



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 APRIL 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, Vice-Chair
Bill L. Cox, District 4,
Karin M. Carmack, District 5, 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: Gary Wood, FireFly

1. Call to Order

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

2. Pledge of Allegiance

Mr. Cox led the pledge of allegiance.

3. Invocation

Ms. Carmack led the invocation.

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

Mr. Cox requested to move the consent agenda items to New Business.

5. Formal Approval of Agenda

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

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

**VOTE 5-0
MOTION PASSED**



6. County Administrator Updates

a. Economic Development Week Proclamation

Mr. Smither recited the proclamation, recognizing May 9 to May 13 as National Economic Development Week. Mr. Schardein thanked the Board for their recognition and dedication to economic development

b. Telecommunications Week Proclamation

Mr. Schardein recited the proclamation, recognizing April 10 to April 16 as Nation Public Safety Telecommunications Week.

c. Firefly Broadband Update

Mr. Gary Wood explained the Regional Internet Service Expansion (RISE) Project. This presentation included several maps available on the Broadband [website](#), a brief timeline of its development, and pricing. He also stated that the project is looking to total about \$15,000,000.00.

Ms. Carmack asked where the project would be starting. Mr. Wood stated that they would begin building along the reconnect path that runs beside Rte. 60 and goes up 522. Ms. Carmack asked if it would be reasonable to tell the citizens that they would be seeing physical work within six months. Mr. Wood stated that physical work should be seen sooner than that.

Mr. Wood mentioned that the goal is to make sure that everyone is served. That being said, he asked citizens to speak up if the plan did not include their areas.

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.

[Carl Schwendemann, 1727 Teresa Lane](#), asked the Board to apply for either a tap grant or a transportation alternatives grant to extend The Village's sidewalks east in the direction around Rte. 60, west towards the post office, or on Shaggs Road. He also mentioned the Safe Streets for Users program, which could help fund the project.

[Sally Taylor, Powhatan Land Owner](#), stated that she did not hear the economic development team mention agriculture and timber in their description, which she explained is a significant contributor to the County's economic development. She asked that this be added to the economic development plan.

[Keith Burgess, 1491 Giles Bridge Road](#), representing Powhatan Farm Bureau, expressed continued support for the Commissioner of Revenue. He stated that Mr. Timberlake and his team have the knowledge required to do the job successfully. For this reason, he said that Powhatan Farm Bureau strongly encourages returning the assessment process and associated programs to the Commission of Revenue.



[Marianne Davis, 1433 Palmore Road](#), an assessor from Goochland County, reminded the Board that the assessment office would need to deal with the growth coming to the area. She asked the Board to consider this as they consider making any changes.

[Kitty Osborne, 1071 Dorset Road](#), mentioned small beef farming businesses. She explained that she had difficulty getting people to connect electricity to her barn because she was advised to avoid upsetting anyone if she wanted someone to help her and expressed concern with this work ethic. She also stated that she believes property assessments need to be under the duty of the Commission of Revenue.

[Bill Huff, 2015 Western Court](#), expressed his disappointment in the County's direction. He asked why the County took one of the fire trucks out of commission if it seemed to be working well.

[Stephen Barham, 3492 Richard's Run](#), agreed with Mr. Huff. He expressed his concern with the decisions that are being made in the County.

[Judy Kane Oliver, 4372 Three Bridge Road](#), a representative of the Senior Actions Committee, stated her support for the senior focus in the community. She also expressed her support for the study that will be conducted between Senior Connections and the VCU gerontology department and expressed her willingness to speak with the study coordinators.

[Fran Carleton, 2219 Rosson Road](#), expressed concern with the level of transparency that the County has given its citizens. She asked the County to consider asking for help and strive to do better.

[Eric Maybach, Fauquier County Commissioner of Revenue](#), expressed his support for moving the real estate reassessments under the constitutional officer. He stated that this offers accountability to the County's residents and a balance of powers that the County can only create if the person responsible is an elected official.

[Scott Mavausky, Stafford County Commissioner of Revenue](#), expressed his support for the potential decision to transfer the duty of property assessment to the Commission of Revenue.

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

8. New Business

a. Minutes March 7, 2022, Budget Workshop Meeting

Mr. Cox presented a few corrections:

Page 8 should read Monacan Soil and Water Conservation District and Page 9: two percent increase → two-cent decrease

b. Minutes March 28, Regular Meeting No corrections.



