

**VIRGINIA: AT A REGULAR 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 AUGUST 23, 2021 AT 6:30 P.M.**

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- Board of Supervisors Present:** David T. Williams, District 1,  
Tom E. Berry, District 2  
Michael W. Byerly, District 3, Vice Chairman  
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  
Phil Warner, Fire and Rescue Chief  
Alyson Oliver, Planner II  
Frank Hopkins, Planning Director  
David Dunivan, Building Inspections
- Constitutional Officers Present:** Brad Nunnally, Sheriff
- Guests Present:** Gary Wood, Firefly Broadband  
Chet Parsons, ConnectRVA

**1. Call to Order**

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

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

Chair Carmack identified the Board members, Mr. Smither, and Mr. Lacheney, and their locations.

- b. Identify the persons responsible for receiving the public comment.

County Administration staff accepted emailed comments at [administration@powhatanva.gov](mailto:administration@powhatanva.gov) . Any comments received until 5:00pm, August 23<sup>rd</sup> were 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 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**

Mr. Cox requested to move item 8C, Minutes from the February 22, 2021 Regular Meeting in the Consent Agenda to Old Business as item, 9C.

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

Mr. Williams motioned to approve the amended agenda. Mr. Cox seconded the motion.

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

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



**6. County Administrator Updates- Certificates of Appreciation, Special Resolutions, Proclamations and Presentations**

Mr. Smither announced to the members of the board the two resolutions in honor of the late Caroline Schollaert and requested to play a short video in her honor. Video was displayed for the members of the board and public to watch. Mr. Smither invited the family down to the podium along with the members of the board.

- A. Mr. Byerly read Proclamation P-2021-11 Honoring Petty Officer 3<sup>rd</sup> Class, Caroline Schollaert, United States Coast Guard and presented the proclamation to The Schollaert family
- B. Mr. Carmack invited the representatives from Chesterfield County, Mr. Joseph Casey, County Administrator, Lieutenant Colonel Matthew Wilkerson, Vice Chair, Christopher Winslow and then read Proclamation P-2021-10 Recognizing Chesterfield County for their dedication and support honoring the late Caroline Schollaert
- C. Mr. Parsons presented to the members of the board the long range ConnectRVA 2045 Long-Range Transportation Plan. Mr. Williams along with Mr. Parson invited the public to Independence Golf Center on November 4, 2021 at 9:00am for a transportation forum. No other questions from the board members.

**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 Carmack opened the first public comment period.

- 27:06, Barry Hodge, 3434 Richards Run
- 30:19, Shirley Royal, 2582 Red Lane Road
- 31:51, Sarah Koch, We The People, 2221 Autumn Oaks Lane
- 37:19, Dee Strickland, 2921 Deercreek Trail
- 40:46, Mike Crist, 3801 Bent Arrow Drive
- 42:42, Darrell Griffin, 2756 Dorset Ridge Circle
- 46:04, Steven Barham, 3492 Richards Run

No other speakers. Chairman Carmack closed the public comment period.



## 8. Consent Agenda

- A. Minutes February 12, 2021 Workshop Meeting
- B. Minutes February 19, 2021 Workshop Meeting
- C. Minutes June 23, 2021 Workshop Meeting
- D. Minutes June 28, 2021 Regular Meeting
- E. Minutes June 30, 2021 Workshop Meeting
- F. Minutes July 26, 2021 Regular Meeting

Chair Carmack motioned to approve the amended consent agenda. Mr. Cox seconded the motion.

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

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

## 9. Old Business

- A. Update on potential Firefly Broadband partnership, potential use of American Rescue Plan Act of 2021. Additional discussion on accelerated broadband construction with Firefly.

Mr. Smither introduced the new planned partnership with Firefly for broadband for the entire county on an accelerated basis. Introduced Mr. Gary Woods with Firefly and the two resolutions presented to the members of the board.

- 1. R-2021-41 Firefly RISE VATI Authorizing Funds
- 2. R-2021-42 Firefly RISE VATI Authorizing Additional Funds

After discussion among the members of the board, Mr. Smithers Mr. Woods, the board voted on both resolutions.

Chair Carmack motioned to approved Resolution R-2021-41. Mr. Williams seconded the motion

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



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

Chair Carmack motioned to approved Resolution R-2021-42. Mr. Williams seconded the motion.

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

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

- B.** Resolution R-2021-40 Authorizing the County Administrator to execute a contract with the lowest responsive and responsible offeror to IFB 2021-01 Village Building improvements upon County Attorney approval.

Mr. Smither introduced Resolution R-2021-40 to the members of the board. No questions from the board.

Chair Carmack motioned to approved Resolution R-2021-40. Mr. Williams seconded the motion.

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

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

- C.** Minutes February 22, 2021 Regular Meeting from the Consent Agenda.

Mr. Cox asked the members of the board to turn to page 38 of the packet and pointed out an incorrect vote count under Old Business. Mr. Smither acknowledged the error and will be corrected. Mr. Cox then moved to page 39, New Business, is missing a vote count under item B. R-2021-07. Item will be corrected by staff.



