

*POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 23rd, 2023*



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 23RD, 2023, AT 6:30 PM.

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

Board of Supervisors Absent: None

County Staff Present: Bret Schardein, Interim County Administrator
Tom Lacheney, County Attorney
Will Hagy, Deputy County Administrator
Charla Schubert, Finance Director
John Wood, Director of IT
Karen Alexander, Voting Registrar
Bart Nichols, Interim Planning Director
Christine Boczar, Sergeant – Animal Control

Constitutional Officers Present: Brad Nunnally, Sherriff
Becky Nunnally, Treasurer
Jamie Timberlake, Commissioner of the Revenue

Guests Present: Dr. Paula Pando, President of Reynolds Community College

1. Call to Order

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

2. Pledge of Allegiance

Mr. Williams led the Pledge of Allegiance.

3. Invocation

Mr. McClung led the invocation.

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



5. Formal Approval of Agenda

Mr. Cox motioned to **approve** the agenda.

Ms. Carmack seconded the motion.

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

VOTE 5-0

MOTION PASSED

6. County Administrator Updates

Mr. Schardein gave a brief update on the Firefly Broadband project. He stated that ten miles of underground fiber had been laid, and they hope to begin connecting houses soon. He also noted that he had contacted Firefly to have them available for information and questions at the next Board meeting.

7. Presentations

a. Proclamation P-2023-1 Recognizing Josephine Goodman

The Board recognized Mrs. Goodman's service on the Powhatan County Electoral Board.

Frank Flannagan, Chairman of the Electoral Board, also thanked and congratulated Mrs. Goodman.

Ms. Goodman thanked the Board as well as her friends and family.

b. Dr. Pando: Reynolds Community College Update

Dr. Brown presented the President of Reynolds Community College, Dr. Pando.

Dr. Pando gave a brief presentation on several Reynolds Community College updates.

She also thanked Dr. Brown for her help. The presentation included student engagement, demographics, enrollment, scholarships/grants, dual enrollment programs, investments, construction, research/development, employees, etc.

Mr. Williams asked if the demand for technical training certificates has continued to increase, and Dr. Pando confirmed that those programs continue to grow. She added that many students are beginning to enroll in credit courses to earn a degree after



completing a certification course. Mr. Williams asked if the Community College had made progress regarding the budget and declining enrollment, and she stated that tremendous progress had been made.

c. Commissioner of the Revenue: Personal Property and Real Estate

Mr. Timberlake gave a brief presentation on personal property real estate and assessment functions. This presentation included segment prices of used vehicles, lowering the personal property rate, the role of the assessor, assessment system adequacy, accuracy, consistency, tax burden distribution, effective tax rate, emerging trends/ issues, etc. Mr. Timberlake asked the Board to allow him to bring in updates on a quarterly basis.

Mr. Williams mentioned Mr. Timberlake's suggestion to group like neighborhoods. Mr. Timberlake noted that it does not cost the County any extra money to assess sets of neighborhoods with greater specificity. He added that this process is still 100% on Stonewall, not Keystone. Mr. Williams asked how long it would take for Mr. Timberlake to get the certitude he needs to begin the conversion, and he explained that he was not sure. Mr. Timberlake added that he would likely have an effective tax rate by the end of the week.

Mr. Cox asked about the vacant position, and Mr. Timberlake stated that there hadn't been many applicants, but he was confident they would find the right person.

Chairman Byerly and Mr. Timberlake discussed qualified sales and new construction. Chairman Byerly asked which value the County uses for their assessments, and Mr. Timberlake explained that it uses Clean Loan.

d. School Resource Officer grant discussion

Mr. Nunally stated that the schools had been approved for a grant of \$63,000.00 to fund the addition of a school resource officer. He asked the Board to allow Mr. Schardein to sign the acceptance letter and added that he would not hire anyone without talking to the Board.

Mr. Williams asked for more details on the topic, and Mr. Nunally provided them.

Mr. Cox stated that he would be happy to support the request. Ms. Carmack asked if



the resource officers go on regular patrol during the summer, and Mr. Nunally confirmed this.

8. 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.

Stephanie Sellers, 4130 Three Bridge Road, to consider the effects that the Sun Tribe Solar construction may have on the environment. She expressed concerns about water quality and home resale value. She also noted that there would be a meeting to discuss Sun Tribe Solar on Wednesday, February 25th, at 4:30 PM.

