhibit.
  - iv. To satisfy any requirement for the expenditure of non-federal funds as a condition for the receipt of federal funds; or
  - v. To provide financial assistance to any entity other than a public or non-profit entity.
  - vi. To carry out any program that provides individuals with hypodermic needles or syringes so that such individuals may use illegal drugs, unless the Surgeon General of the Public Health Service determines that a demonstration needle exchange program would be effective in reducing drug abuse and the risk that the public will become infected with the etiologic agent for acquired immune deficiency syndrome. (42 US Code § 300x-31(a))
- b. **Grant Guidelines:**
1. In the case of an individual for whom grant funds are expended to provide inpatient hospital services, as outlined above (A.a.), the Subrecipient shall not incur costs that are in excess of the comparable daily rate provided for community-based, non-hospital, residential programs of treatment for substance abuse (42 US Code § 300x-31(b)(2)).
  2. No entity receiving SAPTBG funding may participate in any form of discrimination on the basis of age as defined under the Age Discrimination Act of 1975 (42 US Code § 6101), on the basis of handicap as defined under section 504 of the Rehabilitation Act of 1973 (29 US Code § 794), on the basis of sex as defined under Title IX of the Education Amendments of 1972 (20 US Code § 1681) or on the basis of race, color, or national origin as defined under Title VI of the Civil Rights Act of 1964 (42 US Code § 2000) (42 US Code § 300x-57(a)(1)).
  3. No person shall on the ground of sex, or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under section 300x or 300x-21 of title 42 US Code (42 US Code § 300x-57(a)(2)).
  4. The Subrecipient agrees to comply with the provisions of the Hatch Act (5 US Code § 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
  5. The Subrecipient will comply, as applicable with the provisions of the Davis-Bacon Act (40 US Code § 276(a) – 276(a)-7), the Copeland Act (40 US Code § 276(c) and 18 US Code § 874), and the Contract Work Hours and Safety Standards Act (40 US Code § 327-333), regarding labor standards for federally assisted construction subagreements.
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance provided in Exhibit D.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

## Exhibit F: Federal Grant Compliance Requirements

- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days prior to the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until the end of the Period of Performance to pay for remaining allowable costs.

Any funds remaining unexpended at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Ramona Howell

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

### 3. Community Mental Health Services Block Grant (MH FBG)

Pursuant to the Community Mental Health Services Block Grant (CMHSBG) Funding Agreement and relevant federal statutes, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** CMHSBG funds may not be used for any of the following purposes:
1. To provide inpatient services;
  2. To make cash payments to intended recipients of health services;
  3. To purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling with DBHDS, Federal Grants Manager approval) any building or other facility, or purchase major medical equipment (as defined in the Definitions section of this Exhibit);
  4. To satisfy any requirement for the expenditure of non-federal funds as a condition for the receipt of federal funds; or
  5. To provide financial assistance to any entity other than a public or non-profit entity. (42 US Code § 300x-5(a))
- b. **Grant Guidelines:**
1. No entity receiving CMHSBG funding may participate in any form of discrimination on the basis of age as defined under the Age Discrimination Act of 1975 (42 US Code § 6101), on the basis of handicap as defined under section 504 of the Rehabilitation Act of 1973 (29 US Code § 794), on the basis of sex as defined under Title IX of the Education Amendments of 1972 (20 US Code § 1681) or

## Exhibit F: Federal Grant Compliance Requirements

on the basis of race, color, or national origin as defined under Title VI of the Civil Rights Act of 1964 (42 US Code § 2000) (42 US Code § 300x-57(a)(1)).

2. No person shall on the ground of sex, or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under section 300x or 300x-21 of title 42 US Code (42 US Code § 300x-57(a)(2)).
  3. The Subrecipient must provide the services through appropriate, qualified community programs, which may include community mental health centers, child mental-health programs, psychosocial rehabilitation programs, mental health peer-support programs, and mental-health primary consumer-directed programs. Services may be provided through community mental health centers only if the centers provide: 1) Services principally to individuals residing in a defined geographic area (hereafter referred to as a “service area”); 2) Outpatient services, including specialized outpatient services for children, the elderly, individuals with a Serious Mental Illness (SMI), and residents of the service areas of the center who have been discharged from inpatient treatment at a mental health facility; 3) 24-hour-a-day emergency care services; 4) Day treatment or other partial hospitalization services, or psychosocial rehabilitation services; 5) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of such admission; 6) Services within the limits of the capacities of the centers, to any individual residing or employed in the service area of the center regardless of ability to pay; and 7) Services that are accessible promptly, as appropriate, and in a manner which preserves human dignity and assures continuity of high quality care (42 US Code § 300x-2(c)).
  4. The Subrecipient agrees to comply with the provisions of the Hatch Act (5 US Code § 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
  5. The Subrecipient will comply, as applicable with the provisions of the Davis-Bacon Act (40 US Code § 276(a) – 276(a)-7), the Copeland Act (40 US Code § 276(c) and 18 US Code § 874), and the Contract Work Hours and Safety Standards Act (40 US Code § 327-333), regarding labor standards for federally assisted construction subagreements.
  6. Treatment and competency restoration services may be provided to individuals with a serious mental illness or serious emotional disturbance who are involved with the criminal justice system or during incarceration.
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance provided in Exhibit D.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days prior to the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until the end of the Period of Performance to pay for remaining allowable costs.

## Exhibit F: Federal Grant Compliance Requirements

Any funds remaining unexpended at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Ramona Howell

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

#### 4. Projects for Assistance in Transition from Homelessness (PATH)

Pursuant to the Notice of Award received by DBHDS, Funding Opportunity Announcements (SM-19-F2 and SM-20-F2), and relevant statutes associated with the Project for Assistance in Transition from Homelessness (PATH) Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** PATH funds may not be used for any of the following purposes:
  1. To support emergency shelters or construction of housing facilities;
  2. For inpatient psychiatric treatment costs or inpatient substance use disorder treatment costs; or
  3. To make cash payments to intended recipients of mental health or substance use disorder services (42 U.S. Code § 290cc-22(g)).
  4. For lease arrangements in association with the proposed project utilizing PATH funds beyond the project period nor may the portion of the space leased with PATH funds be used for purposes not supported by the grant.
  
- b. **Grant Guidelines:**
  1. All funds shall be used for the purpose of providing the following:
    - i. Outreach services;
    - ii. Screening and diagnostic treatment services;
    - iii. Habilitation and rehabilitation services;
    - iv. Community mental health services;
    - v. Alcohol or drug treatment services;
    - vi. Staff training including the training of individuals who work in shelters, mental health clinics, substance use disorder programs, and other sites where homeless individuals require services;
    - vii. Case management services including:
      1. Preparing a plan for the provision of community mental health services to the eligible homeless individual involved and reviewing such plan not less than once every three months;

## Exhibit F: Federal Grant Compliance Requirements

2. Providing assistance in obtaining and coordinating social and maintenance services for the eligible homeless individuals, including services relating to daily living activities, personal financial planning, transportation services, and habilitation and rehabilitation services, prevocational and vocational services, and housing services;
  3. Providing assistance to the eligible homeless individual in obtaining income support services, including housing assistance, supplemental nutrition assistance program benefits, and supplemental security income benefits;
  4. Referring the eligible homeless individual for such other services as may be appropriate; and
  5. Providing representative payee services in accordance with section 1631(a)(2) of the Social Security Act (42 U.S. Code § 1383(a)(2)) if the eligible homeless individual is receiving aid under Title XVI of such act (42 U.S. Code § 1381 et seq.) and if the applicant is designated by the Secretary to provide such services;
- viii. Supportive and supervisory services in residential settings;
  - ix. Referrals for primary health services, job training, educational services, and relevant housing services;
  - x. Minor renovation, expansion, and repair of housing (as defined in the Definitions section of this Exhibit);
  - xi. Planning of housing;
  - xii. Technical assistance in applying for housing assistance;
  - xiii. Improving the coordination of housing services;
  - xiv. Security deposits;
  - xv. The costs associated with matching eligible homeless individuals with appropriate housing situations;
  - xvi. One-time rental payments to prevent eviction;
  - xvii. Other appropriate services as determined by the Secretary of Health and Human Services (42 U.S. Code § 290cc-22(b)).
2. All funds shall only be utilized for providing the services outlined above to individuals who:
    - i. Are suffering from a serious mental illness; or
    - ii. Are suffering from a serious mental illness and from a substance use disorder; and
    - iii. Are homeless or at imminent risk of becoming homeless (42 U.S. Code § 290cc-22(a)).
  3. Funding may not be allocated to an entity that:
    - i. Has a policy of excluding individuals from mental health services due to the existence or suspicion of a substance use disorder; or
    - ii. Has a policy of excluding individuals from substance use disorder services due to the existence or suspicion of mental illness (42 U.S. Code § 290cc-22(e)).
  4. Match amounts agreed to with DBHDS may be:
    - i. Cash;
    - ii. In-kind contributions, that are fairly evaluated, including plant, equipment, or services.Amounts provided by the federal government or services assisted or subsidized to any significant extent by the Federal Government, shall not be included in determining the amount of match (42 U.S. Code § 290cc-23(b)).
  5. Subrecipients may not discriminate on the basis of age under the Age Discrimination Act of 1975 (42 U.S. Code § 6101 et seq.), on the basis of handicap under section 504 of the Rehabilitation Act of 1973 (29 U.S. Code § 794), on the basis of sex under Title IX of the Education Amendments of 1972 (20 U.S. Code § 1681 et seq.), or on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964 (42 U.S. Code § 2000d et seq.)(42 U.S. Code § 290cc-33(a)(1)).
  6. The Subrecipient shall not exclude from participation in, deny benefits to, or discriminate against any individuals that are otherwise eligible to participate in any program or activity funded from the PATH grant (42 U.S. Code § 290cc-33(a)(2)).
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance provided in Exhibit D.

## Exhibit F: Federal Grant Compliance Requirements

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days from the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 365 days after the end of the Period of Performance to pay for remaining allowable costs.

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 365 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 395<sup>th</sup> day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

PO Box 1797

Richmond, VA 23218-1797

C/O Ramona Howell

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

### 5. Strategic Prevention Framework Partnerships For Success (SPF-PFS) Grant

Pursuant to the Notice of Award received by DBHDS and the Funding Opportunity Announcement (SP-15-003) associated with the Strategic Prevention Framework Partnerships for Success Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** SPF-PFS Grant funds may not be used for any of the following purposes:
1. Pay for any lease beyond the project period.
  2. Provide services to incarcerated populations (defined as those persons in jail, prison, detention facilities, or in custody where they are not free to move about in the community).
  3. Pay for the purchase or construction of any building or structure to house any part of the program. (Subrecipients may request up to \$75,000 for renovations and alterations of existing facilities, if necessary and appropriate to the project.)

## Exhibit F: Federal Grant Compliance Requirements

4. Pay for housing other than residential mental health and/or substance use disorder treatment.
  5. Provide residential or outpatient treatment services when the facility has not yet been acquired, sited, approved, and met all requirements for human habitation and services provision. (Expansion or enhancement of existing residential services is permissible.)
  6. Provide inpatient treatment or hospital-based detoxification services. Residential services are not considered to be inpatient or hospital-based services.
  7. Only allowable costs associated with the use of federal funds are permitted to fund EBPs. Other sources of funds may be used for unallowable costs (e.g. meals, sporting events, entertainment). Other support is defined as funds or resources, whether federal, non-federal or institutional, in direct support of activities through fellowships, gifts, prizes, or in-kind contributions.
  8. Make direct payments to individuals to induce them to enter prevention or treatment services. However, grant funds may be used for non-clinical support services (e.g. bus tokens, child care) designed to improve access to and retention in prevention and treatment programs.
  9. Make direct payments to individuals to encourage attendance and/or attainment of prevention or treatment goals. However, grant funds may be used for non-cash incentives of up to \$30 to encourage attendance and/or attainment of prevention or treatment goals when the incentives are built into the program design and when the incentives are the minimum amount that is deemed necessary to meet program goals. SAMHSA policy allows an individual participant to receive more than one incentive over the course of the program. However, non-cash incentives should be limited to the minimum number of times deemed necessary to achieve program outcomes. A grantee or treatment or prevention provider may also provide up to \$30 cash or equivalent (coupons, bus tokens, gifts, child care, and vouchers) to individuals as incentives to participate in required data collection follow-up. This amount may be paid for participation in each required interview.
  10. Meals are generally unallowable unless they are an integral part of a conference grant or specifically stated as an allowable expense in the Performance Contract. Grant funds may be used for light snacks, not to exceed \$2.50 per person.
  11. Funds may not be used to distribute sterile needles or syringes for the hypodermic injection of any illegal drug.
  12. Pay for pharmacologies for HIV antiretroviral therapy, Sexually Transmitted Diseases (STD)/Sexually Transmitted Illnesses (STI), TB, and hepatitis B and C, or for psychotropic drugs.
- b. **Grant Guidelines:**
1. Subrecipients must use the grant money to fund comprehensive, data-driven substance disorder use prevention strategies to continue to accomplish the following goals:
    - i. Prevent the onset and reduce the progression of substance use disorder;
    - ii. Reduce substance use disorder-related problems;
    - iii. Strengthen prevention capacity/infrastructure at the state, tribal, and community levels and;
    - iv. Leverage, redirect and align state/tribal-wide funding streams and resources for prevention.
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance provided in Exhibit D.
- DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.
- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days from the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations as defined in this agreement

## Exhibit F: Federal Grant Compliance Requirements

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75<sup>th</sup> day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS  
PO Box 1797  
Richmond, VA 23218-1797  
C/O Ramona Howell

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

### 6. Young Adult Substance Abuse Treatment Implementation Grant

Pursuant to the Notice of Award received by DBHDS and the Funding Opportunity Announcement (TI-17-002) associated with the Youth Treatment Implementation Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** Young Adult Substance Abuse Treatment Implementation Grant funds may not be used for any of the following purposes:
1. Pay for any lease beyond the project period.
  2. Provide services to incarcerated populations (defined as those persons in jail, prison, detention facilities, or in custody where they are not free to move about in the community).
  3. Pay for the purchase or construction of any building or structure to house any part of the program. (Subrecipients may request up to \$75,000 for renovations and alterations of existing facilities, if necessary and appropriate to the project.)
  4. Pay for housing other than residential mental health and/or substance use disorder treatment.
  5. Provide residential or outpatient treatment services when the facility has not yet been acquired, sited, approved, and met all requirements for human habitation and services provision. (Expansion or enhancement of existing residential services is permissible.)
  6. Provide inpatient treatment or hospital-based detoxification services. Residential services are not considered to be inpatient or hospital-based services.
  7. Only allowable costs associated with the use of federal funds are permitted to fund EBPs. Other sources of funds may be used for unallowable costs (e.g. meals, sporting events, entertainment). Other support is defined as funds or resources, whether federal, non-federal or institutional, in direct support of activities through fellowships, gifts, prizes, or in-kind contributions.
  8. Make direct payments to individuals to induce them to enter prevention or treatment services. However, grant funds may be used for non-clinical support services (e.g. bus tokens, child care) designed to improve access to and retention in prevention and treatment programs.

## Exhibit F: Federal Grant Compliance Requirements

9. Make direct payments to individuals to encourage attendance and/or attainment of prevention or treatment goals. However, grant funds may be used for non-cash incentives of up to \$30 to encourage attendance and/or attainment of prevention or treatment goals when the incentives are built into the program design and when the incentives are the minimum amount that is deemed necessary to meet program goals. SAMHSA policy allows an individual participant to receive more than one incentive over the course of the program. However, non-cash incentives should be limited to the minimum number of times deemed necessary to achieve program outcomes. A grantee or treatment or prevention provider may also provide up to \$30 cash or equivalent (coupons, bus tokens, gifts, child care, and vouchers) to individuals as incentives to participate in required data collection follow-up. This amount may be paid for participation in each required interview.
  10. Meals are generally unallowable unless they are an integral part of a conference grant or specifically stated as an allowable expense in the Performance Contract. Grant funds may be used for light snacks, not to exceed \$3.00 per person.
  11. Consolidated Appropriations Act, 2016, Division H states, SEC. 520, notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug. Provided, that such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant state or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the state or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with state and local law.
  12. Pay for pharmacologies for HIV antiretroviral therapy, Sexually Transmitted Diseases (STD)/Sexually Transmitted Illnesses (STI), TB, and hepatitis B and C, or for psychotropic drugs.
- b. **Grant Guidelines:**
1. Funds must be used to improve capacity to increase access to treatment and to improve the quality of treatment for adolescents and transitional youth aged 16-25, and their families/primary caregivers through:
    - i. Expanding and enhancing SUD treatment services for adolescents and transitional youth aged 16-25;
    - ii. Involving families, adolescents, and transitional aged youth at the state/territorial/tribal/local levels to inform policy, program, and effective practice;
    - iii. Expanding the qualified workforce;
    - iv. Disseminating Evidence-Based Practices (EBPs);
    - v. Developing funding and payment strategies that support EBPs in the current funding environment; and
    - vi. Improving interagency collaboration.
  2. Subrecipients must address each of the following required activities:
    - i. Provide outreach and other engagement strategies to increase participation in, and provide access to, treatment for diverse populations (i.e. ethnic, racial, sexual orientation, gender identity, etc.).
    - ii. Provide direct treatment including screening, assessment, care management, and recovery support for diverse populations at risk. Treatment must be provided in outpatient, intensive outpatient, or day treatment settings. Clients must be screened and assessed for the presence of substance use disorders and/or co-occurring mental and substance use disorders, using an assessment instrument(s) that is evidence-based, and use the information obtained from the screening and assessment to develop appropriate treatment approaches for the persons identified as having such disorders.
    - iii. Provide youth recovery support services and supports (e.g. recovery coaching, vocational, educational, and transportation services) designed to support recovery and improve access and retention.
    - iv. Provide the EBPs in assessment(s) and treatment intervention(s), selected in consultation with DBHDS for the population of focus.

## Exhibit F: Federal Grant Compliance Requirements

- v. Participate in a provider collaborative, managed by DBHDS, that, at a minimum, provides the following:
  1. Direct treatment for SUD and/or co-occurring substance use and mental disorders and recovery support services to the population of focus;
  2. Identifies and addresses common provider-level administrative challenges in providing substance abuse treatment and recovery support services to the population of focus;
  3. Develops and implements a common continuous quality improvement/quality assurance plan across the providers in the collaborative to improve the services provided;
  4. Identifies and addresses common barriers faced by the population of focus in accessing services; and
  5. Promotes coordination and collaboration with family support organizations to assist in the development of peer support services and strengthen services for the population of focus who have, or are at risk of SUD and/or co-occurring substance use and mental disorders.
3. Subrecipients must screen and assess clients for the presence of SUD and/or co-occurring mental and substance use disorders and use the information obtained from the screening and assessment to develop appropriate treatment approaches for the persons identified as having such co-occurring disorders.
4. Subrecipients must utilize third party and other revenue realized from the provision of services to the extent possible and use Youth Treatment Implementation Grant funds only for services to individuals who are not covered by public or commercial eHealth insurance programs, individuals for whom coverage has been formally determined to be unaffordable, or for services that are not sufficiently covered by an individual's health insurance plan. Subrecipients are also expected to facilitate the health insurance application and enrollment process for eligible uninsured clients. Subrecipients should also consider other systems from which a potential service recipient may be eligible for services if appropriate for and desired by that individual to meet his/her needs. In addition, subrecipients are required to implement policies and procedures that ensure other sources of funding are utilized first when available for that individual.
- c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance provided in Exhibit D.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

- d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days from the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations as defined in this agreement

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75<sup>th</sup> day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS

## Exhibit F: Federal Grant Compliance Requirements

PO Box 1797  
Richmond, VA 23218-1797  
C/O Ramona Howell

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

### 7. State Pilot Grant Program for Treatment for Pregnant and Postpartum Women (PPW)

Pursuant to the Notice of Award received by DBHDS and the Funding Opportunity Announcement (TI-17-016) associated with the PPW-PLT Grant, the following are requirements of the funding distributed to the Subrecipient as a result of this agreement.

- a. **Restrictions on Expenditures:** PPW Grant funds may not be used for any of the following purposes:
1. Pay for any lease beyond the project period.
  2. Provide services to incarcerated populations (defined as those persons in jail, prison, detention facilities, or in custody where they are not free to move about in the community).
  3. Pay for the purchase or construction of any building or structure to house any part of the program. (Subrecipients may request up to \$75,000 for renovations and alterations of existing facilities, if necessary and appropriate to the project.)
  4. Pay for housing other than residential mental health and/or substance use disorder treatment.
  5. Provide residential or outpatient treatment services when the facility has not yet been acquired, sited, approved, and met all requirements for human habitation and services provision. (Expansion or enhancement of existing residential services is permissible.)
  6. Provide inpatient treatment or hospital-based detoxification services. Residential services are not considered to be inpatient or hospital-based services.
  7. Only allowable costs associated with the use of federal funds are permitted to fund EBPs. Other sources of funds may be used for unallowable costs (e.g. meals, sporting events, entertainment). Other support is defined as funds or resources, whether federal, non-federal or institutional, in direct support of activities through fellowships, gifts, prizes, or in-kind contributions.
  8. Make direct payments to individuals to induce them to enter prevention or treatment services. However, grant funds may be used for non-clinical support services (e.g. bus tokens, child care) designed to improve access to and retention in prevention and treatment programs.
  9. Make direct payments to individuals to encourage attendance and/or attainment of prevention or treatment goals. However, grant funds may be used for non-cash incentives of up to \$30 to encourage attendance and/or attainment of prevention or treatment goals when the incentives are built into the program design and when the incentives are the minimum amount that is deemed necessary to meet program goals. SAMHSA policy allows an individual participant to receive more than one incentive over the course of the program. However, non-cash incentives should be limited to the minimum number of times deemed necessary to achieve program outcomes. A grantee or treatment or prevention provider may also provide up to \$30 cash or equivalent (coupons, bus tokens, gifts, child care, and vouchers) to individuals as incentives to participate in required data collection follow-up. This amount may be paid for participation in each required interview.

## Exhibit F: Federal Grant Compliance Requirements

10. Meals are generally unallowable unless they are an integral part of a conference grant or specifically stated as an allowable expense in this Performance Contract. Grant funds may be used for light snacks, not to exceed \$3.00 per person.
11. Consolidated Appropriations Act, 2016, Division H states, SEC. 520, notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug. Provided, that such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant state or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the state or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with state and local law.
12. Pay for pharmacologies for HIV antiretroviral therapy, Sexually Transmitted Diseases (STD)/Sexually Transmitted Illnesses (STI), TB, and hepatitis B and C, or for psychotropic drugs.

b. **Grant Guidelines:**

1. Subrecipients must utilize third party and other revenue realized from the provision of services to the extent possible and use grant funds only for services to individuals who are not covered by public or commercial health insurance programs, individuals for whom coverage has been formally determined to be unaffordable, or for services that are not sufficiently covered by an individual's health insurance plan.

c. **Limitations on Reimbursements:** Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance provided in Exhibit D.

DBHDS shall only reimburse or otherwise compensate the Subrecipient for documented expenditures incurred during this period that are: 1) reasonable and necessary to carry out the agreed upon scope of service outlined in Exhibit D, 2) documented by contracts or other evidence of liability consistent with established DBHDS and Subrecipient procedures; and 3) incurred in accordance with all applicable requirements for the expenditure of funds payable under this agreement.

d. **Closeout:** Final payment request(s) under this Agreement must be received by DBHDS no later than thirty (30) days from the end of the Period of Performance referenced in the Exhibit D. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until 40 days after the end of the Period of Performance to pay for unliquidated obligations as defined in this agreement

Any funds remaining unexpended and unobligated at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Any funds distributed to the Subrecipient by the pass-through entity that remain unexpended by 40 days after the end of the Period of Performance shall be returned to DBHDS. The Subrecipient will send these funds to DBHDS by no later than the end of the 75<sup>th</sup> day after the end of the Performance Period. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS  
PO Box 1797  
Richmond, VA 23218-1797  
C/O Ramona Howell

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever

**Exhibit F: Federal Grant Compliance Requirements**

discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this agreement. Subrecipient’s obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

**IV. List of Federal Grants**

Provided in the chart below is a current list of the federal grants that DBHDS passes-through to CSBs and the required identifying information that should be used to categorize and track these funds.

<b>SAMHSA GRANTS</b>	
<p><b>GRANT NAME:</b> State Opioid Response Grant (SUD Federal Opioid Response)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> H79TI081682  <b>FEDERAL AWARD DATE:</b> 2/19/2018  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.788  <b>RESEARCH AND DEVELOPMENT AWARD:</b> <input type="checkbox"/> YES OR <input checked="" type="checkbox"/> NO  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2019  <b>AWARD PERIOD:</b> 9/30/2019 – 9/29/2020</p>	<p><b>GRANT NAME:</b> Substance Abuse Prevention and Treatment Block Grant (SUD FBG)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> B08TI010053-19  <b>FEDERAL AWARD DATE:</b> 6/12/2019  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.959  <b>RESEARCH AND DEVELOPMENT AWARD:</b> <input type="checkbox"/> YES OR <input checked="" type="checkbox"/> NO  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2019  <b>AWARD PERIOD:</b> 10/1/2018 – 9/30/2020</p>
<p><b>GRANT NAME:</b> Substance Abuse Prevention and Treatment Block Grant (SUD FBG)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> B08TI010053-20  <b>FEDERAL AWARD DATE:</b> TBD  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.959  <b>RESEARCH AND DEVELOPMENT AWARD:</b> <input type="checkbox"/> YES OR <input checked="" type="checkbox"/> NO  <b>INDIRECT COST RATE:</b> Federally Negotiated Rate or 10% if None Exists  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2020  <b>AWARD PERIOD:</b> 10/1/2019 – 9/30/2021</p>	<p><b>GRANT NAME:</b> Community Mental Health Services Block Grant (MH FBG)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> B09SM010053-19  <b>FEDERAL AWARD DATE:</b> 12/26/2018  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.958  <b>RESEARCH AND DEVELOPMENT AWARD:</b> <input type="checkbox"/> YES OR <input checked="" type="checkbox"/> NO  <b>INDIRECT COST RATE:</b> Federally Negotiated Rate or 10% if None Exists  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2019  <b>AWARD PERIOD:</b> 10/1/2018 – 9/30/2020</p>

**Exhibit F: Federal Grant Compliance Requirements**

<p><b>GRANT NAME:</b> Community Mental Health Services Block Grant (MH FBG)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> B09SM010053-20  <b>FEDERAL AWARD DATE:</b> TBD  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.958  <b>RESEARCH AND DEVELOPMENT AWARD:</b> ___ YES OR <input checked="" type="checkbox"/> X ___ NO  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2020  <b>AWARD PERIOD:</b> 10/1/2019 – 9/30/2021</p>	<p><b>GRANT NAME:</b> Projects for Assistance in Transition from Homelessness (PATH)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> X06SM016047-19  <b>FEDERAL AWARD DATE:</b> 8/28/2019  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.15  <b>RESEARCH AND DEVELOPMENT AWARD:</b> ___ YES OR <input checked="" type="checkbox"/> X ___ NO  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2019  <b>AWARD PERIOD:</b> 9/1/2019 – 8/31/2020</p>
<p><b>GRANT NAME:</b> Projects for Assistance in Transition from Homelessness (PATH)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> X06SM016047-20  <b>FEDERAL AWARD DATE:</b> TBD  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.15  <b>RESEARCH AND DEVELOPMENT AWARD:</b> ___ YES OR <input checked="" type="checkbox"/> X ___ NO  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2020  <b>AWARD PERIOD:</b> 9/1/2020 – 8/31/2021</p>	<p><b>GRANT NAME:</b> Strategic Prevention Framework Partnerships For Success (SPF-PFS) Grant  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> SP020791  <b>FEDERAL AWARD DATE:</b> 2/8/2016  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.243  <b>RESEARCH AND DEVELOPMENT AWARD:</b> ___ YES OR <input checked="" type="checkbox"/> X ___ NO  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2020  <b>AWARD PERIOD:</b> 9/30/2019 – 9/29/2020</p>
<p><b>GRANT NAME:</b> Young Adult Substance Abuse Treatment Implementation Grant (YSAT)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> H79TI080197  <b>FEDERAL AWARD DATE:</b> 5/16/2017  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.243  <b>RESEARCH AND DEVELOPMENT AWARD:</b> ___ YES OR <input checked="" type="checkbox"/> X ___ NO  <b>INDIRECT COST RATE:</b> Federally Negotiated Rate or 10% if None Exists  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2020  <b>AWARD PERIOD:</b> 9/30/2019 – 9/29/2020</p>	<p><b>GRANT NAME:</b> Young Adult Substance Abuse Treatment Implementation Grant (YSAT)  <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> H79TI080197  <b>FEDERAL AWARD DATE:</b> TBD  <b>FEDERAL AWARDDING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)  <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services  <b>CFDA NUMBER:</b> 93.243  <b>RESEARCH AND DEVELOPMENT AWARD:</b> ___ YES OR <input checked="" type="checkbox"/> X ___ NO  <b>INDIRECT COST RATE:</b> Federally Negotiated Rate or 10% if None Exists  <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2021  <b>AWARD PERIOD:</b> 9/30/2020 – 9/29/2021</p>

**Exhibit F: Federal Grant Compliance Requirements**

<p><b>GRANT NAME:</b> State Pilot Grant Program for Treatment for Pregnant and Postpartum Women (PPW) <b>FEDERAL AWARD IDENTIFICATION NUMBER (FAIN):</b> TI080766 <b>FEDERAL AWARD DATE:</b> 9/14/2017 <b>FEDERAL AWARING AGENCY:</b> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) <b>FEDERAL AWARD PASS-THROUGH ENTITY:</b> Virginia Department of Behavioral Health and Developmental Services <b>CFDA NUMBER:</b> 93.243 <b>RESEARCH AND DEVELOPMENT AWARD:</b> ___ YES OR <u> X </u> NO <b>INDIRECT COST RATE:</b> Federally Negotiated Rate or 10% if None Exists <b>FEDERAL GRANT AWARD YEAR:</b> FFY 2020 <b>AWARD PERIOD:</b> 9/30/2019 – 9/29/2020</p>	
--	--

## Exhibit M

### Department of Justice Settlement Agreement Requirements

The CSB and the Department agrees to comply with the following requirements in the Settlement Agreement for Civil Action No: 3:12cv00059-JAG between the U.S. Department of Justice (DOJ) and the Commonwealth of Virginia, entered in the U. S. District Court for the Eastern District of Virginia on August 23, 2012 [section IX.A, p. 36], and in compliance indicators agreed to by the parties and filed with the Court on January 14, 2020.

Sections identified in text or brackets refer to sections in the agreement requirements apply to the target population defined in section III.B of the Agreement: individuals with developmental disabilities who currently reside in training centers, (ii) meet criteria for the DD Waiver waiting list, including those currently receiving DD Waiver services, or (iii) reside in a nursing home or an intermediate care facility (ICF).

- 1.) Case Managers or Support Coordinators shall provide anyone interested in accessing DD Waiver Services with a DBHDS provided resource guide that contains information including but not limited to case management eligibility and services, family supports including the IFSP Funding Program, family and peer supports, information on how to access REACH services, and information on where to access general information. [section III.C.2. a-f, p. 1].
- 2.) Case management services, defined in section III.C.5.b, shall be provided to all individuals receiving Medicaid Home and Community-Based Waiver services under the Agreement by case managers or support coordinators who are not directly providing or supervising the provision of Waiver services to those individuals [section III.C.5.c, p. 8].
- 3.) For individuals receiving case management services pursuant to the Agreement, the individual's case manager or support coordinator shall meet with the individual face-to-face on a regular basis and shall conduct regular visits to the individual's residence, as dictated by the individual's needs [section V.F.1, page 26].
  - a. At these face-to-face meetings, the case manager or support coordinator shall: observe the individual and the individual's environment to assess for previously unidentified risks, injuries, needs, or other changes in status; assess the status of previously identified risks, injuries, needs, or other changes in status; assess whether the individual's individual support plan (ISP) is being implemented appropriately and remains appropriate for the individual; and ascertain whether supports and services are being implemented consistent with the individual's strengths and preferences and in the most integrated setting appropriate to the individual's needs.
  - b. The case manager or support coordinator shall document in the ISP the performance of these observations and assessments and any findings, including any changes in status or significant events that have occurred since the last face-to-face meeting.
  - c. If any of these observations or assessments identifies an unidentified or inadequately addressed risk, injury, need, or change in status, a deficiency in the individual's support plan or its implementation, or a discrepancy between the implementation of supports and services and the individual's strengths and preferences, then the case manager or support coordinator shall report and document the issue in accordance with Department policies and regulations, convene the individual's service planning team to address it, and document its resolution.
- 4.) DBHDS shall develop and make available training for CSB case managers and leadership staff on how to assess change in status and that ISPs are implemented appropriately. DBHDS shall provide a tool with elements for the case managers to utilize during face-to-face visits to assure that changes in status as well as ISP are implemented appropriately and documented.
  - a. CSB shall ensure that all case managers and case management leadership complete the training that helps to explain how to identify change in status and that elements of the ISP are implemented appropriately. The CSB shall deliver the contents of the DBHDS training through support coordinator

## Exhibit M

### Department of Justice Settlement Agreement Requirements

supervisors or designated trainers to ensure case managers understand the definitions of a change in status or needs and the elements of appropriately implemented services, as well as how to apply and document observations and needed actions.

- b. CSB shall ensure that all case managers use the DBHDS On-Site Visit Tool during one face-to-face visit each quarter to assess at whether or not each person receiving targeted case management under the waiver experienced a change in status and to assess whether or not the ISP was implemented appropriately.
- 5.) Using the process developed jointly by the Department and Virginia Association of Community Services Boards (VACSB) Data Management Committee (DMC), the CSB shall report the number, type, and frequency of case manager or support coordinator contacts with individuals receiving case management services [section V.F.4, p. 27].
  - 6.) The CSB shall report key indicators, selected from relevant domains in section V.D.3 on page 24, from the case manager's or support coordinator's face-to-face visits and observations and assessments [section V.F.5, p 27]. Reporting in WaMS shall include the provision of data and actions related to DBHDS defined elements regarding a change in status or needs and the elements of appropriately implemented services in a format, frequency, and method determined by DBHDS [section III.C.5.b.i.].
  - 7.) The individual's case manager or support coordinator shall meet with the individual face-to-face at least every 30 days (including a 10 day grace period but no more than 40 days between visits), and at least one such visit every two month must be in the individual's place of residence, for any individuals who [section V.F.3, pages 26 and 27]:
    - a. Receive services from providers having conditional or provisional licenses;
    - b. Have more intensive behavioral or medical needs as defined by the Supports Intensity Scale category representing the highest level of risk to individuals
    - c. Have an interruption of service greater than 30 days;
    - d. Encounter the crisis system for a serious crisis or for multiple less serious crises within a three-month period;
    - e. Have transitioned from a training center within the previous 12 months; or
    - f. Reside in congregate settings of five or more individuals. Refer to Enhanced Case Management Criteria Instructions and Guidance issued by the Department.
  - 8.) Case managers or support coordinators shall give individuals a choice of service providers from which they may receive approved DD Waiver services, present all options of service providers based on the preferences of the individuals, including CSB and non-CSB providers, and document this using the Virginia Informed Choice Form in the waiver management system (WaMS) application. [section III.C.5.c, p. 8].
  - 9.) The CSB shall complete the Support Coordinator Quality Review process for a statistically significant sample size as outlined in the Support Coordinator Quality Review Process.
    - a. DBHDS shall annually pull a statistically significant stratified sample of individuals receiving HCBBS waiver services and send this to the CSB to be utilized to complete the review.
    - b. Each quarter, the CSB shall complete the number of Support Coordinator Quality Reviews and provide data to DBHDS as outlined by the process.
    - c. DBHDS shall analyze the data submitted to determine the following elements are met:
      - i. The CSB offered each person the choice of case manager/provider
      - ii. The case manager assesses risk, and risk mitigation plans are in place

## Exhibit M

### Department of Justice Settlement Agreement Requirements

- iii. The case manager assesses whether the person's status or needs for services and supports have changed and the plan has been modified as needed.
  - iv. The case manager assists in developing the person's ISP that addresses all of the individual's risks, identified needs and preferences.
  - v. The ISP includes specific and measurable outcomes, including evidence that employment goals have been discussed and developed, when applicable.
  - vi. The ISP was developed with professionals and nonprofessionals who provide individualized supports, as well as the individual being served and other persons important to the individual being served.
  - vii. The ISP includes the necessary services and supports to achieve the outcomes such as medical, social, education, transportation, housing, nutritional, therapeutic, behavioral, psychiatric, nursing, personal care, respite, and other services necessary.
  - viii. Individuals have been offered choice of providers for each service.
  - ix. The case manager completes face-to-face assessments that the individual's ISP is being implemented appropriately and remains appropriate to the individual by meeting their health and safety needs and integration preferences.
  - x. The CSB has in place and the case manager has utilized where necessary, established strategies for solving conflict or disagreement within the process of developing or revising ISPs, and addressing changes in the individual's needs, including, but not limited to, reconvening the planning team as necessary to meet the individuals' needs.
- d. DBHDS shall review the data submitted and complete a semi-annual report that includes a review of data from the Support Coordinator Quality Reviews and provide this information to the CSB. To assure consistency between reviewers, DBHDS shall complete an inter-rater reliability process.
  - e. If 2 or more records do not meet 86% compliance for two consecutive quarters, the CSB shall receive technical assistance provided by DBHDS.
  - f. The CSB shall cooperate with DBHDS and facilitate its completion of on-site annual retrospective reviews at the CSB to validate findings of the CSB Support Coordinator Quality Review to provide technical assistance for any areas needing improvement.
- 10.) Case managers or support coordinators shall offer education about integrated community options to any individuals living outside of their own or their families' homes and, if relevant, to their authorized representatives or guardians [section III.D.7, p. 14]. Case managers shall offer this education at least annually and at the following times:
- a. At enrollment in a DD Waiver
  - b. When there is a request for a change in Waiver service provider(s)
  - c. When an individual is dissatisfied with a current Waiver service provider,
  - d. When a new service is requested
  - e. When an individual wants to move to a new location, or
  - f. When a regional support team referral is made as required by the Virginia Informed Choice Form
- 11.) For individuals receiving case management services identified to have co-occurring mental health conditions or engage in intense behaviors, the individual's case manager or support coordinator shall assure that effective community based behavioral health and/or behavioral supports and services are identified and accessed where appropriate and available.
- a. If the case manager or support coordinator incurs capacity issues related to accessing needed behavioral support services in their designated Region, every attempt to secure supports should be made to include adding the individual to several provider waitlists (e.g. based upon individualized needs, this may be inclusive of psychotherapy, psychiatry, counseling, applied behavior analysis/positive behavior support providers, etc.) and following up with these providers quarterly to determine waitlist status.

## Exhibit M

### Department of Justice Settlement Agreement Requirements

- 12.) The CSB shall identify children and adults who are at risk for crisis through the standardized crisis screening tool or through the utilization of the elements contained in the tool at intake, and if the individual is identified as at risk for crisis or hospitalization, shall refer the individual to REACH. [SA. Provision: III.C.6.a.i-iii Filing reference: 7.2]
- 13.) For individuals that receive enhanced case management, the case manager or support coordinator shall utilize the standardized crisis screening tool during monthly visits; for individuals that receive targeted case management, the case manager or support coordinator shall use the standardized crisis screening tool during quarterly visits. Any individual that is identified as at risk for crisis shall be referred to REACH. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.3]
- 14.) The CSB shall ensure that CSB Executive Directors, Developmental Disability Directors, case management or support coordination supervisors, case managers or support coordinators, and intake workers participate in training on how to identify children and adults who are at risk for going into crisis.
  - a. CSBs shall ensure that training on identifying risk of crisis for intake workers and case managers (or support coordinators) shall occur within 6 months of hire. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.5]
- 15.) The CSB shall provide data on implementation of the crisis screening tool as requested by DBHDS when it is determined that an individual with a developmental disability has been hospitalized and has not been referred to the REACH program.
  - a. The CSB shall provide to DBHDS a “statistically significant” number of the times the CSB utilized of the crisis screening tools, or documentation of utilization of the elements contained within the tool during a crisis screening, completed during the 1st six months and annually thereafter for the Department to review to ensure the tool is being implemented as designed and is appropriately identifying people at risk of crisis. [S.A. Provision: III.C.6.a.i-iii Filing reference: 7.6]
  - b. DBHDS shall develop the risk of crisis/hospitalization elements and tool in partnership with the VACSB.
  - c. DBHDS shall develop a training on assessing risk of crisis/hospitalization for the CSB to utilize to train staff. The CSB shall utilize this training to train staff.
  - d. DBHDS shall initiate a quality review process monthly to include requesting documentation for anyone hospitalized who was not referred to the REACH program and either actively receiving case manager during the time frame or for whom an intake was completed prior to hospitalization. The CSB shall promptly, but within no more than 5 business days, provide the information requested.
- 16.) CSB Case manager shall work with the REACH program to identify a community residence within 30 days of admission to the program including making a referral to RST when the system has been challenged unable to find an appropriate provider within this timeframe.
- 17.) CSB emergency services shall be available 24 hours per day and seven days per week, staffed with clinical professionals who shall be able to assess crises by phone, assist callers in identifying and connecting with local services, and, where necessary, dispatch at least one mobile crisis team member adequately trained to address the crisis for individuals with developmental disabilities [section III.C.6.b.i.A, p. 9].
  - a. The mobile crisis team shall be dispatched from the Regional Education Assessment Crisis Services Habilitation (REACH) program that is staffed 24 hours per day and seven days per week by qualified persons able to assess and assist individuals and their families during crisis situations and has mobile crisis teams to address crisis situations and offer services and support on site to

## Exhibit M

### Department of Justice Settlement Agreement Requirements

individuals and their families within one hour in urban areas and two hours in rural areas as measured by the average annual response time [section III.C.6.b.ii, pages 9 and 10].

- b. All Emergency services staff and their supervisors shall complete the REACH training, created and made available by DBHDS, that is part of the emergency services training curriculum.
  - c. DBHDS shall create and update a REACH training for emergency staff and make available through the agency training website.
  - d. CSB emergency services shall notify the REACH program of any individual suspected of having a developmental disability who is experiencing a crisis and seeking emergency services as soon as possible, preferably prior to the initiation of a preadmission screening evaluation.
  - e. Early notification would allow REACH and emergency services to appropriately divert the individual from admission to psychiatric inpatient services when possible.
  - f. If the CSB has an individual receiving services in the REACH Crisis Therapeutic Home (CTH) program with no plan for placement and a length of stay that shall soon exceed 30 concurrent days, the CSB Executive Director or his or her designee shall provide a weekly update describing efforts to achieve an appropriate discharge for the individual to the Director of Community Support Services in the Department's Division of Developmental Services or his/her designee.
  - g. DBHDS shall notify the CSB executive director when it is aware of a person at the REACH CTH who is nearing a 30-day concurrent stay.
- 18.) Comply with State Board Policy 1044 (SYS) 12-1 Employment First [section III.C.7.b, p. 11]. This policy supports identifying community-based employment in integrated work settings as the first and priority service option offered by case managers or support coordinators to individuals receiving day support or employment services.
- a. CSB case managers shall take the on line case management training modules and review the case management manual.
  - b. CSB case managers shall initiate meaningful employment conversations with individuals starting at the age of 14 until the age of retirement 65.
  - c. CSB case managers shall discuss employment with all individuals, including those with intense medical or behavioral support needs, as part of their ISP planning processes.
  - d. CSB case managers shall document goals for or toward employment for all individuals 18-64 or the specific reasons that employment is not being pursued or considered.
  - e. DBHDS shall create training and tools for case managers around meaningful conversation around employment including for people with complex medical and behavioral support needs. The CSB shall utilize this training with its staff and document its completion.
- 19.) CSB case managers or support coordinators shall liaise with the Department's regional community resource consultants in their regions [section III.E.1, p. 14].
- 20.) Case managers or support coordinators shall participate in discharge planning with individuals' personal support teams (PSTs) for individuals in training centers for whom the CSB is the case management CSB, pursuant to § 37.2-505 and § 37.2-837 of the Code that requires the CSB to develop discharge plans in collaboration with training centers [section IV.B.6, p. 16].
- 21.) In developing discharge plans, CSB case managers or support coordinators, in collaboration with facility PSTs, shall provide to individuals and, where applicable, their authorized representatives, specific options for types of community placements, services, and supports based on the discharge plan and the opportunity to discuss and meaningfully consider these options [section IV.B.9, p. 17].
- 22.) CSB case managers or support coordinators and PSTs shall coordinate with specific types of community providers identified in discharge to provide individuals, their families, and, where applicable,

## Exhibit M

### Department of Justice Settlement Agreement Requirements

their authorized representatives with opportunities to speak with those providers, visit community placements (including, where feasible, for overnight visits) and programs, and facilitate conversations and meetings with individuals currently living in the community and their families before being asked to make choices regarding options [section IV.B.9.b, p. 17].

