

**VIRGINIA: AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, ON MAY 9, 2019, AT 6:00 P.M.**

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**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  
Andrew Pompei, Director of Planning  
Ramona Carter, Director of Public Works  
Ed Howland, Principal Planner  
Phil Warner, Acting Fire and Rescue Chief

**Constitutional Officers Present:** Brad Nunnally, Sheriff  
Faye Barton, Treasurer  
Jamie Timberlake, Commissioner of the Revenue

**Guests Present:** None

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**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. Melton 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 motioned that Item 10(b), Ordinance O-2019-23 establishing a fire district tax, be removed from the Agenda. 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**

**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.

Bill Cox, 1405 Giles Bridge Road, presented a PowerPoint on the Budget process and requested that the Board not increase the tax rate.

Brad Nunnally, Sheriff, addressed the Board requesting that a change to the Courthouse District be considered in regard to golf carts.

Don Silberbauer, 1426 Donavon Mill Lane, spoke regarding Fire and Rescue staffing and its relationship to setting the tax rate. Mr. Silberbauer requested that the Board consider the impact of taxes on the County's fixed income residents.

Curtis Newton, 2000 Judes Ferry Road, asked the Board to not raise taxes; stated that he was glad to see the fire districts go away; and asked that the Board make a thoughtful decision on behalf of the tax payers.

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

**7. Consent**

- a. Resolution R-2019-26 Regarding USDA ReConnect Grant Application

Mr. Melton motioned to approve the Consent Agenda as presented. 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**

**8. Old Business**

- a. Ordinance **O-2019-19** (Case #19-06-AZ): The County of Powhatan requests the amendment and reenactment of the provisions of Chapter 68 (Subdivision Ordinance), Article III (Subdivision Standards), Section 68-220 (Conservation Subdivisions) to remove requirements for a Conservation Design Plan; allow conservation subdivisions within all large-lot rural districts and the Single-Family Residential-2 (R-2) zoning district; reduce the minimum size of conservation subdivisions in certain instances; reduce the minimum size and width of lots within conservation subdivisions; reduce the minimum yard depths within conservation subdivisions; modify permitted density bonuses; require perimeter buffers adjacent to certain site features; require lots to access an internal road network; require lots of a certain size to be within a certain distance of open space; and modify standards regarding features located within conservation areas.

Mr. Pompei presented and the Board of Supervisors discussed Ordinance O-2019-19, a request from Powhatan County to amend and reenact the provisions of the Subdivision Ordinance pertaining to conservation subdivisions.

Mr. Melton asked for the lot designations that would be affected by the Ordinance. Mr. Pompei responded that the Ordinance would be applicable to A10, A20, RR, RR5, and R2.

Mr. Williams stated that a desire to preserve open space was another factor of the proposed Ordinance. Mr. Pompei agreed, adding that the Ordinance would provide the flexibility to encourage developers to use it while protecting the rural character of the County.

Mr. Nordvig asked where the County currently stands with the state requiring interconnectivity and pedestrian friendly development. Mr. Pompei responded that the Ordinance does require connections of stub roads to adjacent parcels; and VDOT has requirements that exceed what has been followed in the past.

This item will be carried forward to the June 24, 2019, Regular Meeting Agenda.

b. Finalizing 2019 Long-Range Comprehensive Plan

Mr. Pompei presented and the Board of Supervisors discussed potential next steps and a proposed calendar for finalizing the 2019 Long-Range Comprehensive Plan.

It was suggested that staff schedule two meetings in early June to allow the citizens to offer their input on the plan. These meetings will be scheduled for June 3 and June 10; and on June 24, a Public Hearing will be held at the Regular Board of Supervisors meeting.

Mr. Melton motioned to approve the calendar as amended, with the Board having the opportunity adopt the Comprehensive Plan on June 24 if they chose to do so; and amended the motion to include the necessary correction of the July meeting date.

Mr. Nordvig expressed concern about the June 24, and possibly July 29, meeting schedule for Public Hearings, as families may be on vacation and unavailable to attend.

Mr. Tucker seconded the motion.

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

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

c. Resolution R-2019-24 Fixing the Fiscal Year 2020 Real Estate  
Tax Rate

Mr. Tucker reviewed a document that was distributed to the Board which outlined suggested options for balancing the Budget.

