



**AGENDA
POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 24, 2016
6:00 PM CALL TO ORDER**

- 1. Call to Order**
- 2. Invocation**
- 3. Pledge of Allegiance by JETS**
- 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) - for anything not to be addressed at a public hearing scheduled for this date**
- 7. Consent Agenda**

All matters listed under the Consent Agenda are considered by the Board to be routine and will be enacted by one resolution in the form or forms listed below. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- | | | |
|----|--|---------|
| a. | Approve Special Meeting Minutes of August 1, 2016 | Page 5 |
| b. | Accept Treasurer's Reports of June, July, August, and September 2016 | Page 9 |
| c. | Voting Credentials for the Virginia Association of Counties' (VACo) 2016 Annual Business Meeting on November 15, 2016 | Page 33 |
| d. | Resolution R-2016-84 Designating the Powhatan County Fire and Rescue Department as the EMS Advanced Life Support Agency for the County of Powhatan | Page 37 |

- e. Resolution R-2016-79 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Transferring \$115,024.17 from Various Completed Capital Projects to the HVAC Improvements Project Page 39
- f. Resolution R-2016-80 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Transferring \$163,000 from Facility Improvements and FCP Blue Field Expansion to Parks and Recreation Improvements Page 43
- g. Resolution R-2016-81 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$256,496 from General Fund Fund Balance and \$37,059 from Water and Sewer Fund Fund Balance for the FY 2016 Carryforward Projects Page 47
- h. Resolution R-2016-82 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$55,572 to the Grants Fund for DMV and Litter Control Grants Page 53
- i. Resolution R-2016-70 Adopting the County of Powhatan Fiscal Year 2018 Five-Year Financial Forecast Page 57
- j. Resolution R-2016-86 Adopting the County of Powhatan Fiscal Year 2018 Budget Guidelines to the County Administrator Page 67

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

- a. Two (2) Appointments to the Extension Leadership Council Page 69

9. Old Business

- a. Ordinance O-2016-38 Amending Powhatan County Code Chapter 66 Solid Waste, Article II Collection and Disposal Page 75
- b. Resolution R-2016-77 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$42,000 from Capital Maintenance Reserve for the Replacement of the Emergency Management Vehicle. Page 99
- c. Resolution R-2016-78 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$18,000 from Capital Maintenance Reserve for the Purchase of a Vehicle from the Powhatan Volunteer Fire Department Page 105

10. New Business

- a. Resolution R-2016-87 Authorizing the County Administrator to Execute all Contract Documents for Acquisition of Water and Wastewater Infrastructure from Gray Land & Development Company upon Approval of the County Attorney Page 109
- b. Resolution R-2016-88 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$795,000 for the Founders Bridge Water System Project and Authorize the County Administrator to Execute all Documents for the Project upon County Attorney Approval Page 113

11. Certificates of Appreciation, Special Resolutions and Proclamations – Time Certain 6:30 PM

- a. VACO Award Presentation
- b. GFOA Award Presentation
- c. Domestic Violence Awareness Month Page 117
- d. Rescue Squad 60th Anniversary Page 118

12. Public Hearings – Time Certain 7:00 PM

- a. Ordinance O-2016-48 Granting a Conditional Use Permit (16-04-CUP) to Michael & Karen Thomas to Construct an Accessory Dwelling Unit. Page 121
- b. Ordinance O-2016-49 Granting a Conditional Use Permit (16-05-CUP) to Phillip & Melissa Cottone to Operate a Daycare Center. Page 141
- c. POSTPONED -- ~~Ordinance O-2016-50 Amending and reenacting provisions of the Powhatan County Subdivision Ordinance (Chapter 68 of the Powhatan County Code of Ordinances) to Revise and Clarify Procedures and Standards of the Subdivision Ordinance, and to Establish Compliance with the Code of Virginia~~

13. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board) - for anything not to be addressed at a public hearing scheduled for this date

14. County Attorney Comments

- 15. County Administrator Comments**
- 16. Board Comments**
- 17. Closed Meeting, as authorized by the Code of Virginia, Section 2.2-3711(A), to discuss the following matter(s):**
 - a. One (1) matter concerning the salary or performance of specific personnel - §2.2-3711(A)(1) of the Code of Virginia;
- 18. Closed Meeting Certification**
- 19. Adjournment**



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 24, 2016

Agenda Item Title: Resolution R-2016-87 Authorizing the County Administrator to Execute all the Documents for the Acquisition of Water and Wastewater Infrastructure from Gray Land & Development Company upon Approval of the County Attorney

Motion: Move to approve Resolution R-2016-87 as presented

Dates Previously
Considered by Board:

Summary of Item: Because of the Economic Development planned in the 288/711 area, County Staff recommend to acquisition of the water and wastewater infrastructure of the Founders Bridge Utility Company owned by Gray Land & Development Company.

