

**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 09, 2021, AT 6:30 P.M.**

Board of Supervisors Present: David T. Williams, District 1, Chairman
Larry J. Nordvig, District 2, remotely from his home
Michael W. Byerly, District 3
Bill L. Cox, District 4
Karin M. Carmack, District 5, Vice Chairman

Board of Supervisors Absent: None

County Staff Present: Ned Smither, County Administrator
Bret Schardein, Deputy Administrator
Ramona Carter, Director of Public Works
John Wood, Director of Information Technology
Thomas Lacheney, County Attorney
Curt Nellis, Director of Emergency Management

Constitutional Officers Present: Brad Nunnally, Sheriff

Guests Present: Bret Schardein

1. Call to Order

Chairman Williams called the meeting to order at 6:30 p.m.

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

Mr. Williams identified the Board members, Mr. Smither, Mr. Schardein, and Mr. Lacheney.

- b. Identify the persons responsible for receiving public comment

County Administration staff will accept emailed comments at administration@powhatanva.gov. Any comments received until 6:30 pm, on the day of the meeting will be 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. (edit link as needed)

- 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. Byerly 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 item h from the Consent Agenda (Resolution R-2021-02 Appropriating the Third Quarter of the Fiscal Year 2021 Operating Budget) to 13 b. Mr. Williams called for a motion. Mr. Byerly started, and Mr. Smithers seconded.

5. Formal Approval of Agenda

Mr. Williams Aye
Mr. Nordvig Aye
Mr. Byerly Aye
Mr. Cox Aye
Mrs. Carmack Aye

**VOTE 5-0
MOTION Passed**

6. Election of Chairman

Before calling the election for the new Chairman, Mr. Williams thanked everyone for the honor and privilege to serve as the Chairman for last year. Mr. Smithers was assigned Clerk for the voting, and he opened the floor for nominations for the Chairman of the Board of Supervisors. Mr. Williams nominated Ms. Carmack. Mr. Cox seconded. With no other nominations for the Chairman, Mr. Smithers closed the nominations and began a roll call vote for Ms. Carmack as the Chairman of the Board.

Mr. Williams Aye
Mr. Nordvig No
Mr. Byerly No
Mr. Cox Aye
Mrs. Carmack Aye

**VOTE 3-2
MOTION Passed**

Mr. Smithers announced Ms. Carmack as the new Chairman for the Board of Supervisors, and thanked Mr. Williams for his work the past year. Mr. Williams passed the gavel to Ms. Carmack.

7. Election of Vice-Chairman

Ms. Carmack opened the nominations for the Vice-Chairman of the Board. Mr. Williams nominated Mr. Cox. Ms. Carmack nominated Mr. Byerly. Ms. Carmack called for a vote for the Election of Mr. Cox as Vice-Chairman of the Board. The Board were unable to receive a response from Mr. Nordvig during this vote and for the rest of the meeting.

Mr. Williams No
Mr. Nordvig No Response
Mr. Byerly No
Mr. Cox Aye
Mrs. Carmack No

VOTE 1-3
MOTION Failed

Ms. Carmack called for a vote for Mr. Byerly as Vice-Chairman of the Board.

Mr. Williams Aye
Mr. Nordvig No Response
Mr. Byerly Aye
Mr. Cox Aye
Mrs. Carmack Aye

VOTE 4-0
MOTION Passed

8. Board of Supervisors 2021 Meeting Schedule

Ms. Carmack asked if there were any issues with the current meeting schedule. As there were no problems, Ms. Carmack called for an approval of the Board of Supervisors 2021 Meeting Schedule which Mr. Byerly seconded.

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

VOTE 4-0
MOTION Passed

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

a. COVID Update

Mr. Smithers discussed how they are working with the State Health Department's efforts to distribute vaccinations and have begun early planning to help keep everything sorted as the vaccinations go out. Mr. Smithers mentioned the County website would be updated frequently to keep up with how Emergency Management was handling the distributions of the vaccinations, since there had been some confusion surrounding what the Board was planning versus Emergency Management's plans.

