

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on November 13, 2019 at 1:30 p.m.

Present: Garland H. Hamlett, Jr. Chairman
Robert L. Shook, Jr. Vice Chairman
Gary D. Walker
Kay M. Pierantoni
Crystal S. Shepherd
Royal S. Freeman

Absent: Donna Fore

Chairman Hamlett called the meeting to order.

Kay M. Pierantoni gave the invocation.

Donna Fore arrived at 1:33 p.m.

Motion was made by Crystal S. Shepherd, seconded by Royal S. Freeman and carried with all other members present and voting yes to approve the agenda as amended to include considering Charlotte County as a second amendment sanctuary county.

Motion was made by Robert L. Shook, Jr., seconded by Royal S. Freeman and carried with all other members present and voting yes to approve the minutes as presented.

After due notice was given, the Charlotte County Board of Supervisors held a public hearing to receive comments on leasing County owned properties at 117 LeGrande Avenue and 130 LeGrande Avenue.

The Public Hearing was called to order by the Chairman.

Terry Ramsey addressed the Board in support of renting the proposed properties in the County, he expressed concerns regarding the amount of rent for the property located at 130 Legrande Avenue and handicap accessibility. Mr. Ramsey also has concerns about the terms of the lease, as well as who will handle maintenance such as grass cutting and leaf removal.

Being no further comments, the Public Hearing was adjourned.

Daniel Witt, County Administrator recognized Chairman Hamlett and Supervisor Pierantoni for completing the VACo Supervisors' Program. Vice Chairman Shook presented Chairman Hamlett and Supervisor Pierantoni with their certificates.

Motion was made by Robert L. Shook, Jr., seconded by Donna Fore pursuant to Virginia Code Section 2.2-3711A.8., that the Charlotte County Board of Supervisors hold a closed meeting for the following purpose;

Consultation with legal counsel retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel to-wit:

1. Discussion of proposed Communications System Agreement with Radio Communications of Virginia, Inc.; and
2. Discussion of personnel matters; and
3. Discussion of Opioid Litigation.

Roll call vote as follows; Robert L. Shook, Jr.-Aye; Donna Fore-Aye; Gary D. Walker-Aye; Crystal S. Shepherd-Aye; Kay M. Pierantoni-Aye; Royal S. Freeman-Aye; and Garland H. Hamlett, Jr.-Aye.

Motion was made by Robert L. Shook, Jr., seconded by Royal S. Freeman pursuant to Virginia Code Section 2.2-3712.B., the Supervisors signing below certify that, to

the best of each Supervisor's knowledge, (i)only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and (ii) only such public business matters as were identified in the Motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting of the Charlotte County Board of Supervisors.

Roll call vote as follows; Robert L. Shook, Jr.-Aye; Royal S. Freeman-Aye; Crystal S. Shepherd-Aye; Donna Fore-Aye; Gary D. Walker-Aye; Kay M. Pierantoni-Aye; and Garland H. Hamlett, Jr.-Aye.

Committee Reports:

Gary D. Walker – Supervisor Walker received a request for the Recreation Committee from the Randolph Henry Yearbook staff to place an ad in the yearbook for a cost of \$100.00.

Motion was made by Gary D. Walker, seconded by Kay M. Pierantoni and carried with all other members present and voting yes to approve the request from the Randolph Henry Yearbook staff to place and ad in the yearbook at a cost of \$100.00.

Donna Fore – None

Royal S. Freeman – None

Kay M. Pierantoni – Supervisor Pierantoni reported the Department of Social Services will be having a drive to provide food baskets at Thanksgiving for those in need along with providing Christmas presents to children being cared for in the foster program. Supervisor Pierantoni reported the Charlotte County Christmas Parents have been working diligently to raise funds and receive donations for children in need this Christmas. Supervisor Pierantoni is working with the schools and head start to identify children in need. The next meeting for the Piedmont Alliance for Prevention of Substance Abuse will be held at The Bridges Ministry in Buckingham County on November 20th at 11:00 a.m. Supervisor Pierantoni attended the Planning Commission meeting on October 22, 2019, with discussion on the Red House proposed solar project. Supervisor Pierantoni has attended several meetings this past month with Tri-County Community Action. Supervisor Pierantoni announced the Facilities Committee will meet on November 18th at 4:30 p.m.

Crystal Shepherd - None

Robert L. Shook, Jr. – Supervisor Shook reported the Solid Waste committee met on Wednesday October 30th to discuss the hours of the Recycle Centers. The Committee recommends continuing with the current hours.

