

**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 JANUARY 27,  
2020, AT 6:00 P.M.**

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**Board of Supervisors Present:** David T. Williams, District 1, Chairman  
Larry J. Nordvig, District 2  
Michael W. Byerly, District 3  
Bill L. Cox, District 4  
Karin M. Carmack, District 5, Vice Chairman

**Board of Supervisors Absent:** None

**County Staff Present:** Bret Schardein, Interim County Administrator  
Tom Lacheney, County Attorney  
Phil Warner, Fire and Rescue Chief  
Tom Nolan, Director of Public Safety Communications  
Jeff Searfoss, Chief Deputy  
Ed Howland, Principal Planner  
Ramona Carter, Director of Public Works  
Charla Schubert, Director of Finance  
Curt Nellis, Assistant Emergency Management  
Coordinator

**Constitutional Officers Present:** Brad Nunnally, Sheriff

**Guests Present:** Kyle Bates, VDOT Resident Engineer

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**1. Call to Order**

Chairman Williams called the meeting to order at 6:00 p.m.

**2. Pledge of Allegiance**

Mr. Cox led the Pledge of Allegiance.

**3. Invocation**

Mr. Nordvig provided the invocation.

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

Mr. Nordvig requested that a discussion regarding the start time of meetings being at 6:30 rather than at 6:00 p.m. be added to the New Business section of the Agenda.

**5. Formal Approval of Agenda**

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

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

**6. Certificates of Appreciation, Special Resolutions, Proclamations and Presentations**

a. VDOT Residency Introduction

Mr. Bates, Resident Engineer with VDOT, presented information regarding the ongoing and proposed highway work within Powhatan County and various VDOT programs.

The Board and Mr. Bates discussed the various road projects and programs available to the County and how VDOT prioritizes work based on safety and operational needs.

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

Mr. Williams opened the public comment period. Speakers were as follows:

Mr. Ted Voorhees, 3950 Olde Links Ct. Mr. Voorhees thanked the previous Board for the opportunity to serve, the community and the staff for their support. He asked that his last day of employment be shown as January 31, 2020 and he be shown as on a paid leave status from January 6, 2020 until January 31, 2020. This would not cost the county any money and would only be deducted from his final compensation. He had initiated a process in December to buy back years of service in VRS and the process can not be completed unless his last day of employment is shown as January 31, 2020. He thanked the Board for their consideration and wished them well in their new term of office.

Mr. David Anderson, 2120 Stavemill Estates Dr. Mr. Anderson asked if he could address an item on the agenda under 'Old Business' which did not have a public hearing along with it. The review of the Agricultural and Forestal District and the 100 day extension the Board plan to unilaterally extend. Mr. Anderson is on behalf of Ranks LLC that he is part owner of. They plan to end their contract in the Branch AFD on the originally stated expiration date and have worked with staff to affect that.

**8. Consent Agenda**

- a. Approval of December 16, 2019, Regular Board of Supervisors Meeting Page 5
- b. Approval of January 6, 2020, Special Board of Supervisors Meeting Page 15
- c. Approval of Tax Refund for Disabled Veteran Page 23
- d. Resolution R-2020-02 in Support of Legislation to Improve the Process for Review of Legislation with Local Fiscal Impact Page 24
- e. Resolution R-2020-03 Adopting the Powhatan County Emergency Operations Plan and Resolution R-2020-04 Appointing the Powhatan County Director and Coordinator of Emergency Management Page 26
- f. Bonded Projects Update Page 109
- g. Strategic Priority Scorecard Page 144
- h. Approval of Contract with good Government Ventures, LLC, for Facilitating the Development of a Shared Vision, Mission Statement, and Strategic Plan

Mr. Williams asked for a motion to approve the consent agenda. Mrs. Carmack made the motion to approve. Mr. Nordvig seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

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

- a. One Appointment to Planning Commission Page 145

Mr. Williams made a motion to appoint Ms. Vickie Hurt to the Planning Commission for District 1. Mr. Cox mentioned the appointment was for a 4-year term not 5 as it stated in the supporting documentation of the agenda. Mr. Williams instructed staff to correct the error. Mrs. Carmack seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

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

- b. One Appointment to the Central Virginia Waste Management Association Page 151

Mr. Williams made a motion to nominate Mrs. Carmack. Mr. Cox seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

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

- c. One Appointment to Capital Area Agency on Aging

Mr. Williams made a motion to nominate Dr. Wayne Boese. Mrs. Carmack seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

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

Upcoming Appointments:

- o Building Code Appeals/Fire Prevention Code Appeals (LBBCA/BFPCA)
- o Extension Leadership Council
- o Powhatan Community Action Agency Advisory
- o Richmond Regional Planning District Commission Board (RRPDC)
- o Social Services Board

Mrs. Carmack asked for a 3 month heads up on upcoming appointments to allow the Board time to look for replacements. Mr. Schardein stated these were carry over appointments from the previous Board and staff would keep them better informed of upcoming openings. He pointed out that some applications came into the Administration Office after the agenda had been published and would be added to the next Board agenda.

