

At the regular meeting of the Charlotte County Board of Supervisors held at the Administration Building on August 8, 2022, at 6:00 p.m.

Present: Will Garnett-Vice Chairman
Garland H. Hamlett, Jr.
Robert L. Shook, Jr.
Hazel Bowman Smith
Tony Reeves
Walter T. Bailey

Absent: Gary D. Walker-Chairman

Vice Chairman Garnett called the meeting to order.

County Administrator Daniel Witt read the Code of Accessibility.

Supervisor Reeves gave the invocation.

Vice Chairman Garnett led the Pledge of Allegiance.

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

Motion was made by Supervisor Hamlett, seconded by Supervisor Reeves, and carried with all other members present and voting yes to approve the July 2023 minutes as presented.

Mrs. Patricia Berkeley, County Treasurer, approached the Board to present the Treasurer's Report through the end of July. Berkeley reported that her office has collected 23% of delinquent accounts and are now working on collections. She stated that she would like to work directly with the citizens instead of sending them to a collection agency as her office provides services such as payment plans, though if the debt is a year or more old it is sent to collections. Berkeley stated that her office is now working on judgements and real estate sales for delinquent taxes. She explained that 2020 taxes are now delinquent and will go to the Attorney's office, while 2017 debt owed (\$13,782.96) is now eligible to be written off as of the end of June. Berkeley stated that \$28,768.92 was collected in the month of June and \$118,631.14 was collected in delinquent taxes during the month of July and noted that delinquent real estate taxes that are involved in a bankruptcy case cannot be provided. Berkeley asked the Board if they would like the delinquent tax list posted on the website and if so, she recommended they do it as of a certain date and/or time.

Supervisor Hamlett stated that he was under the impression that the Board had voted two years ago to put it on the County website.

Berkeley said whatever they would like to do is fine by her.

Supervisor Garnett suggested posting the list as of the next business day.

Supervisor Smith suggested posting the list as of the end of the fiscal year, or as of September 1st.

Supervisor Hamlett suggested posting the list 30 days after tax season.

Berkeley stated that her office is currently sending out liens for collections. She suggested only posting the list by fiscal year, that taxes are not technically delinquent until the entire year's bill is 6 months past due and stated they do charge a late fee. Berkeley stated she would like to do some research regarding deceased person's bill's before the list goes online.

Supervisor Garnett suggested August 15th, to give staff enough time to create and post the list.

All Supervisors agreed.

Supervisor Garnett opened the Public Hearing for Love Over Crisis, with there being no one to speak, he then closed the Public Hearing.

Ms. Shelly Mays Couch approached the Board and stated she would be happy to answer any questions regarding her Conditional Use Permit for LOC

County Administrator Daniel Witt presented the Staff Report from the Planning Commission. He explained the property is a 5-acre tract with 2 wooded acres that the client plans to use as an office space. Administrator Witt stated the Planning Commission voted 8-2, with one member absent, to approve the project with the stipulation that there will be no overnight accommodations and LOC will abide by the descriptions on the permit.

Supervisor Bailey asked what services will be provided, what will the business hours be and where her base office is located.

Couch stated she will provide counseling, case management and help individuals on a very individualized basis. She continued by answering that her home base is in Buckingham, but she is planning to have multiple offices.

Supervisor Bailey asked if the Charlotte County office would be a satellite office and how many staff she planned to have in the office.

Couch stated she planned to have five staff members and it would be a satellite office.

Supervisor Shook asked if Love Over Crisis was a nonprofit company.

Couch replied no, it is state funded through Medicare.

Supervisor Hamlett asked if she will have clients in the office that may have an episode and where she would need to call 911.

Couch stated that she does instruct her staff to call 911 if they need to.

Supervisor Hamlett asked if she processed ECOs.

Couch responded that she has enforced the process.

Supervisor Hamlett asked if there is a TDO, would she go to the hospital with them.

