



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 OCTOBER 24TH, 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: Bret Schardein, Interim County Administrator
Tom Lacheney, County Attorney
Will Hagy, Deputy County Administrator
Charla Schubert, Director of Finance
Frank Hopkins, Planning Director
Melissa Lowe, Human Resources Manager

Constitutional Officers Present: Brad Nunnally, Sherriff
Becky Nunnally, Treasurer
Jaimie Timberlake, Commissioner of the Revenue

Guests Present: Kevin P. Carroll, CVTA Chair

1. Call to Order

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

2. Pledge of Allegiance

Mr. Cox 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 stated that Mr. Schardein requested to postpone agenda item 10 until the November meeting. Mr. Schardein explained that the terms under item 10a need to be staggered, and there are no applications for item 10b at this time.

Ms. Carmack made a motion to **defer** agenda item 10 to the November meeting.

Mr. McClung seconded the motion.

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

VOTE 5-0

MOTION PASSED

5. Formal Approval of Agenda

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

Mr. Cox 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. Schardein mentioned that the camera that picks up the podium is not working, so the video will not be switching to the side view.

7. Presentations

a. Central Virginia Transportation Authority (“CVTA”) Update- Kevin P. Carroll, Chair

Mr. Carroll gave a presentation on the progress and hard work of the CVTA. This presentation included a brief video, background information, a timeline, fall line trail & regional partner projects, regional uses, I-64 widening, leveraging local dollars, and Powhatan County FY2022 local distribution.

Mr. Williams asked if the \$100 million for the I-64 widening came from the original \$276 million, and Mr. Carroll explained that it was an addition. He said the CVTA



might have to restructure its plan to make the project work. Mr. Williams asked if the hard shoulder on Rte. 288 near Goochland County was still in the works, and Mr. Carroll confirmed this. Mr. Carroll mentioned several public safety parameters that the CVTA would implement. Mr. Williams noted that rural localities are receiving minimal funding while more significant sums are being given to GRTC and Mr. Carroll stated there is a micro-study being done that will assess each County's unique needs.

Certification of Closed Meeting as authorized by the Code of Virginia

Mr. Lacheney led the Board out of a closed session from the previous special meeting.

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

**VOTE 5-0
MOTION PASSED**

8. 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.

[Dani Byerly, 9239 Derwent Dr.](#) expressed concern with the conduct during Board of Supervisors meetings. She quoted the Standards of Conduct, gave several examples of their failure, and expressed specific concern with the behavior of Chairman Byerly and Ms. Carmack. She stated that they should both resign.

[Rocky Gary, 1826 Hillenwood Drive.](#) expressed concern about the possibility of a commercial property on Page Road.

[Joyce Biberica](#) expressed concern about the disrepair on Page Road. She stated that it is the government's job to ensure the citizens are safe, and adding commercial property would only exacerbate the issue.



[Laura Simon, 1837 High Hill Drive](#), asked that the Board vote against the commercial project on Page Road. She agreed with the previous speaker's concerns.

[Allen Simon, 1837 High Hill Drive](#), explained that he opposes the Page Road project and expressed safety concerns.

[Stephen Barham, 3492 Richard's Run](#), expressed concern with the amount of time it took the Board to ask for the County Administrator's resignation. He suggested that the Board members considered resigning and urged them to apologize to Mr. Lacheney.

[Fran Carlton, 2219 Rosson Road](#), expressed concern with the Pay and Class Plan and wage disparity.

9. Consent Agenda

- a. **Revised Minutes** August 22nd, 2022 Regular Meeting (continued from September 26th, 2022)
- b. **Minutes** September 20th, 2022 Workshop
- c. **Resolution R-2022-28:** Amending the Fiscal Year 2023 Powhatan County Operating Budget by Budgeting and Appropriating \$1,102,535.72 in School Grants
- d. **Resolution R-2022-30:** A Resolution Requesting State Road Acceptance by the Virginia Department of Transportation (VDOT) for the Streets within Windy Hill Farms
- e. **Resolution R-2022-31:** A Resolution Requesting State Road Acceptance by the Virginia Department of Transportation (VDOT) for the Streets within Norwood Creek Section F
- f. **Resolution R-2022-32:** A Resolution Requesting State Road Acceptance by the Virginia Department of Transportation (VDOT) for the Streets within Walnut Creek Sec 6



Mr. Cox made a motion to **approve** the consent agenda as presented.

Ms. Carmack seconded the motion.

