

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, ON SEPTEMBER 23, 2019, AT 6:00 P.M.

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

Board of Supervisors Absent: None

County Staff Present: Ted Voorhees, County Administrator
Tom Lacheney, County Attorney
Charla Schubert, Director of Finance
Bret Schardein, Assistant County Administrator
Andrew Pompei, Director of Planning
John Wood, Director of Information Technology
Karen Alexander, Director of Elections
Phil Warner, Fire and Rescue Chief
David Throckmorton, Fire Marshal
Taylor Goodman, Fire Chief, Company 2
Ed Howland, Principal Planner
Tom Nolan, Director of Public Safety Communications
Jeff Searfoss, Chief Deputy

Constitutional Officers Present: Brad Nunnally, Sheriff

Guests Present: Kyle Laux, Davenport
Martha Shickle, Virginia Planning District Commission

1. Call to Order

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

2. Pledge of Allegiance

Mr. Searfoss led the Pledge of Allegiance.

3. Invocation

Chairman Cabell called for a moment of silence.

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

Chairman Cabell requested to move Item 11(b) -- the Bond Refunding Opportunity -- to Item 8(c); and add Item 8(d) -- Consideration of a Broadband Workshop with Dr. Ali.

Mr. Williams motioned to approve the changes to the Agenda. Mr. Nordvig seconded the motion.

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

**VOTE 5-0
MOTION Passed**

5. Formal Approval of Agenda

Mr. Williams motioned to approve the Agenda as amended. Mr. Nordvig seconded the motion.

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

**VOTE 5-0
MOTION Passed**

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

Chairman Cabell opened the Public Comment period.

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

7. Consent Agenda

- a. Approval of the August 8, 2019, Special Board of Supervisors Meeting Minutes

Vote on Item (a)

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

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

Mr. Melton stated that, since he was not in attendance at the August 8 Special Board of Supervisors meeting, he will not be voting for approval of the minutes of that meeting.

- b. Approval of the August 26, 2019, Regular Board of Supervisors Meeting Minutes
- c. Resolution R-2019-43 Amending the Fiscal Year 2020 Powhatan County Operating Budget by Budgeting and Appropriating \$55,173.37 in CSBG Carryover Grant Funds and Additional State Library Aid
- d. Resolution R-2019-44 Amending the Fiscal Year 2020 Powhatan County Operating Budget by Budgeting and Appropriating \$104,100.90 in the Grants Fund for FEMA – Assistance to Firefighters Grant and Clerk’s Item Conservation Grant
- e. Bonded Projects Update
- f. Strategic Priority Scorecard

Vote on items (b) through (f)

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

**VOTE 5-0
MOTION Passed**

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

- a. One Appointment/Reappointment to the Local Board of Building Code Appeals (LBBCA) Board of Fire Prevention Code Appeals (BFPCA)

Mr. Melton motioned to appoint Rick Smith to the Local Board of Building Code Appeals and Board of Fire Prevention Code Appeals for a period of five years commencing September 1, 2019, and expiring December 31, 2024. Mr. Williams seconded the motion.

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

**VOTE 5-0
MOTION Passed**

- b. One Recommendation for Appointment/Reappointment to the Board of Zoning Appeals

Mr. Tucker motioned to recommend Carolyn White for reappointment to the Board of Zoning Appeals for a period of five years commencing September 1, 2019, and expiring August 31, 2024. Mr. Williams seconded the motion.

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

VOTE 5-0
MOTION Passed

Upcoming Appointments:

Agricultural & Forestal Districts Advisory Committee (2; 12/31/17)
Central Virginia Waste Management Authority (resignation, term exp. 1/31/21)
Richmond Area Transportation Planning Org, CTAC (2; 4/30/18)

- c. Bond Refunding Opportunity - 2011 and 2014 VRA Pooled Bond; R-2019-45 and R-2019-46

This item was moved from Item 11(b) with a motion, second, and 5-0 vote.

Chairman Cabell reported that this item was discussed at a Board of Supervisors Workshop held on September 18 and carried over to this meeting to allow citizens to comment if desired.

Mr. Williams motioned to approve the Resolutions R-2019-45 and R-2019-46 as presented. Chairman Cabell seconded the motion.