Curt Nellis, the Director of Emergency Management, presented an update on COVID related things happening within the county. Mr. Nellis informed that the VDH is indicating 1161 people in the county who have or have had COVID. They have 819 people being tracked by their computer-aided dispatch system, which will notify emergency services who need to enter the premises that there may be someone with COVID at the residence, so they may take the necessary precautions. There are 37 people still in the hospital, and 6 deaths in the county. 77 of these cases are at the Woodsway Correctional Center.

Mr. Nellis moved the discussion to the clinic activity that has been happening within the county. There have been 3 shot clinics so far, with 315 shots given. He told the Board the administering of the shots was 100% BDH's responsibility, not Powhatan County, but Emergency Services has taken it upon themselves to run these clinics, to ensure that public safety providers, essential employees, school workers, and critical staff and employees are covered. To accomplish this, the county partnered with ESS (Emergency Services Solutions), our EMS providers, who handle giving the shots, while the Emergency Planning handled the logistics. ESS handles ordering the supplies from BDH, as well as the staff support. The shots were distributed to 153 school employees, 86 Fire and Rescue personnel, 21 people from the Sheriff's Department, and the rest were given to clinic volunteers, courts, libraries, social services, state park police, and state troopers.

The expenses so far have been around \$1,800, and Mr. Nellis mentioned he anticipates they will need more money to go big, but he will let the Board know the estimate once that is happening. They have 8 more clinics scheduled through the second week of February, with the potential to distribute 1,900 additional shots. In response to the question "When can I receive my shot?" Mr. Nellis informed everyone that they are working on the 1a/1b groups first, more specifically those within the county government. Once those people have been taken care of, they are going to begin to open it to the 1c population, then the 65+ age group. With the current schedule, Mr. Nellis estimates we will be able to begin distributing shots to the 65+ age group by the end of February-middle March, and then opened to the general public. Mr. Nellis reminded everyone that this was just an estimate, but they are working to get everyone as soon as possible. Mr. Nellis opened for questions.

Mr. Williams asked what happens to the vaccines that do not get used if people miss or do not come to their appointment. Mr. Nellis said that they only take out the planned number of shots for each clinic, but if people do not show up there are always people on standby or a last-minute call list who will receive the shot instead, so they do not go to waste. They have also been offering shots to the clinic volunteers—if someone spends a whole day working with the clinic, they try to give them a vaccine.

Mr. Williams then asked how long the VDH gives Mr. Nellis to know the certain quantity of people coming to receive the vaccine. Mr. Nellis said it was only a few days, if they ordered on Monday, they would hear back midweek to know if they are going to have enough for the next shot period. Mr. Williams asked what people in the county need to do today to be able to sign up for the shots and know what tier they are in. Mr. Nellis explained that when people go to sign up for the shot, it will ask them what tier and what government position they work, as they are mostly focusing on the county government employees and essential people, before opening it up to the general public. Once they are ready to open it to everyone, they will use every method possible to get the word out. Once the vaccines are open to the general public, people will be able to sign up by going to the County's website. People within the categories of those currently receiving shots, can go through the County's website, which will take them to the VDH site to sign up.

Mr. Cox said he had been to the first clinic and was very proud of how efficient and well it was being run. He then asked about the VDH website, explaining that it has links to pages where you can find what group you are in and sign up if you are able to. Mr. Nellis said that was correct.

Mr. Smithers explained that the takeaway for today was to visit the VDH website and get on their list, but to keep up with Mr. Nellis, so you can be sure to get your shot as soon as possible.

Mr. Byerly said he had been to a recent clinic and thanked Mr. Nellis for all the work he had put in and commented on how incredibly the clinics were run.

b. CARES Act Funding Update

Mr. Smithers announced the CARES Act deadline was extended by one year, December 31st, 2021. The county had originally received \$5,174,000, for CARES Act Funding, and received an additional \$939,000 after the state came out with \$30,000,000 of broadband funding. Mr. Smithers explained that we had already allocated our \$405,174,000 budget by the time of the 12-31-2020 deadline. A small portion of the grant funding for broadband rolled over past December 31st. A few projects had been weather delayed, which should be taken care of within the first two months of 2021. By then, all the CARES Act money will be allocated and identified.

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 Carmack opened the first public comment period.

Joe Ordier, 3343 South Meadow Circle, Powhatan.

