

At a regular meeting of the Charlotte County Board of Supervisors held at the Administration Building on January 11, 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.

Kay M. Pierantoni gave the invocation.

Motion was made by Garland H. Hamlett, Jr., seconded by Robert L. Shook, Jr. and carried with all other members present and voting yes to approve the agenda as amended.

The January 2021 agenda was amended to remove scheduling a joint public hearing with the Planning Commission for a Conditional Use Permit application submitted by Kerwin and Beverly Kunath for an event venue located at 4475 Hwy 59 Keysville.

Motion was made by Kay M. Pierantoni and seconded by Will Garnett and carried with all other members present and voting yes to approve the December 14, 2020 meeting minutes as amended and the January 4, 2021 minutes as presented. The amendment to the December minutes was to correct a typographical error.

Committee Reports:

Tony Reeves – None

Donna Fore – None

Will Garnett – None

Kay M. Pierantoni – Supervisor Pierantoni stated Social Services has not met but continues to serve the needs of the public. Supervisor Pierantoni stated Christmas Parents were able to serve 252 children in need this year and over \$13,000 was raised. Supervisor Pierantoni has not been able to attend the last zoom meetings for the Piedmont Area Prevention for Substance Abuse but they are continuing to work within the community.

Garland H. Hamlett, Jr. – Supervisor Hamlett stated he continues to update VDEM on PPE needs. Supervisor Hamlett stated he attended the CLEO meeting and the main topic discussed was the problem businesses were having with employees not returning to work.

Robert L. Shook, Jr. – Supervisor Shook stated the Solid Waste Committee met today and discussed decals for disposal of trash at the recycle centers. Supervisor Shook stated the Committee is not ready to make a recommendation but should have something prepared by the May 2021 meeting. Crossroads met last Thursday but due to COVID cases and exposure they are only keeping 3 people in the office, but the office is closed to the public.

Gary D. Walker - None

Public Comment:

Larry Clark addressed the Board with concerns over comments made by Supervisor Pierantoni in last month's meeting. Mr. Clark stated he did not appreciate the assumptions Supervisor Pierantoni had made concerning a decision of the Electoral Board. Mr. Clark feels Supervisor Pierantoni owes the Electoral Board an apology for her remarks.

Alex Quarrier addressed the Board with remarks on the Courthouse Solar Project. Mr. Quarrier voiced his support for the solar project but requested some extra time from the Board in making a decision to work out details with the adjacent property owner and NOVI Energy.

P. K. Pettus addressed the Board to express her support for the Courthouse Solar Project but to also voice her concerns over the buffers and setbacks currently in place for the project. Ms. Pettus stated she believes the setbacks should be a minimum of 100 feet. Ms. Pettus also has concerns over how the wetlands will be handled.

A letter from *Terry Ramsey* was read. Mr. Ramsey expressed concerns that Robert's Rules of Order were not properly followed during the Board of Supervisor's Organizational meeting on January 4, 2021. Mr. Ramsey stated when the motion was made and duly seconded for the meeting times the Chair quickly asked the Clerk to call the roll on the motion without asking for discussion. Supervisor Fore had to push for the Chair to allow discussion. After comments by Supervisor Pierantoni, Supervisor Fore tried to make a substitute motion and Supervisor Hamlett interrupted with "call for the question". The Chair denied Fore the right to make a substitute and allowed Hamlett's statement to override Fore, cutting off further discussion and asked the Clerk to call the roll. The "call for the question" motion was neither seconded nor voted on. Mr. Ramsey stated Roberts Rules of Order (Newly Revised 11th Edition §16 Previous Question, Further Rules and Explanation page 202) is clear, a "call for the question" motion seeking to close debate requires a second and two thirds vote to cut off debate. In addition, is it fair to allow one Board member to interrupt another and summarily end discussion simply by saying "call for the question"? Mr. Ramsey requested someone be appointed, either the County Attorney or someone from his firm to provide guidance on Roberts Rules of Order and conducting orderly meetings and feels the Board may consider an apology to Supervisor Fore.

Scott Frederick with VDOT provided an update by phone. Mr. Frederick thanked the Board for their input during the Public Hearing for the Roundabout project in Keysville. Mr. Frederick stated due to positive input and ideas presented VDOT was able to make changes to the original plans and develop a better project. Mr. Frederick stated due to the Holidays and COVID restrictions they are working with smaller staff but are continuing repair, grading, and graveling of roads due to the large amounts of rain. Crews are also continuing to cut brush, boom ax slopes and cutting.

Robert Crocket with Advantus Strategies addressed the Board by phone. Mr. Crocket stated the primary function of the RSDC (Rural Solar Development Coalition) is to support rural counties as solar projects are contemplated and developed and ensure that participating counties are knowledgeable about the existing solar legislation and make sure Advantus Strategies advocates on the County's behalf as changes are considered and debated in 2021. Mr. Crocket stated he believes their participation in ongoing solar development matters have been impactful and hopes the County will decide to retain their services to move forward.