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

VOTE 5-0
MOTION Passed

- d. Consideration of a Broadband Workshop with Dr. Christopher Ali.

This item was added with a motion, second, and 5-0 vote.

Mr. Williams requested that Dr. Christopher Ali from the University of Virginia be invited to meet with the Board of Supervisors and the Planning Commission to discuss broadband opportunities for Powhatan County.

Mr. Williams motioned to approve up to \$1,000 as a consultant fee to meet with Dr. Ali to gather information specific to Powhatan in terms of what it is that the Board should be considering.

Chairman Cabell stated that the broadband issue in Powhatan is a high priority for constituents; and a formal presentation that would become a matter of public record for the citizens would be beneficial.

The Board discussed options proposed by Dr. Ali for broadband information.

Mr. Nordvig stated that all Board members are trying very hard to get broadband into Powhatan County to make sure citizens can have a home business and allow students to have access to the necessary information to complete school assignments. Mr. Nordvig added that the consultation with Dr. Ali should be specific to Powhatan.

Mr. Melton requested that Mr. Voorhees reach out to Dr. Ali to get clarification of the proposed options and quoted fees for the presentation and meeting with the Board.

Mr. Nordvig recommended that the Board contract with Dr. Ali -- at a cost not to exceed \$1,500 -- for a formal presentation tailored to Powhatan and a chance for informal dialogue.

Mr. Williams withdrew his previous motion and motioned that an invitation be extended to Dr. Ali to make a formal presentation to the Board that is based on his research of Powhatan County and broadband with his recommendations along with his providing a two-hour conversation with the Board. If this option is cost-prohibitive, the Board will defer to the two-hour conversation only option.

Mr. Nordvig seconded the motion.

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

**VOTE 5-0
MOTION Passed**

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

- a. Proclamation P-2019-20 Recognizing Good Samaritans and Powhatan County Employees for Actions Taken to Save the Life of Another

Chairman Cabell read Proclamation P-2019-20 aloud in the form of a motion. Mr. Tucker seconded the motion.

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

**VOTE 5-0
MOTION Passed**

The Board thanked all those involved for their life saving efforts and their service to Powhatan County.

- b. Resolution R-2019-41 Commending Virginia's 21 Planning District Commissions (PlanRVA)

Chairman Cabell read Resolution R-2019-41 in the form of a motion. Mr. Nordvig seconded the motion.

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

VOTE 5-0
MOTION Passed

Ms. Shickle addressed the Board and thanked them for their partnership and membership in the Commission.

The Board thanked Mrs. Shickle for heading up the PlanRVA organization and encouraged the public to explore what the organization does for the Richmond Metropolitan area.

Mr. Voorhees stated that Ms. Shickle has been tremendously valued by the regional administrators and managers as an excellent leader and a very strong communicator and expressed his appreciation for her efforts to keep the organization on sound footing.

- c. Director of Elections - Presentation on Election Security

Mrs. Alexander presented and the Board of Supervisors discussed a brief presentation on Powhatan County's election security measures, which included information on physical security, cyber security, and procedural security.

Mr. Tucker asked whether Ms. Alexander had detected anyone or any entity "sniffing around" trying to gain access to the County's election system. Mrs. Alexander stated that, on a local level, she had not.

Mr. Tucker asked if there is anything else the County should be doing as a community. Mrs. Alexander responded that she feels confident that the County is in a good election security position.

Mr. Nordvig asked for information regarding verification that the person voting is who he/she claims to be. Mrs. Alexander explained that photo identification is mandatory now for each person who votes.

Mrs. Alexander spoke about the composition of the Electoral Board and how each of the three members are appointed.

10. Old Business

- a. Adoption of the FY 2020 Legislative Agenda

Chairman Cabell reported that the 2020 Legislative Agenda was reviewed at the Board of Supervisors Special Meeting on September 18 and asked for a motion to adopt the Agenda.

Mr. Williams motioned to approve the Legislative Agenda as presented. Mr. Tucker seconded the motion.

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

VOTE 5-0
MOTION Passed

b. Pre-Audit Financials

Mrs. Schubert presented and the Board of Supervisors discussed the Pre-Audit Financials for the fiscal year ending June 30, 2019.