Mr. Tucker motioned to accept Option 6 -- which includes a suggestion of a tax rate of \$0.88 -- stating that if what the Board passes at this meeting does not satisfy the incoming Board, that Board can address in the 2021 Budget next year, changing the action taken by the Board tonight. Mr. Williams seconded the motion.

Mr. Melton requested that a time frame be presented for the decision on the Real Estate Tax Rate, to which Mr. Williams replied that the state mandates that the Budget be adopted by June 30.

Mr. Melton stated that the Board met on the Budget on January 28, February 25, March 4, March 11, March 18, March 25, April 11, April 22, and now May 9; and he is requesting that a date be set to vote on the FY 2020 Budget.

Chairman Cabell stated that there is a regularly-scheduled meeting on May 20, a Special Meeting on June 13, and a Regular Meeting on June 24. Chairman Cabell suggested that some tentative dates be set for any additional meetings that may be necessary.

Mr. Melton suggested holding open Wednesday, May 22, or Thursday, May 23, as tentative additional meeting dates.

The Board discussed the amount of time already having been spent on this Budget; and Mr. Williams stated that his ultimate goal is to get it right.

Mr. Melton stated that he is in favor of a motion to discuss Option 6, as Mr. Tucker suggested; however, he feels like the Board needs to have included in that motion a calendar of times.

After further discussion regarding the calendar, the Board motioned to pass the Budget for the Schools and defer action on the County Budget.

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

**VOTE 5-0  
MOTION Passed**

Mr. Voorhees stated that there are two Resolutions being considered at this meeting: one setting the Real Estate Tax Rate and one adopting the Fiscal Year 2020 Budget.

Mr. Melton motioned to rescind the previous motion and allow the Board time to reconsider the matter of the tax rate and consider options on how funding will be accomplished. Chairman Cabell seconded the motion.

Mr. Nordvig stated that there is a lot to be discussed; and he does not think the Board should be putting a stake in the ground about anything at this point.

William E. Melton voted AYE

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

**VOTE 1-4  
MOTION Failed**

Chairman Cabell stated that, since the motion to rescind failed, the previous motion and vote stands; and the tax rate is set at \$0.88.

- d. Resolution R-2019-25 Adopting the Fiscal Year 2020 Operating and Capital Budgets Budget and Appropriating the Funds

Mr. Voorhees presented and the Board of Supervisors discussed three options for adoption of Resolution R-2019-25:

- Option A Adoption of the FY 2020 Operating and Capital Budgets with a Tax Rate of \$0.88
- Option B Adoption of the FY 2020 Operating and Capital Budgets with a Tax Rate of \$0.915
- Option C Adoption of the Schools Budget Only

Chairman Cabell asked Mr. Lacheney if it would be better for the Board to adopt the entire Budget and then amend it or to adopt the Schools Budget only. Mr. Lacheney stated that either way would be appropriate; as any amendments would not exceed the 1% that requires re-advertising.

Chairman Cabell motioned to adopt Resolution R-2019-25, Option C. Mr. Melton seconded the motion.

Mr. Nordvig confirmed that Option C adopts the Schools Budget only and defers all other items for deliberation. Mr. Voorhees confirmed that is all Option C would adopt.

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

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

**9. New Business**

a. Treasurer's Office Certification Pay Request

Mrs. Barton presented and the Board of Supervisors discussed the Treasurer's Office Certification Pay Request.

Mrs. Barton requested that the Board of Supervisors direct Human Resources to make adjustments to the salary of the employees in the Treasurer's Office who have previously certified under the Career Development Plan offered by the State Compensation Board.

The following Treasurer's Office staff members addressed the Board stating their support for the increase in staff salaries:

Deanna Mootz, Deputy Three  
Wanda Nevius, Deputy Three  
Becky Nunnally, Chief Deputy Treasurer

Mr. Nordvig asked for a snapshot of the duties and responsibilities of a Deputy Two as compared to a Deputy Three. Mrs. Barton stated that a Deputy Three has much greater responsibilities, including possible extra work for the State the Department of Taxation, which involve more security requirements. Mrs. Barton added that internal controls is also an increased responsibility of a Deputy Three.

