



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 JUNE 27, 2022, AT 6:00 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, Virtual

Board of Supervisors Absent: None

County Staff Present: Ned Smither, County Administrator
Bret Schardein, Deputy County Administrator
Will Hagy, Deputy County Administrator
Tom Lacheney, County Attorney
Frank Hopkins, Planning Director

Constitutional Officers Present: Brad Nunnally, Sherriff

Guests Present: None

1. Call to Order

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

2. Pledge of Allegiance

Mr. Cox led the pledge of allegiance.

3. Invocation

Mr. McClung led the invocation.

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

Mr. Williams made a motion to remove the April 1, 2022, minutes from the agenda and place them under old business.

5. Formal Approval of Agenda

Mr. Cox made a motion to approve the agenda as amended. Chairman Byerly seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.



VOTE 5-0
MOTION PASSED

6. County Administrator Updates

a. Presentation from Powhatan Extension Office on the Johns Bailey Endowment

Mr. Smither welcomed the Powhatan Extension Office. Ms. Henley, agriculture extension agent, introduced Mr. Johns Bailey. She presented the Johns Bailey Endowment fund and gave a brief overview of Mr. Bailey's contributions to the community. A short video introducing the endowment was shown. Cathy Howland, 4-H extension agent, spoke briefly about the significant impact that Mr. Bailey had on the community. Mr. Bailey also expressed his appreciation for the endowment. Mr. Williams expressed his appreciation and support for Mr. Bailey and his contributions to Powhatan County. Chairman Byerly agreed with Mr. Williams and thanked Mr. Bailey for all he had done.

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)

Chairman Byerly opened the public comment period.

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

8. Consent Agenda

- a.** Minutes April 11, 2022, Workshop Meeting
- b.** Minutes May 2, 2022, Workshop Meeting
- c.** Minutes May 3, 2022, Regular Meeting
- d.** Resolution R-2022-17 Amending the Fiscal Year 2022 Powhatan County Operating Budget by Budgeting and Appropriating \$140,653.64 in Grants and Donations
- e.** Resolution R-2022-18 Amending the Fiscal Year 2022 Powhatan County Operating Budget by Budgeting and Appropriating \$85,000 from Courthouse Parking Expansion to Convenience Center Paving
- f.** Resolution R-2022-19 Amending the Fiscal Year 2022 Powhatan County Operating Budget by Budgeting and Appropriating \$107,509.82 to Powhatan Goochland Community Action Agency

Mr. Cox made a motion to approve the consent agenda. Mr. McClung seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

VOTE 5-0
MOTION PASSED

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

a. One Appointment to the Community Policy and Management Team

Mr. Smither gave a brief overview of the Community Policy and Management Team Board Appointment.

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Chairman Byerly made a motion to appoint Ms. Brooks to the Community Policy and Management Team. Mr. McClung seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

b. Five Appointments to the Goochland-Powhatan Community Services Board

Mr. Smither gave a brief overview and stated that the Board would make only four appointments today.

Mr. Cox made a motion to approve Jackie Cahill, Michael Asip, James Babcock, and James Hancock to the Goochland Powhatan Community Services Board. Chairman Byerly seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

c. One Appointment to the Powhatan Parks and Recreation Advisory Commission

Mr. Smither gave a brief overview. Mr. Cox made a motion to appoint Josh Cabaniss to the Powhatan Parks and Recreation Advisory Commission. Mr. McClung seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

10. Old Business

a. Minutes April 1, 2022, Workshop Meeting

Mr. Williams made a motion that the board comment, which states, "Mr. Williams asked that they have a presentation on the senior center as well as specialized plant transportation," be changed to state, "senior connections," and "specialized alternative transportation."

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

b. Resolution R-2022-20 Support for the SMART scale applications

Mr. Schardein gave a brief overview. He explained that the final application is due on August 1, 2022, and that the County is still meeting with VDOT to discuss which applications should be ruled out. He suggested that the Board propose a resolution that endorses all five applications until he can gather more information. Mr. Williams asked if

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the County was still planning on submitting applications for the regional service transportation block grant next year. Mr. Schardein confirmed this.