The attached proposal details staff analysis.

Staff: Approve Disapprove See Comments

Commission/Board: Approve Disapprove See Comments

Raw

County Administrator: Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$795,000 loan from the General Fund to the Utility Fund to be paid back over Six Years

Attachments: Founders Bridge Utility Company Proposal

Staff/Contact: Ramona Carter, Director of Public Works, 804-598-5764, rcarter@powhatanva.gov
Patricia A Weiler, County Administrator, 598-5612; pweiler@powhatanva.gov

If Board members have questions, please call the staff / contact prior to the meeting.

**RESOLUTION
AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ALL
DOCUMENTS FOR ACQUISITION OF WATER AND WASTEWATER
INFRASTRUCTURE FROM GRAY LAND & DEVELOPMENT COMPANY UPON
APPROVAL OF THE COUNTY ATTORNEY**

WHEREAS, the 2010 Long-Range Comprehensive Plan adopted by the Board of Supervisors identifies the Village area of 711 for development and growth; and

WHEREAS, the Economic Development Strategic Plan developed by Bowman Consulting and Spectrum Growth Solutions (2015) highlighted the need for developing additional water source(s) to provide additional capacity for development in the 711 area; and

WHEREAS, the Water and Sewer Master Plan developed by Dewberry Engineers Inc. and adopted by the Board of Supervisors in 2015 recommends development of water and wastewater infrastructure in the 711 area; and

WHEREAS, Staff has approached Gray Land & Development Company to discuss the transfer of ownership of the infrastructure in the Founder’s Bridge Utility located in Powhatan County and Gray Land & Development Company supports the transfer; and

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is authorized to execute all documents for acquisition of water and wastewater infrastructure in the Founder’s Bridge Utility service area owned by Gray Land & Development upon approval of the County Attorney.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON October 24, 2016.

William E. Melton, Chairman
Powhatan County Board of Supervisors

ATTEST:

Patricia A. Weiler, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

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

Founders Bridge Utility Company Proposal October 24, 2016

Summary

County staff recommends acquiring the Founder's Bridge Utility Company infrastructure for economic development purposes. Gray Land & Development Company, owner of the infrastructure, is interested in transferring ownership to the County with the understanding that the County will continue with development of two water wells, a pump station and water treatment plant.

Estimated cost for completion of construction of the wells, pump station and water treatment is approximately \$795,000. At the County's current rates, it is estimated that the County will see a return on its investment in 5.5 years, at which time the charges to customers will be available for improvements.

There is currently a Preliminary Engineering Report (PER) at the Health Department for review.

Participants

- Founders Bridge Utility Company (FBUC) provides water and sewer services to residents/business.
- FBUC leases all assets (water and sewer lines) from Gray Land & Development Company (GrayCo)
- Sydnor Hydro operates the system including meter readings and billing for FBUC. It is anticipated that Sydnor will continue to operate the system for the County.
- Proslnc owns Independence Gold Course and is providing easements for the wells.
- Winterfield Phase II Development is waiting for the Health Department to approve the PER

Current Rate Structure Comparison

Residential

Bimonthly usage = 18,700 gallons
5/8" meter (residential)

Founder's Bridge Utility water charges = \$98.77
Founder's Bridge Utility sewer charges = \$75.48

Powhatan County water charges = \$133.87
Powhatan County sewer charges = \$142.08

Commercial

Bimonthly usage = 37,700 gallons
1.5" meter (commercial)

Founder's Bridge Utility water charges = \$350.65
Founder's Bridge Utility sewer charges = \$291.77

Powhatan County water charges = \$403.01
Powhatan County sewer charges = \$453.28

Return on Investment

Assumptions

- 1) Existing Customer Base remains at 359 customers (residential and commercial).
- 2) Annual operating expenses of \$241,000 (2015) will be increased to \$280,000 once the new plant is online.
- 3) Estimated annual revenue from existing customer base at Powhatan rates is \$425,000.
- 4) Annual revenue (\$425,000) less annual operating costs (\$280,000) equals \$145,000 for annual repayment to General Fund for \$795,000 investment.
- 5) $\$795,000/\$145,000 = 5.5$ years return on investment.
- 6) As new development occurs, the rate of return will decrease.

