



AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE VILLAGE BUILDING AUDITORIUM, AT 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON JANUARY 24, 2022, AT 6:30 PM.

Board of Supervisors Present: David T. Williams, District 1,
Steve W. McClung, District 2,
Mike W. Byerly, District 3, Chair
Bill L. Cox, District 4,
Karin M. Carmack, District 5, Vice Chair

Board of Supervisors Absent: None

County Staff Present: Ned Smither, County Administrator
Bret Schardein, Assistant County Administrator
Tom Lacheney, County Attorney
Ramona Carter, Director of Public Works
Tom Nolan, Director Emergency Communications

Constitutional Officers Present: Brad Nunnally, Sherriff

Guests Present: Dr. Paula Pando, Reynolds Community College
Administrator

1. Call to Order:

Chairman Byerly called the meeting to order at 6:30 PM.

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

Chairman Byerly identified the Board members, Mr. Smither, and Mr. Lacheney, and their locations.

- b. Identify the persons responsible for receiving the public comment.

County Administration staff accepted emailed comments at administration@powhatanva.gov . Any comments received until 6:00 PM, January 24, 2022, 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 the meeting live with the Zoom meeting link.

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. McClung led the Pledge of Allegiance.

3. Invocation:

Mr. Williams led the invocation.

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

Mr. Williams motioned for items B, D, E, F, and G be removed from the Consent Agenda and placed under Old Business. Vice-Chair Carmack seconded the motion.

Chairman Byerly stated that on Page 59 Item 11E, there was a typo, and the Resolution should read R-2022-04, not R-2021-04.

5. Formal Approval of Agenda:

Mr. Cox motioned to approve the agenda as amended. Mr. McClung seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

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6. County Administrator Updates: Certificates of Appreciation, Special Resolutions, Proclamations and Presentations

a. Reynolds Community College Annual Update

Dr. Paula Pando presented the Reynolds Community College annual report. She gave an overview of the college's enrollment statistics, including first-generation students, graduation rates, etc. She presented programs and supports that are being worked with such as Feed More, Finish Line Assist, etc. She praised the college's investments (G3 program and facility improvement) and mentioned scholarships which totaled \$125,000 last year. She mentioned the

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re-envisioning of the Goochland Campus while detailing some of the main changes that will be occurring.

Mr. Williams asked if certificate-based education and traditional two-year degrees have balanced out in their ability to provide stable positions for students.

Dr. Pando said that a realignment has occurred since their prior decline and administrative efforts are continuing to put effort into what works for the college as a whole, such as programs that sustain themselves.

Mr. Williams asked what portion of the budget comes from the state. Dr. Pando stated that about 20% of the budget comes from the state.

The topic of tuition price was brought up. It was stated that tuition has not increased in Dr. Pando's time as an administrator and there is no plan for it to increase.

b. Budget Calendar Discussion:

Mr. Smither discussed adopting the budget calendar at the April 24 board meeting. He explained the details behind each meeting.

Mr. Cox clarified that the Board of Supervisors was two months behind. He inquired about how it was planned to make up for lost time.

Mr. Smither said that individual meetings will be added to the schedule while also stating that it will occur during the "fine tuning" of the CIP in the next 45 days.

Mr. Smither suggested having a conversation about the parameters of the budget and honored a newly retired Curt Nellis.

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

Chairman Byerly opened the public comment period.

Daniel Jones, 3901 Old River Trail, expressed his frustration with recent events regarding the Board of Supervisors including the level of respect given to other members at public meetings, the way the censure resolution of a prior board member was handled in the public eye, and the impact of the resolution on the citizens of Powhatan County. He made several suggestions regarding the new park including the follow-up of staff members and the saving of existing trees.

Stephen Barham, 3492 Richards Run, stated his frustration with the amount of BoS meetings conducted in the previous year, arguing that all people be limited to a speaking period and not just citizens. He asked that the BoS change direction, in a general sense, in the following days.



Carl Schwendeman, 1727 Theresa Lane, asked if Powhatan County could officially go after grant funding to extend the sidewalks in several different areas. He also asked about funding the construction of a turn lane to Holly Hills.

Not seeing anyone else wishing to speak, Chairman Byerly closed the public comment period.

