

**VIRGINIA: AT A REGULAR MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, JANUARY 4, 2016 AT 7:00 PM**

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

**Staff Members Present:** Pat Weiler, County Administrator  
Tom Lacheney, County Attorney  
Charla Schubert, Director of Finance  
Steven Singer, Fire & EMS Chief  
Ed Howland, Planning Manager

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**1. Call to Order**

Mr. Melton called the meeting to order at 7:05 p.m.

**2. Invocation**

Mr. Nordvig provided the invocation.

**3. Pledge of Allegiance**

Mr. Tucker led the Pledge of Allegiance.

**4. Election of Chairman**

Ms. Weiler asked for nominations for Chairman. Mr. Tucker nominated Mr. Melton for Chairman.

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

**VOTE 4-0-1  
MOTION Passed**

**5. Election of Vice Chairman**

Chairman Melton asked for nominations for Vice-Chairman. Ms. Cabell nominated Mr. Nordvig for Vice-Chairman.

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

**VOTE 4-0-1  
MOTION Passed**

**6. Resolution R-2016-01 Setting the Board of Supervisors 2016 Regular Meeting Schedule**

Mr. Tucker moved to adopt Resolution R-2016-01 as presented. Chairman Melton seconded the motion.

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

**VOTE 5-0  
MOTION Passed**

**7. By-Laws**

Mr. Tucker moved to adopt the Board of Supervisors By-Laws, as amended, by removing the wording "be authorized" on page 7, Section I-A. Board Chairman. Mr. Nordvig seconded the motion.

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

**VOTE 5-0  
MOTION Passed**

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

There were no requests.

**9. Formal Approval of Agenda**

Mr. Tucker moved to approve the agenda as presented. Mr. Nordvig seconded the motion.

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

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

**10. County Attorney Comments**

Mr. Lacheney had no comments at this time.

**11. Chairman Comments**

Chairman Melton made the following statement:

At the November 2, 2015 Board of Supervisors meeting, the County Administrator presented an explanation of why a public hearing was not held prior to the Board approving two resolutions amending the FY 2016 Budget of the Capital Project Fund in June 2015. The public hearing was held on November 2<sup>nd</sup> and the Board re-adopted and restated the two resolutions.

County Staff has received inquiries about a statement that Mrs. Weiler made on November 2<sup>nd</sup> that no funds had been spent from the appropriations prior to November 2<sup>nd</sup>. The inquiries concern checks that were written prior to November 2<sup>nd</sup> for lights at a practice field at Powhatan Junior High School and a public works work order system.

The County's appropriations are controlled at the Fund level as per policy adopted by the Board with Resolution R-2015-47, Section 5 and Resolution R-2015-61, Section 2.

Checks that were written from the Capital Projects Fund between July 1, 2015 and the November 2, 2015 were within the \$307,250 appropriation for the Capital Projects Fund approved by the Board with the Adoption of the FY 2016 budget.

**12. Public Comment (time limit 2 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date**

Chairman Melton opened the public comment period and the following persons spoke:

1. John Waters, 2400 Morningview Dr., commented on the trash ordinance adopted by the county. He asked the board to enforce the ordinance and follow up on his neighbor's house that is in violation of the trash ordinance.
2. Richard Cox, Commonwealth's Attorney, asked the Board to vote against the MOU resolution.
3. Faye Barton, Powhatan County Treasurer, 3575 Huguenot Trail, asked the Board vote against Resolution R-2016-02, the Memorandum of Understanding.
4. Brad Nunnally, Sheriff of Powhatan County, congratulated the Board on their election and asked the Board vote against the MOU.

5. Jamie Timberlake, Powhatan County Commissioner of the Revenue, 1315 Schroeder Rd., asked the Board to vote against the MOU.
6. Teresa Dobbins, Powhatan County Circuit Court, 3158 Lee's Landing Rd. asked the Board to vote against the MOU.
7. Jason Gillespie, 5773 Morecreek Rd., as a citizen stated he is in opposition of the MOU resolution.

Seeing no one else who wished to speak, Chairman Melton closed the public hearing.

