



**AT A WORKSHOP 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 1, 2022, AT 6:30 PM.**

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**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  
Charla Schubert, Finance Director  
Thomas Vo, Budget Manager

**Constitutional Officers Present:** None

**Guests Present:** None

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**1. Call to Order**

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

**2. Pledge of Allegiance**

Mr. McClung 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**

Chairman Byerly made a motion to add a closed session to the agenda following the second public comment period. Ms. Carmack seconded the motion.

Mr. Cox asked why they would be holding a closed session.

Chairman Byerly explained that the closed session would be used to discuss land acquisition opportunities, social services, and county administrator personnel. Mr. Cox



asked if the vote could go forward if it had not been mentioned beforehand. Mr. Lacheney explained that the motion would need four votes to amend the agenda. Mr. Williams asked if any materials would be handed out during the closed session. Chairman Byerly confirmed that there would be materials handed out.

Chairman Byerly repeated his motion to add a closed session to the agenda following the second public comment period. Ms. Carmack seconded the motion.

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

**VOTE 3-2  
MOTION FAILED**

**5. Formal Approval of Agenda**

Ms. Carmack made a motion to approve the formal agenda as presented. Mr. McClung seconded the motion.

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

**VOTE 5-0  
MOTION PASSED**

**6. Public Comment** (time limit 3 minutes per individual/ 5 minutes per group, 30 minutes total time that can be extended by the Board)

Chairman Byerly opened the public comment period

[Harry Markland, 3701 Hope Meadow Road](#), asked the Board to consider the concept of an office of inspector general within the County. He began explaining the benefits and stated that he would finish his comment in the next public comment period.

[Kenneth Hatcher, 3617 Trenham Road](#), asked for clarification on the decision-making process that goes into the approval of the budget. He pointed out that Goochland pays much higher taxes than Powhatan County does and provided some extra information to help the Board decide. He found it unrealistic for the Board to say they would not be changing the tax rate.

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

**7. Old Business**

**a. Discussion of FY23 Budget**

Mr. Smither gave a brief overview. He stated that there have been a few changes made to the budget throughout the process and provided a diagram that displayed these changes. They included an addition for a senior center, an increase for a higher position within Parks & Recreation, the elimination of a COR deputy position, etc.

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Mr. Cox expressed major concerns about the fact that a tax rate has not been established yet. Mr. Smither went on to explain that the \$0.79 tax rate was approved by the Board. He also gave a brief explanation of the tax rate process to the public. Mr. Cox and Mr. Smither discussed the issue at hand. They disagreed on whether or not the state should have been contacted. Mr. Cox clarified that the Board would have to start their discussions of the tax rate over again.

Mr. Cox made a motion to appoint the Powhatan Today as the County's official newspaper to comply with the public's notification announcement that there will be an effective tax rate increase in excess of one percent. Mr. Williams seconded the motion.

Ms. Carmack asked what the implications on the billing would be if this change was made. She also asked if Mr. Smither had met with each Supervisor privately to discuss the budget. Mr. Smither stated that the changes would not be monumental if the County changed their appointed newspaper to run the ads, but the treasurer would be up against a deadline. He also confirmed that he had invited each Supervisor to meet one-on-one to go over the budget. He explained that neither Mr. Williams nor Mr. Cox had met with him. Mr. Williams announced to the public that any delays with the bills are not the treasurers' fault, but that the fault lies among the Board members and County Administrators. He explained that the County Administrator's office is overrun with tasks and facing an all-time low in terms of morale. He also addressed the issue at hand and explained exactly why he reached out to the state. Mr. Williams then asked if it would be acceptable for the County to provide a notice that extended the deadline by 30 days. Ms. Nunnally stated that the latest the County should extend the deadline is June 15<sup>th</sup>. She explained that anything later than that would cause many issues and also expressed her concern with the deadline approaching if the Board does not elect to extend the deadline. Chairman Byerly asked how many times the ad would be able to run if the County contacted Powhatan Today right away. Mr. Smither stated that the plan was to run the ad twice. Ms. Nunnally stated that if the bills could get out by May 6<sup>th</sup>, the ad would be able to run four times. She also stated that this would give her much more flexibility. Chairman Byerly suggested that the Board upgrade the ad in the newspaper to a display to give citizens a better opportunity of being informed. Mr. Williams asked Ms. Nunnally what her deadline would be to meet the deadline of May 15<sup>th</sup> and meet the 30-day requirement. Ms. Nunnally stated that the bills would need to be taken to the post office on May 14<sup>th</sup> so that they can be mailed on the following day. She also clarified that any notification of an extension would be handled by her office. Mr. Lacheney reminded the Board that they would need to adopt a resolution to extend the deadline. He recommended that the Board make a motion today to change the due date with a resolution as a follow-up. Mr. Cox withdrew his motion.