Timeline

10/24- Board of Supervisors Meeting - approval to proceed

11/10- Transfer Contract executed

11/14- State Corporation Commission approval of transfer - process begins

11/14- Health Department approval of Preliminary Engineering Report (Engineering Design of Water Treatment Plant and Pump Station) - process begins

11/28- Board of Supervisors Meeting - amend Water and Sewer Service District boundaries

The timeline is accelerated because the PER and the purchase of easements for the wells are on hold pending the determination of County acquisition. Winterfield Phase II Development requires the approval of the PER to continue on schedule.

From "A Special Report" by Public Citizens Water for All Program, September 2002

Accountability

A private utility may refuse to cooperate with the local government to address local concerns and to pursue development goals. When served by a public utility, water users can always hold public officials responsible for poor quality of water service and for failure to address their concerns. Having to stand for reelection is a powerful enough incentive for public officials to remain responsive to the residents' concerns. A private corporation, particularly one with a long-term contract that holds customers captive, is by contrast accountable primarily to its shareholders.

Economic Development

Nothing is more fundamental to a community's economic growth and development than adequate, reliable and affordable water and wastewater service. However, a private company may not desire to expand into a new area, or upgrade service in an area a city may have targeted for redevelopment, if its cost benefit analysis fails to project sufficient profits from the investment. The company's refusal to expand may force the city to scuttle the development plans or build a separate plant to serve the area, which is generally more expensive than simply extending water lines from the existing plant nearby.

Conservation

A private company may refuse, directly or indirectly, to promote water conservation, despite the local, regional, and national objectives. Private companies in the water business do not grow profits and please shareholders by selling less, but by selling more.

A growing number of communities are now awakening to the disadvantages of private ownership of their waterworks. Several have moved to buy the private waterworks to reclaim control over rates, development, and quality of service.



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 24, 2016

Agenda Item Title: Resolution R-2016-88 Amending the Fiscal Year 2017 Powhatan County Operating Budget by Budgeting and Appropriating \$795,000 for the Founders Bridge Water System Project and Authorize the County Administrator to Execute all Documents for the Project upon County Attorney Approval

Motion: Move to approve Resolution R-2016-88 as presented

Dates Previously
Considered by Board:

Summary of Item: Because of the economic development planned in the 288/711 area, County Staff recommend the acquisition of the water and wastewater infrastructure of the Founders Bridge Utility Company owned by Gray Land & Development Company.

If acquired, the County would be required to continue with development of two water wells, a pump station and water treatment plant. The estimated cost for completion of construction is approximately \$795,000.

The Resolution budgets and appropriates these funds.

Staff: Approve Disapprove See Comments

Commission/Board: Approve Disapprove See Comments

RAW

County Administrator: Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$795,000 loan from the General Fund to the Utility Fund to be paid back over Six Years

Attachments: None

Staff/Contact: Ramona Carter, Director of Public Works, 804-598-5764, rcarter@powhatanva.gov
Patricia A Weiler, County Administrator, 598-5612; pweiler@powhatanva.gov

If Board members have questions, please call the staff / contact prior to the meeting.

**RESOLUTION
 AMENDING THE FISCAL YEAR 2017 POWHATAN COUNTY OPERATING BUDGET
 BY BUDGETING AND APPROPRIATING \$795,000 FOR THE FOUNDER’S BRIDGE
 WATER SYSTEM PROJECT AND AUTHORIZE THE COUNTY ADMINISTRATOR
 TO EXECUTE ALL DOCUMENTS FOR THE PROJECT UPON COUNTY ATTORNEY
 APPROVAL**

WHEREAS, on May 2 2016, the Powhatan County Board of Supervisors adopted Resolution R-2016-23, which adopted the Fiscal Year 2017 Powhatan Operating Budget in the amount of \$104,924,788; 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 \$795,000 (0.7577%) does not exceed one percent of the adopted budget and therefore a public hearing was not held; and

WHEREAS, the utility capital projects fund will receive a loan from the General Fund in the amount of \$795,00 to finance the project, which will be recorded as an asset on the balance sheet of the General Fund and will be paid back over a six (6) year period.

