



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 25, 2022, AT 6:30 PM.

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

Board of Supervisors Absent: None

County Staff Present: Ned Smither, County Administrator
Bret Schardein, Assistant County Administrator
Tom Lacheney, County Attorney
Frank Hopkins, Planning Director

Constitutional Officers Present: Brad Nunnally, Sherriff

Guests Present: Debbie Preston, DASH Hanover
Susan Richards, DASH Hanover

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. Cox led the invocation.

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

Ms. Carmack noted that the CUP application for Firefly was withdrawn. She also requested that they move item 11c to item 19 and move item 19 to item 20.

5. Formal Approval of Agenda

Ms. Carmack made a motion to approve the agenda as amended.

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

VOTE 5-0



MOTION PASSED

6. County Administrator Updates- Certificates of Appreciation, Special Resolutions, Proclamations, and Presentations

a. DASH Presentation by Debra Preston, Hanover County

Mr. Smither announced that Ms. Preston and her team were there to share some of the specialized transportation programs offered in Hanover County. He thanked them for their time.

Ms. Susan Richards gave a presentation that included Hanover County's background, Hanover Senior Rides, the process of establishing specialized transportation, Hanover DASH, implementation, original program design, service area, program change & pandemic impact, and lessons learned. Ms. Dubinsky, the Statewide Transit Planning Manager, started a presentation that included technical assistance and demonstration project assistance. Ms. Vole continued the presentation and went over the FTA Section 5310 Program. Mr. Williams asked for clarification on the different entities that help keep specialized transportation available throughout the County. The team explained that the County works in tandem with more than one entity, including Senior Rides, a volunteer group funded by various churches, and Let's Go Services. Mr. Williams asked if BRPT had assisted with the technical assistance program. The team explained that Hanover County initially used some of its general statewide planning funds but now encourages any locality partners and transportation providers to go through the technical assistance program. Mr. Williams asked for clarification on the study conducted to find the best solution for Hanover County and how the County made the decision. The team explained that the study was done to explore the options that are available around the world. Then, Hanover's consultant provided a series of recommendations and left that information to Hanover to decide. Mr. Williams asked if Hanover County must apply for the 5310 funds annually, and the team confirmed this. He wondered if Powhatan County would be able to do the same thing if they decided it was the best option. The team confirmed that Powhatan County would be able to apply in the same process. Mr. Williams asked what GRTC's role is regarding transportation monies. The team explained that there are several models that GRTC offers, depending on the situation. Mr. McClung asked if the door-to-door program accommodates wheelchairs, and the team confirmed that.

Chairman Byerly thanked Ms. Preston and her team for their help.

7. 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.

[Ron Jenkins, Executive Director for the Virginia Loggers Association](#), explained how the logging industry had been affected by recent economic changes. He spoke in support of the Virginia Loggers Tax Exemption.

[David Palmer, the owner of a logging company in Powhatan Virginia](#), spoke in support of the Virginia Loggers Tax Exemption. He noted that Governor Northam had passed the exemption in 2020.



Donald Silberbauer, 1426. Donovan. Mill Lane, spoke on behalf of the Powhatan Citizens Alliance. He expressed several concerns about landfills in Virginia and their regulations.

Keith Buch, 2246 Forest Way, endorsed the resolution opposing the landfill. He expressed particular concern about the landfill's proximity to a private well. He also thanked Mr. Hopkins for his excellent work.

Cecil Youngblood, 2554. Ridge Road, expressed severe concern about the proposed landfill. He urged the Board of Supervisors to send a message to Cumberland in opposition to the landfill.

Betty Myers, Cartersville, Virginia, spoke on behalf of the Cumberland County Landfill Alert Group. She opposed the proposed landfill and asked for the Board's support.

Victoria Ronnau, 6430 Blenheim Road, spoke in opposition to the proposed landfill. She urged the Board to help her as well as the other Powhatan County citizens that are being impacted by Cumberland's decision. She stated that the 2,841 members of her Powhatan "In the Know" uncensored Facebook group support Chairman Byerly's resolution and mentioned the impact that the landfill can have on their water.

Frank Ronnau, 6430. Blenheim Road, urged everyone to consider Chairman Byerly's resolution. He spoke in opposition to the proposed landfill.

Stephen Barham, 3492. Richard's Run, explained that he had applied to use county property, and the County denied this request. He submitted a formal appeal and then received an email from the County Administrator, which explained that there is no appeal process. He noted several issues with this process and expressed concern about the county administration.

