

*POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
August 28th, 2023*



**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE
POCAHONTAS LANDMARK CENTER AT 4290 ANDERSON HIGHWAY IN
POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON
August 28th, 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
Mike Ciriello, Planning Director
Melissa Lowe, Human Resources Director
John Wood, IT/GIS Director
Jeff Searfoss, Chief Deputy Sheriff
Taylor, Goodman, Fire and Rescue Deputy Chief
Doug Flynn, Chief Deputy Assessor
Karen Alexander, Director of Elections

Constitutional Officers Present: Jamie Timberlake, Commissioner of the Revenue

Guests Present: None

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. Cox led the invocation.



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

Mr. Cox said he wanted to be transparent when discussing the compensation of constitutional officers. He suggested that the Board have a discussion in open session at another time. Ms. Carmack agreed with Mr. Cox. She proposed that the discussion be moved to new business. Mr. Cox pointed out that the public is not there, and the Board needs information about the other constitutional officers. Mr. McClung clarified that he requested a closed session because all previous changes to the compensation of constitutional officers had been made in closed session. Mr. Williams said that the public needs to be notified in advance if the Board decides to have a discussion.

Mr. Cox motioned to **remove** the closed session discussion of constitutional officer from the agenda and schedule it for a work session.

Mr. Williams seconded the motion.

Ms. Carmack amended Mr. Cox's motion to **hold** a discussion tonight about whether to have a work session.

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 amended Mr. Cox's motion to **remove** the discussion from the agenda and veto further discussion.



Mr. Cox seconded the motion.

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

McClung voted NAY.

VOTE 3-2

MOTION DENIED

The Board moved the discussion about whether to hold a work session regarding the compensation of constitutional officers to item 11c under new business.

5. Formal Approval of Agenda

Mr. Cox motioned to **approve** the 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

6. County Administrator Updates

Mr. Schardein said that Fighting Creek Park Bridge has been closed for repairs that will begin next week and are predicted to be complete by October 1st, 2023. He mentioned that Firefly Broadband will join the Board in October to give a full update on their progress. He also said the County is working with the State of Virginia to acquire land around the Beaumont property for the Hope House 2 Domestic Shelter. He added that surveying is underway. He also announced that the 2023 First Responders Run will be held on September 8th at 11:45 AM. The First Responders Day celebration will be held on September 9th from 9:00 AM-6:00 PM.

7. Presentations



a. Real Estate Assessments Quarterly Update

Mr. Schardein gave a brief overview. He introduced Mr. Flynn (Chief Assessor) and Mr. Timberlake (Commissioner of Revenue), who gave an update. Mr. Timberlake said that their office is now fully staffed, and two employees have passed their first two certifications. He said their office is fully caught up on all backlog, including building permits and new construction. He added that most of it has been billed, supplemented, and collected already. He then stated that their office is on schedule to have reassessment complete by mid-to-late October.

Mr. Flynn gave a presentation, which included building permits worked in the field, deeds of partition and conveyance processed per month, 2023 residential sales, a comparison of current progress to the previous year, median single-family sales prices, commercial market rates, commercial properties under contract, commercial active listings, commercial sales, Federal Reserve Funds rate, the 15 and 30-year fixed rate mortgage, emerging trends, and future strategies.

Chairman Byerly asked about house affordability, and Mr. Flynn said that it is the lowest it's been since 1984. Mr. Cox asked about personal property, and Mr. Timberlake said they have just finished the month of May and will begin working on June this week. Mr. Cox noted that Mr. Timberlake's team has made significant progress on the backlog since the first quarter. Mr. Cox asked if the staff was using Keystone for real estate, and Mr. Timberlake said they were not.

- 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.

[Jamie Timberlake, 1415 Schroeder Road](#), pointed out that the Board may have confused the public. He explained that the only reason constitutional salary was listed as a closed session was because the past ten constitutional salary discussions have been handled. He also mentioned that he has been waiting for the Board to discuss the topic since 2020, when he emailed each Board member about it. He also expressed concern about the insinuation that the Constitutional Officers tried to do something without talking to the public.

