



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 MARCH 27TH, 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
Bart Nuckols, Interim Planning Director
Sara Rozmus, Planner II
Charla Schubert, Finance Director
Tom Nolan, Director of Public Safety Communications
John Wood, IT/GIS Director

Constitutional Officers Present: Brad Nunnally, Sherriff
Teresa Dobbins, Clerk of the Circuit Court
Jamie Timberlake, Commissioner of the Revenue
Becky Nunnally, Treasurer (virtual)

Guests Present: Terry Adcock, Chairman of Powhatan AFDAC
Robert Harper, Chairman of Powhatan AFDAC
outreach committee

1. Call to Order

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

2. Pledge of Allegiance

Mr. McClung led the pledge of allegiance.

3. Invocation

Mr. Cox led the invocation.



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

Mr. Cox requested to pull items 10a and 10d and move them to 12a and 12b making 12a and 12b 12c and 12d.

5. Formal Approval of Agenda

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

Mr. McClung 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

a. Oath of Office for Public Safety Communications Officers

Ms. Dobbins presented the oath of office to new officers.

7. Proclamations

**a. P-2023-02 Recognizing National Telecommunicators Week and the
Telecommunicators of the Powhatan County Public Safety Communications 911
Center**

Mr. Schardein presented the proclamation, recognizing April 9th through April 15th, 2023, as National Public Safety Telecommunications Week.

Mr. Nolan thanked the community members for their support.

8. Presentations

a. Agricultural and Forestal Advisory Committee



Ms. Adcock and Mr. Harper provided background information on the committee and explained recent projects. Mr. Harper then showed an informational video. He added that the committee would be requesting the same budget as the previous year and the funds from the Ford Stewardship Grant.

Mr. Cox thanked the committee for its hard work. Mr. Williams emphasized the importance of farming agriculture and thanked the committee for making it a focus of Powhatan County.

9. 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.

[Amity Pickeral, 6116 Autumn Bluff Road](#), objected to any increase in taxes on the citizens of Powhatan. She urged the Board to limit spending rather than increase taxes. She highlighted several objections, including the replacement of equipment, the addition of full-time staff, etc. She also urged the Board to approve the Clerk of the Circuit Court's Chief Deputy's raise.

[Stephen Barham, 3492 Richard's Run](#), urged the Board to keep the tax rate neutral.

[Robert Hatcher, 3617 Trenholm Road](#), pointed out the changes to the general fund capital maintenance reserve since the election of the current Board. He suggested that the Board revisit the capital reserve maintenance fund policy and create a limit.

[Stephanie Sellers, 4130 Three Bridge Road](#), expressed support for a neutral tax rate and asked the Board to consider taking measures to slow the development of solar farms in the county.



[Kip Williams, president of the Hollymead Homeowners Association](#), expressed support for a neutral tax rate.

[Michelle Stennett, 2889 Cruise Lane](#), urged the Board to consider the citizens of Powhatan County when deciding the tax rate.

[Kathy White, 1525 Midpoint Drive](#), asked the Board to take the citizens of Powhatan into consideration when deciding the tax rate.

Chairman Byerly closed the public comment period.

10. Consent Agenda

- a. **Minutes February 27th, 2023 Regular Meeting**
- b. **Minutes March 6th, 2023 Budget Workshop**
- c. **Resolution R-2023-07 Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating \$224,819.38 in Grants Fund**
- d. **Resolution R-2023-10 Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Transferring \$58,000 from Contingency for Compensation and Classification Study**

Mr. Cox motioned to **approve** the consent agenda as amended.

Ms. Carmack seconded the motion.

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

VOTE 5-0

MOTION PASSED



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

a. One appointment/reappointment to the Anti-Litter Council

Mr. Schardein stated that there is one application from Ms. Sally Taylor.

Chairman Byerly motioned to **appoint** Ms. Taylor to the Anti-Litter Council.

Ms. Carmack seconded the motion.

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

VOTE 5-0

MOTION PASSED

12. New Business

a. Minutes February 23rd, 2023 Budget Workshop

Mr. Cox noted that the information on the utility rates schedule study does not reflect the two major problems that were found. He asked that the minutes be revised to include the number of new customers versus the narrative and the debt service.

b. Resolution R-2023-09 Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating \$74,753.09 in State Asset Forfeiture Fund

Mr. Cox stated that he would like to know where the money is going. Mr. Schardein explained that no decisions had been made on how the funds will be spent. Mr. Cox asked if there are any requirements for the County, and Mr. Schardein explained that the funds must be used to address opioid addiction or related symptoms.



c. Resolution R-2023-08 Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating (\$1,013,239.00) in Capital Projects Fund, General Fund, and Utilities Capital Projects Fund

Mr. Schardein gave a brief overview. Ms. Schubert listed the funds that she planned to appropriate or inappropriate.

Mr. Williams asked why Powhatan High School used funds from its operating budget for its improvements rather than the capital maintenance reserve fund. Ms. Schubert said she would ask the School Board's finance director.

Ms. Carmack motioned to **approve** Resolution R-2023-08.

Mr. Cox seconded the motion.

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

VOTE 5-0

MOTION PASSED

d. Resolution R-2023-14 (Case #23-10-PR): A Resolution Permitting Use of a Private Road to Serve up to Four (4) Lots on Tax Map Parcel #30-2D, 30-2E, 30-2F

Mr. Nuckols gave a brief overview. He recommended approval with the note that the minimum width requirement for the improved section must be fourteen feet. The applicant's representative clarified that the gravel would be fourteen feet until the end



of the easement and then decrease to ten feet. He noted that this is the normal driveway standard.