Mr. Williams made a motion to approve Resolution R-2022-20 as presented. Chairman Byerly seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

c. PPEA Detailed Proposal

Mr. Schardein gave a detailed overview of the recommendations made by the working group. He stated that unless the Board of Supervisors has any suggestions, the County Administrator will request these changes from the applicant. The working group will reconvene, and lastly, the Board will recommend that the County Administrator begin negotiations. Mr. Cox asked that page 60 state, "staff will get approval from the Board of Supervisors for any recommendations before going forward." Chairman Byerly asked what the expense of this program was. Mr. Schardein stated that the original proposal was \$5.9 million, which is now estimated to be \$5.3 million. Chairman Byerly asked if the Board would get an estimate of the cost of constructing a convenience center on the original acres. Mr. Schardein stated that there had not been an estimate for the scenario because it would undoubtedly be more expensive. Chairman Byerly asked what the size of the convenience center was. Mr. Schardein said he would have to double-check but believes it is about five acres. Mr. Schardein went on to explain that the convenience center will be about four acres regardless of the property on which it is built. He also stated that they are not planning to propose an area for vegetation debris. Mr. McClung asked if either scenario would move the process up to create a quicker timeline. Mr. Schardein stated that either project is estimated to be completed within twelve months of securing all permits and approvals. Chairman Byerly asked if there would be a cost guarantee and water/sewer connections. Mr. Schardein confirmed this.

d. Discussion of Budget Process (Requested by Mr. Cox)

Mr. Cox stated that he has several concerns, including using the 10-year financial model. He explained that it was not used as an interactive tool to help with the decision-making process. He stated that he would like to see the County maximize on this tool. He asked that the County post the complete model of this program on its website and update it at least every six months with a summary of any changes being made. He also stated that the model needs to adapt to the rapidly increasing changes in the financial landscape. Lastly, He asked where the funds from the Revenue Stabilization Fund would go. Ms. Carmack explained that she was under the impression that the Revenue Stabilization Fund would just be absorbed into the general fund.

Mr. Cox made a motion to return the \$1,344,406.00 that was taken from the schools back to their operating budget. Mr. Williams seconded the motion.

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Mr. Williams agreed that if the money was taken from the schools for a revenue stabilization fund and was not being used for that purpose anymore, it should be returned to them. Ms. Carmack stated that she would not be in support of Mr. Cox's motion because the School Board has yet to request this money back, and she believed the Board should evaluate the situation thoroughly to decide where the money would be most beneficial. Mr. Williams agreed with many of Ms. Carmack's points but mentioned that the School Board would ask for approximately \$500,000.00. He stated that he had no issue waiting for this request to be submitted. Mr. Cox noted that he has also had a School Board member express need for additional funds. He also stated that this money is unnecessary to offset the tax reduction. Ms. Carmack suggested that the Board use the interactive model to evaluate the ripple effect these changes could have on the 10-year plan. Chairman Byerly agreed that the Board should wait to hear from the School Board before making any decisions. Mr. Cox withdrew his motion and elected to wait until the School Board provided more information.

e. Discussion of Keystone ERP System (Requested by Mr. Williams)

Mr. Williams stated that, after the various issues that have occurred, he would like the County Administrator to document functional and technical requirements. Mr. McClung stated that the Board is on the right track as long as Keystone continues to help them through the process and agrees to their conditions. Ms. Carmack explained that the County could not move backward at this point. She suggested they ask the treasurer to list the problems, contact Keystone with those issues, and request their estimated timeline for solutions. Mr. Williams agreed and reminded the Board that the reason for this discussion was to understand how these problems would be fixed. Chairman Byerly stated that a meeting should be initiated and emphasized the importance of maintaining a good relationship with Keystone.

11. Public Hearings

a. Ordinance O-2022-24: Powhatan County on June 3, 2022, the Powhatan County Board of Supervisors passed an emergency ordinance extending the personal property and real estate due date to June 24, 2022. Penalties and interest should be effective for payments made after August 1, 2022, should payment of the taxes not occur by the extended due date.

Mr. Smither gave a brief overview. Chairman Byerly opened the public comment period. Seeing no one wishing to speak, Chairman Byerly closed the public comment period.

Mr. Williams made a motion to approve Ordinance O-2022-04. Ms. Carmack seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

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b. Ordinance O-2022-25: Case #22-05-AZ: The County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article IV (Village Growth Area Districts) Sec. 83- 210. - Single-family Residential-2 (R-2) District, Article III (Rural Districts) Sec. 83-160. - Agricultural-10 (A-10) District, Sec. 83-180. - Rural Residential-5 (RR-5) District, and Article V (Transition Base Districts) Sec. 83-350 - Residential Utility (R-U) District, to amend the by-right accessory uses and conditional accessory uses involving Accessory Dwelling Units (detached). This provision will eliminate the need for a conditional use permit for an Accessory Dwelling Unit (detached) and make the use by right as an accessory use in the given district.

Mr. Hopkins gave a brief overview. Chairman Byerly opened the public comment period. Seeing no one wishing to speak, Chairman Byerly closed the public comment period.

Mr. Williams asked what the smallest acreage they had approved was. Mr. Hopkins stated that the smallest acreage they had accepted was about 2.1 acres. Mr. Cox asked if this permits retail sales. Mr. Hopkins stated that it is not in the listed definition. Mr. Cox asked if the fact that R-U is a transition district would impact the ability to expand. Mr. Lacheney did not believe it would.