Garland H. Hamlett, Jr. – Chairman Hamlett attended the VACo conference.

Public Comment:

Donald Newcomb addressed the Board concerning House Bill 4021 and requested the Board consider making Charlotte County a second amendment sanctuary.

Hazel Bowman Smith addressed the Board with concerns over a policy previously established to provide answers to questions asked during public comment period. Ms. Smith is pleased to see the Board has included this on the November agenda to be discussed. Ms. Smith suggest the Public Comment Policy be included on the sign up sheet for further reference.

Being no further comment the Public Comment period was closed.

Scott Frederick with VDOT addressed the Board with a Power Point presentation on the proposed signage changes for bridge weights. Mr. Frederick updated the Board on grass cutting, general road maintenance and future paving.

Steve Moulroy with VML/VACo Finance presented the Board with options for financing the new proposed communications system.

Motion was made by Donna Fore, seconded by Gary D. Walker to accept the proposal from VML/VACo to finance the communications system.

Roll Call Vote as Follow: Donna Fore-Aye; Gary D. Walker-Aye; Royal S. Freeman-Aye; Kay M. Pierantoni-Aye; Crystal S. Shepherd-Aye; Robert L. Shook, Jr.-Aye; and Garland H. Hamlett, Jr.-Aye.

Motion was made by Kay M. Pierantoni, seconded by Royal S. Freeman and carried with all other members present and voting yes for VML/VACo to request BB&T extend the Loan Closing date until December 11, 2019.

Dave Davis with RDA Systems addressed the Board with an update on the problems incurred with the current accounting system. Mr. Davis is hopeful all issues can be resolved. RDA is continuing to work on these issues daily to resolve all problems.

Naisha Carter, Commission of Revenue addressed the Board. Ms. Carter stated in the last 6 months she has seen some improvement in the RDA system, but recently encountered more problems with information which needed to be transferred to the Treasurer.

Patricia Berkeley, Treasurer addressed the Board. Ms. Berkley stated RDA does respond quickly to problem tickets entered but she is still concerned of ongoing problems. Ms. Berkley does not feel confident the data is 100% correct.

Motion was made by Gary D. Walker, seconded by Crystal S. Shepherd and carried with all other members present and voting yes to adopt the following resolution in support of the Holiday Lake 4-H Educational Center:

WHEREAS, Holiday Lake 4-H Educational Center (HL4HEC), a non-profit 501c (3) organization, is requesting funds for essential capital safety improvements from the Virginia General Assembly, in the amount of \$332,000 for the 2020/2022 biennial budget,

WHEREAS, HL4HEC's mission is to improve the quality of life by educating youth and adults in a natural setting,

WHEREAS, Holiday Lake 4-H Educational Center (HL4HEC) serves nineteen (19) Virginia localities which includes the counties of Albemarle, Amherst, Appomattox, Amelia, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Fluvanna, Greene, Louisa, Lunenburg, Mecklenburg, Nelson, Nottoway, and Prince Edward as well as the cities of Charlottesville and Lynchburg,

WHEREAS, HL4HEC is located in the 20,000-acre Appomattox/Buckingham State Forest, the largest state forest in Virginia,

WHEREAS, the 4-H Center leases 157.8 acres from the Virginia Department of Forestry on a long-term lease through the year 2080,

WHEREAS, the objectives of HL4HEC are:

To provide four seasons annually of educational camping programs for 4-Hers in Central, Southside and specialized camps across the state of Virginia.

To provide special programs and activities to include Natural Resource Education as a resource for school groups, 4-H clubs, the summer 4-H camping program as well as for adults.

- To provide facilities, programs, and services necessary to serve as the Virginia 4-H Shooting Education Center.
- To provide quality facilities and support services year-round for diverse groups from multiple geographical regions.
- To evaluate the effectiveness of educational programming on an ongoing basis and to revise programming to meet the changing needs of stakeholders.