- 23.) CSB case managers or support coordinators and PSTs shall assist individuals and, where applicable, their authorized representatives in choosing providers after providing the opportunities described in subsection 13 above and ensure that providers are timely identified and engaged in preparing for individuals' transitions [section IV.B.9.c, p.17].
- 24.) Case managers or support coordinators shall provide information to the Department about barriers to discharge for aggregation and analysis by the Department for ongoing quality improvement, discharge planning, and development of community-based services [IV.B.14, p. 19].
- 25.) In coordination with the Department's Post Move Monitor, the CSB shall conduct post- move monitoring visits within 30, 60, and 90 days following an individual's movement from a training center to a community setting [section IV.C.3, p.19]. The CSB shall provide information obtained in these post move monitoring visits to the Department within seven business days after the visit.
- 26.) If a CSB provides day support or residential services to individuals in the target population, the CSB shall implement risk management and quality improvement processes, including establishment of uniform risk triggers and thresholds that enable it to adequately address harms and risks of harms, including any physical injury, whether caused by abuse, neglect, or accidental causes [section V.C.1, p. 22].
- 27.) Using the protocol and the real-time, web-based incident reporting system implemented by the Department, the CSB shall report any suspected or alleged incidents of abuse or neglect as defined in § 37.2-100 of the Code, serious injuries as defined in 12 VAC 35- 115-30 of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services* or deaths to the Department within 24 hours of becoming aware of them [section V.C.2, p. 22].
- 28.) Participate with the Department to collect and analyze reliable data about individuals receiving services under this Agreement from each of the following areas:
  - a. safety and freedom from harm
  - b. physical, mental, and behavioral
  - c. avoiding crises
  - d. choice and self-determination
  - e. community inclusion, health and well-being
  - f. access to services
  - g. provider capacity
  - h. stability, [section V.D.3, pgs. 24 & 25]
- 29.) Participate in the regional quality council established by the Department that is responsible for assessing relevant data, identifying trends, and recommending responsive actions in its region [section V.D.5.a, p. 25].
- 30.) Provide access and assist the Independent Reviewer to assess compliance with this Agreement. The Independent Reviewer shall exercise his access in a manner that is reasonable and not unduly burdensome to the operation of the CSB and that has minimal impact on programs or services being provided to individuals receiving services under the Agreement [section VI.H, p. 30 and 31].
- 31.) Participate with the Department and any third party vendors in the implementation of the National Core

## Exhibit M

### Department of Justice Settlement Agreement Requirements

Indicators (NCI) Surveys and Quality Service Reviews (QSRs) for selected individuals receiving services under the Agreement. This includes informing individuals and authorized representatives about their selection for participation in the NCI individual surveys or QSRs; providing the access and information requested by the vendor, including health records, in a timely manner; assisting with any individual specific follow up activities; and completing NCI surveys [section V.I, p. 28].

a. During FY 21, the QSR process will be accelerated and will require the CSB to fully participate in the completion of QSR implementation twice during a nine-month period. This will ensure that the Commonwealth can show a complete improvement cycle intended by the QSR process by June 30, 2021. The attached GANTT details the schedule for the QSR reviews of 100% of providers, including support coordinators, for two review cycles.

32.) The CSB shall notify the community resource consultant (CRC) and regional support team (RST) in the following circumstances to enable the RST to monitor, track, and trend community integration and challenges that require further system development:

- a. within five calendar days of an individual being presented with any of the following residential options: an ICF, a nursing facility, a training center, or a group home/congregate setting with a licensed capacity of five beds or more;
- b. if the CSB is having difficulty finding services within 30 calendar days after the individual's enrollment in the waiver; or
- c. immediately when an individual is displaced from his or her residential placement for a second time [sections III.D.6 and III.E, p. 14].

33.) DBHDS shall provide data to CSBs on their compliance with the RST referral and implementation process.

- a. DBHDS shall provide information quarterly to the CSB on individuals who chose less integrated options due to the absence of something more integrated at the time of the RST review and semi-annually
- b. DBHDS shall notify CSBs of new providers of more integrated services so that individuals who had to choose less integrated options can be made aware of these new services and supports.
- c. CSBs shall offer more integrated options when identified by the CSB or provided by DBHDS.
- d. CSBs shall accept technical assistance from DBHDS if the CSB is not meeting expectations.

34.) Case managers or support coordinators shall collaborate with the CRC to ensure that person-centered planning and placement in the most integrated setting appropriate to the individual's needs and consistent with his or her informed choice occur [section III.E.1- 3, p. 14].

- a. CSBs shall collaborate with DBHDS CRCs to explore community integrated options including working with providers to create innovative solutions for people.

The Department encourages the CSB to provide the Independent Reviewer with access to its services and records and to individuals receiving services from the CSB; however, access shall be given at the sole discretion of the CSB [section VI.G, p. 31].

35.) Developmental Case Management Services

- a. Case managers or support coordinators employed or contracted by the CSB shall meet the knowledge, skills, and abilities qualifications in the Case Management Licensing Regulations, 12 VAC 35-105-1250. During its inspections, the Department's Licensing Office may verify compliance as it reviews personnel records.
- b. Reviews of the individual support plan (ISP), including necessary assessment updates, shall be conducted with the individual quarterly or every 90 days and include modifications in the ISP when the individual's status or needs and desires change.

## Exhibit M

### Department of Justice Settlement Agreement Requirements

- c. During its inspections, the Department's Licensing Office may verify this as it reviews the ISPs including those from a sample identified by the CSB of individuals who discontinued case management services.
- d. The CSB shall ensure that all information about each individual, including the ISP and VIDES, is imported from the CSB's electronic health record (EHR) to the Department within five (5) business days through an electronic exchange mechanism mutually agreed upon by the CSB and the Department into the electronic waiver management system (WaMS).
- e. If the CSB is unable to submit via the data exchange process, it shall enter this data directly through WaMS, when the individual is entered the first time for services, or when his or her living situation changes, her or his ISP is reviewed annually, or whenever changes occur, including information about the individual's:
  - i. full name
  - ii. social security number
  - iii. Medicaid number
  - iv. level of care information
  - v. change in status
  - vi. terminations
  - vii. CSB unique identifier
  - viii. transfers
  - ix. current physical residence address
  - x. waiting list information
  - xi. living situation (e.g., group home
  - xii. bed capacity of the group home if that is chosen
  - xiii. family home, or own home)
- f. Case managers or support coordinators and other CSB staff shall comply with the SIS<sup>®</sup> Administration Process and any changes in the process within 30 calendar days of notification of the changes.
- g. Case managers or support coordinators shall notify the Department's service authorization staff that an individual has been terminated from all DD waiver services within 10 business days of termination.
- h. Case managers or support coordinators shall assist with initiating services within 30 calendar days of waiver enrollment and shall submit Request to Retain Slot forms as required by the Department. All written denial notifications to the individual, and family/caregiver, as appropriate, shall be accompanied by the standard appeal rights (12VAC30-110).
- i. Case managers or support coordinators shall complete the level of care tool for individuals requesting DD Waiver services within 60 calendar days of application for individuals expected to present for services within one year.
- j. Case managers or support coordinators shall comply with the DD waitlist process and slot assignment process and implement any changes in the processes within 30 calendar days of written notice from the Department.

## Exhibit M

### Department of Justice Settlement Agreement Requirements

PLAN TO MEET COMPLIANCE BY JUNE 30, 2021					PERIOD:													
	MILESTONES	PLAN START	PLAN DURATION	COMPLETE DATE	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21
					Phase 1	Vendor Contract	4/1/2020	1 Month	4/27/2020									
Tools/Definitions/ Methodology Refined and Delivered to	5/1/2020	1 Month	5/22/2020															
IR/Consultant Review and Approval	5/22/2020	2 Weeks	6/5/2020															
Finalize Tools and Train Reviewers	6/5/2020	4 Weeks	6/30/2020															
Group 1 Reviews Begin (290)	7/1/2020	45 Days	8/15/2020															
Group 2 Reviews (290)	8/15/2020	45 Days	9/30/2020															
Phase 2	Group 1 Data Analysis and Reports Developed and Delivered	8/16/2020	1 Month	9/15/2020														
	Group 1 Technical Assistance Developed and Delivered	7/1/2020	1 Month/ Ongoing	9/15/2020														
	Group 2 Data Analysis and Reports Developed and Delivered	10/1/2020	1 Month	10/31/2020														
	Group 2 Technical Assistance Developed and Delivered	9/16/2020	45 Days/ Ongoing	10/31/2020														
Phase 3	Group 1 Improvements Implemented	9/16/2020	2 Months	11/15/2020														
	Group 2 Improvements Implemented	11/1/2020	2 Months	12/31/2020														
Phase 4	Group 1 Re-Review	11/15/2020	45 Days	12/31/2020														
	Group 2 Re-Review	1/1/2021	45 Days	2/15/2021														
	Group 1 Data Analysis and Report Generation to Evaluate Impact	1/1/2021	1 Month	1/31/2021														
	Group 2 Data Analysis and Report Generation to Evaluate Impact	2/16/2021	1 Month	3/15/2021														
	Group 1 Report Delivered to IR	2/1/2021	N/A	2/1/2021														
	Group 2 Report Delivered to IR	3/16/2021	N/A	3/16/2021														
	Specific Activity																	
	Ongoing Activity																	

**FY2021 And FY2022 Community Services Performance Contract**

**FY 2021 Exhibit A: Resources and Services**

**Goochland-Powhatan Community Services**

**Consolidated Budget (Pages AF-3 through AF-12)**

<b>Funding Sources</b>	<b>Mental Health (MH) Services</b>	<b>Developmental (DV) Services</b>	<b>Substance Use Disorder (SUD) Services</b>	<b>TOTAL</b>
State Funds	1,880,806	290,394	468,162	2,639,362
Local Matching Funds	127,157	361,283	0	488,440
<b>Total Fees</b>	<b>554,238</b>	<b>649,328</b>	<b>9,100</b>	<b>1,212,666</b>
Transfer Fees In/(Out)	0	0	0	0
Federal Funds	69,790	0	311,082	380,872
Other Funds	13,413	0	26,587	40,000
State Retained Earnings	0	0	0	0
Federal Retained Earnings	0		0	0
Other Retained Earnings	0	0	0	0
<b>Subtotal Ongoing Funds</b>	<b>2,645,404</b>	<b>1,301,005</b>	<b>814,931</b>	<b>4,761,340</b>
State Funds One-Time	0	0	0	0
Federal Funds One-Time	0		0	0
<b>Subtotal One -Time Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL ALL FUNDS</b>	<b>2,645,404</b>	<b>1,301,005</b>	<b>814,931</b>	<b>4,761,340</b>
<b>Cost for MH/DV/SUD Services</b>	<b>1,799,562</b>	<b>1,515,016</b>	<b>822,053</b>	<b>4,136,631</b>
<b>Cost for Emergency Services (AP-4)</b>				<b>390,948</b>
<b>Cost for Ancillary Services (AP-4)</b>				<b>301,610</b>
<b>Total Cost for Services</b>				<b>4,829,189</b>

<b>Local Match Computation</b>	
<b>Total State Funds</b>	2,639,362
<b>Total Local Matching Funds</b>	488,440
<b>Total State and Local Funds</b>	3,127,802
<b>Total Local Match % (Local / Total State + Local)</b>	<b>15.62%</b>

<b>CSB Administrative Percentage</b>	
<b>Administrative Expenses</b>	823,483
<b>Total Cost for Services</b>	4,829,189
<b>Admin / Total Expenses</b>	<b>17.05%</b>

**FY2021 And FY2022 Community Services Performance Contract**  
**FY 2021 Exhibit A: Resources and Services**  
**Goochland-Powhatan Community Services**  
**Financial Comments**

<b>Comment1</b>	Removed \$100,186 State DV Funds and \$93,820 Local Funds for Part C.
<b>Comment2</b>	
<b>Comment3</b>	
<b>Comment4</b>	
<b>Comment5</b>	
<b>Comment6</b>	
<b>Comment7</b>	
<b>Comment8</b>	
<b>Comment9</b>	
<b>Comment10</b>	
<b>Comment11</b>	
<b>Comment12</b>	
<b>Comment13</b>	
<b>Comment14</b>	
<b>Comment15</b>	
<b>Comment16</b>	
<b>Comment17</b>	
<b>Comment18</b>	
<b>Comment19</b>	
<b>Comment20</b>	
<b>Comment21</b>	
<b>Comment22</b>	
<b>Comment23</b>	
<b>Comment24</b>	
<b>Comment25</b>	

FY2021 Exhibit A: Resources and Services

Mental Health (MH) Services  
Goochland-Powhatan Community Services

Funding Sources	Funds
<u>FEES</u>	
MH Medicaid Fees	290,244
MH Fees: Other	263,994
Total MH Fees	<u>554,238</u>
MH Transfer Fees In/(Out)	0
MH Net Fees	<u>554,238</u>
<u>FEDERAL FUNDS</u>	
MH FBG SED Child & Adolescent (93.958)	49,268
MH FBG Young Adult SMI (93.958)	0
MH FBG SMI (93.958)	20,522
MH FBG SMI PACT (93.958)	0
MH FBG SMI SWVBH Board (93.958)	0
Total MH FBG SMI Funds	<u>20,522</u>
MH FBG Geriatrics (93.958)	0
MH FBG Peer Services (93.958)	0
Total MH FBG Adult Funds	<u>20,522</u>
MH Federal PATH (93.150)	0
MH Federal COVID Emergency Grant (93.665)	0
MH Other Federal - DBHDS	0
MH Other Federal - COVID Support	0
MH Other Federal - CSB	0
Total MH Federal Funds	<u>69,790</u>
<u>STATE FUNDS</u>	
<u>Regional Funds</u>	
MH Acute Care (Fiscal Agent)	0
MH Acute Care Transfer In/(Out)	17,362
Total MH Net Acute Care - Restricted	<u>17,362</u>
MH Regional DAP (Fiscal Agent)	0
MH Regional DAP Transfer In/(Out)	0
Total MH Net Regional DAP - Restricted	<u>0</u>
MH Regional Residential DAP - Restricted	0
MH Crisis Stabilization (Fiscal Agent)	0
MH Crisis Stabilization - Transfer In/(Out)	80,828
Total Net MH Crisis Stabilization - Restricted	<u>80,828</u>
MH Transfers from DBHDS Facilities (Fiscal Agent)	0
MH Transfers from DBHDS Facilities - Transfer In/(Out)	0
Total Net MH Transfers from DBHDS Facilities	<u>0</u>
MH Expanded Community Capacity (Fiscal Agent)	0
MH Expanded Community Capacity Transfer In/(Out)	0
Total MH Net Expanded Community Capacity	<u>0</u>

FY2021 And FY2022 Community Services Performance Contract

FY2021 Exhibit A: Resources and Services

Mental Health (MH) Services  
Goochland-Powhatan Community Services

Funding Sources	Funds
MH First Aid and Suicide Prevention (Fiscal Agent)	0
MH First Aid and Suicide Prevention Transfer In/(Out)	0
<b>Total MH Net First Aid and Suicide Prevention</b>	<b>0</b>
MH STEP-VA Outpatient (Fiscal Agent)	387,380
MH STEP-VA Outpatient Transfer In/Out	0
<b>Total Net MH STEP-VA Outpatient</b>	<b>387,380</b>
MH STEP-VA Crisis (Fiscal Agent)	0
MH STEP-VA Crisis Transfer In/Out	0
<b>Total Net MH STEP-VA Crisis</b>	<b>0</b>
MH Forensic Discharge Planning (Fiscal Agent)	0
MH Forensic Discharge Planning Transfer In/(Out)	0
<b>Total Net MH Forensic Discharge Planning</b>	<b>0</b>
MH Permanent Supportive Housing (Fiscal Agent)	0
MH Permanent Supportive Housing Transfer In/(Out)	0
<b>Total Net MH Permanent Supportive Housing</b>	<b>0</b>
MH Recovery (Fiscal Agent)	0
MH Other Merged Regional Funds (Fiscal Agent)	0
MH State Regional Deaf Services (Fiscal Agent)	0
MH Total Regional Transfer In/(Out)	96,597
<b>Total MH Net Unrestricted Regional State Funds</b>	<b>96,597</b>
<b>Total MH Net Regional State Funds</b>	<b>582,167</b>
<u>Children State Funds</u>	
MH Child & Adolescent Services Initiative	51,599
MH Children's Outpatient Services	68,000
MH Juvenile Detention	0
<b>Total MH Restricted Children's Funds</b>	<b>119,599</b>
MH State Children's Services	22,500
MH Demo Proj-System of Care (Child)	0
<b>Total MH Unrestricted Children's Funds</b>	<b>22,500</b>
MH Crisis Response & Child Psychiatry (Fiscal Agent)	0
MH Crisis Response & Child Psychiatry Transfer In/(Out)	0
<b>Total MH Net Restricted Crisis Response &amp; Child Psychiatry</b>	<b>0</b>
<b>Total State MH Children's Funds (Restricted for Children)</b>	<b>142,099</b>
<u>Other State Funds</u>	
MH Law Reform	198,895
MH Pharmacy - Medication Supports	15,891
MH Jail Diversion Services	0
MH Rural Jail Diversion	0

FY2021 And FY2022 Community Services Performance Contract

FY2021 Exhibit A: Resources and Services

Mental Health (MH) Services

Goochland-Powhatan Community Services

Funding Sources	Funds
MH Docket Pilot JMHCP Match	0
MH Adult Outpatient Competency Restoration Services	0
MH CIT-Assessment Sites	0
MH Expand Telepsychiatry Capacity	0
MH PACT	0
MH PACT - Forensic Enhancement	0
MH Gero-Psychiatric Services	0
MH STEP-VA - SDA, Primary Care Screening, Ancillary Services, and Clinicians Crisis	322,216
MH Young Adult SMI	0
<b>Total MH Restricted Other State Funds</b>	<b>537,002</b>
MH State Funds	619,538
MH State NGRI Funds	0
MH Geriatrics Services	0
<b>Total MH Unrestricted Other State Funds</b>	<b>619,538</b>
<b>Total MH Other State Funds</b>	<b>1,156,540</b>
<b>TOTAL MH STATE FUNDS</b>	<b>1,880,806</b>
MH Other Funds	13,413
MH Federal Retained Earnings	0
MH State Retained Earnings	0
MH State Retained Earnings - Regional Programs	0
MH Other Retained Earnings	0
<b>Total MH Other Funds</b>	<b>13,413</b>
<b>LOCAL MATCHING FUNDS</b>	
MH Local Government Appropriations	127,157
MH Philanthropic Cash Contributions	0
MH In-Kind Contributions	0
MH Local Interest Revenue	0
<b>Total MH Local Matching Funds</b>	<b>127,157</b>
<b>Total MH Funds</b>	<b>2,645,404</b>
<b>MH ONE TIME FUNDS</b>	
MH FBG SMI (93.958)	0
MH FBG SED Child & Adolescent (93.958)	0
MH FBG Peer Services (93.958)	0
MH State Funds	0
MH One-Time Restricted State Funds	0
<b>Total One Time MH Funds</b>	<b>0</b>
<b>Total MH All Funds</b>	<b>2,645,404</b>

FY2021 Exhibit A: Resources and Services

Developmental Services (DV)  
Goochland-Powhatan Community Services

<u>Funding Sources</u>	<u>Funds</u>
<u>FEES</u>	
DV Medicaid DD Waiver Fees	490,893
DV Other Medicaid Fees	158,435
DV Medicaid ICF/IDD Fees	0
DV Fees: Other	0
Total DV Fees	<b>649,328</b>
DV Transfer Fees In/(Out)	0
DV NET FEES	<b>649,328</b>
<u>FEDERAL FUNDS</u>	
DV Other Federal - DBHDS	0
DV Other Federal - CSB	0
DV Other Federal - COVID Support	0
Total DV Federal Funds	<b>0</b>
<u>STATE FUNDS</u>	
DV State Funds	290,394
DV OBRA Funds	0
Total DV Unrestricted State Funds	<b>290,394</b>
DV Trust Fund (Restricted)	0
DV Rental Subsidies	0
DV Guardianship Funding	0
DV Crisis Stabilization (Fiscal Agent)	0
DV Crisis Stabilization Transfer In(Out)	0
DV Net Crisis Stabilization	<b>0</b>
DV Crisis Stabilization-Children (Fiscal Agent)	0
DV Crisis Stabilization-Children Transfer In(Out)	0
DV Net Crisis Stabilization -Children	<b>0</b>
DV Transfers from DBHDS Facilities (Fiscal Agent)	0
DV Transfers from DBHDS Facilities - Transfer In/(Out)	0
Total Net DV Transfers from DBHDS Facilities	<b>0</b>
Total DV Restricted State Funds	<b>0</b>
Total DV State Funds	<b>290,394</b>

FY2021 Exhibit A: Resources and Services

Developmental Services (DV)

Goochland-Powhatan Community Services

<u>Funding Sources</u>	<u>Funds</u>
<u>OTHER FUNDS</u>	
DV Workshop Sales	0
DV Other Funds	0
DV State Retained Earnings	0
DV State Retained Earnings-Regional Programs	0
DV Other Retained Earnings	0
Total DV Other Funds	0
<u>LOCAL MATCHING FUNDS</u>	
DV Local Government Appropriations	361,283
DV Philanthropic Cash Contributions	0
DV In-Kind Contributions	0
DV Local Interest Revenue	0
Total DV Local Matching Funds	361,283
Total DV Funds	1,301,005
<u>DV ONE TIME FUNDS</u>	
DV One-Time Restricted State Funds	0
Total One Time DV Funds	0
Total DV All Funds	1,301,005

FY2021 And FY2022 Community Services Performance Contract

FY2021 Exhibit A: Resources and Services

Substance Use Disorder (SUD) Services

Goochland-Powhatan Community Services

Funding Sources	Funds
<u>FEES</u>	
SUD Medicaid Fees	0
SUD Fees: Other	9,100
Total SUD Fees	9,100
SUD Transfer Fees In/(Out)	0
SUD NET FEES	9,100
<u>FEDERAL FUNDS</u>	
SUD FBG Alcohol/Drug Treatment (93.959)	87,214
SUD FBG SARPOS (93.959)	19,022
SUD FBG Jail Services (93.959)	0
SUD FBG Co-Occurring (93.959)	0
SUD FBG New Directions (93.959)	0
SUD FBG Recovery (93.959)	0
SUD FBG MAT - Medically Assisted Treatment (93.959)	0
Total SUD FBG Alcohol/Drug Treatment Funds	106,236
SUD FBG Women (includes LINK at 6 CSBs) (93.959)	54,846
Total SUD FBG Women Funds	54,846
SUD FBG Prevention (93.959)	150,000
SUD FBG Prev-Family Wellness (93.959)	0
Total SUD FBG Prevention Funds	150,000
SUD Federal VA Project LINK/PPW (93.243)	0
SUD Federal Strategic Prevention (93.243)	0
SUD Federal COVID Emergency Grant (93.665)	0
SUD Federal YSAT – Implementation (93.243)	0
SUD Federal OPT-R - Prevention (93.788)	0
SUD Federal OPT-R - Treatment (93.788)	0
SUD Federal OPT-R - Recovery (93.788)	0
Total SUD Federal OPT-R Funds (93.788)	0
SUD Federal Opioid Response – Recovery (93.788)	0
SUD Federal Opioid Response – Treatment (93.788)	0
SUD Federal Opioid Response – Prevention (93.788)	0
Total SUD Federal Opioid Response Funds (93.788)	0
SUD Other Federal - DBHDS	0
SUD Other Federal - CSB	0
SUD Other Federal - COVID Support	0
TOTAL SUD FEDERAL FUNDS	311,082

FY2021 And FY2022 Community Services Performance Contract

FY2021 Exhibit A: Resources and Services

Substance Use Disorder (SUD) Services

Goochland-Powhatan Community Services

Funding Sources	Funds
<b>STATE FUNDS</b>	
<b>Regional Funds</b>	
SUD Facility Reinvestment (Fiscal Agent)	0
SUD Facility Reinvestment Transfer In/(Out)	0
Total SUD Net Facility Reinvestment	0
SUD Transfers from DBHDS Facilities (Fiscal Agent)	0
SUD Transfers from DBHDS Facilities - Transfer In/(Out)	0
Total Net SUD Transfers from DBHDS Facilities	0
SUD Community Detoxification (Fiscal Agent)	0
SUD Community Detoxification – Transfer In/(Out)	0
Total Net SUD Community Detoxification	0
SUD STEP-VA (Fiscal Agent)	0
SUD STEP-VA - Transfer In/(Out)	0
Total SUD Net STEP-VA - Restricted	0
Total SUD Net Regional State Funds	0
<b>Other State Funds</b>	
SUD Women (includes LINK at 4 CSBs) (Restricted)	300
SUD Recovery Employment	0
SUD MAT - Medically Assisted Treatment	100,000
SUD Peer Support Recovery	0
SUD Permanent Supportive Housing Women	0
SUD SARPOS	5,237
SUD Recovery	0
Total SUD Restricted Other State Funds	105,537
SUD State Funds	362,625
SUD Region V Residential	0
SUD Jail Services/Juvenile Detention	0
SUD HIV/AIDS	0
Total SUD Unrestricted Other State Funds	362,625
Total SUD Other State Funds	468,162
TOTAL SUD STATE FUNDS	468,162
<b>OTHER FUNDS</b>	
SUD Other Funds	26,587
SUD Federal Retained Earnings	0
SUD State Retained Earnings	0
SUD State Retained Earnings-Regional Programs	0
SUD Other Retained Earnings	0
Total SUD Other Funds	26,587
<b>LOCAL MATCHING FUNDS</b>	
SUD Local Government Appropriations	0
SUD Philanthropic Cash Contributions	0

FY2021 And FY2022 Community Services Performance Contract

FY2021 Exhibit A: Resources and Services

Substance Use Disorder (SUD) Services

Goochland-Powhatan Community Services

<u>Funding Sources</u>	<u>Funds</u>
SUD In-Kind Contributions	0
SUD Local Interest Revenue	0
Total SUD Local Matching Funds	<u>0</u>
Total SUD Funds	814,931
<u>SUD ONE-TIME FUNDS</u>	
SUD FBG Alcohol/Drug Treatment (93.959)	0
SUD FBG Women (includes LINK-6 CSBs) (93.959)	0
SUD FBG Prevention (93.959)	0
SUD FBG Recovery (93.959)	0
SUD State Funds	0
Total SUD One-Time Funds	<u>0</u>
Total All SUD Funds	814,931

**FY2021 And FY2022 Community Services Performance Contract**

**FY 2021 Exhibit A: Resources and Services**

**Local Government Tax Appropriations**

**Goochland-Powhatan Community Services**

<b>City/County</b>	<b>Tax Appropriation</b>
Powhatan County	244,220
Goochland County	244,220
<b>Total Local Government Tax Funds:</b>	<b>488,440</b>

**FY2021 And FY2022 Community Services Performance Contract**

**FY2021 Exhibit A: Resources and Services**

**Supplemental Information**

**Reconciliation of Projected Resources and Core Services Costs by Program Area**

**Goochland-Powhatan Community Services**

	<b>MH Services</b>	<b>DV Services</b>	<b>SUD Services</b>	<b>Emergency Services</b>	<b>Ancillary Services</b>	<b>Total</b>
<b>Total All Funds (Page AF-1)</b>	2,645,404	1,301,005	814,931			4,761,340
<b>Cost for MH, DV, SUD, Emergency, and Ancillary Services</b>	1,799,562	1,515,016	822,053	390,948	301,610	4,829,189
<b>Difference</b>	845,842	-214,011	-7,122	-390,948	-301,610	-67,849

**Difference results from**

**Other:** -67,849

**Explanation of Other in Table Above:**

Paid by RBHA on behalf of GPCS for regional programs.

**FY2021 And FY2022 Community Services Performance Contract**

**FY2021 Exhibit A: Resources and Services**

**CSB 100 Mental Health Services**

**Goochland-Powhatan Community Services**

**Report for Form 11**

Core Services	Projected Service Capacity	Projected Numbers of Individuals Receiving Services	Projected Total Service Costs
250 Acute Psychiatric Inpatient Services	0.1 Beds	8	\$20,164
310 Outpatient Services	4.5 FTEs	400	\$475,155
320 Case Management Services	6 FTEs	300	\$645,753
425 Mental Health Rehabilitation	20 Slots	40	\$559,848
510 Residential Crisis Stabilization Services	0.22 Beds	4	\$98,642
<b>Totals</b>		<b>752</b>	<b>\$1,799,562</b>

Form 11A: Pharmacy Medication Supports	Number of Consumers
803 Total Pharmacy Medication Supports Consumers	12

**FY2021 And FY2022 Community Services Performance Contract**

**FY2021 Exhibit A: Resources and Services**

**CSB 200 Developmental Services**

**Goochland-Powhatan Community Services**

**Report for Form 21**

<b>Core Services</b>	<b>Projected Service Capacity</b>	<b>Projected Numbers of Individuals Receiving Services</b>	<b>Projected Total Service Costs</b>
320 Case Management Services	4.75 FTEs	150	\$390,274
425 Developmental Habilitation	18 Slots	22	\$601,537
581 Supportive Residential Services	8.75 FTEs	34	\$523,205
	<b>Totals</b>	<b>206</b>	<b>\$1,515,016</b>

**FY2021 And FY2022 Community Services Performance Contract**

**FY2021 Exhibit A: Resources and Services**

**CSB 300 Substance Use Disorder Services**

**Goochland-Powhatan Community Services**

**Report for Form 31**

Core Services	Projected Service Capacity	Projected Numbers of Individuals Receiving Services	Projected Total Service Costs
310 Outpatient Services	1.25 FTEs	125	\$424,060
320 Case Management Services	1.25 FTEs	50	\$60,428
521 Intensive Residential Services	21 Beds	5	\$23,187
610 Prevention Services	2 FTEs		\$314,378
<b>Totals</b>		<b>180</b>	<b>\$822,053</b>

**FY2021 And FY2022 Community Services Performance Contract**

**FY2021 Exhibit A: Resources and Services**

**CSB 400 Emergency and Ancillary Services**

**Goochland-Powhatan Community Services**

Report for Form 01

<b>Core Services</b>	<b>Projected Service Capacity</b>	<b>Projected Numbers of Individuals Receiving Services</b>	<b>Projected Total Service Costs</b>
100 Emergency Services	4.5 FTEs	225	\$390,948
720 Assessment and Evaluation Services	2.5 FTEs	450	\$301,610
	<b>Totals</b>	<b>675</b>	<b>\$692,558</b>

# FY2021 And FY2022 Community Services Performance Contract

## Table 2: Board Management Salary Costs

Name of CSB:	Goochland-Powhatan Community Services		FY 2021		
Table 2a:	FY 2021	Salary Range	Budgeted Tot.	Tenure	
Management Position Title	Beginning	Ending	Salary Cost	(yrs)	
Executive Director	\$125,000.00	\$125,000.00	\$125,000.00	1.70	

## Table 2: Integrated Behavioral and Primary Health Care Questions

1. Is the CSB participating in a partnership with a federally qualified health center, free clinic, or local health department to integrate the provision of behavioral health and primary health care?

No

2. If yes, who is the partner?

a federally qualified health center

Name:

a free clinic

Name:

a local health department, or

Name:

another organization

Name:

3. Where is primary health (medical) care provided?

on-site in a CSB program,

on-site at the primary health care provider, or

another site --specify:

4. Where is behavioral health care provided?

on-site in a CSB program,

on-site at the primary health care provider, or

another site --specify:



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

---

Agenda Item Title: Approval of Memorandum of Understanding (MOU) and Resolution R-2020-43 authorizing the CARES Act Funding allocated for Economic Development Business Grants (\$517,404.60) to be transferred to the EDA for use in facilitating a grant program for small businesses.

Motion: Move to approve the MOU and Resolution for transfer of CARES Act Funding to EDA for Economic Development Business Grants.

Dates Previously  
Considered by Board: N/A

Summary of Item: The CARES Act funding plan, approved by the Board of Supervisors on June 22, 2020, allocated \$517,404.60 (20%) to Economic Development for small business grants. The MOU and Resolution are intended to allow the Economic Development Authority (EDA) to be used as a conduit between the Board of Supervisors and the EDA for the funds, as recommended by the County Attorney's office and in-line with the model used by many other localities. The EDA will contract with Community Investment Collaborative (CIC) to administer the grant program to small businesses in Powhatan.

Staff:                      X   Approve                    \_\_\_ Disapprove                    \_\_\_ See Comments

Commission/Board:                      X   Approve                    \_\_\_ Disapprove                    \_\_\_ See Comments

County Administrator:                      X   Approve                    \_\_\_ Disapprove                    \_\_\_ See Comments

Comments:                    None

Budget/Fiscal Impact:                    None

Attachments:                    MOU for CARES Act Funds, Exhibit A and Resolution

Staff/Contact:                    Bret Schardein, Interim County Administrator, 804-598-3639,  
bschardein@powhatanva.gov

**RESOLUTION TO AUTHORIZE FIVE HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED AND FOUR DOLLARS AND SIXTY CENTS FOR THE CARES ACT BUSINESS ASSISTANCE GRANT FROM THE FEDERAL GOVERNMENT CORONAVIRUS RELIEF FUNDS**

**WHEREAS**, Congress passed and the President signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020; and

**WHEREAS**, the Commonwealth of Virginia received funding based on population and each locality’s allocation will be based on the proportion that the locality’s population represents of the statewide total population; and

**WHEREAS**, the funds will be used for qualifying expenditures incurred during the period that begins on March 1, 2020 and ends on December 30, 2020; and

**WHEREAS**, the Board of Supervisors approved the Memorandum of Agreement with the Powhatan County Economic Development Authority for the CARES Act Business Disruption Grant; and

**WHEREAS**, the following funds in the amount of five hundred seventeen thousand four hundred and four dollars and sixty cents (\$517,404.60) need to be authorized to be spent from the Federal Cares Coronavirus Relief Funds for the CARES Act Business Disruption Grant in the 2020-2021 budget of the County of Powhatan, Virginia.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of Supervisors of the County of Powhatan, Virginia that five hundred seventeen thousand four hundred and four dollars and sixty cents (\$517,404.60) be authorized to be spent from the Federal Cares Coronavirus Relief Funds for the CARES Act Business Disruption Grant in 2020-2021 budget of the County of Powhatan, Virginia.

**BE IT FURTHER RESOLVED** that the County Administrator of the County of Powhatan, Virginia is authorized to make the appropriate accounting adjustments in the budget and to do all things necessary to give this resolution effect.

Adopted this 27<sup>th</sup> day of July, 2020.

Recorded Vote:

Michael W. Byerly \_\_\_\_\_  
Karin M. Carmack \_\_\_\_\_  
Bill L. Cox \_\_\_\_\_  
Larry J. Nordvig \_\_\_\_\_  
David T. Williams \_\_\_\_\_

\_\_\_\_\_  
David T. Williams, Chair  
Powhatan County Board of Supervisors

ATTEST: \_\_\_\_\_  
Bret Schardein, Clerk  
Powhatan County Board of Supervisors

## MEMORANDUM OF UNDERSTANDING

**THIS MEMORANDUM OF UNDERSTANDING by and between the POWHATAN COUNTY BOARD OF SUPERVISORS (“BOARD OF SUPERVISORS”) and the POWHATAN COUNTY ECONOMIC DEVELOPMENT AUTHORITY (“EDA”).**

**WHEREAS**, the COVID-19 pandemic has spread worldwide, causing significant illness, loss of life, and economic disruption around the world; and

**WHEREAS**, the federal government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, which provides funding for various programs to address the effects of the COVID-19 pandemic; and

**WHEREAS**, part of the CARES Act gives monetary assistance to state and local governments to help address the direct impacts of the COVID-19 pandemic; and

**WHEREAS**, Powhatan County has felt the effects of the COVID-19 pandemic in many ways, but the effects have been especially harsh for local, small businesses; and

**WHEREAS**, pursuant to Virginia Code Section 15.2-4901, the intent of the legislature in authorizing the creation of economic development authorities was so “that such authorities may be able to promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit, and commercial enterprises and institutions of higher education to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources, and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, and convenience or prosperity”; and

**WHEREAS**, pursuant to Virginia Code Section 15.2-4905, the Economic Development Authority of Powhatan County, Virginia (the “EDA”) has the authority “to make . . . grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development”; and

**WHEREAS**, the EDA is uniquely qualified to understand the economic impact of the COVID-19 pandemic on small businesses within Powhatan County; and

**WHEREAS**, the Board of Supervisors wishes to transfer money from the CARES Act to the EDA in order for the EDA to facilitate a grant program to aid local small businesses using very specific guidelines; and

**WHEREAS**, the EDA shall employ Community Investment Collaborative (“CIC”) to administer the program and the EDA will act as a conduit between the Board of Supervisors and CIC.

**NOW THEREFORE**, for and in consideration of the mutual benefits to be derived from this Memorandum of Understanding, the parties agree as follows:

1. Powhatan County, Virginia shall transfer five hundred, seventeen thousand and four hundred and four dollars and sixty cents (\$517,404.60) received from the CARES Act from the Powhatan County account to the Powhatan County EDA account to establish a grant program to help local businesses.
2. The Powhatan County EDA shall distribute funds via grants in strict accordance with the CARES Act and the guidance issued by the state.
3. The Powhatan County EDA shall contract with Community Investment Collaborative (“CIC”) and CIC will administer the grant program, allowing the EDA to act a conduit between the Board of Supervisors and CIC.
4. The attached Exhibit A outlines the requirements for businesses and the metric established for disbursement of the grants.
5. This is a very limited situation and all funds must be expended by October 30, 2020. Any funds not distributed by CIC through the grant process shall be returned to the Powhatan County Board of Supervisors.
6. Both parties have obtained the authority of their governing bodies to execute this MOU.
7. Either party may terminate this MOU at any time by providing the other party with sixty (60) days written notice.

This Memorandum of Understanding represents the mutually agreed upon goals and responsibilities between the Powhatan County Board of Supervisors and the EDA for the allocation of funds from the CARES Act.

Witness the following signatures made this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
David T. Williams, Chair  
Powhatan County Board of Supervisors

\_\_\_\_\_  
John C. Watkins, Chair  
Powhatan County Economic Development Authority

## Exhibit A



### **Grant Program Obligations**

- a) The Powhatan County Economic Development Authority (EDA) agrees to use the CARES Act Small Business Grant Funds (Grant) for the purpose of providing Grants to Powhatan County (County) small businesses.
- b) The EDA acknowledges and agrees that the CARES Act grant funds are County funds for which the EDA will serve as a conduit and obligation to disperse Grants to the small businesses is wholly contingent upon the EDA receipt of the CARES Act grant funds from the County in the first instance.
- c) The EDA acknowledges and agrees to contract with a third party contractor to administer the Grant Program for the County in all respects, including, but not limited to, making determinations as to which businesses receive Grants, and the process for selecting the Grant recipients. Upon receipt of the requisite monies from the County to fund the Grant Program, the Contractor shall, subject to the Disbursement Prerequisites section below, disburse the Grant payments to the selected small businesses pursuant to Disbursement of CARES ACT Grants section below. The CONTRACTOR will return any unutilized CARES Act grant fund monies to the County within 30 days of October 30, 2020. Any CARES Act grant funds that are not distributed by the CONTRACTOR by October 30, 2020, shall be returned to the County.

### **Small Business Qualification Criteria**

1. Business may have a maximum of 25 full-time or full-time equivalent employees that are employed in Powhatan County.
2. Business may have a maximum of \$2.5 million in revenue per year.
3. Businesses would need to be physically located in Powhatan County.
4. Businesses would have to be current on County taxes thru March 1, 2020 with documentation proof and have a current Powhatan County Business License, unless not required to obtain a license through the Commissioner of Revenue's office
5. Businesses must have experienced a revenue loss of 25% or greater attributable to Covid-19, with proof of loss documentation from March-June 2019 and March-June 2020. Higher preference to higher revenue loss.
6. Businesses with 10-25 employees are eligible for a grant up to \$25,000 with no minimum.
7. Businesses with 1-9 employees are eligible for a grant up to \$10,000 with no minimum.

8. Not be owned (in whole or in part) by any individuals who are an employee of Powhatan County or the Powhatan County Economic Development Authority, nor any family members or household members of same; and
9. Not at any point since June 1, 2019 employed: (i) any individuals who are or were an employee of Powhatan County or the Powhatan County Economic Development Authority; or (ii), any family or household members or household members of the same (collectively, the “Eligibility Requirements”).

\*For purposes of this Grant Program, the term “family members” is defined as any spouse, partner, parent, legal guardian, child, sibling, grandparent, grandchild, or in-law.

The following businesses are not eligible for the program:

- Franchise businesses, except those that are locally owned and operated

**Documentation Required:**

- Copy of 2020 Powhatan County Business License
- Proof of County taxes paid through March 1, 2019, *verification clause*
- Completed and signed IRS form W-9, *verification clause*
- IRS form 941 or VEC-FC-20/21 (only for businesses with 10-25 employees), *verification clause*
- Monthly gross receipts history for the March-June 2019 & March- June 2020, *verification clause*
- Brief business summary/overview (years in business, services/products offered, hours of operation, track record prior to COVID-19)
- Explanation of use of the funds by business for COVID-19 related expenses, *verification clause*
- Brief description of impact of COVID-19 and how the funds will affect the current and future of the business

**Disbursement Prerequisites –**

The CONTRACTOR’s obligation to disburse the individual Grants to the selected small businesses is subject to and conditioned upon the following pre-conditions (“Disbursement Prerequisites”):

- a) Receipt of Application. The small business must have provided the Contractor with a complete Grant application, a sample of which is attached.
- b) Certification of Application. The Contractor must have certified that the small business qualifies for the Grant program and that the small business has provided all the information required to make this determination.
- c) Selection of Recipients. The Contractor must have selected the recipients of the Grants from the pool of certified applicants and the amount of the Grant each recipient is qualified to receive.

**Disbursement of CARES ACT Grants**

If the pre-condition and all other applicable Disbursement Prerequisites are met, and upon receipt of the CONTRACTOR shall disburse \$517,404.60 in individual grants not to exceed:

**Twenty-five Thousand and 00/100 Dollars (\$25,000) Grants** to recipients with gross receipts greater than \$500,000 in calendar year 2019 AND with a greater than 25% loss in sales during March-June 2020 compared to the same 2019 time period AND have 10-25 FTE employees pre-COVID. Documented Business Revenue Loss as a result of COVID-19 to exceed grant amount.

