



**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 JULY 24<sup>TH</sup>, 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, Finance Director  
Mike Ciriello, Planning Director  
Johnny Melis, Utilities Director  
Phil Warner, Fire and Rescue Chief  
Melissa Lowe, Human Resources Manager

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

**Guests Present:** Rebecca Worley and Rob Alexander, VDOT

---

**1. Call to Order**

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

**2. Pledge of Allegiance**

Ms. Carmack 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**

Mr. Cox motioned to **remove** item 11b from old business and move it to a workshop.

Mr. McClung seconded the motion.

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

**VOTE 5-0**

**MOTION PASSED**

**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 noted that the August and September County meetings would be held in the Powhatan Landmark Building due to roof and HVAC repairs.

**7. Presentations**

**a. VDOT 288 Hard Shoulder**

Rebecca Worley and Rob Alexander gave a presentation, which included a project schedule, project area map, diagrams, benefits, supportive technology, the traffic operations center, modes of operation, stakeholder meetings, and stakeholder input.



Mr. Williams asked when the project was projected to be completed. A representative explained that construction should begin in 2026, meaning it should be completed in 2028. Mr. Williams said that the idea of being able to move northbound traffic during peak hours is very exciting. Mr. McClung asked what would keep drivers from using the travel lane when it is closed, and Mr. Alexander said that Virginia State Police would enforce the code. Chairman Byerly spoke in support of the project.

**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.

Candace Lucas stated that special education within the County is being mismanaged, misallocated, and misused by the school division. She expressed concern about the fact that Chairman Byerly said the matter would be more appropriate to mention at a School Board meeting. She reminded the Board of Virginia code requires the school division to be accountable regarding their use of funding.

Stephen Barham, 3492 Richard's Run, spoke about Case # 23-05-REZ. He expressed concerns about traffic safety and explained that most people are going through the light at a speed of 55-60 MPH. He added that large vehicles will have to swing into the left lane to make the turn.

Kathy Halverson expressed severe concern about the fact that her son, Alexander Halverson, has been out of school since November 10<sup>th</sup>, 2021. Chairman Byerly said the issue is not germane to County business and should be discussed at the next School Board meeting. Chairman Byerly closed the public comment period.



## 9. Consent Agenda

a. **Resolution R-2023-28** Amending the Fiscal Year 2024 Powhatan County 18 Operating Budget by Budgeting and Transferring \$0.00 in Capital Projects Fund

b. **Resolution R-2023-29** Amending the Fiscal Year 2024 Powhatan County 21 Operating Budget by Budgeting and Appropriating \$85,000 in Capital Projects Fund for DMV

Select

Ms. Carmack motioned 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. TPO/CVTA/TAC

Ms. Cox motioned to **appoint** the Planning Director, Mr. Mike Ciriello, as the primary staff member and Mr. Schardein as the alternate.

Ms. Carmack seconded the motion.

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

**VOTE 5-0**

**MOTION PASSED**

### b. Library Board



Mr. Schardein stated that the appointments are for districts one, two, and five.

Ms. Carmack motioned to **appoint** Jerry Venable as the District 5 representative on the Library Board. Mr. Cox motioned to **appoint** Susan Ash as the District 4 representative on the Library Board. Mr. Williams motioned to **appoint** Catherine Harrison as the District 1 representative on the Library Board.

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

**VOTE 5-0**

**MOTION PASSED**

**c. Powhatan Community Policy and Management Team (“CPMT”) – One Parent  
Representative appointment**

Mr. Schardein stated that CPMT recommended the reappointment of Kathy James.

Ms. Carmack motioned to **reappoint** Ms. Kathy James as the parent representative on the CPMT.

Mr. McClung seconded the motion.

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

**VOTE 5-0**

**MOTION PASSED**



Mr. Williams asked the Board to remind the public that applications should not be accepted during the Board of Supervisors meetings. Instead, he said that the Board should have the opportunity to contact applicants and discuss their projects.

## 11. Old Business

### a. Convenience Center Update (requested by Chairman Byerly)

Mr. Schardein gave a brief overview.

Chairman Byerly explained that the previous Board had agreed to build an Eastern convenience center to alleviate some of the traffic and congestion at the existing center. He provided a detailed timeline of the project's progress and expressed concerns about project delays and costs. He added that he was concerned about rezoning the property.