Mr. Melton asked whether Mrs. Barton thinks the Classification and Compensation Plan set for Powhatan County was done correctly. Mrs. Barton stated that they may have been done correctly; however, they may not have been correctly compared as "office to office."

Mr. Williams asked Mr. Voorhees to provide an overview of where he and staff are on this issue and why.

Mr. Voorhees offered a couple of scenarios in response to Mr. Williams' question:

- 1) If the County hired a new employee who has zero Compensation Board salary, that employee would not receive an increase (9.3% of zero is zero). Part of the issue is that the Compensation Board does not dictate what employees should be paid by the localities.
- 2) If an employee were to lose their certification, currently the County does not have a practice of removing his/her certification pay; the Constitutional Officer would take up that matter with the employee as a matter of performance.

Mr. Voorhees stated that he and staff think that both offices (the Commissioner of the Revenue's office being the second office) are being compensated comparably and fairly based on the study produced by an independent consultant that set everyone into a grade and step program.

There was continued discussion about the compensation of employees who have earned the required certifications for their positions.

Mr. Melton motioned to compensate certified employees within the Treasurer's Office with a 9.3% increase based on the salary they were receiving at the time of certification. This would be an expense of \$12,196.67 annually for one year effective immediately. Chairman Cabell seconded the motion.

Mr. Williams stated that he is not completely comfortable with the entire situation, specifically mentioning that if someone does not get a certification, he/she will still receive the County's stated salary and expressed concern about whether the County will be receiving the funds from the Compensation Board going forward. Mr. Williams added that he would like to see a policy on how future issues will be handled by the Board.

Mr. Nordvig asked Mrs. Barton how much the Compensation Board salary funding fluctuates. Mrs. Barton responded that the funding is typically economy-driven.

Mr. Melton asked Mrs. Barton whether, if someone loses a certification, it would be her responsibility to notify the employee first and then notify staff. Mrs. Barton stated that is correct.

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

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

Mr. Melton thanked Mrs. Barton and her staff for the hard work they all do.

**10. Public Hearings**

- a. Ordinance O-2019-22 Amending the Powhatan County Code of Ordinances, Appendix A Fee Schedule, to increase emergency transport fees, planning and zoning fees, building inspection fees and to update certain other fees.

Mr. Voorhees presented and the Board of Supervisors discussed Ordinance O-2019-22 amending the Powhatan County Code of Ordinances, Appendix A Fee Schedule.

Chairman Cabell opened the Public Hearing on Ordinance O-2019-22.

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

Mr. Tucker motioned to approve Ordinance O-2019-22 as presented. 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. Ordinance O-2019-23 Amending Chapter 46 (“Fire Prevention and Protection”) of the Code of the County of Powhatan by adding Article III (“Fire District Tax”) for the purpose of creating a fire district and levying a tax to fund the needs of the district.

This item was removed from the Agenda by motion, second, and 5/0 vote.

**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)**

Chairman Cabell opened the Public Comment period.

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

**12. County Attorney Comments**

Mr. Lacheny had no comments.

**13. County Administrator Comments**



Mr. Voorhees stated that the County will be looking at some upgrades to the Village Building Auditorium AV system and asked that any issues that the Board has be brought to staff's attention.

**14. Board Comments**

Mr. Williams reported that he was proud to be at the celebration of the 175<sup>th</sup> anniversary of St. Luke's Episcopal Church over the weekend; it was a great occasion and he met some wonderful people.

Mr. Nordvig reported that there were 10 people in Chesterfield who overdosed during the past week, resulting in three deaths; and some of the drugs being abused are showing up in Powhatan. Mr. Nordvig asked that anyone who knows of someone with a drug abuse problem contact the Regional Substance Abuse Awareness Coalition (RSAAC) for help by contacting RSAAC.org.

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

No Closed Meeting was held.


**16. Certification of Closed Meeting**


No Closed Meeting was held.

**17. Adjournment**

There being no further business, Chairman Cabell adjourned the meeting at 8:10 p.m.

These minutes were approved at the June 24, 2019, meeting with a 4-0 vote.

  
Theodore L. Voorhees, Clerk      Date  
Powhatan County Board of Supervisors

  
Angela Y. Cabell, Chairman      Date  
Powhatan County Board of Supervisors