

At a regular meeting of the Charlotte County Board of Supervisors held at the Administration Building on September 13, 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
Donna Fore
Tony Reeves

Absent:

Chairman Walker called the meeting to order.

Supervisor Reeves gave the invocation.

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

Motion was made by Supervisor Hamlett and seconded by Supervisor Shook and carried with all other members present and voting yes to approve the August 9, 2021, meeting minutes and the September 1, 2021, special called meeting minutes as presented.

Dr. Hezetine Foster addressed the Board. Dr. Foster updated the Board on the Legacy Education Program she works with out of Lynchburg. The program started approximately five years ago and one of their main concerns is the poverty rate in Southside Virginia. Dr. Foster stated the program focuses on helping the students after high school and partners with SVCC.

Scott Frederick with VDOT addressed the Board with an update. Mr. Frederick reported plant mix leveling and surface treatment has been started along with pruning and cutting trees. Mr. Frederick stated Whites Chapel Road rural rustic project is in progress and contractors have started mowing secondaries.

Sheriff Freeman addressed the Board. Sheriff Freeman stated the Governor has passed a bill for all sworn officers that are Comp Board employees to receive a bonus of \$3,000. Sheriff Freeman stated he has twenty-nine eligible employees and eleven that are not Comp Board employees that would not receive the bonus. Sheriff Freeman is requesting the County fund the \$33,000 for the non-comp board employees.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore, and carried with all other members present and voting yes to fund the \$33,000 for the Sheriff's Department employees from the CARES funding.

Yemaja Jubilee, Poet Laureate addressed the Board and offered her services to the County for a small stipend.

Naisha Carter, Commissioner of Revenue addressed the Board with an update on the increase of the NADA used car values. Ms. Carter stated the shortage of chips for new cars has led to a shortage in used cars therefore increasing their value. Used car values have increased monthly which will be a huge impact in personal property taxes on vehicles this billing period.

Chairman Walker suggested a temporary reduction in the personal property tax rate. County Attorney Slayton stated the Board is required to have a public hearing but the Board can change the tax rate. The Commissioner of Revenue does not have the authority to change the rate.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Garnett and carried with all other members present and voting yes to adopt the following PPTRA resolution;

In accordance with the requirements set forth in VA. CODE ANN. §58.1-3524 C.2. and §58.1-3912 E., as amended by *Chapter 1 of the Acts of Assembly* (2004 Special Session I) and as set forth in *Item 503.E. (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly*, any qualifying vehicle used within the County of Charlotte, Virginia commencing July 1, 2021, shall receive personal property tax relief in the following manner:

- Personal use vehicles with assessed value of \$1,000 or less will be eligible for 20% tax relief; and
- Personal use vehicles with assessed value of \$1,001 or more shall receive only 20% tax relief on the first \$20,000 in assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (such as business use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program; and
- In accordance with *Item 503.D.1. of Chapter 951 of the 2005 Acts of Assembly*, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior years that are made on or after September 1, 2006 shall be deemed “non-qualifying” for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

Chairman Walker recessed the Board meeting and called the Public Hearing to order.

After due notice was given the Board of Supervisors held a Public Hearing to hear public comment on the proposed amendments to the solar ordinance for setbacks, buffers, and community meetings.

Public Comment:

Betty Scruggs declined to speak.

Jack Reynolds addressed the Board concerning the Tall Pines Solar Project. Mr. Reynolds has concerns about water contamination.

Carrie Reynolds addressed the Board concerning the 400 ft. setback from any property boundary of any parcel used for residential purposes. Ms. Reynolds feels the 400 ft. should be from the property line so the integrity of the property is not lost.

Rodney Moon addressed the Board on the proposed setbacks of the Randolph Solar projects. Mr. Moon feels the setbacks proposed in the August 9th meeting are not unreasonable.

Hazel Bowman Smith addressed the Board concerning the proposed amendments to the solar ordinance. Ms. Smith feels the proposed amendments are more convoluted & more complicated than they need to be. Ms. Smith suggested simple, unified ordinances.

Melvin Newcomb addressed the Board and believes the solar panels are dangerous to the citizens and the wildlife in the community.

Vern Desantis declined to speak.

Hezetine Foster declined to speak.

