

*POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
June 26th, 2023*



AT AN 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 26TH, 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, County Administrator
Tom Lacheney, County Attorney
Will Hagy, Deputy County Administrator
Charla Schubert, Director of Finance
Mike Ciriello, Planning Director
John Wood, Director of IT/GIS
Tom Nolan, Director of Public Safety and
Communications

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

Guests Present: Connie Moslow, Free Clinic of Powhatan
Kyle Laux, Davenport and Company
Carl Brown, Great Rates

1. Call to Order

Chairman Byerly called the meeting to order.

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

Chairman Byerly requested to remove item 12b from the agenda. He explained that he did not have an update on the convenience center.

Chairman Byerly assured that if impending weather caused a power outage, the Board would wait for the audio and video connection to restart.

5. Formal Approval of Agenda

Ms. Carmack 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

Mr. Schardein introduced the new Planning Director, Mr. Ciriello.

7. Proclamations

A. P-2023-06 Proclamation Recognizing Connie Moslow

Ms. Carmack read the proclamation honoring Ms. Moslow for her outstanding service.

Ms. Carmack gave a brief overview of Ms. Moslow's history and contributions to the community.

8. Presentations

A. Davenport Financial Update & Capital Planning Analysis

Mr. Schardein gave a quick overview. Mr. Laux, a Davenport & Company LLC representative, presented the financial update and capital planning analysis. His



presentation began with goals and objectives. Mr. Williams mentioned that the County would revisit the 10-year CIP in October.

Mr. Laux moved on to the credit rating history. He stated that the County has a strong credit rating. Mr. Williams asked Mr. Laux to explain why the County's credit rating is important. Mr. Laux said that the County's credit rating could impact the amount of interest it is charged by the bank.

Mr. Laux moved on to rating agency criteria and commentary. Mr. Williams asked Mr. Laux to explain how rating agencies look at what is in the reserves. Mr. Laux said that fund balance is used in local governments to measure their accounting or net assets, but it is also important to discuss other dollars that are in reserve. Mr. Williams mentioned the rainy fund, which would be counted in the overall reserves.

Mr. Laux moved on to rating agency methodology and S&P commentary. He then went over key observations. Mr. Williams asked if the County was growing, and Mr. Laux confirmed it was increasing according to assessed values and revenues.

Mr. Laux moved on to the peer comparatives and historical operating performance (general fund). He then reviewed the unassigned fund balance trend, capital fund balance trend, and peer comparatives. Mr. Williams asked if the 10-point difference between Powhatan County and the median is because other counties are allocating a larger percentage to their unassigned fund balance. Mr. Laux said that the County could increase its policy. Ms. Carmack asked if an increase in the policy rate was the most effective use of taxpayer money. Mr. Laux suggested that the Board add layers to their unassigned fund balance to have flexibility without touching the initial 15%. Mr. Laux continued going over peer comparatives. He then moved on to the assessed value of



taxable property, historical real estate tax rates, and a tax rate comparative in the Richmond region. Afterward, he presented the debt profile (as of 06/30/2023). He explained that the County operates much like a fixed-rate mortgage. Mr. Williams asked Mr. Laux to explain why a paid ratio of 80% is good. Mr. Laux said that the higher the ratio, the quicker the County pays the principal component of the debt.

Mr. Laux moved on to a peer comparative of debt service vs. expenditures. He noted that the County is in line with other localities compared to the current policy, which is 12%-15%. Mr. Williams mentioned that the County needs to formalize its policy. Mr. Laux moved on to a peer comparative of debt vs. assessed value. He then gave an overview of the presentation. Mr. Cox pointed out that the capital budget was based on a 77-cent tax rate, but the County is now at a 69-cent tax rate. He noted that this has an impact on the capital budget. Mr. Laux gave an overview of the sources of funds in the 10-year CIP. He then moved on to the interest rate environment and said that they have increased in 2022 but remain at favorable levels.

Mr. Laux then moved on to reinvestment rate trends. He said short-term rates have increased to levels last seen over a decade ago. He then moved on to a capital funding analysis. He went over a summary of scenarios & estimated results. Mr. Cox pointed out that the CVTA fund is a special reserve account that can only be spent on qualifying projects. Mr. Laux explained that the CVTA revenue had been lined up with the CIP, meaning the two would offset each other. Mr. Cox asked if there needed to be revenue growth, and Mr. Laux explained that the required increase could come from natural growth. Chairman Byerly pointed out that economic activity and revenue will change over time. Mr. Laux said that all measurements are meant to be conservative and used as



a base measurement. Mr. Williams agreed there was no way to predict the tax rates moving forward. He pointed out that there have been times when the tax assessments have decreased. He also thanked Mr. Laux for providing a standard metric for the Board.

Mr. Laux moved on to the next steps and concluded his presentation.

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.

[Rhonda Harris, a resident of Powhatan County](#), urged the Board to restore the Fair Association's property to a growth district. She also expressed several concerns about the Planning Commission. She noted that a cultural center is not permitted use under A-10 and asked that the property be rezoned to a commerce center.

[Tammy Seay](#), expressed concerns about the Powhatan County Public Schools refusal to help her get additional educational testing for her son. She explained that he has since been evaluated independently and diagnosed with autism. As a result, she said she felt that her child was not given access to necessary educational support.

[Kathy Halvorsen](#), expressed severe concerns about Powhatan County Public Schools' behavior towards her and her son. She pointed out that her son has been out of school since 2021 and has severe regression. She also said that no one would respond to her emails or calls. She asked for someone to send her son to school.