**Ten Thousand and 00/100 Dollars (\$10,000) Grants** to recipients with gross receipts less than \$500,000 in calendar year 2019 AND with a greater than 25% loss in sales during March-June 2020 compared to the same 2019 time period AND have less than 9 FTE employees. Documented Business Revenue Loss as a result of COVID-19 to exceed grant amount.

The CONTRACTOR shall disburse the Grant funds within 30 days of the close of application date agreed upon with the County.

**Repayment of CARES ACT Grant and Credits**

a) If a small business recipient of the Grant program relocates the business outside of Powhatan County within one (1) year of receiving the Grant funds then the small business recipient shall reimburse the CONTRACTOR the full amount of the grant funds received by it within sixty (60) days of receipt of notification by the County. Any refund paid by Grant fund recipients to the CONTRACTOR under this provision shall be repaid to the County within sixty (60) days of receipt of the funds from the Grant recipient.

Board of Supervisors  
David T. Williams, Chairman  
Karin M. Carmack, Vice Chairman  
Larry J. Nordvig  
Michael W. Byerly  
Bill L. Cox



Interim County Administrator  
Bret Schardein

3834 Old Buckingham Road  
Powhatan VA 23139

**County of  
Powhatan**

**RECOGNIZING ALEXANDER DAVIS  
FOR ACHIEVING "EAGLE SCOUT" RANK**

WHEREAS, Scouting, for both boys and girls, has been an integral part of our community as well as a positive influence for many years; and

WHEREAS, the Eagle rank is the highest rank in Scouting and is obtained by earning 21 merit badges and implementing skills in a troop leadership position; and

WHEREAS, in addition, the Eagle candidate must plan, develop and direct a major community service project through its entire completion; and

WHEREAS, on January 29, 2020, Scout Alexander Davis, a member of Boy Scouts of America Troop 1823, successfully completed all requirements for achieving Scouting's Eagle rank; and

WHEREAS, in earning his Eagle rank, Scout Alexander Davis earned a total of 43 merit badges, including the 13 badges required for Eagle rank; and

WHEREAS, He has served a variety of positions within the troop including junior assistant scout master, senior patrol leader, assistant senior patrol leader, and troop guide; and

WHEREAS, for part of his Eagle Project, Scout Alexander Davis constructed two small-animal wildlife cages measuring approximately 4 feet wide by 3 feet deep by 6 feet tall for the Alliance of Wild Animal Rehabilitators and Educators (AWARE) program to serve as temporary pens for local injured wildlife needing care.

NOW, THEREFORE, BE IT PROCLAIMED, that the Powhatan County Board of Supervisors hereby commends and congratulates Eagle Scout Alexander Davis on this outstanding accomplishment, extends its deepest appreciation for his dedicated work, and wishes him the best in all his future endeavors.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

\_\_\_\_\_  
David T. Williams, District 1, Chairman

\_\_\_\_\_  
Bill L. Cox, District 4

\_\_\_\_\_  
Larry J. Nordvig, District 2

\_\_\_\_\_  
Karin M. Carmack, District 5, Vice-Chair

\_\_\_\_\_  
Mike W. Byerly, District 3

**Recorded Vote:**

David T. Williams \_\_\_\_\_

Larry J. Nordvig \_\_\_\_\_

Mike W. Byerly \_\_\_\_\_

Bill L. Cox \_\_\_\_\_

Karin M. Carmack \_\_\_\_\_



## Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

---

Agenda Item Title: Review of Agricultural and Forestal Districts (AFDs)

Motion: Move to adopt Resolution #R-2020-47 to temporarily continue existing AFDs through December 31, 2020.

Dates Previously  
Considered by Board: December 16, 2019  
January 27, 2020

Summary of Item: More than 6,000 acres of land in Powhatan County are enrolled within ten separate Agricultural and Forestal Districts (AFDs).

The Code of Virginia states that the Board of Supervisors may choose to review AFDs every four to ten years.

All AFDs were scheduled to expire on April 12, 2020 (ten years after the last renewal). On January 27, 2020, the Board of Supervisors passed Resolution #R-2020-05, which continued all AFDs through July 31, 2020, allowing additional time to determine whether a full review of the AFD Program is necessary. In addition, the Board of Supervisors has requested an opinion from the Attorney General of Virginia regarding taxation and AFDs (which has not yet been received).

Attached is a resolution temporarily continuing AFDs until December 31, 2020.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: Attached is a resolution temporarily continuing AFDs until December 31, 2020.

Budget/Fiscal Impact: Properties enrolled within an AFD automatically qualify for an agricultural or forestal use-value tax assessment.

Attachments: Memo  
Map and List of Enrolled Properties

Staff/Contact: Andrew Pompei  
Planning Director  
(804) 598-5621 x2006  
[apompei@powhatanva.gov](mailto:apompei@powhatanva.gov).

**RESOLUTION #R-2020-47**

**A RESOLUTION TEMPORARILY CONTINUING EXISTING  
AGRICULTURAL AND FORESTAL DISTRICTS (AFDS) THROUGH  
DECEMBER 31, 2020**

**WHEREAS**, localities throughout Virginia have organized local AFD programs to help preserve working rural landscapes; and

**WHEREAS**, Powhatan County has organized a local AFD program under Title 15.2 (Counties, Cities, and Towns): Chapter 43 (Agricultural and Forestal Districts Act) of the Code of Virginia; and

**WHEREAS**, the first AFDs were created by the Board of Supervisors in 1991; and

**WHEREAS**, on April 12, 2010, the Board of Supervisors held a public hearing, and, after hearing no public comments and considering recommendations made by the AFD Advisory Committee and Planning Commission, voted (5-0) to continue all AFDs with two modifications until April 12, 2020; and

**WHEREAS**, on December 16, 2019, the Board of Supervisors began an initial discussion of the local AFD Program; and

**WHEREAS**, on January 27, 2020, the Board of Supervisors passed a resolution (Resolution #R-2020-05) temporarily continuing existing AFDs through July 31, 2020, providing additional time to determine whether a full review of all existing AFDs is necessary; and

**WHEREAS**, the Board of Supervisors is still awaiting an opinion from the Attorney General of Virginia regarding taxation and properties enrolled in AFDs; and

**WHEREAS**, the Board of Supervisors wishes to temporarily continue existing AFDs through December 31, 2020, providing additional time to determine whether a full review of all existing AFDs is necessary and to receive additional information from the Attorney General of Virginia;

**WHEREAS**, the properties listed in the table below, are enrolled in one of ten existing AFDs; and

**WHEREAS**, §15.2-4311 states that the Board of Supervisors may choose to review AFDs every four to ten years.

**NOW, THEREFORE, BE IT RESOLVED**, that the existing AFDs, as listed below, will continue through December 31, 2020 (unless additional action is taken by the Board of Supervisors prior to that date), providing additional time to determine whether a full review of all existing AFDs is necessary.

<b>Agricultural and Forestal District</b>	<b>Parcels (Case #: Original Board of Supervisors Approval)</b>
Branch Creek AFD	Tax Map #26-104 (91-1A-AFD: June 10, 1991) Tax Map #26-108 (91-1A-AFD: June 10, 1991) (Property Owner Requested Withdrawal on March 5, 2020)
Trenholm AFD	Tax Map #12-54 (91-2-AFD: June 10, 1991) Tax Map #12-34 (91-2A-AFD: June 10, 1991) Tax Map #12-35 (91-2A-AFD: June 10, 1991)
Appomattox River AFD	Tax Map #51-3 (91-3-AFD: June 10, 1991) Tax Map #51-12A (91-3A-AFD: November 18, 1991) Tax Map #52-6A (91-3B-AFD: November 18, 1991) Tax Map #52-6D (91-3B-AFD: November 18, 1991) Tax Map #52-6E (91-3B-AFD: November 18, 1991) Tax Map #51-10 (91-3C-AFD: November 18, 1991) Tax Map #51-12 (91-3D-AFD: November 18, 1991) Tax Map #51-10A (91-3E-AFD: November 18, 1991) Tax Map #51-6B (91-3F-AFD: November 18, 1991) Tax Map #51-17A (91-3F-AFD: November 18, 1991)
Pineview AFD	Tax Map #52-1A (91-6-AFD: August 12, 1991)
James River AFD	Tax Map #7-1E (91-9A-AFD: December 9, 1991) Tax Map #7-1F (91-9A-AFD: December 9, 1991) Tax Map #7-1B (91-9B-AFD: December 9, 1991) Tax Map #7-1 (91-9C-AFD: December 9, 1991) Tax Map #7-1D (91-9D-AFD: December 9, 1991)
Old Timbers AFD	Tax Map #31-35 (91-5B-AFD: August 12, 1991) Tax Map #32-9 (91-5B-AFD: August 12, 1991)
Pine AFD	Tax Map #35-52 (91-11-AFD: December 9, 1991) Tax Map #23-46 (91-11-AFD: December 9, 1991)
Skinquarter AFD	Tax Map #61-33 (91-12-AFD: April 13, 1992)
Giles Bridge AFD	Tax Map #49-2 (91-4-AFD: June 10, 1991) Tax Map #49-3 (91-4-AFD: June 10, 1991) Tax Map #49-3A (91-4-AFD: June 10, 1991)
Roseneath AFD	Tax Map #16-63 (91-13-AFD: April 13, 1992) Tax Map #17-6 (91-13-AFD: April 13, 1992) Tax Map #17-21 (91-13-AFD: April 13, 1992) Tax Map #17-22 (91-13B-AFD: April 13, 1992) Tax Map #17-2-A (91-13B-AFD: April 13, 1992) Tax Map #17-2-B (91-13B-AFD: April 13, 1992) Tax Map #16-66 (91-1B-AFD: June 10, 1991)

**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

*Board of Supervisors*  
David T. Williams  
Larry J. Nordvig  
Michael W. Byerly  
William L. Cox  
Karin M. Carmack



*Planning Director*  
Andrew J. Pompei, CZA, AICP

*The County Of*  
***Powhatan***

**TO:** Powhatan County Board of Supervisors  
**FROM:** Andrew Pompei (Planning Director)  
**DATE:** July 17, 2020  
**SUBJECT:** Review of Agricultural and Forestal Districts (AFDs)

**Background**

Chapter 43 (Agricultural and Forestal Districts Act) of the Code of Virginia allows localities to create *Agricultural and Forestal Districts (AFDs)*. The AFD designation is a temporary and voluntary restriction to development placed on properties by the consent of the property owner and Powhatan County. This program temporarily reduces the tax valuation for the enrolled properties, in exchange for the temporary relinquishment of development rights. This program is a tool used by localities throughout Virginia to help preserve rural landscapes.

Powhatan County created its first AFDs in 1991, which have been renewed/continued several times since then.

**Effect of Districts**

- Properties enrolled within an AFD automatically qualify for an agricultural or forestal use-value tax assessment.
- Properties enrolled within an AFD may not be developed to a more intensive use without prior approval by the governing body.
- The existence of an AFD must be considered when creating ordinances and making land use planning decisions.

**Current Situation**

More than 6,000 acres of land in Powhatan County are enrolled within ten separate AFDs:

Branch Creek AFD	James River AFD	Giles Bridge AFD
Trenholm AFD	Old Timbers AFD	Roseneath AFD
Appomattox River AFD	Pine AFD	
Pineview AFD	Skinquarter AFD	

All AFDs were scheduled to expire on April 12, 2020 (ten years after the last renewal). §15.2-4311 of the Code of Virginia states that the Board of Supervisors may choose to review AFDs every four to ten years.

On December 19, 2019, the Board of Supervisors began discussing the AFD Program, launching an initial review period.

On January 27, 2020, the Board of Supervisors passed Resolution #R-2020-05, which continued all AFDs through July 31, 2020, allowing additional time to determine whether a full review of the AFD Program is necessary.

During this initial review process, one landowner requested that his property be removed from the AFD Program (Tax Map Parcels #26-104 and #26-108: Branch Creek AFD).

### **Options**

The Board of Supervisors may choose one of the following options:

- Option #1: Conduct a full review of the AFD Program;
- Option #2: Continue all AFDs as last renewed on April 12, 2010 (conducting the next review by April 12, 2030);
- Option #3: Terminate the AFD Program; or
- Option #4: Temporarily continue the AFD Program.

More details regarding the different options are described below.

#### *Option #1: Full Review*

If a full review is deemed necessary, the following actions would be required:

- *Notice to Property Owners*  
The owners of properties enrolled within an AFD will be contacted and asked whether they would like their properties to remain enrolled in the program.
- *Staff Review*  
The Department of Community Development will review all parcels being renewed to ensure that they are (1) geographically eligible to be part of an AFD, as described by the Code of Virginia and (2) are still being used as part of a bona fide agricultural and/or forestal operation.
- *AFD Advisory Committee: Review*  
Each AFD (and its associated parcels) will be reviewed by the Agricultural and Forestal District (AFD) Advisory Committee, which will make a recommendation to the Planning Commission as to whether properties should remain enrolled in the program.
- *Planning Commission: Public Hearing and Review*  
The Planning Commission will hold a public hearing and review each AFD (and its associated parcels). After discussion, the Planning Commission may recommend that the AFDs be continued, modified, or terminated. This recommendation is forwarded to the Board of Supervisors.
- *Board of Supervisors: Public Hearing and Decision*  
Each AFD (and its associated parcels) will be reviewed by the Board of Supervisors, which will decide whether to continue, modify, or terminate the AFD (after holding a public hearing).

#### *Option #2: Continuation of Existing AFDs*

If no review is conducted, the AFDs would continue as originally approved on April 12, 2010. Property owners would receive notice that the AFDs will continue. If a property owner would like a parcel(s) removed from an existing AFD, he/she would have to file an individual withdrawal application that would be reviewed by the AFD Advisory Committee, Planning Commission, and Board of Supervisors.

#### *Option #3: Termination of the AFD Program*

The Board of Supervisors may discontinue the AFD Program.

If the AFD Program is discontinued, property owners have the option of enrolling in the Land Use Deferral Program. That program, which was adopted by Powhatan County in 1976, offers a deferral of a

portion of the real estate taxes for qualifying properties. Approximately forty percent (40%) of Powhatan County is enrolled in the land use program.<sup>1</sup> The next application period for that program begins on September 1, 2020 and ends on November 1, 2020.

#### *Option #4: Temporarily Continue the AFD Program*

On January 27, 2020, the Board of Supervisors passed Resolution #R-2020-05, which continued all AFDs through July 31, 2020, allowing additional time to determine whether a full review of the AFD Program is necessary.

The Board of Supervisors may choose to temporarily continue the AFD Program again, as COVID-19 and other priority projects have delayed additional discussion and review. Additionally, Powhatan County has requested an opinion from the Attorney General's Office regarding the payment of rollback taxes; that opinion has not yet been received.

#### **Considerations**

- *Resources Required*

Conducting a full review of all AFDs will require a significant amount of staff resources. Every impacted landowner will be contacted by mail. Each AFD (and its associated parcels) must be analyzed and reports compiled for the AFD Advisory Committee, Planning Commission, and Board of Supervisors.<sup>2</sup> Public hearings must be scheduled and advertised before each of the aforementioned bodies.

- *Property Owner Notice and Involvement*

Conducting a full review would facilitate greater involvement from affected landowners.

Since the Board of Supervisors discussed this item on December 16, 2019, one property owner has expressed interest in withdrawing his properties from an existing AFD. If a full review is conducted, property owners can withdraw their properties from an AFD at any time during the review period at no cost. Otherwise, property owners would have to submit individual requests to withdraw their properties from an AFD, which must be reviewed by the AFD Advisory Committee and Planning Commission and approved by the Board of Supervisors.

- *Record Keeping*

Conducting a full review will provide an additional opportunity to accurately analyze and record properties enrolled in AFDs, which have not been thoroughly reviewed since 2010. New reports and ordinances would provide clarity regarding the renewal process.

- *Growth Management Tools*

The AFD Program is one tool localities in Virginia use to manage growth and preserve rural areas. Powhatan County has implemented a variety of other tools that are intended to limit development outside of designated growth areas, including the following:

- *Zoning*: Approximately 82.5% of Powhatan County is zoned Agricultural-10 (A-10), which limits residential development to one unit per ten (10) acres. The Rural Residential (RR) zoning district, which is located along eastern portions of the State Route 711 Corridor, encompasses another 3.75% of Powhatan County.
- *Conservation Subdivisions*: The Powhatan County Subdivision Ordinance has provisions for *conservation subdivisions*, which are residential developments that cluster single-family

---

<sup>1</sup> As of 2017, 75 counties (out of 95 total), 19 cities, and 22 towns throughout Virginia reported having a program similar to Powhatan County's Land Use Deferral Program, including all neighboring localities (Source: *Virginia Local Tax Rates, 2017: Information for All Cities and Counties and Selected Incorporated Towns*, Weldon Cooper Center for Public Service at the University of Virginia, p. 59 – 60).

<sup>2</sup> Based on records, the AFD Advisory Committee has not met since early 2010.

dwelling on smaller lots, preserving significant portions of the site (at least 40 percent) as permanent open space.

- *Conservation Easements*: Property owners throughout Powhatan County have worked with public agencies and non-profit organizations to place *conservation easements* on their properties. A *conservation easement* is a voluntary, legal agreement that permanently limits uses on a particular property in order to protect environmental, historic, scenic, and/or other critical resources. In October 2019, Powhatan County partnered with the Capital Region Land Conservancy to provide property owners with information about this tool.
- *Comprehensive Plan*: The *comprehensive plan* is an advisory document that establishes a vision of what Powhatan County should look like in 20 to 30 years. The *Countywide Future Land Use Plan* designates areas where growth should (and should not occur), with approximately two-thirds of Powhatan County designated *Rural Preservation*.
- *Land Use Deferral Program*: The *Land Use Deferral Program* allows payment of real estate taxes to be deferred when a property meets qualifying standards for agricultural, horticultural, forestal, and/or open space uses. If the use of a property enrolled in this program changes (or if the property is rezoned to a more intensive zoning district), the property owner must pay *rollback taxes*, which is equal to the amount of real estate taxes deferred over the previous five (5) years plus interest. By reducing tax burdens on those using their land for agricultural uses, the program is intended to slow the development of rural lands.

#### **Comments Received**

- One property owner (David Anderson: Rancks LLC) requested that two properties be removed from the Branch Creek AFD.
- On June 18, 2020, the Powhatan Farm Bureau Board of Directors sent an email stating that it has passed the following motion: "*to Support the continuation of the Agriculture and Forestal Advisory Committee and Districts as it exists today.*"

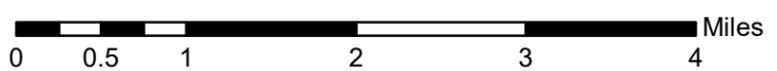
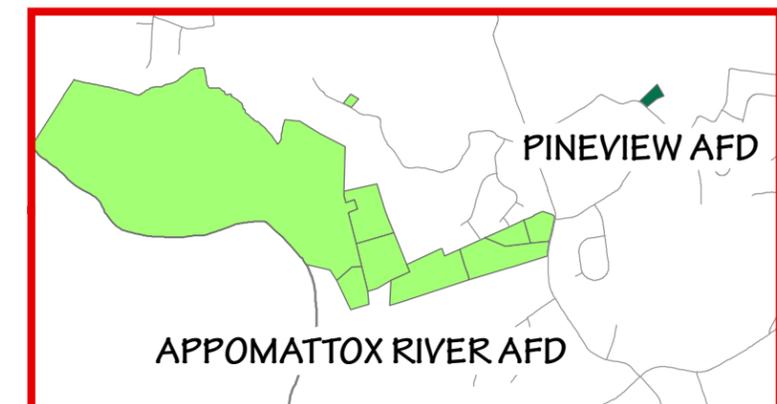
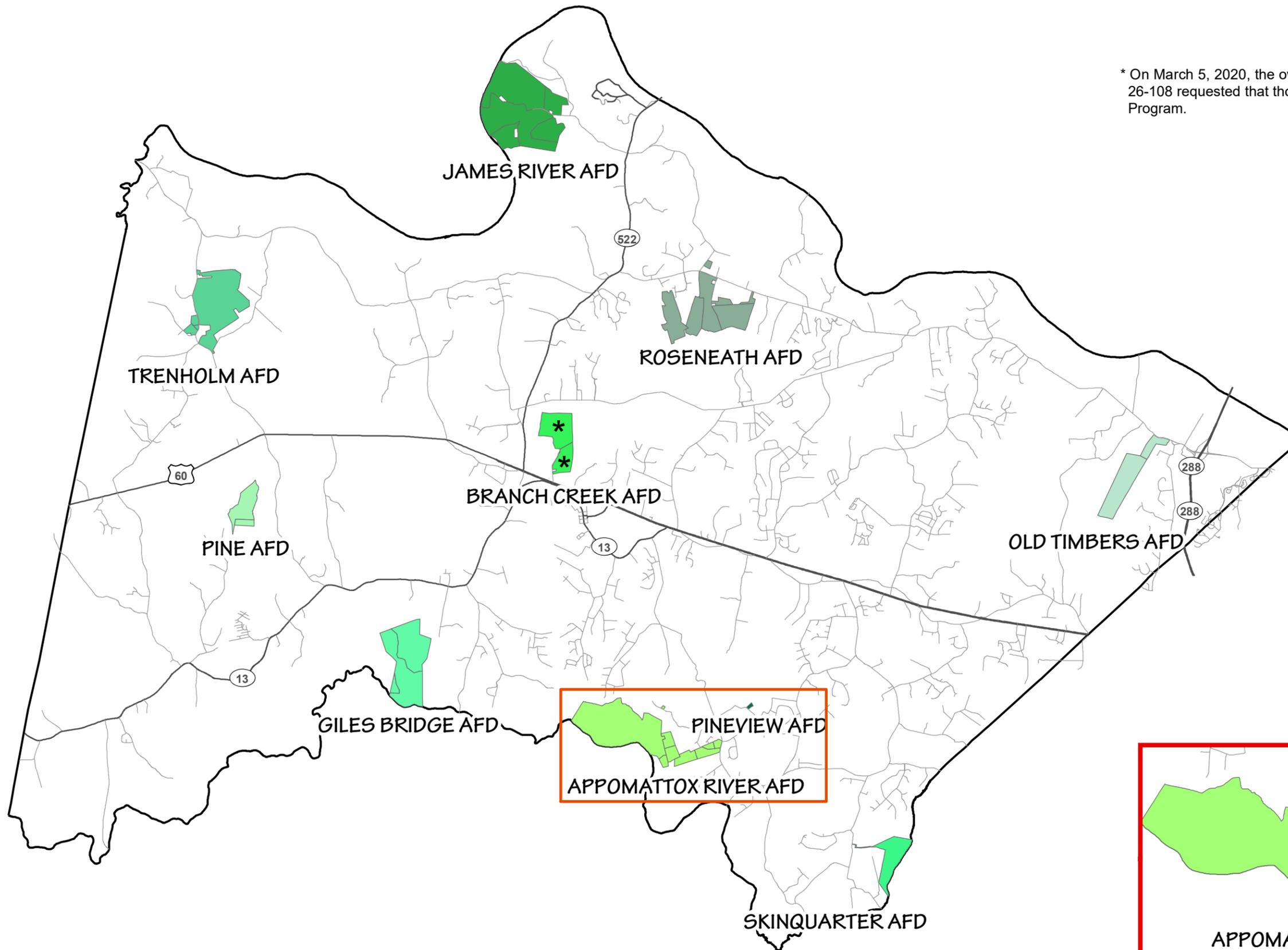
#### **Attachments**

- Map of Properties Currently Enrolled within the AFD Program
- List of Properties Currently Enrolled within the AFD Program

# Existing Agricultural Forestal Districts (AFD) in Powhatan County

February 2020

\* On March 5, 2020, the owner of Tax Map Parcels #26-104 and 26-108 requested that those parcels be withdrawn from the AFD Program.



AFD Name	AFD Case Number	AFD Applicant	Tax Map Number	Acreage	Board of Supervisors Approval	Renewal Date
BRANCH CREEK AFD	91-1A-AFD	R. F. Ranson	26-104 *	248.687	6/10/1991	4/12/2020
		R. F. Ranson	26-108 *	111.478	6/10/1991	4/12/2020
TRENHOLM AFD	91-2-AFD	James R. Willis, Jr.	12-54	729.39	6/10/1991	4/12/2020
	91-2A-AFD	Robert H. Burts	12-34	21.75	6/10/1991	4/12/2020
		Robert H. Burts	12-35	4.82	6/10/1991	4/12/2020
APPOMATTOX RIVER AFD	91-3-AFD	V. C. Adamson ET ALS	51-3	821.25	6/10/1991	4/12/2020
	91-3A-AFD	Raymond & Joyce Hooper	51-12A	17	6/10/1991	4/12/2020
	91-3B-AFD	Leslie C. & Rebecca L. Wells, Jr.	52-6A	15.18	6/10/1991	4/12/2020
		Betty Jane Osborne Walters	52-6D	47.98	6/10/1991	4/12/2020
		Patricia Arlene Osborne Tomlin	52-6E	15.18	6/10/1991	4/12/2020
	91-3C-AFD	Bobby O. & Mary A. Stockner	51-10	44.89	6/10/1991	4/12/2020
	91-3D-AFD	Debra O. Frame	51-12	48.647	6/10/1991	4/12/2020
	91-3E-AFD	Donald & Lynne Moore	51-10A	44.88	6/10/1991	4/12/2020
91-3F-AFD	James E. & Elizabeth Cave	51-17A	3.607	11/18/1991	4/12/2020	
	Danny L. & Lisa M. Emory	51-6B	2.166	11/18/1991	4/12/2020	
GILES BRIDGE AFD	91-4-AFD	Joseph Anderson	49-2	29.8	6/10/1991	4/12/2020
		Joseph Anderson	49-3	336.4	6/10/1991	4/12/2020
		Virginia Anderson	49-3A	380.43	6/10/1991	4/12/2020
OLD TIMBERS AFD	91-5B-AFD	Huguenot Society	31-35	325	8/12/1991	4/12/2020
		Huguenot Society	32-9	78.157	8/12/1991	4/12/2020
PINEVIEW AFD	91-6-AFD	John & Jane Simpson III	52-1A	5	8/12/1991	4/12/2020
JAMES RIVER AFD	91-9A-AFD	Moyer Family Land Trust	7-1E	140.29	12/9/1991	4/12/2020
		Milton & Barbara Moyer	7-1F	101.738	12/9/1991	4/12/2020
	91-9B-AFD	David Moyer	7-1B	513.45	12/9/1991	4/12/2020
	91-9C-AFD	Raymond Moyer	7-1	517.9	12/9/1991	4/12/2020
	91-9D-AFD	Milton Moyer	7-1D	121.12	12/9/1991	4/12/2020
PINE AFD	91-11-AFD	Scott Timberland	23-46	187	12/9/1991	4/12/2020
		Scott Timberland	35-52	60	12/9/1991	4/12/2020
SKINQUARTER AFD	91-12-AFD	Aubrey Anderson	61-33	244.5	4/13/2012	4/12/2020
ROSENEATH AFD	91-1B-AFD	Anne Lewis	16-66	200.53	6/10/1991	4/12/2020
	91-13-AFD	F. D. & Helen Graham	16-63	232.4	4/13/1992	4/12/2020
		F. D. & Helen Graham	17-21	105	4/13/1992	4/12/2020
		F. D. & Helen Graham	17-6	22.206	4/13/1992	4/12/2020
		F. D. & Helen Graham	17-6	22.206	4/13/1992	4/12/2020
	91-13B-AFD	Dr. Glen Crawford	17-22	217	4/13/1992	4/12/2020
		Dr. Glen Crawford	17-2-A	15.56	4/13/1992	4/12/2020
Dr. Glen Crawford		17-2-B	31.33	4/13/1992	4/12/2020	

\* On March 5, 2020, the owner of Tax Map Parcels #26-104 and 26-108 requested that those parcels be withdrawn from the AFD Program.



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

---

Agenda Item Title: Approval of a resolution in support of Powhatan County citizens', and visitors', fundamental right to keep and bear arms, as affirmed in the Declaration of Independence, the United States Constitution, the Constitution of Virginia and the Bill of Rights.

Motion: Move to approve Resolution R-2020-42\_

Dates Previously  
Considered by Board: N/A

Summary of Item: §15.2-915(E) of the Code of Virginia was amended to allow localities to further regulate or prohibit the otherwise legal purchase, possession, or transfer of firearms or ammunition. The Powhatan County Board has previously affirmed such rights through Resolution R-2019-62 (November 25<sup>th</sup> 2019) and does not wish to utilize the authority granted in 15.2-915(E) to further regulate firearms or ammunition in the County and wishes to express its continued opposition to any law that would unconstitutionally restrict the rights of the citizens of, and visitors to, Powhatan County to keep and bear arms.

Staff:                      X   Approve                         Disapprove                         See Comments

Commission/Board:                      X   Approve                         Disapprove                         See Comments

County Administrator:                      X   Approve                         Disapprove                      X   See Comments

Comments:                    Staff recommends R-2020-42B and continuing to work with the Sheriff's and Commonwealth Attorney's Offices to determine funding and enforcement strategies that support Powhatan's status as a Second Amendment Sanctuary.

Budget/Fiscal Impact:                    TBD

Attachments:                    R-2020-42 Versions A & B

Staff/Contact:                    Bret Schardein, Interim County Administrator, 804-598-3639,  
bschardein@powhatanva.gov

**POWHATAN COUNTY RESOLUTION R-2020-42A**

**RESOLUTION IN SUPPORT OF POWHATAN COUNTY CITIZENS', AND VISITORS', FUNDAMENTAL RIGHT TO KEEP AND BEAR ARMS, AS AFFIRMED IN THE DECLARATION OF INDEPENDENCE, THE UNITED STATES CONSTITUTION, THE CONSTITUTION OF VIRGINIA, AND THE BILL OF RIGHTS**

**WHEREAS**, our Declaration of Independence is the Fundamental Act of our Founding and part of the Organic Law of our Land and recognizes that “We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed,” and

**WHEREAS**, our Bill of Rights enumerates further rights, specifically, “...being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed,” and

**WHEREAS**, in acknowledgment of its deep commitment to the rights of all citizens of, and visitors to, Powhatan County to keep and bear arms, Powhatan County Board of Supervisors previously declared Powhatan County to be a ‘Second Amendment Sanctuary’, and

**WHEREAS**, certain legislation has been passed in the Virginia General Assembly that allows localities to, by ordinance, ban otherwise lawfully possessed and transported firearms from certain public spaces, causing law-abiding citizens to be exposed to a patchwork of local ordinances as they travel throughout the Commonwealth, and

**WHEREAS**, the Powhatan County Board of Supervisors acknowledges the significant economic contribution made to our community by tourists and visitors and does not wish to discourage travel to Powhatan County, and

**WHEREAS**, Powhatan County wishes to welcome all law-abiding citizens who wish to live in, visit, or otherwise participate in the economy of our community, including those citizens and visitors who choose to legally carry a firearm for personal protection, and

**WHEREAS**, the Powhatan County Board of Supervisors does not wish to infringe on the rights of the citizens of, or visitors to, Powhatan County to keep and bear arms, and

**WHEREAS**, the Powhatan County Board of Supervisors wishes to express its continued opposition to any law that would unconstitutionally restrict the rights of the citizens of, and visitors to, Powhatan County to keep and bear arms.

**NOW, THEREFORE, BE IT RESOLVED** that the Powhatan Board of Supervisors hereby declares Powhatan County, Virginia shall not exercise any authority granted to it by § 15.2-915(E) of the Code of Virginia to regulate or prohibit the otherwise legal purchase, possession, or transfer of firearms or ammunition.

**AND BE IT FURTHER RESOLVED** that the Board intends to vigorously uphold the Right of the Citizens to be armed; and in addition, thereto supports the following principles:

1. Providing zero funding for enforcement of any pretended laws, regulations, judicial opinions, or other edicts which violate our Declaration of Independence and any of the above-described federal or state constitutional provisions; and
2. Other provisions as the Board may deem necessary or appropriate for the purposes stated above.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

**POWHATAN COUNTY RESOLUTION R-2020-42B**

**RESOLUTION IN SUPPORT OF POWHATAN COUNTY CITIZENS', AND VISITORS', FUNDAMENTAL RIGHT TO KEEP AND BEAR ARMS, AS AFFIRMED IN THE DECLARATION OF INDEPENDENCE, THE UNITED STATES CONSTITUTION, THE CONSTITUTION OF VIRGINIA, AND THE BILL OF RIGHTS**

**WHEREAS**, in acknowledgment of its deep commitment to the rights of all citizens of, and visitors to, Powhatan County to keep and bear arms, Powhatan County Board of Supervisors previously declared Powhatan County to be a 'Second Amendment Sanctuary', and

**WHEREAS**, certain legislation has been passed in the Virginia General Assembly that allows localities to, by ordinance, ban otherwise lawfully possessed and transported firearms from certain public spaces, causing law-abiding citizens to be exposed to a patchwork of local ordinances as they travel throughout the Commonwealth, and

**WHEREAS**, the Powhatan County Board of Supervisors acknowledges the significant economic contribution made to our community by tourists and visitors and does not wish to discourage travel to Powhatan County, and

**WHEREAS**, Powhatan County wishes to welcome all law-abiding citizens who wish to live in, visit, or otherwise participate in the economy of our community, including those citizens and visitors who choose to legally carry a firearm for personal protection, and

**WHEREAS**, the Powhatan County Board of Supervisors does not wish to infringe on the rights of the citizens of, or visitors to, Powhatan County to keep and bear arms, and

**WHEREAS**, the Powhatan County Board of Supervisors wishes to express its continued opposition to any law that would unconstitutionally restrict the rights of the citizens of, and visitors to, Powhatan County to keep and bear arms.

**NOW, THEREFORE, BE IT RESOLVED** that the Powhatan Board of Supervisors hereby declares Powhatan County, Virginia shall not exercise any authority granted to it by § 15.2-915(E) of the Code of Virginia to regulate or prohibit the otherwise legal purchase, possession, or transfer of firearms or ammunition.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

\_\_\_\_\_  
**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

\_\_\_\_\_  
**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	

**From:** [romartin@aol.com](mailto:romartin@aol.com)  
**To:** [Administration](#); [romartin@aol.com](mailto:romartin@aol.com)  
**Subject:** "No local gun-control"  
**Date:** Saturday, July 11, 2020 7:12:36 AM

---

Dear Powhatan County Board of Supervisors

I understand you are considering 2 Amendment (2A) Sanctuary resolution at your meeting on Monday, July 27, at 6:30 pm.

I want to encourage the Board of Supervisors to pass this resolution to show your support for the US Constitution and the 2nd Amendment.

Today it's seems fashionable for people in and out of government to shred the United States Constitution and thus not allowing our citizens right to protect our homes, state and country from those who would do us harm.

With the senseless violence going on in Seattle, NYC, Baltimore, Chicago, other cities and states going now, the 2a is required to protect ourselves.

Please pass this resolution and send a message to those in Richmond and Washington, DC who wish to eventually take away our rights and the 2A is the keystone of those rights.

May God bless you.

v/r

Robert W. Martin

**From:** [Dors, Richard](#)  
**To:** [Administration](#)  
**Subject:** Gun Control  
**Date:** Monday, July 13, 2020 5:17:05 PM

---

B.O.S.,

Please support the 2<sup>nd</sup> Amendment and pass the resolution for less gun control as presented by Larry Nordvig. Criminals are lawless and will not follow any laws so you are only hampering the honest law abiding citizens.

Regards,  
Rick Dors

**From:** [First NameRichard Easter](#)  
**To:** [Administration](#)  
**Subject:** I OPPOSE any more gun control, including a prohibition on the constitutional right of open carry in Virginia.  
**Date:** Saturday, July 11, 2020 10:40:20 AM

---

I OPPOSE any more gun control, including a prohibition on the constitutional right of open carry in Virginia.

I applaud you in any efforts to preserve and protect our God-given right to self protection.

[Sent from Yahoo Mail on Android](#)

**From:** [Michael Brann](#)  
**To:** [Administration](#)  
**Subject:** keep fighting for American citizens right to bear arms  
**Date:** Sunday, July 12, 2020 9:18:06 AM

---

Dear Powhatan Administration;

My name is Michael David Brann and am a member of the VCDL of Virginia and concerned American citizen would like you to keep up the good work like signing the resolutions to have no more gun laws restrictions on law abiding American people and keep defending the rights of the American people. I am sure you have had family members and loved one that have fought for this great country we live in today for the freedoms that some gave there lives for that we might live as free people today. We need to stop the political administration of the Commonwealth of Virginia by voting them out of the office they our in and putting in more conservative people in those positions to defend the freedoms of the American people. Thank you for your support in these matters at hand. May the Lord richly bless and keep you and his goodness shine upon you. GOD BLESS AMERICA KEEP MAKING AMERICA GREAT Sincerely Michael Brann

**From:** [trproven2@aol.com](mailto:trproven2@aol.com)  
**To:** [Administration](#)  
**Subject:** Local gun control laws  
**Date:** Friday, July 10, 2020 11:16:17 PM

---

As a former Federal Aviation Administration employee we had an on going problem with local states believing they could pass better laws than the Federal Government.

The hodgepodge that this could create was unacceptable and the FAA was very specific that Federal Law would rule. The same problem is evident in a patchwork quilt of local ordinances that would make it impossible to carry guns because you might enter an area that restricted them.

The proper forum for laws of this nature is the state.

Please vote against any restrictions that are not at the state only level. While I might not agree with them , they are manageable so long as it is statewide.

Thanks  
TR Proven  
Broad Run, VA  
CDR USN Ret

**From:** [Diane Hewes](#)  
**To:** [Administration](#)  
**Subject:** No gun control  
**Date:** Saturday, July 11, 2020 6:58:00 AM

---

Again, we the people of Powhatan request that you affirm our continuing voices of support for the 2nd amendment. Absolutely NO infringement- the Constitution is very clear that it is a right/ complete and total. I will see you on the 27th.  
Sincerely, Diane Hewes

" I look back and see His faithfulness; I look ahead and believe He is able"

**From:** [D'Ambrosio Todd](#)  
**To:** [Administration](#)  
**Subject:** No Gun Control resolution vote July 27  
**Date:** Saturday, July 11, 2020 9:15:56 AM

---

Dear Powhatan County Representative:

It has come to my attention that there will be a vote on Mr. Nordvig's "No Gun Control" resolution on July 27th. The ability to defend myself and my family as well as live a lifestyle that I feel is best for myself is very important. As a Powhatan county resident, I would like to express my strong support for such a resolution.

I appreciate all the support that you can provide in this matter.

Sincerely;  
Todd D'Ambrosio  
3233 Sherwood Bluff Circle  
Powhatan.

**From:** [Tim Bland](#)  
**To:** [Administration](#)  
**Subject:** NO Gun Control  
**Date:** Saturday, July 11, 2020 11:44:59 AM

---

Please PASS the "NO gun control" resolution.

**From:** [Jon DeLong](#)  
**To:** [Administration](#)  
**Subject:** No Local Gun Control Resolution  
**Date:** Monday, July 13, 2020 10:38:16 AM

---

Dear Board:

Just writing to say “thank you” for this resolution. I look forward to a spirited discussion and a unanimous vote in support.

Thank you!

Best Regards,

Jon DeLong

**From:** [Russ Martin](#)  
**To:** [Administration](#)  
**Subject:** No Local Gun Control  
**Date:** Wednesday, July 15, 2020 2:08:33 PM

---

I respectfully ask that you all support the proposed no local gun control resolution.

Also if any changes are made to Sheriff's Office funding in our County it should only be increased!!!

Best Regards,

Russell Martin  
2109 Scarlet Mill Ln.  
Powhatan, VA

**From:** [Greg Mika](#)  
**To:** [Administration](#)  
**Subject:** No local gun-control  
**Date:** Saturday, July 11, 2020 9:05:16 AM

---

Board of Supervisors,

As a resident of Powhatan, a supporter of the 2nd Amendment, and a registered voter I am fully in support of “No local gun-control” and encourage all of you to move forward with the VCDL's "No local gun-control" resolution.

Sincerely,

Greg

Greg Mika  
3229 Sherwood Bluff Circle  
Powhatan, VA 23139  
804-403-3792 Home  
804-635-1175 Mobile  
[gregmika@comcast.net](mailto:gregmika@comcast.net)

**From:** [Frank Robey](#)  
**To:** [Administration](#)  
**Subject:** Pass the Resolution  
**Date:** Saturday, July 11, 2020 10:21:07 AM

---

You MUST pass the "No local gun-control" resolution". Our future dependent on it!!!

M. Robey

**From:** [robinfenkins@aol.com](mailto:robinfenkins@aol.com)  
**To:** [Administration](#)  
**Subject:** rob jenkins  
**Date:** Saturday, July 11, 2020 8:05:29 AM

---

Please do not vote for any more gun control. We are not safe from the lawless people who will still have guns to murder us with out us to be able to defend ourselves.  
The only way to stop a bad person with a gun, is a GOOD person with a gun.

Rob Jenkins  
Va resident

**From:** [Snodgrass, Richard M.](#)  
**To:** [Administration](#)  
**Subject:** Support for "No Local Gun Control"  
**Date:** Monday, July 13, 2020 1:39:55 PM

---

Powhatan County Administration,

I was pleased to hear that Powhatan County Supervisor, Larry Nordvig, is introducing a "No local gun-control" resolution and getting a vote on Monday, July 27, at 6:30 pm.

Allowing localities to introduce their own "local gun control" adds an unnecessary and burdensome layer of complexity and confusion to our local laws and their enforcement. Our local laws (including our right to keep and bear arms) should be minimal, crystal clear, and should reflect the rights guaranteed to its citizens in the US and Virginia Constitutions.

As we have no need for any additional gun laws, or restrictions on their use by law abiding Powhatan residents, I will be watching this vote closely to see who stands with the residents of Powhatan, in opposition to additional "people control".

Thank you for your consideration in this matter.

Best,  
Ric Snodgrass  
Resident– 1978 Pine Creek Ridge Ter., Powhatan, VA 23139

**Richard M. Snodgrass**

Senior PC Support Specialist

McGuireWoods LLP

Gateway Plaza

800 East Canal Street

Richmond, VA 23219-3916

T: +1 804 775 1118

M: +1 804 869 4288

F: +1 804 775 1061

[rsnodgrass@mcguirewoods.com](mailto:rsnodgrass@mcguirewoods.com)

[VCard](#) | [www.mcguirewoods.com](http://www.mcguirewoods.com)



---

*This e-mail from McGuireWoods may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.*

**From:** [Nathan Walters](#)  
**To:** [Administration](#)  
**Subject:** Support the "No Local Gun-Control" Resolution  
**Date:** Saturday, July 11, 2020 7:10:17 PM

---

Powhatan County Board of Supervisors,

Vote in support of the "no local gun-control" resolution slated to happen in your upcoming meeting. Help protect the rights of all Virginians!

-Nathan M. Walters  
Virginia Resident

**From:** [Frank](#)  
**To:** [Administration](#)  
**Subject:** support the resolution opposing any local gun control  
**Date:** Sunday, July 12, 2020 9:48:04 AM

---

Please SUPPORT the resolution opposing any local gun-control and protect the rights of the citizens of Powhatan!

**From:** [cjohnston@protonmail.com](mailto:cjohnston@protonmail.com)  
**To:** [Administration](#)  
**Subject:** Support VCDL's "No local gun-control" resolution!  
**Date:** Friday, July 10, 2020 11:04:11 PM

---

Please SUPPORT the resolution opposing any local gun-control and protect the rights of the citizens of Powhatan County!

