

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on October 13, 2015.

Present: Haywood J. Hamlet, Chairman
Gary D. Walker, Vice Chairman
Warren E. Weston
Garland H. Hamlett, Jr.
Robert L. Shook, Jr.
Nancy R. Carwile
David M. Guill

Chairman Hamlet called the meeting to order.

Garland H. Hamlett, Jr. gave the invocation.

Motion was made by Nancy R. Carwile seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to approve the agenda as amended.

Motion was made by David M. Guill, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to approve the minutes as presented.

Motion was made by Garland H. Hamlett, Jr., seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to send a thank you letter to the Sesquicentennial Committee and publish said letter in the papers.

Motion was made by Gary D. Walker, seconded by Robert L. Shook, Jr. to deny the School Board's request for funding of a new 950 student school and ask the School Board to return with another proposal.

Roll call vote as follows: Gary D. Walker-Aye; Robert L. Shook, Jr.-Aye; Warren E. Weston-Aye; Nancy R. Carwile-Aye; David M. Guill-Aye; Garland H. Hamlett, Jr.-Aye; and Haywood J. Hamlet-Aye.

After due notice was given the Charlotte County Board of Supervisors held a public hearing. The purpose of this hearing was to receive public comment on an Ordinance Authorizing the Formation of a Joint Entity for the Workforce Development Area Consortium.

There being no comment the public hearing was adjourned.

Motion was made by Garland H. Hamlett, Jr., seconded by David M. Guill and carried with all other members present and voting yes to adopt the following VDOT HB2 Funding Resolution;

WHEREAS, House Bill Two (HB2), was signed into law in 2014 and directs the Commonwealth Transportation Board to develop and use a new scoring process to select transportation projects to receive VDOT funding; and

WHEREAS, the HB2 scoring process is based on the following factors: congestion mitigation, economic development, accessibility, safety, environmental quality, land-use and transportation coordination; and

WHEREAS, county staff has worked with VDOT Residency Administrator, Kevin Wright, and VDOT District Transportation Planning Manager, Rick Youngblood, to review potential projects that are eligible for funding through HB2; and

WHEREAS, the county has determined that the following projects which have previously been identified in the county's transportation plan meet HB2 eligibility requirements:

1. US 360/VA 47 Intersection Improvements
2. Adding an Entrance to the Heartland Regional Business Park on the West Side of Route 360/15

NOW THEREFORE, BE IT RESOLVED that the Charlotte County Board of Supervisors expresses their support for the HB2 funding applications for these two projects, recognizing the safety concerns related to the US 360/VA 47 intersection and wishing to further promote economic development in the county by addressing infrastructure needs.

Motion was made by Garland H. Hamlett, Jr., seconded by Nancy R. Carwile and carried with all other members present and voting yes to appropriate the following for Charlotte County Public Schools;

Race to GED	-	\$ 50,458
Summer TDT (Therapeutic Day Treatment) Transportation Cost	-	19,564
Title 1-After School Remediation Transportation Cost	-	4,489
Gear Up Grant New Award	-	35,000

Motion was made by Gary D. Walker, seconded by Nancy R. Carwile and carried with all other members present and voting yes to consider the request for funding from the Heart of Virginia Free Clinic in next year's budget.

Motion was made by Robert L. Shook, Jr., seconded by Warren E. Weston to appropriate \$1718.00 to Piedmont Senior Resources. Motioned failed to carry.

Substitute motion was made by David M. Guill, seconded by Gary D. Walker to consider the request for funding from Piedmont Senior Resources in next year's budget.

Roll call vote as follows: David M. Guill-Aye; Gary D. Walker-Aye; Nancy R. Carwile-Aye; Garland H. Hamlett, Jr.-Aye; Robert L. Shook, Jr.-No; Warren E. Weston-No; and Haywood J. Hamlet-No.

Motion was made by Gary D. Walker, seconded by David M. Guill and carried with all other members present and voting yes to adopt the following PPTRA Resolution;

In accordance with the requirements set forth in VA. CODE ANN. §58.1-3524 C.2. and §58.1-3912 E., as amended by *Chapter 1 of the Acts of Assembly* (2004 Special Session I) and as set forth in *Item 503.E. (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly*, any qualifying vehicle used within the County of Charlotte, Virginia commencing January 1, 2010, shall receive personal property tax relief in the following manner:

- Personal use vehicles with assessed value of \$1,000 or less will be eligible for **29%** tax relief; and
- Personal use vehicles with assessed value of \$1,001 or more shall receive only **29%** tax relief on the first \$20,000 in assessed value; and
- All other vehicles which do not meet the definition of "qualifying" (such as business use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program; and
- In accordance with *Item 503.D.1. of Chapter 951 of the 2005 Acts of Assembly*, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior years that are made on or after September 1, 2006 shall be deemed "non-qualifying" for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

Motion was made by Nancy R. Carwile, seconded by Garland H. Hamlett to approve the following Buffer Zone Ordinance;

