

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON JANUARY 10, 2022, AT 6:30 P.M.

Board of Supervisors Present: David T. Williams, District 1,
Steve W. McClung District 2
Michael 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
John Wood, IT Director

Constitutional Officers Present: Brad Nunnally, Sheriff

Guests Present:

1. Call to Order

Chair Carmack called the meeting to order at 6:30 p.m.

- a. Identify Public Entity members physically and/or electronically present

Chair Carmack identified the Board members, Mr. Smither, and Mr. Lacheney, and their locations.

- b. Identify the persons responsible for receiving the public comment.

County Administration staff accepted emailed comments at administration@powhatanva.gov. Any comments received until 6:00 pm on January 10th were entered into the meeting minutes.

- c. Identify opportunities for the public to access the electronic meeting



The public was able to participate in the meeting by using: <https://zoom.us/j/398095011> by computer. Phone access was possible by dialing US: 1-929-205-6099 or 1-312-626-6799. As always, the public could view the live feed from the County website.

- d. Identify opportunities for the public to participate in such an electronic meeting

The public was able to view and participate in the meeting live with the Zoom meeting link. During the public comment period, members of the public could raise their hands using the Zoom controls on their screens, or press *9 on their phone.

2. Pledge of Allegiance

Mr. Cox 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

There were no requests to postpone agenda items and additions, deletions, or changes in the order of presentation.

5. Formal Approval of Agenda

Chair Carmack motioned to approve the agenda as amended. Mr. McClung seconded the motion.

David T. Williams, Steve W. McClung, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed



6. Election of Chairman

Chair Carmack nominated Mr. Byerly for Chair. Mr. McClung seconded the motion.

David T. Williams, Steve W. McClung, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

7. Election of Vice-Chairman

Mr. McClung nominated Ms. Carmack as Vice-Chairman. No other nominations.

David T. Williams and Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 3-2
MOTION Passed

8. Board of Supervisors 2022 Meeting Schedule

Chairman Byerly motioned to approve the 2022 Meeting Schedule. Vice Chair Carmack seconded the motion.

David T. Williams, Steve W. McClung, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

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

No county administrator updates.

10. 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 first public comment period.



3:57, Chief Phil Warner, 3330 Medway Lane, stated that after a recent snowstorm he decided to run a report to see the number of duty hours being spent at the volunteer station. Volunteers logged 1,308 hours during the period after the storm which he stated was extremely impressive. Chief Warner thanked the team for stepping up and helping during the storm.

5:24, Sheriff Brad Nunnally, Powhatan Sheriff's Office, Sherriff Nunnally, echoed Mr. Warner's comments. Sheriff Nunnally thanked Mr. Sposa for her efforts in recruiting such wonderful volunteers. Mr. Nunnally stated that the volunteers did an amazing job and thanked Mr. Warner for his efforts during the storm as well.

6:06, David Anderson, 2366 Bell Crest Circle, that at the January Planning Commission meeting it was publicly stated that they were dissatisfied with their minute-taking process in 2021. They stated that it was detrimental for the Board. He expressed his concerns with the minute-taking process of the Board, stating that it is also flawed. He then pointed to the last meeting in December, explaining three examples of the flaws he was referring to:

- A. Eight different sets of minutes were approved that spanned back to February 2021.
- B. There was a lengthy debate about certain votes that were made at prior meetings.
- C. There was contentious disagreement between a Board member and the Planning Director about a Comp Plan decision that occurred in October because there were no minutes to rely on.

He recommended that they hire a dedicated minute-taker who is not involved in any decision-making and that prior minutes be approved before the start of meetings.

8:31, Stevie Barham, 3492 Richards Run, added to Mr. Anderson's statement, urging someone to also go back through the recordings of the minutes and correct any mistakes. He then proceeded to state his discontent with Mr. McClung, Chairman Byerly, and Vice Chair Carmack at the last meeting and asked that the entire Board be civil and professional during public meetings.