Keith Buch, 2246 Forest Way, discussed the misstatements on the Greenridge Landfill permit applications. He listed several examples of these misstatements and urged the Board to support the landfill isolation legislation.

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

9. Consent Agenda

- a. Minutes November 23rd, 2022 Regular Meeting
- b. Minutes December 19th, 2022 Regular Meeting
- c. Aquest Abatement
- d. D. Gagnon Abatement
- e. K. Slye Abatement
- f. R-2023-01 Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating \$110,034.55 in Grants in School Fund and Grants Fund
- g. R-2023-02 Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating \$75,837.65 in General Fund for Encumbrances
- h. R-2023-03 Authorize County Administrator to approve Architecture and Engineering Services for Turner Concessions Facility
- i. 2023 Board of Supervisors Revised Meeting Schedule

Ms. Carmack made a motion to **approve** the consent agenda as presented.



Mr. McClung seconded the motion.

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

VOTE 5-0
MOTION PASSED

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

a. One appointment to the Powhatan County Audit Committee for one citizen, at large, member

Mr. Schardein stated that Mr. Carver has applied for reappointment, and there are no other applications at this time.

Mr. Cox noted that there are no issues with the audit.

Chairman Byerly dissolved the Audit Committee.

b. One Recommendation for Appointment/Reappointment to the Powhatan County Board of Equalization

Mr. Schardein stated that Mr. Blake has applied for reappointment, and there are no other applications at this time.

Mr. McClung motioned to **nominate** Mr. Blake to the Board of Equalization.

Ms. Carmack seconded the motion.

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

VOTE 5-0
MOTION PASSED

11. Old Business

- a. O-2022-35 Case #22-09-AZ: The County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article IV (Village**



Growth Area Districts) Division 2 Village Growth Area Planned Development Districts, Sec. 83-314. (Continued from October 24th, 2022)

Mr. Schardein gave a brief overview. He introduced Mr. Nuckols, the interim Planning Director, who gave a brief presentation.

Ms. Carmack expressed several concerns about the amendments, including the phasing, conversion schedules, etc. She asked the Planning Director to look more comprehensively at the amendments.

Ms. Carmack motioned to **defer** Case #22-09-AZ until the next Board meeting.

Mr. Cox asked if the amendments reflect the Comprehensive Plan, and the Planning Director confirmed this. Mr. Cox noted that numbers 10,11 and 12 are not inconsistent because phasing is not required east of 288. Mr. Cox asked if economic development is required to use the ordinance and if a gateway business could use it.

Mr. Lacheney made several suggestions about the verbiage. Mr. Cox expressed concerns about conditional uses. Specifically, amusement and motorsport parks, commercial landscaping, etc. Ms. Carmack asked why the County is enforcing phasing on Rte 60 but not at 711 and 288. Mr. Cox explained that the Board members negotiated for those parameters during the discussions about the Comprehensive Plan. Chairman Byerly pointed out the benefits of having flexible zoning districts. He expressed concern about having applicants complete the entire commercial component before issuing any residential certificates of occupancy. Mr. Williams noted that the Board had disagreed on when to make specifications for economic development. He agreed that the Board never said there needed to be 100% occupancy. Mr. McClung stated that there needs to be flexibility on the 70/30 rule in the Comprehensive Plan. Mr. Cox noted that there is a large amount of flexibility for developers.

Ms. Carmack motioned to **defer** Case #22-09-AZ until the next Board meeting.

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

Mr. Cox and Mr. Williams voted NAY.

VOTE 3-2

MOTION PASSED



b. Letter to Virginia DEQ regarding Green Ridge Recycling and Disposal Facility, LLC variance application (Continued from November 28th, 2022, requested by Ms. Carmack)

Mr. Schardein gave a brief overview.

Mr. Williams read a letter from Ms. Myers, the head of the Cumberland Landfill Awareness Group. He expressed concern about sending a letter without more information and risking a bad reflection on the Board. He suggested that the Board communicate with its partners to continue its efforts to oppose the landfill.

Mr. Williams motioned not to send the letter to the Department of Environmental Quality.