Mr. Williams made a motion to extend the collection day until June 15<sup>th</sup> and conduct a formal resolution at the April 11<sup>th</sup> meeting. Mr. Cox 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**

Mr. Cox thanked Mr. Williams for his service in helping the County solve the issue at hand. Chairman Byerly agreed with Mr. Williams's previous concern with the time frame in which the Board members receive their handouts. The Board moved on to a discussion about the budget.

Mr. Cox asked if the Board of Supervisors was the only one with the authority to change the classification of a staff position. Mr. Lacheney confirmed that only the Board of Supervisors is authorized to change it specifically when it is a budgeted and appropriate position. Mr. Cox stated that Mr. Timberlake should be a part of this discussion. He also disagreed with an addition to the budget for a senior center because he did not believe there had been enough Board discussion. Mr. Williams agreed with Mr. Cox.

Chairman Byerly reminded the Board members that the diagram being presented is only a proposed budget. He stated that this means the discussion should occur now. Mr. Cox clarified that the budget proposed for a senior center tonight would only cover the staff and program directors because the brick-and-mortar budget should be in CIP, not the operational budget. He expressed concern with the discussion process that was taking place regarding the senior center specifically. Ms. Carmack stated that she had discussed the idea of a senior center at length with Mr. Smither as well as the supervisors who she was in communication with at the time. She asked her colleagues to discuss the topic so they could make a decision. Mr. Williams stated that the issue is that the topic should have been discussed before it was placed within the proposed operational budget. He also confirmed that he had discussed this topic with Ms. Carmack. He expressed his support for the project provided that the Board goes through the proper discussion process. Mr. McClung pointed out that there are more seniors in Powhatan County than there are students, meaning there is a need for this project to occur. He expressed his support for the discussion process and asked that the Board get the ball rolling. Chairman Byerly expressed support for the discussion process and the senior center project.

Mr. Smither moved on to the upgrade of the Parks and Recreation position to director level. He asked if this was approved by the Board members. Mr. Cox stated that this was not yet approved. Ms. Carmack stated that it would be worthwhile to consider upgrading the position because there had been some discussion of upgrading the Parks and Recreation department and this could give them someone to oversee this process when it begins. Mr. Williams expressed his support for this upgrade.

Mr. Williams requested a job description. He then asked how the new deputy County Administrator would fit into this. Mr. Smither explained that this is strictly a title change that would move the position over to the County Administrator's office in an attempt to improve the dialogue between the positions. Mr. Williams stated that he'd like to have these types of informative conversations before the changes are advertised. Chairman Byerly asked Mr. Lacheney if the County Administrator has the authority to change a position title. He also asked if the Board of Supervisors typically gets involved in the



hiring and firing of employees. Mr. Lacheny stated he was not sure what the handbook said about the County Administrator's authority to make the type of change. He also stated that the Board of Supervisors usually does not get involved with the hiring and firing of employees, but they can. He also explained that the Chairman could find a basic explanation of this authority in a copy of Mr. Smither's employment agreement.

