

At a regular meeting of the Charlotte County Board of Supervisors held at the Administration Building on May 10, 2021, at 1:30 p.m.

Present: Gary D. Walker, Chairman
Will Garnett, Vice Chairman
Garland H. Hamlett, Jr.
Robert L. Shook, Jr.
Kay M. Pierantoni
Tony Reeves
Donna Fore

Absent:

Chairman Walker called the meeting to order.

Supervisor Reeves gave the invocation.

Motion was made by Supervisor Hamlett, Jr., seconded by Supervisor Garnett and carried with all other members present and voting yes to approve the agenda as presented.

Motion was made by Supervisor Garnett and seconded by Supervisor Shook and carried with all other members present and voting yes to approve the April 12, 2021 meeting minutes and the April 27, 2021, budget public hearing minutes as presented.

Committee Reports:

Tony Reeves – None

Donna Fore - None

Kay M. Pierantoni – Supervisor Pierantoni stated the Facilities Committee met on April 23rd with the roundtable participants, Dr. Hezitene Foster, Mrs. Darlene Foster, Mr. William McCargo, and Mrs. Cora St. John and four citizens in attendance. Supervisor Pierantoni stated Supervisor Reeves and herself continued as moderators for the meeting.

Supervisor Pierantoni stated the Committee continued the discussion on the use of memorials when they were placed and the various viewpoints behind placement. Supervisor Pierantoni asked the participants at the conclusion of the meeting if they felt it would be helpful to continue with the same participants and format and the majority agreed to keep the meeting format the same. Supervisor Pierantoni stated the Committee declined allowing a citizen comment period, and she stayed after the meeting to hear from any citizen who wished to bring items to the attention of the Committee. The next meeting is scheduled for Monday, May 24th at 6:30 p.m. at the Administration Building.

Supervisor Pierantoni stated she attended the Planning Commission meeting on April 27th, and she will reserve comments for later in the meeting.

Garland H. Hamlett, Jr. – Supervisor Hamlett made the Board aware the Director of the Crossroads Services Board has been terminated, without cause, and they are actively seeking a replacement.

Robert L. Shook, Jr. – Supervisor Shook stated the Solid Waste Committee met on Thursday May 6th to review the Solid Waste Ordinance which is 20 years old. One item stated in the Ordinance is the recycle centers are not to accept commercial waste. Supervisor Shook stated the Committee must decide what is considered commercial waste and how to resolve the difference between the types of businesses in the County.

Will Garnett - None

Gary D. Walker – Chairman Walker stated the CRC update is in the packet.

Public Comment:

Judge Charlton, President of the Virginia Property Rights Alliance addressed the Board with concerns regarding a Resolution passed by the Board of Supervisors on Dog Hunting approximately 5 years ago. Mr. Charlton stated facts in the Resolution such as the amount of land that is used for dog hunting and the contribution dog hunting makes economically to the County is not proven. Mr. Charlton would like to see the Resolution dissolved.

Supervisor Pierantoni read an email submitted by ***Hazel Bowman Smith***. Ms. Smith's email stated she was concerned even though the COVID 19 procedures were posted on the County website citizens attending the meetings were not adhering to the proper seating designations posted by the staff. Ms. Smith asked a staff member to enforce these policies at future meetings. Ms. Smith stated the Public Comment Policy is not being followed by some of the speakers and should be uniformly applied to all who choose to speak. She suggested the policy be posted where it can be seen next to the sign-up sheet. Ms. Smith also commented in her email that speakers are expected to be courteous and shall not insult or demean any person or group. This policy, she believes was ignored by one speaker at a recent Board meeting and should be enforced.

Scott Frederick with VDOT addressed the Board by phone. Mr. Frederick reported debris cleanup has been completed and VDOT is in the process of securing a contract to grind the piles and remove the chips within the next couple months. Prince Edward and Charlotte County combined there was 26,000 cubic yards of debris.

Mr. Frederick stated the mowing has been started on the primary routes and the Shady Oakes bus turn around paperwork is being completed and the construction should be done by August before schools starts. Mr. Frederick reported on Terry Lane, which is a private road, he was requested to look at. His findings show it is not showing on the GIS map and has no recorded right of way. For Terry Lane to be brought to VDOT specifications a lot of work would have to be done and he would estimate the cost to be around \$125,000. This would have to be completed to VDOT standard before it can be entered into the system and maintained by VDOT. Mr. Frederick stated work on the Rural Rustics should start after July 1st.

Chairman Walker set a work session with Scott Frederick at VDOT for the Six Year Plan for Thursday June 3rd at 9:00 a.m. with the Public Hearing on the Six Year Plan to be held at the June 14th Board meeting at 6:05 p.m.

Chairman Walker, with consensus of the Board requested Administrator Witt contact Mr. Taylor with RiverStreet to set up a work session immediately following the VDOT work session on June 3rd.

Robert Crockett, Advantus Strategies addressed the Board with a general Legislative update on solar. Mr. Crockett stated the Virginia Clean Economy Act passed in 2019 requires the states utilities procure about 16 gigawatts of solar in onshore wind including both energy and battery storage, which in real terms in solar development is about 300 square miles of utility solar over the next 10 years. This explains why the recent uptick in solar development in rural areas.