**From:** [jrheger17](#)  
**To:** [Administration](#)  
**Subject:** VCDL Resolution  
**Date:** Saturday, July 11, 2020 7:12:53 AM

---

I support the efforts of Larry Norvig to keep and preserve the rights of all Virginian gun owners. These new laws are dangerous to law abiding citizens and only creates opportunity and comfort to criminals. Please pass the VCDL's resolution to keep Virginians safe as we look into real solutions to stop gang violence and get people the mental health treatments they need.

Thank you for your time,  
James Heger

Sent from my Samsung Galaxy smartphone.

**From:** [Mark Holt](#)  
**To:** [Administration](#)  
**Subject:** VCDL  
**Date:** Saturday, July 11, 2020 6:43:17 AM

---

I just wanted to voice my support for Powhatan's no local gun control resolution. Thanks, Mark Holt

Sent from my iPhone



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

Agenda Item Title: **Ordinance #O-2020-03 (Case #20-01-CUP): Kimberly Wilkinson Payne (District #1: Subletts/Manakin/Flat Rock)** requests a conditional use permit (CUP) to permit a private kennel as an accessory use on a property consisting of less than two (2) acres within the Single-Family Residential-2 (R-2) zoning district, per Sec. 83-213(b) of the Zoning Ordinance of the County of Powhatan. The proposed use is located at Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which consists of 1.0 acres. The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Future Land Use Map.

Motion: In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request submitted by Kimberly Wilkinson Payne to permit a *kennel, private for parcels under two acres* on Tax Map Parcel #41-6-5, subject to the conditions presented in the staff report.

Dates Previously Considered by Board: N/A

Summary of Item: Kimberly Wilkinson Payne is requesting a conditional use permit (CUP) to allow a private kennel as an accessory use on a parcel with less than two acres in the Single Family Residential-2 (R-2) zoning district (Zoning Ordinance: Sec. 83-213). Ms. Payne is requesting this conditional use permit to allow her pet Chihuahuas to reside on the property.

The use is proposed to be located on Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which is located on the east side of State Route 613 (Judes Ferry Road) approximately 0.25 miles south of State Route 723 (Flint Hill Road) in eastern Powhatan County. In total, the property consists of 1.00 acre.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Draft Ordinance  
Staff Report

Staff/Contact: Andrew J. Pompei, AICP, CZA: Planning Director  
(804) 598-5621 x2006  
[apompei@powhatanva.gov](mailto:apompei@powhatanva.gov)

**ORDINANCE #O-2020-03**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CASE #20-01-CUP) TO KIMBERLY WILKINSON PAYNE TO PERMIT A PRIVATE KENNEL ON A PARCEL WITH LESS THAN TWO ACRES ON TAX MAP PARCEL #41-6-5 (2016 JUDES FERRY ROAD).**

**WHEREAS**, Kimberly Wilkinson Payne requests a conditional use permit (CUP) to permit a *private kennel* on a parcel with less than two acres in the Single-Family Residential-2 (R-2) zoning district per Sec. 83-213 of the Zoning Ordinance of the County of Powhatan; and

**WHEREAS**, §15.2-1427 and §15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

**WHEREAS**, §15.2-2280, §15.2-2285 and §15.2-2286 of the *Code of Virginia*, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, on March 3, 2020, the Powhatan County Planning Commission held a public hearing on this matter and all of those who spoke on this topic were heard; and

**WHEREAS**, on March 3, 2020, the Powhatan County Planning Commission voted to recommend to the Board of Supervisors denial (3-2) of the request to grant the Conditional Use Permit (CUP); and

**WHEREAS**, the Powhatan County Board of Supervisors caused to be published a notice of public hearing on this matter in *Powhatan Today* on July 15, 2020 and July 22, 2020; and

**WHEREAS**, the full application was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

**WHEREAS**, on July 27, 2020, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard.

**NOW, THEREFORE, BE IT ORDAINED** by the Powhatan County Board of Supervisors, in accordance with §83-123(f)(4) of the *Code of the County of Powhatan*, public necessity, convenience, general welfare, and good zoning practice, that the CUP request is hereby approved subject to the following conditions:

1. The applicant(s) shall consent to annual administrative inspections by the Department of Community Development for compliance with the requirements of this CUP.
2. The applicant(s) shall sign the list of adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. Failure to comply with the conditions of this CUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this CUP to the Board of Supervisors for revocation if the NOV is not resolved as directed.

4. All activities associated with this CUP shall be in compliance with all local, state, and federal laws.
5. This conditional use permit shall permit a maximum of twelve (12) dogs, which are kept and maintained for the hobby of the household. No single dog exceeding a weight of ten (10) pounds shall be kept on the property as part of the *private kennel*.
6. The commercial boarding of dogs or other pets not permanently residing on the property (for which a fee is accepted for overnight maintenance, care, and/or boarding) shall be prohibited.
7. All solid waste, including dog feces, must be properly managed per local, state, and federal law, and removed from the premises for disposal at least once every seven days.
8. All dogs shall be boarded in the existing dwelling. Kennels outside of an enclosed, temperature-controlled building shall be prohibited. Whenever the dogs are allowed outside the dwelling, they shall be on a leash or within the fenced area under appropriate supervision.
9. All activities associated with this CUP shall be in compliance with the Powhatan County Noise Ordinance (Sec. 42-32) of the County Code.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	



## 20-01-CUP County of Powhatan

Request for a Conditional Use Permit  
to Permit a *Kennel, Private, for Parcels Under Two Acres*  
within the Single-Family Residential (R-2) Zoning District  
on Tax Map Parcel #41-6-5 (2016 Judes Ferry Road)

Staff Report Prepared for the Board of Supervisors  
July 27, 2020

---

---

### I. PUBLIC MEETINGS

Planning Commission	March 3, 2020	Public Hearing (Recommended Denial: 3-2)
Board of Supervisors	July 27, 2020	Public Hearing

### II. GENERAL INFORMATION

Request	Conditional Use Permit (Accessory)
Proposed Use	Kennel, Private, for Parcels Under Two Acres
Proposed Density	N/A (No Residential Units Proposed)
Existing Zoning	Single-Family Residential-2 (R-2) (Case #88-03-REZ: Approved April 11, 1988)
Parcel Size	1.00 acres
Parcel ID#	41-6-5
Applicant	Kimberly Wilkinson Payne
Owner	Kimberly Wilkinson Payne
Location of Property	2016 Judes Ferry Road (State Route 613)
Electoral District	(1) Subletts/Manakin/Flat Rock
2019 Land Use Plan Recommendation	Rural Residential

### III. EXECUTIVE SUMMARY

Kimberly Wilkinson Payne is requesting a conditional use permit (CUP) to allow a *private kennel* as an accessory use on a parcel with less than two acres within the *Single-Family Residential-2 (R-2)* zoning district (Zoning Ordinance: Sec. 83-213). Ms. Payne is requesting this conditional use permit to allow her pet Chihuahuas to reside on the property.

The use is proposed to be located on Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which is located on the east side of State Route 613 (Judes Ferry Road) approximately 0.25 miles south of State Route 723 (Flint Hill Road) in eastern Powhatan County. In total, the property consists of 1.00 acre.

#### IV. REVIEW STANDARDS

<b>Conditional Accessory Use (R-2): Kennel, private, for parcels under two acres</b>
<i>Kennel, private, for parcels under two acres</i> is listed as a conditional accessory use within the R-2 zoning district [Sec. 83-213(b)(2)].
<b>Sec. 83-123(f)(4): Conditional Use Permit Review Standards</b>
A Conditional Use Permit shall be approved if the applicant demonstrates the proposed conditional use: <ul style="list-style-type: none"><li>a) Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans;</li><li>b) Complies with all applicable zoning district-specific standards in Articles III through VI;</li><li>c) Complies with all applicable use-specific standards Article VII: Use Standards;</li><li>d) Complies with all applicable development and design standards in Article VIII: Development Standards;</li><li>e) Complies with all relevant subdivision and infrastructure standards in Chapter 68: Subdivisions of the Powhatan County Code;</li><li>f) Is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed;</li><li>g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;</li><li>h) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;</li><li>i) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;</li><li>j) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;</li><li>k) Complies with all other relevant county, state and federal laws and standards; and</li><li>l) Is required by the public necessity, convenience, general welfare, or good zoning practice.</li></ul>
<b>Sec. 83-123(f)(5): Expiration of a Conditional Use Permit</b>
A Conditional Use Permit shall expire in accordance with any expiration date or provisions in a condition of its approval. A Conditional Use Permit shall automatically expire if a Building Permit, Site Plan, or other county approval, whichever occurs first, for the development granted by the Conditional Use Permit, is not obtained within two (2) years after the date of approval of the Conditional Use Permit, or if no subsequent county approval is required, the development is not completed and operational within two (2) years.
<b>Sec. 83-521: Definitions</b>
<i>Kennel, private</i> means a building and/or premises where five or more dogs, cats, fowl, or other domestic animals or pets over the age of six months are kept, boarded, maintained, or cared for overnight, for private, noncommercial purposes such as for show, hunting, farming, or as household pets. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

<b>Sec. 83-438(n): Standards for Specific Accessory Uses (Private Kennel)</b>
<p>A private kennel is allowed as an accessory use in accordance with the following standards:</p> <p>(1) Residentially zoned lots or parcels on which the kennel is located shall have an area of at least two acres.</p> <p>(2) Residentially zoned lots or parcels containing less than two acres shall require a conditional use permit.</p>

**V. PROPERTY DESCRIPTION**

**Location**

The requested private kennel is proposed to be located on Tax Map Parcel #41-6-5 (2016 Judes Ferry Road), which is located on the east side of State Route 613 (Judes Ferry Road) approximately 0.25 miles south of State Route 723 (Flint Hill Road) in eastern Powhatan County. In total, the property consists of 1.0 acre.

**Existing Conditions**

There is an existing single-family dwelling on the subject property (2,680 square feet), which is accessed by a private driveway off of State Route 613 (Judes Ferry Road). A recently completed, climate-controlled addition to the existing dwelling (252 square feet) was built as a dedicated space for the care and keeping of the owner’s pet Chihuahuas. To the rear of the dwelling is an outdoor fenced-in area, which is used by the dogs under supervision.



*View of Recently-Constructed Addition to Existing Dwelling*

The property is wooded, with the densest stand of trees located to the rear of the dwelling.

**Surrounding Properties**

<b>Direction</b>	<b>Zoning</b>	<b>Uses</b>
North	<ul style="list-style-type: none"> <li>• Single-Family Residential-2 (R-2)</li> <li>• Residential-Utility (R-U)</li> <li>• Agricultural-10 (A-10)</li> </ul>	<ul style="list-style-type: none"> <li>• Single-Family Residential (Lots Approx. 1-2 Acres: Including Chestnut Estates and Chestnut Oaks Subdivisions)</li> </ul>
South	<ul style="list-style-type: none"> <li>• Single-Family Residential-2 (R-2)</li> <li>• Agricultural-10 (A-10)</li> </ul>	<ul style="list-style-type: none"> <li>• Single-Family Residential (Lots Approx. 1 Acre: Including Chestnut Estates Subdivisions)</li> </ul>
East	Agricultural-10 (A-10)	<ul style="list-style-type: none"> <li>• Single-Family Residential (Lots Approx. 10 Acres: Including Chestnut Estates Subdivisions)</li> </ul>
West	Agricultural-10 (A-10)	<ul style="list-style-type: none"> <li>• Single-Family Residential (Large Lot &gt; 10 Acres)</li> <li>• Vacant Land</li> </ul>

## VI. PROJECT ANALYSIS

### Current Zoning

The subject property is currently zoned Single-Family Residential-2 (R-2).

### Proposed Use

The applicant is requesting a conditional use permit to allow a *private kennel* as an accessory use on the subject parcel. *Private kennel* is defined as follows [Sec. 83-521]:

*Kennel, private* means a building and/or premises where five or more dogs, cats, fowl, or other domestic animals or pets over the age of six months are kept, boarded, maintained, or cared for overnight, for private, noncommercial purposes such as for show, hunting, farming, or as household pets.

*Private kennel* is a conditional accessory use within the Single-Family Residential-2 (R-2) zoning district on properties consisting of fewer than two acres [Sec. 83 213(b)(2)].

The applicant is requesting a conditional use permit to allow her pet Chihuahuas to reside on the property.<sup>1</sup> The applicant is a *Good Dog Certified Chihuahua* breeder and hobbyist. She is currently raising eleven (11) Chihuahuas, which are shown and bred on a limited basis. The dogs live inside the dwelling in an addition that was designed to accommodate a “dog nursery.” The dogs are given periodic, supervised outdoor breaks in a fenced-in area to the rear of the dwelling.

### Land Use and Community Character

The surrounding properties are generally residential in nature, with single-family homes within existing subdivisions. The subject parcel is located within a row of eighteen one-acre parcels fronting along the east side of State Route 613 (Judes Ferry Road) as part of the Chestnut Estates subdivision (platted in the late 1980s). On the west side of State Route 613 (Judes Ferry Road), there are single-family dwellings on large lots (>10 acres). The Chestnut Oaks subdivision, which generally consists of two-acre single-family residential lots, is located northeast of the subject property,

The proposed use will be accessory to an existing single-family dwelling, and (with appropriate conditions) is generally compatible with these existing uses.



View of Existing Dwelling from State Route 613 (Judes Ferry Road)

---

<sup>1</sup> Any property housing five or more domestic animals (generally, cats, dogs, or fowl) is considered a *private kennel*, per the Powhatan County Zoning Ordinance [Sec. 83-521]. Virginia State Code similarly defines *kennel* as “any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing” [§ 3.2-6500].

### **Zoning Requirements/Standards**

The zoning ordinance classifies uses within each zoning district as *permitted* and *conditional*. *Conditional uses* are only permitted on a specific property within a specific zoning district with approval of the Board of Supervisors. *Conditional uses* (due to their nature and possible external impacts) may be appropriate at certain locations, but not throughout the entire zoning district. Special conditions may be imposed to address the location, design, and operation of the proposed use, so that it is compatible with the surrounding area [Sec. 83-123(f)(1)].

During the CUP review process, Powhatan County may impose conditions to minimize any potential negative impacts on adjacent properties and the character of the surrounding area. If approved, the use must operate in accordance with the adopted conditions, or the CUP may be revoked by the Board of Supervisors.

The Department of Community Development recommends that conditions be applied to address the following issues:

- *Number and Size of Dogs*

To limit potential negative impacts (including excessive noise, waste, and damage to vegetation), the number and size of dogs may be capped. Condition #5 limits the number of dogs permitted on the property to twelve (12). Additionally, this condition limits the size of the dogs permitted on the property to those that are under ten (10) pounds. With this condition, a Chihuahua would be permitted on the property, but the applicant/owner could not begin raising dogs of a significantly greater size. Condition #6 further restricts the conditional use permit by prohibiting commercial boarding, clarifying that this CUP only authorizes the care and keeping of the owners' dogs.

- *Pet Waste*

To mitigate potential negative health and environmental impacts caused by dog waste, Condition #7 requires compliance with all local, state, and federal codes pertaining to the disposal of pet waste. This condition strengthens local pet waste disposal regulations by requiring that waste be removed from the premises at least once every seven (7) days.

- *Noise*

Conditions #8 and #9 are intended to minimize the potential negative impacts of noise on adjacent properties. Condition #8 requires that dogs be kept indoors, except while under supervision within the existing fenced area (or on leash). Condition #9 requires compliance with the local noise ordinance, which prohibits "noise created by any dog that is so continuous and chronic that it causes annoyance or discomfort to any person, provided that such noise is plainly audible inside the confines of the dwelling unit, house or apartment of another, or plainly audible 300 feet or more from the dog." In the event that the applicant does not adhere to the waste disposal requirements or the county's noise ordinance, the CUP could be revoked.

**VII. COMPREHENSIVE PLAN ANALYSIS**

**Countywide Future Land Use Plan**

The 2019 Long-Range Comprehensive Plan designates the subject properties as Rural Residential on the Countywide Future Land Use Plan.

**Land Use: Rural Residential**

The Rural Residential land use designation is described as follows (p. 74):

*Rural Residential areas include existing residential subdivisions with lots ranging from two to seven acres in size. These areas exhibit moderately low-density rural/suburban development patterns, with small estates served by local roads. There is some retention of rural character; however, the development pattern is slightly more dense and suburban in character than what is common within Rural Preservation areas. This is the prevalent residential pattern in central portions of the county. Conservation subdivisions and uses recommended for Rural Preservation areas are also appropriate in the Rural Residential areas. New residential development may occur, but the maximum recommended density is one unit per five (5) acres.*

The proposed private kennel will be located on an existing single-family residential lot. The proposed use is clearly incidental and accessory to the primary use of the property as a single-family lot, and therefore, is generally compatible with the intent of the Rural Residential land use designation.

**VIII. PUBLIC SERVICE ANALYSIS**

<b>Review by County Agencies/Departments</b>	
Building	The Building Inspections Department has no comments at this time.
Environment	A condition should be included that all waste generated by the dogs will be disposed of in accordance with the Powhatan County Code, and State and Federal regulations.
Public Works	The Public Works Department has no issues with the CUP request.
Sheriff	The Sheriff’s Office has no comments at this time.
Fire	The Fire Department has no issues with the CUP request.
<b>Review by State Agencies/Departments</b>	
Health	The Powhatan Health Department has no objections to approving this conditional use permit.
Transport.	The Virginia Department of Transportation takes no exception to this request for the identified proposed conditional use of this property as long as the Private Kennel shall be intended for noncommercial purposes or activities.

**IX. PUBLIC COMMENTS**

At the Planning Commission meeting on March 3, 2020, no members of the public spoke on this request during the public comment period.

Since the Planning Commission meeting, the Department of Community Development has received correspondence from an adjoining property owner stating her support of this CUP request (Attachment #5). The Department of Community Development is not aware of any complaints against the property.

**X. STAFF RECOMMENDATION**

Per Sec. 83-123(f)(4) of the zoning ordinance, a conditional use permit shall be approved if the applicant demonstrates that the proposed conditional use satisfies twelve (12) criteria. Below is the Department of Community Development’s assessment of the proposed use’s compliance with each criteria.

<b>Criterion #1</b>	
Does the request satisfy criterion #1? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans.</i>
<b>Staff Analysis</b>	The proposed private kennel will be located on an existing single-family residential lot. The proposed use is clearly incidental and accessory to the primary use of the property as a single-family lot, and therefore, is generally compatible with the intent of the <i>Rural Residential</i> land use designation.

<b>Criterion #2</b>	
Does the request satisfy criterion #2? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use complies with all applicable zoning district-specific standards in Articles III through VI.</i>
<b>Staff Analysis</b>	If the CUP is approved, the existing dwelling will be in compliance with all applicable regulations for the Single-Family Residential-2 (R-2) zoning district in the zoning ordinance [sec. 83-210].

<b>Criterion #3</b>	
Does the request satisfy criterion #3? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use complies with all applicable use-specific standards Article VII: Use Standards.</i>
<b>Staff Analysis</b>	If the CUP is approved, the proposed use will adhere to all use standards for <i>kennel, private</i> , per sec. 83-438(n) of the zoning ordinance.

<b>Criterion #4</b>	
Does the request satisfy criterion #4? <b>Not applicable.</b>	
<b>Criteria</b>	<i>The proposed conditional use complies with all applicable development and design standards in Article VIII: Development Standards.</i>
<b>Staff Analysis</b>	<i>Article VIII: Development Standards is not applicable to this conditional use.</i>

<b>Criterion #5</b>	
Does the request satisfy criterion #5? <b>Not applicable.</b>	
<b>Criteria</b>	<i>The proposed conditional use complies with all relevant subdivision and infrastructure standards in Chapter 68: Subdivisions of the Powhatan County Code.</i>
<b>Staff Analysis</b>	The regulations listed in <i>Chapter 68: Subdivisions</i> of the Powhatan County code do not apply to the proposed conditional use.

<b>Criterion #6</b>	
Does the request satisfy criterion #6? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed.</i>
<b>Staff Analysis</b>	With the recommended conditions (which limit the number and size of dogs and address noise and waste disposal), the use is generally compatible with the general character of surrounding properties.

<b>Criterion #7</b>	
Does the request satisfy criterion #7? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands.</i>
<b>Staff Analysis</b>	Condition #8 requires that dogs be boarded within the existing dwelling, except when allowed outside while under supervision. When allowed outside, the dogs must be contained within the fence-in area located behind the existing dwelling or be on a leash under the owner's control. As a result, the proposed use is not anticipated to have an adverse visual impact on adjacent lands.

<b>Criterion #8</b>	
Does the request satisfy criterion #8? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements.</i>
<b>Staff Analysis</b>	With the proposed conditions, which address limits to the number of dogs, size of dog, waste disposal, and noise, the proposed conditional use is not anticipated to cause significant adverse odor, noise, glare, or vibration on surrounding lands.

<b>Criterion #9</b>	
Does the request satisfy criterion #9? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use avoids significant deterioration of water and air resources, scenic resources, and other natural resources.</i>
<b>Staff Analysis</b>	The proposed conditional use is not anticipated to significantly change the existing character of the property, and therefore, is not anticipated to cause significant deterioration of natural resources.

<b>Criterion #10</b>	
Does the request satisfy criterion #10? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site.</i>
<b>Staff Analysis</b>	The proposed conditional use is not anticipated to significantly change the existing character of the property or generate a significant number of vehicle trips, and therefore, is not anticipated to alter the existing ingress, egress, and traffic flow onto and throughout the site.

<b>Criterion #11</b>	
Does the request satisfy criterion #11? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use complies with all other relevant county, state and federal laws and standards.</i>
<b>Staff Analysis</b>	The proposed conditional use is required to comply with all other relevant county, state, and federal laws and standards. Failure to do so will result in the revocation of the CUP.

<b>Criterion #12</b>	
Does the request satisfy criterion #12? <b>Yes.</b>	
<b>Criteria</b>	<i>The proposed conditional use is required by the public necessity, convenience, general welfare, or good zoning practice.</i>
<b>Staff Analysis</b>	The proposed conditional use, with the conditions recommended in this report, will allow a local resident to safely raise her pet Chihuahuas with minimal impact on adjacent properties. The size of the subject parcel is generally compatible with the limits place on the number and size of dogs permitted on the property (Condition #5), and the owner will be required to adhere to regulations to minimize the negative impacts of pet waste and noise on the surrounding area. Therefore, the proposed conditional use is not anticipated to negatively impact public necessity, convenience, and general welfare, or good zoning practice.

*Recommendation*

The Department of Community Development **recommends approval** of this request with the recommended conditions (listed on the following page). With the recommended conditions, the use is generally compatible with the *2019 Long-Range Comprehensive Plan* and is not anticipated to significantly impact the surrounding area.

## **XI. PLANNING COMMISSION RECOMMENDATION**

At their meeting on March 3, 2020, the Planning Commission held a public hearing on this request. During the public hearing, no members of the public spoke on the request.

Following the public hearing, members of the Planning Commission discussed the request. Ms. Hurt asked for additional information regarding the property's existing conditions, including landscaping and tree coverage. Dr. Brown asked for additional details about the breeding operation, including whether or not the dogs are spayed/neutered. The applicant stated that all dogs are spayed or neutered prior to leaving the home. Mr. Hall asked if the applicant intended to continue breeding, to which the applicant stated she does not intend to continue breeding.

Prior to voting, members of the Planning Commission made the following comments:

- Ms. Hurt stated that she has concerns regarding impacts the proposed use may have on neighbors;
- Ms. Pendergast stated that she is comfortable with the request with the recommended conditions;
- Mr. Hall stated that he has concerns with having more than four dogs on a one-acre lot; and
- Ms. Kingery stated that she is comfortable with the request with the recommended conditions.

After discussion, the Planning Commission voted to **recommend denial** (3-2) of the request.

## **XII. RECOMMENDED CONDITIONS**

If approved, the Department of Community Development recommends that the conditions listed below be incorporated into this request. These conditions are proposed to minimize negative impacts on surrounding properties and reflect recommendations made in the *2019 Long-Range Comprehensive Plan*.

1. The applicant(s) shall consent to annual administrative inspections by the Department of Community Development for compliance with the requirements of this CUP.
2. The applicant(s) shall sign the list of adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. Failure to comply with the conditions of this CUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this CUP to the Board of Supervisors for revocation if the NOV is not resolved as directed.
4. All activities associated with this CUP shall be in compliance with all local, state, and federal laws.
5. This conditional use permit shall permit a maximum of twelve (12) dogs, which are kept and maintained for the hobby of the household. No single dog exceeding a weight of ten (10) pounds shall be kept on the property as part of the *private kennel*.

6. The commercial boarding of dogs or other pets not permanently residing on the property (for which a fee is accepted for overnight maintenance, care, and/or boarding) shall be prohibited.
7. All solid waste, including dog feces, must be properly managed per local, state, and federal law, and removed from the premises for disposal at least once every seven days.
8. All dogs shall be boarded in the existing dwelling. Kennels outside of an enclosed, temperature-controlled building shall be prohibited. Whenever the dogs are allowed outside the dwelling, they shall be on a leash or within the fenced area under appropriate supervision.
9. All activities associated with this CUP shall be in compliance with the Powhatan County Noise Ordinance (Sec. 42-32) of the County Code.

### **XIII. PROPOSED RESOLUTION**

In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request submitted by Kimberly Wilkinson Payne to permit a *kennel, private for parcels under two acres* on Tax Map Parcel #41-6-5, subject to the conditions presented in this report.

#### **Attachment(s)**

1. Application
2. Vicinity Map
3. Zoning Map
4. Countywide Future Land Use Map (2019)
5. Letters of Support

**Attachment #1**  
Application



**County of Powhatan,  
Virginia**  
Conditional Use Permit  
Application

<b>For Office Use Only</b>	
Case Number	20-01-CUP

Powhatan County, Virginia  
Department of Community Development  
3834 Old Buckingham Road: Suite F  
Powhatan, VA 23139

<b>Applicant Information</b>	
Name of Applicant	Kimberly Wilkinson Payne
Mailing Address	2016 Judas Ferry Road Powhatan, VA 23139
Phone Number	(804) 305-9429
Email Address	Kimberly.payne@live.com

<b>Owner Information</b> (Complete this section if the applicant is not the current property owner)	
Name of Owner	Kimberly Wilkinson Payne
Mailing Address	2016 Judas Ferry Rd. Powhatan VA 23139
Phone Number	(804) 305-9429
Email Address	Kimberly.payne@live.com

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

If there are multiple owners, all owners must sign the application or provide other documentation consenting to the

<b>Applicant Representative</b> (Complete this section if correspondence should be directed to someone other than the applicant)	
Name of Representative	
Mailing Address	
Phone Number	
Email Address	

Parcel Information	
Tax Map Number	41-6-5
Physical Address	2016 Judes Ferry Rd.
General Description of Property Location	2016 Judes Ferry Rd.
Election District	1
Total Acreage	1
Current Zoning	R-2
Countywide Future Land Use: Land Use Designation	
Proposed Use	
Proposed Use (Identify Use Listed in Zoning Ordinance)	private Kennel
Proposed Use: Detailed Description	Chihuahua Hobbyist
If this request is approved, will new structures be constructed?	no
Are there existing structures on the subject property?	single family
Will the proposed use connect to public water and/or sewer?	no
Will the proposed use have direct access to a public road?	yes

A conceptual plan that shows the general configuration of the proposed development, including land uses, building locations (existing and proposed), pedestrian and vehicular circulation, open space, and resource protection areas, should be submitted with the application. This plan should also include measurements on how far existing and proposed structures, parking areas, and other activities associated with the proposed use will be from property lines.

Proposed Use (Continued)

Describe any impacts the proposed use may have on adjacent properties and the surrounding neighborhood (e.g. noise, glare, smells, traffic, etc.).

\*None\*

- Dogs Kept Indoors
- supervised when out for exercise
- All waste is bagged and disposed of properly
- Premises is sprayed w/ vet grade disinfectant 2X day
- All dogs receive excellent vet/sraming care

**Statement of Validity of Information**

Every applicant shall sign the following document to substantiate the validity of submitted information.

I, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will provide written certification from the owner granting me the right to submit this application.

I declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

Signature of Applicant

*Kimberly Wilkin - Payne*

Name of Applicant (Printed)

Kimberly Wilkinson - Payne

Commonwealth of Virginia

County of Powhatan, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Kimberly Payne, whose name is signed to the above, on this 13 day of January 2020.

Notary Public

*Julianne Kurnos*

Commission Expires

3/31/21

Notary Number

7739990

Seal



Dear Sir or Madam,

Thank you for your consideration of our proposal to keep a number of small dogs on our property. The dogs are our loving companions, and my sixteen year old daughters dream. She started this year into The American Kennel Clubs junior handler program and hopes to have great success with her venture. We also foster no more than two extra Chihuahuas from time to time to enter into our dear friend Anna Driggers companion animal program. She places them with those in need, ranging from people who wish to have a companion, up to her ESA program which provides trained emotional support animals for people who suffer with a range of medical conditions. She is a licensed nurse with twenty years experience. She helps them through the process from start to finish.

We specialize in Chihuahuas, and there will be, at no time any other breed of dogs, or any large dogs on the property. This breed weighs on average 3-5lbs and must be housed indoors.

Our dogs are closely monitored when outside for exercise and/or potty time.

They receive all necessary veterinary care and grooming services regularly. (Powhatan Veterinary Hospital & Powhatan Grooming).

We deeply appreciate your consideration, and would be happy to answer and questions you may have. We also give our written permission for you, or your representative to contact the above mentioned entities to confirm our dedication to our animals and their care.

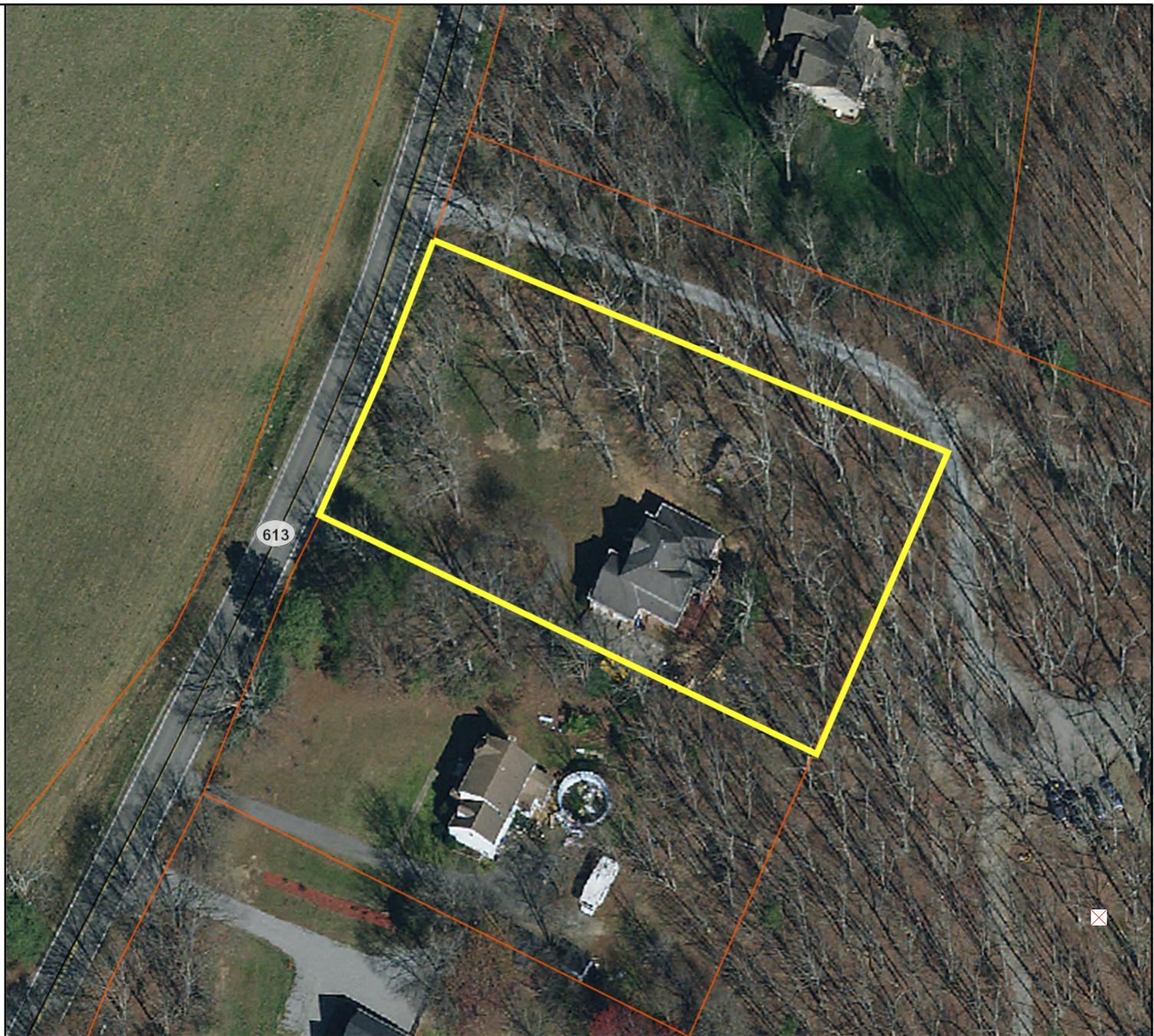
Thanks so much,

*Kimberly Payne*

# Powhatan County

## Legend

-  County Boundary
-  Places
-  Parcels
-  Streets Route Numbers



Feet

0 20 40 60 80  
1:1,128 / 1"=94 Feet

## Attachment #2: Case #20-01-CUP (Aerial Zoomed)

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

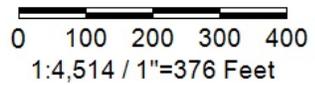
# Powhatan County

## Legend

-  County Boundary
-  Places
-  Parcels
-  Streets Route Numbers



Feet



## Attachment #2: Case #20-01-CUP (Aerials)

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

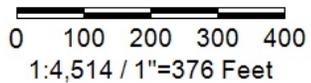
# Powhatan County

## Legend

-  County Boundary
-  Places
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commerce Center Planned Development
-  Commerce Center
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center
-  Streets Route Numbers



Feet



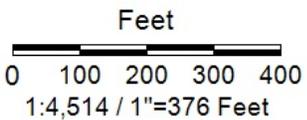
### Attachment #3: Case #20-01-CUP (Current Zoning)

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

# Powhatan County

## Legend

-  County Boundary
-  Places
-  Parcels
-  Streets Route Numbers
-  Crossroads
-  Growth Area Boundaries
-  Rural Enterprise Zone Boundary
- Future Land Use**
-  Public Lands
-  Natural Conservation
-  Rural Preservation
-  Rural Residential
-  Low Density Residential
-  Village Residential
-  Village Center
-  Commerce Center
-  Economic Opportunity
-  Industrial



### Attachment #4: Case #20-01-CUP (Future Land Use Map)

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

**Attachment #5**  
Letters of Support

**From:** [jonclipper@gmail.com](mailto:jonclipper@gmail.com)  
**To:** [Alyson Oliver, CZO, AICP](#)  
**Subject:** IMG\_2033.png  
**Date:** Wednesday, March 11, 2020 2:09:33 PM  
**Attachments:** [IMG\\_2033.png](#)

---

To whom it may concern,

I am Kimberly Payne's closest neighbor. I see her dogs from time to time when she has them out for exercise, they are all very well cared for and spoiled rotten. Kimberly is a very respectful neighbor, and in all the time she has lived next door there has never been a problem with noise, odor, etc at all. I am in full support of Kimberly having a CUP for a private kennel next to me.

Thank you,  
Joan W Pallett  
2012 Judes Ferry Road  
Powhatan VA 23139

Sent from my iPhone



2540 Anderson Highway  
Powhatan, VA 23139  
ph: 804.598.3168  
fx: 804-598-1253

---

March 11, 2020

To Whom it may concern,

Mrs. Payne is a very loyal client, and brings her pets in yearly for vaccines and wellness examinations. All Pets are on yearly flea and tick and heartworm prevention. Mrs. Payne is a very care and compassionate owner, who cares deeply about all her fur babies. If you have any other questions please feel free to call the clinic at any time.

Sincerely ,

The Doctors and staff at Powhatan animal hospital

Dr. Allyson Johnson



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

---

Agenda Item Title: **Ordinance #O-2020-05** (Case #20-04-AZ): The **County of Powhatan** requests the amendment of provisions set forth in Chapter 83 (Zoning Ordinance), Article IV (Village Growth Area Districts), Division 2 (Village Growth Area Planned Development Districts) to clarify language describing the intent of Village Growth Area Planned Development Districts and to require that development within Village Growth Area Planned Development Districts incorporate certain design concepts that are identified within a planned development (PD) plan.

Motion: In accordance with public necessity, convenience, general welfare and good zoning practice, move to approve/deny/defer Ordinance #O-2020-05.

Dates Previously Considered by Board: N/A

Summary of Item:

- Proposed revisions to Sec. 83-280 explain how the *Village Growth Area Planned Development (PD) Districts* are intended to promote high-quality design and innovative planning.
- A new subsection has been added to Sec. 83-282 that identifies what types of projects are an appropriate application of the PD districts. Several design elements are listed, which are based upon recommendations made in the *2019 Long-Range Comprehensive Plan* and described within the intent of the individual PD districts. Each PD plan must include language identifying which of the design elements will be incorporated into the proposed PD district.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Draft Ordinance  
Staff Report

Staff/Contact: Andrew J. Pompei, AICP, CZA: Planning Director  
(804) 598-5621 x2006  
[apompei@powhatanva.gov](mailto:apompei@powhatanva.gov)

**ORDINANCE #O-2020-05**

**AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND THE PROVISIONS OF CHAPTER 83 (ZONING ORDINANCE), ARTICLE IV (VILLAGE GROWTH AREA DISTRICTS), DIVISION 2 (VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS) TO CLARIFY LANGUAGE DESCRIBING THE INTENT OF VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS AND TO REQUIRE THAT DEVELOPMENT WITHIN VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS INCORPORATE CERTAIN DESIGN CONCEPTS THAT ARE IDENTIFIED WITHIN A PLANNED DEVELOPMENT (PD) PLAN.**

**WHEREAS**, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

**WHEREAS**, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, this amendment of the Powhatan County Zoning Ordinance is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, as amended; and

**WHEREAS**, the proper advertisement and public hearing was conducted as required by law; and

**WHEREAS**, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139.

**NOW THEREFORE**, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Article IV (Village Growth Area Districts), Division 2 (Village Growth Area Planned Development Districts) of the Zoning Ordinance of the County of Powhatan is amended and reenacted as follows:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA  
CHAPTER 83. ZONING ORDINANCE**

...

**ARTICLE IV. - VILLAGE GROWTH AREA DISTRICTS**

...

**DIVISION 2. - VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS**

**Sec. 83-280. - General purpose.**

A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-quality development than could be achieved through base zoning district regulations. The purpose of this division is to provide a uniform means for amending the official zoning district map to establish any of the three planned development (PD) zoning districts allowed by this chapter: the VR-PD village residential planned development; the VC-PD village center planned development; and the CC-PD commerce center planned development.

The village growth area planned development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other county goals and objectives by:

- (1) Allowing greater design flexibility than permitted through application of the village growth area base districts.
- (2) Accommodating a well-integrated mix of residential and/or nonresidential land uses within the same development, including (for residential projects) a mix of housing types, lot sizes, and densities.
- (3) Promoting quality design and environmentally-sensitive development that aligns with recommendations made in the long-range comprehensive plan, reflects the character of the surrounding area, and takes advantage of a site's natural and manmade features, such as mature trees, wetlands, surface waters, floodplains, and historic features.

(Ord. No. O-2013-06, 9-16-13)

**Sec. 83-281. - Classification of planned development zoning districts.**

Land shall be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in Article II (Administration) and this chapter.

(Ord. No. O-2013-06, 9-16-13)

**Sec. 83-282. - General standards for all planned development districts.**

(a) *Project eligibility.* Development within the PD district should incorporate innovative, high-quality design concepts that provide significant public benefits. Exemplary projects appropriate within a PD district include those that incorporate at least two (2) of the following:

- (1) *Context-sensitive infill development or redevelopment:* Enable pedestrian-oriented infill development or redevelopment designed to reflect the scale and architecture of surrounding development.
- (2) *Historic rehabilitation and reuse:* Include the rehabilitation and reuse of historic buildings (constructed prior to 1940).
- (3) *Exceptional pedestrian and bicycle infrastructure:* Provide pedestrian and/or bicycle infrastructure (sidewalks, shared-use paths, etc.) that exceeds minimum development standards and/or facilitates implementation of a regional trail network.
- (4) *Exceptional streetscape improvements:* Create an attractive streetscape along adjacent major thoroughfares and other roadways by providing decorative street lighting, decorative benches (street furniture), and/or enhanced landscaping that exceeds minimum development standards; limiting freestanding signage to monument signs with a brick or stone base; and/or limiting the size, color, and lighting of all commercial signage.
- (5) *Exceptional corridor buffers:* Provide buffers at least 75 feet in width along adjacent major thoroughfares, which are maintained in their natural state (if wooded) and/or planted at a rate that exceeds minimum development standards.
- (6) *Exceptional open space protection:* Protect an exceptional amount of open space (30 percent or more of the site) or preserve a unique natural feature or habitat.

- (7) *High-quality architecture and site design*: Incorporate high-quality architecture, building materials, and site design to create an attractive pedestrian-friendly streetscape, with buildings that relate to the street and are scaled to maintain a “small town feel” (guaranteed with proffered conditions).
- (8) *Workforce housing*: Integrate workforce housing (as defined by local policy) with market-rate units, with at least ten percent of the total number of residential units classified as workforce housing.

*Mix of housing options*: Provide diverse housing options (or single-family dwellings on lots of varying sizes), with no single housing type exceeding 80 percent of the total number of residential units. The PD plan shall identify which of the aforementioned elements are reflected within the design of projects within the PD district, with related terms and conditions within the PD plan assuring that the elements identified will be implemented.

(b) *PD plan*. The PD plan shall:

- (1) Include a statement of planning and marketing objectives for the district;
- (2) Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- (3) Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by dwelling type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (4) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;
- (5) Identify the location of environmentally-sensitive lands, wildlife habitat, and waterway corridors;
- (6) Identify the on-site transportation circulation system, including the general location of all public streets and private roads, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned county and state systems;
- (7) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems;
- (8) Identify the general location of on-site stormwater management facilities, and how they will connect to county systems;
- (9) Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;
- (10) Include a development phasing plan in accordance with section 83-282(e), development phasing plan if phasing of PD development is proposed; and
- (11) Identify which elements listed in section 83-282(a), project eligibility will be reflected within the design of projects within the PD district.

(c) *Consistency with county plans*. The PD Zoning District designation, the PD plan, and the PD terms and conditions shall be consistent with the comprehensive plan and any functional plans and small area plans adopted by the county.