Ms. Carmack asked if Greenridge applied for the variance, and Mr. Schardein explained that they need one. Mr. Williams noted that legal counsel has advised against sending the letter. Mr. Cox advised against ignoring Ms. Myer's concerns and advice.

Mr. Williams motioned **not to** send the letter to the Department of Environmental Quality.

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

VOTE 5-0

MOTION PASSED

c. Keystone ERP (Continued from October 24th, 2022, requested by Mr. Cox)

Mr. Schardein gave a brief overview.

Mr. Cox asked Mrs. Nunnally about the issues with Keystone's conversion to an account number basis. Mrs. Nunnally explained that real estate parcel payments are being applied to current-year taxes instead of older-year taxes. She added that in the case of personal property, they could not capture all of the taxes owed through the social security number because of separate accounts. Mr. Cox asked about the income tax system, and Mrs. Nunnally explained that Keystone does not have a process to upload back-payment files onto customers' accounts. Mr. Cox stated that the County



needs to be working to create structure and fix these issues. Mr. Williams agreed with Mr. Cox and suggested that the County hire someone to help resolve technical problems. Mr. Lacheney suggested that the Board ask Keystone for the source code on the Treasurer and Commissioners modules and hire a programmer, although this would be expensive, or scrap the entire thing, start over, and sue Keystone. He also suggested conversing with Keystone to set a date to fix the problems and attach a bond. Mr. Williams suggested that Mr. Schardein talk with the I.T. Director to discuss the issue and come back with a plan to move forward. Mr. Cox suggested that the Board have one of Keystone's programmers work full-time in the office with the County. Mr. McClung stated that he would like to stop working with Keystone if it can't get fixed.

d. Eastern Convenience Center PPEA Detailed Stage proposal update (Continued from November 28th, 2022)

Mr. Schardein gave a brief overview.

Ms. Carmack asked what the working group would be reviewing, and Mr. Schardein explained that they would focus on layout, functionality, number of units, spacing, value, etc. Ms. Carmack expressed concern about the phasing plan, the mutually agreed upon rezoning, legal costs, etc. She urged the working group to carefully review the proposal to ensure the County gets the best benefits.

Mr. Williams noted that VDOT now uses a manual for estimating projects that incorporates potential risks. Mr. Schardein stated that the working group would address all of the issues mentioned by the Board.

Mr. Cox asked if the phasing plan was tied together, and Mr. Schardein explained that it was. He added that Mr. Lacheney would assist the working group in ensuring that County has all the proper protections.

Chairman Byerly expressed concern about the lack of experience in PPEA and development. He expressed concern about agreeing to the project without more information.



Mr. Williams noted that the estimates would be higher because of VDOT's estimate process. The Board agreed to have a workshop to discuss the proposal.

12. New Business

a. Amendments to the Code of Ordinances of Powhatan County, Chapter 10 Animals, Article II Animal Control, Division 4 Animals Running At Large

Mr. Schardein gave a brief overview.

Mr. Cox stated that he supports the amendments, and the Virginia Hunting Dog Alliance has no issue with them. Mr. McClung asked for clarification on the code, and the Sherriff explained that the code mandates the number of days Animal Control must keep an animal. The Board agreed that they were in support of moving forward.

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)

Chairman Byerly opened the public comment period.

[Stephen Barham, 3492 Richard's Run](#), stated that he believes the County should stop working with Keystone. He urged the Board to move forward with the economic development zone. He asked the Board to consider that most Powhatan residents do not want multi-family units on Rte. 60. In reference to the convenience center, he urged the Board to consider who will benefit. He also mentioned the tax rate.

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

14. County Attorney Comments

None.

15. County Administrator Comments

None.

16. Board Comments

Mr. Williams commented that Bill 1473 would remove transparency by no longer requiring a descriptive summary of the proposed zoning action. He asked Mr. Schardein which bills

POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
JANUARY 23rd, 2023



carry forward the Governor's initiative for Virginia Home and stated that the Board needs to review those bills and take a position.

17. Adjournment

Chairman Byerly adjourned the meeting at approximately 9:45 PM.

ATTEST:

Bret Schardein, Interim County Administrator
Powhatan County Board of Supervisors

Mike Byerly, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams	Aye
Steve W. McClung	Aye
Michael W. Byerly	Aye
Bill L. Cox	Aye
Karin M. Carmack	Aye