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

VOTE 5-0
MOTION PASSED

10. Appointments to Boards, Commission, Committees, etc.

- a. Three Re-Appointments of Existing Members to the Powhatan County Department of Social Services Advisory Board

Deferred to November meeting

- b. One Appointment to the Powhatan County Department of Social Services Advisory Board

Deferred to November meeting

11. Old Business

a. Pay and Class Plan (Requested by Mr. Williams)

Mr. Schardein suggested that the Board consider hiring a consultant to help update the Pay and Class Plan. He asked for the Board's approval. Mr. Williams requested a specific explanation of the type of update the Board would like to see. Mr. Schardein stated that they would request an update for the market, parity, and equity across all positions and job descriptions.

Ms. Carmack asked what the Board could ask the HR Manager to do to keep the update cost and time effective. Mr. Schardein stated that the Goochland update was about \$27,000.00, and there are several things the Board can do to remain within a reasonable price.

Mr. Cox asked Mr. Schardein if he would be putting Mr. Lacheney's study in an RFP. Mr. Schardein stated that he had yet to consider placing the full study in an RFP, but



he would plan to make any consultant aware of it and provide them a copy. Mr. Cox noted that a consultant should review the Employee Handbook and other resources to understand the County's situation better and provide the best suggestions.

Mr. McClung agreed that an outside consultant should be involved in helping update the Pay and Class Plan. Mr. Williams stated that the cost to implement an to update the Pay and Class Plan would primarily be the salaries of personnel if the goal is to normalize the salaries. He noted that this is why there needs to be a consultant to provide the best strategy moving forward.

Chairman Byerly agreed that hiring a consultant would be beneficial. He agreed with Mr. Cox's idea to look at what several consultants provide and decide who the best fit will be to serve the County. He noted that the standard practice in local government is to adopt an amended compensation plan annually. Mr. Lacheney discussed the options involving procurement and contract at length. The Board agreed to allow Mr. Schardein to proceed in looking for an outside consultant and to consider cooperative procurement.

b. Keystone ERP (Requested by Mr. Cox)

Mr. Cox gave an overview of the transition from Keystone ERP. Ms. Nunally stated that her office is struggling to provide confident service to customers on a daily basis. She explained several of the issues with the program. Mr. Cox asked if the abatement has continued to increase, and Ms. Nunally confirmed this. Mr. Timberlake explained several more issues with the program. Mr. Cox stated that he would like the Board to agree to look for a solution to the problem differently than in the past. Mr. McClung noted that there needs to be a deadline for Keystone to solve the issues at hand. Mr. Williams agreed with Mr. Cox that a professional needs to be brought in to provide their expertise on the best solution.

Chairman Byerly asked how much the Board owed, and Ms. Nunally stated that they did not have an accurate figure because the system was not calculating correctly.

Chairman Byerly wondered if there was any way the department could calculate the



abatements owed, and Ms. Nunally explained that they do calculate the abatements individually. She also noted that the department is slowly providing refunds manually. Chairman Byerly asked if every County in the Commonwealth prorates, and Mr. Timberlake explained that they do not because it is not required by State law. Mr. Schardein gave a brief overview of Keystone's performance from a county-wide perspective. He stated that some departments implementation is further along than others and noted that while bringing in an outside consultants at this point fairly far into the process is an option, they are generally most helpful when brought in from day one to help with implementation beginning to end. He also explained that there is a major system update coming in December.

Chairman Byerly agreed that Keystone should have a deadline to solve these problems.

Mr. Williams stated that he does not want to wait until December. He recommended that Mr. Schardein seek a consultant to fix the issues. Chairman Byerly agreed with Mr. William's comments.

c. Department of Social Services (Requested by Mr. Williams)

Mr. Williams expressed the importance of getting reports from the Department of Social Services about how well the County serves its citizens. He explained that Mr. Schardein would talk to staff and provide more information at the next meeting. Mr. Schardein stated that he has been in contact with staff at the Department of Social Services and plans to continue meeting with them to bring the Board more information. Mr. Williams requested that Mr. Schardein ask about the sexual and domestic violence program the Board was funding in 2018.

- d. Ordinance O-2022-35 Case #22-09-AZ:** The County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article IV (Village Growth Area Districts) Division 2 Village Growth Area Planned Development Districts, Sec. 83-314 to create a new Planned Development District to



be utilized by areas denoted in the 2021 Comprehensive Plan as Economic Opportunity. This amendment will create a new zoning district that will allow Economic Opportunity parcels to feature densities and commercial development consistent with the vision of the 2021 Comprehensive Plan. (Continued from September 26, 2022)

Mr. Hopkins gave a brief overview.