Mrs. Schubert reported that there is a current opportunity to purchase a used heavy rescue unit from capital maintenance reserve.

Mr. Melton stated that he would like to take a percentage of the overage every year and put it in the reserve fund for broadband and transportation, which are true needs in the County.

Mr. Williams requested that the Board move forward with a vote at this meeting on the purchase of the heavy rescue unit, as it is a reliable piece of used equipment with a purchase price not to exceed \$185,000.

Mr. Voorhees clarified that the purchase of the heavy rescue needs a contract so that the vehicle can be held by the current owner for purchase by Powhatan County.

Mr. Goodman explained that the replacement of a heavy rescue truck has been in the CIP for many years; and staff has been continuously looking at replacement vehicle options. The vehicle being considered for purchase from Loudoun County is in good working order and should meet the needs of Powhatan Fire & Rescue personnel. Mr. Goodman stated that Loudoun County has extended first refusal rights, which is normally two weeks' time, to Powhatan for the purchase of the vehicle.

Mr. Nordvig asked Mr. Goodman if the purchase of the vehicle is a "need" for the County or a "nice to have." Mr. Goodman stated that it is a need.

Mr. Williams motioned that the Board give permission for the volunteers to move forward with the acquisition of the rescue vehicle at an amount not to exceed \$185,000. Mr. Nordvig seconded the motion.

Mr. Nordvig stated that if the volunteers put a down payment on the vehicle and the Board does not vote for approval, the down payment will be forfeited; and encouraged the Board to approve the purchase.

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

VOTE 5-0
MOTION Passed

Mr. Melton again stated that he would like staff and the Board to review the possibility of taking a percentage of the overage each year and set aside funds for broadband and transportation projects.

Mr. Nordvig stated that he agrees with the premise of being prepared to pay for broadband and clarified that some of the items on the current list of projects to be done are one-time expenses for the County and not recurring.

11. New Business

- a. Staff Report Update - Implementation of Comprehensive Plan

Mr. Pompei presented and the Board of Supervisors discussed the implementation of the Comprehensive Plan.

Mr. Pompei stated that in October of this year, staff will promote recommendations made in Chapter 7 (Natural and Cultural Resources) of the Comprehensive Plan; and two upcoming events will provide interested residents with information on how they can help protect natural and cultural resources within the County: October 24 at 7 PM at the Huguenot Volunteer Fire Department and October 30 at 9:30 AM at the Powhatan County Library.

Chairman Cabell added that the Farmers' Market, a local natural resource, is returning to the Village beginning Thursday, September 26.

Mr. Nordvig asked whether the upcoming meetings will be posted on the County's social media pages and what opportunities there will be for public comment. Mr. Pompei replied that the events will be advertised on social media and the comments submitted by the public will be reviewed by staff.

- b. Bond Refunding Opportunity - 2011 and 2014 VRA Pooled Bond; R-2019-45 and R-2019-46

This item was moved to Item 8(c) with a motion, second, and 5-0 vote.

12. Public Hearings

- a. Ordinance O-2019-31 (Case #19-04-CUP): **Powhatan Solar I, LLC (District #3: Bethesda/Lees Landing)** requests a conditional use permit (CUP) to permit a solar energy farm and related accessory uses within the Agricultural-10 (A-10) zoning district, per Sec. 83-162 of the Zoning Ordinance of the County

of Powhatan. The proposed use will be located on a portion of Tax Map Parcels #27-14, 27-14A, and 26-104, which have frontage on the south side of State Route 615 (Three Bridge Road) at its intersection with State Route 1330 (Mill Mount Parkway) and at the northern terminus of State Route 626 (Brauer Road). The subject properties total approximately 927.38 acres, with the proposed use located within a project area that is approximately 350.9 acres. The 2019 Long-Range Comprehensive Plan designates the subject properties as Rural Preservation and Natural Conservation on the Countywide Future Land Use Plan.

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-31, a request from Powhatan Solar I, LLC for a conditional use permit (CUP) to permit a solar energy farm and related accessory uses within the Agricultural-10 (A-10) zoning district.