Mr. Ordier mentioned he was a representative of Virginia Freedom Keepers. Mr. Ordier spoke in support of the First Amendment Protection Resolution that was being discussed. He mentioned the censorship of social media and the attack on religious liberty (shut down and limiting of in-person services), as well as what type of medical treatment each individual chooses to accept. Mr. Ordier expressed his concern for the push of the COVID vaccine, saying it was being fueled by mainstream propaganda media, who are saying it is more dangerous and deadly than it actually is. He stated that people were feeling bullied into getting an untested, unproven vaccine, which was a violation of many people's religious beliefs. Mr. Ordier wanted the people of Powhatan to know that the Board stands with them and is not going to attempt to usurp their rights or violate their civil liberties. He wants Powhatan to be an example to other counties and jurisdictions, taking on a leadership role to show that freedom still exists and is alive.

Sherriff Brad Nunally, 3880 Old Buckingham Road, Powhatan.

Sherriff Nunally thanked the Board and thanked Mr. Nellis for how helpful he had been to the Sherriff's office. He stated Mr. Nellis had been the MVP of the office and was doing incredible work handling the COVID situation and wanted to share his thanks publicly.

Chairman Carmack closed the first public comment period.

11. Consent Agenda

- a. Minutes September 10, 2020 Special Joint Meeting
- b. Minutes September 28, 2020 Regular Meeting
- c. Minutes October 19, 2020 Regular Meeting
- d. Minutes October 26, 2020 Regular Meeting
- e. Minutes November 23, 2020 Regular Meeting
- f. F. Tax Relief Request – Disabled Veteran
- g. Resolution R-2021-01 Renewing Local Emergency
- i. R-2021-03 State Road Acceptance by VDOT for Norwood Creek Road
- j. R-2021-04 Requesting State Road Acceptance by VDOT for the Streets within the Norwood Creek Subdivision (Section F)
- k. Bonded Projects Update

Chairman Carmack made a motion to approve the Consent Agenda as amended.
David T. Williams, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

VOTE 4-0
MOTION Passed

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

Board of Supervisor member and Staff appointments

Mr. Smithers announced Bret Schardein, who explained the appointments and answered any questions the Board had.

- a. Capital Region Workforce Partnership (one BoS member)

Mr. Schardein explained that this a regional body that studies workforce development issues such as the problems for the labor pipeline in our region for our employers and what our education system can do to prepare the next wave of employees. They are looking for one Board member to sit in on the 2021 term. Mr. Williams moved to re-appoint Chairman Carmack. Mr. Cox seconded.

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

**VOTE 4-0
MOTION Passed**

- b. Central Virginia Transportation Authority Technical Advisory Committee (two staff members)

Mr. Schardein explained this group was made up of regional staff who evaluate the road and transportation plans and make recommendations to the CVTA. Mr. Schardein recommended himself and Andrew Pompei, the Planning Director to continue as the two staff members in those seats. Mr. Williams started the motion, and Mr. Cox seconded.

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

**VOTE 4-0
MOTION Passed**

- c. PlanRVA (one BoS member alternate)

Mr. Schardein explained this group was made of regional staff who study matters of regional importance such as hazard mitigation planning, water resource planning, solid waste planning, etc. Mr. Byerly and Mr. Nordvig attended their meetings, but there was a need for an alternate in case one of them was unable to make it. Chairman Carmack appointed Mr. Cox as the alternate, starting the motion. Mr. Williams seconded.

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

**VOTE 4-0
MOTION Passed**

- d. Powhatan Community Action Agency Advisory Board (one BoS member and one staff member)

Mr. Schardein explained this body works to study issues for low-income residents in the county and see what the problems are, as well as evaluating and creating solutions, working closely with the Department of Social Services. This group needs one Board and one staff member. Kerri Delaney has been serving as the staff member, and Chairman Carmack offered to be the Board member.

Mr. Williams started the motion, and Mr. Cox seconded.

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

VOTE 4-0
MOTION Passed

- e. Richmond Regional Transportation Planning Organization Technical Advisory Committee (two staff members)

Mr. Schardein explained this group was similar to the CVTA group mentioned earlier, comprised of the other group of elected officials. They handle transportation planning issues for the region. Mr. Schardein recommended himself and Andrew Pompei again, with Mr. Schardein being the lead and Mr. Pompei the alternate.