Mr. Cox stated that he would like to go through the Comprehensive Plan to evaluate how well the Board has done. He pointed out several areas where the zoning ordinance does not comply with the Comprehensive Plan. He stated that he would like Mr. Schardein to help review and correct the issues he mentioned. Mr. Hopkins gave his input on the issues that Mr. Cox mentioned.

Ms. Carmack stated that she would like to strike "limiting the residential uses to 30% of the overall development area" from the zoning ordinance because it is too broad. She also asked to strike the mandate that at least 30% of the infrastructure be installed prior to occupancy. She agreed that the Board should look at the uses and eliminate any that the Board would not entertain. She mentioned the possibility of including a density bonus. Mr. McClung agreed with Ms. Carmack.

Mr. Williams agreed that the Board should better define the area instead of using percentages. Mr. Cox agreed with Ms. Carmack. He noted that Powhatan County has an extreme sensitivity for high-density housing and expressed concern about upsetting the community over a project that may never be developed. Instead, he explained that he would like to tell the citizens exactly what they are aiming to do. Ms. Carmack asked Mr. Hopkins and Mr. Schardein if they believed adding specificity to the percentages was possible. Mr. Schardein explained that he would like to see the Board give some clear specificity to give applicants a better understanding of what kind of projects the Board may or may not be prepared to support. Mr. Cox reminded the Board that the Comprehensive Plan is supposed to be a guideline to craft the zoning ordinance.

Mr. Williams stated that he would also like Mr. Schardein to look at phasing.



12. Public Hearings

- a. **Resolution R-2022-33** a resolution authorizing the County Administrator to execute a conveyance of a right of way agreement on a portion of parcel 38-43A to Dominion on a portion of Tax Map Parcel 38-43A

Mr. Schardein 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. Williams made a motion to **approve** Resolution R-2022-33 as presented.

Ms. Carmack seconded the motion.

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

VOTE 5-0

MOTION PASSED

- b. **Ordinance O-2022-38 Case 21-09-REZC Stroud Ventures LLC** (District #1: Manakin/Flat Rock/Sublett's) requests the rezoning of Tax Map Parcel #43-39B from Agricultural 10 (A-10) District to Commerce Center (CC) District with proffered conditions and amendment of the zoning district map of approximately 5.93 acres of land located on the west side of Page Rd approximately 0.2 miles northwest of the intersection with Anderson Highway. Proffered conditions address additional site buffers, roadway access controls, right-of-way dedication, and restriction of permitted uses. This request is being made to allow for the construction of a contractor's office, which shall include the storage of a limited quantity of materials, supplies, and equipment inside the building. The 2021 Long-Range Comprehensive Plan designates the subject property as Rural Areas and Protected Lands (Route 60 Corridor East Special Area Plan) on the Countywide Future Land Use Plan.

Mr. Hopkins gave a brief overview.

Chairman Byerly opened the public comment period.



Debbie Weir, 1501 Page Road, expressed several concerns about the traffic safety issues that the project would create and noted several sections of the zoning ordinance. She asked the Board to deny the rezoning request.

Mike Hall, 1746 Old Powhatan Estates, expressed concern about the potential development on Page Road. He asked the Board to deny the rezoning request.

Stephen Barham, 3492 Richard's Run, expressed concern about the traffic on Page Road.

Loraine Fleeman, 1878 Boyer Road, thanked the Board for their service and spoke on behalf of Stroud Ventures. She stated that she supports the rezoning because she believes it will have a minimal impact on Page Road and noted that the trucks were stored in her yard for some time, and there were no complaints about the traffic.

Carol Kimmel, 1756 Old Powhatan Estates, expressed concern about the traffic implications of the rezoning. She asked the Board to deny the rezoning.

April Rodgers, 1490 Greenberry Road, stated that Page Road needs to be wider to support the increased traffic of large vehicles. She asked the Board to deny any commercial development on Page Road.

Pat Boden , 1909 Boyer Road, stated that the additional traffic caused by this rezoning would be unsafe. She asked the Board to deny the rezoning.

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

The applicant, Kevin Stroud, clarified that he only has twenty-five employees, nineteen of whom work in the field. He explained that only four dump trucks leave once a day, and they will not be going down Page Road to the north. He expressed concern about the comments made by the public and explained that he had proffered everything he could. Another member of Stroud Ventures explained that the company does not manufacture asphalt or coatings and only stores sealer, which is not considered hazardous. He also explained that the trucks only leave and return once a day.