11:50, Bill Hough, 2015 Westwood Court, stated his discontent with caged dogs owned by a neighbor. He explained that he has been trying to get this issue taken care of since October and no one has done anything to help him. He argued that because the area is zoned residential, the police should be able to do something about it. He stated that he did not feel represented anymore and felt ashamed to live in Powhatan County.



No other speakers in person or on Zoom.

Chairman Byerly closed the public comment period.

11. Consent Agenda

No consent agenda.

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

A. Capital Region Workforce Partnership CRWCLEO (one BoS member)

There were no nominations to serve on the Capital Region Workforce Partnership.

After Mr. Schardein stated that it would have to be done at some point, but not today, it was decided to postpone this appointment to the February 28th meeting.

B. Central Virginia Transportation Authority CVTA (one BoS member designee and one Staff member TAC alternate)

Mr. Schardein provided an overview of the appointments, stating that it is better to designate a person for the entire year.

Mr. Williams questioned the fact that there needed to be 48-hour notice if an alternate designee would be present at the meetings. He stated his concerns with the intentions among the government in different counties, stating that when things become about the individuals and not the community, that is when things go into disarray.

Chairman Byerly stated that he would serve as the CVTA designee. Staff recommends Mr. Hopkins as the staff member TAC alternative.

David T. Williams and Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

**VOTE 3-2
MOTION Passed**



C. PlanRVA (one BoS member and one BoS member alternate)

Mr. Schardein provided an overview of the appointments. Mr. McClung stated that he would take the seat on PlanRVA.

Chairman Byerly motioned to approve Mr. McClung as the PlanRVA, second member.

Mr. Williams stated he will not be voting for the PlanRVA board member appointment because it would be inconsistent with his vote at the last meeting where he was not okay with the censorship of Mr. Cox and his removal from his committees.

Vice Chair Carmack seconded the motion.

Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 3-1

MOTION Passed

Mr. David T. Williams did not vote on the motion.

D. Audit Committee (one BoS member and one citizen member)

Mr. Schardein provided an overview of the appointment(s). Current committee member, Jim Carver is interested in being reappointed if the board wishes.

Vice Chair Carmack motioned to reappoint Jim Carver to the Audit Committee. Mr. McClung seconded the motion.

David T. Williams, Steve W. McClung, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

VOTE 5-0

MOTION Passed

Mr. McClung stated that he will be on the Audit Committee. Mr. Williams stated that he will not be voting for the Audit Committee board member appointment as it would be inconsistent with his vote at the last meeting where he was not okay with the censorship of Mr. Cox and his removal from his committees.

Chairman Byerly made a motion to appoint Mr. McClung to the audit committee. Vice Chair Carmack seconded the motion.



Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 3-1

MOTION Passed

Mr. David T. Williams did not vote on the motion.

E. Richmond Regional Transportation Planning Organization (two BoS member alternates and one Staff member alternate to TAC)

Mr. Schardein provided an overview of the appointments.

Vice Chair Carmack motioned to leave the two alternates open and appoint Mr. Frank Hopkins as the staff alternate. Mr. McClung seconded the motion.

David T. Williams and Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 3-2

MOTION Passed

F. Agricultural and Forestal Districts Advisory Committee (one BoS member and one citizen Producer member)

Mr. Schardein provided an overview of the appointments. Current citizen producer member, Max Timberlake has stated he is interested in re-appointment, and we received one citizen application from Mr. Wilson Denoon.

Vice Chair Carmack recommended the appointment of Mr. Wilson Denoon, citizen appointment for the Agricultural and Forestal Districts Advisory Committee. Mr. McClung seconded the motion.

David T. Williams and Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 3-2

MOTION Passed

Vice Chair Carmack offered to serve on the Agricultural and Forestal Districts Advisory Committee as a Board Member. Chairman Byerly seconded the motion. Mr. Williams stated that he will not be voting for the Agricultural and Forestal Districts Advisory board



member appointment as it would be inconsistent with his vote at the last meeting where he was not okay with the censorship of Mr. Cox and his removal from his committees.

Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 3-1

MOTION Passed

Mr. David T. Williams did not vote on the motion.

G. Powhatan Community Action Agency Advisory Board (one Bos member alternates and two staff members)

Mr. Schardein provided an overview of the appointments. Chairman Byerly recommended moving the board member appointment to the next meeting.

Vice Chair Carmack motioned to reappoint Kathy Walkin and Wayne Boese to the Powhatan Community Action Agency Advisory Board. Mr. Williams seconded the motion.

David T. Williams, Steve W. McClung, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

VOTE 5-0

MOTION Passed

Upcoming Appointments:

No other expiring appointments until June 30, 2022

Chairman Byerly asked Mr. Schardein if the Broadband Citizens Advisory Committee was still active, Mr. Schardein stated that their bylaws read that the committee will stay active until their mission is complete. Mr. Schardein stated there probably isn't a need for the committee at this time. Chairman Byerly asked if the members of the board are in support of getting rid of the committee. Vice Chair Carmack stated she could support the decision if we find it necessary.

Mr. McClung made a motion to disband the Broadband Citizens Advisory Committee. Vice Chair Carmack seconded the motion.

David T. Williams, Steve W. McClung, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

VOTE 5-0



MOTION Passed

Chairman Byerly asked if we have a Parks and Recreation Committee that was established in 2018 with the same members, Mr. Schardein confirmed. The members of the board along with Mr. Schardein had a conversation regarding the committee and bringing it back to a future meeting. It was agreed by Chairman Byerly, Vice Chair Carmack, and Mr. McClung to bring it back for further discussion at the next meeting in February. Mr. Cox disagreed with bringing it back and Mr. Williams stated that he would leave it up to the will of the body.

13. New Business

A. Adoption of Standards of Conduct

Chairman Byerly read the Standards of Conduct and made it in the form of a motion. Vice Chair Carmack seconded the motion.

Mr. Williams asked why the Standards of Conduct were not included in his packet. He stated that he had not seen it until that very night. Chairman Byerly helped him find it on the back of page 12.

From there, Mr. Williams stated he disagreed with the idea of having to contact the County Administrator before contacting an employee as stated in number 14. He stated that if this is upheld, he will be pursuing legal actions in court.

Mr. Cox said he would be talking to whoever he wanted to talk to whenever he wanted to talk to them.

Vice Chair Carmack stated that all Board members, including herself reach out to staff when they need to. She clarified that the intent is improve transparency so that Mr. Smither is kept in the loop. She stated that when any of them are not in session they only have as much authority as any other citizen.

Mr. Williams referred to Mr. Cox's censorship to support his inclination to keep things "word-for-word" to avoid future issues.



Mr. Cox asked Mr. Lacheney to explain his statement that the Board members have no authority when not in session. He disagreed with the idea that business cannot be conducted outside of meeting sessions.

Mr. Williams clarified his definition of “conducting business”.

Mr. Lacheney stated that there is no inherent authority in being a Board Member.

Vice Chair Carmack stated that she believes that staff should communicate to the County Administrator when a Board member calls them. She explained that going directly to staff could leave them not knowing whether to listen to the County Administrator or the Board members.

Mr. Smither stated that this rule was just made to improve communication.

Mr. Williams agreed that communication is not good and there needs to be an improvement. Some supervisors are being informed and others are not.

Mr. McClung stated that he tries to communicate with Mr. Smither every time he needs something. He said that this should not be difficult for everyone else to speak.

Chairman Byerly stated that things were being misinterpreted and explained that the idea is to help everyone understand what is going on to be more productive.

David T. Williams and Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 3-2
MOTION Passed

B. Review of Central Virginia Transportation Authority (CVTA) Fund Year to Date

Mr. Smither gave a brief description of the CVTA funds and with the Board’s permission, staff would like to bring forward a list of projects under consideration and a plan on how we plan to utilize the CVTA funds to address the projects, after prioritized by the Board.