- (d) *Compatibility with surrounding areas.* Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.
- (e) *Development phasing plan.* If development in the PD district is proposed to be phased, the PD plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the county's capital improvements program.
- (f) *Conversion schedule.* The PD plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use and one type of nonresidential use may be converted to another type of nonresidential use. Such conversions may occur within development areas and between development areas as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.
- (g) *On-site public facilities.*
- (1) Design and construction. The PD plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable county, state, and federal regulations.
  - (2) Dedication. The PD plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable county, state, and federal regulations.
  - (3) Modifications to street standards. In approving a PD plan, the board of supervisors may approve modifications or reductions of private road design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:
    - a. The PD plan provides for separation of vehicular, pedestrian, and bicycle traffic;
    - b. Access for emergency service vehicles is not substantially impaired;
    - c. Adequate off-street parking is provided for the uses proposed; and
    - d. Adequate space for public utilities is provided within the street right-of-way.
- (h) *PD terms and conditions.* The PD terms and conditions shall include, but not be limited to:
- (1) Conditions related to approval of the application for the PD Zoning District classification;
  - (2) The PD plan, including any density/intensity standards, dimensional standards, and development standards established in the PD plan;
  - (3) Conditions related to the approval of the PD plan, including any conditions related to the form and design of development shown in the PD plan;
  - (4) Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
  - (5) Provisions related to environmental protection and monitoring; and

- (6) Any other provisions the board of supervisors determines are relevant and necessary to the development of the PD in accordance with applicable standards and requirements of this chapter.
- (i) *Uses.* The principal, accessory, and temporary uses allowed in each type of PD district are identified in the use tables in Article VII: Use Standards. Allowed principal uses in a particular PD district shall be established in the PD plan, subject to conversion in accordance with a schedule incorporated in the PD plan in accordance with section 83-282(f): Conversion schedule. Allowed uses shall be consistent with the comprehensive plan and the purpose of the particular type of PD district, and subject to applicable use-specific standards in Article VII: Use Standards, and any additional limitations or requirements set forth in this division for the particular type of PD district.
- (j) *Densities/intensities.* The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD plan, and shall be consistent with the comprehensive plan, other adopted special area and county plans, and the purpose of the particular type of PD district.
- (k) *Dimensional standards.* The dimensional standards applicable in each development area of a PD district shall be as established in the PD plan, and shall be consistent with the purpose of the particular type of PD District. The PD plan shall include at least the following types of dimensional standards:
- (1) Maximum dwelling units per acre and/or maximum floor area ratio;
  - (2) Minimum lot area;
  - (3) Minimum lot width;
  - (4) Maximum impervious surface area;
  - (5) Maximum building height;
  - (6) Maximum individual building size;
  - (7) Minimum and maximum yard depths or setbacks; and
  - (8) Minimum buffers and/or setbacks from adjoining residential development or residential zoning districts, from adjacent farm operations, and from environmental features such as watercourses and wetlands.
- (l) *Development standards.* All development in a PD district shall comply with the development standards of Article VIII: Development Standards, and Powhatan County Code chapter 68 (Subdivisions), or any modifications of those standards established in the PD plan as consistent with the comprehensive plan and other adopted county plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in this division for the particular type of PD district.

(Ord. No. O-2013-06, 9-16-13)

**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON  
JULY 27, 2020.**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	



# 20-04-AZ

## County of Powhatan

Amend the Powhatan County Zoning Ordinance  
to Amend Language Related to  
*Village Growth Area Planned Development (PD) Districts*  
Staff Report Prepared for the Board of Supervisors  
July 27, 2020

---

---

### I. PUBLIC MEETINGS

Planning Commission	December 3, 2020	Workshop
	January 4, 2020	Workshop
	February 4, 2020	Workshop
	March 3, 2020	Public Hearing (Recommended Approval: 5 – 0)
Board of Supervisors	July 27, 2020	Public Hearing

### II. SUMMARY OF AMENDMENT

- Proposed revisions to Sec. 83-280 explain how the *Village Growth Area Planned Development (PD) Districts* are intended to promote high-quality design and innovative planning.
- A new subsection has been added to Sec. 83-282 that identifies what types of projects are an appropriate application of the PD districts. Several design elements are listed, which are based upon recommendations made in the *2019 Long-Range Comprehensive Plan* and described within the intent of the individual PD districts. Each PD plan must include language identifying which of the design elements will be incorporated into the proposed PD district.

### III. ADDITIONAL INFORMATION

#### Current Situation

At its meeting on November 6, 2019, the Planning Commission requested that possible amendments to language/requirements related to *Village Growth Area Planned Development (PD) Districts* be prepared. The Planning Commission did not feel that previously-proposed planned developments provided exceptional design features and/or public benefits (considering the degree of design flexibility requested by applicants).

Sec. 83-280 does not provide clear guidance as to when a Village Growth Area Planned Development (PD) District is appropriate versus application of a Village Growth Area Base District.

### **Proposed Amendment**

Based upon discussion at Planning Commission workshops held on December 3, 2019, January 7, 2020, and February 4, 2020, possible amendments to Sec. 83-280 and Sec. 83-282 have been prepared (attached):

- Proposed revisions to Sec. 83-280 explain how the *Village Growth Area Planned Development (PD) Districts* are intended to promote high-quality design and innovative planning.
- A new subsection has been added to Sec. 83-282 that identifies what types of projects are an appropriate application of the PD districts. Several design elements are listed, which are based upon recommendations made in the *2019 Long-Range Comprehensive Plan* and described within the intent of the individual PD districts. Each PD plan must include language identifying which of the design elements will be incorporated into the proposed PD district.

If the proposed amendment is adopted, development within a PD district must incorporate at least two (2) of the following elements:

- Context-sensitive infill development or redevelopment;
- Rehabilitation and reuse of historic structures;
- Exceptional pedestrian and bicycle infrastructure;
- Exceptional streetscape improvements;
- Exceptional corridor buffers;
- Exceptional open space protection;
- High-quality architecture and site design;
- Workforce housing; and/or
- Mix of housing options.

#### **IV. COMPREHENSIVE PLAN ANALYSIS**

The proposed amendment (if adopted) will help implement the following objective within the *2019 Long-Range Comprehensive Plan*:

*Implement improved rural and mixed-use design standards that further enhance the quality of development (Objective LU.5: p. 57).*

The proposed amendment is intended to promote high-quality design and innovative planning within designated growth areas by requiring development within PD districts to incorporate specific design elements. The design elements promoted align with specific recommendations made in the *2019 Long-Range Comprehensive Plan* (see following page).

Design Element	Comprehensive Plan Recommendation
Context-Sensitive Infill Development/Redevelopment	For development within the <i>Commerce Center</i> and <i>Village Center</i> land use designations, the <i>2019 Long-Range Comprehensive Plan</i> recommends that projects “have a coordinated architectural form and spatial feel, which should relate to surrounding developments” (p. 93, p. 98).
Rehabilitation and Reuse of Historic Structures	Strategy CR.1.a of the <i>2019 Long-Range Comprehensive Plan</i> states that Powhatan County should “encourage property owners to preserve historic structures and landscapes” (p. 50).
Exceptional Pedestrian and Bicycle Infrastructure	Strategy TR.5.a in the <i>2019 Long-Range Comprehensive Plan</i> states that Powhatan County should “encourage pedestrian and bicycle improvements, especially in new developments, to enhance walkability . . .” (p. 132).
Exceptional Corridor Buffers	The <i>2019 Long-Range Comprehensive Plan</i> recommends that wooded or landscaped buffers be provided between major thoroughfares and new development within the <i>Village Residential</i> and <i>Commerce Center</i> land use designations (p. 85, p. 97).
Workforce Housing	The <i>2019 Long-Range Comprehensive Plan</i> recommends that affordable and workforce housing provided within the <i>Village Residential</i> and <i>Village Center</i> land use designations be blended with other units of varying styles, sizes, and prices throughout a given development, with affordable units indistinguishable on the exterior from other units (p. 87, p. 93).
Mix of Housing Options	Strategy HS.2.b in the <i>2019 Long-Range Comprehensive Plan</i> states that Powhatan County should, “as part of major rezoning requests, encourage developers to provide a mixture of housing types” and should “work with developers to ensure different housing types are visually compatible with one another” (p. 25).

## V. STAFF RECOMMENDATION

The Department of Community Development **recommends approval** of the proposed amendment, as it will:

- Provide greater clarity regarding the purpose and intent of PD districts.
- Require that new development within PD districts incorporate high-quality design elements promoted in the *2019 Long-Range Comprehensive Plan*.

## VI. PLANNING COMMISSION REVIEW

The Planning Commission discussed possible amendments to Sec. 83-280 and Sec. 83-282 at workshops held on December 3, 2019; January 4, 2020; and February 4, 2020.

The Planning Commission held a public hearing regarding this request at its meeting on March 3, 2020. One (1) member of the public spoke during the public hearing and asked questions about requirements for sidewalks on U.S. Route 60 (Anderson Highway). After closing the public hearing, the Planning Commission **recommended approval** of this request (Vote: 5 – 0).

## VII. RESOLUTION

In accordance with public necessity, convenience, general welfare, and good planning practices, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request submitted by the County of Powhatan to amend Article IV (Village Growth Area Districts), Division 2 (Village Growth Area Planned Development Districts) of the Powhatan County Zoning Ordinance to:

- Clarify language regarding the intent of Village Growth Area Planned Development Districts; and
- Require that development within Village Growth Area Planned Development Districts incorporate certain design concepts that are identified within a planned development (PD) plan.



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

Agenda Item Title: **Ordinance #O-2020-10 (Case #20-02-REZC): Marshall and Laura Martin (District #5: Smiths Crossroads/ Pineville/Tobaccoville)** request the rezoning of Tax Map Parcel #4-62C from General Commercial (C) to Crossroads (CR) with proffered conditions and amendment of the zoning district map of approximately 2.998 acres of land located on the north side of State Route 684 (Cartersville Road) approximately 0.35 miles east of State Route 629 (Trenholm Road) (5750 Cartersville Road). Proffered conditions restrict permitted uses and site access. The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Preservation (0.35 miles east of a designated crossroads at Pine Tree) on the Countywide Future Land Use Plan.

Motion: In accordance with Article II of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request submitted by Marshall and Laura Martin to rezone approximately 2.998 acres of land from General Commercial (C) to Crossroads (CR) with proffered conditions.

Dates Previously Considered by Board: N/A

Summary of Item: The applicant is requesting to rezone approximately 2.998 acres along State Route 684 (Cartersville Road) in northwestern Powhatan County from General Commercial (C) to Crossroads (CR) with proffered conditions.

If this request is approved, the applicant will renovate the existing structure for use as a single-family dwelling. Since the C zoning district does not permit residential uses, rezoning is necessary to allow the existing structure to be repurposed.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Staff Report  
Application

Staff/Contact: Andrew Pompei: Planning Director  
(804) 598-5621 x2006  
[apompei@powhatanva.gov](mailto:apompei@powhatanva.gov)

*If Board members have questions, please call the staff / contact prior to the meeting.*

**ORDINANCE #O-2020-10****AN ORDINANCE TO CONDITIONALLY REZONE APPROXIMATELY 2.998 ACRES OF LAND, BEING TAX MAP PARCEL #4-62C OWNED BY MARSHALL AND LAURA MARTIN, FROM GENERAL COMMERCIAL (C) TO CROSSROADS (CR) WITH PROFFERED CONDITIONS.**

**WHEREAS**, the applicants, Marshall and Laura Martin, submitted a request (Case #20-02-REZC) to the Powhatan County Board of Supervisors to rezone approximately 2.998 acres of land, being Tax Map Parcel #4-62C owned by the applicants, from General Commercial (C) to Crossroads (CR) with proffered conditions;

**WHEREAS**, §15.2-1427 and §15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

**WHEREAS**, §15.2-2280, §15.2-2285 and §15.2-2286 of the *Code of Virginia*, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, the Planning Commission advertised and held a public hearing on the proposed rezoning on June 2, 2020, and all of those who spoke on this topic were heard; and

**WHEREAS**, the Planning Commission voted to recommend approval of this request at its meeting on June 2, 2020; and

**WHEREAS**, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning; and

**WHEREAS**, the Powhatan County Board of Supervisors caused to be published a notice of public hearing on this matter in *Powhatan Today* on July 15, 2020 and July 22, 2020; and

**WHEREAS**, the full text of this request was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

**WHEREAS**, on July 27, 2020, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard.

**NOW, THEREFORE, BE IT ORDAINED**, that the Powhatan County Board of Supervisors hereby approves Ordinance #O-2020-10 to conditionally rezone approximately 2.998 acres of land, being Tax Map Parcel #4-62C owned by Marshall and Laura Martin, from General Commercial (C) to Crossroads (CR) with the following proffered conditions (signed and dated May 13, 2020):

**Proffered Condition #1**

*Access: Only one entrance shall be permitted to the subject property from State Route 684 (Cartersville Road). Prior to the existing structure being reused for residential or commercial purposes (or occupancy of any new structure on the subject property), additional existing entrances shall be removed, with the existing gravel or pavement removed and the area revegetated.*

**Proffered Condition #2**

*Permitted Uses: Only the following principal uses permitted within the Crossroads (CR) zoning district shall be permitted on the subject property:*

*Dwelling, single-family detached;*

*Dwelling, live/work; and/or*

*Community garden.*

**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	



## 20-02-REZC Martin

Request to Rezone Tax Map Parcel #4-62C  
from General Commercial (C) to  
Crossroads (CR) with Proffered Conditions

Staff Report Prepared for the Board of Supervisors  
July 27, 2020

### I. PUBLIC MEETINGS

Planning Commission	June 2, 2020	Public Hearing (Recommended Approval: 5 – 0)
Board of Supervisors	July 27, 2020	Public Hearing

### II. GENERAL INFORMATION

Request	Rezone to Crossroads (CR) with Proffered Conditions
Existing Zoning	General Commercial (C)
Parcel ID#	4-62C
Total Area	2.998
Proposed Density	1 Dwelling Unit (Renovate Existing Structure for Single-Family Residential Use)
Applicant	Marshall and Laura Martin
Owner	Marshall and Laura Martin
Location of Property	5750 Cartersville Road North side of State Route 684 (Cartersville Road) approximately 0.35 miles east of State Route 629 (Trenholm Road)
Electoral District	(5) Smiths Crossroads/Pineville/Tobaccoville
2019 Land Use Plan	Rural Preservation
Recommendation	(0.35 miles east of designated crossroads at Pine Tree)

### III. EXECUTIVE SUMMARY

The applicant is requesting to rezone approximately 2.998 acres along State Route 684 (Cartersville Road) in northwestern Powhatan County from General Commercial (C) to Crossroads (CR) with proffered conditions.

If this request is approved, the applicant will renovate the existing structure (former country store) for use as a single-family dwelling. Since the C zoning district does not permit residential uses, rezoning is necessary to allow the existing structure to be used as a single-family dwelling.

#### IV. PROPERTY DESCRIPTION

##### Location

The subject property is located in northwestern Powhatan County, with frontage along the north side of State Route 684 (Cartersville Road) approximately 0.35 miles east of State Route 629 (Trenholm Road).

##### Existing Conditions

There is an existing structure on the property, which is located approximately 82 feet from State Route 684 (Cartersville Road). Property records indicate that the structure was built in 1950 with an area of 1,800 square feet, and it was formerly used as a country store. The southern half of the property (closest to State Route 684) is mostly open, with rear portions of the property being wooded.



View of Existing Structure (5750 Cartersville Road) on Subject Property

##### Surrounding Properties

Direction	Zoning	Uses
North	Agricultural-10 (A-10)	<ul style="list-style-type: none"> <li>• Vacant Properties</li> </ul>
South	Agricultural-10 (A-10)	<ul style="list-style-type: none"> <li>• Agricultural Uses</li> </ul>
East	Agricultural-10 (A-10)	<ul style="list-style-type: none"> <li>• Vacant Properties</li> <li>• Single-Family Dwellings along State Route 684 (Cartersville Road)</li> </ul>
West	Agricultural-10 (A-10)	<ul style="list-style-type: none"> <li>• Single-Family Dwellings along State Route 684 (Cartersville Road)</li> </ul>

##### Community Character

The subject property is located along State Route 684 (Cartersville Road) in northwestern Powhatan County. The surrounding area is primarily rural in character. Along the north side of State Route 684 (Cartersville Road) adjacent to the subject property, there are existing single-family dwellings on lots that are generally two to four acres in size. Existing single-family dwellings vary in age. Larger properties are located on the south side of State Route 684 (Cartersville Road) and are used for agricultural purposes and forestry.

**V. PROJECT ANALYSIS**

**Current Zoning**

The subject property is currently zoned General Commercial (C).<sup>1</sup>

**Requested Zoning**

The applicant is proposing to rezone the property to Crossroads (CR) with proffered conditions. The intent of the CR zoning district is as follows [Sec. 83-190(A)]:

*The purpose of the Crossroads (CR) District is to preserve and enhance the small historic crossroads communities that are the primary service areas for the county’s farmers and rural residents and help define the character of the county’s rural areas. Specifically, the district is intended to accommodate a small collection of five to eight buildings or uses loosely clustered around road or road/railroad intersections (within approximately ½ mile of the intersection). Appropriate uses include small-scale and rural-oriented businesses (such as grocery stores, convenience stores, agricultural supply stores, gas stations, and restaurants), institutional uses (such as post offices, schools, fire stations, community centers, and places of worship), heritage tourism uses (such as bed and breakfast inns), and single-family residential homes.*

The dimensional standards for the CR zoning district are as follows [Sec. 83-190(C)]:

<b>Table 1: CR Intensity and Dimensional Standards [Sec. 83-19(C)]</b>		
Lot Area (Minimum)	Residential	2 acres (Public/Central Utilities: 1 acre)
	Nonresidential	None
Lot Width (Minimum)	100 ft.	
Density (Maximum)	1 dwelling unit/2 acres (Public/Central Utilities: 1 dwelling unit/acre)	
Maximum Gross Floor Area (Commercial Uses)	15,000 square feet	
Lot Coverage (Maximum)	n/a	
Structure Height (Maximum)	35 ft.	
Front Yard Depth (Minimum)	60 ft.	
Side Yard Depth (Minimum)	25 ft.	
Rear Yard Depth (Minimum)	40 ft.	
Corner Lot Yard Depth (Minimum)	30 ft.	

<sup>1</sup> Zoning records indicate that the property was zoned General Commercial (C) in February 11, 1974. A map produced by the Planning Commission (March 1979: Powhatan County Comprehensive Plan) indicates that the property was used for commercial purposes. The building was previously a “country grocery store” operated by Mary Liggins. The last business license issued by Powhatan County at this location was for R-B Grocery Store and expired on December 31, 2013.

Currently, no properties in Powhatan County are zoned CR. CR is classified as a *Rural District* and is intended to be applied at locations designated as *Crossroads* in the Countywide Future Land Use Plan (2019 Long-Range Comprehensive Plan).

The applicant is proposing to renovate the existing structure into a single-family dwelling. *Single-family detached dwelling* is a permitted use within the CR zoning district [Sec. 83-191(5)], with a minimum lot size of two acres (the subject property is 2.998 acres). The subject property is near Pine Tree, which is a designated crossroads on the Countywide Future Land Use Plan (2019 Long-Range Comprehensive Plan).



View Looking East along State Route 684 (Cartersville Road) from Subject Property

### **Environment/Natural Resources**

*Agency Comments: Environmental Review (Powhatan County)*

There are no concerns or additional comments at this time.

#### *On-Site Natural Resources*

Portions of the property adjacent to State Route 684 (Cartersville Road) are mostly open, with rear portions of the property being wooded with steeper slopes. The highest elevations (approximately 330 feet) are along State Route 684 (Cartersville), with the lowest elevations at the northwestern corner of the property (approximately 290 feet).

Based on GIS, there are no streams or wetlands on the property.

## Transportation

Agency Comments: Virginia Department of Transportation (VDOT)

VDOT provided the following comments (letter dated February 12, 2020):

- The applicants are proposing a single-family use utilizing the existing building and existing entrances.
- The Department of Transportation notes that the proposed zoning [district] allows a commercial component that requires VDOT Access Management Entrance Spacing. The proposed usage is single-family residential that does not require VDOT Access Management, but the stopping sight distance of 360' is not met for the eastern entrance (280'). VDOT recommends that the easternmost entrance be removed.
- Note that VDOT Access Management shall be required and a full site plan submitted for review and approval for any commercial use. VDOT notes no other property constraints.

### Local Road Network

The subject property has frontage on State Route 684 (Cartersville Road).

Roadway Characteristic	State Route 684 (Cartersville Road)
Functional Classification: VDOT	Minor Collector
Functional Classification: Powhatan Co. Major Thoroughfare Plan	Rural Collector (Existing)
Traffic Volume Estimates	740 <sup>2</sup>

### Major Thoroughfare Plan

The Major Thoroughfare Plan (2019 Long-Range Comprehensive Plan: Chapter 9), establishes guidance regarding long-term development of the local transportation network. Per that plan, the adjacent segment of State Route 684 (Cartersville Road) is classified as a *Rural Collector (Existing)*. No transportation improvements are recommended for adjacent roadways.

Proffered Condition #1 limits access to the site to one entrance, reducing potential conflict points along the roadway.

### Pedestrian/Bicycle Circulation

No pedestrian- or bicycle-related improvements are proposed along State Route 684 (Cartersville Road).

<sup>2</sup> Traffic volumes are from VDOT (2018) and represent the segment of State Route 684 (Cartersville Road) between State Route 715 (Duke Road) and State Route 629 (Trenholm Road).

**Utilities and Public Infrastructure**

Agency Comments: Department of Public Works (Powhatan County)

The subject property is located outside of the Water and Wastewater Service District. The department has no further review comments.

Agency Comments: Virginia Department of Health

No comments received.

*Utilities*

Per records from the Health Department, the property is served by an existing well and septic system.

**Public Safety**

Agency Comments: Sheriff's Office (Powhatan County)

No comments at this time.

Agency Comments: Fire Department (Powhatan County)

No comments/issues at this time.

*Fire/Rescue*

In the case of a structure fire at this location, three fire companies would respond:

<b>Fire Company</b>	<b>Distance from Site (miles)</b>	<b>Staffing</b>
Deep Creek	5.7	One Career Firefighter (Monday – Friday: 7:00 a.m. – 7:00 p.m.)
Cartersville	4.2	N/A (Cumberland County)
Powhatan: Co. #1	10.6	Three Career Firefighters (Monday – Friday: 7:00 a.m. – 7:00 p.m.)

Each year, 10 to 20 structure fires occur countywide (0.001 per dwelling).

Based on an average of 0.28 calls per dwelling per year, it is estimated that this project will generate one call for Fire/EMS services every four years.

**Development Requirements and Standards**

Agency Comments: Building Inspections Department (Powhatan County)

If this rezoning is approved, building permits will be required for the renovation of the structure.

## VI. COMPREHENSIVE PLAN ANALYSIS

### Countywide Future Land Use Plan

The 2019 Long-Range Comprehensive Plan designates the subject property as *Rural Preservation*. The subject property is approximately 0.35 miles of Pine Tree, which is designated *Crossroads*.

### Land Use: Crossroads

The *Crossroads* land use designation is described as follows (p. 80):

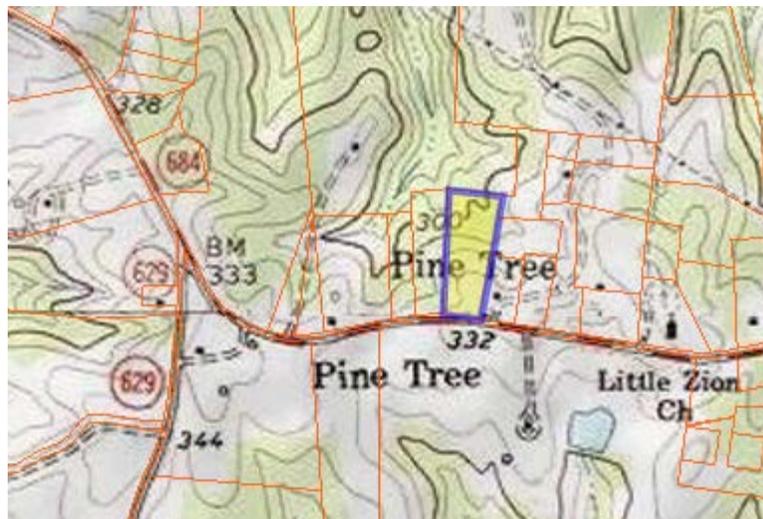
*Crossroads should be semi-rural in nature and include uses that serve the local and tourist community. Development intensity at a Crossroads should maintain a modest scale, with five (5) to ten (10) buildings that are loosely clustered at the intersection of major roadways. Each crossroads should have a clear edge and transition into the surrounding rural landscape. Any new development should also be architecturally compatible with existing buildings.*

The following uses are recommended within *Crossroads* (p. 80):

- Detached Single-Family Residential
- Institutional Uses  
(Ex.: Post Offices, Schools, and Fire Stations)
- Small-Scale Services  
(Ex.: Gas Stations, Restaurants, Bed and Breakfasts, and Inns)
- Small-Scale, Rural-Oriented Commercial Businesses  
(Ex.: Markets, Convenience Stores, Feed and Seed, and Agricultural Supply Stores)

The applicant is requesting to renovate an existing structure into a single-family residence, which is an appropriate use within areas designated *Crossroads*.

The proposed use is located at Pine Tree. On the Countywide Future Land Use Map, Pine Tree is shown at the intersection of State Route 684 (Cartersville Road) and State Route 629 (Trenholm Road), about 0.35 miles west of the subject property. On maps prepared by the United States Geological Survey, Pine Tree is located slightly to the east, centered at the subject property (below).



Below is an analysis of how the proposed project relates to recommended design elements for areas designated *Crossroads*:

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Min. Project Size	Yes	Only small-scale development is recommended within <i>Crossroads</i> . A single-family residence is proposed on a three-acre lot. Lots of a similar size are located on the north side of State Route 684 (Cartersville Road).
Residential Densities	Yes	This request would accommodate low-density residential development near an area designated <i>Crossroads</i> (1 unit/3 acres).
Mix of Uses	Yes	Single-family dwellings are permitted at areas designated <i>Crossroads</i> . At this location, there are a few existing dwellings (primarily on the north side of State Route 684 at Pine Tree).
Minimum Open Space	Yes	There are no minimum open space requirements.
Open Space Features	N/A	No open space is provided (or required).
Landscaping and Buffers	No	No additional buffers or landscaping are proposed.
Environmental Design	No	There is no indication that exceptional environmentally-friendly features will be incorporated into the development.
Transportation Network	Yes	No new streets are proposed. The parcel has frontage and existing access points on State Route 684 (Cartersville Road).  Proffered Condition #1 limits access to one entrance from State Route 684 (Cartersville Road).
Utilities and Infrastructure	Yes	The proposed single-family dwelling will utilize a private well and septic system.
Community Character	Yes	An existing structure dating to 1950 will be renovated for use as a single-family dwelling. The building's design, scale, and materials are compatible with surrounding buildings.

## VII. PROFFERED CONDITIONS

The applicant has voluntarily proffered the following two conditions (latest version dated May 13, 2020):

- *Proffered Condition #1*

*Access: Only one entrance shall be permitted to the subject property from State Route 684 (Cartersville Road). Prior to the existing structure being reused for residential or commercial purposes (or occupancy of any new structure on the subject property), additional existing entrances shall be removed, with the existing gravel or pavement removed and the area revegetated.*

*Analysis: This language is generally acceptable. Limiting access to adjacent roadways reduces potential conflict points and addresses concerns presented by VDOT (see p. 5 of the staff report).*

- *Proffered Condition #2*

*Permitted Uses: Only the following principal uses permitted within the Crossroads (CR) zoning district shall be permitted on the subject property:*

*Dwelling, single-family detached;*

*Dwelling, live/work; and/or*

*Community garden.*

*Analysis: This language is generally acceptable. The principal uses listed in Proffered Condition #2 are compatible with adjacent properties. This would generally limit higher-intensity commercial uses on the property.*

## VIII. PUBLIC COMMENTS

One member of the public provided written comments (via email), expressing support for this request.

## IX. PLANNING COMMISSION REVIEW

On June 2, 2020, the Planning Commission held a public hearing regarding this request. One member of the public provided written comments (via email), expressing support for this request.

Members of the Planning Commission discussed the following issues:

- *Underground Storage Tanks*

Members of the Planning Commission had questions regarding underground storage tanks and their removal, as this building was formerly used as a country store (with a gas pump).

- *Permitted Uses*

Members of the Planning Commission discussed Proffered Condition #2, which generally prohibits commercial uses on the property.

After discussion, the Planning Commission **recommended approval** of this request (Vote: 5 – 0).

## X. STAFF RECOMMENDATION

### Rezoning Request

#### *Favorable Attributes of Request*

- The proposed project is generally compatible with existing development in the surrounding area.
- Approval of this rezoning request will accommodate the renovation/reuse of an existing structure, supporting reinvestment in the subject property.
- The subject property would be rezoned from a *Transition Base District* [General Commercial (C)] to a *Rural District* [Crossroads (CR)], better reflecting recommendations made in the *2019 Long-Range Comprehensive Plan* and the zoning ordinance.<sup>3</sup>
- The proposed zoning reflects existing development in the area, where smaller residential lots (2 to 4 acres) are located along the north side of State Route 684 (Cartersville Road) near Pine Tree.
- The project will have limited impacts on the local transportation network and other public infrastructure.

#### *Unfavorable Attributes of Request*

- There are no significant unfavorable attributes associated with this request.

The Department of Community Development recommends **approval** of this rezoning request.

## XI. PROPOSED RESOLUTION

In accordance with Article II of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request submitted by Marshall and Laura Martin to rezone approximately 2.998 acres of land from General Commercial (C) to Crossroads (CR) with proffered conditions.

#### **Attachment(s)**

1. Application
2. Vicinity Map
3. Zoning Map
4. Countywide Future Land Use Map
5. Public Comment Received

---

<sup>33</sup> Sec. 83-340 states that “it is intended and expected that lands within these *Transition Base Districts* gradually will be rezoned to one of the other base or planned development districts established in this chapter [zoning ordinance] that better reflect the comprehensive plan’s land use classifications and objectives.”

**Attachment #1**  
Application



**RECEIVED**  
FEB 06 2020

BY: **County of Powhatan,**  
**Virginia**  
Rezoning Application

For Office Use Only	
Case Number	20-2-RE2C

Powhatan County, Virginia  
Department of Community Development  
3834 Old Buckingham Road: Suite F  
Powhatan, VA 23139

Applicant Information	
Name of Applicant	Marshall and Laura Martin
Mailing Address	481 Pine Grove Rd. Cartersville, VA 23027
Phone Number	804-629-9762
Email Address	

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	
Mailing Address	
Phone Number	
Email Address	

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).  
If there are multiple owners, all owners must sign the application or provide other documentation consenting to the application (see form entitled *Ownership Disclosure*).

Applicant Representative (Complete this section if correspondence should be directed to someone other than the applicant)	
Name of Representative	Joey Paquette
Mailing Address	1310 Giles Bridge Rd. Powhatan VA, 23139
Phone Number	804-698-9424
Email Address	Joey@joeypaquette.com

Parcel Information	
Tax Map Number	004-62C
Physical Address	5750 Cartersville Rd.
General Description of Property Location	Part open structure on property.
Election District	5
Total Acreage	3
Current Zoning	C
Requested Zoning	<del>A-10</del> Cross roads
Acreage to Be Rezoned	3
Countywide Future Land Use: Land Use Designation	Rural Preservation

Proposed Use	
Describe Proposed Use	Single family dwelling.
Amount of Dedicated Open Space (Acreage + % of Site)	
If this request is approved, will new lots be created?	No
If this request is approved, will new structures be constructed?	No
Are there existing structures on the subject property?	Yes, structure will be renovated.
Will the proposed use connect to public water and/or sewer?	No

A conceptual plan that shows the general configuration of the proposed development, including land uses, general building types, density/intensity, resource protection areas, pedestrian and vehicular circulation, open space, public facilities, and phasing, should be submitted with the application.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
4-61	Ruth Heirs Staples c/o Ivan Stratton	2946 Lake Louise Dr Powhatan, VA 23139
4-67	James Keith	5720 Cartersville Rd Powhatan, VA 23139
4-62G	F.W. Boatwright & Ruth S. Boatwright Gerald L. JR & Wendy Lynn Hagan	3511 Trenholm Rd Powhatan, VA 23139
4-62A	" "	" "
12-48	Theresa W. Adcock	5719 Cartersville Rd Powhatan, VA 23139
4-62B	Leslie Raymond	31 Ward Place Montclair, NJ 7042

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

**Statement of Validity of Information**

Every applicant shall sign the following document to substantiate the validity of submitted information.

I, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will provide written certification from the owner granting me the right to submit this application.

I declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

Signature of Applicant *Marshall Martin*

Name of Applicant (Printed) *Marshall Martin*

Commonwealth of Virginia  
 County of Powhatan, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Marshall Martin, whose name is signed to the above, on this 3 day of January 2020.

Notary Public *Julianne Kurnos*

Commission Expires *3/31/21*

Notary Number *7739990*



**Ownership Disclosure**

List below the names and addresses of all owners or parties in interest of the land subject to this request.  
 If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

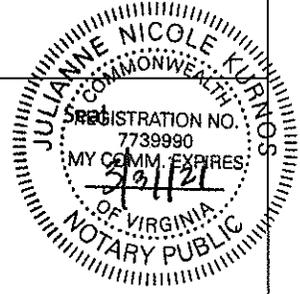
Name	Address
Marshall Martin	481 Pinegrove Rd, Cartersville, VA 23027
Laura Martin	481 Pinegrove Rd. Cartersville, VA 23027

I, \_\_\_\_\_, do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting rezoning for Tax Map \_\_\_\_\_.  
 If the information listed above changes at any time while this request is being considered, I will provide Powhatan County with an updated list of owners.

Signature of Applicant	<i>Marshall Martin</i>
Name of Applicant (Printed)	Marshall Martin

Commonwealth of Virginia  
 County of Powhatan, to wit:  
 Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Marshall Martin, whose name is signed to the above, on this 3 day of January 2020.

Notary Public	<i>Julianne Kurnos</i>	
Commission Expires	<u>3/31/21</u>	
Notary Number	<u>7739990</u>	

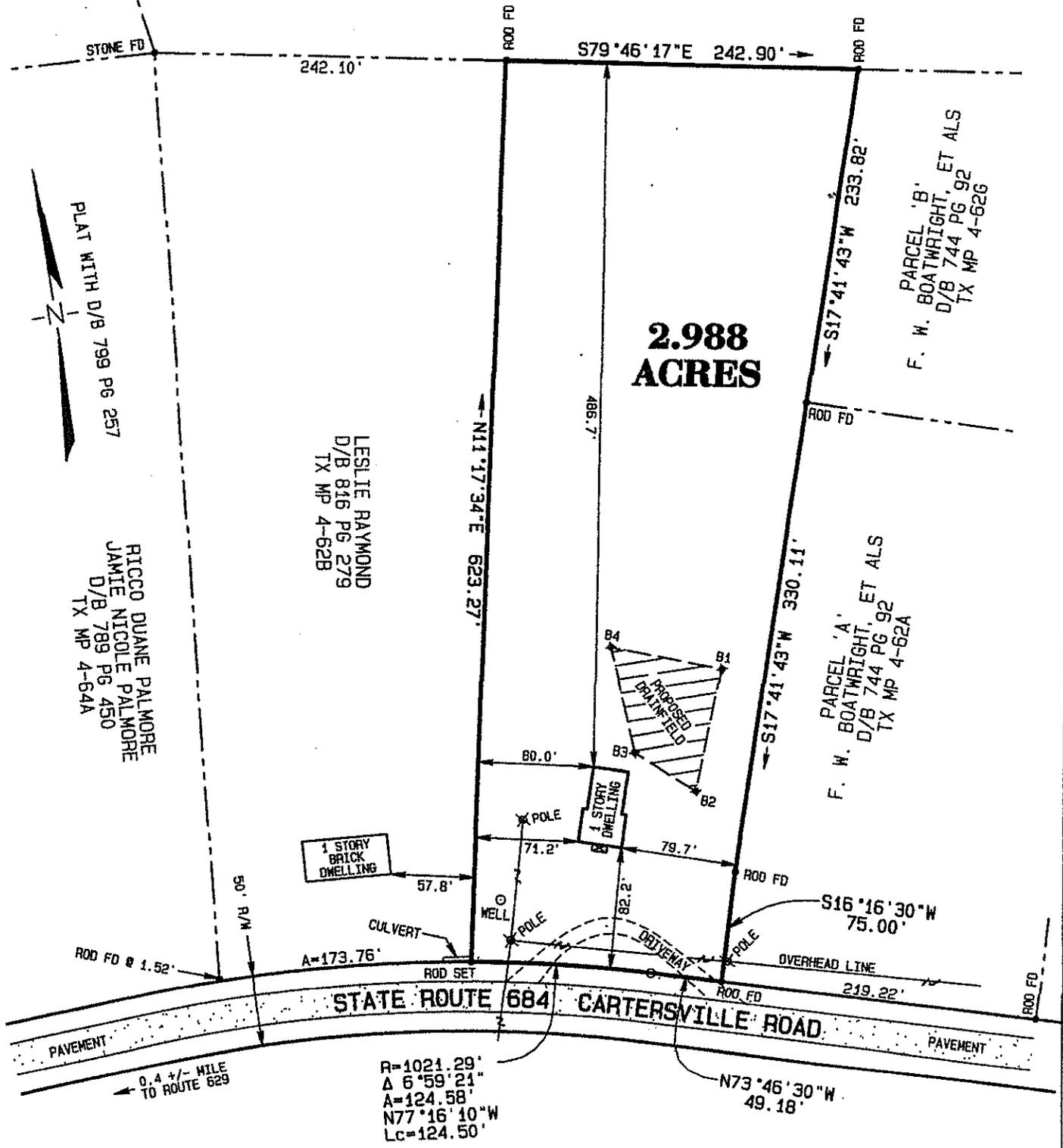


<b>Proffer Statement</b>	
<p>In accordance with § 15.2-2303 and Article II of the Powhatan County Zoning Ordinance, I do hereby voluntarily proffer, as the owner of record of the property or the applicant of this rezoning request, the conditions listed below. I hereby acknowledge that the rezoning of the subject property gives rise to the need for these conditions.</p> <p>(Note: If text for all proffered conditions does not fit on this page, additional proffered conditions may be attached to the application as separate pages.)</p>	
<b>Proffer #1</b>	Access: Only one entrance shall be permitted to the subject property from State Route 684 (Cartersville Road). Prior to the existing structure being reused for residential or commercial purposes (or occupancy of any new structure on the subject property), additional existing entrances shall be removed, with the existing gravel or pavement removed and the area revegetated.
<b>Proffer #2</b>	Permitted Uses: Only the following principal uses permitted within the Crossroads (CR) zoning district shall be permitted on the subject property: Dwelling, single-family detached; Dwelling, live/work; and/or Community garden.
<b>Proffer #3</b>	
<b>Proffer #4</b>	
<b>Signature of Applicant</b>	 5/13/2020 11:41:18 AM EDT
<b>Name of Applicant (Printed)</b>	Marshall Martin
<p>Commonwealth of Virginia County of _____, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by _____, whose name is signed to the above, on this _____ day of _____ 20_____.</p>	
<b>Notary Public</b>	
<b>Commission Expires</b>	
<b>Notary Number</b>	
<b>Seal</b>	

**NOTES:**

- 1) NO TITLE REPORT SUPPLIED. NOTICED ABOVE GROUND UTILITIES ARE SHOWN. OTHER EASEMENTS, UTILITIES OR MATTERS THAT MAY BE OF PUBLIC RECORD ARE NOT SHOWN.
- 2) THIS PROPERTY LIES IN ZONE 'X' AS SHOWN ON FLOOD INSURANCE RATE MAP 51145C0020B. (FEBRUARY 6, 2008)

JETHRO JAMES  
D/B 74 PG 392  
TX MP 4-67

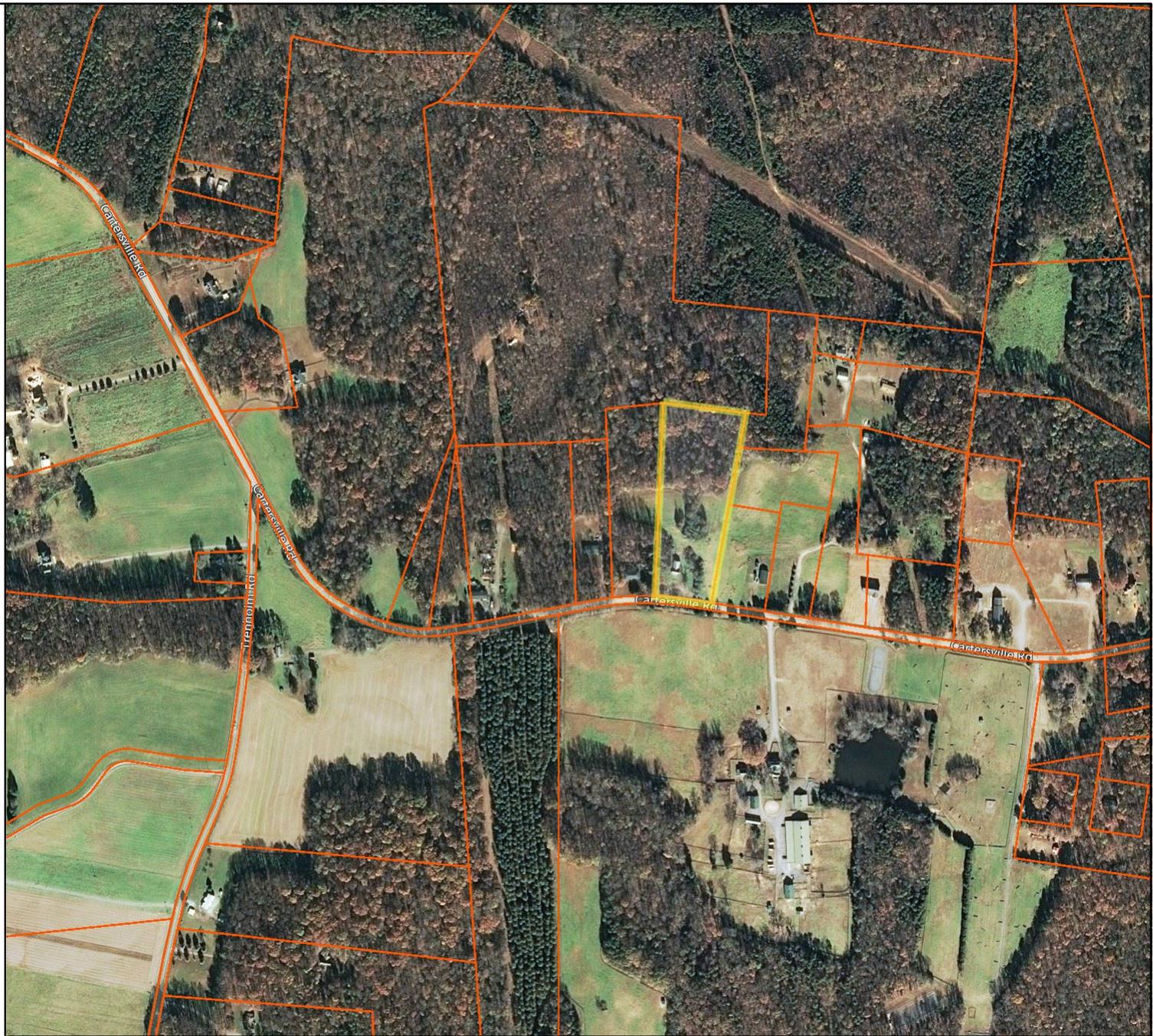


**PLAT OF A PARCEL OF LAND IN THE MACON DISTRICT OF POWHATAN COUNTY, VIRGINIA**  
 TAX MAP SECTION 4 PARCEL 62C

# Powhatan County, Virginia

## Legend

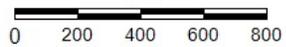
-  County Boundary
-  Parcels



## Attachment #2: Vicinity Map

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.*

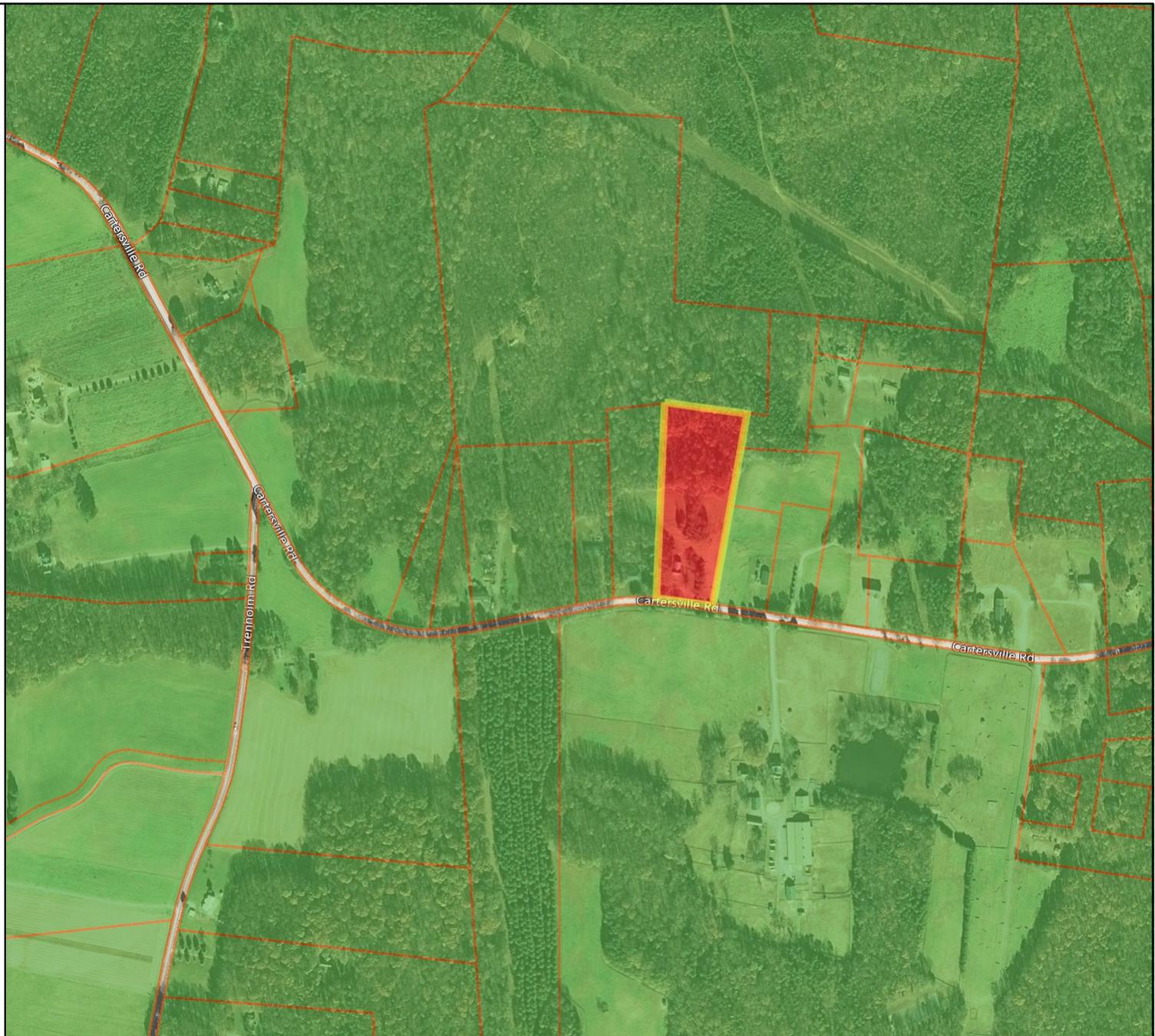
Feet



# Powhatan County, Virginia

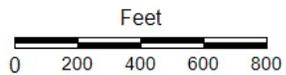
## Legend

-  County Boundary
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commerce Center Planned Development
-  Commerce Center
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center



## Attachment #3: Zoning Map

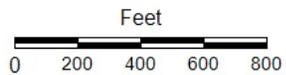
*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.*



# Powhatan County, Virginia

## Legend

-  County Boundary
-  Parcels
-  Crossroads
-  Growth Area Boundaries
-  Rural Enterprise Zone Boundary
- Future Land Use**
-  Public Lands
-  Natural Conservation
-  Rural Preservation
-  Rural Residential
-  Low Density Residential
-  Village Residential
-  Village Center
-  Commerce Center
-  Economic Opportunity
-  Industrial



## Attachment #4: Countywide Future Land Use Plan

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.*

**Attachment #5**  
Public Comments

## **Andrew Pompei, CZA, AICP**

---

**From:** dadcock186@aol.com  
**Sent:** Tuesday, May 26, 2020 8:28 PM  
**To:** Andrew Pompei, CZA, AICP  
**Cc:** Karin Carmack  
**Subject:** Case # 20-02-REZC

I am support of the zoning change on this property. I am the owner of the horse farm directly across the street.

