

**VIRGINIA: AT A WORKSHOP 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 APRIL 19, 2021, AT 6:30 P.M.**

**Board of Supervisors Present:** David T. Williams, District 1,  
Tom Berry, District 2  
Michael W. Byerly, District 3, Vice Chairman  
Bill L. Cox, District 4  
Karin M. Carmack, District 5, Chairman

**Board of Supervisors Absent:** None

**County Staff Present:** Ned Smither, County Administrator  
Bret Schardein, Interim County Administrator  
Eric Lansing, Assistant County Attorney  
Ramona Carter, Director of Public Works  
Charla Schubert, Director of Finance  
John Wood, Director of Information Technology  
Andrew Pompei, Director of Planning  
Jamie Timberlake, Commissioner of Revenue

**Constitutional Officers Present:** Brad Nunnally, Sheriff

**Guests Present:** None

**1. Call to Order**

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

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

Mrs. Carmack identified the Board members, Mr. Smither, and Mr. Lansing, and their locations.

- b. Identify the persons responsible for receiving public comment

County Administration staff will accept emailed comments at [administration@powhatanva.gov](mailto: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.

- 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. 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**

None

## **5. Formal Approval of Agenda**

Mr. Williams made a motion to approve the agenda as presented. Mr. Cox seconded the motion.

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

### **VOTE 5-0 MOTION Passed**

## **6. 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.

Mr. Carl Schwendeman, 1727 Theresa Lane, talked about a highway funding bill and the Federal Infostructure Raise program. Mr. Schendeman's comment can be seen in full, on video, at the 2:12-minute mark of the Powhatan County's YouTube channel dated 4-19-21.

Betty Walters, 1013, Rocky Ford Road, asked that item 7-A on the Agenda be deferred. Ms. Walters comment can be seen in full, on video, at the 3:35-minute mark of the Powhatan County's YouTube channel dated 4-19-21.

Kitty Osborne, 1071 Dorset Road, asked for transparency of the assessment of real estate. Ms. Osborne's comment can be seen in full, on video, at the 4:28-minute mark of the Powhatan County's YouTube channel dated 4-19-21.

Mr. Max Timberlake Jr., 1479 Dorset Road, spoke on behalf of the Powhatan Farm Bureau in support of the Commissioner of Revenue. Mr. Timberlake's comment can be seen in full, on video, at the 6-minute mark of the Powhatan County's YouTube channel dated 4-19-21.

Keith Booth, 2246 Branch Forest Way, thinks that the voters should be taken into consideration in the matter of the Commissioner of Revenue. Mr. Booth's comment can be seen in full, on video, at the 7:48-minute mark of the Powhatan County's YouTube channel dated 4-19-21.

Sharon Younce, 1917 Fair Oaks Road, disagrees with the County's change in the reassessment process. Ms. Younce's comment can be seen in full, on video, at the 10:18-minute mark of the Powhatan County's YouTube channel dated 4-19-21.

Christy Elliott, 3471 Anderson Highway, doesn't feel as though the voters are getting a say in the decisions being made. Ms. Elliott's comment can be seen in full, on video, at the 12:26-minute mark of the Powhatan County's YouTube channel dated 4-19-21.

Jamie Timberlake 1450 Schroder Road, addressed the problems in moving the real estate assessments under the County Administrator. Mr. Timberlake asked for a deferral. Mr. Timberlake's comment can be seen in full, on video, at the 13:53-minute mark of the Powhatan County's YouTube channel dated 4-19-21.

Chairman Carmack closed the first public comment period.

## **7. New Business**

- a. Resolution R-2021-21 Establishing a Department of Real Estate Assessment

Mr. Smither introduced the Resolution, explained the decision to move the real estate assessments under a new department, and gave some statistics to support the move.

Mr. Lansing addressed where the real estate assessments fall under the Code of Virginia. He stated that it's not the personal responsibility of the Commissioner of Revenue, and that by removing the position, it doesn't upset the checks and balances. Mr. Lansing showed the agreement that was made with the Board of Supervisors and the Commissioner of Revenue for clarification.

Mr. Cox asked Mr. Lansing who had the authority in regards to real estate assessment. Mr. Lansing replied by saying that they authority lies within the Board of Supervisors, as stated in the Code of Virginia. Mr. Cox asked if other localities look for outside assessors conduct assessments. Mr. Smither responded by saying they do.

Mr. Williams asked Mr. Lansing if the Board is usurping the Commissioner of Revenue by creating another office. Mr. Lansing responded by saying no. Mr. Williams stated that the Board receives no money from the Compensation Board, therefore, it is not being recognized by the Compensation Board as being under the responsibility of the Commissioner of Revenue.