WHEREAS, today at HL4HEC, over ten thousand (10,000) participants (many of which are underserved youth) benefit annually from a variety of programs. Holiday Lake 4-H Educational Center has served the youth and adults of Central/Southside Virginia and beyond since 1941. Thousands of urban youth get to experience the “forest” through 4-H and Natural Resource Education programs at the 4-H Center. For almost 80 years, Charlotte County has played an active part of the more than one hundred thousand (100,000) lives that have been enriched at the 4-H Center through educational programs, friendships and a closeness to nature,

WHEREAS, in 2011 HL4HEC was registered as a Virginia Historic Landmark and listed on the National Register of Historic Places. The historic registration (which in part includes 15 cabins built in 1937 by the WPA which are still used today) assures that the original character of the historic buildings will be preserved,

WHEREAS, through a memorandum of understanding between the Appomattox County School Board and HL4HEC, the 4-H Center serves as a designated evacuation site to be utilized in the event of an emergency which would require students to be taken out of the Appomattox County Schools and be temporarily located at HL4HEC,

NOW THEREFORE BE IT RESOLVED, the 4-H Center’s capital improvement projects include facility upgrades/installations to include Medical Clinic Facility and Equipment Upgrade (including floor replacement and AED), PA System (Active Shooter), ADA accessibility improvements, Emergency Generator, Exterior Security Lighting, Infrastructure Upgrades (drainage system, sidewalks, sewer lines and water storage and pressure tank repair/painting), HVAC units, Large Pavilion Upgrade, Roof, Gutter and Siding Replacements, Kitchen Floor Replacement, Challenge Course Repairs and Improvements and Platform Tents for Outdoor Skill Education;

BE IT FURTHER RESOLVED, upon receiving the funds and completing the necessary capital improvements, Holiday Lake 4-H Educational Center will be able to increase the 4-H Center’s useful life and continue to serve thousands of youth and adults for many years to come in Central and Southside Virginia.

Motion was made by Kay M. Pierantoni, seconded by Crystal S. Shepherd and carried with all other members present and voting yes to approve the Planning Commission Ordinance Amendment as follows;

Secs. 54-1—54-30. Reserved

ARTICLE II. PLANNING COMMISSION

Sec. 54-31 Created: composition; terms; removal; compensation.

A county Planning Commission is hereby created for the County in accordance with the provisions of Article 2, Local Planning Commissions of Chapter 22, Planning, Subdivision of Land and Zoning, of Title 15.2, Counties, Cities, Towns , Code of Virginia (1950), as amended. Such

Commission shall consist of twelve members appointed by the Board of Supervisors as follows:

- 1) One resident from each of the County's seven election districts;
- 2) One resident from each of the four incorporated towns located within the boundaries of the County who shall be appointed as set forth in Section 54-32; and
- 3) One member of the Board of Supervisors, who shall act as a liaison and shall not have a vote on any matters that come before the Planning Commission. The Board's liaison shall be appointed to the Commission annually by the Board of Supervisors at their organizational meeting in January.

All members, with the exception of the Board of Supervisors' liaison, shall be appointed for staggered terms of four (4) years. Any vacancy in membership shall be filled through appointment by the Board of Supervisors, and such appointment shall be for an unexpired term. Any member may be removed by the Board of Supervisors for inefficiency, neglect of duty, or malfeasance in office, provided that such removal may be made only after a public hearing at which the member is given an opportunity to appear and be heard on the charges against him.

The Board of Supervisors may provide for compensation to commission members for their services, reimbursement for actual expenses incurred, or both.

(Res. of 5-9-60, § 1) (Amended 12-7-2004)(Amended 11-13-2019)

State law reference – Qualifications, appointment, removal, terms and compensation of members of local planning commissions, Code of Virginia § 15.2-2212

Sec. 54-32. Town representatives.

The Planning Commission shall include one resident from each of the four incorporated Towns within the boundaries of the County. The Board of Supervisors shall request each of the four Town Councils and/or Mayor to suggest a resident or residents of their respective Town to be considered for appointment to the Planning Commission. The Board shall thereafter consider the Towns' recommendations and appoint the Town representatives to the Planning Commission who shall serve for staggered terms of four (4) years each.

(Mo. of 1-8-73) (Amended 12-7-2004)(Amended 11-13-2019)

Sec. 54-33. Functions, powers and duties.

The county Planning Commission shall have all functions, powers and duties which are prescribed by law.

(Res. Of 5-9-60, § 2)

State law reference—Duties of Planning Commission, Code of Virginia, § 15.1-444.)

Sec. 54-34. Comprehensive plan; assembling data; studies; preparation; procedures.

The county Planning Commission shall prepare a program of work and shall adopt the same after consultation with the board of supervisors. The

program of works shall outline the activities in which the commission expects to engage in:

- (1) Assembling such data regarding the county and adjacent territory as such Commission may deem to be necessary in exercising its functions, powers and duties;
- (2) Analyzing such data and making such studies as may be necessary in the preparation of a comprehensive plan for the county;
- (3) Preparing the comprehensive plan as a general guide for the development of the county and as a basis for the preparation of zoning and other regulations; and
- (4) Recommending to the board of supervisors appropriate procedures for effectuating the plan.

