

At a regular meeting of the Charlotte County Board of Supervisors held in the Administration Building of said county on February 10, 2020 at 6:00 p.m.

Present: Garland H. Hamlett, Jr. Chairman
Robert L. Shook, Jr.
Kay M. Pierantoni
Tony Reeves
Will Garnett

Absent: Gary D. Walker, Vice Chairman
Donna Fore

Chairman Hamlett called the meeting to order.

Kay Pierantoni gave the invocation.

Motion was made by Kay M. Pierantoni, seconded by Tony Reeves and carried with Gary D. Walker and Donna Fore absent and all other members present and voting yes to approve the agenda as presented.

Motion was made by Robert L. Shook, Jr., seconded by Kay M. Pierantoni and carried with Gary D. Walker and Donna Fore absent and 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 an amendment of Article 2, Vehicle License Ordinance, of Charlotte County Code Chapter 70, Traffic and Vehicles.

Chairman Hamlett called the Public Hearing to order.

Being no public comment, the Public Hearing was adjourned.

After due notice was given, the Charlotte County Board of Supervisors held a public hearing to receive comments on the edited By-laws, Resolution and Agreement for Trans-Tech Alliance (d.b.a Virginia's Growth Alliance).

Chairman Hamlett called the Public Hearing to order.

Being no public comment, the Public Hearing was adjourned.

Motion was made by Kay M. Pierantoni, seconded by Robert L. Shook, Jr. and carried with Gary D. Walker and Donna Fore absent and all other members present and voting yes to adopt the amended Vehicle Ordinance as presented.

Motion was made by Kay M. Pierantoni, seconded by Will Garnett and carried with Gary D. Walker and Donna Fore absent and all other members present and voting yes to adopt the TransTech Alliance Bylaws and Ordinance, as amended, and authorizing the Chairman to sign the TransTech Alliance Agreement as provided to the Board.

Gary Walker arrived at 6:10 p.m.

Donna Fore arrived at 6:12 p.m.

Committee Reports:

Tony Reeves – None

Kay M. Pierantoni – Supervisor Pierantoni reported on the Facilities Committee meeting. The old Registrar's office is currently under renovation and should be finished soon. Supervisor Pierantoni stated maintenance has done an excellent job at the old Registrar's office and with repairs at the old Courthouse. Supervisor Pierantoni stated the old Commonwealth's Attorney's office is available for rent.

Supervisor Pierantoni stated the old J&D courtroom is now the Community meeting room for Social Services and the Registrar. The Registrar and the Electoral Board have first choice for meetings, training, etc. Social Service's and the Registrar's office will continue to work out a schedule for use of the room and it will also be available to the public. Plans are to use the old Probation office (by Social Services) as a family service area. This comes as a recommendation from the Committee.

Supervisor Pierantoni is continuing the efforts with Christmas Parents and they will meet again on Saturday April 11th. Supervisor Pierantoni met with the Social Services Board, some statistics shared were 30% of the people in the County live below the poverty level and substance abuse continues to be a growing problem. Supervisor Pierantoni continues to attend the PAPSA meetings which is a coalition headed up by Crossroads for the prevention of substance abuse. The next meeting will be held on February 26th at SVCC.

Will Garnett – None

Robert L. Shook, Jr. – Supervisor Shook stated the Solid Waste Committee met and discussed hours at the Recycle Centers. The Solid Waste Committee recommends the recycle centers hours be kept the same thru the summer months.

Gary D. Walker - Supervisor Walker stated the CRC update was included in the Board packet and stated the CRC continues to do an excellent job for the County.

Garland H. Hamlett, Jr. – Chairman Hamlett attended the CLEO (Chief Local Elected Officials) meeting. Chairman Hamlett stated in a report from Workforce Development there are more jobs than workers. Workforce Development is currently working on programs to inform the public of jobs and training available. Chairman Hamlett addressed the litter problem in the County and stated the VFW had recently picked up a 2 mile stretch of trash in the County.