NOW, THEREFORE, BE IT RESOLVED that the FY 2017 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown below and authorizes the County Administrator to execute all documents for the project upon County Attorney approval.

UTILITY CAPITAL PROJECTS

REVENUES

| | | | |
|------------------------|-------------------|----|------------|
| Loan from General Fund | 3-502-041040-0100 | \$ | 795,000.00 |
|------------------------|-------------------|----|------------|

EXPENDITURES

| | | | |
|-------------------------------|-------------------|----|------------|
| Founder's Bridge Water System | 4-502-044000-0006 | \$ | 795,000.00 |
|-------------------------------|-------------------|----|------------|

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
 OCTOBER 24, 2016.**

William E. Melton, Chairman
Powhatan County Board of Supervisors

ATTEST:

Patricia A. Weiler, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams ___
Larry J. Nordvig ___
Angela Y. Cabell ___

William E. Melton ___
Carson L. Tucker ___

**County of Powhatan
Amendments to the FY 2017 Budget**

Total Adopted Budget - All Funds = 104,924,788
1% of Total Adopted Budget - All Funds = 1,049,248

| Res Number | Purpose | Date Adopted | Amount | % of Budget | Public Hearing | Funding Source |
|-------------------|--|---------------------|---------------|--------------------|-----------------------|--|
| R-2016-41 | CIP | 6/27/2016 | 620,000 | 0.591% | NO | Capital Maintenance Reserve & Grant |
| R-2016-42 | Other Capital Improvement Program | 6/27/2016 | 2,144,000 | 2.043% | YES | Capital Maintenance Reserve, lease proceeds |
| R-2016-43 | Transferring from Clerk of Circuit Court to Contingency | 6/27/2016 | - | N/A | N/A | Contingency |
| R-2016-53 | Narcan | 7/25/2016 | - | N/A | N/A | Contingency |
| R-2016-57 | AED Equipment | 7/25/2016 | - | N/A | N/A | Contingency |
| R-2016-61 | To correct R-2016-42 for amount already budgeted in operating budget | 8/22/2016 | (280,000) | -0.267% | NO | Capital Maintenance Reserve |
| R-2016-62 | Triad Grant | 8/22/2016 | 10,000 | 0.010% | NO | Grant |
| R-2016-63 | CRC Manager | 8/22/2016 | - | N/A | N/A | Contingency |
| R-2016-64 | TANF and Victim Witness Grants | 8/22/2016 | 58,433 | 0.056% | NO | Grants |
| R-2016-72 | FEMA (SAFER) grant | 9/26/2016 | 533,368 | 0.508% | NO | Grants |
| R-2016-75 | Walmart Proffer | 9/26/2016 | - | N/A | NO | Walmart Cash proffer |
| R-2016-76 | PHS Chiller | 9/26/2016 | 300,290 | 0.286% | NO | Capital Maintenance reserve |
| R-2016-77 | Emergency Management Vehicle | | 42,000 | 0.040% | NO | Capital Maintenance reserve |
| R-2016-78 | Purchase Car 1 | | 18,000 | 0.0172% | NO | Capital Maintenance reserve |
| R-2016-79 | Transferring from Completed Projects to HVAC Improvements | | - | 0.0000% | NO | Transfer - no fiscal impact |
| R-2016-80 | Transferring funds to Field Improvements | | - | 0.0000% | NO | Transfer - no fiscal impact |
| R-2016-81 | Carryforwards | | 293,555 | 0.2798% | NO | General Fund Fund Balance and Water and Sewer Fund Balance |
| R-2016-82 | Litter Control and DMV Grants | | 55,572 | 0.0530% | NO | Grants |
| R-2016-88 | Founder's Bridge project | | 795,000 | 0.7577% | NO | Loan from General Fund |

Total Amendments = 4,590,218 4.375%

Total Amended Budget - All Funds = 109,515,006