Parker Sloan with Cypress Creek Renewables presented a short PowerPoint to the Board to further explain the project.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-31.

Forest Ranson, 1300 Pine Creek Bluff Drive, speaking for himself and his sister, Anna Ranson, addressed the Board requesting that the vote on this matter be deferred until the next Board of Supervisors meeting, as they are holders of trusts on the property and hold interest in the LLCs listed as owners of record of the property. Mr. Ranson stated that neither he nor Anna are mentioned in nor signed the CUP application.

Chairman Cabell asked that Mr. Lacheney offer his opinion on the statement just made by Mr. Ranson. Mr. Lacheney stated that the County Ordinance states that all owners of the property must sign the application, adding that when the application was accepted by county staff, it was represented that David and Tamara Anderson were the only owners of the LLCs; and if others hold an interest, he sees a problem with the application and the CUP is subject to revocation.

The Board and Mr. Lacheney continued the discussion on the validity of the application and the concerns about ownership interests in the property.

Chairman Cabell temporarily suspended the Public Hearing in order for the Board to be able to get more information on this matter.

David Anderson, 2120 Stavemill Estates Drive, stated that his wife, Tamara Anderson, is the sole operating manager and sole legal official for the three LLCs that own the parcels association with the proposed solar farm and has the right to lease property on any of the business interests that the LLCs have.

Mr. Williams motioned that the Board go forward with their questions but defer final action until a legal application that contains the correct information is submitted. Mr. Tucker seconded the motion.

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

VOTE 5-0
MOTION Passed

Chairman Cabell reopened the Public Hearing.

Richard Wray, 2440 Brauer Road, stated that he has no opposition to the solar farm itself but has concerns with using Brauer Road for the construction entrance because of Brauer Road's intersection with Route 60. Mr. Wray suggested that Three Bridge Road be used for construction traffic.

Edwin Utt, 2505 Brauer Road, stated that he is not in opposition to the solar farm; however, he is also concerned about the Brauer Road construction traffic. The road is tar and gravel and very narrow; and he is concerned about the large trucks traveling and passing daily traffic. He mentioned that a school bus and a car passing is a safety concern. Mr. Utt requested that the construction traffic be moved to Three Bridge Road.

George Utt, 2451 Brauer Road, spoke against the use of Brauer Road for construction traffic access to the solar farm and encouraged the Board to travel Brauer Road to evaluate whether the road can handle the potential construction vehicles that will be using it.

Seeing there were no other speakers, Chairman Cabell restated that the Public Hearing is being held open and will be continued at the October 28, 2019, meeting.

Mr. Nordvig motioned to hold the Public Hearing on Ordinance O-2019-31 open until the next Regular Board of Supervisors meeting. Mr. Williams seconded the motion.

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

VOTE 5-0
MOTION Passed

Mr. Williams asked Mr. Pompei about the preferred road access to the solar farm site for construction purposes. Mr. Pompei stated that there are pros and cons to each option, stating that VDOT does not have a preference and it would be a Board decision as to access.

Mr. Williams also asked the applicant about the type of vehicles that will be involved in the construction process; and Mr. Sloan stated that there will be construction personnel traffic and equipment deliveries for the solar modules, racking equipment, pile drivers, earth movers, etc., which comes on a variety of flatbed trucks. Mr. Sloan stated that Three Bridge Road would be an acceptable alternative to Brauer Road access.

The Board and the applicant discussed the re-planting of trees cut during the clearing process of the land; and the applicant stated that there will be additional trees planted along the Three Bridge Road frontage.

Mr. Melton asked Mr. Sloan for information regarding the amount of truck traffic during school transportation times and whether there may be an option to revise some additional support from the Sheriff's office for traffic control. Mr. Sloan stated that once the project is approved and under construction, traffic control would be handed over to an EPC construction manager, who would with the County and VDOT to establish a traffic management plan taking school bus schedules in mind.

Mr. Melton also inquired about the entrance and whether it will be paved after the construction process and not gravel, which will inevitably kick rocks into the travel lanes on the highway. Mr. Sloan agreed to have the driveway cut paved at the required length.