Mr. Byerly thanked the Commissioner of Revenue and the citizens for contacting the Board, be it good or bad. Mr. Byerly stated that he is looking for accuracy, fairness, and a way to improve the County's situation. He said that Mr. Smither is taking unnecessary heat for this. It is Mr. Smither's job to only make suggestions to the Board. Mr. Byerly stated that if the citizens don't like what they are doing, they can choose to re-elect someone else. The Board isn't trying to control things; they just want to improve the County.

Mr. Williams agreed with Mr. Byerly, and added that the goal is to do better. He explained that they conversations he's had with neighboring counties, had him come to the realization that there are benefits to having trained professionals in house. This has served the triple A rated counties well.

Mr. Cox stated that Mr. Smither is a quality employee and that he was hired with the expectation that there would be changes. Mr. Cox listed Mr. Smithers accomplishments in the 8 months that he has been employed; a ten-year planning process that reduced taxes and lowered debt, created a permit center, annualize the real estate taxes, created in-house assessments.

Mrs. Carmack stated that she had called other localities and spoke with other Commissioners of Revenue and feels as though this is another layer of protection. She said that while you may not have your elected official, if you have an issue, you will have; the Assessor, the Head Assessor, and then the Board of Equalization.

Mr. Williams moved for approval of Resolution R-2021-21. Mr. Cox seconded the motion.

Mrs. Carmack called for a roll call vote.

Mr. Smither conducted a roll call vote:

Mr. Williams Aye

Mr. Berry Aye

Mr. Byerly Aye

Mr. Cox Aye

Mrs. Carmack Aye

**VOTE 5-0**

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**MOTION Passed**

- b. Resolution R-2021-22 Supporting Applications to the House Transportation and Infrastructure Committee

Mr. Schardein presented. He said that they were contacted by the Senator's office about a bill that, if passed, would bring 20 million dollars to our district. He said that assuming that it's evenly distributed, Powhatan could receive about \$800,000. Mr. Schardein stated that staff had to submit a few projects and having a resolution for them would help the projects score better. He said that a few of the Smart Scale projects qualified. The projects are; a left turn on Route 60 and Stavemill Road, a right-in at Red Lane Road and continuous Green T, and right turn into Holly Hill Road.

Mr. Williams moved for approval of Resolution R-2021-22. Mr. Cox seconded the motion.

Mrs. Carmack called for a roll call vote.

Mr. Smither conducted a roll call vote:

Mr. Williams Aye

Mr. Berry Aye

Mr. Byerly Aye

Mr. Cox Aye

Mrs. Carmack Aye

**VOTE 5-0  
MOTION Passed**

- c. Update on Courthouse Parking Lot Expansion Project

Mrs. Carter presented. She stated that this project was a bond issuance from 2018. There are three phases to the design. One section of the design is not complete and that's the Sheriff's office main parking lot. The back parking lot is ready and in review. The drainage in front of the dentist's office on Route 13 is complete and at VDOT for review. Mrs. Carter said that \$62,000 had been spent on the engineering and designs of these projects. She said that some folks felt like the estimates came in too high. Mrs. Carter explained that the firetruck lane had to have thicker asphalt, a gutter and curb put in, lighting and electrical, signage and striping, infostructure utility sanitary sewer were the reason the estimates were high. She said that Mr. Potter, who's land abuts the Commonwealth Attorney's septic system, has partnered with the County to provide some help with cost. Mrs. Carter then explained some of the things that Mr. Potter would provide.

Mr. Cox asked why this project was started. Mrs. Carter replied that there have been many complaints from local businesses about their parking being taken when court was in session.

Mr. Byerly asked if the bonds could be moved over to other projects. Mrs. Carter responded by saying that yes. Mr. Cox then asked what would be lost if they moved the bond to another project. Mrs. Carter said that the County would lose the \$62,000.

Mr. Cox stated that he felt like there are more pressing projects. Mrs. Carmack stated that she would like Mrs. Carter and Mr. Smither to come back in a month with some ideas for spending the bond money elsewhere. The Board agreed with Mrs. Carmack.

d. Discussion of Zoning Standards for Solar Energy Farms

Mr. Pompei presented. He stated that there are three areas within the zoning ordinance that are listed with conditional use. Mr. Pompei said that since 2015, there have been seven conditional use permits. Of the seven permits, five were approved. He explained that the County really doesn't have much in the way of use standards for Solar Farms. There is the Comprehensive Plan and in 2019 the Planning Commission adopted guidance regarding the format of the application. Mr. Pompei stated that some Board members were interested in adopting use standards. He said that staff had compiled a list of the surrounding counties have addressed Solar Farms in their Comprehensive Plans.