Tim Wilson declined to speak.

Ronnie Howard addressed the Board concerning the duties of the Planning Commission. Mr. Howard stated as a prior member of the Planning Commission he knows how diligently the Planning Commission members work and if the Board is not going to consider the recommendations made by the Planning Commission it should not exist.

Curtis Morton addressed the Board concerning the setbacks of the Randolph Solar project. Mr. Morton stated the Planning Commission has done its due diligence and if the Board chooses to accept the setbacks of a few citizens and kills the projects it will hurt the future for income greatly needed for the County.

Rebecca Brown Stephenson addressed the Board in support of the Randolph Solar project and stated she has not heard of any alternative to the project to bring revenue to the County.

Skyler Zunk, State Director Land & Liberty Coalition addressed the Board with concerns about the setbacks. If you own property, you have the right to do what you want with your property. This solar project is a great opportunity for the County.

Robert Hawthorne, Jr. addressed the Board concerning the setbacks and stated the original setbacks imposed by the Planning Commission were more restrictive than most surrounding Counties and the proposed setbacks will kill this project and any future projects.

Bill Devin addressed the Board concerning the setbacks. Mr. Devin stated the setbacks will kill the project presented and any future projects in the County. Mr. Devin stated the Planning Commission has done a great job for the County.

John Puvak, Gentry Locke addressed the Board concerning the setbacks. Mr. Foster stated 400 ft from any property boundary of any parcel used for residential purposes no counting for size of parcel this leads to unintended consequences, ties up more land and drives up project cost.

P. K. Pettus addressed the Board concerning the setback on streams and wells. Ms. Pettus states the Department of Wildlife Resources states setbacks should be 100 feet on each side of the stream, 100 ft from all side of a wetland should be a vegetive setback preserve or enhance the vegetation.

Francis Hodsell addressed the Board concerning the setbacks. Mr. Hodsell reiterate the point that the current setbacks proposed will kill the current project and any future projects proposed for the County.

Cornell Goldman addressed the Board and urged the Board to vote no against the setback being proposed. Mr. Goldman stated the setbacks are extreme and will discourage any other solar projects being located in Charlotte County.

Robbie Tate addressed the Board and spoke in opposition of the setbacks being proposed. Mr. Tate is in favor of the setbacks proposed by the Planning Commission.

Elroy Boyd, III – not present

Linda Jackson addressed the Board in support of the setbacks brought forth by the Planning Commission.

Stefan Barnes addressed the Board with a lot of unanswered questions on the Randolph Solar project. Mr. Barnes hopes the Board will adopt the current setbacks proposed in the best interest of the citizens.

Wayne Seamster addressed the Board and supports the concerns about the water and does not support the solar project.

Doug Garnett addressed the Board and supports solar and has for many years. Mr. Garnett does not believe the setbacks proposed are reasonable.

David Medley addressed the Board concerning property owners who do not live in the County. Mr. Medley supports the recommendations of the Planning Commission.

Robert Wood addressed the Board and stated he would be in favor of a moratorium for solar.

Sue Adams addressed the Board and objects to the Randolph Solar project and any other commercial solar projects in Charlotte County.

The following letters/emails were received in support of the proposed setbacks/buffers:

Chrisie M Martin	James E. Martin
Glen Casey	Mary M. Bailey
Mary Follett	Tracey Newcomb
Tony Bolton	Brenda Lacks
Elizabeth Russell	Kenneth Carlton, Jr.
Deanna Lloyd	Jayson Dix
Bruce & Robin Cisco	George Toombs
Jason Griffin	Nick Stowe
Mary M. Davis	Eric Newcomb
Joy Saunders	Daisy Hatcher
Jason Newcomb, Jr.	Michelle Meeks
Mack & Judy Mann	Al & Rhonda Hartley
Elwood Toombs	Carl Henderson

Phillip & Jennifer Watts	Kevin Cardwell
Darlene & Naydean Cisco	Alanna Jackson
Aileen Cassada	Aimee Adams
Vern Musante & Jane Winterson	Lucille Welch
Linda Reynolds Burden	Rachel M. Dodge
Adam Palmer	Barbara Sheffield
Beverly Fitz	Deanna Blackwell
Hazel Lockridge	David Tate
Jennifer Overstreet	James Fitz, Jr.
Katherine Lacks	Janet Duval
Marian & Steve Lenhart	Diane Ditzler
Tracy Hylton	Jason Foster
Jay George	Nadia DeMuth
Bo & Linda Dzyndra	Jeremiah DeMuth
Julie Lewis	

