

*POWHATAN COUNTY BOARD OF SUPERVISORS
WORKSHOP MEETING
AUGUST 16TH, 2022*



AT A JOINT WORKSHOP MEETING OF THE BOARD OF SUPERVISORS AND THE ECONOMIC DEVELOPMENT AUTHORITY HELD IN THE VILLAGE BUILDING CONFERENCE ROOM, AT 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON AUGUST 16TH, 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

Economic Development Authority Present: Dan Jones, Chair
Tim Benusa, Treasurer
Russ Holland
Matt Schiefer

Economic Development Authority Absent: Frank Rennie, Vice-Chair

County Staff Present: Ned Smither, County Administrator
Bret Schardein, Deputy County Administrator
Will Hagy, Deputy County Administrator
Tom Lacheney, County Attorney
Johnny Melis, Utilities Director
Thomas Vo, Budget Manager
Melissa Lowe, Human Resources Manager
Phil Warner, Fire & Rescue Chief

Constitutional Officers Present: Brad Nunnally, Sherriff

Guests Present: None

1. Call to Order

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

2. Pledge of Allegiance

Ms. Carmack 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

Mr. Byerly referenced Mr. Cox request prior to the meeting that the minutes from July 25th, 2022, and the approval of the County Administrator's amended contract be taken off the consent agenda.

Mr. Cox also made a motion to add Ms. Nunally's request to review her salary to the agenda. Mr. Byerly stated his understanding is this will be addressed at the next regular meeting.

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

VOTE 3-2

MOTION DENIED

5. Formal Approval of Agenda

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

Mr. McClung seconded the motion.

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

VOTE 5-0

MOTION PASSED

6. County Administrator Updates

Mr. Smither welcomed everyone to the meeting.

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.



[Fran Carlton, 2219 Rosson Road](#), reminded the Board of their duties as appointed officials and stated that the salary process should be under a system of checks and balances in which the Board has final approval. She strongly urged the Board to adhere to the handbook rules.

[David Anderson, 2366 Belle Crest Circle](#), recognized Mr. Lacheney for his essential role in the Board meetings and thanked him for taking accountability for his actions at the previous meeting. Chairman Byerly closed the public comment period.

8. New Business

a. Discussion of potential Irrigation Relief Ordinance, (Requested by Staff)

i. Staff will introduce the concept for discussion of sewer fee credit to Aqua Virginia irrigation customers

Mr. Smither and Johnny Melis of the Public Works Department gave a brief overview. Mr. Melis stated that this ordinance would primarily affect those on Aqua Virginia water and public sewer. He explained that there are currently no residential irrigation meters for those in this situation. Mr. McClung asked if the metering system would be separate for water, and Mr. Melis explained that it depends on the area. He also confirmed that he would prefer to have a meter system to have access to specific data. Mr. Cox noted that an annual credit approach is significantly less expensive and time-consuming than other options.

Chairman Byerly asked how widespread Aqua is from a geographic standpoint. Mr. Melis stated that it was roughly between 522 and Academy Road. Chairman Byerly asked how much time they would need to develop a more specific recommendation. Mr. Melis explained that specific recommendations could be available relatively quickly.

Mr. Cox stated that he prefers a credit system to avoid overcomplications. Mr. Lacheney clarified that a credit versus meter system would entail different specifications that need to be



modified on the ordinance draft once a decision is made. The Board decided to proceed with this discussion at the September meeting. Mr. Williams stated that he would like to know the cost difference associated with each system. Mr. McClung asked what the estimate of number of families is, and Mr. Melis estimated there to be 25-30 single-family homes.

b. Discussion of CIP Funding Considerations (Requested by Staff)

Mr. Smither gave a brief overview.

Mr. Vo gave a brief presentation on different funding options the Board could use if they decide to move forward with the fire house expansion project. These included the use of leftover general fund monies from existing projects & general funds to support the Shortfall project, grant money for the Fighting Creek project, and the delay of specific projects to FY24. Ms. Carmack stated that she is not comfortable with spending \$2.6 million on a fire station addition. Mr. Cox expressed confusion with the delay considering the recent influx of money the County has experienced. The Board went over the graph in Mr. Vo's presentation. Mr. Williams pointed out that when the Board added the bubble for vehicles, Powhatan County citizens got a tax increase despite the 2-cent decrease that was previously passed. The Board discussed the exact budget timeline and how it related to the bubble to accommodate vehicles. Chairman Byerly redirected the discussion back to the potential funding sources. Mr. Williams asked Chief Warner what would need to be done to get a better estimate of the renovation costs. Chief Warner explained that they wanted to make sure the Board of Supervisors was onboard before paying for an architectural plan. Mr. Williams stated that he did not think the cost of renovations was going to get any cheaper. Ms. Carmack asked how many square feet were added, which was confirmed to be roughly 3,500 square feet. Mr. Cox disagreed with the possibility of pushing back the trail master plan. The Board agreed to



refrain from making any decisions until further information is provided. The Board discussed alternative material options.