Mr. Lacheney clarified that the Board could not agree to rezone the properties as part of a contract because they must consider public necessity and public welfare.

Chairman Byerly motioned to **terminate** the PPEA agreement process.

Ms. Carmack seconded the motion.

Ms. Carmack agreed with Chairman Byerly's concerns. She added that there is not enough information or work being done by the PPEA partner to justify a multi-million-dollar deal. She said that the Board needs to know the price of a project before agreeing to the project. Mr. Cox echoed these concerns and asked that the Board defer the motion for a workshop to discuss other options. Mr. McClung and Mr. Williams agreed with Mr. Cox's suggestion. Mr. Williams asked Mr. Schardein for his opinion, and Mr. Schardein said that he feels the Board should allow the applicant to explain their proposal. Mr. Williams suggested that the Board gather as much information as possible in the next



couple of weeks before deciding. Mr. Cox said the Board needs hard numbers before it can make any concrete decisions.

Chairman Byerly motioned to **terminate** the PPEA agreement process effective immediately.

Ms. Carmack seconded the motion.

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

### **VOTE 3-2**

### **MOTION DENIED**

The Board agreed to hold a workshop on August 15<sup>th</sup>, 2023 at 3:00 PM.

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

**\*DEFERRED TO WORKSHOP AT A LATER DATE**

- c. O-2023-07 (Case # 23-05-REZ): Jesse (District #2: Powhatan Station/Graceland) 153 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 (deferred from June 26th, 2023)**

Mr. Ciriello gave a brief overview. Mr. McClung asked about the water and sewer hookup, and Mr. Ciriello explained that it is not required at this time. He clarified that if the septic system were to fail, the owner would then be required to hook up to the water and sewer system. Mr. Williams pointed out that this water and sewer hookup would



require a connection to run underneath Route 60, which is not practical from a legal or practical standpoint. He asked under which conditions the Board would require owners to hook up later and pointed out that the Board had never discussed this. Mr. McClung explained that it is not feasible to run a water and sewer connection under Route 60 if the applicant has a working septic system. He suggested that the Board hold a workshop to discuss the conditions for water and sewer moving forward. Ms. Carmack asked why the property could not use the water and sewer connection used for the Starbucks, and Mr. Ciriello explained that the connection does not have the capacity for two properties. Mr. Mellis added that it would require easements from three properties and a public pump station. Mr. Williams requested that Mr. Mellis prepare recommendations for how the Board can proceed. Chairman Byerly asked about the cost of a public pump station, and Mr. Mellis said it would cost about 7-8 hundred thousand dollars. Chairman Byerly expressed the importance of increasing the amount of water and sewer hookups. He asked the applicant about the number of vehicles the company has, and the applicant said there are five company trucks and four company trailers. The applicant added that the 24-foot trailers are rarely at the office. Chairman Byerly asked about the number of employees that are typically on the property, and Mr. Jessie said there are usually no employees on the property. Mr. Williams asked if VDOT requires a turn lane at the location, and Ms. Worley said that the site does not meet turn lane requirements, but there will be a low-volume commercial entrance.

Mr. McClung motioned to **approve** O-2023-07.

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. Leave Payout claim pursuant to Va. Code §15.2-1243**

Ms. Schardein gave a brief overview.

Mr. Cox motioned to **deny** the leave payout claim.

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-2023-08 23-07-REZ: Kwon (District 1: Subletts/Manakin/Flat Rock) requests a rezoning of the parcel located at TM #41-12C from Agricultural 10 (A-10) to Commerce Center (CC) and amendment of the zoning district map of approximately 3.66 acres located on the westbound side of Anderson Highway approximately 1.15 miles west of Jude's Ferry Road. If approved, the applicant intends to use the parcel for an automotive repair and servicing business. The 2021 Comprehensive Plan designates the subject properties as Gateway Business on the Countywide Land Use Map.**

Mr. Ciriello gave a brief overview.



Chairman Byerly gave a brief overview.

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

Mr. Williams asked if staff had approved of the applicant's estimate of less than fifteen daily trips to and from the property, and Mr. Ciriella said they were. Mr. Williams expressed concerns about the number of trips being made per day. He added that the parking lot on the site plan has more than 75 spaces. A representative clarified that the applicant's goal is to grow over time. He added that the ITT study did fall within VDOT's right-lane requirement. Mr. Williams said he was under the impression that the applicant would create a shared entrance off of Route 60. Ms. Worley said the property would require an access management exception and shared easement. Mr. Williams clarified that a right-turn lane would be proffered. Mr. Ciriello asked if creating an access easement agreement would be wise. Mr. Williams asked about the best way to ensure public safety and good access management moving forward. Mr. Lacheney said the Board should craft a proffer for the applicant to review. Mr. Ciriello clarified that there are about 400-500 feet in between the two driveways.

