



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 AUGUST 22, 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

Board of Supervisors Absent: None

County Staff Present: Ned Smither, County Administrator
Bret Schardein, Deputy County Administrator
Will Hagy, Deputy County Administrator
Tom Lacheney, County Attorney
Tom Nolan, Director of Public Safety Communications
Melissa Lowe, Human Resources Manager

Constitutional Officers Present: Brad Nunnally, Sherriff
Becky Nunnally, Treasurer

Guests Present: None

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

Ms. Carmack led the invocation.

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

Mr. Williams suggested that the County Attorney briefly explain Robert's rules at the beginning of the meeting so that the public understands the order they must follow, and Chairman Byerly agreed. Mr. Lacheney gave a detailed description of Robert's Rules.



5. Formal Approval of Agenda

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

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 gave a brief overview of the progress that has been made on the Village Park project as well as the local support that the project has received. He also spoke about some of the policies and procedures involving the compensation & classification plan that the Board was going to discuss and expressed support for addressing that at the September 26th Board meeting. This meeting will include an updated employee handbook clarifying any authority granted to staff, including the County Administrator.

a. Land Mobile Radio Video presented by Tom Nolan, Director of Public Safety Communications.

Mr. Nolan gave a brief overview of the video. After the video, The Board opened up the floor for many of the team members mentioned in the video, and Mr. Nolan made a few remarks about the challenges that they did not describe in the video.

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.

[Steve Jenkins, 1163 Bradbury Road,](#) stated that he has a degree in Human Resources Management. He suggested that the Board create an exit interview process and morale survey to help inform the Board of the strengths and weaknesses of their county. He then asked the Board to consider the image they are giving off from the meetings and expressed confusion about the Board's decision to override the checks and balances process.



Stephen Barham, 3492 Richard's Run, expressed the importance of being aware of employee concerns. He asked Mr. Smither for a copy of his updated contract.

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

8. Consent Agenda

- a. Minutes March 15th, 2022, Joint School Board Workshop
- b. Minutes May 17th, 2022, Joint School Board Workshop
- c. Resolution R-2022-24, Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating \$41,372.00 in Grants
- d. Resolution R-2022-25 Authorization for County Administrator to accept Luck Stone Right-of-Way

Ms. Carmack made a motion to **approve** the consent agenda.

Mr. McClung seconded the motion.

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

VOTE 5-0

MOTION PASSED

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

- a. One appointment to the Library Board of Trustees

Mr. McClung made a motion to recommend the appointment of Janice Epperson to the Library Board of Trustees effective August 22nd, 2022, through December 31st, 2023.

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

VOTE 5-0

MOTION PASSED

10. Old Business

- a. Virginia Loggers Association Tax Exemption Discussion (Requested by Ms. Carmack)



Mr. Smither gave a brief overview. He stated that after further review, it had been found that the tax exemption would not impact the county's financial position, and he explained that it would only affect one taxpayer.

Ms. Carmack made a motion to schedule a public hearing for the September 26th meeting on this item.

Mr. Williams seconded the motion.

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

VOTE 5-0

MOTION PASSED

11. New Business

a. Resolution R-2022-26 Adopting the Updated 2022 Richmond-Crater Multi-Region Hazard Mitigation Plan (Requested by Staff)

Mr. Smither and Mr. Lindsey gave a brief overview.

Ms. Carmack made a motion to approve Resolution R-2022-26.

Mr. McClung seconded the motion.

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

VOTE 5-0

MOTION PASSED

b. Discussion of County Classification and Compensation Plan (Requested by Mr. Williams)

Mr. Smither gave a brief overview.

Mr. Williams made a motion that in light of the salary increases and the pay grade changes, to have the Human Resources Manager and County Attorney assess the integrity of the Comprehension Class Plan, determining how well it meets or does not meet its purpose of protecting county employees and providing legal protection from potential litigation.

*POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 22nd, 2022*



Mr. Cox presented slides to review some of the background information that may be appropriate and supported Mr. Williams' motion. He explained the system thoroughly, including positions, job descriptions, salary grades, and a salary range. He then expressed concern about multiple things, including jobs without a job description, lack of job listings in the budget document, changes in salary, etc.

Ms. Carmack pointed out that a vote in the April meeting was mentioned in which she voted to increase the Deputy County Administrator's salary. She also asked that her colleagues refrain from discussing the handbook until the Board can read and review the proposal. Mr. McClung agreed that a vote had been taken on the Deputy County Administrator's salary in April, and he also agreed that the numbers in the Comp & Class Plan need to be updated.

Mr. Williams agreed that there had been a discussion of the Deputy County Administrator's salary increase, but a formal vote had never been taken and agreed with Mr. Cox's point about a lack of formal approval. He expressed concern that a majority vote could give one of his powers as an elected official to someone else. He then asked Mr. Lacheney what kind of legal situation the Board could be put in if the plan does not have integrity. Mr. Lacheney explained why it would be in the Board's best interest to update its salary grade system to remain competitive and create job descriptions to match the updated necessity for employees. He warned the Board that a person could take legal action if their salary does not match their personnel manual. Mr. Williams agreed with Mr. McClung that the Board should do a market survey annually. Mr. Lacheney stressed the importance of having accurate job titles so that the county can identify who is exempt from grievance rights.