Chairman Byerly asked if the Board was in support of proceeding with the softball complex.

The Board agreed to revisit the topic with more information at the September meeting.

c. Ratification of all previous salary adjustments applicable to current employees

(Requested by Staff)

Mr. Smither gave a brief overview.

Mr. Williams made a motion to discuss the motion made by the County Administrator with the County Attorney.

Mr. Williams asked Mr. Lacheney about the motion that was proposed for him to develop from the County Administrator regarding tonight's meeting. Mr. Lacheney read both drafts of this motion. Mr. Williams had several questions about the previous decisions made by the County Administrator that preceded Mr. Smither. He reminded his colleagues that the County Administrator should function under a certain level of Board supervision. Mr. Lacheney explained that the Board would have to adopt a resolution that either ratifies or eliminates all changes.

Mr. Cox expressed concern with the salary and compensation system. Ms. Carmack stated that she would not be supporting the ratification of anything. She pointed out that three of the five Board members had voted in support of authorizing Mr. Smither to make changes to grades, titles, and classifications as necessary in May 2022. She pointed to multiple examples of similar authorization. Mr. McClung stated that he would not be ratifying anything as well. The Board discussed the County Administrator's authority to make certain decisions without supervision. Mr. Lacheney explained that there is a difference between the authority to



maintain/administer salary and the authority to change/modify it. Ms. Carmack emphasized the importance of adjusting to economic changes. Chairman Byerly stated that this was not an issue that started with the County Administrator. HR Manager Melissa Lowe spoke briefly about the timeline of salary changes.

9. 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.

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

10. County Attorney Comments

None.

11. County Administrator Comments

None.

12. Board Comments

Mr. Williams expressed support for the Youth Program banquet.

13. Closed Meeting with the Economic Development Authority

Ms. Carmack made a motion to enter the Board of Supervisors into a closed meeting.

Mr. McClung seconded the motion.

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

VOTE 5-0

MOTION PASSED

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



Mr. Lacheney led the Board of Supervisors in the Certification of a Closed Meeting as authorized by the Code of Virginia.

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

VOTE 5-0

MOTION PASSED

15. Discussion

a. Minutes from July 25th, 2022, Regular Meeting

Mr. Cox mentioned a few typos that needed to be fixed. He made a motion that his reasons for supporting Mr. Williams be listed.

Chairman Byerly reminded the Board that the minutes are supposed to be brief summaries.

Mr. Williams stated that if it is important enough to make a motion, it should be described in the minutes. Mr. McClung noted that anyone who wants to hear what was said could watch the video online. Mr. Williams stated that the minutes are the official record of the Board.

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

McClung voted NAY.

VOTE 3-2

MOTION DENIED

b. Approval of County Administrator's Amended Contract

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Mr. Williams expressed concern about the fact that this documentation was not made available to the public. He requested that the Board go through the changes to the County Administrator's contract so that the public will understand what is changing.

Chairman Byerly made a motion to authorize the Chairman to sign the amended contract for the County Administrator.

Mr. McClung seconded the motion.

Mr. Williams went over the changes to the County Administrator's contract, which were:

1. The County Administrator no longer has to reside in Powhatan County.
2. The County Administrator's salary will increase to \$190,000.
3. If the County is no longer seeking the County Administrator's employment, three votes will allow them eight months of severance pay, four votes would allow seven months, and five votes would allow six months.

Mr. Cox stated that he would not be in support of this contract because employee morale is low, the raise is above what most others are getting (5%), and he is often asked why the County still employs the County Administrator. Mr. Williams agreed with Mr. Cox's concerns. Ms. Carmack expressed confusion with Mr. Cox's statement about employee morale. Mr. McClung stated that people are leaving because of low salaries, not low morale. Chairman Byerly agreed with Mr. McClung.

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

VOTE 3-2

MOTION PASSED

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16. Adjournment

Chairman Byerly adjourned the meeting at approximately 9:49 PM.

ATTEST:

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

**Mike Byerly, Chairman
Powhatan County Board of Supervisors**

Recorded Vote:

<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