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

8. Consent Agenda

- a. Minutes March 22nd, 2022, Workshop Meeting
- b. Minutes May 18th, 2022, Workshop Meeting
- c. Minutes May 23rd, 2022, Regular Meeting
- d. Minutes June 3rd, 2022, Special Meeting
- e. Minutes June 27th, 2022, Regular Meeting
- f. Minutes June 27th, 2022, Staff Update Meeting
- g. Report from VDOT on July 2022 Activity
- h. Resolution R-2022-21 CVTA funds on Smart Scale

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**

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

a. One Appointment to the Powhatan Board of Zoning Appeals

Mr. Smither stated that Ms. Brandy Nixon and Mr. Steve Forrest had been nominated for the Board of Zoning Appeals.

Mr. Williams made a motion to appoint Mr. Forrest to the Board of Zoning Appeals. Ms. Carmack seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

b. Two Appointments to the Library Board of Trustees

Mr. Smither explained that there are four appointees for the Library Board of Trustees. These appointees are Ms. Betsy Mueller, Ms. Joanne Fico, Ms. Catherine Harrison, and Ms. Ann Rasmussen.

Mr. McClung made a motion to defer District Two's decision until the next meeting.

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

**VOTE 5-0
MOTION PASSED**

Chairman Byerly made a motion to appoint Ms. Joanne Fico to the Library Board of Trustees. Ms. Carmack seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

Chairman Byerly made a motion to appoint Ms. Jacqueline Anderson to the Library Board of Trustees. Ms. Carmack seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

Mr. Cox made a motion to appoint Ms. Elizabeth Miller to the Library Board of Trustees. Ms. Carmack seconded the motion.

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

**VOTE 5-0
MOTION PASSED**



c. Two Recommendations for South Creek Owner's Association

Mr. Smither explained that the Southgate Creek Owners Association would like someone to represent the County on their Board. The County is introducing Mr. Schardein and Ms. Salerno to represent the County on the South Creek Owners Association Board.

Mr. Williams made a motion to approve the appointment of Mr. Schardein and Ms. Salerno as representatives of the County to the Southgate Creek Owners Association. Mr. McClung seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

10. Old Business

a. Resolution R-2022-23 Jude's Ferry and Route 60 Smart Scale Project

Mr. Smither and Mr. Schardein gave a brief overview. Ms. Carmack suggested that the Board of Supervisor's use the \$1.3 million that was just transferred into the general fund from the revenue stabilization fund to help fund this project. Mr. Cox noted that those funds are not designated now that they have been transferred into the general fund. Chairman Byerly agreed with Mr. Cox and supported Ms. Carmack's suggestion.

Ms. Carmack made a motion to approve Resolution R-2022-23. Mr. Williams seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

11. New Business

a. Virginia Loggers Tax Exemption (Requested by Ms. Carmack)

Mr. Smither gave a brief overview. Ms. Carmack suggested that the Board of Supervisors defer this conversation to the August meeting. Mr. Williams agreed with Ms. Carmack. He suggested that they prepare a resolution as long as Mr. Smither and Mr. Timberlake are on the same page about the fiscal impact. The Board of Supervisors agreed to let Mr. Smither bring Mr. Timberlake some more information in August that will help with the decision and then advertise it for the September meeting.

b. Resolution R-2022-22, Resolution Opposing Landfill (Requested by Chairman Byerly)

Chairman Byerly made a motion to approve Resolution R-2022-22 that opposes the proposed landfill. Ms. Carmack seconded the motion.

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



**VOTE 5-0
MOTION PASSED**

12. Public Hearings

a. **Ordinance O-2022-32: Case 22-03-AFD: Adrian L. Howard Jr. & Deborah Howard** have requested that Tax Map Parcel #50-13D be added to the Appomattox River AFD. The proposed addition is approximately 100 Acres in size and will be added to the 1,160.79 Acres already incorporated into the AFD. The parcel is located along the Appomattox River and is approximately 3/4th of a mile west of Tax Map Parcel #50-27A which is included in the core of the Appomattox River AFD. Tax Map Parcel 50-13D is located about halfway down Worsham Rd. This parcel, while not abutting the Appomattox River AFD, is within the required mile of the district's core. The parcel is currently zoned Agricultural-10 (A-10) and resides in Electoral District #4: Powhatan Courthouse/Macon.