Commercial here is a definite spot zoning situation since it is the only commercial property in this area. I believe that a better change would be for the zoning to become agricultural. I know that your reasoning for not going to this zoning is that the property is less than 10 acres. In this area in a 2 mile radius there are at least 20 agricultural properties that are less than 2 acres.

If the agricultural can't be done I support the change that you are proposing as long as the proffered condition of no commercial is upheld.

Terry Adcock  
Napier ERA  
Call or Text 804-314-5696



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

Agenda Item Title: **Ordinance #O-2020-11 (Case #20-02-CUP): Cellco Partnership d/b/a Verizon Wireless (District #2: Powhatan Station/Graceland)** requests a conditional use permit (CUP) to permit a telecommunications tower (up to 200 feet in height) within the Agricultural-10 (A-10) zoning district, per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The proposed use would be located at Tax Map Parcel #52-16 (3043 Moyer Road), which consists of 148.30 acres of land located on the south side of State Route 602 (Moyer Road) between State Route 1030 (Timber Trace Road) and State Route 619 (Pineview Drive). The 2019 Long-Range Comprehensive Plan designates the subject property as Rural Preservation and Natural Conservation on the Countywide Future Land Use Map.

Motion: In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request submitted by Cellco Partnership d/b/a Verizon Wireless to permit a *telecommunications tower* on Tax Map Parcel #52-16, subject to the conditions presented in the staff report.

Dates Previously Considered by Board: N/A

Summary of Item: Cellco Partnership d/b/a Verizon Wireless is requesting a conditional use permit (CUP) to allow a telecommunications tower (maximum 199 feet tall) within the Agricultural-10 (A-10) zoning district (Zoning Ordinance: Sec. 83-162). The proposed use would be located on a portion of Tax Map Parcel #52-16, between State Route 1030 (Timber Trace Road) and State Route 619 (Pineview Drive) in southeastern Powhatan County. In total, the property consists of 148.3 acres. The proposed telecommunications tower will be located within a fenced-in gravel compound (2,500 square feet) located on a portion of the property (10,000 square feet) that will be leased by the applicant.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments:

Budget/Fiscal Impact: None

Attachments: Draft Ordinance  
Staff Report

Staff/Contact: Andrew J. Pompei, AICP, CZA: Planning Director  
(804) 598-5621 x2006  
[apompei@powhatanva.gov](mailto:apompei@powhatanva.gov)

**ORDINANCE #O-2020-11**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CASE #20-02-CUP) TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO PERMIT A TELECOMMUNICATIONS TOWER ON TAX MAP PARCEL #52-16 (3043 MOYER ROAD).**

**WHEREAS**, Cellco Partnership d/b/a Verizon Wireless requests a conditional use permit (CUP) to permit a *telecommunications tower* within the Agricultural-10 (A-10) zoning district per Sec. 83-213 of the Zoning Ordinance of the County of Powhatan; and

**WHEREAS**, §15.2-1427 and §15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

**WHEREAS**, §15.2-2280, §15.2-2285 and §15.2-2286 of the *Code of Virginia*, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

**WHEREAS**, on June 2, 2020, the Powhatan County Planning Commission held a public hearing on this matter and all of those who spoke on this topic were heard; and

**WHEREAS**, on June 2, 2020, the Powhatan County Planning Commission voted to recommend to the Board of Supervisors approval (5-0) of the request to grant the Conditional Use Permit (CUP); and

**WHEREAS**, the Powhatan County Board of Supervisors caused to be published a notice of public hearing on this matter in *Powhatan Today* on July 15, 2020 and July 22, 2020; and

**WHEREAS**, the full application was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

**WHEREAS**, on July 27, 2020, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard.

**NOW, THEREFORE, BE IT ORDAINED** by the Powhatan County Board of Supervisors, in accordance with §83-123(f)(4) of the *Code of the County of Powhatan*, public necessity, convenience, general welfare, and good zoning practice, that the CUP request is hereby approved subject to the following conditions:

1. The applicant(s) shall consent to annual administrative inspections by the Department of Community Development for compliance with the requirements of this CUP.
2. The applicant(s) shall sign the list of adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. Failure to comply with the conditions of this CUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this CUP to the Board of Supervisors for revocation if the NOV is not resolved as directed.

4. All activities associated with this CUP shall be in compliance with all local, state, and federal laws.
5. This conditional use permit shall permit a telecommunications tower (up to 199 feet in height) and related accessory uses, as defined in Sec. 83-521 of the Powhatan County Zoning Ordinance.
6. The proposed tower shall be designed and constructed as a monopole.
7. The proposed tower shall be located as generally shown on the proposed site plan prepared by NB & C Engineering Service, LLC and dated May 22, 2020.
8. The tower site shall be addressed with signage containing numbers a minimum of four (4) inches in height and reflective so they are highly visible from State Route 602 (Moyer Road). Address numbers shall be maintained throughout the life of this CUP.
9. A vegetated buffer shall be established and maintained surrounding the fenced compound. The vegetated buffer shall be a minimum of 25 feet in width. Within the buffer area, no existing trees shall be removed during or after construction, except for trees necessary to accommodate the compound itself and associated driveways or trees that are diseased, dying, or pose a danger to nearby structures. Throughout the life of the project, the Planning Director may require the installation of additional plantings within the vegetated buffer to ensure adequate screening of the fenced compound.
10. The owner of the tower shall submit to the Planning Director a bond, irrevocable letter of credit, or other appropriate surety acceptable to Powhatan County to cover the cost of removing the tower and restoring the tower site to as near its original condition as is reasonably practical. The estimated cost shall be determined by a licensed engineer and submitted to Powhatan County in writing.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 27, 2020.**

---

**David T. Williams, Chairman**  
**Powhatan County Board of Supervisors**

**ATTEST:**

---

**Bret Schardein, Interim Clerk**  
**Powhatan County Board of Supervisors**

<b>Recorded Vote:</b>	
<i>David T. Williams</i>	
<i>Larry J. Nordvig</i>	
<i>Michael W. Byerly</i>	
<i>Bill L. Cox</i>	
<i>Karin M. Carmack</i>	



## 20-02-CUP County of Powhatan

Request for a Conditional Use Permit  
to Permit a *Telecommunications Tower*  
within the Agricultural-10 (A-10) Zoning District  
on Tax Map Parcel #52-16  
along State Route 602 (Moyer Road)

Staff Report Prepared for the Board of Supervisors  
July 27, 2020

---

---

### I. PUBLIC MEETINGS

Planning Commission	June 2, 2020	Public Hearing (Recommend Approval: 5-0)
Board of Supervisors	July 27, 2020	Public Hearing

### II. GENERAL INFORMATION

Request	Conditional Use Permit
Proposed Use	Telecommunications Tower
Proposed Density	N/A (No Residential Units Proposed)
Existing Zoning	Agricultural-10 (A-10)
Parcel Size	Total Parcel Area: 148.3 acres Leased Area: 10,000 square feet
Parcel ID#	52-16
Applicant	Cellco Partnership d/b/a Verizon Wireless
Owner	E & S Land Holdings, LLC
Location of Property	3043 Moyer Road Located on the southern side of State Route 602 (Moyer Road) between State Route 1030 (Timber Trace Road) and State Route 619 (Pineview Drive)
Electoral District	(2) Powhatan Station/Graceland
2019 Land Use Plan Recommendation	Rural Preservation and Natural Conservation

### III. EXECUTIVE SUMMARY

Cellco Partnership d/b/a Verizon Wireless is requesting a conditional use permit (CUP) to allow a *telecommunications tower* (maximum 199 feet tall) within the Agricultural-10 (A-10) zoning district (Zoning Ordinance: Sec. 83-162). The proposed use would be located on a portion of Tax Map Parcel #52-16, between State Route 1030 (Timber Trace Road) and State Route 619 (Pineview Drive) in southeastern Powhatan County. In total, the property consists of 148.3 acres. The proposed telecommunications tower will be located within a fenced-in gravel compound (2,500 square feet) located on a portion of the property (10,000 square feet) that will be leased by the applicant.

#### IV. REVIEW STANDARDS

<b>Conditional Use (A-10): Telecommunications Tower</b>
<i>Telecommunications tower</i> is listed as a conditional use within the A-10 zoning district [Sec. 83-162(11)].
<b>Sec. 83-123(f)(4): Conditional Use Permit Review Standards</b>
A Conditional Use Permit shall be approved if the applicant demonstrates the proposed conditional use: a) Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans; b) Complies with all applicable zoning district-specific standards in Articles III through VI; c) Complies with all applicable use-specific standards Article VII: Use Standards; d) Complies with all applicable development and design standards in Article VIII: Development Standards; e) Complies with all relevant subdivision and infrastructure standards in Chapter 68: Subdivisions of the Powhatan County Code; f) Is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed; g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands; h) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements; i) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources; j) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site; k) Complies with all other relevant county, state and federal laws and standards; and l) Is required by the public necessity, convenience, general welfare, or good zoning practice.
<b>Sec. 83-123(f)(5): Expiration of a Conditional Use Permit</b>
A Conditional Use Permit shall expire in accordance with any expiration date or provisions in a condition of its approval. A Conditional Use Permit shall automatically expire if a Building Permit, Site Plan, or other county approval, whichever occurs first, for the development granted by the Conditional Use Permit, is not obtained within two (2) years after the date of approval of the Conditional Use Permit, or if no subsequent county approval is required, the development is not completed and operational within two (2) years.
<b>Sec. 83-521: Definitions</b>
<i>Telecommunications tower</i> means any structure that is designed and constructed primarily for the purpose of supporting telecommunication antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes television transmission towers, microwave towers, common-carrier towers, wireless communication towers, alternative tower structures, and the like. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)
<b>Virginia State Code: Title 15.2, Chapter 22, Article 7.2 (15.2-2316.3 through 15.2-2316.5)</b>
This section of the Virginia State Code provides standards for the regulation and review of telecommunications projects.

**V. PROPERTY DESCRIPTION**

**Location**

The proposed telecommunications tower would be located on a portion of Tax Map Parcel #52-16 (3043 Moyer Road), which is located between State Route 1030 (Timber Trace Road) and State Route 619 (Pineview Drive) in southeastern Powhatan County.

**Existing Conditions**

The subject parcel is currently occupied by a single-family residential dwelling. The dwelling is accessed by a driveway with two entrances off of State Route 602 (Moyer Road).

Tax Map Parcel #52-16A is surrounded by the subject parcel. Tax Map #52-16A is also occupied by a separate single-family dwelling, which uses the same two-entrance driveway for access. There are two stream-fed ponds in the southern portion of the subject property.

**Surrounding Properties**

Direction	Zoning	Uses
North	Agricultural-10 (A-10)	<ul style="list-style-type: none"> <li>Single-Family Residential (Large Lot: ≥ 10 acres)</li> </ul>
South	Agricultural-10 (A-10)	<ul style="list-style-type: none"> <li>Vacant/Wooded Land</li> <li>Large Lot Single-Family Residential Subdivision (Skippers Ridge)</li> </ul>
East	Agricultural-10 (A-10) Residential-Utility (R-U)	<ul style="list-style-type: none"> <li>Single-Family Residential (Large Lot: ≥ 10 acres)</li> <li>Single-Family Residential Subdivisions (Skipper Creek Farms and Kimberly Farms: avg. 2 acre lots)</li> </ul>
West	Single-Family Residential – 2 (R-2)	<ul style="list-style-type: none"> <li>Single-Family Residential Subdivision (Timber Trace: avg. 2 acre lots)</li> </ul>

**VI. PROJECT ANALYSIS**

**Current Zoning**

The subject property is currently zoned Agricultural-10 (A-10).

**Proposed Use**

The applicant is proposing a *telecommunications tower*, which is defined as follows [Sec. 83-521]:

*Telecommunications tower* means any structure that is designed and constructed primarily for the purpose of supporting telecommunication antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes

television transmission towers, microwave towers, common-carrier towers, wireless communication towers, alternative tower structures, and the like.

*Telecommunications tower* is a conditional use within the Agricultural-10 (A-10) zoning district [Sec. 83-162(11)].

The proposed tower will be up to 199 feet tall and designed as a galvanized steel monopole structure. It is proposed to be located within a fenced-in gravel compound (50 feet by 50 feet). The lease area (10,000 square feet) will be located within the existing wooded area on the western side of the property.

The proposed lease area will be at least 509 feet from State Route 602 (Moyer Road) and 571 feet from the western property line (Timber Trace subdivision). The tower will be accessed from State Route 602 (Moyer Road) using an existing asphalt driveway located approximately 810 feet east of State Route 1030 (Timber Trace Road) (approximately 188 feet from the western property line of the subject parcel).

### **Land Use and Community Character**

The surrounding area is rural in character, with single-family residential lots ranging in size from approximately two acres to more than ten acres.

The proposed conditions included in this report are intended to help the proposed use blend with the surrounding rural residential areas by establishing a tree protection area, 25 feet in width, surrounding the fenced compound.

Photosimulations<sup>1</sup> provided by the applicant indicate that the tower will not be visible from most locations in the surrounding area, with the exception of the segment of State Route 602 (Moyer Road) directly adjacent to the subject parcel, and select areas to the south along State Route 603 (Rocky Ford Road) (see Attachment #7).

### **Environment/Natural Resources**

*Agency Comments: Environmental Review (Powhatan County)*

This development should comply with both stormwater management and Erosion and Sediment Control laws and regulations set forth in the Powhatan County Zoning Ordinance.

### *On-Site Environmental and Historic Features*

- *Topography*

The subject property gently slopes downward from north to south, beginning at an elevation of approximately 340 feet above sea level and dropping to 240 feet. Per GIS, the area where the tower is proposed to be located is along the upper edge of a small valley that slopes toward a pond located to the south.

---

<sup>1</sup> The photosimulations provided by the applicant were generated from photography taken during a balloon test prior to submittal of the CUP application. During the balloon test, the applicant released a balloon to the height of the proposed tower (199 feet) at the proposed tower location. The applicant then took photographs from the surrounding area (at locations selected by the Department of Community Development). A rendering of the proposed tower was added to the photos wherever the balloon was visible. The resulting photosimulations are included in Attachment #7 of this report.

- *Streams and Wetlands*

The subject property contains two streams, the closest of which is an intermittent stream running through the pond located approximately 600 feet south of the proposed tower. The other stream is a perennial stream, which is located approximately one-half mile south of the proposed telecommunications tower. It runs along the northern edge of a second pond on the property.

*Erosion and Sediment Control*

Prior to starting clearing and grading, the development will be subject to both stormwater management and Erosion and Sediment Control laws and regulations set forth in the Powhatan County Code.

*Riparian Buffers*

The proposed tower will be required to comply with requirements for riparian buffers set forth in the Powhatan County Zoning Ordinance [Sec. 83-471]. Information provided with the application indicates that these standards will be met, as the proposed location of the tower is well outside of these requirements.

**Transportation**

*Agency Comments: Virginia Department of Transportation (VDOT)*

VDOT supports the request by Cellco Partnership d/b/a Verizon Wireless of its conditional use permit and offers the following comments:

1. A site plan shall be submitted for VDOT review and approval prior to Land Disturbance. This review shall include potential drainage impacts upon Moyer Road (Rte. 602).
  - a. VDOT Access Management does not apply for Low Volume Commercial entrances, but stopping sight distance is required.
  - b. Please provide the Trip Generation utilizing the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition for all existing and proposed uses.
  - c. If the Vehicles Per Day (VPD) exceed 50, then the existing entrance may be required to meet the Moderate Volume Commercial Entrance Design as shown per Figure 4-15 in Appendix F of the VDOT Road Design Manual. Multiples uses appear to be utilizing the existing entrance.
2. A VDOT Land Use Permit shall be required for the Maintenance required to repair the existing Low Volume Commercial entrance to the site along Moyer Road (Rte. 602).

*Local Road Network*

The subject property has frontage on State Route 602 (Moyer Road), between State Route 1030 (Timber Trace Road) and State Route 619 (Pineview Drive).

<b>Roadway Characteristic</b>	<b>State Route 602 (Moyer Road)</b>
Functional Classification: VDOT	Local Road
Functional Classification: Powhatan Co. Major Thoroughfare Plan	Local Road
Traffic Volume Estimates (VDOT: 2018)	280

### *Site Access*

The conceptual plan (dated January 30, 2020) shows site access from the westernmost existing driveway off State Route 602 (Moyer Road).

### **Utilities and Public Infrastructure**

*Agency Comments: Department of Public Works (Powhatan County)*

The department has no review comments.

*Agency Comments: Virginia Department of Health*

No comments received.

The proposed use will not negatively affect public health and will improve community telecommunication services by providing expanded collocation opportunities for cellular and wireless providers. Information provided by the applicant indicates that the closest tower with similar service is located more than two miles from the proposed tower (see Attachment #6).

After construction, the site will generally not be occupied, except for occasional maintenance visits. Lack of on-site office or industrial facilities means there will rarely be a need for emergency services, and there will be no need for on-site wells or septic systems.

### **Public Safety**

*Agency Comments: Fire Department (Powhatan County)*

The Fire Department has no concerns and approves of this CUP.

*Agency Comments: Sheriff's Office (Powhatan County)*

The Sheriff's Office has no comments at this time.

Per information provided by the applicant, the telecommunications tower compound will be entirely enclosed by a fence and emergency responders will be given necessary access.

## Development Requirements and Standards

Agency Comments: Building Inspections Department (Powhatan County)

The building department has noted the following comments:

1. A soil analysis with engineered footing design will be needed for the supporting footings.
2. Stamped and Sealed plans will be required for the new tower when applying for a building permit.
3. A statement of special inspections will be required when applying for a building permit.

*Development Review: Next Steps*

Prior to issuance of a building permit, the applicant will be required to submit a site plan(s) for review and approval [Sec. 83-123(g)].

All site plans are evaluated to ensure that proposed development adheres to standards set forth in Article VIII (Development Standards) of the zoning ordinance.

Site plan applications are reviewed by the Department of Community Development.

## VII. COMPREHENSIVE PLAN ANALYSIS

### Countywide Future Land Use Plan

The *2019 Long-Range Comprehensive Plan* designates the subject properties as *Rural Preservation* on the Countywide Future Land Use Plan.

### Land Use: Rural Preservation

The *Rural Preservation* land use designation is described as follows (p. 68):

*Rural Preservation areas will be rural in character, with preserved natural, cultural, and historic resources, including farms, agribusinesses and tourism, permanently-protected open spaces, permanent easement properties, hillsides, hilltops, floodplain, wooded and forested areas, historic landscapes, landmarks, and corridors. These areas will contribute to active agriculture, silviculture, agribusiness, equestrian operations, and tourism, with new residential development designed in such a way as to be balanced with the natural and existing manmade environment in order to minimize degradation of the rural, natural, cultural, and historic environment.*

The *2019 Long-Range Comprehensive Plan* encourages the preservation of natural, cultural, and historic resources located within *Rural Preservation* areas. The proposed tower is expected to have minimal impact on the rural character of the area. The tower will not be visible from most areas, with the exception of the area adjacent to the subject parcel along State Route 602 (Moyer Road).

## Infrastructure and Facilities (Chapter 6)

Strategy IF.BT.5 in the *2019 Long-Range Comprehensive Plan* encourages the county to:

*Continue working with the radio project consultant to provide a telecommunications design plan for a new radio system. The design plan should include recommendations for new towers and explore all co-location opportunities on existing tower to remove “holes” in radio communication.*

The proposed telecommunications tower will improve community telecommunications services by providing expanded collocation opportunities for cellular and wireless providers. Information provided by the applicant indicates that the closest tower with similar service is located more than two miles from the proposed tower (see attachment #6).

## VIII. PUBLIC COMMENTS

At the Planning Commission meeting on June 2, 2020, one member of the public provided written comments to be read during the public comment period. In his comments, he expressed support for the project, citing the potential benefits for public safety and wireless service.

## IX. STAFF RECOMMENDATION

### *Favorable Attributes of Request*

- *Limited Demands on Public Services*

The use will not require significant public services. After construction, the site will generally not be occupied, except for occasional maintenance visits. Lack of on-site office or industrial facilities means there will rarely be a need for emergency services, and there will be no need for on-site wells or septic systems.

- *Limited Noise and Odors*

Once construction is complete, the use will generate little to no noise or odor.

- *Improved Telecommunication Services*

The proposed telecommunications tower will improve community telecommunications services by providing additional collocation opportunities for cellular and wireless providers. The nearest existing tower is located two miles away.

### *Unfavorable Attributes of Request*

- *Visual Impact*

The proposed tower will be visible above the tree line in some areas, namely along the stretch of State Route 602 (Moyer Road) adjacent to the subject property.

### *Recommendation*

The Department of Community Development **recommends approval** of this request. With the recommended conditions, the use reflects recommendations made in the *2019 Long-Range Comprehensive Plan* and improves the local telecommunications network. Recommended conditions also address aesthetic concerns by requiring the establishment of a 25-foot wide Tree Protection Easement surrounding the fenced compound.

## **X. PLANNING COMMISSION RECOMMENDATION**

At their meeting on June 2, 2020, the Planning Commission held a public hearing on this request. During the public hearing, no members of the public spoke on the request. However, one member of the public submitted written comments in support of the request prior to the meeting, citing the potential benefits for public safety and wireless service. His comments were read by staff during the comment period.

Prior the public hearing, members of the Planning Commission discussed the following:

- Land Disturbance. Members of the Planning Commission requested additional information on the area to be disturbed. The applicant noted that the limits of disturbance are shown on the site plan included with the application.
- Natural Buffer. The applicant requested that the proposed Tree Protection Easement condition (Condition #9) be modified to only include area that will be within the control of the applicant (the leased area). After discussion, the Planning Commission amended the recommended condition to address this request.

After discussion and the public hearing, the Planning Commission voted to **recommend approval** (5-0) of the request, with Condition #9 amended to require a 25-foot wide Tree Protection Area surrounding the fenced compound.

## **XI. RECOMMENDED CONDITIONS**

If approved, the Planning Commission recommends that the conditions listed below be incorporated into this request.

1. The applicant(s) shall consent to annual administrative inspections by the Department of Community Development for compliance with the requirements of this CUP.
2. The applicant(s) shall sign the list of adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. Failure to comply with the conditions of this CUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this CUP to the Board of Supervisors for revocation if the NOV is not resolved as directed.
4. All activities associated with this CUP shall be in compliance with all local, state, and federal laws.
5. This conditional use permit shall permit a telecommunications tower (up to 199 feet in height) and related accessory uses, as defined in Sec. 83-521 of the Powhatan County Zoning Ordinance.
6. The proposed tower shall be designed and constructed as a monopole.
7. The proposed tower shall be located as generally shown on the proposed site plan prepared by NB & C Engineering Service, LLC and dated May 22, 2020.
8. The tower site shall be addressed with signage containing numbers a minimum of four (4) inches in height and reflective so they are highly visible from State Route 602 (Moyer Road). Address numbers shall be maintained throughout the life of this CUP.

9. A vegetated buffer shall be established and maintained surrounding the fenced compound. The vegetated buffer shall be a minimum of 25 feet in width. Within the buffer area, no existing trees shall be removed during or after construction, except for trees necessary to accommodate the compound itself and associated driveways or trees that are diseased, dying, or pose a danger to nearby structures. Throughout the life of the project, the Planning Director may require the installation of additional plantings within the vegetated buffer to ensure adequate screening of the fenced compound.
10. The owner of the tower shall submit to the Planning Director a bond, irrevocable letter of credit, or other appropriate surety acceptable to Powhatan County to cover the cost of removing the tower and restoring the tower site to as near its original condition as is reasonably practical. The estimated cost shall be determined by a licensed engineer and submitted to Powhatan County in writing.

## **XII. PROPOSED RESOLUTION**

In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request submitted by Cellco Partnership d/b/a Verizon Wireless to permit a *telecommunications tower* on Tax Map Parcel #52-16, subject to the conditions presented in this report.

### **Attachment(s)**

1. Application
2. Vicinity Map
3. Zoning Map
4. Countywide Future Land Use Map (2019)
5. Conceptual Plan
6. Nearby Verizon Wireless Tower Sites
7. Photosimulations

**Attachment #1**  
Application



**County of Powhatan,  
Virginia**  
Conditional Use Permit  
Application

**For Office Use Only**

Case Number

Powhatan County, Virginia  
Department of Community Development  
3834 Old Buckingham Road: Suite F  
Powhatan, VA 23139

**Applicant Information**

Name of Applicant	Cellco Partnership d/b/a Verizon Wireless
Mailing Address	1831 Rady Court Richmond, VA 23222
Phone Number	804 543-7560
Email Address	Linda.French@VerizonWireless.com

**Owner Information**  
(Complete this section if the applicant is not the current property owner)

Name of Owner	Eugene Moyer (E&S Holdings, LLC)
Mailing Address	3043 Moyer Road, Powhatan, VA 23139
Phone Number	See Applicant Representative Information
Email Address	See Applicant Representative Information

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

If there are multiple owners, all owners must sign the application or provide other documentation consenting to the

**Applicant Representative**  
(Complete this section if correspondence should be directed to someone other than the applicant)

Name of Representative	Euan Fuller
Mailing Address	1111 E Main Street, Suite 1905, Richmond, VA 23219
Phone Number	804-510-6888
Email Address	efuller@bci-mail.com

Parcel Information	
Tax Map Number	052-16
Physical Address	3043 Moyer Road, Powhatan, VA 23139
General Description of Property Location	Site approximately 1 mile north of Genito, tower location proposed in the trees in the north west portion of the subject parcel.
Election District	Powhatan Station / Graceland (District 2)
Total Acreage	148.30+/- acres
Current Zoning	A-10
Countywide Future Land Use: Land Use Designation	Rural Preservation

Proposed Use	
Proposed Use (Identify Use Listed in Zoning Ordinance)	Construction of a new 199' monopole cell tower
Proposed Use: Detailed Description	Addition of a new 199' monopole cell tower, associated ground equipment area and access route to existing driveway per the plans attached with this application.
If this request is approved, will new structures be constructed?	Yes
Are there existing structures on the subject property?	Yes
Will the proposed use connect to public water and/or sewer?	No
Will the proposed use have direct access to a public road?	No, new access route proposed will join existing entrance route on the subject property.

A conceptual plan that shows the general configuration of the proposed development, including land uses, building locations (existing and proposed), pedestrian and vehicular circulation, open space, and resource protection areas, should be submitted with the application. This plan should also include measurements on how far existing and proposed structures, parking areas, and other activities associated with the proposed use will be from property lines.

**Proposed Use (Continued)**

Describe any impacts the proposed use may have on adjacent properties and the surrounding neighborhood (e.g. noise, glare, smells, traffic, etc.).

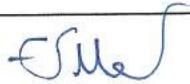
Please see attached applicant narrative in conjunction with this application.

**Statement of Validity of Information**

Every applicant shall sign the following document to substantiate the validity of submitted information.

I, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will provide written certification from the owner granting me the right to submit this application.

I declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

Signature of Applicant	
Name of Applicant (Printed)	Euan Fuller (Verizon Wireless Agent)

Commonwealth of Virginia  
County of Richmond City, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Euan Fuller, whose name is signed to the above, on this 6 day of February 2020.

Notary Public		<b>Seal</b> NICOLE CARTY Notary Public Commonwealth of Virginia Registration No. 7797028 My Commission Expires Apr 30, 2022
Commission Expires	April 30, 2022	
Notary Number	7797028	

**Ownership Disclosure**

List below the names and addresses of all owners or parties in interest of the land subject to this request.  
 If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

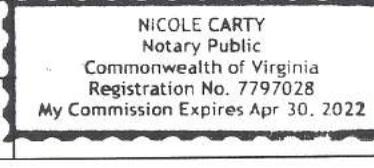
Name	Address
Eugene Moyer (E&S Holdings, LLC)	3043 Moyer Road, Powhatan, VA 23139

I, Eugene B. Moyer, do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting a conditional use permit for Tax Map 052-16.  
 If the information listed above changes at any time while this request is being considered, I will provide Powhatan County with an updated list of owners.

**Signature of Applicant** Eugene B. Moyer

**Name of Applicant (Printed)** E. B. Moyer

Commonwealth of Virginia  
 County of Richmond City, to wit:  
 Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Eugene B. Moyer, whose name is signed to the above, on this 6 day of February 2020.

<b>Notary Public</b>	<u>Nicole Cartz</u>	<b>Seal</b>
<b>Commission Expires</b>	<u>April 30, 2022</u>	
<b>Notary Number</b>	<u>7797028</u>	

**Consent of Owner(s) to Permit Request**

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the conditional use permit (CUP) application.

I, Eugene Moyer, am the owner of the property subject to this CUP request and consent to the request submitted by Cellco Partnership d/b/a Verizon Wireless (Applicant) for a CUP to allow the construction of a new 199' monopole cell tower, compound area and associated access route (Requested Use) on Tax Map 052-16.

Signature of Owner	<i>Eugene B. Moyer</i>
Name of Owner (Printed)	Eugene Moyer

Commonwealth of Virginia  
 County of Richmond City to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Eugene B. Moyer, whose name is signed to the above, on this 6 day of February 2020.

Notary Public	<i>Nicole Carty</i>	<b>Seal</b> NICOLE CARTY Notary Public Commonwealth of Virginia Registration No. 7797028 My Commission Expires Apr 30, 2022
Commission Expires	<i>April 30, 2022</i>	
Notary Number	<i>7797028</i>	

Applicant's Permission for Inspection of Property		
I, <u>Eugene Moyer</u> , hereby grant access to the Director of Community Development, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application.		
Signature of Applicant	<u>Eugene B. Moyer</u>	
Name of Applicant (Printed)	<b>Eugene Moyer</b>	
Commonwealth of Virginia County of <u>Richmond City</u> , to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Eugene B. Moyer</u> , whose name is signed to the above, on this <u>6</u> day of <u>February</u> 20 <u>20</u> .		
Notary Public	<u>Nicole Cartz</u>	<div style="border: 2px dashed black; padding: 5px; text-align: center;"> <b>Seal</b>            NICOLE CARTY            Notary Public            Commonwealth of Virginia            Registration No. 7797028            My Commission Expires Apr 30, 2022         </div>
Commission Expires	<u>April 30, 2022</u>	
Notary Number	<u>7797028</u>	

## APPLICANT NARRATIVE

### SITE NAME: Moyer Road

#### Proposal:

Cellco Partnership d/b/a Verizon Wireless (t/a “Verizon Wireless”) (the “Applicant”) requests a Conditional Use Permit in order to construct and operate a 195-foot steel monopole telecommunications tower, with the top of all appurtenances extending to 199-feet, on a 148.3± acre parcel on Moyer Road, Powhatan and identified as Parcel ID: 052-16 (“Property”). Verizon Wireless is licensed by the Federal Communications Commission to provide wireless communications services throughout Powhatan County (“County”). Verizon Wireless currently has need to improve the network capacity in the surrounding area of the proposed site as the demand for wireless service increases and places greater strain on the surrounding network sites. In addition, this site will improve the wireless footprint throughout the County. The network of sites is largely based on the use of existing towers and tall structures built by Verizon Wireless, other carriers and tower companies.

The Applicant is proposing to locate the tower and associated ground equipment within a 50’ x 50’ fenced compound (100’ x 100’ lease area). The fenced compound area will be located set in wooded area to the South East of Moyer Road. Additional screening around the compound area will be placed in accordance with the local ordinance as applicable. The proposed tower will have an overall height of 199 feet (195 feet steel monopole telecommunications tower with the top of all appurtenances extending to 199 feet). The tower will be made of galvanized steel and it will be designed to accommodate additional users. The facility will be unmanned and will be visited occasionally, usually once a month, by technicians to conduct routine checks and maintenance. The facility will not emit any odor, fumes or glare. The noises emitted from the equipment on the ground will not be any louder than normal residential HVAC equipment. Therefore, the impact on surrounding properties resulting from this passive use will be minimal.

#### Purpose of Tower:

Verizon Wireless is in the process of enhancing the coverage and capacity of its wireless telecommunications network in Powhatan County by constructing new towers in areas where coverage is lacking and co-location opportunities do not exist.

The proposed tower will achieve the following:

- Improve Verizon Wireless’ existing network by providing seamless coverage in the area;
- Support the latest wireless technologies (voice and data);
- Provide coverage to the following:
  - Those living in nearby residences;
  - Those traveling on nearby roads
  - Provide multiple co-location positions for other wireless carriers to expand their networks;

- Emergency personnel operating in the area.

**Consistency with Powhatan County 2019 Long-Range Comprehensive Plan:**

The proposed tower is consistent with the Comprehensive Plan as follows:

Strategy IF.BT1-2, IF.BT.5 – Broadband and Telecommunications: Provide and plan for efficient public facilities and services, accelerate wireless broadband deployment, work with private partners to bring high-speed wireless communications to meet the community needs of Powhatan County.

In today’s society, reliable wireless service is a necessity for residents, students, businesses and emergency personnel. The proposed tower will provide the infrastructure needed for Verizon Wireless, as well as the opportunity for multiple other wireless carriers, to expand and improve their networks in this area of Powhatan County. This reliable wireless service will enhance the local economy and complement economic development by helping businesses to be more effective and efficient in their everyday operations, providing citizens the opportunity to work, study and shop from home as well as improving service for those traveling in the vicinity.

**Zoning Ordinance Requirements**

The subject property is zoned Agricultural (A-1). In accordance with section 83-152 of the zoning ordinance, Telecommunications Towers are permitted in the A-1 zoning district subject to an approved conditional use permit (CUP). Article VII (Sec. 83-432.d) of the zoning ordinance regulates telecommunications antennas and towers. The applicable requirements in this section are as follows:

**ARTICLE IV. – USE STANDARDS**

**Sec. 83-432 (d) (1) a. – Telecommunications facility**

- (1) **Purpose.** This section is intended to establish general standards for the siting of telecommunications towers and collocated telecommunications facilities that will:
  - (i) Enhance the effective and efficient provision of advanced telecommunication services throughout the county;
  - (ii) Strongly encourage the collocation of telecommunications facilities on existing towers and other structures as preferred options to construction of additional telecommunications towers;
  - (iii) Minimize the total number of new towers throughout the county by providing incentives for the use of existing structures;
  - (iv) Encourage towers to locate in nonresidential areas, especially along the Route 60 corridor, and protect residential areas and land uses from potential adverse impacts of towers;
  - (v) Encourage the location of towers, to the extent possible, in areas where the adverse impact on the community will be minimal;
  - (vi) Minimize the adverse visual impact of towers and antennas through carefully siting, configuration, design, and screening;

- (vii) Encourage public/private partnerships, where possible, to promote the telecommunications needs of the county, especially in association with fire and emergency rescue services;
- (viii) Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure; and
- (ix) Assure that towers comply with all federal and state regulations.

(2) **Applicability.**

- (i) Unless exempted in subsection 3, exemptions, below, any new telecommunications facility—whether a principal or accessory use—shall be subject to the standards in this subsection a., telecommunications facility.
- (ii) An existing use or an existing structure on the same lot shall not preclude the installation of towers or antennas on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the towers or antennas may be located on leased area within such lots.
- (iii) Towers that are constructed and antennas that are installed in accordance with the provisions of this subsection shall not be deemed to constitute the expansion of a nonconforming use or structure.

(3) **Exemptions.** The following shall be exempt from the standards of this subsection (but may be subject to other relevant standards in this chapter, such as accessory use or design standards):

- (i) Telecommunications towers that are 35 feet or less in height in any district, or are 100 feet or less in height in the I-1 or I-2 District.
- (ii) Satellite dish antennas, as an accessory use (see accessory use standards in Section 83-438(u), Satellite dish);
- (iii) Antennas used solely for broadcast radio or television reception, as an accessory use (see section 83-438(y), Television or radio antenna)
- (iv) Antennas legally operated by FCC-licensed amateur radio operator (see section 83-438(c), Amateur radio antenna);
- (v) Emergency telecommunications facilities owned by the county or other public agency that are used wholly or in part for public safety or emergency communication purposes; and
- (vi) Portable wireless telecommunications facilities temporarily used for emergency purposes for not more than 180 days after declaration of an emergency or disaster by a responsible official of the county, state, or federal government.

(4) **Timely action of telecommunications facility applications.** The county shall process all applications for a telecommunications facility in a timely manner in accordance with the review procedures in Article II, Administration, and shall make a decision on such applications within a reasonable period of time after the application is submitted and determined complete (see application submittal and acceptance under Article II, Administration, taking into account the nature and scope of the application.

(5) **Telecommunications facility, collocated.**

- (i) The placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, transmission/utility tower, water tank, or other free-standing structure or existing tower or pole is allowed by right, without the need for a conditional use permit, so long as placement of the antenna does not increase the height of the existing structure or tower by 20 feet or 25 percent, whichever is less.
- (ii) A collocated antenna shall not require additional lighting pursuant to FAA or other applicable requirements.
- (iii) A collocated antenna use also may include the placement of additional buildings or other supporting equipment used in connection with placement of the antenna so long as auxiliary building or equipment is placed within the existing structure or property and is necessary for such use.
- (iv) Where antennas are collocated on a structure other than a telecommunications tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

**(6) General standards for all Telecommunications facilities.**

- (i) Compliance with federal standards. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. This requirement includes meeting all regulatory emission standards established by the FCC.

*Prior to constructing the tower, the Applicant must obtain all required approvals from the FAA and FCC. The tower will meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas*

**(7) Telecommunication towers.**

- (i) Requirements for collocation.
  - A. No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
    - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

*See attached map and representation of available existing structures.*

- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- B. Except where height, structural, mechanical, or regulatory factors prevent collocation, a proposed tower shall be designed to accommodate the present and future needs of its owner and collocated antennas by at least three other telecommunications providers, subject to mutually agreeable terms and conditions negotiated between the owner and collocating providers. Any purported height, structural, mechanical, or regulatory limitations to collocation shall be described in a report submitted with the development application for the tower.

*See the attached plans, prepared by a Virginia certified engineer, showing that there is enough space on the tower for at least four users, including the primary user. At the time of building permit submittal, the Applicant will submit a tower design report showing that the tower will have the structural capacity to accommodate at least four users, including the primary user*

- C. Owners of towers shall provide the county collocation opportunities as a community benefit to improve communications for county departments and emergency services, provided it does not conflict with the collocation requirement in subsection B above. The owners of the tower shall provide the county with the right of first refusal to any available collocation spaces at no cost to the county—provided, however, that the county shall be responsible for placing and maintaining its own equipment.

*The Applicant will accept requests for County collocations pursuant to the collocation policy enclosed with this application. The applicant respectfully submits that the language of the County's ordinance is preempted by Code of Virginia, Section § 15.2-2316.4:2; Article 7.2. Zoning for Wireless Communications Infrastructure. Application reviews. Point 2: Point (8) – the locality shall not “Condition or require the approval of an application solely on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or co-located with the applicant's project.”*

- (ii) Height. To permit collocation, towers shall be designed and constructed to permit extensions to a maximum height of 199 feet, except as otherwise provided in the approved conditional use permit.

