

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on July 12, 2016 at 1:30 p.m.

Present: Haywood J. Hamlet - Chairman  
 Gary D. Walker, Vice Chairman  
 Warren E. Weston  
 Garland H. Hamlett, Jr.  
 Robert L. Shook, Jr.  
 Nancy R. Carwile  
 Royal S. Freeman

Absent:

Chairman Hamlet called the meeting to order.

Garland H. Hamlett, Jr. gave the invocation.

Motion was made by Nancy Carwile, seconded by Warren E. Weston and carried with all other members present and voting yes to approve the agenda 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 approve the minutes as presented.

Chairman Hamlet set a Joint Public Hearing with the Planning Commission for Monday August 8, 2016 at 7:00 p.m. to hear public comment on the application from MBC for a tower at Eureka Elementary School.

Public Comment Period: Kay Periontoni, James Green, Ludi Collie, and Carlton Dickerson addressed the board.

Motion was made by Nancy R. Carwile, seconded by Gary D. Walker and carried with all other members present and voting yes to adopt the following Zoning Amendment as presented.

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***Under Section 10, add the following:***

Sec. 10-23. Solar Energy Systems

**Article 9. Use Matrix**

***Add the following Uses:***

**B = By Right**

**C = Conditional Use Permit**

**T = Temporary Use Permit**

| Use Types  | Zoning Districts     |                       |                     |                |                    |
|--|----------------------|-----------------------|---------------------|----------------|--------------------|
|  | General Agricultural | Intensive Agriculture | General Residential | Village Center | General Industrial |
| <b>Residential and Related Uses:</b>                 |                      |                       |                     |                |                    |
| Solar Energy System, Small                           | B                    | B                     | B                   | B              | B                  |
| <b>Non-Residential: General and Misc. Commercial</b> |                      |                       |                     |                |                    |
| Solar Energy System, Large                           | C                    | C                     |                     |                | B                  |
| <b>Non-Residential: Industrial</b>                   |                      |                       |                     |                |                    |
| Solar Energy System, Utility Scale                   | C                    | C                     |                     |                | C                  |

**Article 10. Supplementary Regulations**

***Add the following Regulations:***

Sec. 10-23. Solar Energy Systems.

10-23-1. Principal or Accessory Use. Small Solar Energy Systems and large Solar Energy Systems, as defined in this Ordinance, will be considered as accessory uses. Utility scale Solar Energy Systems shall be considered as a principal use. However, an existing use or an existing

structure on the same lot shall not preclude the installation of a Utility scale Solar Energy System on such lot.

10-23-2. Compliance with Building & Electrical Codes. All Solar Energy System components shall conform to the requirements of the National Electrical Code and State Building Code. All small Solar Energy Systems used for residential purposes, all large Solar Energy Systems and all Utility Scale Solar Energy Systems shall be inspected by a county building inspector through the building permit process.

10-23-3. Installation and Design. Solar Energy System components shall have a UL listing and must be designed with an anti-reflective coating. Individual arrays/panels shall be designed and installed in order to prevent glare toward buildings on adjacent properties and vehicular traffic.

10-23-4. Setbacks. Large Scale and Utility Scale Solar Energy Systems shall conform to all minimum building setback requirements for principal structures of the zoning district in which they are located, or thirty (30) feet, whichever is greater.

10-23-5. Height. Solar Energy Systems & equipment shall not exceed twenty-five (25) feet in height when ground mounted as measured from the highest grade at the base to the top of structure. Excluded from this requirement are utility poles and transmission lines. Roof mounted systems shall not exceed the maximum height requirements for the applicable zoning district by more than four (4) feet.

10-23-6. Lighting. Lighting shall be limited to the minimum necessary and shall meet all requirements of this ordinance.

10-23-7. Utility Connection. No Utility Scale Solar Energy System shall be installed until evidence has been provided to the County that the owner has been approved by the utility company to interconnect.

10-23-8. Screening and Fencing for Utility Scale Solar Energy Systems. Utility Scale Solar Energy Systems shall be enclosed by security fencing not less than six (6) feet in height equipped with an appropriate anti-climbing device. A vegetative buffer at least four (4) feet wide shall be established along the perimeter of the facility. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible and may be used in whole or in part to provide the required screening if they provide adequate screening from public view.

10-23-9. Noise Limits for Utility Scale Solar Energy Systems. After completion of construction, noise levels measured at the property line shall not exceed 50 dbA, unless the owner of the affected adjacent property has given written agreement to a higher level.

10-23-10. Signage for Utility Scale Solar Systems. Appropriate warning signage and a 911 address sign shall be posted in a clearly visible manner. Warning signage must identify the owner and include a 24-hour emergency contact phone number.

10-23-11. Site Plan Requirements for Utility Scale Solar Energy Systems. Utility Scale Solar Energy Systems shall be developed in accordance with an approved site plan that includes the following:

1. The location of the system (including the arrangement of any existing or proposed buildings, structures, or panels);
2. The distance from proposed facilities and structures to the surrounding property lines;
3. Any existing or proposed signs, fencing, lighting, parking areas, driveways, landscaping, vegetative screening or required buffers;

4. Horizontal and vertical (elevation) to-scale drawings with dimensions of proposed solar collector structures

The County may require additional information necessary to assess compliance with this ordinance.

10-23-12. Decommissioning of Utility Scale Solar Energy Systems.