Couch responded that she would not and after 10 years of work in this field, she has only done 4 TDOs.

Supervisor Hamlett stated that Crossroads is having a lot of problems in that area.

Supervisor Reeves asked who she plans to rent the office space to.

Couch responded LOC Family Services will rent to private practice counselors and maybe attorneys that help defend these individuals.

Supervisor Reeves asked if offices will be open five days a week.

Couch stated they would be open 5 days a week, that she lets staff choose their hours as long as their work is done. She continued to explain that her staff comes in on different shifts, everything is individualized and a total of 5 staff members would be in the office.

Supervisor Reeves asked if anyone, even him, could rent an office.

Couch replied that her company is Christian based, as long as you are following biblical principles, you could rent.

Supervisor Smith asked if a person wasn't a Christian, would she refuse their rental.

Couch stated yes, she feels it is her right to do so.

Supervisor Hamlett asked if there was a second emergency exit.

Couch stated there was a secondary exit.

Supervisor Reeves stated that he doesn't want to turn down the CUP but doesn't know enough about the project.

Supervisor Hamlett made motion to approve the Conditional Use Permit as presented.

With no second, motion failed.

Supervisor Bailey stated he was reluctant to second the motion because the property is in Chairman Walker's district, and he didn't want to approve it in his absence.

Supervisor Reeves made motion to continue action until the next Board meeting. Supervisor Bailey seconded the motion with all other Board members voting Aye.

Motion carried.

Kirby Woodfork, Forest Manager of Charlotte State Forest, approached the Board to give an update on the Charlotte State Forest. He stated they are finished purchasing phases 1 and 2, which contained 5,005 acres and planning to purchase more acreage in phases. Woodfork stated phase 3 will possibly add 600 acres while phase 4 will possibly add 285 acres. He explained that they are coordinating lots of clean up and trail clearing, along with having other companies come and contribute. He stated that Ducks Unlimited is coming to repair swamps while Quail Unlimited is planting food plots. Woodfork stated the State Forest opened April 1st and has had lots of visitors. He explained that there was a timber sale last year, and Charlotte County will receive \$44,105.75 in proceeds from the sale in lieu of property taxes.

Supervisor Hamlett asked if rifles will be allowed in the forest.

Woodfork stated the State Forest will follow the County's rules, which he thinks is Monday, Wednesday and Saturday.

Supervisor Hamlett asked if hunting dogs are allowed.

Woodfork responded they are allowed, and stated that it is a State Forest, which allows recreation, but they are not a State Park.

Rob Taylor approached the Board to give an update on RiverStreet Network and the 2023 VATI application. He stated that he has the VATI contract in hand and almost ready for execution, the design engineer is 2/3 done, and materials have been ordered. Taylor stated that he has been working with the County to put in a lay-yard for materials, and presented a coverage map. Taylor stated regarding the 2023 VATI application, the total amount of the project will be around 2.6 million dollars, with RiverStreet paying \$673,000 while the County will need to pay \$404,250 with VATI giving 1.6 million. He stated he has been working with Administrator Witt regarding the VATI application, to identify unserved houses on the map and to make sure there

will be coverage. Taylor stated the highlights from 2023 VATI application are as follows: RiverStreet must provide universal service, there are approximately 2,285 locations to serve, they will be running 278 miles of fiber. Taylor went on to explain the total bill was \$12.6 million: \$3.5 million from RiverStreet, \$500,000 from FCC, 1.6 million from the County, and the VATI grant would bring in \$6.8 million.

Supervisor Bailey asked once the fiber is laid, what the cost of service would be to the citizen.

Taylor answered it would be around \$90.00 per month.

Supervisor Shook asked when the cutoff for the VATI application is.

Taylor responded the cutoff is August 25.

Supervisor Smith asked what is going to happen to the area South of RT 360.

Taylor answered that all areas South of RT 360 are covered.