Mr. Cox mentioned that the Board had spent most of the closed meeting discussing the possibility of eliminating the staff compensation plan altogether. Mr. Cox provided minutes from the April meeting, and it showed that there was no approval for the job or salary. He noted that the type of job the County Administrator is trying to pursue is more similar to a County Manager position.

Ms. Carmack stated that she had suggested eliminating the staff compensation plan and finding another system that worked better for them because the county was not



following it anyway. She also noted that the Board members had not asked for the Compensation and Classification study. She asked Mr. Smither for some clarification on the process of having that type of study. Mr. Smither explained that the county would need to contact an outside consultant for about \$200,000.00 and catch them up on Powhatan County's history.

Ms. Carmack asked the Human Resources Manager how hard it would be to update the employee classification and compensation plan. The Human Resources Manager explained that it would depend on the specific changes being made. Ms. Carmack said that the Board should update the employee classification and compensation plan. Mr. Williams asked if current provisions in the employee handbook give the County Administrator the authority to provide 5% and 10% increases in certain situations, and the Human Resources Manager confirmed this.

Chairman Byerly stated that Mr. William's motion has merit to it, in his opinion. He reminded everyone that they all need to solve the problem at hand.

Mr. Williams mentioned that the morale survey would need to be confidential so that no one would be swayed in one way or the other.

Ms. Carmack made a motion to **amend** the previous motion to say that while they assess the integrity of the employee compensation and classification plan, the county also updates the job descriptions and provides a corollary regarding pay grade.

She noted that the Human Resources Manager should handle the employee compensation and classification plan, not the County Administrator. Mr. Williams agreed with her. The County Attorney and Human Resources Manager pointed out that this would be an extensive project. Mr. Cox suggested that they focus on giving job descriptions to the positions that do not have them before they take on the task of changing every single one.

Ms. Carmack repeated her motion to **amend** the previous motion to say that while they assess the integrity of the employee compensation and classification plan, the county also updates the job descriptions and provides a corollary regarding pay grade. Mr. McClung seconded the motion.



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

VOTE 5-0

MOTION PASSED

Mr. Williams made a motion that in light of the salary increases and the pay grade changes, to have the Human Resources Manager and County Attorney **assess** the integrity of the Comprehension Class Plan, determining how well it meets or does not meet its purpose of protecting county employees and providing legal protection from potential litigation as well as assessing the integrity of the employee compensation and classification plan, the county also updates the job descriptions and provides a corollary in terms of pay grade.

Mr. Cox seconded the motion.

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

VOTE 5-0

MOTION PASSED

12. Public Hearings

- a. **O-2022-22 Case 22-03-REZC: Shurm Homes:** This case has been deferred to September 26th, 2022, Board of Supervisors Regular Board Meeting
Chairman Byerly opened the public comment period.

13. 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.

[Harry Marklin, Hope Meadow Rd,](#) expressed the importance of having someone to supervise policies and procedures.

[Stephen Barham, 3492 Richard's Run,](#) expressed concern about the professionalism of the County Administrator and asked that the Board be as transparent as possible.



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

14. County Attorney Comments

None.

15. County Administrator Comments

Mr. Smither apologized for getting into a disagreement with Mr. Lacheney. He also noted that the discussion tonight had interrupted a collaboration process between him and Mr. Lacheney that was already in the works to fix the plan.

16. Board Comments

Mr. Williams asked that the approved budget be made available on the County website. He also requested that the Board move forward on updating the proffer policy.

Mr. Cox suggested that the Board discontinue the staff meetings.

Chairman Byerly stated that it had been a productive meeting. He mentioned that the Board should have discussed the Compensation and Classification Plan in previous years.

Mr. Williams motioned to discuss the treasurer's compensation in an open session instead of a closed session.

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

VOTE 3-2

MOTION DENIED

17. Closed Meeting

Ms. Carmack made a motion to **enter** the Board into a closed session.

Mr. McClung seconded the motion.

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

VOTE 4-1

MOTION PASSED

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

POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 22nd, 2022



Mr. Lacheney brought the Board out of the closed session.

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

VOTE 5-0
MOTION PASSED

a. Board Actions, if necessary, resulting from closed meeting

Chairman Byerly motioned to move the County treasurer's pay to \$112,000.00 per
year, effective July 1st, 2022.

Mr. Williams seconded the motion.

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

VOTE 5-0
MOTION PASSED

19. Adjournment

Chairman Byerly adjourned the meeting at approximately 9:07 PM.

ATTEST:

Bret Schardein, Clerk
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

*POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
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