**13. Approve Minutes from December 7, 2015 Regular Meeting**

Mr. Tucker moved to approve December 7, 2015 minutes as presented. Mr. Nordvig seconded the motion.

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

**VOTE 5-0  
MOTION Passed**

**14. Code of Ethics and Rules of Engagement**

Mr. Melton moved for approval of the Code of Ethics and Rules of Engagement. Mr. Tucker seconded the motion.

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

**VOTE 5-0  
MOTION Passed**

**15. Resolution R-2016-02 Extending to Constitutional Officers the Powhatan County Personnel System**

Mr. Nordvig thanked the Constitutional Officers for their comments. Mr. Nordvig motioned to defer Resolution R-2016-02 to January 20<sup>th</sup> at 5pm to a closed meeting discussion with action to be taken at the January 25 regular meeting. Mr. Williams suggested having an open workshop with the Board and the Constitutional Officers at 5pm on the 20<sup>th</sup>. Mr. Williams motioned to amend the motion to meet at 5pm on January 20<sup>th</sup> for an open work session. Mr. Nordvig asked for Mr. Lacheney to clarify what was required. Mr. Lacheney clarified the only motion that was needed and currently on the table was to have a work session at 5pm on January 20<sup>th</sup>. At that meeting, if a closed session was needed, a motion and vote to enter closed session could be taken at that time. Mr. Tucker seconded the motion.

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

**VOTE 5-0  
DEFERAL Passed**

**16. Appointment to Boards, Commissions, Committees, etc.**

a. Agricultural and Forestal Districts Advisory Committee

Chairman Melton nominated Mr. Carson Tucker and Mr. James B. Timberlake II. There were no other nominations.

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

**VOTE 5-0  
MOTION Passed**

b. Anti-Litter Council (ALC)

Mr. Carson Tucker nominated Mr. Nordvig and Ms. Vernell Straughter. There were no other nominations.

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

**VOTE 5-0  
MOTION Passed**

c. Broadband Citizen Advisory Committee (BCAC)

Chairman Melton nominated Mr. Pete Sisti, Mr. Rick Davis and Ms. Lummie Jones. There were no other nominations.

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

**VOTE 5-0  
MOTION Passed**

d. Capital Area Agency on Aging/Senior Connections Advisory Council

Mr. Nordvig nominated Ms. Cabell. There were no other nominations.

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

**VOTE 4-0-1**  
**MOTION Passed**

- e. Capital Region Workforce Partnership Chief Local Elected Officials Consortium (CLEO)

Mr. Carson Tucker nominated Chairman Bill Melton. There were no other nominations.

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

**VOTE 4-0-1**  
**MOTION Passed**

- f. Goochland Powhatan Community Services Board (CSB)

Mr. Nordvig nominated Jullianna Franklin. There were no other nominations.

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

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

- g. James River Advisory Council (JRAC)

Ms. Cabell nominated Mr. Carson Tucker and Mr. James Babcock. There were no other nominations.

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

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

- h. Powhatan Community Action Agency Advisory Board (PCAAAB)

Mr. Carson Tucker nominated Angela Y. Cabell, Teresa Hash Dobbins, Beverly Funn, Bill Melton and Charla Schubert. There were no other nominations.

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

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

i. Richmond Regional Planning District Commission (RRPDC) Board

Chairman Melton nominated Mr. Tucker and Mr. Nordvig. Mr. Williams nominated himself. Mr. Lacheney stated the vote to be taken in the order of nominations and once both positions were filled no other votes needed to be taken.

On the nomination for Mr. Tucker:  
Mr. Melton, Ms. Cabell and Mr. Nordvig voted AYE  
Mr. Carson Tucker and Mr. Williams abstained.

**VOTE 3-0-2**  
**MOTION Passed**

On the nomination for Mr. Nordvig:  
Mr. Melton, Ms. Cabell and Mr. Carson Tucker voted AYE  
Mr. Williams voted NAY  
Mr. Nordvig abstained.