ORDAINED: Paragraph 3.f., titled “Buffer Zone” of the conditions approved by the Board of Supervisors on April 5, 2005, and set forth in a letter dated April 12, 2005 (copy attached), is hereby deleted, and the deleted language is replaced by the following:

“3.f. Buffer Zone:

- i. A buffer zone of 200 feet shall be maintained in its natural vegetative state along the property line which separates Parcel 59 (Quarry Property) from Parcel 67 (Royster, Tax Map No. 039-A-67). Within this 200-foot buffer zone area no activities in connection with operation of a concrete mixing plant, or a rock, sand and gravel quarry shall be permitted.
- ii. Within the above described 200 foot buffer zone which separates the Quarry Property from Parcel 67, storage of dirt shall be permitted, but no storage of dirt shall be permitted within 25 feet of the property line which separates the Quarry Property from Parcel 67.
- iii. A buffer zone of 200 feet shall be maintained in its natural vegetative state along the property which separates the Quarry Property from the easternmost boundary of Highway 47. Within this 200-foot buffer zone area no activities in connection with operation of a concrete mixing plant, or a rock, sand and gravel quarry shall be permitted.
- iv. A buffer zone of 25 feet shall be maintained in its natural vegetative state along the border of all boundaries of the Quarry Property (Parcel 59 and Parcel 59A, totaling 255.90 acres) except for the boundaries, and buffer zones, described in paragraphs 3.f.i., 3.f.ii. and 3.f.iii. above.”

Roll call vote as follows: Nancy R. Carwile-Aye; Garland H. Hamlett, Jr.-Aye; Warren E. Weston – Aye; Robert L. Shook, Jr.-Aye; David M. Guill-Aye; Gary D. Walker-Aye; and Haywood J. Hamlet-Aye.

Motion was made by Gary D. Walker, seconded by David M. Guill and carried with all other members present and voting yes to adopt the following CRC Resolution;

WHEREAS, the County of Charlotte is a current member of good standing of the Commonwealth Regional Council, and

WHEREAS, the Commonwealth Regional Council has been discussing an overall review of the current Charter for the Council to reflect the current position of the Council; and

WHEREAS, the Commonwealth Regional Council has authorized a proposed Charter Amendment for presentation to current members in good standing relating to Article III (Principal Office), Article IV (Members), Article V (Dues), Article VI (Officers), Article VIII (Amendments), Article IX (Addition or Withdrawal of Localities or Institutions of Higher Education), and Article X (Dissolution); and

WHEREAS, the Commonwealth Regional Council has presented current members of good standing with a Charter Amendment which would amend the above the sections of the existing Charter.

NOW, THEREFORE BE IT RESOLVED, that having reviewed the proposed Charter Amendment, copy attached, and having no objections thereto, the Board of Supervisors of the County of Charlotte recommends, and deems it to be in the best interest of the Council and its Members, and

FURTHERMORE, BE IT RESOLVED, as a current Commonwealth Regional Council Charter Member in good standing, hereby directs or authorizes its representative to the Commonwealth Regional Council to adopt the Bylaws accordingly to reflect these Amendments.

Motion was made by Nancy R. Carwile, seconded by Gary D. Walker and carried with all other members present and voting yes to move the November board meeting time from 1:30 p.m. to 4:00 p.m. and set a joint public hearing with the Planning Commission for November 10, 2015 at 4:05 p.m. to review any and all applications from MBC.

Motion was made by Nancy R. Carwile, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to adopt the following Storm Water Management Program Resolution;

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia's expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to "Opt Out", leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia's lead environmental regulatory agency, the DEQ was established as the Commonwealth's VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth's environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Charlotte County, along with 54 other localities in Virginia, voted in 2014 to "Opt Out" of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits

to DEQ of repealing the statutory right to “Opt Out” provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome unfunded or underfunded mandate; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT: The Board of Supervisors of Charlotte County strongly opposes any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and The Board of Supervisors of Charlotte County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT: The Board of Supervisors of Charlotte County strongly recommends that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

Motion was made by Gary D. Walker, seconded by Warren E. Weston, and carried with all other members present and voting yes to approve the following appropriations for FY 2016;

Appropriations to the Capital Project Fund – New Courthouse Project

70-9400-8230 – Glave & Holmes Architecture -	\$56,288.90
70-9400-8230 – McGuire Woods	20,000.00
70-9400-8230 – Trent Land Surveying -	1,450.00

Motion was made by Nancy R. Carwile, seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to approve the invoices in the amount of \$589,064.61 FY 2016.

Motion was made by Nancy R. Carwile, seconded by Warren E. Weston and carried with David M. Guill voting no and all other members present and voting yes to pay the coyote claims for John Adams (10 claims), Logan Newcomb, Aaron Stoltzful, and Eleanor Hughes.

Motion was made by Nancy R. Carwile, seconded by Gary D. Walker and carried with all other members present and voting yes to refund a building permit fee to John Lee in the amount of \$30.60.

The meeting was adjourned until Tuesday November 10, 2015 at 4:00 p.m.