**10. Old Business**

Mr. Williams recommended deferral until June on discussion of the subject. Mr. Lacheney stated the motion would be to continue the existing districts and defer discussion on any changes. Mr. Nordvig asked if the citizen that spoke at public comment on the AFDs and his LLC's plans to discontinue participation in such as of April will be affected by the deferral. Mr. Cox stated there is no affect. Mr. Lacheney reiterated the motion would be for a continuation of the current practice through July as stated in the resolution in the agenda. Mr. Williams motioned for approval of R-2020-05. Mrs. Carmack seconded. Mr. Byerly asked if anyone in the AFD could submit a written request to be removed from the AFD at any time? Mr. Williams asked Tom to clarify if the anyone leaving the AFD would need approval from the Board. Mr. Nordvig noted that the Tax Map is affected by any changes made to the AFD. Mr. Timberlake tried to clarify some of the statements. Mr. Williams asked him to hold his comments.

Mr. Schardein conducted a roll call vote:

Mr. Williams Aye  
 Mr. Nordvig Aye  
 Mr. Byerly Aye  
 Mr. Cox Aye  
 Mrs. Carmack Aye

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

Mrs. Schubert gave an update on the status of the search for a new ERP (Enterprise Resource Planning) System. This is the daily used computer software. The current software is a 1994 version of the Bright and Associates System. The consultant Berry Dunn and Associates has been gathering information from various departments and staff for the RFP initially in May and June. In August, staff went through technical requirements to rate the importance of different aspects and held a joint meeting with Berry Dunn and Assoc. to fine tune the importance in the different technical specifications. The RFP was released at this point with round one scoring in December. Demos have been taking place in recent months with each vendor using the same script and showing the same options. January and February will bring vendor reference checks and site visits to other localities. February or March will be contract negotiations and implementation is expected in April or May 2020. Timeline will be based on which contractor is chosen and if PCPS will be participating. A 2-3 year implementation process is expected. Mr. Williams commented on the significant size and amount of work that goes into a project of this type and thanked Mrs. Schubert for her efforts.

Mr. Williams made the motion to approve and authorize the chairman to execute the agreement regarding the severance payments for the County Administrator as follows:

Employee's last day as an employee of Employer will be January 6, 2020.

Employer shall provide severance payments to Employee of:

a sum equal to six (6) months of salary at the current rate of pay, plus  
a sum equal to six (6) months of the Employer's share of retirement payments paid on behalf of the Employee, plus  
nine (9) months of health plan coverage, life insurance, and disability coverage.  
the outstanding remainder of the annual vehicle allowance as defined in the Employment Agreement  
unused accrued sick and annual leave

Such severance payments shall be in a lump sum payment made on the next payday following the termination of employment or upon a date agreed upon by the Parties but in no case shall such payment date be later than three (3) months following the date of separation. Employee, at his option and in the alternative to a lump sum payment representing health plan coverage benefits portion of the severance pay, may elect to have the Employer continue health plan coverage benefits for the Employee and all dependents and the Employer shall continue to pay such costs

The text herein, including the recitals, shall constitute the entire agreement between the parties. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.

This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of the agreement or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

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

## **11. New Business**

a. Commissioner of the Revenue Assessments Update

Mr. Jamie Timberlake, Commissioner of the Revenue gave a brief update on the County property assessments process. Most have been completed with the exception of a few outstanding issues that are being followed up on.

b. SMART Scale Project Selection

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Mr. Schardein went over the options for upcoming projects that may qualify for SMART SCALE projects with VDOT. Based on our population size we can pick 5 projects for initial consideration with 4 being the end result. A public informational meeting will be held February 3, 2020 to gather public input on the various options of projects to be submitted. The compilation of public feedback will be brought back to the Board of Supervisors at the March 23, 2020 meeting at which time the Board will officially vote on which projects they choose, and staff will apply for the prescreening with VDOT by the April 1 deadline. After VDOT reviews these applications, they will return comments and staff will have until August 3, 2020 to apply for the final project selection. The Board and Mr. Schardein discussed the different project options and the Board is to be ready to make recommendations at the March 23, 2020 meeting.