[Kandise Lucas, a member of Advocates for Justice](#), said that the Board of Supervisors is the ultimate steward of the resources that impact the County's children. She urged the County to be strategic and mindful of its youth.



[Sandy Hardy, 2690 Academy Road](#), asked the Board to allow her family to subdivide their property to create a lot for their son to live on and take care of his father.

Chairman Byerly closed the public comment period.

10. Consent Agenda

- A. R-2023-24 Authorizing the County Administrator to sign a proposal from eTEC Mechanical Corporation for Installation of new RTU HVAC Units on the Village Building and related structural enhancements**
- B. R-2023-25 Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating \$171,385.30 in Grants Fund**
- C. R-2023-26 Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating \$22,820.00 in General and Capital Projects Funds**
- D. Minutes May 1st, 2023, Special Meeting**
- E. Minutes May 17th, 2023, Emergency Meeting**
- F. Minutes, May 22nd, 2023, Regular Meeting**
- G. R-2023-27 Maple Lake Road Dedication**
- H. Raymen Tax Abatement**

Mr. Williams motioned to **approve** the consent agenda as presented.

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. Economic Development Authority (“EDA”) – Two Appointments

Mr. Schardein stated that the existing members, Mr. Benusa and Mr. Holland, have submitted reapplications. He noted that they were the only applicants.

Chairman Byerly motioned to **reappoint** Mr. Benusa to the EDA from July 1st, 2023, to July 1st, 2027.

Mr. Williams seconded the motion.

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

VOTE 5-0

MOTION PASSED

Mr. Williams motioned to **reappoint** Mr. Holland to the EDA from July 1st, 2023, to July 1st, 2027.

Chairman Byerly seconded the motion.

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

VOTE 5-0

MOTION PASSED

12. Old Business

A. Water and Sewer Rates Study (deferred from February 23rd, 2023)

Mr. Schardein gave a brief overview. Chairman Byerly requested that the study’s proposals be added to the public hearing at a later meeting. Mr. Cox expressed concerns about the study and said that he was not prepared to hold a public hearing. Mr. Williams



agreed that the Board needed more discussion before holding a public hearing. Chairman Byerly agreed with Mr. Williams and Mr. Cox. Mr. Schardein agreed to schedule a workshop to discuss the study.

13. New Business

A. Meat Processing Zoning Text Amendment (requested by Supervisor Carmack)

Mr. Schardein gave a brief overview. Mr. Cox suggested that Goochland County may have useful information about these facilities. He expressed concerns about making the zoning "by-right." Ms. Carmack agreed with Mr. Cox's concerns. The Board decided to have staff create a code amendment that the Planning Commission would initiate.

14. Public Hearings

A. O-2023-06 ratification of Emergency Ordinance O-2023-06 Extension of Tax Due Date

Mr. Schardein gave a brief overview.

Chairman Byerly opened the public comment period.

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

Mr. Williams motioned to **approve** Case O-2023-06.

Mr. McClung seconded the motion.

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

VOTE 5-0

MOTION PASSED



B. O-2023-07 (Case # 23-05-REZ): Jesse (District #2: Powhatan Station/Graceland)

requests a rezoning of the parcel located at TM #41A-1-B-6 from Residential Utility (R-U) to Commerce Center (CC). The parcel is located approximately 0.83 miles west of the intersection between Anderson Highway (Rt. 60) and Stavemill Road. If approved, the applicant intends to use the existing structure on the property as an office building.

Mr. Schardein gave a brief overview. He noted that the applicant is not planning to increase traffic in and out of the property.

Chairman Byerly opened the public comment period.

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

Mr. Cox asked why there was no proffered conceptual plan, and Mr. Schardein explained that the applicant does not plan to make any significant expansions and alterations. Mr. Cox clarified that there is a proffer limiting the increase in transportation. Mr. Cox said that he normally prefers to see a proffered conceptual plan. Ms. Carmack suggested that the Board require new businesses in the water district to connect to water and sewer regardless of if they have a site plan. Mr. Cox mentioned that the utility department does not require a site plan at the time a rezoning is approved. Mr. Williams stated that he thought the County's ordinances made it mandatory for new businesses to hook up to water and sewer. He expressed concerns about the Board needing a site plan before being able to require a business to hook up to water and sewer. Mr. Lacheney suggested that the Board amend the ordinance. He also pointed out that the Board could request the applicant proffer a site plan. Mr. Williams stated that the Board needed to find a way to require new businesses in the water district to connect to water and sewer. One of the



applicants, Mr. Jessie, explained that the cost of connecting to water and sewer is very high for a small business such as themselves. He added that they do not plan to change their business or property drastically.

Mr. McClung motioned to **defer** Case O-2023-07 until July 24th, 2023.

Mr. Williams seconded the motion.

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

VOTE 5-0

MOTION PASSED

15. 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.

[Abel Harris, Three Bridge Road](#), expressed concerns about the Planning Commission and rezoning process.

[Stephen Barham, 3492 Richard's Run](#), expressed concerns about water and sewer regulations. He explained that his landlord, who has never had a violation, received a fine of about \$800.00 with no explanation.

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

16. County Attorney Comments

None.

17. County Administrator Comments

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Mr. Schardein announced that the County recently installed AEDs in several County Parks and Rec facilities.

18. Board Comments

None.

19. Adjournment

Chairman Byerly adjourned the meeting at approximately 8:50 PM.

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

**Mike W. 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**