Mr. Crockett stated during the 2021 General Assembly with Administrator Witt's help, the Coalition looked at the length of the solar agreements and made sure the Counties are made whole as possible, specifically with three things; expanding the siting agreements to include energy and battery facilities, indexing revenue shares to \$1400 per mega watt and indexing revenue shares for battery storage facilities for future projects.

Susan Seward addressed the Board and continued the update for Advantus Strategies. Ms. Seward stated the HB 2269 passed through the Assembly and indexes revenue share for solar and energy/battery storage to increase by 10% beginning July 1, 2026, and every five years after. This will be a revenue enhancer for Counties such as Charlotte which has adopted a revenue share ordinance. Ms. Seward stated HB 2006 clarifies battery storage will be treated the same as revenue share as solar. These bills were signed by the Governor and become effective July 1, 2021.

Mr. Crockett stated the siting agreement was amended to allow, a locality will be allowed to negotiate a siting agreement to include energy storage products and the restrictions associated with opportunity zones were removed.

Monica Elder provided the following report on the Planning Commission's update on Utility Scale Solar Zoning Amendments.

The Planning Commission discussed potential zoning amendments related to utility-scale solar community meetings, project setbacks, and screening buffers at their March 4th, March 23rd, and April 27th meetings. Staff provided a comparison of regulations from other counties and commissioners also requested and received a copy of SolUnesco's ordinance comparison which the company referenced at the March 23rd meeting. Additional input regarding buffers and appropriate plantings was also obtained from Virginia Cooperative Extension's forestry and natural resource staff and UVA's Weldon Cooper Center.

Following their review of current regulations and the information provided, the Planning Commission recommended the addition of a community meeting requirement and revisions to setback requirements. The Planning Commission recommended making no changes to the established screening buffers.

Addition of a Community Meeting Requirement as Follows:

Community meeting. Within 30 days of the zoning administrator providing an applicant notice that their utility-scale solar application is complete, a public meeting shall be held with the planning commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed facility. The meeting shall adhere to the following:

- (1) The applicant shall inform the zoning administrator and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date;*
- (2) The date, time and location of the meeting shall be advertised in a newspaper of record in the county by the applicant, at least seven but no more than 14 days, in advance of the meeting date;*
- (3) The meeting shall be held within the county, at a location open to the general public with adequate parking and seating facilities that will accommodate persons with disabilities;*
- (4) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback; and*
- (5) The applicant shall provide to the zoning administrator a summary of any input received from members of the public at the meeting.*

Revision of Setback Requirements for Utility-Scale Solar as Follows:

10-23-6 Setbacks. Utility-scale solar projects shall be setback a minimum distance of 125 feet from the center line of any state maintained road abutting the property, a minimum distance of 75 feet from all other property lines with the exception of those property lines that are inside the project's boundaries and which do not abut property located outside the project area, and a minimum distance of 400' from all off-site residential structures unless otherwise prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit.

(Setbacks for large scale solar projects {those 999kw or less} will remain unchanged.)

Next Steps

Both the Planning Commission and the Board of Supervisors are required to conduct a public hearing on proposed zoning ordinance amendments. At the May 25th Planning Commission meeting, the Planning Commission will consider whether to hold a separate public hearing on the proposed amendments or request a joint public hearing with the Board of Supervisors. Staff will be recommending separate hearings to allow the Commission to obtain additional public input and make any adjustments they deem appropriate prior to presenting a final recommendation to the Board of Supervisors.

Motion was made by Supervisor Garnett, seconded by Supervisor Hamlett to approve the Consolidated Budget for FY 2021/2022 Budget as presented.

Roll call vote as follows: Supervisor Garnett-Aye; Supervisor Shook-Aye; Supervisor Pierantoni-Aye; Supervisor Hamlett-Aye; Supervisor Fore-Aye; Supervisor Reeves-Aye; and Chairman Walker-Aye.

Motion was made by Supervisor Garnett, seconded by Supervisor Shook, Jr. to set the following tax levies for FY 2022;

Real Estate & Mobile Homes	.62	per \$100 assessed value
Personal Property	3.95	per \$100 assessed value
Machinery & Tools	3.00	per \$100 assessed value
Merchant's Capital	3.20	per \$100 assessed value
License Registration Fee	25.00	per vehicle

Roll call vote as follows; Supervisor Garnett-Aye; Supervisor Shook-Aye; Supervisor Pierantoni-Aye; Supervisor Hamlett-Aye; Supervisor Fore-Aye; Supervisor Reeves-Aye; and Chairman Walker-Aye.

Motion was made by Supervisor Hamlett, seconded by Supervisor Pierantoni, and carried with all other members present and voting yes to use \$175,000 of CARES Act funding for Public Safety Salaries and to approve a transfer appropriation to reclassify \$175,000 of original Public Safety Salaries in Fund 10 to account code 10-3202-5604 (Contributions to Volunteer Fire Departments). A \$25,000 contribution is to be made to each of the seven Volunteer Fire Departments in the County.