(Res. of 5-9-60 § 3)

State law reference—Comprehensive plan, Code of Virginia, § 15.1-446.1 et seq.

Motion was made by Robert L. Shook, Jr., seconded by Royal S. Freeman and carried with all other members present and voting yes to appoint Patricia Berkeley to the Piedmont Senior Resources Board.

Christine Powell, Finance Director for Charlotte County Schools addressed the Board with a request for approval of additional appropriations for the Schools.

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 following appropriations for Charlotte County Public Schools:

Virginia College Advising Corps (0084334)	\$17,500
NSLP Equipment Grant (0010579)	20,088
2019 School Security Equipment Grant (2404010)	<u>65,566</u>
Total Request	103,154

Motion was made by Kay M. Pierantoni, seconded by Crystal S. Shepherd and carried with all other members present and voting yes to set a joint meeting with the Charlotte County School Board for November 25, 2019 at 7:00 p.m. at the Randolph Henry High School Library.

Motion was made by Donna Fore, seconded by Royal S. Freeman and carried with all other members present and voting yes to set a joint public hearing with the Planning Commission for December 11, 2019 at 7:05 p.m. to consider a conditional use permit for Ridgeway Farms for a large solar energy system.

Motion was made by Donna Fore, seconded by Crystal S. Shepherd and carried with all other members present and voting yes to set a joint public hearing with the Planning Commission for December 11, 2019 immediately following the public hearing for Ridgeway Farms for a conditional use permit application for Holecene, for a utility scale solar energy system.

Daniel Witt, County Administrator gave an update on the proposed Charlotte County State Forest.

SUBJECT HIGHLIGHTS

On August 28, 2019 Mr. Harvey Darden submitted a letter requesting support by the Board of Supervisors for an approximate 5,000 acre state forest to be located on part of the former Stanley Lumber Company land. The Board heard the request at their September 11th meeting and tabled the matter, requesting additional information from Mr. Darden.

This matter was on the October 9th agenda with staff providing responses from Mr. Darden to all the questions by the Supervisors. Again, the matter was tabled.

Mr. Darden has responded to all questions and is still awaiting a board decision.

Motion was made by Gary D. Walker, seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to approve a letter of support for the Charlotte County State Forest.

Motion was made by Royal S. Freeman, seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to set the holiday schedule for the recycle centers as follows;

Thanksgiving Day -	Closed
Christmas Eve -	Close at Noon
Christmas Day -	Closed

Motion was made by Gary D. Walker, seconded by Kay M. Pierantoni and carried with all other members present to have the public comment policy on the sign up sheet and have the speaker provide on the sign up sheet their contact information to have questions answered.

Motion was made by Royal S. Freeman, seconded by Gary D. Walker and carried with all other members present and voting yes to adopt the following resolution honoring Debra Lacks upon the occasion of her retirement;

WHEREAS, Debra W. Lacks began her career with Charlotte County in 1977 as the Secretary to the Board of Supervisors and, in 1988, accepted a position with the Charlotte County Sheriff's Office as Administrative Assistant to the Sheriff; and

WHEREAS, Debra W. Lacks dedicated her career to public service and performed her job duties with skill, care and a sincere commitment to her profession; and

WHEREAS, during her tenure Debra W. Lacks was an asset to the Board of Supervisors, the Sheriff, her co-workers and the citizens of Charlotte County; and

WHEREAS, on December 31, 2019, Debra W. Lacks will retire from the Charlotte County Sheriff's Office,

NOW THEREFORE, BE IT RESOLVED, that the Charlotte County Board of Supervisors wishes to express their sincere gratitude and appreciation to Debra W. Lacks for her many years of service, dedication and hard work.

BE IT FURTHER RESOLVED, that this resolution be permanently recorded in the minutes of the Charlotte County Board of Supervisors.

Motion was made by Crystal S. Shepherd, seconded by Donna Fore to adopt the following resolution to declare Charlotte County as a Second Amendment Sanctuary;

WHEREAS, the Second Amendment of the United States Constitution reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed," and,

WHEREAS, Article 1, Section 13, of the Constitution of Virginia provides "that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the

military should be under strict subordination to, and governed by, the civil power;" and,

WHEREAS, certain legislation introduced in the 2019 session of the Virginia General Assembly, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution; and,

WHEREAS, the current Governor of Virginia has stated that he intends to endorse and pass into law legislation that is unconstitutional as it pertains to the rights enumerated in the US & Virginia Constitution.