Chairman Byerly closed the public comment period.

9. Consent Agenda

- a. Minutes June 26th, 2023, Regular Meeting
- b. E. Driver tax abatement
- c. J. Stanley tax abatement
- d. Southeast Service Corporation tax abatement
- e. Yard Works tax abatement
- f. Toyota Lease Company tax abatement

Ms. Carmack motioned to approve the consent agenda.

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

VOTE 5-0

MOTION PASSED



10. Old Business

- a. (Deferred from July 24th, 2023) O-2023-08 23-07-REZ: Kwon (District 1: 20 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. Schardein gave a brief overview.

Mr. Ciriello provided an update. He stated that proffer number three has been updated to include the following:

- The development will include stubouts for future vehicular connections to adjacent property lines, as shown.
- Public access will be granted by a recorded easement.

He added that a fourth proffer now says:

- The development will include a right-turn lane off Route 60 with a VDOT minimum 100x100 ft taper in storage dimensions.
- The right-turn lane will tie into the existing Western turn lane.

Mr. Ciriello stated that these plans will be reviewed by VDOT and Powhatan County staff for final approval. He noted that the applicant has agreed to their proffers.



Mr. Cox said that the Ordinance the Board is supposed to be voting on does not reflect the updated proffer statement. Mr. Lacheney suggested that the Board motion to adopt the ordinance to incorporate the updated proffers. Mr. Williams said that a lack of planning can lead to unnecessary entrances, lack of landscaping, and other issues, which he saw in the Richmond and Chesterfield areas. He expressed concerns about making exceptions to VDOT minimum standards. He also emphasized the importance of considering the County's vision in the long run.

Mr. Williams motioned to **approve** Case O-2023-08 with the incorporation of the amended proffers.

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

VOTE 5-0

MOTION PASSED

11. New Business

a. Initiation of Ordinance Text Amendment to Address Landlocked Parcels

Mr. Ciriello gave a brief overview. He requested that the Board hold a workshop to address landlocked parcels and asked for their permission to start the process.

Mr. Cox asked where this workshop ranks among his priorities. Mr. Ciriello explained that he prioritizes backlogged projects based on time sensitivity and the frequency in which they come up. Mr. Lacheney noted that the County included easements in its definition of flag lots in its zoning ordinance. He added that the Board's discussion would clarify whether the County wants to allow access easements. Mr. Cox asked why the



Board needed to come up with a solution other than the addition of a private road. Mr. Lacheney explained that landowners may not be willing to give neighbors with a back parcel more than an easement.

The Board gave Mr. Ciriello permission to move forward with the project.

b. 2024 Legislative Agenda

Mr. Schardein gave a brief overview.

Mr. Cox asked how the redistricting of the senators would impact the decisions made in October. Mr. Schardein suggested that the Board meet with the future senator once they know who it will be.

Mr. Schardein said that the Board could keep the Greenridge Landfill on the legislative agenda, but they would need to meet with their legislators to develop a practical next step. Mr. Cox said it is crucial for the County to maintain its opposition against the landfill. Mr. Williams suggested that the Board defer to their representatives in a workshop to create a new strategy.

Mr. Schardein moved on to reimbursement for the Sheriff's Department social services cost. He said the Board could continue to lobby and get the reimbursement improved by the State. He then recommended that the Board remove the bills related to the costs of no-excuse absentee voting because there is little interest in the General Assembly. He then suggested the removal of increased full-time staff for Powhatan State Park because the County had met its goals. He added that the County would continue to lobby for additional funding for phases two and three of the park's master plan. He mentioned that the County will continue to monitor what is being proposed in session. He also suggested



that the Board begin working more seriously with legislators to see if they can acquire property and focus on a site for a fire safety training center. He moved on to public safety communication officer retirement. He explained that the County would be working with legislators to allow 9-1-1 public safety dispatch communication officers to be eligible for similar retirement benefits as law enforcement officers. He moved on to the new bill requiring all localities with more than 3,500 citizens to submit an annual report to DHCD indicating the status of ordinances, future plans to change policies, and plans for the construction of housing. He noted that Mr. Williams has suggested that the County propose to repeal said bill requirement.