Mr. Cox started the movement and Chairman Carmack seconded.

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

VOTE 4-0
MOTION Passed

Citizen appointments

- f. Agricultural and Forestal Districts Advisory Committee (four citizen members)

Mr. Schardein stated that two of the four citizen member's terms had expired, and the other two seats had been vacant for some time. With the applications they received, two were previous members looking to be reinstated, and two were new members who qualified for the seats.

Chairman Carmack moved to approve Terry Adcock, David Moyer, Pamela Pleasants, and Betty Walters to the Agricultural and Forestal District. Mr. Cox seconded.

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

VOTE 4-0
MOTION Passed

- g. Audit Committee (one citizen member)

Mr. Schardein stated that Jim Carver, the current citizen member, reapplied for this year's position. This body sits with two Board members, two school Board members, and reviews the county's annual audit. Chairman Carmack moved to approve Jim Carver to the Audit Committee. Mr. Cox seconded.

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

VOTE 4-0
MOTION Passed

h. Board of Equalization (three citizen members)

Mr. Schardein told the Board that Districts 1, 3, and 5 were expiring, but had received reappointment applications for 3 and 5. There were no applications from a District 1 citizen, but Mr. Schardein explained he knew there was some interest and there should be an application by the next Board meeting.

Mr. Cox questioned, thinking the applications did not have to go through district, to which Mr. Schardein explained that all the current members were following district, but the Board had flexibility if they wished to choose someone from another district. Mr. Cox spoke of someone who was in District 4 who had applied, who he thought had technical skills that would help the group, and Mr. Williams announced there were other applications from different districts that were under consideration as well. Chairman Carmack asked to do an individual vote for each member, but the Board decided to wait until the next meeting so everyone who wanted would have the chance to apply for the position.

Chairman Carmack moved to defer the appointment of the Board of Equalization to the next BOS meeting, Jan. 25th. Mr. Cox seconded.

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

VOTE 4-0
MOTION Passed

i. Community Transportation Advisory Committee (two citizen members)

Mr. Schardein said this group studies regional transportation issues and makes suggestions to the TPO, and they need two citizen members. These positions have been vacant for several years in the county. One citizen applied directly for the position, Robert Powers, and another applicant was willing to serve on any board that needed it.

Mr. Byerly started a motion to nominate Robert W. Powers to the Community Transportation Advisory Committee. Chairman Carmack seconded.

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

VOTE 4-0
MOTION Passed

Upcoming Appointments: Agricultural and Forestal Districts Advisory Committee (two citizen positions expire February 28th, 2021)

13. New Business

a. Quarterly Financial Report

Mr. Smithers told the Board there would be an updated agenda package at the next meeting, and the presentation tonight would be a summary of some key features happening within the first six months.

Ms. Schubert began her presentation by highlighting the Real Estate Revenues. The adopted budget for the full year was \$31,076,541, with the first half of 2021 being \$15,538,271. From the collections through 12-31-2020, \$16,669,303 was received, putting it \$1,132,032 (+7.3%) growth of the anticipated budget.

Personal Property and PSC Revenues had a budget for the second half of 2020 at \$5,164,258. Collections through 12-31-2020 received \$5,478,005, which was a \$313,747 (+6.1%) growth.

The Local Sales Tax Revenues had a first half of 2021 budget of \$1,588,500, with the collections through 12-31-2020 equaling \$1,407,420 (The collections only represent 4 months of collections since the State is 2 months behind remitting payment). The first six-month projection was \$2,111,130, a \$522,630 (+33%) growth.

Building and Planning Revenues had a first half budget of \$360,388, the collections through 12-31-2020 were \$488,708, resulting in a \$128,320 (+36%) growth.

The General Government Expenditures' first half budget (excluding transfers) was \$16,484,461. The amount expended through 12-31-2020 was \$15,283,088, for \$1,201,272 under budget, due to conservative spending and working on filling vacancies.

The School Fund has a comparison between FY 2019 and FY 2020. The revenues from the first half of the budget (excluding transfers) in FY 2019 was \$12,429,924 and was \$13,695,149 in FY 2020. The actuals in FY 2019 were \$10,995,881 and \$12,080,684 in FY 2020, resulting with \$1,434,043 under budget in FY 2019 and \$1,614,465 under budget in FY 2020.