Mr. Cox then presented a packet. He said that he wanted to add ordinances, that are non-negotiable, to go in the use standards. Mr. Cox explained that he wanted to make four changes. The first change would be to limit the size to 350 acres. The second change would have no visibility from State, County, and Federal roads. The third change is the location will need not be within two miles of an existing project. The last change would be to decommission bonds.

Mrs. Carmack stated that five solar farms is enough and asked about removal of the farms. Mr. Cox replied that he would be worried that the General Assembly would feel that the County was being unreasonable.

Mr. Williams suggested that the Board take this to the Planning Commission for review with the invitation that Mr. Cox would participate in a discussion.

e. Discussion of the Following Zoning Districts: Village Center (VC), Village Center Planned Development (VC-PD), Village Residential (VR), Village Residential Planned Development (VR-PD)

Mr. Pompei introduced the discussion then turned it over to Mr. Cox. Mr. Cox showed some slides and explained that he was concerned for the high-density housing in these sections. The slides included a description on the zoning districts, what they mean, and some examples. The third slide asked ‘why now?’. The reasoning for the why is; to set the expectations, protect staff resources, length of 2 years from start to finish, and changing the Comprehensive Plan to reduce time. Mr. Cox then moved on to propose that the Board restrict districts VC, VC-PD, VR, and VR-PD to the Route 711 East corridor. He also proposed the change the Courthouse and Village districts to allow changes.

Mrs. Carmack pointed out that there’s no water and sewer in the district that Mr. Cox wants to restrict the VC and VR zoning to and that she doesn’t like that it might take two years to get changes completed.

Mr. Williams was concerned that builders would look at the Future Land Use Map and think these areas are fair game. Mr. Cox responds by saying that there will be ordinances in place to support the endeavor. Mr. Williams then asked what would happen if a builder wanted to build in one of these areas and added that he spoke with the Planning Director Mr. Cox replied that they would be told to scale the project down. Mr. Cox explained that he is concerned that Powhatan will end up looking like Midlothian and he just wants to get the ball rolling.

Mrs. Carmack stated that she would like to wait. Mr. Byerly agreed and wants to see business opportunities. Mr. Berry stated that he doesn’t feel like this a cohesive package and will cause problems. Mr. Williams and Mr. Berry said no.

**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 second public comment period.

Mr. Carl Schwendeman, 1727 Theresa Lane, asked about fixing the flooding issues in Fighting Creek Park. Mr. Schendeman’s comment can be seen in full, on video, at the 2:05:50-minute mark of the Powhatan County’s YouTube channel dated 4-19-21.

Mr. David Anderson, 2366 Bell Crest Circle, talked about the Board gaining the trust of the people and the process that the Board took for the Resolutions. Mr. Anderson’s comment can be seen in full, on video, at the 2:07:08-minute mark of the Powhatan County’s YouTube channel dated 4-19-21.

Keith Booth, 2246 Branch Forest Way, stated that he doesn’t think that the Board has given the people the opportunity to oppose the new Assessor’s office. Mr. Booth’s comment can be seen in full, on video, at the 2:10:23-minute mark of the Powhatan County’s YouTube channel dated 4-19-21.

Sharon Younce, 1917 Fair Oaks Road, said that she is disappointed in the Board’s decision and thanked the Board. Ms. Younce’s comment can be seen in full, on video, at the 2:14:40-minute mark of the Powhatan County’s YouTube channel dated 4-19-21.

**11. County Attorney Comments**

The County Attorney had no comments

**12. County Administrator Comments**

The County Administrator had no comments

**13. Board Comments**

Mr. Byerly stated that trust is hard to earn in his position. He pointed out that this is an elected position. He noted that he has a large Facebook presence and tries to get the work out to folks so they can attend the public meetings. Mr. Byerly stated that the Board wants to do better and make Powhatan better. He said that sometimes you just don't know what the cake is going to taste like until it comes out of the oven. Mr. Byerly said that he has talked to the Commissioner of Revenue and it's not a slap to him. He stated that he made the decision based on what he thought was best for the County. He hopes the folks will see good results and if not, we can change it.

**14. Adjournment**

Chairman Carmack adjourned the meeting at 8:48 pm

These minutes were approved on November 22, 2021, with a motion, second, and 5/0 vote.



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



**Karin M. Carmack, Chairman  
Powhatan County Board of Supervisors**

**MLW**

<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>