Chairman Byerly agreed that there has been a lack of communication. He suggested that Mr. Smither send out an email in the future to avoid any further issues. Mr. Cox clarified that the change would include more than just a title switch because the employee would be taking on a change of responsibility as well. He expressed some concern with the choice of job title, stating that it seemed inflammatory. Mr. Williams shared some of the considerations he would have made about this change if he had been informed sooner. Mr. Smither moved on to the new positions in the FY23 budget. He stated that this was just a summary of what has already been discussed. Mr. Cox asked what the advantages of a purchasing agent would be. Mr. Smither stated that the Superintendent had said he is open to discussion. Mr. Williams was curious as to how much of the purchasing could be leveraged. Mr. Smither stated that this position would help alleviate some responsibilities from the department heads. Ms. Carmack asked if the position could be part-time instead of full-time. Mr. Smither stated that he did not think that was possible because the position would have to be one of authority. He also confirmed that the position would include all small and large purchases.

Mr. Smither moved on to the fee schedule discussion. Ms. Schubert gave a brief overview. She went over any fees that were being recommended for increase. She stated the public hearing for these changes would be on April 25<sup>th</sup>, but they do not have to adopt it that night. Mr. Cox asked if the building inspections that were being outsourced needed to be included. Mr. Smither stated that they did pass an ordinance that set the rates for those inspections. He was not sure if that needed to be a separate ordinance. Ms. Schubert stated that it would be included in the original appendix.

Mr. Smither moved on to a breakdown of the contingency fund. He gave a brief overview of those increases. He then presented the ongoing budget schedule.

The Board decided to ask the Planning Commission to move their May 3<sup>rd</sup> meeting to the next day at their April 6<sup>th</sup> meeting.

8. **Public Comment** (time limit 3 minutes per individual/ 5 minutes per group, 30 minutes total time that can be extended by the Board)  
Chairman Byerly opened the public comment period.

[Harry Markland, 3701 Hope Meadow Road](#), continued his comment on the Inspector General's Office. He urged the Board to consider adding this position and provided some handouts to support this recommendation.



[Kenneth Hatcher, 3617 Trenholm Road](#), continues his comment on the budget. He pointed to some funds that are uncategorized at the moment.

[Bill Bryan, 6459 Anderson Highway](#), agreed with Mr. Williams and Mr. Cox. He also thanked Ms. Carmack for her efforts. He also expressed his distaste for a senior center.

[Jamie Timberlake](#), expressed concern with the level of communication that has been happening among the Board of Supervisors.

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

Mr. McClung made a motion to ask the Planning Commission to review the non-conforming section of the zoning ordinance and consider the addition of language to allow the adaptive reuse of non-conforming structures that have been unused for two years and have the decision by May 5<sup>th</sup>, 2022. Ms. Carmack seconded the motion.

Mr. Cox asked Mr. Lacheney if that ordinance would override the state code of Virginia. Mr. Lacheney explained that the Virginia state code does not require them to consider a non-conforming structure unusable after not being in use for two years. He stated that they could set some rules in place for special circumstances. Mr. Williams expressed some concern about changing the ordinance to favor one applicant because it creates a slippery slope where any applicant can ask to have the ordinance changed back in their favor. Ms. Carmack reminded her colleagues that changes in their ordinances are often prompted by a specific case. She stated that the solution could potentially be as easy as issuing a waiver. Chairman Byerly asked what “abandonment” would be defined as in this case. Mr. Lacheney stated that the Supreme Court defines “abandoned” as a structure that is left with no intention of coming back. He also explained that even if the electricity and landscape were taken care of, the lack of intent to revisit the building would still make it abandoned.

Mr. McClung restated his motion to ask the Planning Commission to review the non-conforming section of the zoning ordinance and consider the addition of language to allow the adaptive reuse of non-conforming structures that have been unused for two years and have the decision by May 5<sup>th</sup>, 2022. 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**

## **9. County Attorney Comments**

There were no County Attorney comments.

## **10. County Administrator Comments**

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There were no County Administrator comments.

**11. Board Comments**

Mr. Williams asked that they have a presentation on the senior connection as well as specialized transportation.

**12. Adjournment**

Chairman Byerly adjourned the meeting at approximately 5:15 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>	<b>AYE</b>
<i>Steve W. McClung</i>	<b>AYE</b>
<i>Michael W. Byerly</i>	<b>AYE</b>
<i>Bill L. Cox</i>	<b>AYE</b>
<i>Karin M. Carmack</i>	<b>AYE</b>