**VOTE 3-1-1**  
**MOTION Passed**

Mr. Tucker nominated Mr. Williams as an alternate. Mr. Williams declined the nomination. Mr. Tucker then nominated Ms. Cabell as an alternate.

On the nomination of Ms. Cabell as an alternate:  
Mr. Williams, Mr. Nordvig, Mr. Melton and Mr. Carson Tucker voted AYE  
Ms. Cabell abstained.

**VOTE 4-0-1**  
**MOTION Passed**

j. Richmond Area Transportation Planning Organization (TPO)

Mr. Melton nominated Mr. Nordvig with Mr. Carson Tucker and Mr. March Altman as alternates. Mr. Williams nominated himself.

On the nomination of Mr. Nordvig:  
Mr. Nordvig, Ms. Cabell, Mr. Melton and Mr. Carson Tucker voted AYE  
Mr. Williams voted NAY.

**VOTE 4-1-0**

**MOTION Passed**

On the nomination of Mr. March Altman as the alternate:  
Mr. Williams, Mr. Nordvig, Ms. Cabell, Mr. Melton and Mr. Carson Tucker voted AYE.

**VOTE 5-0**  
**MOTION Passes**

On the nomination of Mr. Carson Tucker as the alternate:  
Mr. Williams, Mr. Nordvig, Ms. Cabell and Mr. Melton voted AYE  
Mr. Carson Tucker abstained.

**VOTE 4-0-1**  
**MOTION Passes**

- k. Richmond Area Transportation Planning Organization Citizens Transportation Advisory Committee (CTAC)

Chairman Melton deferred action on nominations due to current term not expiring until February 2016.

- l. Richmond Area Transportation Planning Organization Technical Advisory Committee (TAC)

Ms. Cabell nominated Mr. March Altman and Mr. Ed Howland as an alternate. There were no other nominations.

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

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

- m. Richmond Regional Planning District Commission Capital Region Collaborative (CRC) Organizing Council

Mr. Nordvig nominated Ms. Pat Weiler and Ms. Angela Cabell. There were no other nominations.

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

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

- n. Richmond Regional Planning District Commission Small Jurisdictions Committee (SJC)

Mr. Tucker nominated Ms. Pat Weiler and Mr. Larry Nordvig. There were no other nominations.

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

**VOTE 5-0  
MOTION Passed**

- o. Social Services Board (SSB)

Mr. Nordvig nominated Mr. Carson Tucker and Ms. Angela Cabell. There were no other nominations.

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

**VOTE 5-0  
MOTION Passed**

- p. Virginia Coalition of High Growth Communities (VCHGC)

Ms. Cabell nominated Chairman Bill Melton. There were no other nominations.

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

**VOTE 4-0-1  
MOTION Passed**

**17. Virginia's Urban Crescent Letter to Governor McAuliffe and the 2016 Virginia General Assembly**

Ms. Pat Weiler presented an overview of the background and the details of the letter to the Board. Chairman Melton spoke in support of the letter. Mr. Williams spoke in opposition of the letter.

Chairman Melton motioned to approve the letter and to give authority to the Chairman to sign said letter.

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

**VOTE 3-2**  
**MOTION Passed**

**18. Fiscal Year 2017 Budget Guidelines**

Ms. Charla Schubert presented an overview of the details of the Guidelines to the Board. There was discussion and comments between the Board Members on the Guidelines. Ms. Weiler detailed the upcoming scheduled meetings with Fiscal Year 2017 Budget presentations.

**19. Public Comment (time limit 2 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date**

Chairman Melton opened the public comment period and the following persons spoke:

1. Mr. Adam Sadler, 983 Manakin Rd, announced he found a set of keys in the parking lot if anyone had lost them.
2. Sheriff Brad Nunnally, 1415 Donavon Mill Lane, asked the Board if the deferral of the Constitutional Officer Agreement will inhibit him from hiring two vacant positions. The Board instructed Sheriff Nunnally to contact the County Administrator for further guidance on the Employee Handbook and the hiring procedures.