Mr. Williams explained the issues that policies of the same nature had created in the past. He expressed concern about their tools being altered and the County losing its authority over land use.

Ms. Carmack pointed out that Delegate Ware is the patron of said bill. She said it would be hard to convince him to oppose his own bill. She also noted that Delegate Ware is conservative and has represented Powhatan well for decades. She stated that she would not be in support of a repeal. Mr. McClung said that he had spoken with Mr. Ware about the matter, and he would not be supporting a repeal.

Chairman Byerly mentioned that Chesterfield County took part in writing the bill. He added that the House vote was 97 to 1, and the Senate vote was 40 to 0. He also pointed out that the survey would take about four minutes to complete and could provide useful information to the State. He reviewed the survey questions and noted that most of the



information they requested was already public record. He said that he would not be in support of a repeal.

Mr. Cox said that the government is gathering information to tell the counties what they need to do. Ms. Carmack said she wasn't sure why this information differed from the other information the government and localities share. Mr. Williams explained that sharing information is different than being required to report information. Mr. Cox explained that he is more skeptical of the State's intentions. Chairman Byerly mentioned that Powhatan County is not the only locality facing growth struggles. He said he had no issue providing public information to the State. Mr. Cox noted that Mr. Lacheney had said the survey seemed potentially "onerous." Mr. Lacheney said he may have been incorrect, but it seemed like a lot of data to collect.

c. Compensation of Constitutional Officers

Ms. Carmack said she would feel more comfortable putting the raises into the budget cycle for the upcoming year. She noted that Constitutional Officers are not the same as County employees. Mr. Cox agreed that the topic belongs on the budget cycle. Mr. McClung pointed out that the Board told the Constitutional Officers they would look at their compensation years ago. Mr. Cox said that the purpose of the discussion was not to get involved in the proposal at this time but to decide whether it should go on a future work session. Mr. McClung explained that Mr. Timberlake's comments would help justify a future work session. Chairman Byerly gave Mr. Timberlake three minutes to speak. Mr. Timberlake said that he took Berkley's exact formulas to calculate tenure for



the Constitutional Officers. He noted that he has not been compensated for his previous experience and tenure like many other officers. He added that there is money in the budget to make these changes. Chairman Byerly clarified that he suggested that the County look at Ms. Alexander's salary, who is not a Constitutional Officer. He noted that the Comp Plan had not been reviewed since 2018 because the current Board was unaware that they had to review it annually. Mr. Cox said the Constitutional Officers were specifically excluded from the Berkley Group's study. Chairman Byerly stated that the Constitutional Officers know what their pay is when they are elected every four years. Mr. Williams pointed out that the Board was not notified of any of the changes being made by the previous County Administrator. He added that he has been working for the County for twelve years and has never received a raise. Mr. McClung said that he feels like Mr. Timberlake has been discriminated against.

Mr. McClung motions to **discuss** Mr. Timberlake's salary at the next Board meeting.

Mr. McClung's motion failed because it did not receive a second.

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.

[Frank Flannagan, Secretary of the Electoral Board](#), asked the Board to review the voting registrar's salary.

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

13. County Attorney Comments

None.



14. County Administrator Comments

None.

15. Board Comments

Mr. McClung thanked everyone who attended the Town Hall meeting last week. He said that he would be holding another one on September 20th from 7:00 to 8:00 PM.

16. Closed Meeting

Mr. Lacheny led the Board into a closed session.

Ms. Carmack motioned to go 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. Lacheny 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

17. Adjournment

Chairman Byerly adjourned the meeting at approximately 8:20 PM.

Bret Schardein, County Administrator
Powhatan County Board of Supervisors

Mike W. Byerly, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

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<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>Karin M. Carmack</i>	<i>Aye</i>