Mr. Cox made a motion to adopt the minutes as amended. Chairman Byerly seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

9. Old Business

a. Transportation Project Prioritization (Requested by Ms. Carmack)

Mr. Schardein gave a brief overview, during which he stated that the Smart Scale applications had been made and that the Board will continue to be updated as they move along with VDOT. He also noted that the CVTA funds are available to leverage applications, get state match dollars later, and complete some transportation projects right away.

Mr. Williams asked if the 7-11 quarter-wide widening came from the 2006 study. Mr. Schardein confirmed that this is where the idea originated but added that it was referenced again in the safety audit. Mr. Williams asked if they were showing that they were putting any money into that. Mr. Schardein stated that they were not. Mr. Williams asked if the spreadsheet they were given would constantly change throughout the project. Mr. Schardein confirmed that the chart would be changing but stated that the Board would remain updated. Mr. Williams said he would like to reflect on the monies and the Smart Scale match.

Mr. Cox asked if the correct Smart Scale local match percentage should be 25 or 30. Mr. Schardein stated that, from his recollection, they had agreed to make the percentage 25 generally. He explained that the 30% figured related to how much of the total funds across the state are allocated to local projects in each district but is not related to our local percentage.

Chairman Byerly stated that he wanted to inform the public that although the project totaled \$3,700,000.00, they have applied for it on Smart Scale. Mr. Cox added that the project would move forward with or without those funds.

Ms. Carmack made a motion to approve the FY23 projects as presented. Mr. McClung seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

b. Review of the establishment of reassessment office (Requested by Mr. Cox)

Mr. Smither gave a brief presentation. He stated that the Board and Commissioner had agreed on annual reassessment, calendar year billing, and the need for a new assessment office.

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However, they disagreed that the assessment office should report to the County Administrator. Nevertheless, in 2021, the Board voted unanimously to report the assessment office to the

County Administrator. Mr. Smither then went over the office's achievements & benefits, office members, and future plans.

[Mr. Timberlake](#) stated that although his name has been mentioned numerous times, he has not been involved in this discussion at all up until this point. He also expressed concern with the insinuations made in Mr. Smither's presentation and stated that it did not paint the entire picture.

Mr. Williams read a series of emails showing his disappointment with the hiring process and the real estate assessment office. These emails discussed a range of topics, including other employees and many conversations that he considered valuable in portraying his concern. He then asked Mr. Timberlake to confirm the credibility of these statements. Mr. Timberlake confirmed the credibility of the reports. Mr. Timberlake formally apologized to the employee that was referenced in the emails that Mr. Williams read aloud.

Mr. McClung expressed his support for the decision to turn over the assessment function to Mr. Timberlake once again. Mr. Cox stated that as long as the assessments were done well and on time, he did not care who did them. That being said, he noted that the process of assessments under the County Administration is flawed, and for that reason, he no longer supports the decision he was in favor of in the past. Ms. Carmack expressed extreme concern with how an employee had been treated for the past hour. She suggested a workshop to discuss how Mr. Timberlake will tackle many of the challenges he will face once the position is handed back to him. Chairman Byerly stated that a successful business could not run functionally with a constant turnover of employees. He also expressed some concern about the legality of discussing personnel publicly.

Chairman Byerly asked Mr. Timberlake what his plan would be if the motion passed. Mr. Timberlake stated that he would know his standing with Keystone within the next five days because he planned to take the data from last year and run them against Keystone.

Mr. Lacheney explained that there does not need to be a roll call tonight because the ordinance in place will need to be amended and brought back for a public hearing. He assured the Board that these amendments would be available by the next meeting on May 23.

Mr. Williams made a motion to move the assessment function to the Commission of Revenue effective immediately. Mr. McClung seconded the motion.

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

**VOTE 3-2
MOTION PASSED**



10. Public Hearing

a. **Ordinance O-2022-13:** Amending the Powhatan County Code of Ordinances, Appendix A Fee Schedule, to increase Building Inspection Fees, Water and Sewer Rates, Fire and Rescue Fees, and Other Administrative Changes

Ms. Schubert gave a brief overview.

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

Mr. Cox made a motion to approve Ordinance O-2022-13. Ms. Carmack seconded the motion. Michael W. Byerly, Karin M. Carmack, Steve W. McClung, Bill L. Cox, and David T. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

b. **Ordinance O-2022-14:** Redistricting Amendments to the Powhatan County Code of Ordinances Chapter 34 (Elections) Article II (Election Districts, Precincts)

Mr. Hopkins gave a brief overview. He stated that this ordinance plans to distribute the population among the five districts evenly.

