

At a regular meeting of the Charlotte County Board of Supervisors held at the Administration Building on August 9, 2021, at 6:00 p.m.

Present: Garland H. Hamlett, Jr.
Robert L. Shook, Jr
Kay M. Pierantoni
Donna Fore

Absent: Gary D. Walker, Chairman
Will Garnett, Vice Chairman
Tony Reeves

Administrator Witt called the meeting to order.

Motion was made by Supervisor Shook, seconded by Supervisor Pierantoni to nominate Supervisor Hamlett to Chair the meeting in the absence of Chairman Walker.

Motion passed with Supervisor Shook, Supervisor Pierantoni, Supervisor Hamlett and Supervisor Fore present and voting yes. Chairman Walker, Supervisor Garnett and Supervisor Reeves were absent.

Supervisor Pierantoni gave the invocation.

Motion was made by Supervisor Fore, seconded by Supervisor Pierantoni, and carried with Supervisors Walker, Garnett and Reeves absent and all other members present and voting yes to approve the agenda as presented.

Motion was made by Supervisor Pierantoni and seconded by Supervisor Shook and carried with Supervisors Walker, Garnett and Reeves absent and all other members present and voting yes to approve the July 12, 2021, meeting minutes and the July 22, 2021 special called meeting minutes as presented.

Acting Chairman Hamlett recessed the meeting and called the Public Hearing to order to hear public comment on the proposed amendments to the FY 2021-2022 Budget for American Relief Plan Funds, WIB Grant and carry over items from FY 2021.

Public Comment:

None

Being no further comments the Public Hearing was adjourned.

Acting Chairman Hamlett called the Board of Supervisor meeting back to order.

By consensus of the Board approval and appropriation of the proposed amendments to the FY 2021-2022 budget was delayed until after the fire department discussion.

Acting Chairman Hamlett recessed the meeting for the Joint Public Hearing with the Planning Commission.

Andy Carwile, Chairman of the Planning Commission called Joint Public Hearing to order. Chairman Carwile stated the purpose of the Public Hearing was to receive public comment on a conditional use permit application submitted by Morgan Lumber Company to develop two parcels adjacent to their existing lumber manufacturing operation on Route 92, Parcel #89-1-9-A and Parcel 89-2-3-C. This includes a 122,500 square ft. metal building, staging area for truck loading and tarping and a dust bin and blower system.

Public Comment:

Millie Burks – Ms. Burkes stated her property adjoins the Morgan property in the back. Ms. Burkes stated she has some noise from the plant now and would like to know if that would increase, the pollution from the addition and how it will affect her property value in the future.

Joan Davenport: Ms. Davenport stated her and her sister own property across from Morgan and currently rent 3 acres to Morgan for storage sheds. Ms. Davenport is concerned how much dust

and noise will result from these improvements. Ms. Davenport stated Charlotte County needs more businesses like Morgan Lumber but is concerned with resale of property in the future.

Being no further comments the Public Hearing was closed.

Acting Chairman Hamlett closed the Public Hearing with the Planning Commission.

Acting Chairman Hamlett called the Public Hearing to order to hear public comment on the Approval of the Proposed Solar Amendments to the Zoning Ordinance Section 10-23, Solar Energy Systems.

Public Comment:

George Toombs addressed the Board with concerns on the setbacks for Solar. Mr. Toombs would like for the County to adopt the same setbacks for Solar as apply to Intensive Livestock Farming.

Rodney Moon addressed the Board with a petition with over 200 names requesting the Board of Supervisors to deny approval of any conditional use permit for the installation of any industrial solar power plant that exceeds the 3% density rule already in place, immediately undertake and rework the zoning ordinance to better define the setback buffers and visual screening requirements to be placed on large scale solar projects and that no action be taken on any pending solar applications until the County has adequately revised the zoning ordinance to provide the protections the property owners of Charlotte County deserve for their investments.

Vern Musante addressed the Board with concerns on how the solar panels will hold up and the effect it will have on the land and wildlife. Mr. Musante is concerned about what the panels are made of and what could be put into the soil.

Jane Winterson addressed the Board with concerns on the impact the solar panels will have on the wildlife, trees and the farmland surrounding her property.

George E. Smith addressed the Board and expressed his support for the Randolph Solar Project. Mr. Smith has listened to both side of the discussion of the project and believes the project will be beneficial project for the County. Mr. Smith stated it is an economic boost for the County and the extra money will provide improvements for schools, building construction, technology, etc.