Supervisor Smith stated that she has seen Mr. Taylor several times in meetings asking for funding but needs to know when someone in Charlotte County will actually have internet service from RiverStreet.

Taylor responded after they start building, it will be around a year, after the contract is signed, which he hopes is in the next 6 months.

Supervisor Smith asked is it correct to anticipate 18 months?

Taylor stated that once the first customer is hooked up, it will be a continuous process.

Supervisor Bailey stated that he was just as interested in the last customer as he was the first customer and when would the project end date be.

Taylor responded that they are allowed 3 years once construction is started.

Supervisor Garnett asked County Administrator Witt if the County has the funds to afford the application.

Supervisor Shook asked what the difference between the County or the region supporting the funding would be.

Administrator Witt stated that RiverStreet is asking everyone in the counties that are in a regional application is to provide 15% of the total costs. He instructed the Board they have several options: they could give less, they could give zero, or they could give the full amount. He

continued that if the Board does not want to participate in the regional application, DHCD is expecting federal funding that will be on a rotating priority list. Administrator Witt reminded the Board that broadband is the number one priority in Charlotte County's Strategic Plan and there was money in the general fund account. He recommended they direct Staff to carry over the \$100,000 and see if that amount would be accepted in the regional application. Administrator Witt stated that another option would be appropriating \$300,000 from the reserve and reminded them the solar projects revenue will replenish the general fund in the future.

Taylor stated that the money is not needed immediately, but when construction starts.

Supervisor Hamlett made motion to appropriate \$100,000 from last year and \$300,000 from general funds. Being no second, motion failed.

Supervisor Garnett stated we need to fund the application. He stated he would like to make the appropriation but wants to put stipulations with it. Supervisor Garnett stated that RiverStreet was going to have to put Charlotte County first.

Taylor stated that RiverStreet is currently working in King and Queen County and as soon as they are complete, they will start working in Pittsylvania and Charlotte Counties. He continued that they are working fast on their deadline of 2-3 years.

Supervisor Shook asked if Staff's recommendation that they appropriate \$100,000 and see what happens.

Administrator Witt answered yes, \$100,000 at the minimum. He continued that he is looking at other CAD locations and also working with Shentel, together they have identified 1,600 unserved locations. Administrator Witt stated that we should go for the VATI money now, since it is available.

Supervisor Bailey asked how much money has been spent thus far.

Supervisor Garnett answered \$1.2 million.

Supervisor Bailey asked when we would need to send the money.

Taylor answered 2-3 years and they would like to use the VATI 2022 and 2023 money.

Supervisor Bailey made motion to appropriate \$400,000 and allow Administrator Witt to sign documents and draft letters regarding the VATI grant on behalf of the Board. Supervisor Shook seconded the motion. With all Supervisors voting Aye, except Supervisor Smith, motion passed 5-1.

Committee Reports:

Supervisor Bailey stated the EMS Study will be starting possibly before the month's end, the system is very strained. There has been no meeting with the Virginia Growth Alliance.

Supervisor Shook none

Supervisor Hamlett none

Supervisor Reeves none

Supervisor Smith attended the Planning Commission work session where the Comprehensive Plan survey was discussed. She stated that the Commonwealth Regional Counsel believes that receiving 224 surveys back was a great turn out for our size county. Smith stated she also attended the TCCAA meeting where they announced they had just finished their 2021 audit, which made 3 clear audits in a row! Their office is now open in Charlotte County on Tuesdays and Thursdays. She also attended the CPMT meeting where they asked her to point out that the match amount would remain at 22.04%.

Public Comment Period:

Kathy Liston approached the Board to ask for a pause on solar projects. She stated she is concerned about the resolution that refers everything back to the Planning Commission, since there are members of the Planning Commission that have interests in solar. She asked that anyone involved, or have family members involved, in solar recuse themselves from solar votes.