Public Comment:

Douglas Randolph with the Piedmont Area Veterans Council addressed the Board. Mr. Randolph stated the Piedmont Area Veterans Council (PAVC) is a 501(c) (3) organization based in Farmville which assists and advocates for Veterans, their families and the widows of Veterans who live in our coverage area which consist of Amelia, Appomattox, Buckingham, Charlotte Cumberland, Lunenburg Nottoway and Price Edward Counties. Mr. Randolph respectfully ask for funding and support from Charlotte County.

Motion was made by Kay M. Pierantoni, seconded by Tony Reeves and carried with all other members present and voting yes to accept the recommendation from the Facilities Committee on the community meeting space shared between the Registrar and Social Services.

Motion was made by Robert L. Shook, Jr., seconded by Tony Reeves and carried with Tony Reeves, Gary D. Walker and Donna Fore voting No and all other members present and voting yes to accept the recommendation of the Solid Waste committee to leave the recycle centers hours the same. Opening at 7:00 a.m. and closing at 6:00 p.m.

Ken Morgan addressed the Board. Mr. Morgan stated he is the Chairman of the Board of Morgan Lumber Co. and President of Sunrise Shavings, both located in Charlotte County with employment of both companies around 100 people. Mr. Morgan expressed concerns over the tax rates in the County as compared to the surrounding Counties. Mr. Morgan requested from the Board when grants or incentives are offered to coordinate those with existing businesses as well as potential new businesses. Mr. Morgan also asked the Board to consider expenses seriously when working toward the upcoming budget.

Terry Ramsey addressed the Board with concerns with the School's request to continue with renovations to the older elementary schools. Mr. Ramsey stated a

decline in enrollment along with mounting County debt does not make it feasible to continue putting money in the older schools.

Bernie Rose addressed the Board requesting a move from an unorganized militia to an organized militia in conjunction with the Sheriff's department.

George Toombs addressed the Board in agreement with Mr. Ramsey and Mr. Morgan's statements. Mr. Toombs also requested the Board members not accept insurance from the County. Mr. Toombs is also requesting an organized militia in conjunction with the Sheriff's department to preserve the 2nd amendment rights of the County's citizens.

Travis Rose addressed the Board concerning an organized militia in conjunction with the Sheriff's department.

Carmalita Escoto addressed the Board. Ms. Escoto is the citizen representative for the Crossroads Community Services Board. Ms. Escoto stated the Crossroads Community Services Board provides mental health and substance abuse services to the community. Ms. Escoto encouraged citizens if they have a need in the County to please contact the Crossroads Community Service Board.

Nan Lambert, Voter Registrar addressed the Board concerning the recommendation from the Facilities Committee. Ms. Lambert stated she was not contacted on the needs for her office when the Facilities Committee made their recommendation. Ms. Lambert requested the Facilities Committee consult with her before making decisions on the office space. Ms. Lambert also stated she has requested in her budget for three years for a full-time office assistant, but it has not been budgeted. Ms. Lambert expressed the need for a full-time employee in her office and is requesting this position in her budget for the upcoming year.

Being no further comment the Public Comment period was closed.

Monica Ratliff with the Cadence Center addressed the Board. Ms. Ratliff stated the Cadence Center is a nonprofit organization acting as a resource for victims of violent crime. The Cadence Center will be the second family justice center to open in Virginia. Ms. Ratliff shared her personal account dealing with violent crime. Ms. Ratliff stated the Cadence Center will serve victims of assault, child abuse, elder abuse and human trafficking. Ms. Ratliff requested consideration for financial support from the County for the upcoming budget year.

Brett Arbogast with Charlotte County Schools addressed the Board. Mr. Arbogast is requesting that the FY2020 budgeted amount of \$586,000 for debt service payment for Phase II School Projects be used to complete some of the capital projects that are part of Phase II in the current fiscal year. Since funds have not been borrowed at this time for Phase II the debt service payments will not be expensed in FY2020.

Motion was made by Kay M. Pierantoni, seconded by Donna Fore and carried with all other members present and voting yes to set a Public Hearing for Monday, March 9, 2020 at 6:00 p.m. on the requested Charlotte County Schools funding.

Dean Foster addressed the Board concerning the Electoral Board's request to relocate the Bacon/Saxe polling location. Mr. Foster stated he had spoken with Supervisor Garnett and believes the decision needs to be delayed until information can be obtained on the ramp at the Southall polling site being ADA compliant.