The expenditures for the school were calculated for the first half (excluding transfers) as \$24,085,799 in FY 2019 and \$25,249,524 in FY 2020. The half actuals were \$18,332,352 in FY 2019 and \$20,387,782 in FY 2020. This was \$5,753,447 under budget in FY 2019 and \$4,861,742 under budget in FY 2020, due to teacher salaries that have not been paid yet (since the teacher salaries work on a three-month basis). Meaning the full teacher salaries have been taken from FY 2019, while the full teacher salaries have not been taken from FY 2020, since the fiscal year is not over yet.

Mr. Williams asked Chairman Carmack if they could combine this section with section b, Appropriating the Third Quarter of the Fiscal Year 2021 Operating Budget, since Ms. Schubert had just presented and Mr. Cox had some questions about both items, which Chairman Carmack agreed upon.

Mr. Cox asked why the numbers in the packet they had received and the numbers in the presentation were so different, asking Ms. Schubert which were the real numbers. He continued, saying the Board would be unable to vote on this tonight as they did not have the correct numbers, and wanted to know where the schools were and how much money they had not spent, before deciding how much money to send to them in the third quarter. Mr. Cox stated they needed to know where things were with the school and within the county, so they can know what kind of appropriation to vote on, saying he hoped they could figure it out on Monday. Mr. Williams agreed with Mr. Cox, wanting to know how much of the money was going to be used, so they can more accurately transfer over what is needed.

Mr. Smithers said he would provide the board the updated numbers.

Resolution R-2021-02 Appropriating the Third Quarter of the Fiscal Year 2021 Operating Budget

b.

Being postponed to the next meeting.

14. Public Hearing

a. Resolution R-2021-05 Skaggs Road Building Lease

Mr. Smithers explained this resolution represents the lease approval between the County and the Free Clinic. He stated there was one change proposed in the lease, adding on to section F, accounting for the Free Clinic's internet service. Mr. Smithers asked to Board to approve this change, discussing the building, which is near completion.

Chairman Carmack opened the floor for the public. No one came forward, and she closed the floor.

Mr. Cox made a disclaimer, stating his wife was a member of the Board of the Free Clinic, but that he believed he was able to participate in the transaction fairly, objectively, and with the public interest. Chairman Carmack also made a disclaimer, stating her mother was an executive director of the Free Clinic, but that she was able to participate in the transaction fairly, objectively, and with the public interest.

Chairman Carmack moved to approve Resolution R-2021-05. Mr. Williams seconded.

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

VOTE 4-0
MOTION Passed

15. 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 Carmack opened the second public comment period.

David Anderson, 2120 State Most State Drive, Powhatan. Mr. Anderson stated he realizes the revision of the 2019 Comprehensive Plan is currently not scheduled on any future agendas but would like to make a request. At the August Comprehensive Plan Workshop, Mr. Anderson mentioned it was stated that the Board wanted to “polish” the current plan by revising the lines on the Future Land Use map in the growth areas. He discussed his observations of the recent Planning Commission meetings; he felt they had moved from “polishing” to “sandblasting” the plan, as the Commission had not only adjusted the map lines, but had also dramatically altered acceptable uses, buffers, residential densities, and the type of architectural stone to be used within the growth area over the next 20-30 years. He spoke of how he felt the meetings were being conducted with no public input, with only one citizen at the December meeting, and two citizens at the January meeting. Mr. Anderson stated this meant the public was either unaware, or too preoccupied to focus on this critical plan. He urged the Board to take proactive and creative actions to ensure the diversity of thought in the development of the plan, as well as the include the citizens in the development, not just the approval, of the plan.

Chairman Carmack closed the second public comment period.

16. County Attorney Comments

The County Attorney had no comments.

17. County Administrator Comments

The County Administrator had no comments.

18. Board Comments

Mr. Cox stated that he and other Board members had been on the Planning Commission, and that they actively and aggressively seek public comments, at the Commission level, and again at the Board level. He stated that he understood the concerns, but the plan worked well last time, and the outreach they did to look for comments, and having difficulty getting engagement.

Mr. Williams congratulated Chairman Carmack on the new position.

Chairman Carmack thanked Mr. Williams for his past services as Chairman.