Cornell Goldman stated he is not in favor of putting a pause on solar. He stated that the land mass Charlotte County has is perfect for solar projects. If the Board stop accepting CUP applications on solar now, it might deny small landowners opportunities to get solar farms in place. He suggested sticking with the Comprehensive Plan we have now and maybe change it in the new Comprehensive Plan.

Bill Devin approached the Board and stated that he was not in favor of putting a pause on solar, that Charlotte County needs the revenue, as was told about the money needed for broadband project. He stated that it's a good opportunity to get revenue.

Robbie Tate approached the Board to ask not to pause on solar. He stated there is government money and it is coming to the country.

Supervisor Garnett closed the public comment period.

Supervisor Bailey made motion to appoint Shelby Walker to the Charlotte County Historic Board. Supervisor Reeves seconded the motion. With all Supervisors voting Aye, motion passed.

Supervisor Smith made motion to correct BZA term dates to five years. Supervisor Bailey seconded the motion. With all Supervisors voting Aye, motion passed.

Administrator Witt stated that he was happy to attend the VACO conference on Charlotte County's behalf.

Administrator Witt stated that the Electronic Meeting Policy was brought up before, Supervisor Bailey asked it to be brought back to the table for a vote.

Supervisor Smith asked would whoever attended meetings remotely be able to vote, to which Administrator Witt answered yes, according to the Code of Virginia, they will be able to vote.

Supervisor Smith made motion to approve the Electronic Meeting Policy as presented. Supervisor Bailey seconded the motion.

Roll call vote as follows: Supervisor Smith-Aye; Supervisor Bailey-Aye; Supervisor Hamlett-Aye; Supervisor Reeves- Aye; Supervisor Shook-Aye; and Supervisor Garnett-Aye.

Motion passed.

Administrator Witt stated that the County Attorney is available by cell phone if the Board has any questions regarding the proposed actions on solar. He continued that if the Board chooses to refer back to the Planning Commission, funds will need to be allocated for a third-party consultant to work with them and suggested The Berkley Group.

Supervisor Smith asked if action could be delayed until Chairman Walker is in attendance.

Administrator Witt answered it could.

Supervisor Hamlett stated that he has toyed with and talked about this for a long time. He asked how much more solar could Charlotte County handle. Supervisor Hamlett suggested taking a pause on solar projects and see what is to come before approving more and continued that he is unsure of the effects from the projects that have passed, such as water run off or rising temperatures. He stated he didn't think a consultant needed to be hired, because the Board didn't follow the last recommendation.

Supervisor Bailey stated that he has concerns about more projects coming into the County in addition to the four large projects already approved. He stated that he liked the idea of there being an application period and would like to pause, not stop.

Supervisor Garnett asked if Supervisor Bailey had a time period in mind.

Supervisor Bailey answered within reason, and that could be something that The Berkley Group could help with.

Supervisor Hamlett stated that he thinks the County needs to stop and evaluate. He stated that he isn't against solar, but with the County's limited resources and so many unknowns, a pause would be best.

Supervisor Hamlett made motion to pause solar applications until January 1, 2026. With no second, motion failed.

Supervisor Reeves stated that the County needs to have a ceiling and that a county close by has a limit of a certain amount of acres or megawatts, whichever comes first. He stated he would like to hear from the Panning Commission and doesn't think a pause warning.

Supervisor Garnett stated that it will be a year before the Planning Commission has the Comprehensive Plan ready and if the Board paused until January 2024, they would have time to enact it.

Supervisor Bailey stated he agreed with Supervisor Garnett and suggested pausing until January 1, 2024 and allocating \$10,000 to hire The Berkley Group to help expedite the process.

Administrator Witt stated the Board could do that, the prepared resolutions have no end date on them so that the Board could extend the end date, or the Board could set an end date.

Supervisor Bailey stated that he is sympathetic to smaller landowners but doesn't think the County has the staff or resources to support any more solar projects at this time.

Supervisor Shook asked if the Board could change when things are different.