Ms. Carmack made a motion to approve Ordinance O-2022-25. Mr. McClung seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. McClung, and Mr. Williams voted AYE. Mr. Cox voted NO.

**VOTE 4-1
MOTION PASSED**

c. Ordinance O-2022-26: Case #22-06-AZ: The County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article III (Rural Districts) Sec. 83-160 - Agricultural-10 (A-10) District, Sec. 83-240 – Commerce Center (CC), Sec. 83-250- Light Industrial (I-1), Sec. 83-260 Heavy Industrial (I-2), and Article XI Sec. 83-521 - Definitions to create new use of wood and stump recycling and add it to the A-10 and CC zoning districts as a conditional use and I-1 and I-2 as a by-right use.

Mr. Hopkins gave a brief overview. Chairman Byerly opened the public comment period. Seeing no one wishing to speak, Chairman Byerly closed the public comment period.

Mr. Williams expressed concern about both noise and traffic. Mr. McClung made a motion to approve Ordinance O-2022-26. Ms. Carmack seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

d. Ordinance O-2022-27: Case #22-07-AZ: The County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article III (Rural Districts) Sec. 83-160 – Agricultural-10 (A-10), Article IV (Village Growth Area Districts)

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Sec. 83-240 – Commerce Center (CC), Sec. 83-250- Light Industrial (I-1), and Sec. 83-260 Heavy Industrial (I-2) to add the contractor storage yard use to these districts. The contractor storage yard use will be added to A-10 and CC as a conditional use and I-1 and I-2 as a by-right use.

Mr. Hopkins gave a brief overview. Chairman Byerly opened the public comment period. Seeing no one wishing to speak, Chairman Byerly closed the public comment period.

Mr. McClung made a motion to approve Ordinance O-2022-27. Chairman Byerly seconded the motion.

Mr. Williams asked if Mr. Hopkins believed that screening was necessary. Mr. Hopkins stated that he thought it was essential for either an A-10 or CC.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

e. Ordinance O-2022-28: Case #22-08-AZ: County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article IV (Village Growth Area Districts) Sec. 83-230- Village Center (VC), 83-300 – Village Center Planned Development (VCPD), Sec. 83-220 – Village Residential (VR), Sec. 83-290. - Village Residential Planned Development (VRPD) and Sec. 83-310. - Commerce Center Planned Development (CC-PD). This amendment will amend the purpose section of each respective zoning district to align each district with the areas denoted by Economic Opportunity in the 2021 Powhatan County Comprehensive Plan.

Mr. Hopkins gave a brief overview. Chairman Byerly opened the public comment period. Seeing no one wishing to speak, Chairman Byerly closed the public comment period.

Mr. Cox expressed severe concerns about the ordinance and asked Mr. Hopkins to explain inconsistencies. Mr. Hopkins stated that they are broken down into percentages and explained that if someone wished to section off a portion of a property for VR, they would need specific tools, which is what he is trying to provide. Mr. Lacheney expressed some concern with the ordinance and pointed to several areas in which it contradicts the Comprehensive Plan. Mr. Williams asked Mr. Hopkins if he believed there was any way he could work with Mr. Hopkins to revise and resubmit an improved version of the ordinance.

Mr. Lacheney pointed out that in 2010 the Board crafted the current zoning ordinance to match the language of the Comprehensive Plan. He suggested that the present village districts be removed and replaced with something that acts as an overlay and matches the language of the rest of the plan. Ms. Carmack suggested that the Board work on the definitions and clean up the zoning ordinances instead of rewriting everything. Mr. Williams agreed with Ms. Carmack.

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Mr. Lacheney pointed out that what truly needs to be changed is not the bulk of the zoning ordinances but the commercial districts. Chairman Byerly clarified that the easiest way to allow a person to rezone their property would be to edit the verbiage in the zoning ordinances. Mr. Cox expressed concern about the urgency to make changes tonight. Mr. Williams stated that he did not understand why the Board would do something against the advice of counsel. Ms. Carmack stated that she would like to know Mr. Lacheney's opinion ahead of time, even if an advertisement has already been made. She expressed her support for making progress tonight, regardless of what that progress is.

Mr. Cox made a motion to deny Ordinance O-2022-28. Mr. Williams seconded the motion. Ms. Carmack made a substitute motion to defer Ordinance O-2022-28 until August 22. Chairman Byerly seconded the motion.

Mr. Cox asked for clarification on Ms. Carmack's plan. She stated that she would like to pass this deferral and then make a request for the Planning Commission to review the zoning ordinance districts and present that while the change is brought back to the Board.