P. K. Pettus addressed the Board in support of solar in Charlotte County. Ms. Pettus stated she is unsure the terms and conditions have yet to be figured out for upcoming projects in the County. Ms. Pettus hopes the solar companies will work with the County to create terms and conditions that are acceptable.

Francis Hodsoll with Solunesco addressed the Board and stated the current proposal is in line with what other County's are currently doing. Mr. Hodsoll stated the solar panels are safe and has included in their application if there are any problems with a panel they will be removed, stored from the site. Mr. Hodsoll also stated requiring a larger setback in all areas is not beneficial for the project or the landowner.

George Toombs addressed the Board to state he does not support the solar project in the County.

Jack Reynolds addressed the Board concerning the Tall Pines Solar Project. Mr. Reynolds stated the land surrounding his property is owned by landowners who do not live there and will not have to see the solar project daily. Mr. Reynolds believes their property value will decrease, there will be disruption of wildlife and the loss of privacy.

John Janson addressed the Board on the purpose of the Planning and Zoning to protect the citizens and the existing character of the property. Mr. Janson stated property owners who purchased their property as quiet retirement, family or farming areas do not expect to be surrounded by an industrial solar farm. Mr. Janson stated the duty of the Planning Board is to make sure the citizens who own property and live in the County, not citizens who only own property are taken care of foremost.

Kirk Garnett addressed the Board in support of the solar project. Mr. Garnett stated fossil fuel is killing the world and we need a safe clean cost-effective alternative to fuel, and he feels solar is the answer. Mr. Garnett believes 75 feet is within reason and supports the Planning Commission's recommendation.

Robert Wood addressed the Board and stated he does not support industrial solar. Mr. Wood thinks the 20,000 acres is outrageous for a solar project.

Robbie Tate addressed the Board and respectfully asked the Board to move forward with the Planning Commission's recommendations.

John Puvak addressed the Board and stated the Planning Commission has respectfully done their work. Mr. Puvak believes the Board should develop a standard to encourage development within the County. Mr. Puvak stated increasing setbacks does not mean the project shrinks, and he encourages the Board to approve the Planning Commission's recommendations.

Rebecca Daly addressed the Board with concerns over how massive the 800 mgw solar project will be in the County. Ms. Daly does not believe one can compare the current smaller projects to the industrial project being proposed in Randolph. Ms. Daly read a list of setbacks requirements she requested the Board to consider.

Melvin Newcomb addressed the Board with concerns on the proposed solar project. Mr. Newcomb is concerned for his family's health, and his property values and does not support the proposed project.

David Tate addressed the Board and stated he believes people should have the right to do what they want with their property. Mr. Tate also stated what about his property, he stated his land is only 25 feet from the buffers proposed and his well is only 10 feet from the buffers proposed. Mr. Tate's Mother-in-Law is in the same situation. Mr. Tate is concerned about the condition of their property and the value of their property. Mr. Tate stated he does not have the option to simply pick up and move.

Terry Ramsey – Submitted comments via email requesting the Board consider the follow language change.

“Unless ~~otherwise~~ a greater setback is prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit”

Jennifer Overstreet – Submitted an email with concerns about the Randolph Solar Project, stating she cannot support the project. Ms. Overstreet wants to preserve the beauty of the County and is concerned by view of the map the solar project is uncomfortable close to water ways and will negatively affect the citizens and wildlife.

Borys & Linda Dzyndra – Submitted an email with concerns over the Randolph Solar Project. Mr. & Mrs. Dzyndra stated they are concerned with the reduced setbacks to their property, the increase in construction traffic, dust, and excessive noise. They are also concerned about problems of chemical herbicide and drinking water contamination.

Administrator Witt read emails from the following citizens in support of the Planning Commission's recommendations for the Proposed Solar Amendments to the Zoning Ordinance Section 10-23, Solar Energy Systems;

David J. Porter, Faye Valentine, Ron Knight, Michael W. LaPradd, Jay Newcomb, Mechelle T. Bacon, Leroy and April Hottinger, Ruth and David Medley, Jean Grier, Nelson Harvey, Timbervest Partners III, Virginia LLC, Deborah Delane, Eileen Czesnik, Vanessa Scott, Orland Reid and Family, Randy Marable, Alberta Riley, Ralph and Francis Seamster, Patricia U. John, Sam Willis, Yolanda T. Jackson, Joel Cathey, Clark Hogan-Ontario Hardwood, Matt Chumney, Shauna Agee, Emily Jackson, and Andy Lipscomb.