Motion was made by Will Garnett, seconded by Gary D. Walker and carried with all other members present and voting yes to delay action on the Electoral Board's request to relocate the Bacon/Saxe polling location.

Stan Allison and Laura Tillett with Holocene Clean Energy addressed the Board concerning approval for a conditional use permit for the solar project located in Red House. Mr. Allison stated the project consists of approximately 28 acres. The project

has already been recommended for approval by the Charlotte County Planning Commission. Previously the Board asked Holocene Clean Energy to work out a voluntary impact fee proposal, which Mr. Allison states they have done. Mr. Allison and Ms. Tillett were available for questions and comments from the Board.

Motion was made by Tony Reeves, seconded by Will Garnett to approve the Conditional Use Permit for Holocene Clean Energy with the added conditions as presented.

1. Conformance with Plan.

A. The Applicant shall utilize the site in general conformance with the applicable portions of

the application narrative and as shown on the site plan titled “Preliminary Drawing, Not for Construction,” prepared by Holocene Design Build, LLC on behalf of Red House Solar I, and dated August 1, 2019 (the “Preliminary Plan”). The exact location of the various parts of the solar energy project (“Solar Facility”) such as solar modules, access roads and ingress/egress, fencing, parking, laydown areas, buffers, substation, switchyard, storage area, and any stormwater management ponds shall be established during the site plan review process and as required by the Virginia Department of Environmental Quality and the Southside Soil and Water Conservation District.

B. Additional temporary or permanent access roads or points of ingress/egress may be added to the Solar Facility provided permission is obtained from the landowner and approved by the appropriate agency (i.e.: the County, VDOT, etc.) during the site plan review process.

2. Setbacks.

Existing power lines, gravel roads/entrances, various easements, any new overhead lines required to deliver power into electrical grid, any telecommunication lines, and similar accessory uses needed for the Solar Facility monitoring may be located in the Setback. If any new overhead lines are installed in the setback, they shall be installed perpendicular to the property boundary, to the greatest extent possible, to minimize loss of vegetative buffer.

3. Screening and Landscaping.

A. Existing trees and vegetation shall be retained within the Setbacks, except where

easements or access is required, to provide a minimum landscaped buffer of 25 feet.

B. In areas where existing trees, vegetation, topography, or other features are disturbed or

not present, additional plantings shall be added into the Setback. These plantings shall include two rows of evergreen and/or deciduous tree species native to the region. The plantings in each row shall be spaced every 12 feet with the two rows being staggered to achieve better screening. The plantings shall be a minimum of 3 feet at time of planting. Specific details of any planted buffer shall be submitted to the county at the time of site plan review. The required buffer, including new plantings, shall be maintained by the applicant for the life of the project.

4. Fencing.

The Applicant shall install security fencing around the solar modules as shown on the Preliminary Plan. The fence shall be a minimum height of six (6) feet with an appropriate non-climbing device such as barbed wire.

5. Height.

The total height of the solar modules, including any mounts, shall not exceed twenty-five (25) feet. This restriction shall not apply to utility poles, transmission lines, or any equipment needed for the substation.

6. Noise.

Noise levels at the Property line shall not exceed 50 dbA after construction.

7. Lighting.

Lighting shall be limited to the minimum necessary for security purposes. All lighting shall be fully shielded and downward facing. Details of the light fixtures shall be provided as part of the site plan approval.

8. Utility Connection.

Prior to site plan approval, the Applicant shall provide the County a copy of the executed Interconnection Agreement or Interim Interconnection Agreement. This Agreement shall demonstrate authorization to connect to a transmission line in accordance with Charlotte County Zoning Ordinance Section 10-23-9 shall be provided to Charlotte County.

9. Signage.

Warning signage and a 911 address sign shall be clearly posted in various locations around the Solar Facility. The signage shall identify the owner of the facility and a 24-hour emergency contact phone number. Signage shall be posted at the property entrance.