The following letters/emails were received in opposition to the proposed setbacks/buffers:

C. C. & Lisa Wilkerson	Frances Porter
Ashley Reid	Glenn Baker
Sandra Thomas-Cherry	Arthur D. Jackson
Mary McGuire & Dennis Brand	Orlando Reid
Gerald Henderson, Sr.	Patricia U. John
Selvin A. John	Harvey Elam
Neil Agee	Timothy Morton
Page Seamster	Bruce Cumbie
Lauren Willis	Arthur Reid
Sharon King Whitlow	Jacqueline Morton-Johnson
Melissa Le-Pradd	Sissy Riley
Margaret Campbell	David Porter
Michelle Anderson	Faye Valentin
Yolanda Jackson	Roy & Eileen Czesnik
Nancy R. Carwil	Megan Devin
Jennifer Marable	Phyllis Brown
Wallicia Elam Lacks	Vincent M. Elam
Les Mosley	Timbervest Partners III, Virginia LLC
Johnathan D. Puvak, Gentry Lock Attorneys	

Being no further comments the Public Hearing was closed.

Committee Reports:

Kay M. Pierantoni – Supervisor Pierantoni reported the Round Table Committee will have a recommendation for the October meeting. The Planning Commission requested a workshop on Solar with VACo.

Garland Hamlett, Jr. – Supervisor Hamlett stated Crossroads Services Board is still working to hire a director. The audit requested is ongoing and everything looks to be financially stable.

Tony Reeves – None

Donna Fore -None

Will Garnett – None

Gary D. Walker – CRC Information is in the packet.

Public Comment:

Jack Reynolds addressed the Board and stated the Board has a hard job. Mr. Reynolds stated in the Comprehensive Plan development does not mean destruction of land, the key to protecting the natural environment is first to protect rivers, streams, and wetlands and then landscapes.

Mrs. Reynolds addressed the Board and stated reviewing the project description plan for Tall Pines property owners were supposed to be notified within 30 days of the application dated July 6th. The meeting isn't until September 15th which is more than 30 days. It also says no negative

impacts of adjoining landowners. Mrs. Reynold states property values will be affected, increase in traffic noise, dust, stress on her livestock and disruption of wildlife.

Rodney Moon addressed the Board and commented on the number of letters and comments to the Board in support of the proposed setbacks.

Motion was made by Supervisor Hamlett, seconded by Supervisor Fore, and carried with Supervisor Pierantoni abstaining and all other members present and voting yes to approve the conditional use permit for Morgan Lumber Company as presented.

Motion was made by Supervisor Reeves, seconded by Supervisor Shook, and carried with Supervisor Fore voting no, Supervisor Garnett abstaining and all other member present and voting yes to extend the 2232 review for Tall Pines Solar and Randolph Solar.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore to approve the amendments to the solar ordinance proposed in the August meeting.

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

Motion failed 4-3.

Motion was made by Supervisor Garnett, seconded by Supervisor Shook to accept the Planning Commission's recommendations to the Solar Ordinance.

10-23-6. *Setbacks.*

1. Unless otherwise prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit, utility-Scale Solar Energy Systems shall conform to the following setbacks: a minimum setback of 125 feet from the center line of any state maintained road abutting the property; a minimum setback 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 of 400' from all off-site residential structures.
2. Large Scale Solar Energy Systems shall conform to all minimum building setback requirements for principal structures of the zoning district in which they are located, or fifty (50) feet, whichever is greater, unless otherwise prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit.

10-23-17. *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.

Roll call vote as follows; Supervisor Garnett-Aye; Supervisor Shook-Aye; Supervisor Reeves-Aye; Supervisor Fore-No; Supervisor Hamlett-No; Supervisor Pierantoni-No; Chairman Walker-Aye.

Motion passed 4-3.