Being no further comments the Public Hearing was closed.

Motion was made by Supervisor Fore to adopt the setbacks provided by Rebeca Daly.

Motion died due to lack of second.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore to reject the recommendation on setbacks by the Planning Commission and increase the setbacks to the following list, recognizing that this will require a public hearing to be held in September.

250 feet from center line of any state maintained two lane road abutting the property

250 feet from ROW boundary of any state-maintained roads with more than 2 lanes abutting the property

400 feet from any intersection of any two lane or more state-maintained roads

600 feet from center line of any state designated Scenic Byway

600 feet from any church property boundary

300 feet from any cemetery not affiliated with a church

500 feet from any public-school property boundary

500 feet from any State recognized historic property boundary

500 feet from any State Park property boundary

400 feet from any property boundary of any parcel used for residential purposes

600 feet from water well that provides water for private residential use

1000 feet from any water well that provides water for any public use

600 feet from the FEMA 100-year flood boundary of any named stream or river

3 feet vertical elevation higher than the elevation of any adjacent designated wetland boundary provided however that it shall not be less than 50 feet from any adjacent wetland boundary measured horizontally regardless of vertical elevation

150 feet from all other property lines of property not zoned for commercial or industrial uses

0 feet from those property lines that are inside the project's boundaries, and which do not abut property located outside the project area

Roll call vote as follows; Supervisor Pierantoni-Aye; Supervisor Fore-Aye; Supervisor Shook-No, Supervisor Garnett-Absent, Supervisor Reeves-Absent, Chairman Walker-Absent and Acting Chair Hamlett-Abstain.

Motion passed 2-1.

Committee Reports:

Kay M. Pierantoni – Supervisor Pierantoni reported the round table continued to meet and will have something to present at the September meeting.

Dona Fore-None

Robert L. Shook, Jr.- None

Garland Hamlett, Jr. – Supervisor Hamlett stated Crossroads Services Board is still working to hire a director.

Public Comment:

George Toombs addressed the Board with concerns over the members of the Planning Commission members who have property involved in the solar project, and the members of the Board not present tonight.

Faye V. Trent addressed the Board with concerns over an elderly neighbor of hers who she feels was taken advantage of by Solunesco.

Jane Winterson – Ms. Winterson was not present.

Russell Toombs addressed the Board with concerns over the actions of the long-term Board members.

John Janson – Mr. Janson was not present.

Brett Arbogast addressed the Board with an update on the school renovations. Mr. Arbogast reported with Covid there has been a problem getting materials and the work force, but they are very fortunate to be at the point they are at. Mr. Arbogast stated the elementary schools are now completely asbestos free, and as soon as possible he would like to have an open house following Covid guidelines.

Motion was made by Supervisor Shook, seconded by Supervisor Fore to adopt the following Opioid Resolution;

WHEREAS, Charlotte County, Virginia (“Charlotte”), through its elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities;

WHEREAS, Charlotte and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same;

WHEREAS, in order to advance their common interests, Charlotte and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a Memorandum of Understanding relating to the allocation and use of such litigation recoveries;

WHEREAS, Charlotte’s outside opioid litigation counsel has recommended that Charlotte approve the proposed Memorandum of Understanding; and

WHEREAS, the County Attorney for Charlotte has reviewed the available information about the proposed Memorandum of Understanding and concurs with the recommendation of outside counsel;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors assembled on this day at which a quorum is present, that Charlotte County, Virginia, hereby authorizes and approves, or confirms authorization and approval, of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding and directs the County Administrator or the County Attorney to execute and enter into such Memorandum of Understanding on behalf of Charlotte County, Virginia.

Roll call vote as follows; Supervisor Shook-Aye; Supervisor Fore-Aye; Supervisor Pierantoni-Aye; and Acting Chairman Hamlett-No.