Discussion of ATVs on Non-Line Roads in the County:

Administrator Witt addressed the Board. Supervisor Garnett requested Administrator Witt do some research on allowing ATV's to be driven on VDOT roads without center line within the County and referenced Buckingham County as an example. Administrator Witt stated this can not be changed by the Board, it must be changed at the State level Code §46.2-915.1. Both the State Code and Buckingham County's Ordinance was provided to the Board.

Motion was made by Supervisor Reeves, seconded by Supervisor Hamlett, and carried with Supervisor Fore voting no and all other members present and voting yes to take no action concerning allowing ATVs on the non-lined roads in the County.

Surplus Items – Garbage Truck and Firearms

Administrator Witt stated in 2020 the County purchased a new garbage truck which created a surplus vehicle. The vehicle is a 2002 International 7600 with 360,000 miles and is not needed nor used. Administrator Witt stated it is the policy to put these vehicles up for public auction, however, he has learned from the SRPSA landfill, which Charlotte County is a member the need for a vehicle to haul open top dumpsters and with the recommendation from the Solid Waste Committee would like to offer sale of the truck to the SRPSA for \$7,500.00.

Administrator Witt stated it has been the policy of the Sheriff's Department to allow their retiring officers to purchase their department issued firearm for \$1.00. Mr. Johnson was issued a .40 cal side arm from a retiring officer 15 or so years ago and a long rifle .22 mag from the Board of Supervisors in the early 2000's.

Motion was made by Supervisor Shook, seconded by Supervisor Reeves, and carried with all other members present and voting yes to sell the County's surplus vehicle (a 2002 International 7600) to the Southside Regional Public Service Authority for \$7600.00.

Motion was made by Supervisor Hamlett, seconded by Supervisor Reeves, and carried with all other members present and voting yes to allow retiring Maintenance Director Glenn Johnson to purchase his County issued side arm .40 cal. and long rifle .22 mag. in keeping with the Sheriff's Department policy of allowing retiring employees to purchase each piece for \$1.00.

Administrator's Report

Supervisor Pierantoni voiced her concerns with the poll books for the Registrar's office. She has been attending some of the Electoral Board meetings. Supervisor Pierantoni stated the poll books will have to be in place by July 2022 and she feels the current Registrar is having a hard time with the financial running of the department even though it is overseen by the Electoral Board. Supervisor Pierantoni stated the County is going to have to follow state law and does not want the financial situation to get out of hand before the Board steps in to give direction. She worries they are going to continue to overspend and not stay within budget.

Chairman Walker asked Administrator Witt for a recommendation on making sure there are funds available to pay for the poll books.

Administrator Witt stated the Board over the past 2 years has appropriated in the Registrar's CIP enough money to purchase all the poll books. In FY2020 then Registrar Nan Lambert did not purchase the poll books or request the money be carried forward. This year, FY 2021, the other half of that money was budgeted, then the second half was put in for FY 2022, which the Board has pulled out. Administrator Witt suggests to unappropriate the money in the budget for the poll books in FY 2021 since they are not necessary until July 1st of next year then reappropriate the money when needed.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore, and carried with all other members present and voting yes to rescind the appropriation for Fiscal Year 20-21 for the poll books and notify the Registrar and the Electoral Board.

Public Comment Period

None

Motion was made by Supervisor Garnett, seconded by Supervisor Shook and carried with all other members present and voting yes to approve the invoices for payment in the amount of \$955,233.68.

Motion was made by Supervisor Reeves, seconded by Supervisor Garnett, and carried with all other members present and voting yes to refund building permit #5076 in the amount of \$30.60 to Power Home Solar for the Sam Hunter job.

Board Member Other Comments:

Tony Reeves - None

Donna Fore - None

Garland Hamlett, Jr. - None

Robert L. Shook, Jr. - None

Kay M. Pierantoni – Supervisor Pierantoni stated in the past in Roberts Rules of Order an item could be added to the agenda if a motion was made and approved. Supervisor Pierantoni also stated the Public Comment Policy is posted at the window where the sign-up sheet is located.

Will Garnett - Requested his issue of a Solar Moratorium be on the June agenda.

Gary D. Walker – Chairman Walker would like to seek legal advice on Supervisor Garnett's request.

Motion was made by Supervisor Garnett, seconded by Supervisor Hamlett pursuant to Virginia Code Section 2.2-3711.A.32. that the Charlotte County Board of Supervisors hold a closed meeting to discuss confidential proprietary information pertaining to broadband with representatives of Empower Broadband.

Roll call vote as follows; Supervisor Garnett-Aye; Supervisor Hamlett-Aye; Supervisor Fore-Aye; Supervisor Pierantoni-Aye; Supervisor Reeves-Aye; Supervisor Shook-Aye; and Chairman Walker-Aye.

Motion was made by Supervisor Garnett, seconded by Supervisor Pierantoni 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; Supervisor Garnett-Aye; Supervisor Pierantoni-Aye; Supervisor Reeves-Aye; Supervisor Shook-Aye; Chairman Walker-Aye; Supervisor Hamlett-Aye; Supervisor Fore-Aye.

Being no further business, the meeting was adjourned.