WHEREAS, the Charlotte County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Charlotte County to keep and bear Arms or could begin a slippery slope of restrictions on the Second Amendment rights of the citizens of Charlotte County, and,

WHEREAS, the Charlotte County Board of Supervisors wishes to express its deep commitment to the rights of all citizens of Charlotte County to keep and bear Arms; and,

WHEREAS, the Charlotte County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Charlotte County to bear arms; and, WHEREAS, the Charlotte County Board of Supervisors wish to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, the power of appropriation of public funds, and the right to petition for redress of grievances, and the direction to the law enforcement and judiciary of Charlotte County to not enforce any unconstitutional law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CHARLOTTE COUNTY, VIRGINIA:

That the Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of Charlotte County, Virginia and its intent that public funds of the County not be used to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Charlotte County, Virginia to bear arms; and

That the Board of Supervisors hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear arms through such legal means as may be expedient, including without limitation court action; and,

That the Board of Supervisors hereby declares Charlotte County, Virginia, as a "Second Amendment Sanctuary,"

Roll call vote as follows; Crystal S. Shepherd-Aye; Donna Fore-Aye; Kay M. Pierantoni-Aye; Royal S. Freeman-Aye; Gary D. Walker-Aye; Robert L. Shook, Jr.-Aye; and Garland H. Hamlett, Jr.-Aye.

Motion was made by Gary D. Walker, seconded by Royal S. Freeman and carried with all other members present and voting yes to establish the Communications Committee with the following members;

Kay M. Pierantoni, Donna Fore, Daniel Witt, Monica Elder, Gary D. Walker and Crystal S. Shepherd as alternate, along with a representative from Rescue, Fire, Schools and the Sheriff's Department.

Motion was made by Donna Fore, seconded by Kay M. Pierantoni and carried with all other members present and voting yes to authorize the County Administrator to sign the appropriate paperwork to opt out of the Opioid Class Action Suit.

Mr. Witt gave the Administrator’s report.

Motion was made by Gary D. Walker, seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to approve the following appropriations;

		Expenditure	Revenue
10-1210-3002	Reassessment-Purchased Services *	17,500.00	
10-1210-3002	Reassessment-Postage	5,500.00	
10-510030	Transfer from General Fund		23,000.00
10-5101-5601	Health Department-Payment **	1,225.67	
10-510030	Transfer from General Fund		1,225.67
Total		24,225.67	24,225.67

*In the FY 2019 Budget the \$17,500.00 for Reassessment-Purchased Services was not expended. The \$5,500.00 for Reassessment-Postage was not included in the budget but is an allowable charge for mailing the reassessment notices.

**In FY 2020 funds have been received from the Health Department in the amount of \$1,489.96 for the FY 2019 end of year settlement. The Health Department has request \$1,225.67 of these returned funds for FY 2020. This increased contribution would represent a proportional increase to match the State’s increase in supporting revenue for ongoing operations for FY 2020.

Motion was made by Gary D. Walker, seconded by Crystal S. Shepherd and carried with Donna Fore voting no and all other members present and voting yes to approve the invoices for November 2019 in the amount of \$571,168.75 and to authorize the County Administrator to draft a policy before the December Board meeting regarding spending for any department functions and/or gifts.

Supervisor Pierantoni requested the County Administrator send a letter to all Department Heads regarding this policy.

Board Member Other Comments:

Gary D. Walker – None

Donna Fore – Working on a dedication ceremony for Phenix Elementary School. As soon as the details are available Supervisor Fore will make available to the public.

Royal S. Freeman - None

Kay M. Pierantoni – Supervisor Pierantoni wanted to reiterate the County Administrator prepare a policy and send a letter to department heads regarding department functions and expenditures.

Crystal Shepherd – None

Robert L. Shook, Jr. – None

Garland H. Hamlett, Jr. – None

Public Comment

Kathy Liston addressed the Board and expressed her concerns over the resolution declaring Charlotte County a Second Amendment Sanctuary County and the fact the resolution was placed on the agenda as an amended item.

P. K. Pettus thanked the Board on behalf of the Charlotte County Museum. Ms. Pettus expressed her appreciation for the help in preparing for the Charlotte County Celebrations for Arts, Crafts and Rural Heritage.

The Board concurs with the approval of the Judge for the Charlotte County Museum to use the courthouse square on November 24th and December 4th, 2019.

Being no further comment the public comment period was closed.

The meeting was adjourned.

BY: _____
Daniel N. Witt, Clerk

APPROVED: _____
Garland H. Hamlett, Jr. - Chairman