Mr. Cox asked whether they should use the money for a large project like Holly Hill Turn Lane or to leverage Smart Scale projects.



Mr. Williams asked why the figure keeps changing. Mr. Smither responded that it has not changed and suggested that maybe he had seen the first draft for the press release before anything was finalized.

Mr. Williams stated that he is in support of bringing the projects back. The Board agreed that they would like to have a list of projects brought in front of the board to the February Workshop meeting.

C. Discussion on Prioritization of Transportation Projects for Funding

This conversation will be held at the February Workshop Meeting.

D. Request to Planning Commission to make a recommendation regarding access management standards.

Mr. Schardein provided an overview of the request to the members of the board and the reason for the request.

Mr. Williams stated that he had no problem referring to the Planning Commission for their input, but that he was not going to tell them what to do.

Mr. Cox asked Mr. Smither if they have a gatekeeper for what is being sent to the Planning Commission. He stated that they needed to give them some level of prioritization to ensure that the Commission does not get overwhelmed.

Vice Chair Carmack stated that the Planning Commission does not have the qualifications to be making access management decisions because neither they nor the Board are engineers. She expressed her concerns with the fact that there are no criteria that determines if someone should get a waiver because it is not fair.

Mr. Cox stated that the real issue is that they have many small parcels, and they should be talking about how to make property owners aware of what they need to do to develop. Many of the parcels are much too small to develop.

Vice Chair Carmack agreed that educating property owners is important, but that giving them one less hurdle, a waiver, would help even more. She supported adhering to VDOT standards.



Mr. Williams asked Mr. Schardein if VDOT could come and explain everything to them. Mr. Schardein agreed that it would get some clarification and structure.

Chairman Byerly asked Mr. Schardein if the Planning Commission has been discussing the management standards. He said that they had discussed it in December and should be coming back to them again.

Vice Chair Carmack made a motion to ask the Planning Commission to remove the Powhatan specific access management standards and default to the VDOT standards, ideally within 30 days of their next meeting. Chairman Byerly seconded the motion.

David T. Williams and Bill L. Cox voted NO; Steve W. McClung, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 3-2
MOTION Passed

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 second public comment period.

1:39:13, Stevie Barham, 3492 Richards Run, asked what happened when someone violates the Code of Conduct, and why that information is not included in it. He expressed that he would like the Code of Conduct to be made public so the citizens can review it as well. He pointed out that some of the rules are broken at every meeting and asked the Board to set aside their differences.

No other speakers. Chairman Byerly closed the public comment period.

15. County Attorney Comments

No County Attorney Comments.

16. County Administrator Comments

No County Administrator Comments.



17. Board Comments

Chairman Byerly stated the list of achievements for the list of 2021 which were the following:

Expanded the CIP from 5 years to a 10-year review; implemented a 10-year forecast model; opened a permit center, with a new permit center manager; acquired property for an eastern convenience center; adopted a comprehensive plan; adopted a strategic plan; courthouse parking improvements; walking trails throughout the parks; a Christmas Tree in the Village Park; building inspection third party reviews; seven rezoning's or CUP permits; successful launch of the new 911 radio system; started the process for expansion of Fire Company 1; redistricting process; special election for District 2; new real estate assessment department; Skaggs Road renovation completed & Free clinic opened; Economic Development created an outdoor and recreation story map with a QR code; first Powhatan Economic Development Powhatan Job Fair with 23 businesses in attendance; tons of new businesses that opened, including 206 new business licenses that were issued, 157 in-home, 49 being outside the home; broadband coming to Powhatan County; lowered the Tax Rate and 40 meetings held by the board of supervisors just to name a few. Chairman Byerly thanked Vice Chair Carmack for her service, leadership, and unwavering dedication over the past year to the County and the board.

18. Adjournment

Chairman Byerly adjourned the meeting at 8:16 P.M.

These minutes were approved on February 28, 2022.

ATTEST:

Ned Smither, County Administrator
Powhatan County Board of Supervisors

Michael W. Byerly, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
January 10, 2022



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