Mr. Lacheney suggested that the Board create a planned development district as an overlay and then tackle each section at their own pace. Mr. Cox asked why the Board would choose to defer something they wanted to be changed. Mr. Lacheney suggested that the Board defer the ordinance indefinitely to require Board action to bring it back.

Ms. Carmack adjusted her motion to defer Ordinance O-2022-28 indefinitely. Mr. Williams seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

Ms. Carmack made a motion to have the Board of Supervisors request for the Planning Commission to review the potential of rewriting a new zoning district as well as the verbiage of VRVC, VRPD, VCPD, and CC to better fit within the Comprehensive Plan. Chairman Byerly seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

f. Ordinance O-2022-29: Department of Real Estate Assessment: Pursuant to Va. Code §58.1-3274, the County of Powhatan wishes to amend County Code Division 1A – Department of Real Estate Assessment to place the Department of Real Estate Assessment within the office of the Commissioner of Revenue.

Mr. Smither gave a brief overview. Chairman Byerly opened the public comment period. Seeing no one wishing to speak, Chairman Byerly closed the public comment period.



Mr. McClung made a motion to approve Ordinance O-2022-29. Mr. Williams seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

VOTE 5-0
MOTION PASSED

g. Ordinance O-2022-30: Pursuant to Virginia Code § 1-219.1, Powhatan County will consider an ordinance to acquire property by condemnation for a public purpose. The property is identified as a fifty foot (50') wide parcel of land 0.510 acres (22,214 SQ. FT.) in area, for ingress and egress over, upon and across the property of South Creek Properties LLC, known as Powhatan County Tax Map Parcel No. 42-7A. The proposed public use of the property is for the construction of an access road to serve a new convenience center to be constructed east of the property. The new convenience center is a necessary public facility of the County required as a result of the significant population growth in the County and the need for such a convenience center to serve the eastern portion of Powhatan. The current convenience center is inadequate to provide for the trash disposal needs of the County citizens. Further, the acquisition will allow the completion of Carter Gallier Boulevard, a parallel road to Anderson Highway, depicted in Powhatan County's Comprehensive Plan's Major Thoroughfare Plan.

Mr. Schardein gave a brief overview. Chairman Byerly opened the public comment period. Seeing no one wishing to speak, Chairman Byerly closed the public comment period.

Chairman Byerly made a motion to approve Ordinance O-2022-30. Mr. McClung seconded the motion.

Chairman Byerly, Ms. Carmack, Mr. Cox, Mr. McClung, and Mr. Williams voted AYE.

VOTE 5-0
MOTION PASSED

12. 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 Byerly opened the public comment period.
Seeing no one wishing to speak, Chairman Byerly closed the public comment period.

13. County Attorney Comments

None.

14. County Administrator Comments

None.

15. Board Comments

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Mr. Cox stated that an advertisement to fill the Reynold Community College position was sent into the newspaper after the Board had already filled the position. For this reason, Mr. Cox was forced to deny Mr. Taylor's application despite his qualifications for the job. Mr. Williams stressed the importance of a proffer policy and requested that the Board consider putting any transportation projects into the CIP. He also asked that there be regular updates regarding the social services department.

16. Closed Meeting

WHEREAS, the Board of Supervisors of Powhatan County desires to discuss in Closed Meeting the following matter(s):

-Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body concerning state owned property. - §2.2-3711(A)(3)

WHEREAS, pursuant to: §2.2-3711 (A)(3) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Powhatan County does hereby authorize discussion of the aforestated matters in Closed Meeting.

17. Certification of Closed Meeting as authorized by the code of Virginia

Mr. Lacheney read; Were the only matters discussed in the closed meeting public business matters lawfully exempted from open meeting requirements, and that 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?

Chairman Byerly, Ms. Carmack, Mr. McClung, Mr. Cox, and Mr. Williams voted AYE.

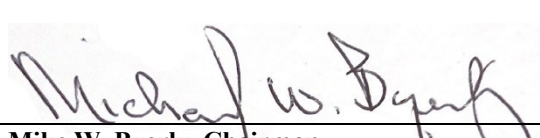
**VOTE 5-0
MOTION PASSED**

18. Adjournment

Chairman Byerly adjourned the meeting at 9:31pm.



Ned Smither, County Administrator
Powhatan County Board of Supervisors



Mike W. Byerly, Chairman
Powhatan County Board of Supervisors

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Recorded Vote:

| | |
|--------------------------|------------|
| <i>David T. Williams</i> | AYE |
| <i>Steve W. McClung</i> | AYE |
| <i>Michael W. Byerly</i> | AYE |
| <i>Bill L. Cox</i> | AYE |
| <i>Karin M. Carmack</i> | AYE |