Grant Update

Administrator Witt updated the Board on Red House and Drakes Branch Volunteer Fire Department’s VDEM generator grant. Administrator Witt stated in April 2021 the County received notice a VDEM grant had been awarded for generators at the Red House and Drakes Branch Volunteer Fire Departments. However, when working on the associated grant performance agreements, staff was notified that because the County did not own the buildings where the generators would be located, state code did not permit the award. Administrator Witt stated VEM wanted the County to keep the award funds if possible, so other locations of County owned buildings were discussed that could be used but none were found. Administrator Witt stated the grant has an 18-month timeframe that can be extended, and this would allow for the language in the state code to be amended to permit the award and VDEM would advocate for this change.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore, and carried with Supervisors Garnett, Reeves and Chairman Walker absent, and all other members present and voting yes to approve \$16,905.38 to purchase the generators for Red House Volunteer Fire Department.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore, and carried with Supervisors Garnett, Reeves and Chairman Walker absent, and all other members present and voting yes to appropriate \$16,905.38 to purchase the generators for Red House Volunteer Fire Department.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore, and carried with Supervisors Garnett, Reeves and Chairman Walker absent, and all other members present and

voting yes to approve and appropriate the proposed amendment to the FY 2021-2022 Budget with the exception of the removal of #35014 Generators.

Administrator's Report

Administrator Witt received questions from the Board in response to his report.

Supervisor Pierantoni has material she would be forward to Administrator Witt concerning Tri County Community Action. Supervisor Pierantoni also stated she had a citizen who contacted her concerning issues with Tri County Community Action not being open to help her with purchasing a home.

Acting Chair Hamlett requested Administrator Witt inquire why Tri County Community Action is not open to service clients.

Supervisor Pierantoni stated no one is allowed in the building at Tri County, only business is conducted over the phone, no appointments.

Administrator Witt commented he had spoken with Ms. Goff and they have offered a space in the County for Tri County and they should have a presence in the County.

Supervisor Pierantoni stated RiverStreet has defaulted on the RDOF grant South of Route 360 but has retained the CAF II. She stated if they default on the CAF II there are stiff penalties, and the CAF II is nontransferable. Supervisor Pierantoni is concerned about the area South of Route 360 being able to receive internet.

Administrator Witt stated RiverStreet still intends to build out the CAF II grant in grant funded areas. RiverStreet has done loans with USDA thru banks to pick up the difference with what was awarded with the CAF II to cover what it is going to cost per passing. RiverStreet has funds for that in place. The RDOF grant was extremely low, the winning bid was less than 10% so if the cost was \$100 per passing, they got less than \$10. Administrator Witt stated the CAF II areas cannot receive any VATI funding because it is considered to be fully funded. VATI grants can only be applied for with RDOF or underserved areas in the County. Those areas have been identified and will be included in the VATI grant. The Board will have the opportunity to partner with Empower or RiverStreet or whoever maybe available. Administrator Witt stated the VATI grant has a three-year window, and he has been in conversation with the County Attorney and Commonwealth Connect. If ARC funds are put towards a VATI Grans as local match, the County will ask for an MOU with a 3-year universal build out plan with penalties if not completed within that time.

An RFP has been issued for a universal build out plan.

Supervisor Fore stated she has been going to Aspen to use the free Wi-Fi, but it is not working properly, she has reported it to Mr. Watkins. Supervisor Fore thinks it needs to be located at a different site.

Public Comment Period

George Toombs addressed the Board to say he never thought he would ask the Board to raise his taxes. Mr. Toombs stated he would rather pay more taxes than see a large-scale solar farm in the County.

P. K. Pettus addressed the Board and wanted to commend Administrator Witt and the Board on the solar work session that was recently held. Ms. Pettus would like to ask if the work session could be replicated for the Planning Commission.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore, and carried with Supervisors Garnett, Reeves, and Chairman Walker absent, and all other members present and voting yes to approve the invoices for FY2021 in the amount of \$135,910.56.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore, and carried with Supervisors Garnett, Reeves, and Chairman Walker absent, and all other members present and voting yes to approve the invoices for FY2022 with one correction of (\$27,500 to the Phenix Fire Department) in the amount of \$334,701.38.

Board Member Other Comments:

Supervisor Fore – Supervisor Fore stated she was very encouraged by the public turn out tonight and feels there was a lot of important public information exchanged.

Supervisor Pierantoni – Supervisor Pierantoni stated the Planning Commission works hard and supplies much information to the Board and thinks a workshop would be beneficial for them. Supervisor Pierantoni stated she feels some of the members of the Planning Commission are influenced in an unfair way about solar, and there is a clear divide of citizens to listen to. Supervisor Pierantoni hopes the landowners will weigh out the Randolph solar project into the future, not just the money they will be receiving.

Supervisor Shook- None

Supervisor Hamlett – Supervisor Hamlett stated it was passed by the Board for the Treasurer to post a list of unpaid taxes in the County but doesn't believe it has been done. Supervisor Hamlett requested Administrator Witt speak with the Treasurer concerning the listing

Being no further business, the meeting was adjourned.