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

**20. County Attorney Comments**

Mr. Tom Lacheney, County Attorney, commented about a citizen's earlier complaint about a Morningview Drive property. He stated a petition was filed today in the General District Court for 2406 Morningview Drive pursuant to the new ordinance and this was the first petition filed. The court date is February 1 at 9am with a \$1000 fine issued and asked the court to enforce clean-up of the property. Mr. Carson Tucker requested Mr. Ed Howland relay that information about the petition to the citizen. Mr. Lacheney also commented on the ordinance and the ability, if the budget allows, to place liens on property's in question. Mr. Lacheney also addressed the request by Mr. Carl Loser from a previous meeting. He stated the Code of Virginia does not allow for a referendum to be placed on a ballot per code §24.2-684.

**21. County Administrator Comments**

Ms. Pat Weiler reminded everyone of the January 20, 2016 Joint meeting with the School Board in the Village Building Auditorium and of the new Special Meeting at 5:00 pm on January 20<sup>th</sup>. Monday, January 25, 2016 is a regular Board Meeting that will begin at 6:00 pm as will all regular Board Meetings unless otherwise stated.

**22. Board Comments**

Chairman Melton reminded everyone of the new meeting time of 6:00 pm, and commented that the public comment periods will be at a specific time so the public does not have to wait.

### **23. Closed Meeting**

Mr. Lachenev read the following Closed Meeting motion:

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

1. Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.
2. One (1) matter concerning the salary or performance of specific personnel - §2.2-3711(A)(1) of the Code of Virginia;

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

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

Mr. Tucker moved to approve the Closed Meeting resolution read by the County Attorney. Chairman Melton seconded the motion.

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

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

The Board entered Closed Meeting at 8:39 PM

**24. Closed Meeting Certification**

Chairman Melton reconvened this Regular Meeting of the Powhatan County Board of Supervisors in open meeting at 9:03 p.m. and requested the Clerk of the Board to conduct a roll call certification vote of the Supervisors, to be included in the minutes of this meeting.

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

- (1) the only matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements; and
- (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting just conducted?

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

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

Mr. Tucker made a motion to revise the Employment Agreement with Patricia Weiler, County Administrator, with the following changes:

Delete from Section 6. Termination and Severance A. the following:

*After the first year of employment and accordingly with each succeeding year of employment, Severance Pay shall be reduced by one month for each year of service, which shall eventually result in no Severance Pay being awarded to Employee upon separation of employment after six (6) years of employment.*

Add to Section 10. Annual and Sick Leave A. the following:

*On January 1, 2016, the employee shall be allotted an additional eighty hours of accrued annual leave. Beginning January 1, 2016 the Employee will accrue annual leave at a highest rate per month allowed in the Powhatan County Employee Handbook (as of January 1, 2016 this was 14 hours per month.*

Delete from Section 11. Benefits B. Monthly Vehicle Allowance the following:

*The Employer agrees to pay to the Employee, during the term of this Agreement*

*and in addition to other salary and benefits herein provided, the sum of Seven Thousand Two Hundred and 00/ 100 Dollars (\$7,200.00) per year, payable in equal monthly installments of Six Hundred and 00/100 Dollars (\$600.00), as a vehicle allowance to be used to purchase, lease, or own, operate and maintain a vehicle. The monthly allowance may be increased annually by an amount mutually agreed upon by the Parties. The Employee shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle.*

**Add to Section 11. Benefits B. Monthly Vehicle Allowance the following:**

*In lieu of a vehicle allowance, effective July 1, 2015 the employee shall receive Seven Thousand Two Hundred and 00/ 100 Dollars (\$7,200.00) per year added to the Employee's annual base salary per Section 2(A). The Employee is not entitled to seek reimbursement for mileage as per the County of Powhatan Employee Handbook. The Employee is entitled to use a County vehicle if traveling more than 200 miles round-trip on County business.*

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

**VOTE 4-1-0  
MOTION Passed**

## **25. Adjournment**

Mr. Carson Tucker moved to adjourn the meeting at 9:06 p.m. Mr. Nordvig seconded the motion.

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

**VOTE 5-0  
MOTION Passed**