Ms. Carmack motioned to **approve** Resolution R-2023-14.

Mr. Williams seconded the motion.

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

VOTE 5-0

MOTION PASSED

13. Public Hearings

- a. O-2023-02 23-01-AZ: The County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article VI (Village Growth Area Districts) Sec. 83-241 Permitted uses of Commerce Center (CC) and Sec. 83-242 Conditional uses of Commerce Center (CC) to amend the by right principal uses and conditional uses to include some Light Industrial (I-1) uses. This will allow applicants to pursue some Light Industrial (I-1) uses within the Commerce Center (CC) zoning district.**

Mr. Schardein and Ms. Rozmus gave a brief overview. Mr. Schardein noted that staff is recommending deferral.

Chairman Byerly opened the public comment period.

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

Mr. Cox stated that a few light industrial uses need to be added. He noted that the uses for commerce center are supposed to reflect gateway business. He suggested that the



County conduct a thoughtful and systematic review of the uses. He listed several uses that should be considered for revision, including woodworking and data centers. Ms. Carmack pointed out the inconsistency between conditional uses and permitted uses. Chairman Byerly asked why greenhouse nursery and horticulture products are listed if they are already NCC, and Ms. Rozmus explained that it may have been an oversight. Mr. Cox added that the County could add certain uses and remove others. He noted that the zoning district already exists, meaning that any added uses will impact other businesses already zoned commerce center. He also listed the potential benefits of revising the uses.

Mr. Cox motioned to **defer** Ordinance O-2023-02 until the regular meeting in April.

Ms. Carmack seconded the motion.

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

VOTE 5-0

MOTION PASSED

- b. O-2023-03 23-02-AZ: The County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article VI (Village Growth Area Districts) Sec. 83-236 Permitted uses of Courthouse Square Center and Sec. 83- 238 Accessory uses of Courthouse Square Center to add Other Retail Sales Establishment to the permitted uses and accessory uses of the CHSC zoning district. This will also allow for Other Retail Sales Establishment to be a**



permitted principal use and a permitted accessory use to an allowable principal use in the CHSC district.

Mr. Schardein and Ms. Rozmus 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 pointed out that there is nothing that says retail in the area, and he believes the ordinance is a nice solution to that problem.

Ms. Carmack expressed concerns about the on-street parking. Mr. Schardein explained that the verbiage used is more specifically geared toward new buildings that do not already have existing parking in the front. Mr. Lacheney added that this would not affect existing public on-street parking. Mr. Cox asked if there are parking standards regarding the number of spaces, and Ms. Rozmus confirmed that there are. Mr.

Williams agreed that spaces with existing parking should be allowed to continue to use those spaces. Mr. Nuckols explained that public on-street parking is usually present in some fashion in an urban environment. He added that side or rear parking is generally required in order to bring the building up to the street. He also mentioned that he believes that any existing parking should be grandfathered into the following businesses. Mr. Williams asked if there needs to be a distinction between what is grandfathered in and what the County wants to see moving forward. Mr. Lacheney clarified that parking requirements are exempt from the Courthouse district and suggested that the Board strike side and rear parking requirements. Chairman Byerly pointed out that limiting parking in an area with existing parking issues is not the best



route. Mr. Williams mentioned that he could not think of many parcels where this situation would come into play.

Mr. Lacheney clarified that the County owns the front porch and the road.

Mr. Cox motioned to **amend** his motion to eliminate the removal of number two: parking shall be located to the side or rear of primary buildings.

Mr. Williams seconded the motion.

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

VOTE 5-0

MOTION PASSED

Mr. Cox motioned to **approve** Ordinance O-2023-03 as amended

Mr. Williams seconded the motion.

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

VOTE 5-0

MOTION PASSED

c. Resolution R-2023-13 Fixing the Calendar Year 2023 Real Estate Tax Rate

Mr. Schardein gave a brief overview. He explained that the current tax rate is 79 cents, the advertised tax is 77 cents, and the equalized tax rate is 67 cents.

Chairman Byerly opened the public comment period.



[Debbie Weir, 1501 Page Road](#), urged the Board to consider an additional reduction in the real estate rate and personal property rates in addition to cutting the school's budget.

[Stephen Barham, 3492 Richard's Run](#), asked the Board to have a revenue-neutral rate. He agreed that personal property tax should be cut, and he suggested that the Board lower the County sales food tax.

Mr. Cox requested that the public comment remain open for citizens to comment at the April 3rd meeting. The rest of the Board agreed.

[Michelle Stennett, 2889 Cruise Lane](#), encouraged the Board to have a revenue-neutral rate. She urged the Board to revisit the proposed projects in the following year.

[Mike Oliver, 4372 Three Bridge Road](#), asked the Board not to make an emotional or politically expedient decision about the tax rate. He stated that the County should come up with a reasonably compromised tax rate.

14. 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.

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

15. County Attorney Comments

None.

16. County Administrator Comments

None.

17. Board Comments

None.

POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 27th, 2023



18. Adjournment

Chairman Byerly adjourned the meeting at approximately 8:07 PM.

**Bret Schardein, County Administrator
Powhatan County Board of Supervisors**

**Michael Byerly, Chairman
Powhatan County Board of Supervisors**

Recorded Vote:

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

**Bret Schardein, County Administrator
Powhatan County Board of Supervisors**