c. Quarterly Financial Update

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Mrs. Schubert gave an overview of the 2<sup>nd</sup> quarterly report for the fiscal year. This is a half way point for the fiscal year.

d. Discussion of 6:30pm Board meeting start time

Mr. Nordvig explained that he has constituents that have mentioned having a hard time making the 6:00pm meeting start time after working all day, finding childcare, etc. Mr. Williams proposed each Board member talk with constituents and get a feel for the various opinions and have another discussion at the February Board meeting with a decision on whether to change the time or not.

## 12. Public Hearings

- a. **O-2020-01** (Case #19-09-REZC) Richard Lee Bucher (District #4: Powhatan Courthouse/Mt. Zion) requests the rezoning of Tax Map Parcel #39-4A from Agricultural-10 (A-10) to Village Residential (VR) with proffered conditions and amendment of the zoning district map of approximately 5.66 acres of land with frontage along the north side of State Route 13 (Old Buckingham Road) approximately 0.25 miles west of State Route 620 (Mill Quarter Road) (3780 Old Buckingham Road). Page 193

Proffered conditions address maximum residential densities (up to 3 single-family dwelling units), minimum lot area (1.5 acres),

building design, access, and right-of-way dedication. The 2019 Long-Range Comprehensive Plan designates the subject property as Village Residential (Courthouse Village Special Area Plan), which recommends maximum residential densities of four units per acre.

Mr. Pompei gave an overview of O-2020-01 (Case #19-09-REZC) Richard Lee Bucher. He stated that the Planning Commission held a public hearing on December 3, 2019 and voted to recommend denial of the rezoning request. The Community Development Department concurs with this decision. The applicant, Mr. Bucher, gave a short presentation on the rezoning request. Mr. Williams opened the public hearing. Seeing there were no speakers, the public hearing was closed. Mr. Cox asked if the Planning Commission and staff both recommended denials. Mr. Pompei replied they did.

Mr. Cox made a motion to deny the rezoning request. Mr. Byerly seconded the motion. Mr. Nordvig asked Mr. Pompei to give a little more detail on why staff recommended denial. Mr. Pompei explained both recommended denial due to the Village Residential and Village Courthouse Residential designation in the 2019 Comprehensive Plan both recommend these types of projects as walkable cohesive neighborhoods. This project did not exemplify these characteristics with sidewalks, mixed housing types, etc.

On the motion to deny O-2020-01 (Case #19-09-REZC) Richard Lee Bucher (District #4: Powhatan Courthouse/Mt. Zion) requests the rezoning of Tax Map Parcel #39-4A from Agricultural-10 (A-10) to Village Residential (VR) with proffered conditions and amendment of the zoning district map of approximately 5.66 acres of land with frontage along the north side of State Route 13 (Old Buckingham Road) approximately 0.25 miles west of State Route 620 (Mill Quarter Road) (3780 Old Buckingham Road).

Mr. Williams Aye  
Mr. Nordvig Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

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

- b. **O-2020-02** (Case #20-01-AZ): The **County of Powhatan** requests the amendment and reenactment of provisions set forth in Chapter 83 (Zoning Ordinance), Article XI (Definitions) by adding definitions for the terms *attached, comprehensive plan, contractor's storage yard, detached, independent cooking facility, residential kitchen, corner lot line, pet, right-of-way, outdoor shed sales, and corner yard*; adding language to clarify differences between *duplex dwelling, three- or four-family dwelling, and townhouse dwelling*; modifying the definition for the term *private kennel*, clarifying that permitted fowl includes

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chickens and ducks; modifying the definition for the term *livestock*, clarifying that goats, bison, ponies, alpacas, and llamas are all considered livestock; modifying the definition for the term *flag lot* to align with the definition for that term in the subdivision ordinance; modifying the definition of *medical and dental lab* to better reflect activities associated with that use; removing the term *large lot development*; correcting grammatical errors; removing incorrect references to other portions of the zoning ordinance; and adding references to certain definitions that identify related terms