## 10. New Business

### A. Resolution R-2021-39 Call to General Assembly to repeal mandates

Mr. Smither presented Resolution R-2021-39 to the members of the board and Chair Carmack opened the floor for discussion. The members of the board along with Mr. Lacheney held an in-depth conversation regarding the resolution. Mr. Byerly recommended that the fourth paragraph of the resolution be deleted, the board agreed. Mr. Berry then recommended a new statement to replace the last paragraph in the resolution. Mr. Williams accepted the proposed amendment.

Mr. Williams made a motion to approve the resolution as amended. Mr. Cox seconded the motion.

David T. Williams – AYE, Tom E. Berry – AYE, Bill L. Cox – AYE, Michael W. Byerly – NO, Karin M. Carmack - NO

**VOTE 3-2**  
**MOTION Passed**

### B. Goochland Powhatan Community Service Board Performance Contract FY2022 and FY2023

Ms. Gill with the Goochland Powhatan Community Service Board spoke to the members about the contract and opened the floor to any questions. Mr. Cox asked if any actions were needed and was informed that Mr. Smither has authority to execute the contract.

## 11. Public Hearings

### A. Ordinance O-2021-23 (CASE #21-07-REZC) Nancy Stillwell (District #1: Subletts/Manakin/Flat Rock) requests to rezone Tax Map Parcels 43A-2-1, 43A-2-2, 43A-2-2A, 43A-2-3, 43A-2-4, 43A-2-4A, 43A-2-5, and 43A-2-6 from the General Commercial (C) zoning district to the Light-Industrial (I-1) zoning district.

Planner, Alyson Oliver provided an overview of the Ordinance O-2021-23, rezoning of 8 parcels from General Commercial to Light-Industrial. Chairman Carmack opened the Public Hearing.

No speakers present or remotely, Chairman Carmack closed the Public Hearing. Chairman Carmack opened discussion to members of the board.



After discussion among the board members and Ms. Oliver, Mr. Williams made a motion to approve ordinance O-2021-23. Mr. Byerly seconded the motion.

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

**VOTE 5-0  
MOTION Passed**

- B. Ordinance O-2021-22 (CASE #21-03-CUP) Chris and Vicki Smith (District #5: Smiths Crossroads/ Pineville/Tobaccoville) request a conditional use permit (CUP) to allow a rural event venue within the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan.

Planning Director, Frank Hopkins provided an overview of Case #21-03-CUP, as a request for CUP to allow a rural event venue at 6100 Anderson Highway.

The property owners were present and at 1:59:58, provided a presentation to the board members and staff an overview of their plans and property.

Chairman Carmack opened the public hearing.

Seeing as there were no other speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board member comments.

After the board discussion, Chair Carmack motioned to approve Ordinance O-2021-22, Case #21-03-CUP. Mr. Byerly seconded the motion.

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

**VOTE 5-0  
MOTION Passed**

- C. Ordinance O-2021-21 (CASE #21-03-AZ) The County of Powhatan requests an amendment to the County Code of Ordinances to amend Chapter 83 (Zoning



Ordinance), Article XI (Definitions) to add weekly rental to the definition of bed and breakfast, as well as remove references to generally taking place in single family homes, whether or not meals are served and specifics about the types of renters.

Planning Director, Frank Hopkins provided an overview of Case#21-03-AZ, adding weekly rental and primary residence requirements, amending the County Code of Ordinances to amend Chapter 83.

Chairman Carmack opened the public hearing.

Seeing as there were no other speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board member comments.

Mr. Williams motioned to approve Ordinance O-2021-21. Chair Carmack seconded the motion.

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

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

**D.** Ordinance O-2021-24 – Amendment of Fee Schedule - The County of Powhatan requests amendment of the Code of the County of Powhatan, Virginia, Appendix A (Fee Schedule) to add a credit to applicants of \$500 for Single Family dwellings under 1,500 square feet and \$750 for Single Family dwellings 1,500 square feet or greater, when the applicants choose to utilize pre-approved third party to review building permit plans.

Mr. Smither read the ordinance to the members of the board. Chairman Carmack opened the public hearing.

Seeing as there were no other speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board member comments. Mr. Schardein brought to the attention of the board, a typo in the resolution and stated that staff would update the resolution to delete the first paragraph.

Mr. Williams motioned to approve Ordinance O-2021-24. Chair Carmack seconded the motion.





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

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

**12. 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.

2:11:06, Darrell Griffin, 2756 Dorset Ridge Circle

No other speakers. Chairman Carmack closed the public comment period.

**13. County Attorney Comments**

The County Attorney had no comments.

**14. County Administrator Comments**

Mr. Smither congratulated the members of the board on their progress on the broadband  
project and thanked them for their hard work.

**15. Board Comments**

Mr. Cox addressed Mr. Smither and stated that in the future if there is a history of  
complications in public hearing cases, to let the members of the board know so it can  
help them with decision making.

Mr. Byerly made a comment and echoed Mr. Smither on the movement in the broadband  
project. Thanked the board members for their votes and their effort in the project.

Chair Carmack stated that tonight's meeting showed a leading Powhatan County, and  
they did what they did for the citizens and they should all be proud.



**16. Adjournment**

Chairman Carmack adjourned the meeting at 8:45 P.M.

These minutes were approved on September 27, 2021.

**ATTEST:**

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

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

**Recorded Vote:**

<i>David T. Williams</i>	<b>AYE</b>
<i>Tom E. Berry</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>