Administrator Witt said the Board could change their decision next month.

Supervisor Smith stated that she would like for the Board to look at the information from the Planning Commission before voting or referring it back to the Planning Commission.

Supervisor Bailey made motion to resolve that the Charlotte County Board of Supervisors hereby refers the following matters to the Charlotte County Planning Commission ("Planning Commission") for study and recommendation:

- a. Determine if or what limits the County may need to set on future solar developments.

- b. Identification of the method(s) to balance solar facilities with other defined land uses within the County.
- c. Define within the County’s Comprehensive Plan specific metrics that will guide the Planning Commission and Board of Superiors when reviewing future conditional use permits for solar projects.
- d. Review existing zoning regulations to determine if they accomplish the desired balance of land use as defined in the updated Comprehensive Plan.
- e. Allocate up to \$10,000 for a 3rd party consultant to work with the Planning Commission.

Supervisor Reeves seconded the motion.

Roll call vote as follows: Supervisor Bailey- Aye; Supervisor Reeves- Aye; Supervisor Hamlett- No; Supervisor Shook- Aye; Supervisor Smith- Aye; Supervisor Garnett- Aye. Motion passed 5-1.

Supervisor Smith asked if the Board just passed the resolution to refer back to the Planning Commission, are they now wanting to pass a resolution with a date, to which Supervisor Garnett answered yes, the Board can change it at any time.

Supervisor Shook motioned to adopt the following resolution:

CHARLOTTE COUNTY BOARD OF SUPERVISORS
RESOLUTION
RE: CUP APPLICATIONS FOR SOLAR FACILITIES

WHEREAS, Charlotte County (“County”) has heretofore issued Conditional Use Permits (“CUP”) for solar facilities;

WHEREAS, because of the substantial acreage for which solar facilities are permitted under CUPs previously issued, the County Board of Supervisors (“Board”) elects to not accept CUP applications for solar facilities until a study of the impact on the County of additional solar facilities can be performed by the County Planning Commission (“Planning Commission”) and Board;

WHEREAS, the Board will request that the Planning Commission provide its recommendations regarding future solar development in the County, and make recommendations regarding the need to update the Comprehensive Plan, and/or revise to the Zoning Ordinance;

WHEREAS, after the Planning Commission makes its recommendations to the Board, the Board will consider those recommendations and may accept the Planning Commission recommendations. The Board may undertake its own independent determination of whether the

Comprehensive Plan, or the Zoning Ordinance, or both, should be revised, and if so, the recommended revisions;

WHEREAS, the County will provide a copy of this resolution to any applicant which contacts the County concerning a new CUP application for a solar facility;

WHEREAS, after adoption of this resolution the Board will not accept CUP applications for solar facilities prior to January 1, 2024 or until revisions to the Comprehensive Plan, or the Zoning Ordinance, or both, have been implemented.

IT IS, ACCORDINGLY, HEREBY RESOLVED by the Board as follows:

1. The Board declares that the County will not accept CUP applications for solar facilities until January 1, 2024 or until the Planning Commission makes its recommendations to the Board, and until the Board concludes its deliberations and takes such action as it deems appropriate.
2. County staff is hereby directed to provide a copy of this resolution to any applicant which contacts the County concerning a new CUP application for a solar facility.

Supervisor Reeves seconded the motion.

Roll call vote as follows: Supervisor Shook- Aye; Supervisor Reeves- Aye; Supervisor Bailey- Aye; Supervisor Hamlett- No; Supervisor Smith- No; Supervisor Garnett- Aye.

4-2, motion passed.

Supervisor Garnett made a motion to adopt the following resolution:

WHEREAS, on the 28th of August 2019, the Charlotte County Board Supervisors approved the Moody Creek Solar Project; and,

WHEREAS, on the 8th of February 2021, the Charlotte County Board of Supervisors approved the Courthouse Solar Project; and

WHEREAS, on the 5th day of July 2022, the Charlotte County Board of Supervisors approved the Randolph Solar Project; and

WHEREAS, on the 2nd day of August 2022, the Charlotte County Board of Supervisors approved the Tall Pines Solar Project.