Mr. Pompei gave an overview of **O-2020-02** (Case #20-01-AZ): The **County of Powhatan** requests the amendment and reenactment of provisions set forth in Chapter 83 (Zoning Ordinance), Article XI (Definitions) by adding definitions for the terms. These amendments will not create new policy or change any policies current in place, they are housekeeping type changes meant to clarify terms and language. Mr. Williams opened the public hearing. Speakers were as follows:

Mr. David Sowers, 2000 Norwood Creek Dr. spoke. Mr. Sowers questioned the advertisement of the changes in the definition and if that was clear to the general public as to what exact changes in definitions were taking place. He was under the impression if a conflict between the Zoning Ordinance and the Subdivision Ordinance occurred, the Zoning Ordinance took precedent over the Subdivision Ordinance. He felt the advertisement was confusing and the public would not understand that a change in a flag lot definition meant they would lose property rights according to the Subdivision Ordinance. He stated that single cuts, family exception and land lock parcels should be included in the amended definitions of the Zoning Ordinance to avoid confusion.

Mr. Doug Bradbury, 3575 Richards Run spoke. Mr. Bradbury has concerns about the flag lot definition amendment as well. He feels the change prohibits a back piece of property to have public road access. He asked the Board to table or defer the case to take a closer look and modify the definitions to be a clearer.

Seeing as there were no more speakers, Mr. Williams closed the public hearing.

Mr. Williams asked Mr. Schardein and Mr. Pompei if these changes were to correct discrepancies in definitions between the Zoning Ordinance and the Subdivision Ordinance. Mr. Pompei responded that was correct. Mr. Williams asked what has been required of applicants in the past while these discrepancies have been present. Mr. Pompei replied the more stringent standard applies. Mr. Williams asked about the Flag Lot definition. Was the definition of Flag Lot that is in the Zoning Ordinance the only rule applied? Mr. Pompei responded both the Zoning and Subdivision Ordinance would be applied to cases. In the example of Flag Lot there is only one sentence that is different in the definition in the Zoning Ordinance that is present in the definition in the Subdivision Ordinance. That sentence would be added back in to make the definitions the same. Discussion took place between the Board, Mr. Pompei and Mr. Lachenev as to what this amendment is changing and if any practices are changing or just the wording is being matched up. Mr. Williams asked about the advertisement and if it was done correctly. Mr. Pompei responded he worked with the County Attorney's Office to ensure they complied. Mr. Lachenev stated the ad complies with the Supreme Courts standards. Mr. Williams asked again that by making these changes that no practice that has been done in the past will be changed. Mr. Pompei replied yes. Mr. Lachenev added that by having the wording not be the same in both the Zoning and Subdivision Ordinances, it can cause confusion to the public and this change will correct that. Mr. Pompei clarified what some of the definition changes were for several of the words. Mr. Williams asked if there were any other questions.

Mrs. Carmack motioned to approve **O-2020-02** (Case #20-01-AZ): The **County of Powhatan** requests the amendment and reenactment of provisions set forth in Chapter 83 (Zoning Ordinance), Article XI (Definitions). Mr. Cox seconded the motion.

Mr. Williams Aye  
Mr. Nordvig Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

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

- c. **O-2019-39.** An Ordinance Amending Chapter 74 (Traffic and Vehicles), Article 1 (In General) of the Code of the County of Powhatan appending the words “*as now or hereafter amended*” following reference to *Code of Virginia § 16.1-278 et. seq.* and *Code of Virginia § 18.2-266 et. seq.* Page 245

Mr. Lacheney gave the details of **O-2019-39.** An Ordinance Amending Chapter 74 (Traffic and Vehicles), Article 1 (In General) of the Code of the County of Powhatan appending the words “*as now or hereafter amended*” following reference to *Code of Virginia § 16.1-278 et. seq.* and *Code of Virginia § 18.2-266 et. seq.* Mr. Lacheney explained this change was a request from the Commonwealth Attorneys Office after it was pointed out in court that the 3 sections that deal with traffic in the County Code don’t all have the same language referring to following any amendments to the traffic sections of the State Code. This amendment would correct that. There were no questions from the Board. Mr. Williams opened the public hearing. Seeing as there were no speakers, Mr. Williams closed the public hearing.

Mr. Cox motioned to approve **O-2019-39.** An Ordinance Amending Chapter 74 (Traffic and Vehicles), Article 1 (In General) of the Code of the County of Powhatan appending the words “*as now or hereafter amended*” following reference to *Code of Virginia § 16.1-278 et. seq.* and *Code of Virginia § 18.2-266 et. seq.* Mrs. Carmack seconded the motion.