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

Ms. Carmack made a motion to approve Ordinance O-2022-14. Mr. McClung seconded the motion. Michael W. Byerly, Karin M. Carmack, Steve W. McClung, Bill L. Cox, and David T. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

c. **O-2022-15 Case #22-01-AFD:** Roger Walker has requested that tax map parcel #50-27 be added to the Appomattox River AFD. The proposed addition is approximately 24.5 Acres in size and will be added to the 1,083.14 Acres already incorporated into the AFD. The parcel is located along the Appomattox River and is adjacent to Tax Map Parcel #51-3, which is included in the core of the Appomattox River AFD. Tax Map Parcel #50-27 is located near the southeast end of Worsham Rd. 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. Seeing no one wishing to speak, Chairman Byerly closed the public comment period.



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Mr. Cox made a motion to approve Ordinance O-2022-15. Ms. Carmack seconded the motion. Michael W. Byerly, Karin M. Carmack, Steve W. McClung, Bill L. Cox, and David T. Williams voted AYE.

**VOTE 5-0
MOTION PASSED**

d. O-2022-16 Case #22-02-AFD: Kathy Toombs has requested that tax map parcel #50-27A be added to the Appomattox River AFD. The proposed addition is approximately 24.5 Acres in size and will be added to the 1,083.14 Acres already incorporated into the AFD. The parcel is located along the Appomattox River and is approximately 400 feet west of #51-3, which is included in the core of the Appomattox River AFD. Tax map parcel #50-27A is located near the southeast end of Worsham Rd. This parcel is within a mile of the already established Appomattox River AFD and would be contiguous if Tax Map Parcel #50-27 were to be added to the AFD. The parcel is currently zoned Agricultural-10 (A-10) and resides in Electoral District #4: Powhatan Courthouse/Macon

Mr. Hopkins explained that this is the same situation as above, but for the next-door parcel.

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

Mr. McClung made a motion to approve Ordinance O-2022-16. Ms. Carmack seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

e. O-2021-27 (Adoption of the 2021 Long-Range Comprehensive Plan): The County of Powhatan requests a review of an amendment to the Powhatan County 2021 Long-Range Comprehensive Plan's Transportation chapter.

Mr. Hopkins gave a brief overview. He stated that this is the transportation section of the Comprehensive Plan.

Chairman Byerly opened the public comment period.

[Carl Schwendemann, 1727 Teresa Lane](#), asked if there could be an addition to the Transportation plan that states that the County wants to add a bike path or sidewalk from the Village to the Powhatan County line.

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

Mr. Cox mentioned several corrections that need to be made to the Transportation plan, including adding the discussion of the CVTA funds to page 91 and changing the word

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"considering" on page 93 to "use." Mr. Hopkins ensured that the version being voted on today is only the justification plan and that the chapter will be brought back next month.

Ms. Carmack made a motion to defer Ordinance O-2022-27 to the next meeting on May 23 and hold it open. Chairman Byerly seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

11. 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.

[Carl Schwendemann, 1727 Teresa Lane](#), asked if an extension to the sidewalk that runs along Man Road could be added to the Transportation Plan. He also wondered if the Transportation Plan will determine which projects make it on the official list for the County.

[David Anderson, 2366 Belle Crest Circle](#), stated that the publicness of the conversation regarding the assessment office was inappropriate. He also supported the Board Members' transparency regarding the disfunction within the County, and he urged them to rise to the challenge and address this issue.

[Katie Osborne, 1071 Dorset Road](#), emphasized the importance of communication in leadership. She also expressed concern with the application process.

[Chris Smith, 6100 Anderson Highway](#), expressed concern with the application process and urged the Board to improve this process.

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

12. County Attorney Comments

There were no County Attorney comments.

13. County Administrator Comments

Mr. Smither apologized to all of the County's employees for what they witnessed at the meeting and expressed his determination for everyone to do better in the future.

14. Board Comments

Mr. Schardein gave a brief overview of two issues preventing a contractor storage yard from establishing itself in Mr. McClung's district.



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Mr. McClung made a motion to request that the Planning Commission develop an amendment to the zoning ordinance that would add contractor storage yards and brush & stump recycling to the list of appropriate use standards.
Ms. Carmack seconded the motion.

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

**VOTE 5-0
MOTION PASSED**

15. Adjournment

Chairman Byerly adjourned the meeting at approximately 9:40 PM.

ATTEST:

Ned Smither, County Administrator
Powhatan County Board of Supervisors

Michael W. Byerly, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

<i>David T. Williams</i>	NO
<i>Steve W. McClung</i>	AYE
<i>Michael W. Byerly</i>	AYE
<i>Bill L. Cox</i>	NO
<i>Karin M. Carmack</i>	AYE