NOW THEREFORE, BE IT RESOLVED that the Charlotte County Board of Supervisors hereby expresses its intent to use the proceeds of these projects to reduce the real estate tax levy and to fund the school system and the volunteer fire and rescue squad to the best ability of the County.

BE IT FUTHER RESOLVED that the Charlotte County Board of Supervisors hereby expresses its intent to use the remainder of the proceeds from these projects for economic development; to enhance job opportunities for the people of Charlotte County; and for the general betterment of the County.

BE IT FURTHER RESOLVED that this resolution be permanently recorded in the minutes of the Charlotte County Board of Supervisors with a copy being forwarded to the local newspaper for publication.

Supervisor Smith seconded the motion.

Roll call vote as follows: Supervisor Garnett- Aye; Supervisor Smith- Aye; Supervisor Shook- Aye; Supervisor Reeves- Aye; Supervisor Hamlett- No; Supervisor Bailey- Aye.

6-1, motion passes.

Administrator Witt stated that Supervisor Smith had asked for an update on the County's new website and stated that Assistant County Administrator Monica Elder has prepared an update that is included in the Administrator's Report. He then stated the new website plans to launch on October 15.

Supervisor Smith stated that citizens were most concerned about the lack of contact information for some of the Board members. Administrator Witt said that could be updated immediately.

Supervisor Bailey asked how are the schools renovation updates on phase 2 proceeding and how long will until completion.

Administrator Witt answered that Bacon District Elementary is the last school to be finished and Mr. Arbogast will have an update at the September meeting.

Supervisor Smith asked Administrator Witt to review the way the County reassess the land for solar projects.

Administrator Witt explained that he has been in discussion with the Commissioner of Revenue and the Treasurer. He continued that the County doesn't reassess the land until the panels are producing electricity. He recommended reassessing when the CUP is issued. If done that way, then it would go into effect July 1 of the next year.

Supervisor Garnett asked if Red House Fire Department has received money from their solar project.

Administrator Witt stated the County had received a check and the Board can approve payment to Red House Volunteer Fire Department.

Supervisor Bailey made a motion to approve \$25,000 payment to RHVFD from the Red House Solar project. Supervisor Reeves seconded the motion.

All supervisors voted in favor of the motion.

Motion carried.

Supervisor Bailey made motion to approve FY2022 appropriations in the amount of \$4,597.76. Supervisor Reeves seconded the motion.

All supervisors voted in favor of the motion.

Motion carried.

Supervisor Hamlett made motion to approve FY2023 appropriations in the amount of \$177,250. Supervisor Reeves seconded the motion.

All supervisors voted in favor of the motion.

Motion carried.

Supervisor Hamlett made motion to carry forward FY2022 to FY2023 appropriations in the amount of \$143,566.70 to include the \$100,000 for Broadband. Supervisor Reeves seconded the motion.

All supervisors voted in favor of the motion.

Motion carried.

Supervisor Shook made motion to pay invoices for post year FY2022 in the amount of \$452,842.38 and FY2023 in the amount of \$207,631.93. Supervisor Hamlett seconded the motion.

All supervisors voted in favor of the motion.

Motion carried.

Supervisor Shook made motion to pay invoices received after July 2022 Board meeting in the amount of \$15,469.65. Supervisor Hamlett seconded the motion.

All supervisors voted in favor of the motion.

Motion carried.

Board Member Comments

Supervisor Bailey expressed his support Charlotte County Dixie Youth Baseball currently playing in the World Series.

Supervisor Shook none

Supervisor Hamlett none

Supervisor Reeves stated the ball team had just lost 4-1.

Being no further business to discuss, the meeting was adjourned.