Optima Insurance Discussion

Administrator Witt reported to the Board staff has been working with Choice Insurance Agency, the County’s agent of record on health, vision, and dental insurance plans. In 2020 Optima, the selected health insurance provider did not increase rates for the County, however this past year due to claims submitted by those on the County’s insurance, both employee’s and retiree’s the County was presented with a 29% increase or about \$220,000 annually. Administrator Witt stated by adjusting the plan, the rate has been brought down to approximately a 12% increase for health benefits and no increase in dental and vision.

Staff was directed by the Board to continue working with Optima.

Administrator’s Report

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

Supervisor Pierantoni requested again the workshop for the Planning Commission on solar and questioned the status on a radio for the Town of Drakes police position.

Administrator Witt asked Drakes Fire Department to give one handheld radio to the Town, which was done, the cost for a portable and mobile radio would be around \$5,000. There may be sufficient money in the contingency at the end of the project for the County to purchase the units for the Town to have a unit.

Supervisor Fore asked the about roll out of the conversion of the radio system.

Administrator Witt stated the conversion is completed and RCV did a great job.

Supervisor Pierantoni brought to the attention of road maintenance in the County from solar development, and inspection fees.

Public Comment Period

Sheriff Royal Freeman addressed the Board to clarify there are eleven sworn officers.

Motion was made by Supervisor Hamlett, seconded by Supervisor Shook and carried with all other members present and voting yes to approve the following appropriations.

		Expenditure	Revenue
10-8301-5811	VPI Extension Program-Grant for SVFVGA	9,513.00	
10-240406	AFID Grant Extension 301-21-067 – Funds rec’d.		9,513.00
10-8101-3002	Planning Commission-Purchased Services	33,612.00	
10-130311	Reimbursements-Third Party Reviews		33,612.00
Total		43,125.00	43,125.00

Motion was made by Supervisor Shook, seconded by Supervisor Garnett, and carried with all other members present and voting yes to approve the invoices for FY2022 in the amount of \$1,437,920.46.

Motion made by Supervisor Shook, seconded by Supervisor Hamlett, and carried with all other members present and voting yes to authorize the County Administrator to sign the subaward documents for the Emergency Supplemental Historic Preservation Fund grant.

Board Member Other Comments:

Supervisor Pierantoni – Supervisor Pierantoni suggested the Board members look at page 18 and 19 of the Board packet which shows the Planning Commission did nothing about buffers. There was no landscape architect, no wildlife expert, or performance bond. Supervisor Pierantoni stated there is no protection even though Virginia Tech was involved.

Supervisor Shook- Supervisor Shook stated the Board did not vote on Tall Pines Solar project or Randolph Solar Project, only the recommendation of the Planning Commission.

Supervisor Fore – Supervisor Fore is concerned about the size of the solar project and how it will be handled, the increase in traffic and the possibility of fatalities and accidents.

Supervisor Garnett – Supervisor Garnett stated the CUP application is the time to make sure the conditions are met to ensure a project is right for the County. Supervisor Garnett stated everyone must work together to make a project happen, and there is the possibility for numerous jobs within the County and all these are made possible with the approval of the CUP application.

Supervisor Hamlett – Supervisor Hamlett stated his vote was not against solar but said the board members last year increased the density from 1% to 3% which he did not agree upon. Supervisor Hamlett stated the citizens have a right to own property and the government should not intervene, but on the same note believes there should be a responsibility to the adjoining neighbors and landowners. Supervisor Hamlett stated he feels as if that is not being done to their best interest. Chairman Hamlett stated Board members have been speaking in a manner degrading other Board members and wanted to remind everyone of the class taken and the Code of Conduct signed by each member. Supervisor Hamlett suggested each member should go back and read that code and reflect on how we act. Everyone doesn't always agree but each of us has the right to voice our opinions.

Supervisor Reeves – Supervisor Reeves stated with the magnitude of this proposal it cannot go thru until the Board approves it and we have a long way to go.

Chairman Walker – Chairman Walker asked Administrator Witt if he felt we needed a landscape architect could we make the solar company pay for? Administrator Witt believes that is possible. Chairman Walker stated if he reclused himself from every piece of property in this County that involved his family he couldn't be on the Board. He stated he is objective in his position.

Being no further business, the meeting was adjourned.