10. Site Maintenance.

A. The Applicant shall plant a grass seed mix and other vegetation under and around the panels and maintain the grass to prevent overgrowth and prevent weeds in keeping with the parameters described in the Application Section titled "Vegetation in Facility."

B. Mowing/weed management shall be conducted as needed to maintain the grasses and discourage woody/invasive species from growing too close to the solar modules.

11. Solar Modules.

A. Solar modules will be manufactured and oriented to prevent glare toward any adjacent properties or roads.

B. If modules are replaced or repaired, they shall use current technology that minimizes the glare from panels as reasonably practicable.

C. Regular maintenance and repair of the equipment shall occur to ensure all elements of the project are in good working order.

12. Inspections.

All Solar Facility components shall meet the National Electrical Code and State Building Code and shall be inspected by a county building inspector or third-party inspector approved by the county through the building permit process.

13. Decommissioning.

Decommissioning shall be performed in compliance with the decommissioning plan as submitted. This approved plan includes, but is not limited to, the submission of decommissioning financial security prior to site plan approval, and removal of equipment and site rehab and restoration at the end of operations.

14. Regulatory Compliance.

The Project will comply with local, state, and federal laws as applicable during the development, construction, operation, and decommissioning of the Project. If any portion of the Project is found to be out of compliance with local, state and/or federal laws applicable to the development, construction, operation, and/or decommissioning of the Project, the Applicant shall remedy such noncompliance as soon as reasonably practicable.

15. Decommissioning Estimate Review.

- A. A licensed engineer from the County's third-party review team will evaluate the applicant's decommissioning estimate as part of the site plan review, when more project details are available, to ensure the estimate adequately covers the cost of decommissioning. If the recalculated estimate exceeds the original estimated decommissioning cost by 10% or more, the applicant shall increase the guarantee to meet the new cost estimate. If the recalculated estimate is less than 90% of the original estimated cost of decommissioning, the County may approve reducing the guarantee.
- B. Following initial approval of the decommissioning estimate, the estimate shall be recalculated every five (5) years. If the recalculated estimate exceeds the original estimated decommissioning cost by 10% or more, the facility owner/operator shall increase the guarantee to meet the new cost estimate. If the recalculated estimate is less than 90% of the original estimated cost of decommissioning, the County may approve reducing the guarantee.
- C. If any of the solar facility materials are deemed hazardous by the DEQ and/or Health Department, posing a threat to the environment or the health of Charlotte County Citizens, that change in characterization shall trigger the need for an immediate recalculation of decommissioning costs. The cost of securing that engineer's estimate shall be borne by the operator and/or owner of the project and the estimated decommissioning costs shall be adjusted accordingly.

Roll call vote as follows; Tony Reeves-Aye; Will Garnett-Aye; Gary D. Walker-Aye; Kay M. Pierantoni-No; Donna Fore-No Robert L. Shook, Jr.-Aye; and Garland H. Hamlett, Jr.-Aye.

Motion was made by Tony Reeves, seconded by Gary D. Walker to approve the BB & T closing documents and the following resolution;

WHEREAS: Charlotte County VA ("Borrower") has previously determined to undertake a project for the financing of emergency radio equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Trust Bank (f/k/a Branch Banking and Trust Company) ("Lender") in accordance with the proposal dated January 31, 2020. The amount financed shall not exceed \$333,533.00 the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.33%, and the financing term shall not exceed fifteen (15) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary of desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265 (b)(3).
5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Roll call vote as follows: Tony Reeves-Aye; Gary D. Walker-Aye; Donna Fore-Aye; Kay M. Pierantoni-Aye; Will Garnett-Aye; Robert L. Shook, Jr.-Aye; and Garland H. Hamlett, Jr.-Aye.

Motion was made by Kay M. Pierantoni, seconded by Donna Fore and carried with Gary D. Walker voting no and all other members present and voting yes to approve the following County fund policy;

It is the policy of the Charlotte County Board of Supervisors that no County funds shall be spent on gifts for employees, for employee parties, for holiday parties, or for employee celebrations. Exceptions to this policy are:

Framed resolutions or certificates approved and issued by the Board of Supervisors.

Refreshments purchased for required or sanctioned County training and/or seminars.