*The tower height will be 195' (199' including all appurtenances)*

- (iii) Setbacks. All towers shall be set back from any property line and from an existing residential dwelling on the same parcel by a distance equal or exceeding 120 percent of the tower height, and from an existing residential dwelling on an adjacent property by at least 500 feet, or 200 percent of the tower height, whichever is greater. Setbacks shall be measured from the base of the tower. These setback requirements do not apply from residential dwellings constructed subsequent to erection of the tower. These provisions may be modified by the board of supervisors during the conditional use permit review process, based upon the review and recommendation by the director and the planning commission.

*The proposed setbacks are as follows: The tower is over 590 feet from the nearest residential dwelling on the property and over 509 feet from the nearest property line.*

- (iv) Design.
  - A. Towers may be designed as lattice towers, monopole towers, or as stealth towers (where the tower is designed to look like some other tall natural object (e.g., tree) or manmade structure (e.g., light standards, sculptures) allowed in the area).

*The tower will be a monopole design.*

- B. Towers shall either maintain a flat, non-glossy, nonreflective galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

*The tower will be made of galvanized steel. The galvanized steel color will match the backdrop of the sky.*

- C. Auxiliary buildings and related structures shall, to the extent possible, be designed to use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding structures.

*The 50' x 50' equipment compound will be enclosed with a 7' chain link security fence with 1' barbed wire on top. See Sheet S-1 of the attached plans for fencing details. A minimum four (4) feet wide landscape strip shall be provided outside the perimeter of the facilities as shown on the attached plan.*

- D. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting, beacons, and/or other safety devices are required, they shall be designed to minimize disturbance to the surrounding uses.

*The tower will not be lighted.*

- E. No advertising of any type may be placed on the tower or accompanying facility.

*There will be no advertising on the tower.*

- F. A type C perimeter buffer shall be provided around the entire facility, including support buildings (see section 83-460, Tree protection and section 83-461, Landscaping, and buffers, of Article VIII, Development Standards).

*The existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.*

- G. A fence at least six feet high shall be provided around the base of the tower and any associated equipment.

*The 50' x 50' equipment compound will be enclosed with a 7' chain link security fence with 1' barbed wire on top. See Sheet S-1 of the attached plans for fencing details.*

(v) Other standards.

- A. The provider shall lease sufficient land area around the tower to maintain control and safety of the existing mature tree growth and natural land forms within 100 feet of the tower base.

*The 50' x 50' equipment compound will sit inside a 100' x 100' lease area where the control of mature tree growth and natural land forms can be maintained*

- B. To ensure the structural integrity of towers, the provider shall ensure that a tower is designed and maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

*The tower will be designed and constructed in compliance with all applicable federal, state and local building codes and regulations. Construction drawings demonstrating the work to be performed will be provided at the building permit phase.*

- C. The owner of the tower shall submit a report to the administrator once a year no later than July 1 that states the current user status of the tower and assesses the sufficiency and expiration status of the removal bond or other surety.

*Agreed*

- D. Any cost incurred by the county for review by an independent technical expert of any of the above required information shall be paid by the applicant.

*Agreed*

**(8) Removal of abandoned telecommunications facilities.**

- (i) As a condition of approval of a conditional use permit for a telecommunications tower, the owner of the tower shall submit to the director a bond, irrevocable letter of credit, or other appropriate surety acceptable to the county to cover the costs of removing the tower and restoring the tower site to as near its original condition as is reasonably practicable.

- A. The amount of the surety shall be such amount found to be necessary after issuance of the conditional use permit for a third party to remove the tower and restore the site to as near its original condition as is reasonably possible.
- B. If the surety expires, the county may initiate proceedings to revoke or terminate the conditional use permit ten days after providing the tower owner written notice of the intent to do by first class, certified, return receipt mail. The conditional use permit shall be revoked unless the tower owner submits to the director, before revocation proceedings are concluded, a new surety that is acceptable to the county and includes any costs of processing.
- C. The amount of the required surety may be reviewed every three years by the county and be adjusted as necessary.

*Agreed*

- (ii) If a telecommunications facility is abandoned, the owner of the facility shall dismantle and remove the facility and any accessory equipment within 90 days of receiving notice from the county stating that the facility is abandoned and demanding its removal in accordance with this subsection.
  - A. It is not operated by any user for telephone, data, radio or television, or other forms of wireless communication for a continuous period of 12 months, or
  - B. The FCC license for the tower expires and is not renewed within 12 months thereafter.

*The applicant agrees to remove any antennas or tower pursuant to the terms laid out in this ordinance.*

- (9) **Erosion and sedimentation control regulations.** Should the project require the disturbance of more than 10,000 square feet of land area, a land disturbance permit will be required prior to the commencement of construction activity on the site.

*Agreed*

- (10) **Submission requirements.** Each applicant requesting a conditional use permit for a telecommunications tower shall submit the following information with the conditional use permit application:
  - (i) A site plan consisting of a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by a licensed professional engineer, showing the location and dimensions of all improvements, including information concerning topography, zoning, vegetative buffers, tower height requirements, setbacks from property lines, drives, parking, fencing, landscaping, distances to adjacent uses and adjacent buildings, and the general location of all residential structures and residential zoning district boundaries within 2,000 feet of the proposed tower.
  - (ii) Written or graphic description of the nature and extent of tree coverage within 200 feet of the tower.

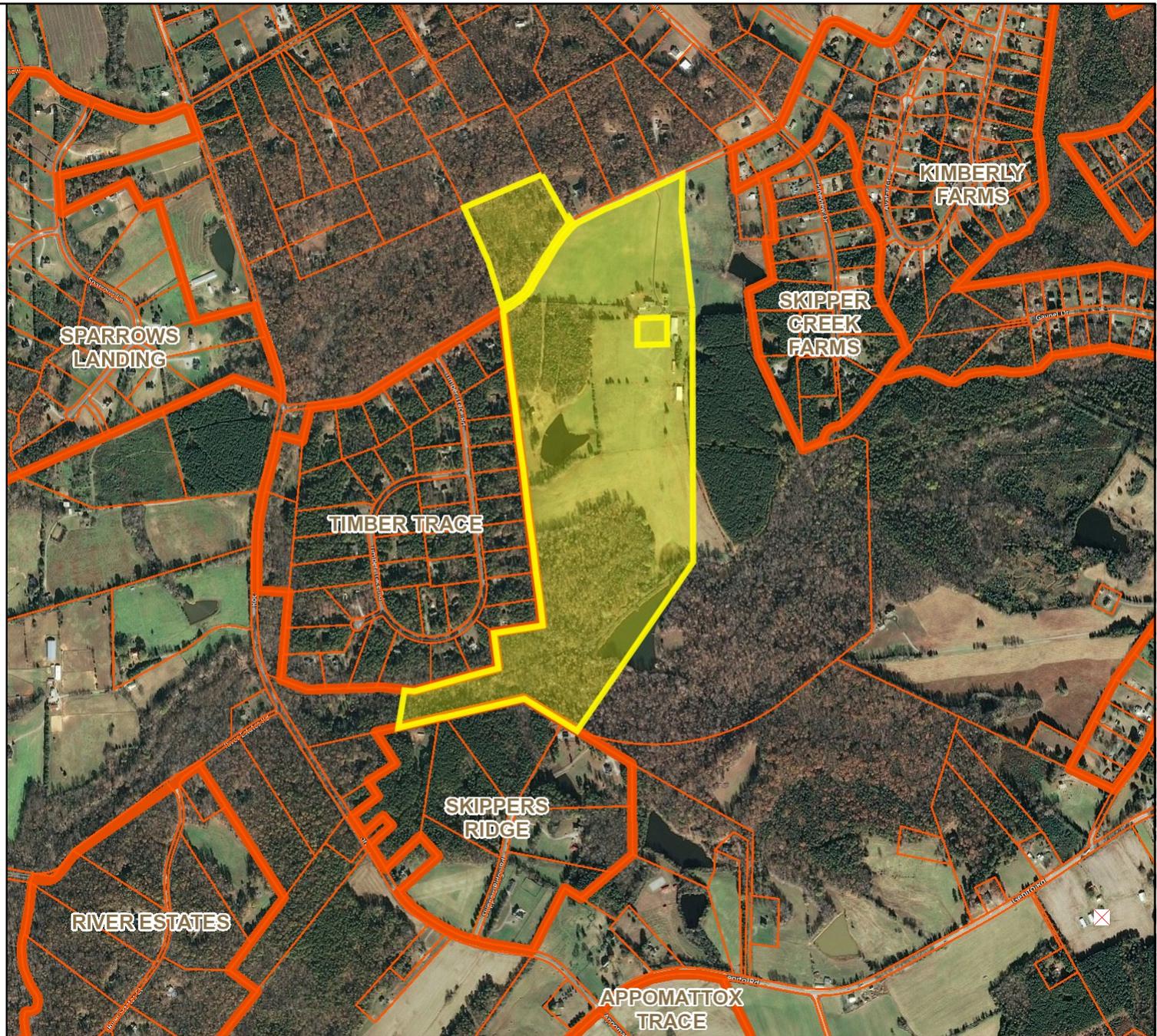
- (iii) Each applicant for an antenna and/or telecommunications tower shall provide to the department an inventory of its existing facilities that are either within the locality or within five miles of the border thereof, including specific information about the location, height and existing use and available capacity of each tower. The department may share such information with other applicants applying for approvals or a conditional use permit under this article or other organizations seeking to locate antennas within the jurisdiction of the county, provided, however that the department shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
- (iv) A statement justifying the need for the project.
- (v) A certification from a licensed professional engineer experienced with the design and operation of telecommunications towers and antennas that the emissions from the facility will not exceed the maximum permissible exposure (MPE) standards established by the Federal Communications Commission (FCC).
- (vi) A certification from a licensed professional engineer, experienced with the design and operation of telecommunications towers and antennas that the emissions from the facility will not interfere with the radio, television or communication reception of any property owners in residence at the time of construction, or any other time.
- (vii) Verifiable evidence from the applicant of the lack of space on suitable existing towers, buildings, or other structures to locate the proposed antennas and the lack of space on existing tower sites to construct a suitable tower for the proposed antenna. A certified statement from a licensed professional engineer must be provided if radio-frequency interference or signal quality is used as the rationale for eliminating collocation on an existing facility.
- (viii) A signed statement from the applicant of the willingness and ability based on any lease agreement to allow collocation on the proposed tower and collocation of a second tower on the site, where appropriate. The statement must be signed by an officer of the company or individual authorized to commit the company.
- (ix) A signed statement from the applicant describing the efforts to be taken to screen or camouflage the facility and reduce its visual impact. The statement should consider at a minimum design, height, location, and landscaping alternatives.
- (x) A proposed construction schedule.
- (xi) A figure depicting the radio frequency coverage (or propagation map) of the proposed facility and all nearby facilities. Propagation maps shall show a minimum of three signal intensities in milliwatts.
- (xii) At least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated image shall illustrate how the facility will look from adjacent roadways, nearby residential areas, or public building such as a school, church, etc. The county staff reserves the right to select the location for the photographic images and require additional images. The applicant at the county's request shall conduct balloon test to demonstrate the height of a proposed tower and provide the County with 48-hour notice of the test.
- (xiii) One copy of the National Environmental Protection Act (NEPA) statement along with a signed statement from the applicant indicating the Federal requirements are met.

- (xiv) The county may require other information deemed necessary to assess compliance with the ordinance.

# Powhatan County

## Legend

- Parcels
- Subdivisions



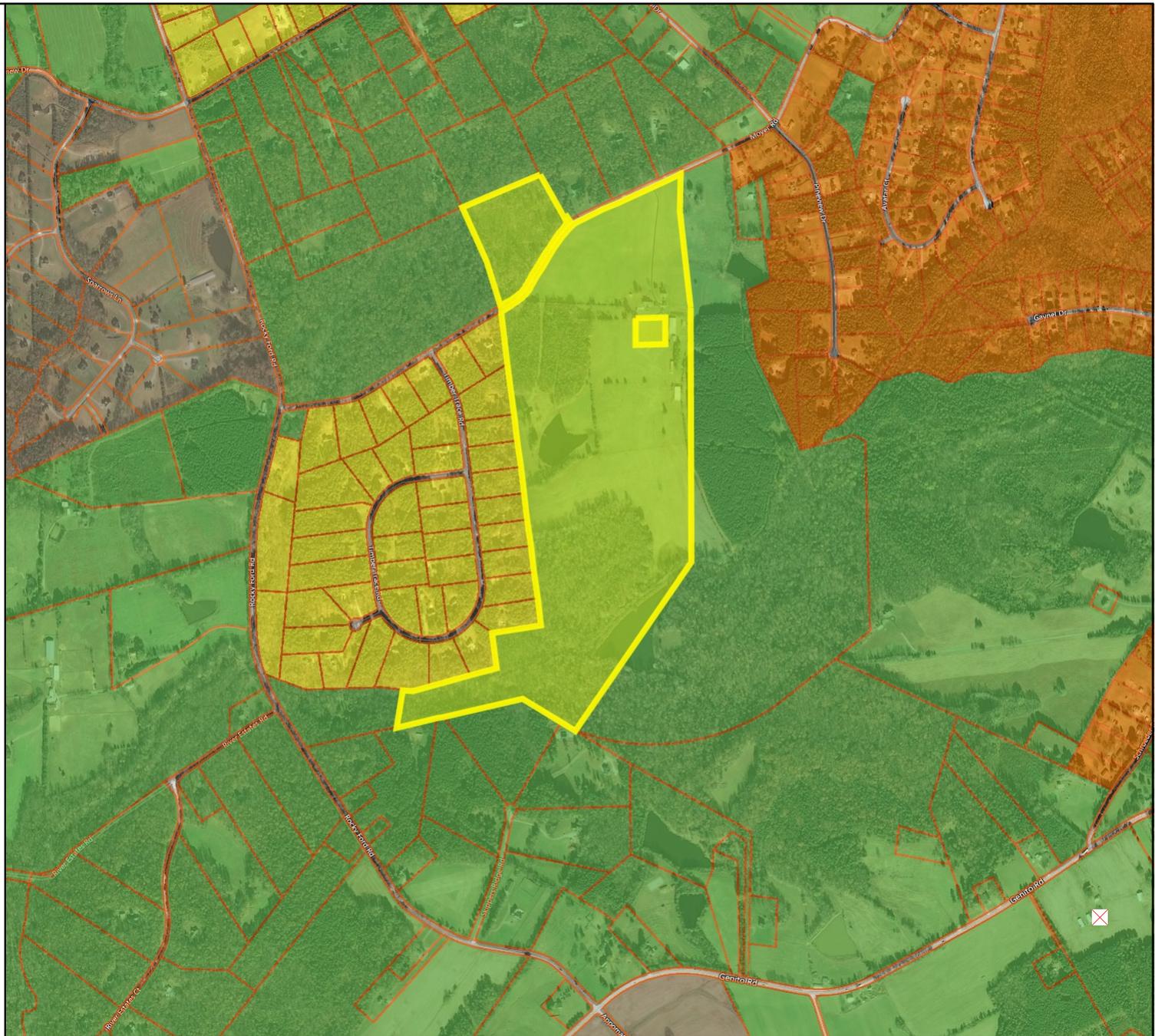
## Attachment #2: Case #20-02-CUP Aerial

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

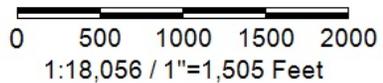
# Powhatan County

## Legend

-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commerce Center Planned Development
-  Commerce Center
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center



Feet



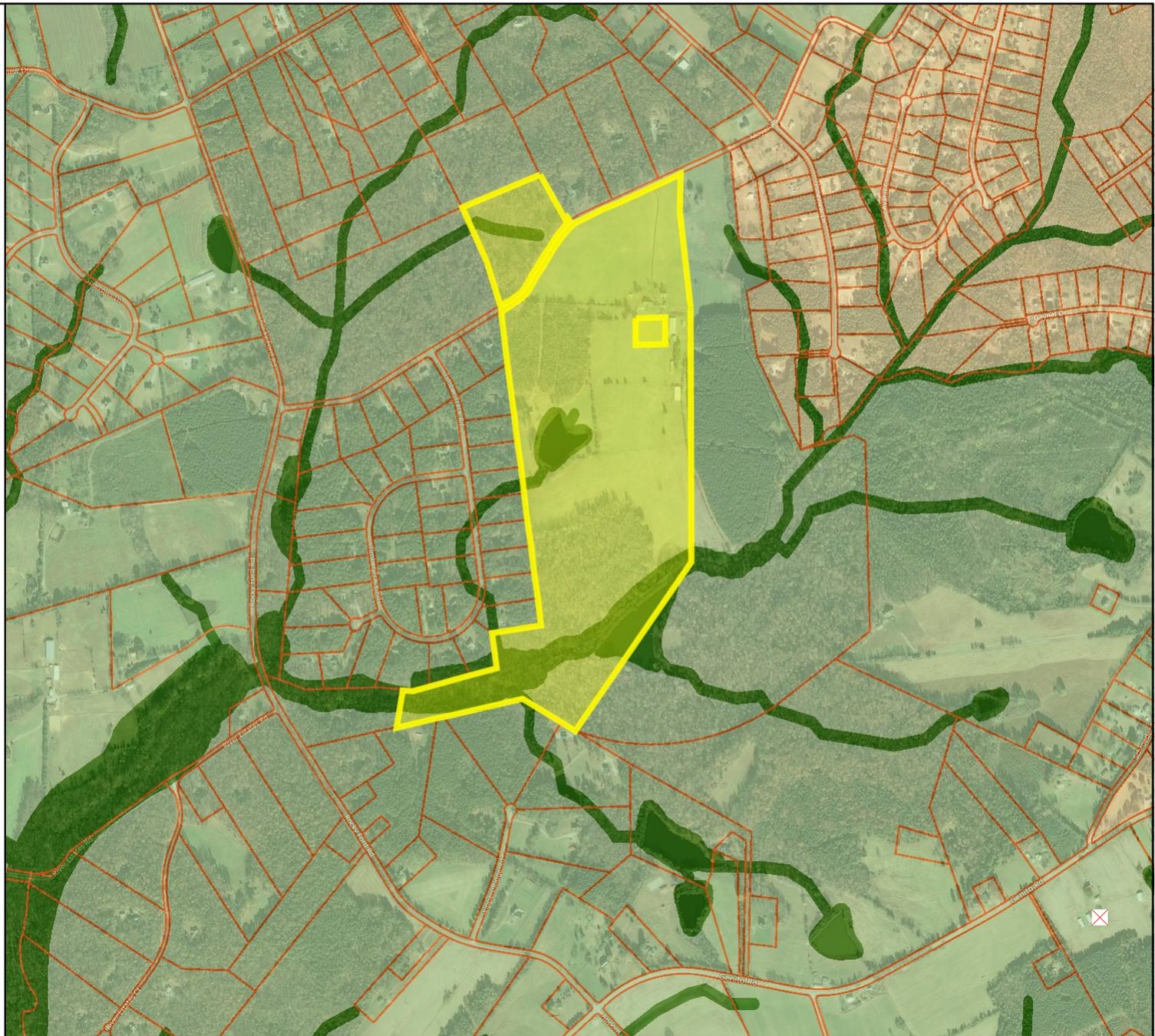
## Attachment #3: 20-02-CUP Current Zoning

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

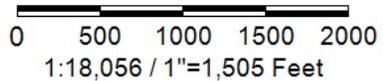
# Powhatan County

## Legend

- Parcels
- Crossroads
- Growth Area Boundaries
- Rural Enterprise Zone Boundary
- Future Land Use**
- Public Lands
- Natural Conservation
- Rural Preservation
- Rural Residential
- Low Density Residential
- Village Residential
- Village Center
- Commerce Center
- Economic Opportunity
- Industrial



Feet



## Attachment #4: 20-02-CUP Future Land Use

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

**Attachment #5**  
Conceptual Plan



Know what's below.  
Call before you dig.



NB+C ENGINEERING SERVICES, LLC.  
455 WATERFRONT DRIVE, SUITE 100  
GLEN ALLEN, VA 23060  
(804) 548-4075

## "MOYER ROAD"

PSLC - 255633  
3043 MOYER RD  
POWHATAN, VA 23139  
POWHATAN COUNTY

### SITE INFORMATION

PROJECT DESCRIPTION:	RAWLAND, PROPOSED INSTALLATION OF TELECOMMUNICATIONS TOWER AND RELATED EQUIPMENT WITHIN SECURED COMPOUND.
SITE ADDRESS:	3043 MOYER RD POWHATAN, VA 23139
LATITUDE (NAD 83):	37° 28' 37.6001"
LONGITUDE (NAD 83):	-77° 51' 35.0437"
GROUND ELEVATION:	312.3± AMSL
JURISDICTION:	POWHATAN COUNTY
ZONING:	A-10 (AGRICULTURAL)
PARCEL ID:	052-16
PARCEL AREA:	148.30± ACRES
PARCEL OWNER:	E & S LAND HOLDINGS LC 3043 MOYER RD, POWHATAN, VA 23139
TOWER OWNER:	VERIZON WIRELESS 1831 RADY COURT RICHMOND, VA 23222
STRUCTURE TYPE:	MONOPOLE
HEIGHT OF STRUCTURE:	195.0± AGL
RAD CENTER:	192.0± AGL
OVERALL HEIGHT OF STRUCTURE:	199.0± AGL
TOTAL LEASE AREA:	10,000± SQ. FT.
POWER PROVIDER:	SOUTHSIDE ELECTRIC (800) 552-2118
TELCO PROVIDER:	VERIZON (800) 837-4966

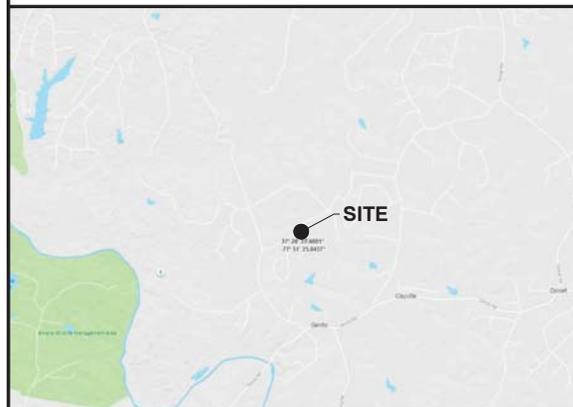
### EMERGENCY INFORMATION:

VOLUNTEER FIRE DEPARTMENT INC.:	(804) 794-3575
POWHATAN COUNTY SHERIFF'S OFFICE:	(804) 698-5652

### PROJECT TEAM

CONSTRUCTION MANAGER:	TCM LLC MIKE REYNOLDS (434) 841-0752
PROJECT MANAGEMENT FIRM:	BCI SEAN BAMMAN (804) 928-0154
ENGINEERING FIRM:	NB+C ENGINEERING SERVICES, LLC. 455 WATERFRONT DRIVE SUITE 100 GLEN ALLEN, VA 23060 (804) 548-4079

### VICINITY MAP



### DIRECTIONS

HEAD SOUTH ON GOODES BRIDGE RD TOWARD WALMSLEY BLVD, TURN RIGHT ONTO WALMSLEY BLVD, TURN LEFT ONTO US-360 W / HULL ST RD, TURN RIGHT ONTO VA-604 W / GENITO RD, BEAR RIGHT ONTO GENITO RD, TURN RIGHT ONTO ROCKY FORD RD, TURN RIGHT ONTO MOYER RD, ARRIVE AT MOYER RD ON THE RIGHT, THE LAST INTERSECTION IS TIMBER TRACE RD, IF YOU REACH PINEVIEW DR, YOU'VE GONE TOO FAR

### CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- 2015 INTERNATIONAL BUILDING CODE
- 2014 NATIONAL ELECTRICAL CODE
- 2015 NFPA 101, LIFE SAFETY CODE
- 2015 IFC
- AMERICAN CONCRETE INSTITUTE
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION 13TH EDITION
- ANS/I/A-222-G
- TIA 607
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER 81
- IEEE C2 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECORDIA GR-1275
- ANS/I/T 311

### DRAWING INDEX

T-1	TITLE SHEET
Z-1	SITE PLAN
Z-2	ADJACENT PROPERTY INFO
C-1	COMPOUND PLAN
C-2	TOWER ELEVATION DETAILS & NOTES
S-1	CONSTRUCTION DETAILS

### DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED TO BE FULL-SIZE AT 24"X36". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

### APPROVAL BLOCK

### REVISIONS

REV	DATE	DESCRIPTION	BY
2	05/22/20	REVISED	CCC
1	01/30/20	FINAL ZONING	JAD
0	11/18/19	PRELIMINARY ZONING	CCC



ENGINEER

APPLICANT

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

SHEET TITLE

SHEET NUMBER

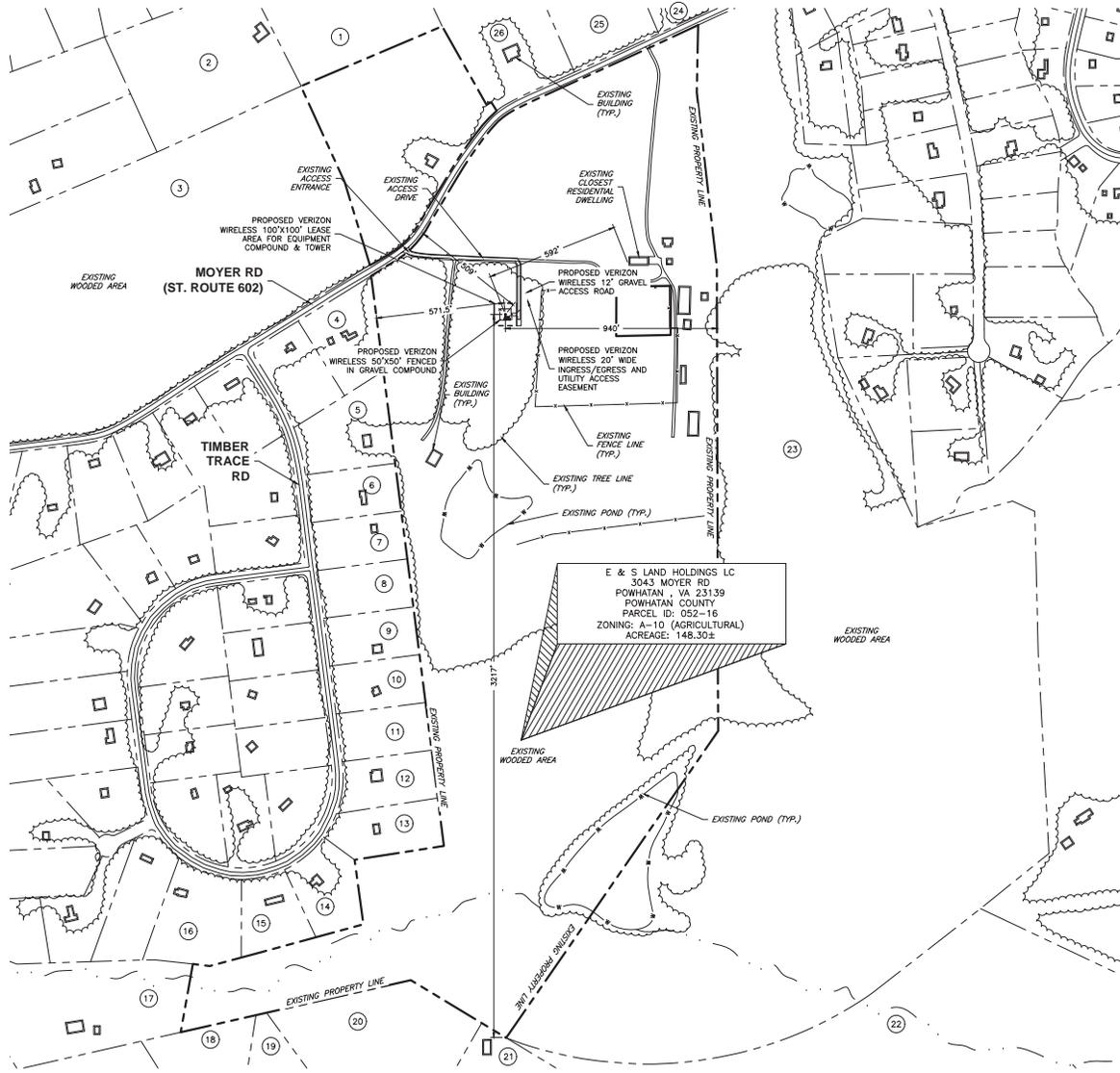


1831 RADY COURT  
RICHMOND, VA 23222

MOYER ROAD  
PSLC - 255633  
VERIZON RAW LAND  
3043 MOYER ROAD  
POWHATAN, VA 23139  
POWHATAN COUNTY

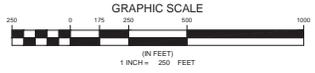
TITLE SHEET

T-1



E & S LAND HOLDINGS LC  
 3043 MOYER RD.  
 POWHATAN, VA 23139  
 PARCEL ID: 052-116  
 ZONING: A-10 (AGRICULTURAL)  
 ACREAGE: 148.30±

1 SITE PLAN  
 SCALE: 1" = 250'



VICINITY MAP

ZONING COLOR CODE

GREEN: AGRICULTURAL A-10  
 YELLOW: RESIDENTIAL Z  
 ORANGE: RESIDENTIAL UTILITY  
 GRAY: RURAL RESIDENTIAL 5

- GENERAL NOTES
1. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
  2. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
  3. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION. THERE IS NO HANDICAP ACCESS REQUIRED.
  4. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.

LEGEND

- PROPERTY LINE - SUBJECT PARCEL
- PROPERTY LINE - ABUTTERS
- EXISTING ROAD
- EXISTING FENCE
- PROPOSED EASEMENT
- PROPOSED LEASE AREA
- EXISTING EASEMENT
- PROPOSED FENCE
- EXISTING BUILDING

ZONING INFORMATION

JURISDICTION: POWHATAN COUNTY		
ZONING: A-10		
DIMENSION	REQUIREMENT	PROPOSED ±
FRONT YARD SETBACK:	75'	500' 0"
SIDE YARD SETBACK:	20'	571' 6"
REAR YARD SETBACK:	50'	3217' 0"
LOT AREA: 148.30 ± ACRES		
(ALL MEASUREMENTS ARE IN FEET ± UNLESS OTHERWISE NOTED)		



ENGINEER	 NB+C ENGINEERING SERVICES, LLC. 435 WATERFRONT DRIVE, SUITE 100 GLEN ALLEN, VA 23060 804-548-4073																		
APPLICANT	 1831 RADY COURT RICHMOND, VA 23222																		
SITE INFORMATION	MOYER ROAD PSLC - 255633 VERIZON RAW LAND 3043 MOYER ROAD POWHATAN, VA 23139 POWHATAN COUNTY																		
DESIGN RECORD	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>05/22/20</td> <td>REVISED</td> <td>CCC</td> </tr> <tr> <td>1</td> <td>01/30/20</td> <td>FINAL ZONING</td> <td>JAD</td> </tr> <tr> <td>0</td> <td>11/18/19</td> <td>PRELIMINARY ZONING</td> <td>CCC</td> </tr> </tbody> </table>			REV	DATE	DESCRIPTION	BY	2	05/22/20	REVISED	CCC	1	01/30/20	FINAL ZONING	JAD	0	11/18/19	PRELIMINARY ZONING	CCC
REV	DATE	DESCRIPTION	BY																
2	05/22/20	REVISED	CCC																
1	01/30/20	FINAL ZONING	JAD																
0	11/18/19	PRELIMINARY ZONING	CCC																
PROFESSIONAL STAMP																			
ENGINEER	JOHN A. DAUGHTREY III, P.E. VA PROFESSIONAL ENGINEER LIC. #052122																		
SHEET TITLE	<b>SITE PLAN</b>																		
SHEET NUMBER	<b>Z-1</b>																		

①  
CHRISTOPHER COPELAND LANZILLOTTI  
3147 PINEVIEW DR  
POWHATAN, VA 23139  
PARCEL ID: 052-2-3  
ZONING: A-10  
AREA: 10.00± ACRES

②  
GAY DAVID  
3153 PINEVIEW DRIVE  
POWHATAN, VA 23139  
PARCEL ID: 052-2-4  
ZONING: A-10  
AREA: 10.00± ACRES

③  
MASON LLC  
301 51 1/2 STREET  
VA BEACH, VA 23451  
PARCEL ID: 052-9A  
ZONING: A-10  
AREA: 43.31± ACRES

④  
MOYER EUGENE B  
3043 MOYER RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-1  
ZONING: RESIDENTIAL - 2  
AREA: 2.64± ACRES

⑤  
HUNTER HARRY CURTIS JR  
1160 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-3  
ZONING: RESIDENTIAL - 2  
AREA: 3.02± ACRES

⑥  
HOWARD RANDALL E & LORA S  
1152 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-4  
ZONING: RESIDENTIAL - 2  
AREA: 2.00± ACRES

⑦  
BRIDGFORTH BASKERVILLE P  
& KAREN C  
1144 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-5  
ZONING: RESIDENTIAL - 2  
AREA: 2.00± ACRES

⑧  
THOMPSON BRAD C  
1136 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-6  
ZONING: RESIDENTIAL - 2  
AREA: 2.00± ACRES

⑨  
HARTMAN DOUGLAS C & CHRISTINE L  
1128 TIMBER TRACE  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-7  
ZONING: RESIDENTIAL - 2  
AREA: 2.00± ACRES

⑩  
PERRY DAVID L  
1120 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-8  
ZONING: RESIDENTIAL - 2  
AREA: 2.00± ACRES

⑪  
DAVIS THERESA L  
2166 TOWER HILL ROAD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-9  
ZONING: RESIDENTIAL - 2  
AREA: 2.00± ACRES

⑫  
SIMMONS RANDOLPH C  
1104 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-10  
ZONING: RESIDENTIAL - 2  
AREA: 2.14± ACRES

⑬  
TUCKER DAVID E & VENDELLA W  
1096 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-11  
ZONING: RESIDENTIAL - 2  
AREA: 2.36± ACRES

⑭  
STAFFIERI CHRISTOPHER  
& TRACY  
1088 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-12  
ZONING: RESIDENTIAL - 2  
AREA: 2.27± ACRES

⑮  
SANTELLA DAVID W & TOMIKO T  
1080 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-13  
ZONING: RESIDENTIAL - 2  
AREA: 2.05± ACRES

⑯  
WALLACE KEITH C & REGINA S  
1072 TIMBER TRACE RD  
POWHATAN, VA 23139  
PARCEL ID: 052A-1A-6  
ZONING: RESIDENTIAL - 2  
AREA: 3.47± ACRES

⑰  
MADISON DEBORAH L  
864 ROCKY FORD RD  
POWHATAN, VA 23139  
PARCEL ID: 052-88  
ZONING: A-10  
AREA: 10.00± ACRES

⑱  
GALLIER RICHARD B JR  
& MONICA A  
920 ROCKY FORD ROAD  
POWHATAN, VA 23139  
PARCEL ID: 052-5-1  
ZONING: A-10  
AREA: 10.05± ACRES

⑲  
ROBERTS GREGORY L & TRACEY  
3011 SHIPPERS RIDGE  
POWHATAN, VA 23139  
PARCEL ID: 052-5-4  
ZONING: A-10  
AREA: 10.00± ACRES

⑳  
MCGEE RENEE M  
3020 SHIPPERS RIDGE  
POWHATAN, VA 23139  
PARCEL ID: 052-5-5  
ZONING: A-10  
AREA: 10.00± ACRES

㉑  
PALMER MICHAEL RAY  
3020 SHIPPERS RIDGE ROAD  
POWHATAN, VA 23139  
PARCEL ID: 052-5-6  
ZONING: A-10  
AREA: 10.00± ACRES

㉒  
CABLE WILLIAM D JR &  
2983 GENITO RD  
POWHATAN, VA 23139  
PARCEL ID: 052-15  
ZONING: A-10  
AREA: 176.14± ACRES

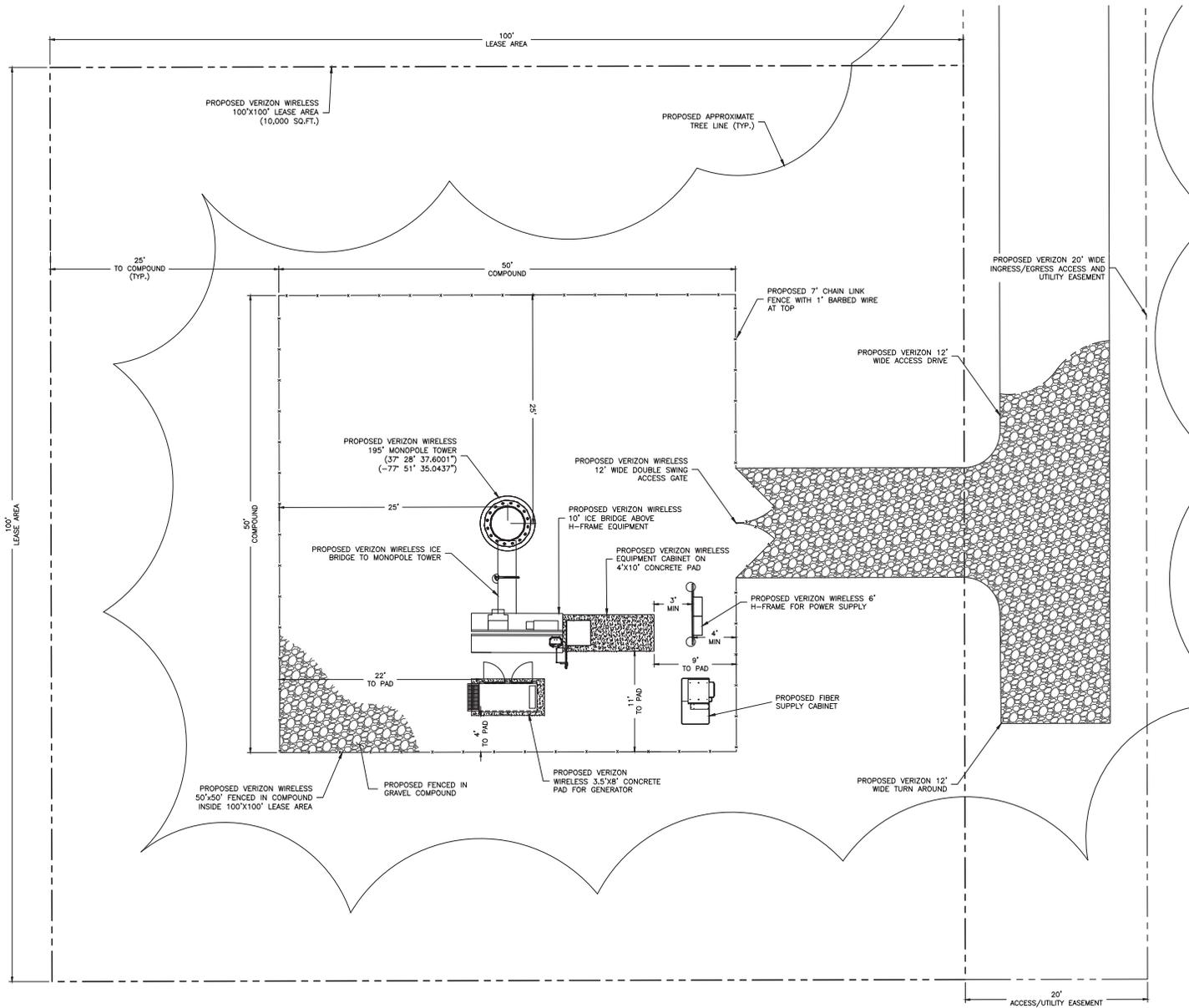
㉓  
E & S LAND HOLDINGS LC  
3043 MOYER RD  
POWHATAN, VA 23139  
PARCEL ID: 052-17  
ZONING: A-10  
AREA: 101.43± ACRES

㉔  
GOLDEN JEFFREY ROBERT &  
3040 MOYER RD  
POWHATAN, VA 23139  
PARCEL ID: 052-20A  
ZONING: A-10  
AREA: 10.00± ACRES

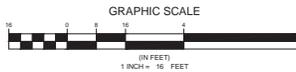
㉕  
BARDEN JAY SHAWN &  
3050 MOYER RD  
POWHATAN, VA 23139  
PARCEL ID: 052-20B  
ZONING: A-10  
AREA: 10.00± ACRES

㉖  
WORSHAM PHILLIP A & MARIE H  
3050 MOYER RD  
POWHATAN, VA 23139  
PARCEL ID: 052-20C  
ZONING: A-10  
AREA: 10.00± ACRES

ENGINEER	 <b>TOTALLY COMMITTED.</b> <small>NB+C ENGINEERING SERVICES, LLC. 435 WATERFRONT DRIVE, SUITE 150 GLENN HILLER, VA 23060 (804) 548-4075</small>																				
APPLICANT	 1831 RADY COURT RICHMOND, VA 23222																				
SITE INFORMATION	MOYER ROAD PSLC - 255633 VERIZON RAW LAND 3043 MOYER ROAD POWHATAN, VA 23139 POWHATAN COUNTY																				
DESIGN RECORD	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: center;">REVISIONS</th> </tr> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>05/22/20</td> <td>REVISED</td> <td>CCC</td> </tr> <tr> <td>1</td> <td>01/30/20</td> <td>FINAL ZONING</td> <td>JAD</td> </tr> <tr> <td>0</td> <td>11/18/19</td> <td>PRELIMINARY ZONING</td> <td>CCC</td> </tr> </tbody> </table>	REVISIONS				REV	DATE	DESCRIPTION	BY	2	05/22/20	REVISED	CCC	1	01/30/20	FINAL ZONING	JAD	0	11/18/19	PRELIMINARY ZONING	CCC
REVISIONS																					
REV	DATE	DESCRIPTION	BY																		
2	05/22/20	REVISED	CCC																		
1	01/30/20	FINAL ZONING	JAD																		
0	11/18/19	PRELIMINARY ZONING	CCC																		
PROFESSIONAL STAMP																					
ENGINEER	JOHN A. DAUGHTREY III, P.E. VA PROFESSIONAL ENGINEER LIC. #052122																				
SHEET TITLE	<b>ADJACENT PROPERTY INFO</b>																				
SHEET NUMBER	<b>Z-2</b>																				

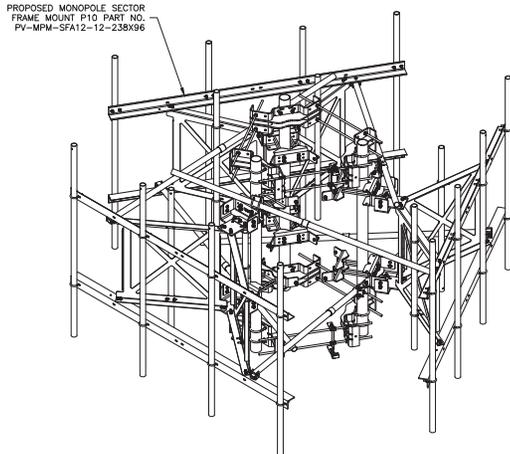
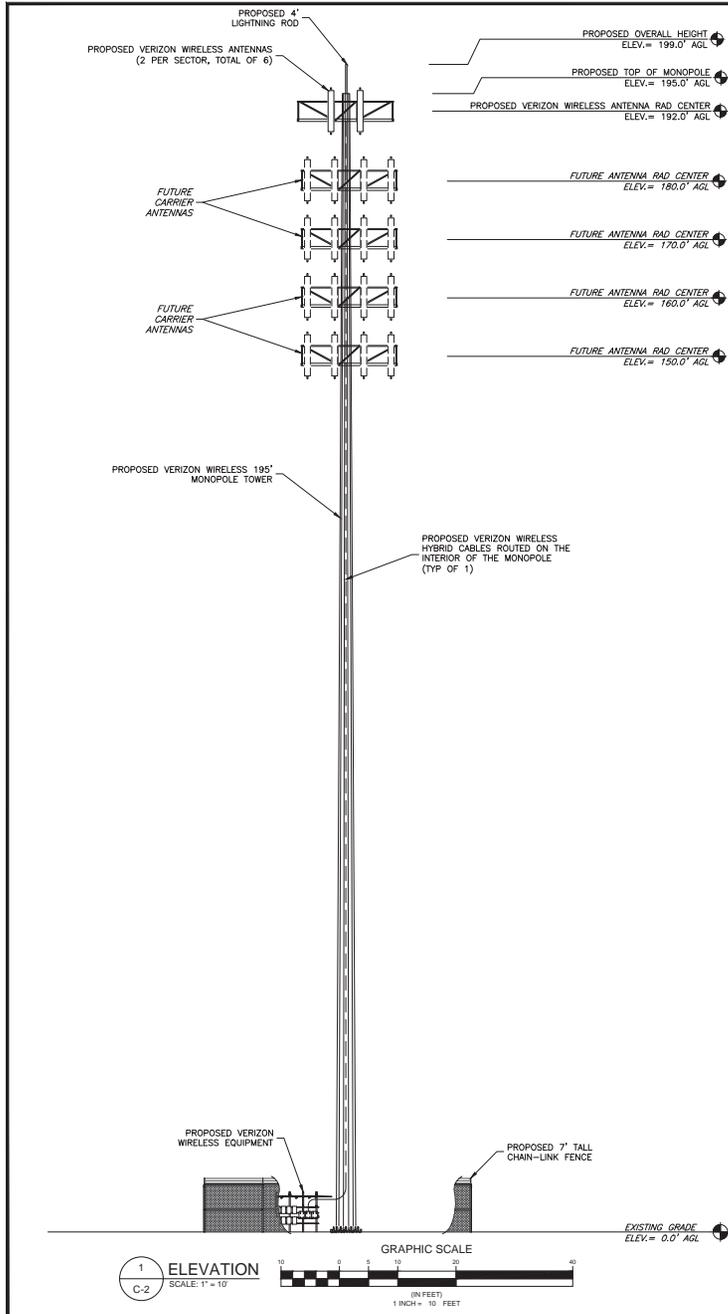


1 COMPOUND PLAN  
SCALE: 3/16" = 1'-0"  
C-1



Know what's below.  
Call before you dig.