1. At the expense of the permittee, a cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar facilities. The decommissioning cost estimate shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation. The decommissioning cost shall be guaranteed by escrow, surety bond or other means before any construction commences. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the bond or other surety and the County or hired third party may enter the property to physically remove the installation.
2. Utility Scale Solar Energy Systems which have reached the end of their useful life or have not been in active service for a period of one (1) year shall be removed at the owner or operator's expense. This period may be extended by the Zoning Administrator if evidence is provided that the delay is due to circumstances beyond the owner or operator's reasonable control.
3. The owner or operator shall notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal.
4. The owner or operator shall have twelve (12) months to complete decommissioning of the solar facility.
5. Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. Disturbed earth shall be graded and re-seeded unless the land owner requests in writing that the access roads or other land surface areas not be restored. Hazardous material from the property shall be disposed of in accordance with federal and state law.

**Article 12. Definitions**

***Add the following Definitions:***

*Solar energy system, large.* A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics that has a maximum power of not more than 999 kW, which will be used primarily to reduce onsite consumption of utility power for commercial and industrial applications.

*Solar energy system, small.* A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics that has a maximum power of not more than 15 kW, which will be used primarily to reduce onsite consumption of utility power for residential, noncommercial, small commercial, and small industrial applications.

*Solar energy system, utility scale.* A solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics, which has a rated capacity more than one MW or greater which will be used to provide electricity to the local utility provider.

Motion was made by Nancy R. Carwile, seconded by Robert L. Shook, Jr. to appoint R. B. Clark, and Gary D. Walker to the Heartland Authority Board and adopt the following resolution;

**IT IS HEREBY RESOLVED** that R.B. Clark is hereby appointed as a member of the Board of Directors of Virginia’s Heartland Regional Industrial Facility Authority for a term extending to and through June 30, 2020.

**IT IS HEREBY FURTHER RESOLVED** that Gary Walker is hereby appointed as a member of the Board of Directors of Virginia’s Heartland Regional Industrial Facility Authority for a term extending to and through June 30, 2018.

Roll call vote as follows; Nancy R. Carwile; Aye; Robert L. Shook, Jr.-Aye; Warren E. Weston-Aye; Royal S. Freeman-Aye; Garland H. Hamlett, Jr.-Aye; Gary D. Walker-Abstained and Haywood J. Hamlet-Aye.

Motion was made by Nancy R. Carwile, seconded by Robert L. Shook, Jr. to approve the following appropriation for the FY2017 new Courthouse Project:

70-9400-8230 – New Courthouse Project - \$12,800,000.00

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

Motion was made by Gary D. Walker, seconded by Robert L. Shook, Jr. to award the Courthouse Construction Contract to Blair Construction Company in the amount of \$11,486,000.00.

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

Motion was made by Nancy R. Carwile, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to approve the following appropriations in the amount of \$14,812.00 for FY 2016;

|   |             |
|---|-------------|
| 10-1208-3002 - Independent Auditor- Professional Services | \$ 3,500.00 |
| 10-1209-5203 – Commissioner of the Revenue –Phone Service | 1,000.00    |
| 10-3203-5618 – Rescue Squad EMS 4 Life Funds              | 312.00      |
| 10-4302-5103 – Building & Grounds –Water & Sewer Services | 10,000.00   |

Motion was made by Nancy R. Carwile, seconded by Royal S. Freeman and carried with all other members present and voting yes to approve the following appropriations in the amount of \$98,733.09 for FY2016;

|  |             |
|--|-------------|
| 70-9400-8230 – Glave & Holmes Architecture | \$81,079.09 |
| 70-9400-8230 – Skanska                     | 17,654.00   |

Motion was made by Garland H. Hamlett, Jr. seconded by Warren E. Weston and carried with all other members present and voting yes to approve the following appropriations for FY2017;

|  |             |
|--|-------------|
| 10-9902-9002 – Transfer to School Fund   | \$30,000.00 |
| Fund 30            School Operating Fund | 30,000.00   |

Motion was made by Gary D. Walker, seconded by Royal S. Freeman and carried with all other members present and voting yes to approve the FY 2016 invoices in the amount of \$369,078.66.

Motion was made by Garland H. Hamlett, Jr. seconded by Gary D. Walker and carried with all other members present and voting yes to approve the FY2017 invoices in the amount of \$209,491.84.

Motion was made by Garland H. Hamlett, Jr., seconded by Warren E. Weston and carried with all other members present and voting yes to approve the coyote claim for Eleanor Hughes for FY2016 providing funds are available.

Motion was made by Gary D. Walker, seconded by Garland H. Hamlett, Jr. and carried with all other members present and voting yes to appropriate \$34,901.11 for the VDEM Grant for Keysville Drainage/Storm Water Improvement Phase II (Account 10-8105-3002) in FY 2016.

The meeting was recessed until Tuesday July 12, 2016 at 7:00 p.m.

Chairman Hamlet called the 7:00 p.m. meeting to order.

P. K. Pettus and Kathy Liston addressed the Board.

Motion was made by Gary D. Walker, seconded by Garland H. Hamlett, Jr. to approve the amended Courthouse plans as presented and authorize Glave and Holmes to prepare the change order.

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

The meeting was adjourned until Tuesday August 9, 2016 at 1:30 p.m.