8. Consent Agenda:

- a. Resolution R-2022-1 Amending the Fiscal Year 2022 Powhatan County Operating Budget by Budgeting and Appropriating \$55,000.50 in Grants
- b. Minutes May 4, 2021, Regular Meeting

A motion was made by Vice-Chair Carmack to approve the agenda as amended. Mr. Cox seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

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

- a. **Capital Region Workforce Partnership CRWCLEO (one BoS member)**

Chairman Byerly made a motion to appoint Mr. McClung as the Board of Supervisors member. Vice-Chair Carmack seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

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- b. **John Tyler Alcohol Safety Action Program (one member)**

Chairman Byerly made a motion to appoint Judge Stark to the position of representative with the John Tyler Alcohol Safety Action Program. Vice-Chair Carmack seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

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c. Powhatan Community Action Agency Advisory Board (one Elected Official or their designee)

Mr. Cox made a motion to appoint Mr. Ronald Spears to fill this position. Vice-Chair Carmack seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

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d. Central Virginia Transportation Authority CVTA (one BoS member as alternate)

Chairman Byerly made a motion to appoint Mr. McClung as the designee for the position. Vice-Chair Carmack seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

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10. Old Business:

a. Pocahontas Landmark Center Property Dedication Resolution R-2022-03

Mr. Smither informed the members of the board that Resolution R-2022-03 accepts the surplus property and authorizes the County Administrator and County Attorney to execute documents necessary to facilitate the property transfer.

Mr. Cox asked how split parcels would be handled. Mr. Smither said a lot line adjustment will be done.

Vice-Chair Carmack made a motion to approve resolution R-2022-03. Mr. Cox seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

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b. Minutes

- B. Minutes April 26, 2021, Special Meeting
- D. Minutes June 9, 2021, Special Meeting
- E. Minutes June 16, 2021, Special Meeting
- F. Minutes December 20, 2021, Regular Meeting
- G. Minutes January 10, 2022, Special Meeting



Mr. Williams asked that all these minutes be removed for various reasons:

There was no record of the actual comments made by the public or the board at multiple points throughout the minutes.

There needs to be a record of why a Board member might have voted no on a specific matter or commented at any capacity.

A record of board comments will allow clarity on the reasoning behind certain decisions.

There is inconsistency in the minutes (some have comments, and some do not).

11. New Business:

a. Zoom by-laws

Mr. Lacheney addressed that the General Assembly has changed the law on remote participation. He proposed an amendment to Section 8 of the current by-laws. He explained that this would make county policy mirror the current state language. The main change is that in the case of a declaration of a state of emergency in Powhatan County, the Board of Supervisors would still be able to meet electronically.

Mr. Smither requested clarification of what needed to be done in order to amend the by-laws and Mr. Lacheney said that a motion to amend the by-laws to replace Section 8 with the new Section 8 would suffice.

Vice-Chair Carmack made a motion to replace the current Section 8 of the by-laws with the new Section 8 in the packet. Chairman Byerly seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

5-0

b. Resolution R-2022-02 Amending the Fiscal Year 2022 Powhatan County Operating Budget by Budgeting and Appropriating \$20,120.70 for Public Safety Communications Staffing Needs

Mr. Smither explained that the resolution is a small budget amendment to add \$20,120.70 to the general fund for the emergency communications budget. He explained that the amendment was being brought forth in the meeting because it included a new position in the agency and some small staff changes.

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Mr. Cox asked for clarification on the exact number of staff changes that would occur, the time in which this money would be used, and the annual cost of this change.

Mr. Smither responded that the time period would be three months, the cost would be about \$65,000 for an entire year and clarified some of the exact positions including internal promotions that he estimated to cost about \$8-10,000. That left the total at \$75,000 altogether. He stated that these positions would ideally take care of VCIN and reporting administrative duties in order to take the pressure off of staff.

Mr. Cox asked for clarification on the direct benefits of these changes, specifically to the County of Powhatan. He also inquired about whether a full-time position is necessary to fulfill these roles.

Mr. Nolan stepped up to help explain the specific benefits of these new positions and confirmed that a full-time position is needed to carry out these duties.

Vice-Chair Carmack made a motion to approve Resolution R-2022-02. Mr. Cox seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

5-0

c. Comprehensive Plan Discussion

Mr. Cox expressed that he wanted to revisit the purpose of the Comprehensive Plan. He asked Mr. Lacheney to help with this topic.

Mr. Lacheney stated that the Comprehensive Plan is mandated by state law and must be reviewed occasionally even if no changes are made.

Mr. Cox stated that the Comprehensive Plan drives all of the ordinances and therefore is very unique and takes a lot of effort to create. He restated some of the previous disagreements that had surfaced in the past such as economic opportunity and the approval of the plan in October. He stated his concern with the lasting flaws in the plan. His three main concerns were:

1. Failure to upload the entire Strategic Plan instead of the skeleton.
2. Inconsistencies in the maps (Route 60 Corridor East Special Area Plan is missing).
3. There is a discrepancy regarding the actual date of the discussion that ended in the passing of the revision of parcel 42-9F.