Chairman Hamlett set a work session on March 9, 2020 at Noon with VDOT to review the proposed six-year plan.

Chairman Hamlett set a joint public hearing with the Planning Commission for April 13, 2020 at 6:05 p.m. for a Zoning Ordinance amendment (3-acre restriction).

Chairman Hamlett set a Strategic Plan work session for Saturday March 28th, time to be determined.

Motion was made by Gary D. Walker, seconded by Kay M. Pierantoni and carried with all other members present and voting yes to make a one-time donation of \$1,000.00 to the Randolph Henry High School after prom party.

By consensus of the Board the week of March 7th thru March 14th was designated as litter pickup week for the County. Staff will make sure supplies are available to the public.

Daniel Witt gave the Administrator's Report.

Board Appointment Policy Discussion – Supervisor Pierantoni has drafted a policy for Board Appointments and would like to have it on the agenda for the March meeting.

Public Comment:

Kathy Liston addressed the Board with concerns over the two gentlemen who addressed the Board carrying guns. She suggested having a policy concerning weapons or continue to have the Sheriff or a Deputy at each meeting.

Earl Strain addressed the Board concerning the formation of a militia in County. Mr. Strain questioned if it was overseen by the Sheriff's department what would be the cost.

George Toombs addressed the Board and apologized if anyone in the room felt afraid of the two gentlemen bearing arms, but he is concerned over the violation of constitutional rights for the second amendment.

Nan Lambert addressed the Board concerning the relocation of the Saxe/Bacon polling location. Ms. Lambert stated in her experience with a polling location being relocated, everyone has continued to vote. Ms. Lambert expressed her support in asking the Board to consider approval of relocating the Saxe/Bacon polling location.

Angela Cook addressed the Board with concerns over the two gentlemen who addressed the Board carrying guns.

Being no further comments, the public comment period was closed.

Motion was made by Robert L. Shook, Jr., seconded by Kay M. Pierantoni and carried with all other members present and voting yes to approve the invoices for February 2020 in the amount of \$1,239,651.80.

Motion was made by Kay M. Pierantoni, seconded by Tony Reeves and carried with all other members present and voting yes to approve a building permit refund for Davenport Energy in the amount of \$30.60.

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 Treasure's request for a refund to Kyle Primm in the amount of \$4,165.53 for a portion of fiscal year 2018-2020 personal property tax.

Board Member Other Comments:

Tony Reeves – None

Donna Fore – None

Robert L. Shook, Jr. -None

Will Garnett - None

Kay M. Pierantoni-Supervisor Pierantoni stated there was an email sent to Ms. Lambert from the Facilities Committee. Supervisor Pierantoni apologized to Ms.

Lambert for not discussing the recommendations with her. Supervisor Pierantoni was hoping to have more information from Holocene Clean Energy on the Red House project. Supervisor Pierantoni stated she will provide, if anyone requests the email that was sent to Supervisor Walker requesting, he abstain from voting on the Holocene Clean Energy Red House project.

Gary D. Walker – Vice-Chairman Walker responded to Supervisor's Pierantoni's comments that he should abstain from voting on the Holocene Clean Energy Red House project. Vice-Chairman Walker stated "for the last 2 years Supervisor Pierantoni has tried to tell Mr. Freeman what issues he could and could not vote on while he was on the Board. You have spent the last year and a half calling my integrity into question with no proof, just on things that you assumed to happen. You border on slander, and I'm tired of it. Now you're trying to hold up business coming to the County until they make certain promises of donations before you are willing to vote for the project. You are doing what's called pay to play in business, and in politics it is called quid pro quo." Vice-Chairman Walker continued to say "in the past you have threatened me and other board members that we will be opposed in the next election if we voted against your pet projects and then you actively recruited candidates to run against me in the general election. There are over 600 people in my precinct that voted in the last election, and only 23 of them voted for someone else, the people in my district want me to vote on their behalf, and that's just what I intend to do."

Garland H. Hamlett, Jr. – Chairman Hamlett stated in reference to citizens bringing weapons on County property there is no policy. Chairman Hamlett is in full support of our Constitutional rights.

The meeting was adjourned at 8:27 p.m.