Mr. Williams motioned to **defer** Case 23-07-REZ to the next regularly scheduled Board meeting.

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-2023-09 23-06-REZ: Avery (District 5: Smiths Crossroads/Pineville/Tobaccoville)**

requests an amendment of the proffer statement for three parcels designated TM #23-48, #23-50F, and part of #24-9F, located on the south side of Anderson Highway approximately 0.59 miles west of the intersection of Old Tavern Road and Anderson Highway. The subject parcels together equal 171.86 acres. The applicant is seeking to reduce the cash proffer from \$17,186 (adjusted upward by increases in the Consumer Price Index) to \$12,462 (Case 07-4- REZ) with no upward increase in the Consumer Price Index. The subject parcels are zoned Rural Residential-5 (RR-5).

Mr. Ciriello gave a brief overview.

Chairman Byerly opened the public comment period.

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

The applicant, Mr. Avery, said he would happily answer any questions the Board may have.

Mr. Cox asked if split zoning was permitted, and Mr. Lacheney said it was not. Mr. Cox asked if this would affect the rezoning, and Mr. Lacheney explained that it would not because the applicant only requested a proffer amendment. Mr. Cox suggested that the applicant switch to a conservation subdivision. Mr. Lacheney said it is not typical for the cash payment to be returned to the payer in full if it is not used. Mr. Cox noted that the Comprehensive Plan does not support this type of development. Mr. Schardein pointed out that once the homes are built, the property will become two parcels and no longer be split-zoned.



Ms. Carmack motioned to **approve** Case 23-06-REZ as amended to strike out number two.

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

**VOTE 3-2**

**MOTION PASSED**

- c. **DEFERRED:** O-2023-10 23-04-REZ: Powhatan Fair (District 3: Bethesda/Lee's Landing) requests a rezoning of the parcels located at TM #26-112A and #26B1-1-20 from Agricultural 10 (A-10) to Commerce Center (CC) and amendment of the zoning district map of approximately 19.137 acres located on the westbound side of Anderson Highway approximately 0.64 miles east of Emmanuel Church Road. If approved, the applicant intends to use the property for outdoor recreational use, such as motorsports, an event venue, and a farmer's market. The applicant intends to renovate the existing structures on the property and create an outdoor courtyard. The 2021 Comprehensive Plan designates the subject properties as Gateway Business on the Countywide Land Use Map.

**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.

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

**15. County Attorney Comments**



None.

#### **16. County Administrator Comments**

Mr. Schardein reminded the public that the August and September meetings would be held in the Landmark Center.

#### **17. Board Comments**

Mr. Cox mentioned an excellent article about Powhatan County.

Mr. McClung said he is signed up to tell his Powhatan story at the next Community Matters event.

Chairman Byerly stated that the estimated fund balance as of June 30<sup>th</sup>, 2023, is \$25,788,465.00, and the estimated maintenance reserve fund is \$9,763,932.00.

#### **18. Closed Session**

Mr. Lacheney led the Board into a closed session.

Ms. Carmack **motioned** to enter into a closed session.

Mr. Cox seconded the motion.

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

**VOTE 5-0**

**MOTION PASSED**

Mr. Lacheney led the Board out of the closed session.

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

**VOTE 5-0**



**MOTION PASSED**

**19. Adjournment**

Chairman Byerly adjourned the meeting at approximately 8:47 PM.

---

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

---

**Michael 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>

MOTION: Karin M. Carmack

Monday, July 24, 2023  
Regular Meeting

SECOND: William L. Cox

RE: AUTHORIZE CLOSED MEETING

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

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning a property on Huguenot Trail and Hancock Road.

WHEREAS, pursuant to: §2.2-3711 (A)(7) 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 aforesated matters in Closed Meeting.

Votes:

Ayes: 5

Nays: 0

Absent from Vote:

Absent from Meeting:

For Information:

CERTIFIED COPY  
Clerk to the Board



To the best of your knowledge, 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?

ROLL CALL