Mr. Cox asked Mr. Smither for a plan to address these issues and a guarantee that the hard work and votes being put into the Comprehensive Plan are then accurately reflected on the finished product.

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Mr. McClung asked that this conversation be deferred until the next Board of Supervisors meeting.

Vice Chair Carmack pointed out that Mr. Cox referred to the basic disagreements in the comprehensive plan, with he two parcels on Route 60 and the reduction to four units per acre and the 70/30 spilt, but for transparency sake wanted to point out another area that they disagreed on, which was where Mr. Cox and Mr. Williams were in support of 9 units per acre at Route 711 special area and eliminating the 70-30 split and she was not in support of that.

The Board discussed Robert's Rules and the process of allowing each Board member an opportunity to speak once before another Board member takes multiple opportunities. Chairman Byerly clarified that Mr. Williams would be provided the opportunity to speak as many times as needed, but other Board members would be provided opportunities during the process.

Mr. Cox stated that the comprehensive plan was worked on for months and he just wants a tool that he can reference too and have it correct.

Chairman Byerly stated the same disagreements as Vice-Chair Carmack above and referred to the September 29th meeting where Mr. Williams asked to get rid of the 70-30 split and have 9 units per acre in that Route 711 special area.

Mr. Williams expressed his support of Mr. Cox's frustration and asked that more information come forth in the next meeting just as Mr. McClung suggested previously. Mr. Williams then stated his opinion on the 70-30 split in the special area and specifically at Founders Bridge.

Mr. McClung made a motion to defer the Comprehensive Plan discussion to the February meeting. Mr. Williams seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

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d. Discussion of removal of supplemental assessments on solar panels installed on residential properties.

Mr. Smither gave a description of the solar assessments. He confirmed that, as of right now, these solar panels will be taxed in 2022. He stated that the estimated value of these panels is \$800. He recommended that solar panels be evaluated on the sales approach when making an assessment. Following the support of the board and review by the Board of Equalization, an \$800 per panel assessment credit would be put back on the assessment of any residents in the county that have a solar panel.

Mr. Cox inquired about the history behind this decision and the difference between an exemption and a sales approach.

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Mr. Smither explained that under an exemption program, every solar panel owner has to fill out an application every year and a sales approach would allow staff to review and provide exemption on a case-by-case basis.

Vice-Chair Carmack made a motion to exempt the taxation of solar panels on residential properties in the next year.

After discussion on the benefit of the Sales Approach to valuation versus an exemption, Vice-Chair Carmack withdrew the motion.

Chairman Byerly asked if the residents being affected by this reassessment will be notified. Mr. Smither confirmed that they would be notified.

A general consensus is that the use of the Sales Approach to a valuation of solar panels would result in a valuation of \$0 per panel in today's real estate market.

e. Resolution R-2022-04 Authorizing the County Administrator to execute a contract with DJG Inc., for architectural design services for the expansion of Company 1 Fire Station upon County Attorney approval

Mr. Smither explained that this resolution entails the partnership of DJG with Public Works and Fire staff to design the newest station edition.

Chairman Byerly made a motion to approve resolution R-2022-04. Mr. Williams seconded the motion.

Chairman Byerly, Mr. Cox, Mr. McClung, Vice-Chair Carmack, and Mr. Williams voted AYE.

MOTION PASSED

5-0

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

Chairman Byerly opened the public comment period.

[Stephen Barham](#), 3492 Richards Run, continued his previous comment and questioned why residents with solar panels get an exemption on their taxes if other additions to a property would not get one.

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Jamie Timberlake, 1450 Schroeder Road, clarified that in his experience the sale of solar panels did not justify them being worth something, meaning that there was no value needed to be assigned to them.

Seeing no one else wishing to speak, Chairman Byerly closed the public comment period

13. County Attorney Comments:

Mr. Lacheney stated that a very nice coffee shop opened near his office.

14. County Administrator Comments:

No County Administrator comments.

15. Board Comments:

Chairman Byerly thanked the members of the board for the information and opinions that they shared throughout the meeting. He also reiterated that every board member has the opportunity to speak to any county staff member in Powhatan County as long as they update the County Administrator of the request.

16. Adjournment:

Chairman Byerly adjourned the meeting at approximately 8:42 PM.

ATTEST:

A handwritten signature in blue ink, appearing to read "Ned Smither", is written over a horizontal line.

Ned Smither, County Administrator
Powhatan County Board of Supervisors

A handwritten signature in blue ink, appearing to read "Michael W. Byerly", is written over a horizontal line.

Michael W Byerly, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

| | |
|-------------------|-----|
| David T. Williams | NO |
| Steve W. McClung | AYE |
| Michael W. Byerly | AYE |
| Bill L. Cox | NO |
| Karin M. Carmack | AYE |