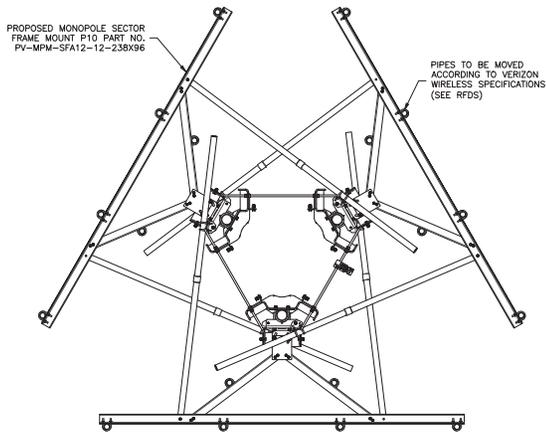
ENGINEER	 NB+C ENGINEERING SERVICES, LLC. 435 WATERFRONT DRIVE, SUITE 100 GLEN ALLEN, VA 23060 804-548-4075																						
APPLICANT	 1831 RADY COURT RICHMOND, VA 23222																						
SITE INFORMATION	MOYER ROAD PSLC - 255633 VERIZON RAW LAND 3043 MOYER ROAD POWHATAN, VA 23139 POWHATAN COUNTY																						
DESIGN RECORD	<table border="1"> <thead> <tr> <th colspan="4">REVISIONS</th> </tr> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>05/22/20</td> <td>REVISED</td> <td>CCC</td> </tr> <tr> <td>1</td> <td>01/30/20</td> <td>FINAL ZONING</td> <td>JAD</td> </tr> <tr> <td>0</td> <td>11/18/19</td> <td>PRELIMINARY ZONING</td> <td>CCC</td> </tr> </tbody> </table>			REVISIONS				REV	DATE	DESCRIPTION	BY	2	05/22/20	REVISED	CCC	1	01/30/20	FINAL ZONING	JAD	0	11/18/19	PRELIMINARY ZONING	CCC
REVISIONS																							
REV	DATE	DESCRIPTION	BY																				
2	05/22/20	REVISED	CCC																				
1	01/30/20	FINAL ZONING	JAD																				
0	11/18/19	PRELIMINARY ZONING	CCC																				
PROFESSIONAL STAMP																							
ENGINEER	JOHN A. DAUGHTREY III, P.E. VA PROFESSIONAL ENGINEER LIC. #052122																						
SHEET TITLE	<b>COMPOUND PLAN</b>																						
SHEET NUMBER	<b>C-1</b>																						



2 ISOMETRIC MOUNT DETAIL  
SCALE: NTS  
C-2

NOTE:  
1. TIEBACKS MUST BE CONNECTED TO A RIGID MEMBER THAT PROVIDES ADEQUATE SUPPORT WITHIN THE LIMITS NOTED IN THE TIEBACK ANGLE RANGE DETAIL.  
2. PROPOSED COLLAR IS SUITABLE FOR MONOPOLE DIAMETERS 15" - 50".

NOTE: THE P10 PV-MPM-SFA12-12-238X96 MOUNT MEETS BOTH VERIZON WIRELESS'S MOUNT CLASSIFICATION STANDARD "NSTD-445 MINIMUM CRITERIA FOR THE SOUTH MARKET WHICH IS 1. M14006-4[G] AND M1000R(1)-4[G].  
2. THIS DESIGNATION MUST BE INSTALLED ON THE MOUNT VIA A METAL TAG



3 PLAN VIEW MOUNT DETAIL  
SCALE: NTS  
C-2

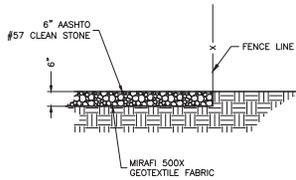
GENERAL NOTES

- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES COMPANY OR OTHER PUBLIC AUTHORITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
- THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR THE OVERALL INTENT OF THESE DRAWINGS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
- THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
- THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
- TRANSMITTER EQUIPMENT AND ANTENNAS ARE DESIGNED TO MEET ANSI/TIA 222-G REQUIREMENTS.
- ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
- CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
- IF ANY UNDERGROUND UTILITIES OR STRUCTURES EXIST BENEATH THE PROJECT AREA, CONTRACTOR MUST LOCATE IT AND CONTACT THE APPLICANT & THE OWNER'S REPRESENTATIVE.
- OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION BY TECHNICIANS APPROXIMATELY 2 TIMES PER MONTH.
- PRIOR TO THE INSTALLATION OF THE PROPOSED EQUIPMENT OR MODIFICATION OF THE EXISTING STRUCTURE, A STRUCTURAL ANALYSIS SHALL BE PERFORMED BY THE OWNER'S AGENT TO CERTIFY THAT THE EXISTING/PROPOSED COMMUNICATION STRUCTURE AND COMPONENTS ARE STRUCTURALLY ADEQUATE TO SUPPORT ALL EXISTING AND PROPOSED ANTENNAS, COAXIAL CABLES AND OTHER APPURTENANCES.
- PROPERTY LINE INFORMATION WAS PREPARED USING DEEDS, TAX MAPS, AND PLANS OF RECORD AND SHOULD NOT BE CONSTRUED AS AN ACCURATE BOUNDARY SURVEY.
- THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINIMIS" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
- NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
- THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION (NO HANDICAP ACCESS REQUIRED).
- THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
- POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.

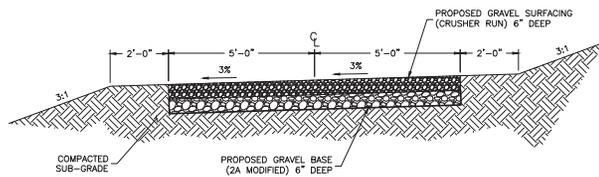
NOTE:  
STRUCTURAL ANALYSIS OF STRUCTURE PERFORMED INDEPENDENT FROM THESE DRAWINGS.

ENGINEER																			
APPLICANT																			
SITE INFORMATION	MOYER ROAD PSLC - 255633 VERIZON RAW LAND 3043 MOYER ROAD POWHATAN, VA 23139 POWHATAN COUNTY																		
DESIGN RECORD	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>05/22/20</td> <td>REVISED</td> <td>CCC</td> </tr> <tr> <td>1</td> <td>01/30/20</td> <td>FINAL ZONING</td> <td>JAD</td> </tr> <tr> <td>0</td> <td>11/18/19</td> <td>PRELIMINARY ZONING</td> <td>CCC</td> </tr> </tbody> </table>			REV	DATE	DESCRIPTION	BY	2	05/22/20	REVISED	CCC	1	01/30/20	FINAL ZONING	JAD	0	11/18/19	PRELIMINARY ZONING	CCC
REV	DATE	DESCRIPTION	BY																
2	05/22/20	REVISED	CCC																
1	01/30/20	FINAL ZONING	JAD																
0	11/18/19	PRELIMINARY ZONING	CCC																
PROFESSIONAL STAMP																			
ENGINEER	JOHN A. DAUGHTREY III, P.E. VA PROFESSIONAL ENGINEER LIC. #052122																		
SHEET TITLE	<b>TOWER ELEVATION &amp; NOTES</b>																		
SHEET NUMBER	<b>C-2</b>																		



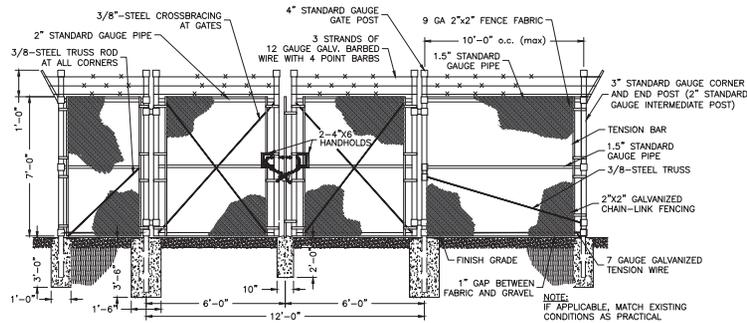


1 GRAVEL COMPOUND DETAIL  
S-1 NTS

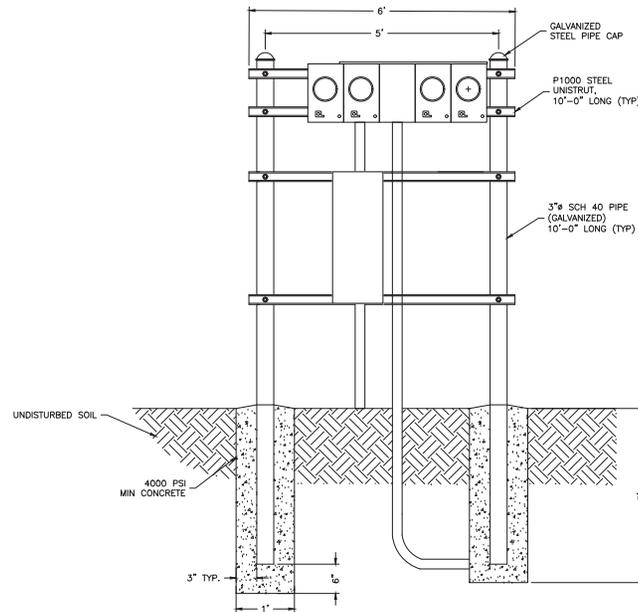


- NOTE:
- CONTRACTOR TO USE 6" DEEP GRAVEL BASE (2A MODIFIED) AS MEANS OF ACCESS FOR ALL HEAVY CONSTRUCTION TRAFFIC. PROPOSED GRAVEL SURFACING (6" DEEP CRUSHER RUN) TO BE INSTALLED AFTER ALL MAJOR CONSTRUCTION HAS BEEN COMPLETED.
  - THE PROPOSED ROAD MUST BE KEYS INTO THE EXISTING GRADE. THE FINAL FINISHED GRADE SHALL BE FLUSH WITH THE EXISTING GRADE TO ALLOW FOR PROPER DRAINAGE ACROSS THE ROAD.

2 PROPOSED GRAVEL DRIVEWAY TYPICAL SECTION  
S-1 NTS



3 TYPICAL FENCE AND GATE DETAIL  
S-1 NTS



4 4-GANG METER BANK H-FRAME  
S-1 NTS

**NB+C**  
TOTALLY COMMITTED.  
NB+C ENGINEERING SERVICES, LLC.  
435 WATERFRONT DRIVE, SUITE 150  
GLENN HILLER, VA 23060  
804-548-4075

**verizon**  
1831 RADY COURT  
RICHMOND, VA 23222

MOYER ROAD  
PSLC - 255633  
VERIZON RAW LAND  
3043 MOYER ROAD  
POWHATAN, VA 23139  
POWHATAN COUNTY

REVISIONS			
REV	DATE	DESCRIPTION	BY
2	05/22/20	REVISED	CCC
1	01/30/20	FINAL ZONING	JAD
0	11/18/19	PRELIMINARY ZONING	CCC

PROFESSIONAL ENGINEER  
JOHN A. DAUGHTREY III  
Lic. No. 640292122  
(05/22/2020)

ENGINEER  
JOHN A. DAUGHTREY III, P.E.  
VA PROFESSIONAL ENGINEER LIC. #052122

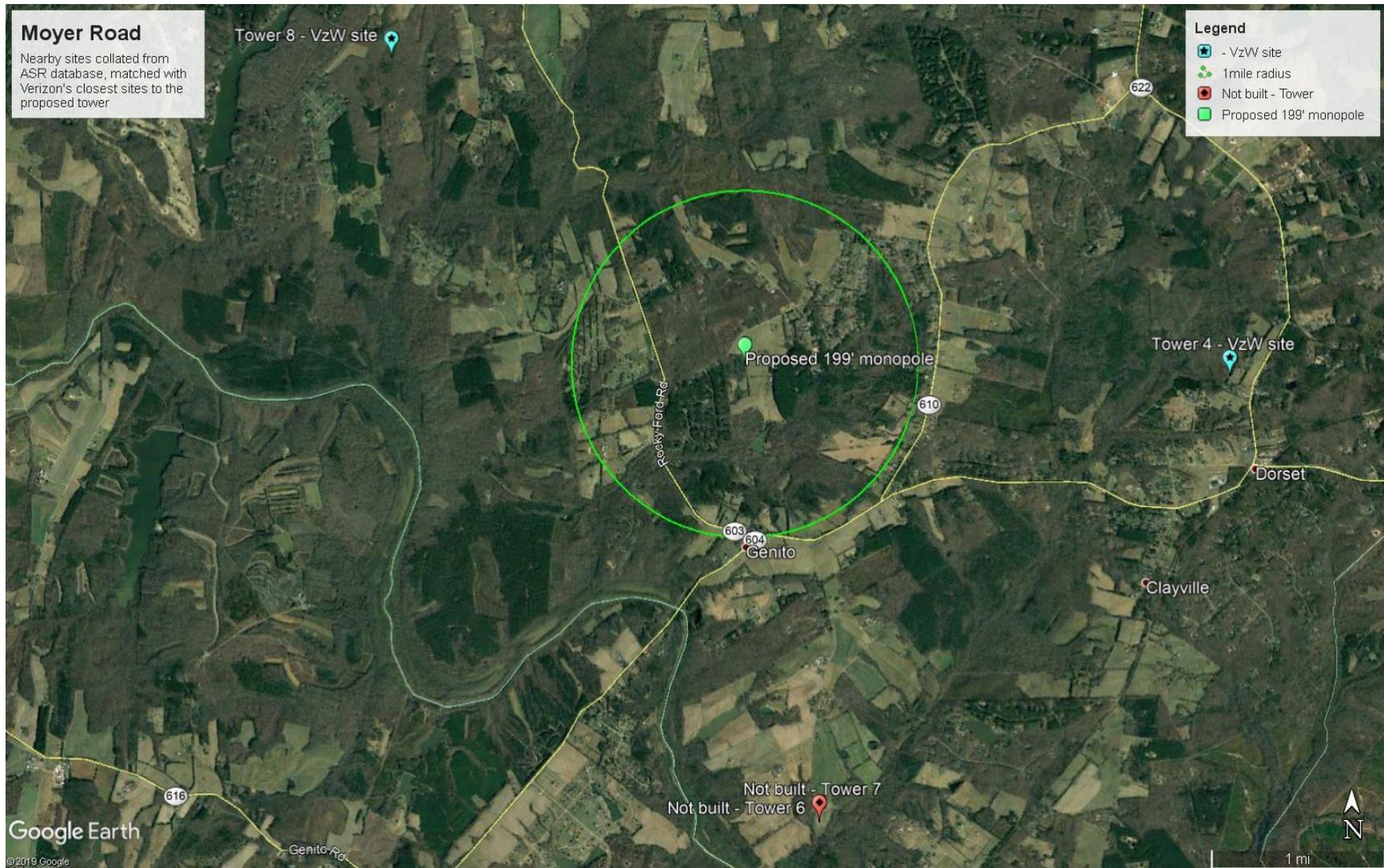
SHEET TITLE  
**CONSTRUCTION DETAILS**

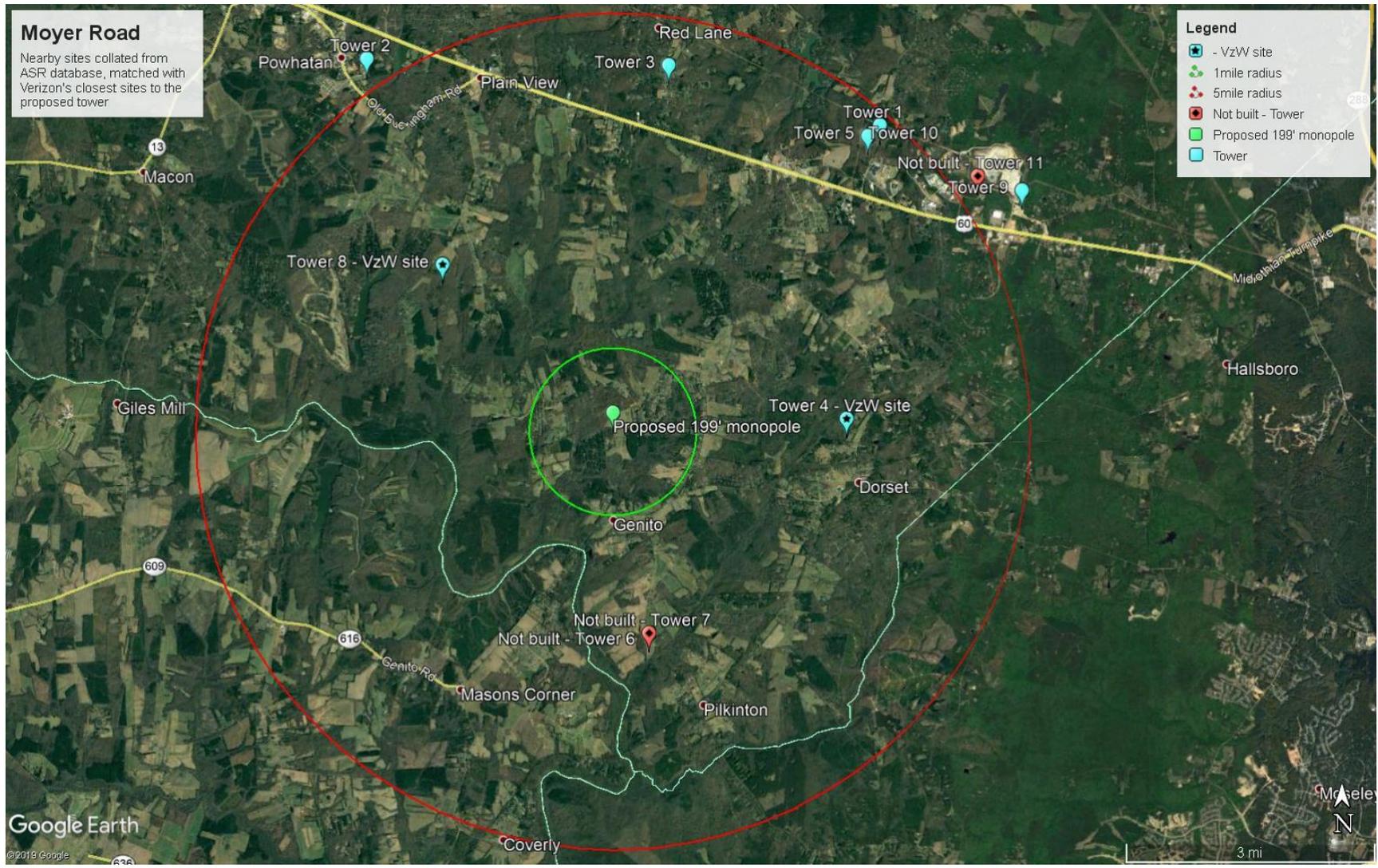
SHEET NUMBER  
**S-1**

## Verizon Wireless Moyer Road

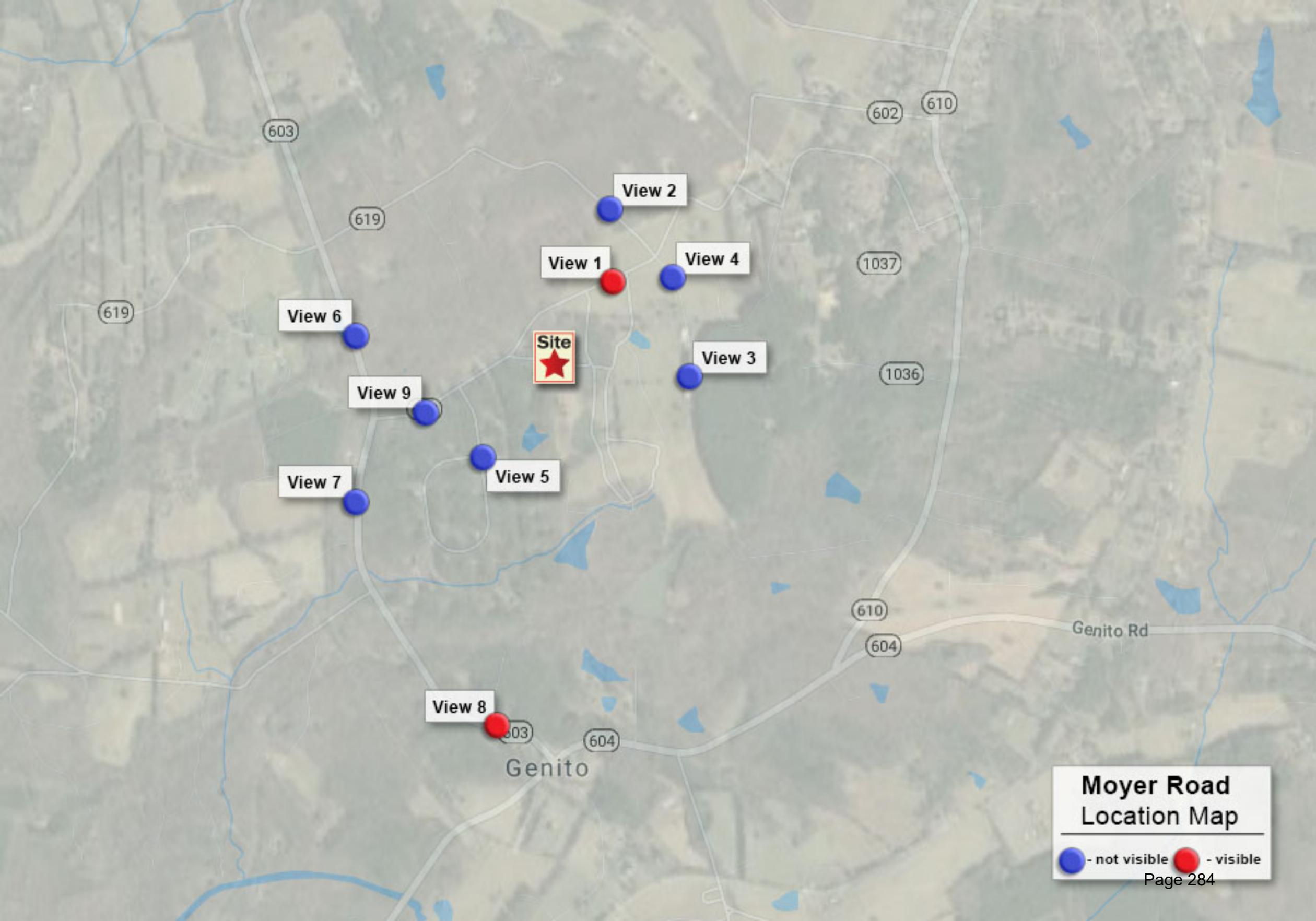
Please see below an inventory of the neighboring sites taken from the FCC's ASR registration inventory cross referenced with Verizon Wireless's closest sites to the proposed. The closest Verizon sites are highlighted in bold.

Tower Number	Registration Number	Status	File Number	Latitude	Longitude	Structure City/State	Overall Height Above Ground (AGL) (meters)	Overall Height Above Ground (AGL) (feet)	Distance to tower (miles)
1	1015409	Constructed	A0814990	37-31-35.6N	077-48-05.9W	FLAT ROCK, VA	65.2	214	4.7
2	1017863	Constructed	A0021427	37-32-17.0N	077-54-48.0W	POWHATAN, VA	87.0	285	5.15
3	1023702	Constructed	A0815042	37-32-12.7N	077-50-51.3W	POWHATAN, VA	93.2	306	4.18
4	<b>1044373</b>	<b>Constructed</b>	<b>A1149155</b>	<b>37-28-33.7N</b>	<b>077-48-32.0W</b>	<b>CLAYVILLE, VA</b>	<b>119.8</b>	<b>393</b>	<b>2.8</b>
5	1055659	Constructed	A0874899	37-31-28.9N	077-48-15.3W	POWHATAN, VA	80.7	265	4.5
6	1230379	Granted	A0219288	37-26-20.5N	077-51-06.9W	Pilkinton, VA	125.0	410	2.65
7	1246367	Granted	A0416642	37-26-20.5N	077-51-06.9W	Pilkinton, VA	150.0	492	2.65
8	<b>1279704</b>	<b>Constructed</b>	<b>A1112531</b>	<b>37-30-09.4N</b>	<b>077-53-48.7W</b>	<b>Powhatan, VA</b>	<b>61.0</b>	<b>200</b>	<b>2.7</b>
9	1281737	Constructed	A1135297	37-30-55.4N	077-46-14.2W	POWHATAN, VA	44.2	145	5.6
10	1290375	Constructed	A0971827	37-31-28.9N	077-48-15.3W	Powhatan, VA	80.7	265	4.5
11	1312709	Granted	A1144024	37-31-04.3N	077-46-49.0W	Powhatan, VA	123.4	405	5.2





**Attachment #7**  
Photosimulations



Site

View 2

View 1

View 4

View 6

View 3

View 9

View 5

View 7

View 8

### Moyer Road Location Map

● - not visible ● - visible



**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 1 - State Rd 602  
View from the Northeast  
**Showing the Proposed Site**

**NBC**  
TOTALLY COMMITTED.



**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 2 - State Rd 619  
View from the Northeast  
**SITE NOT VISIBLE**





**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 3 - Pineview Drive  
View from the East  
**SITE NOT VISIBLE**

**NB-C**<sup>TM</sup>  
TOTALLY COMMITTED.

Page 287



**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 4 - Pineview Drive  
View from the Northeast  
**SITE NOT VISIBLE**

**NB-C**<sup>TM</sup>  
TOTALLY COMMITTED.

Page 288



**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 5 - Timber Trace Road  
View from the Southwest  
**SITE NOT VISIBLE**

**NBIC**<sup>TM</sup>  
TOTALLY COMMITTED.

Page 289



**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 6 - Rocky Ford Road  
View from the West  
**SITE NOT VISIBLE**

**NBIC**  
TOTALLY COMMITTED.

Page 290



**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 7 - Rocky Ford Road  
View from the Southwest  
**SITE NOT VISIBLE**





**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 8 - Rocky Ford Road  
View from the South  
**Showing the Proposed Site**





**Site Name: Moyer Road**  
Wireless Communication Facility  
1680 Wisconsin Ave NW  
Washington, DC 20007

*Photograph Information:*  
View 9 - State Rd 602  
View from the West  
**SITE NOT VISIBLE**

**NBIC**  
TOTALLY COMMITTED.

Page 293



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: July 27, 2020

Agenda Item Title: **Ordinance #O-2020-12: Hopson LLC (District #5: Smiths Crossroads/Pineville/Tobaccoville)** requests that unimproved right-of-way totaling approximately 0.217 acres and platted as Haleford Drive within Walnut Creek: Section 1 be vacated and transferred to the owners of Walnut Creek: Section 1, Lot 31 (Tax Map Parcel #34A-1-31) and Walnut Creek: Section 1, Lot 32 (Tax Map Parcel #34A-1-32). The unimproved right-of-way was originally dedicated to accommodate future road connections within the Walnut Creek subdivision.

Motion: In accordance with § 15.2-2272 of the Code of Virginia, the Powhatan County Board of Supervisors (*approves / denies / defers*) the request by Hopson LLC to vacate unimproved right-of-way platted as Haleford Drive within Walnut Creek: Section 1, totaling approximately 0.217 acres, and transferring the property to adjoining property owners.

Dates Previously Considered by Board: N/A

Summary of Item: As part of Walnut Creek: Section 1, a stub road (unimproved right-of-way extending from a public street to an adjacent property) was recorded from a temporary turnaround on Haleford Drive (State Route 1378) to the area included within proposed Walnut Creek: Section 6.

To access proposed Walnut Creek: Section 6, the developer plans to construct a road from Walnut Tree Boulevard, instead of from Haleford Drive (State Route 1378). With that alternative route, no access is proposed from Haleford Drive (State Route 1378) to Walnut Creek: Section 6. Since Haleford Drive will not be extended, the developer has requested that the unimproved right-of-way be vacated and transferred to the adjoining property owners.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Attachments: Memo (Request to Vacate Unimproved Right-of-Way within Walnut Creek: Section 1) Request Letter, Exhibit, Map

Staff/Contact: Andrew Pompei: Planning Director  
(804) 598-5621 x2006, [apompei@powhatanva.gov](mailto:apompei@powhatanva.gov)

Board of Supervisors  
David T. Williams  
Larry J. Nordvig  
Michael W. Byerly  
William L. Cox  
Karin M. Carmack



Interim County Administrator  
Bret Schardein

*The County Of*  
***Powhatan***

**TO:** Powhatan County Board of Supervisors  
**FROM:** Andrew Pompei (Planning Director)  
**DATE:** July 15, 2020  
**SUBJECT:** Request to Vacate Unimproved Right-of-Way within Walnut Creek: Section 1

**Current Situation**

Walnut Creek is a partially-developed subdivision in western Powhatan County.

The property was rezoned on January 9, 2006 (Case #05-11-REZC), with a subsequent proffer amendment (Case #15-12-REZC).

Five sections (totaling 68 lots) have been recorded within Walnut Creek. A plat for Walnut Creek: Section 6 (14 lots) has been submitted to Powhatan County for review. Within the development, a maximum of 105 lots are permitted.

**Request**

As part of Walnut Creek: Section 1, a stub road (unimproved right-of-way extending from a public street to an adjacent property) was recorded from a temporary turnaround on Haleford Drive (State Route 1378) to the area included within proposed Walnut Creek: Section 6.

To access proposed Walnut Creek: Section 6, the developer plans to construct a road from Walnut Tree Boulevard, instead of from Haleford Drive (State Route 1378). With that alternative route, no access is proposed from Haleford Drive (State Route 1378) to Walnut Creek: Section 6. Since Haleford Drive will not be extended, the developer has requested that the unimproved right-of-way be vacated and transferred to the adjoining property owners.

The developer has submitted the following attachments:

- Request Letter
- Consent Letter from Adjoining Property Owners
- Proposed Plat Showing Right-of-Way Vacation

In accordance with Code of Virginia § 15.2-2272, the Board of Supervisors must approve vacation of the platted right-of-way.

### **Review**

The Department of Community Development finds that:

- Using an alternative route to serve Walnut Creek: Section 6 will minimize impacts to wetlands and environmentally-sensitive features.
- Using an alternative route to serve Walnut Creek: Section 6 is a not a substantial deviation from the approved conceptual plan for the development.
- Vacating the unimproved right-of-way will not compromise orderly development of the area, as the stub road is within the Walnut Creek subdivision (does not provide connections to adjacent parcels outside of the development).

### **Next Steps**

If this request is approved, the developer will have to submit a non-subdivision plat application to Powhatan County for review. The developer will also be responsible for preparing deeds transferring the unimproved right-of-way to adjoining property owners and dedicating the existing temporary turnaround easement to Powhatan County as right-of-way. This documentation will be reviewed by the Planning/Zoning Department and the County Attorney's Office.

June 30, 2020

Powhatan County Board of Supervisors,

On behalf of Hopson, LLC, developer of the Walnut Creek subdivision, I respectfully ask that you approve our request to vacate and abandon the existing unimproved right-of-way of Haleford Drive, shown on the record plat for Walnut Creek: Section 1 that extends northwest from the edge of the temporary turn around easement between Lot 31 (Tax Map Parcel #34A-1-31: 6380 Haleford Drive) and Lot 32 (Tax Map Parcel #34A-1-32: 6381 Haleford Drive). Exhibit prepared by Balzer & Associates dated 6/25/2020 shows the location of the proposed vacation and abandonment. The road serving Section 6 has been altered from its original proposed route in order in minimize impacts to wetlands and other environmental features. Thank you for your consideration in the matter.

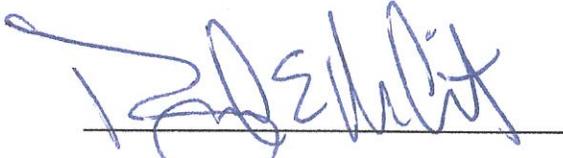
Sincerely,



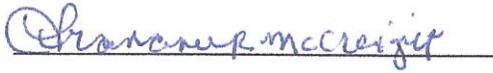
Raymond T. Avery, IV – Managing Member, Hopson LLC

June 9, 2020

We, Raymond E. & Francine R. McCreight, are the owners of Lot 32 within Walnut Creek: Section #1 (Tax Map Parcel #34A-1-32: 6381 Haleford Drive). As owners of the said property, we consent to the vacation and abandonment of the existing unimproved right-of-way of Haleford Drive shown on the recorded plat for Walnut Creek Section #1 that extends northwest from the edge of the temporary turn around easement between Lot 31 and Lot 32. With the vacation and abandonment of that existing unimproved right-of-way, we also agree to dedicate the portion of the temporary turnaround easement located on our property to Powhatan County to be included in the public right-of-way of Haleford Drive.



Raymond E. McCreight



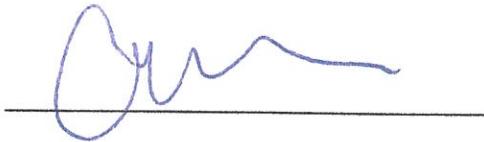
Francine R. McCreight

June 9, 2020

We, Joseph A. Dunn and Cassandra L. Warthen, are the owners of Lot 31 within Walnut Creek: Section #1 (Tax Map Parcel #34A-1-31: 6380 Haleford Drive). As owners of the said property, we consent to the vacation and abandonment of the existing unimproved right-of-way of Haleford Drive shown on the recorded plat for Walnut Creek Section #1 that extends northwest from the edge of the temporary turn around easement between Lot 31 and Lot 32. With the vacation and abandonment of that existing unimproved right-of-way, we also agree to dedicate the portion of the temporary turnaround easement located on our property to Powhatan County to be included in the public right-of-way of Haleford Drive.

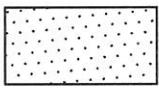


Joseph A. Dunn



Cassandra L. Warthen

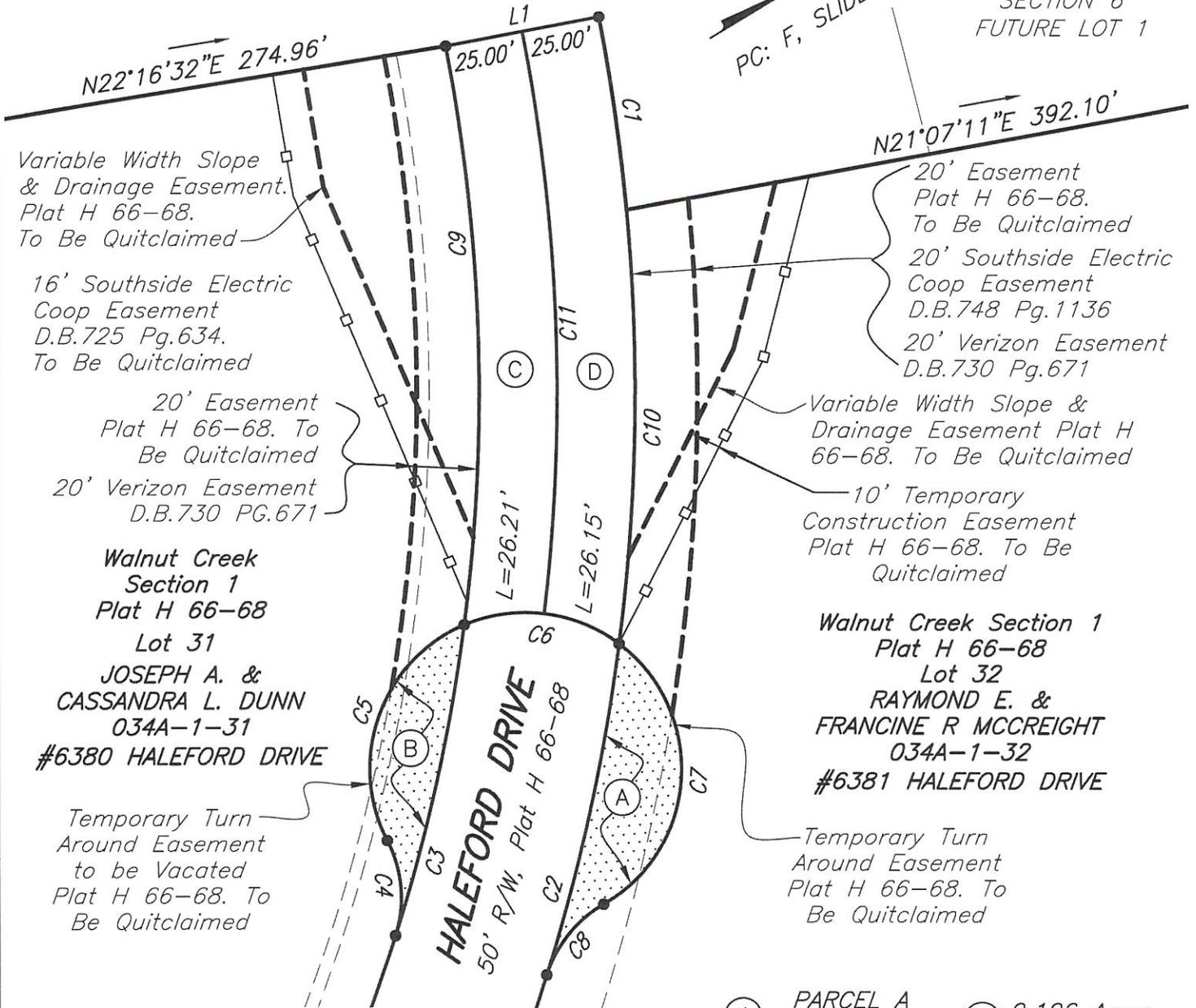
This compiled plat was prepared without the benefit of a title report and is subject to information disclosed by such. No improvement and not all easements may be shown.



PORTION OF LAND TO BE DEDICATED TO POWHATAN COUNTY  
0.070 Acre (3,082 Sq.Ft)

WALNUT CREEK SECTION 6  
FUTURE Lot 2

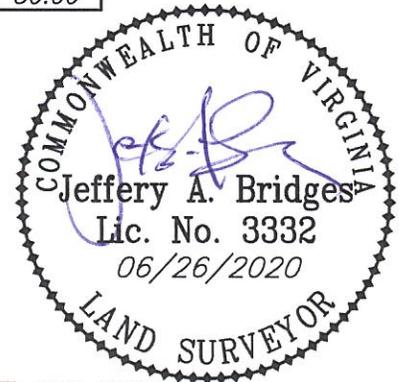
WALNUT CREEK SECTION 6  
FUTURE LOT 1



CURVE TABLE						
#	RAD	DELTA	LENGTH	CHORD BRNG	CHORD	TAN
C1	626.73'	5°40'13"	62.03'	S66°37'07"E	62.00'	31.04'
C2	626.73'	51°53'42"	567.66'	S43°30'23"E	548.45'	304.97'
C3	576.73'	51°53'49"	522.39'	N43°30'26"W	504.71'	280.65'
C4	40.00'	45°00'01"	31.42'	N63°22'23"W	30.61'	16.57'
C5	50.00'	94°14'30"	82.24'	N38°45'08"W	73.28'	53.85'
C6	50.00'	60°00'13"	52.36'	N38°22'14"E	50.00'	28.87'
C7	50.00'	113°15'19"	98.83'	S55°00'00"E	83.51'	75.91'
C8	40.00'	42°44'39"	29.84'	S19°44'40"E	29.15'	15.65'
C9	576.73'	18°26'43"	185.67'	N60°14'00"W	184.87'	93.64'
C10	626.73'	12°43'25"	139.18'	S57°25'18"E	138.89'	69.88'
C11	601.73'	17°46'54"	186.75'	S60°33'54"E	186.00'	94.13'

- (A) PARCEL A  
0.041 Acre  
1,800 Sq.Ft.
- (B) PARCEL B  
0.031 Acre  
1,367 Sq.Ft.
- (C) 0.106 Acres  
4,626 Sq.Ft.
- (D) 0.111 Acres  
4,820 Sq.Ft.

LINE TABLE		
#	BEARING	LENGTH
L1	N20°32'39"E	50.00'



COMPILED PLAT SHOWING A PORTION OF RIGHT OF WAY AND VARIOUS EASEMENTS TO BE VACATED AND TWO PARCELS TO BE DEDICATED TO POWHATAN COUNTY ACROSS THE LANDS OF RAYMOND E. & FRANCINE R MCCREIGHT AND JOSEPH A. & CASSANDRA L. DUNN

DATE: 06/26/2020  
SCALE: 1" = 50'  
JOB: 54180087.00  
DRAWN BY: NOA  
CHECKED BY: JAB

MACON DISTRICT  
POWHATAN COUNTY, VIRGINIA

PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS  
ROANOKE / RICHMOND / NEW RIVER VALLEY / STAUNTON / HARRISONBURG / LYNCHBURG  
15871 City View Drive, Suite 200 / Midlothian, Virginia 23113 / Phone (804) 794-0571 / www.balzer.cc



BALZER & ASSOCIATES  
Page 300

# Powhatan County, Virginia

## Legend

-  County Boundary
-  Addresses
-  Parcels



## Requested Right-of-Way Vacation (Walnut Creek: Sec. 1)

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Powhatan County is not responsible for its accuracy or how current it may be.*