Mr. Cox noted that this application was not submitted in 2021. Mr. Hopkins explained why the application was listed as a 2021 case number. Mr. Cox stated that nothing should carry forward from the time before the Comprehensive Plan had changed. He mentioned that the zoning ordinance is rarely changed.

Ms. Carmack stated that the Stroud parcel was never meant to switch to rural. Mr. Williams noted that if the comp plan designation was a mistake, it should have been returned to the Board for reconsideration. Mr. Lacheney pointed out that the Board needs to decide whether it considers Mr. Stroud's project to comply with the provision of limited storage.

Mr. Williams asked if Mr. Hopkins saw any issues with the many permitted uses in the rezoning. Mr. Hopkins agreed that the uses could be reduced, and Mr. Williams stated that there should only be one permitted use. Mr. Williams asked Mr. Lacheney if another owner could automatically establish any business from the permitted uses if Mr. Stroud chose to sell it. Mr. Lacheney explained that the next owner would only be automatically approved for uses on the list if there were no restrictions in the proffers.

Mr. Cox asked what would happen if there were no proffers in the conceptual plan, and Mr. Lacheney explained that the applicant would be able to do anything with the property if there were no proffers. Mr. Hopkins stated that the applicant has said they are willing to proffer the conceptual plan and a TIA on any use over fifty trips a day. Ms. Carmack made a motion to **approve** Case 21-09-REZC with the amended proffer of the conceptual plan.

Mr. McClung seconded the motion.

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

VOTE 3-2

MOTION APPROVED



c. Ordinance O-2022-39 Case 22-06-REZC Powhatan Plaza (District #1:

Manakin/Flat Rock/Sublett's) requests an amendment of the proffer statement for one parcel designated tax map number 042-25A and the eastern part of parcel 042-26F which combine for approximately 5.2 acres and are located near the intersection of Anderson Hwy (U.S. Rt. 60) and Luck Stone Rd. The applicant is seeking to alter the requirement mandating the construction of a turn lane on Luck Stone Rd prior to any new building being constructed and instead let VDOT regulations govern when the turn lane will be constructed (Case #18-05-REZC). The subject properties are zoned Commerce Center Planned Development (CC-PD). The 2021 Comprehensive Plan designates the subject properties as Gateway Business on the Countywide Land Use Map.

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.

A representative of the applicant thanked the Board for their work and communication.

Mr. Williams asked what the applicant's intention was, and the applicant explained that the intention was to build the turn lane whenever VDOT deemed it necessary to accommodate traffic. Mr. Williams mentioned the additional traffic that future developments will cause.

Ms. Carmack made a motion to **approve** Case 22-06-REZC.

Mr. McClung seconded the motion.

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

Williams voted **NAY**.

VOTE 4-1

MOTION APPROVED

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.

Woody Cofer asked if the Comprehensive Plan uses override the zoning ordinance.

Stephen Barham, 3492 Richard's Run, expressed concern about the decision to rezone the parcel. He also stated that the previous County Administrator should not be entitled to pay.

Loraine Fleeman, 1878 Boyar Road, thanked the Board for approving Mr. Stroud's rezoning. She expressed concern about the Board's inconsistency in its rezonings. She asked if the Board members have meetings among their individual districts and suggested that the citizens of each district could be part of their decision planning.

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

14. County Attorney Comments

Mr. Lacheney stated that his property is currently being filled with acorns.

15. County Administrator Comments

Mr. Schardein stated that he has been meeting with different departments and has been impressed with the work ethic of the County staff.

16. Board Comments

Chairman Byerly thanked Mr. Schardein for taking on the role of Interim County Administrator and expressed his support for Mr. Lacheney's return.

17. Adjournment

Chairman Byerly adjourned the meeting at approximately 10:17 PM.

ATTEST:

**Bret Schardein, Interim County Administrator
Powhatan County Board of Supervisors**

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

*POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 24TH, 2022*



Recorded Vote:

<i>David T. Williams</i>	<i>Aye</i>
<i>Steve W. McClung</i>	<i>Aye</i>
<i>Michael W. Byerly</i>	<i>Aye</i>
<i>Bill L. Cox</i>	<i>Aye</i>
<i>Karin M. Carmack</i>	<i>Aye</i>