Chairman Cabell asked for information regarding the entrance gate on Three Bridge Road and whether the gate would be to the east of the entrance to Westlake. Mr. Sloan stated that the entrance is scheduled to be to the east and to the south of the Westlake residential development.

Mr. Pompei asked the Board if they prefer that the same staff report be brought before the Board at the October meeting or if changes are being requested. Mr. Melton stated that he would like the staff report to state that the paving at the entrance be included in subsequent reports and requested that school traffic plans be included in the report as part of the construction planning process.

Mr. Williams requested that staff consult with VDOT on what needs to be the length of the pavement of the entrance to avoid rocks being thrown into the travel lanes. Mr. Pompei stated that the length is 40 feet.

Chairman Cabell requested that condition 7D be changed to state that construction traffic will enter through Three Bridge Road. Mr. Williams concurred.

Mr. Nordvig requested that staff report to the Board the annual real estate taxes the County is currently receiving for the parcels this project will be constructed on.

Chairman Cabell stated her appreciation for the patience of everyone involved in this project.

- b. Ordinance O-2019-32 (Case #19-09-AZ): The **County of Powhatan** requests the amendment and reenactment of the provisions of Chapter 15 (Building Numbers and Street Names), Section 15-6 (Street Naming Standards) to prohibit cul-de-sac streets from having street names that duplicate the name of an intersecting street.

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-32, a request of Powhatan County to amend and reenact the provisions of Chapter 15, Section 15-6 of the County Code.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-32.

Woody Cofer, a Powhatan resident, stated his opposition to this Ordinance, as it is currently difficult to get names assigned to roads within a subdivision, and this Ordinance will make it even more challenging.

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

Mr. Williams motioned to approve Ordinance O-2019-32 as presented. Mr. Tucker seconded the motion.

Mr. Nordvig asked that Mr. Warner share information on how difficult it is for first responders to navigate street names. Mr. Warner explained that with the spotty cellular connectivity in Powhatan, the CAD system is not always reliable; and the similar names of streets can be a problem. Mr. Warner expressed his support for the Ordinance.

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

VOTE 5-0
MOTION Passed

- c. Ordinance O-2019-33 Amending the Code of the County of Powhatan, Chapter 46 (“Fire Prevention and Protection”), Article II (Fire Prevention Code), Sections 46-53 (Amendments, additions and deletions to the VSFPC) and 46-54 (Smoke detectors in certain buildings) for the purpose of updating said sections with the corresponding sections in the Virginia Statewide Fire Preventions Code regarding certain cited references and smoke detectors.

Mr. Throckmorton presented and the Board of Supervisors discussed Ordinance O-2019-33 amending Chapter 46, Article II, Sections 46-53 and 46-54 of the County Code. Mr. Throckmorton reported that most of the proposed changes are simply numbering changes.

Mr. Melton asked for clarification regarding the inspection of smoke detectors within leased property; and Mr. Throckmorton explained that the landlord of the property is responsible for immediately replacing broken smoke detectors once notified by the tenant.

Chairman Cabell opened the Public Hearing on O-2019-33.

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

Mr. Williams motioned to approve Ordinance O-2019-33 as presented. Mr. Tucker seconded the motion

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

**VOTE 5-0
MOTION Passed**

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

Chairman Cabell opened the Public Comment period.

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

- 14. County Attorney Comments**

Mr. Lacheney had no comments.

- 15. County Administrator Comments**

Mr. Voorhees had no comments.

- 16. Board Comments**

Mr. Williams reported that during the joint Board of Supervisors meeting with the School Board, he asked the County Administrator and staff to begin work on bringing the Boards together for workshops to look at a plan for the County's long-term water supply and a transportation plan. Mr. Williams also stated that the County should have a proffer policy that is in accord with current state code.

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

No closed meeting was held.


- 18. Certification of Closed Meeting**


No closed meeting was held.

19. Adjournment

There being no further business, Chairman Cabell adjourned the meeting at 8:51 p.m.

These minutes were approved at the October 28, 2019, meeting with a motion, second, and 5-0 vote.


Theodore L. Voorhees, Clerk 11/1/2019 Date
Powhatan County Board of Supervisors


Angela Y. Cabell, Chairman 11/1/19 Date
Powhatan County Board of Supervisors