Mr. Williams Aye  
Mr. Nordvig Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack 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)**

Mr. Williams opened the 2<sup>nd</sup> Public Comment period. Speakers were as follows:

Mr. Jamie Timberlake, 1450 Schroeder Rd. congratulated the Board on being elected and stated he looked forward to working with them as the Commissioner of the Revenue for the next 4 years. Mr. Timberlake commented that he was disappointed on 2 items from the meeting. The deferral of the AFD from earlier in the evening. He explained that by doing this is created several more steps for Mr. Anderson who is the citizen that was going to let his involvement expire in April, to now have to go through several steps and even appear in front of the Board to request permission to get out of the AFD. He stated that he felt this was not the platform they ran on prior to being elected and felt this made it difficult to get along with the Board. Mr. Timberlake stated he was also disappointed in the decision made by the Board not to grant the resignation date change requested by former County Administrator, Mr. Voorhees. This would not have cost the county or taxpayers anything and would have helped Mr. Voorhees with some retirement issues. Mr. Timberlake felt Mr. Voorhees was dedicated to Powhatan County and although the Board had a right to replace him with someone more suited to their style, but he felt it was wrong of them to treat Mr. Voorhees in this manner.

Seeing as there were no more speakers, Mr. Williams closed the public comment period.

#### **14. County Attorney Comments**

Mr. Lacheney had no comments

#### **15. County Administrator Comments**

Mr. Schardein reminded everyone of the SMART Scale Open House on February 3 at the Powhatan Library from 5pm – 7pm. Anyone that can not make it is welcome to reach out to Mr. Schardein and he will be glad to fill them in on the discussions. He also commented that the Board of Supervisors would be starting their Strategic Planning sessions with a professional facilitator to develop their mission and vision statements and Strategic Plan. Those workshops are open to the public and will be held on February 11, March 5 and March 24. The tentative date for the Joint Board of Supervisors and School Board workshop is February 24 at 4:30pm in the auditorium. Confirmation will be on the County website.

#### **16 Board Comments**

Mr. Byerly recognized the Circuit Court Clerk, Mrs. Dobbins and her staff. He stated they had received a letter of thanks from a citizen from Cumberland County who was very appreciative of how pleasant and helpful the Circuit Clerks Office had been. Mr. Byerly mentioned that he had recently had the pleasure of attending the Martin Luther King, Jr. Youth day at Powhatan High School. He was impressed with the turnout and participation of the youth, the band, etc. He thanked Mrs. Gray, Mrs. Goins and Rev. Beechum for putting it together. There were no other Board comments.

**17. Closed Meeting as authorized by the Code of Virginia, Section 2.2-3711(A) to discuss salary of the Interim County Administrator**

Mr. Lacheney read the Closed Meeting authorization and asked for a motion. Mr. Williams made the motion to approve the entering into a Closed Meeting. Mrs. Carmack seconded.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

**VOTE 5-0  
MOTION Passed**

**18. a. Certification of Closed Meeting**

Mr. Williams reconvened the meeting. Mr. Lacheney read the Certification of the Closed Meeting as follows: Do you certify to the best of your knowledge that:

the only matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements, and

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?

Mr. Lacheney asked the Clerk to take a roll call vote:

Mr. Williams Aye  
Mr. Nordvig Aye  
Mr. Byerly Aye  
Mr. Cox Aye  
Mrs. Carmack Aye

**b. Determination of Interim County Administrator Stipend**

Mr. Williams asked for a motion on the Determination of the Interim County Administrator Stipend. Mr. Nordvig made the motion to approve the 5% stipend of the base salary of the Interim County Administrator during the period of time that he serves as the Interim. Mr. Byerly seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly voted AYE  
Bill L. Cox, Karin M. Carmack voted NO

**VOTE 3-2  
MOTION Passed**

**c. Approval of Contract with Interim County Administrator**

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Mr. Williams motioned to approve the contract of the Interim County Administrator. Mr. Cox seconded the motion.

David T. Williams, Larry J. Nordvig, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

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

**19. Adjournment**



Mr. Williams adjourned the meeting at 8:35pm.

These minutes were approved at the April 27, 2020, meeting with a 5-0 vote.

 4/28/2020  
**Bret Schardein, Interim Clerk      Date**  
**Powhatan County Board of Supervisors**

 4/28/2020  
**David T. Williams, Chairman      Date**  
**Powhatan County Board of Supervisors**