Mr. Hopkins gave a brief overview.
Chairman Byerly opened the public comment period.

[Terry Addcock, 5719 Cartersville Road](#), stated that this application meets almost every criteria for a property that the County would want in an AFD. She expressed support for this ordinance on behalf of the Appomattox River AFD Committee.

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

Mr. Williams made a motion to approve Ordinance O-2022-32. Mr. McClung seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

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](#), asked if the groups coming to speak could type an overview and submit it to the Board of Supervisors ahead of time so that their presentation does not exceed ten minutes. He added that they could also limit the discussion among each other and even respond to people during the public comment period.

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

14. County Attorney Comments

Mr. Lacheney explained that the decision to state that Mr. Barham's application was not appealable was his, not Mr. Smither's. He stated that he would be happy to explain this decision if needed.

15. County Administrator Comments



None.

16. Board Comments

None.

17. Closed Meeting

Mr. Lacheney read the following:

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

- Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning the County Administrator, Commonwealth's Attorney and Sheriff.

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning County Administrator authority.

WHEREAS, pursuant to: §2.2-3711(A)(1) and (A)(8) 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 aforestated matters in Closed Meeting.

Ms. Carmack made a motion to enter into closed session. Mr. McClung seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

18. Certification of Closed Meeting as authorized by the Code of Virginia

Mr. Lacheney brought the Board of Supervisors out of the closed session.

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

**VOTE 5-0
MOTION PASSED**

a. Board action, if necessary, resulting from Closed Meeting

Ms. Carmack made a motion to set the salary of the Powhatan County Sheriff to \$116,405.00, which includes a 5% Cost of Living Adjustment effective July 1st, 2022. Chairman Byerly seconded the motion.

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

**VOTE 5-0
MOTION PASSED**



Ms. Carmack made a motion to grant the Treasurer, Commissioner of Revenue, Clerk of the Court, and Commonwealth's Attorney a 5% Cost of Living Adjustment increase effective July 1st, 2022. Chairman Byerly seconded the motion.

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

VOTE 5-0
MOTION PASSED

Ms. Carmack made a motion to set the salary of the Commonwealth Attorney taking office on August 12th to the same salary currently paid to the Commonwealth Attorney. Chairman Byerly seconded the motion.

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

VOTE 5-0
MOTION PASSED

Chairman Byerly made a motion to amend the County Administrator's contract in three ways. First, to eliminate the requirement of relocation. Second, to change the severance package to be paid as follows; five votes (the package would be 6 months), four votes (7 months), three votes (8 months). Lastly, to change the salary of the County Administrator to \$190,000.00. Ms. Carmack seconded the motion.

Mr. Williams made a substitute motion to request the County Administrator's resignation effective tonight. Mr. Cox seconded the motion.

Mr. Cox explained the County's mission and its salary and compensation system. He handed out a copy of the 32 salary changes that the County Administrator has initiated since July 1st, 2021 and reviewed them. Mr. McClung stated that they should not be publicly discussing salaries. Mr. Cox stated that Powhatan County does not have a fair and competitive salary and compensation system under the County Administrator. He then listed several reasons for supporting Mr. William's motion.

Mr. Williams repeated his motion to request the County Administrator's resignation effective tonight. Mr. Cox seconded the motion.

Mr. Williams and Mr. Cox voted AYE. Chairman Byerly, Mr. McClung, and Ms. Carmack voted NO.

VOTE 3-2
MOTION FAILED

Chairman Byerly repeated his motion to amend the County Administrator's contract in three ways. First, to eliminate the requirement of relocation. Second, to change the severance package to be paid as follows; five votes (the package would be 6 months), four votes (7 months), three votes (8 months). Lastly, to change the salary of the County Administrator to \$190,000.00. Ms. Carmack seconded the motion.

*POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
JULY 25, 2022*



Chairman Byerly, Ms. Carmack, and Mr. McClung voted AYE. Mr. Cox and Mr. Williams voted NO.

**VOTE 3-2 MOTION
PASSED**

19. Discussion of County Classification and Compensation Plan (Requested by Mr. Williams)

A. Discussion did not occur

20. Adjournment

Chairman Byerly adjourned the meeting at approximately 8:25 PM.

ATTEST:

**Ned Smither, County Administrator
Powhatan County Board of Supervisors**

**Karin M. Carmack, Chairman
Powhatan County Board of Supervisors**

Recorded Vote:

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