After Board member discussion with Mr. Crocket motion was made by Kay M. Pierantoni, seconded by Garland Hamlet, Jr. to enter into contract with Advantus Strategies for their services in the amount of \$5,000.00.

Supervisor Fore made the point the \$5,000.00 fee was not included in this year's budget and requested it not be paid until the upcoming budget year. Administrator Witt reported Advantus Strategies had agreed to wait for payment of the invoice until July 2021.

Substitute motion was made by Donna Fore, seconded by Garland H. Hamlett, Jr. to enter into contract with Advantus Strategies for their services in the amount of \$5,000.00 to be paid in the 2022 budget year.

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

Motion carried 5-2.

Melody Foster, Executive Director, CRC addressed the Board. Mrs. Foster reported the FY19-FY approved Audit reported a cash fund balance for June 3, 2020 of \$544,536. The CRC adopted a Membership Dues Policy in December of 2017 which stated if the CRC audited cash fund balance was in excess of \$500,000, the overage amount would be equally divided and returned to all member counties. The CRC did exceed the cash fund balance and Mrs. Foster returned a check to the County in the amount of \$8,536.06.

Sgt. Major Douglas Randolph with the Piedmont Area Veterans Council addressed the Board. Mr. Randolph thanked the Board of Supervisors for their continued support. Mr. Randolph stated there are 8 Counties and over 1100 Veterans (100 of those female) served by the Piedmont Area Veterans Council. Mr. Randolph stated the Piedmont Area Veterans Council independently

supports the needs of the veterans without any local or state benefits. Their staff and volunteers put in long and countless hours to ensure all the needs of the Veterans and their families are met.

Chris Russell, 911 Coordinator addressed the Board by phone with the 2020 review. Mr. Russell gave the following summary:

Call Volume Summary 1/1/2020 – 12/31/2020

- 10,165 calls for service
- 5,435 call received thru 911
- 76% of 911 call received via wireless

911 Address Summary 1/1/2020 – 12/31/2020

- Installed, repaired or replaced 224 address signs, post and/or markers
- 45 sign replacements due to suspect vandalism (Est cost \$800 to \$900)
- Created 19 new 911 addresses throughout the County

First Quarter Goals for 2021

- Configuring Vesta call handling equipment for TXT-911
- Testing of equipment and training of dispatchers on TXT- 911 operations
- Public education of TXT-911 (availability and purpose)
- Going live TXT-911 County wide
- As of 1/5/2021 Charlotte County 911 was awarded \$47,927.20 (80%) for the RASF grant for Emergency Medical Dispatch (EMD) equipment purchase. The next step will be to allocate the (20%) \$12,000 needed for the County match.
- Back-up dispatch console has been installed and is operational.
- Working with RCV on the County communication system
- Working with Verizon and AT&T on placement of the NG911 redundant fiber optic cables to dispatch center

Future Goals and Deadlines

- Continue to inform the public of the Code Red system and increase the citizen's enrollment into the program
- Conducting a one on one tour of the 911 center with each Board of Supervisor member and County Administration to show how the 911 system works now and what is in the future.
- Continuing to correct addressing errors
- Cutover to Next Generation 911 (NG911)
- Install testing, training and operation of new radio system
- CPR tele communicator by 2022 (state mandate)

Patricia Berkeley, Treasurer addressed the Board. Mrs. Berkeley provided general revenue information to the Board for their review. Mrs. Berkley stated the total collected overall for taxes is 97% for the year of 2020, and the average collected for December as of 2021 is 87% which is on track of where it usually is. Mrs. Berkeley has past due notices to the printed and once they have been mailed her staff will start active collections on past due tax accounts.

Administrator Witt updated the Board on the progress of the Strategic Plan. Administrator Witt reported the Policy Manual has been prepared for citizens appointed by the Board. Administrator Witt stated he contacted the Town Councils and offered the County's services to help with projects they may be currently working on or may be looking to implement in the future. Administrator Witt reported he has met with and is currently working with the Mayor of Keysville on several projects the Town has pending. Administrator Witt stated the County has missed out on several projects at the Heartland Park, a few have been related to water issues and one was related to providing enough electricity to the area. Administrator Witt and the Mayor of Keysville are currently working on those issues. Administrator Witt reported the Board room technology is installed and completed and will be ready to go live in the February meeting, and the broadband hotspot is up and running at the fire department in Bacon District with the hours of operations being discussed. Administrator Witt recommended the Chairman, or the Board needs to assign a task force for parks and recreation but if that is done money needs to be budgeted for projects initiated.

Supervisor Pierantoni commented establishing a partnership with the schools is important and at some point, the Board needs direction on what needs the Schools have. The School Board has the responsibility for maintenance, and it would be helpful to have coordination with Brett

Arbogast on needs of revenue for the schools. Administrator Witt reported Mr. Arbogast is working to finish developing a six-year CIP plan.

Supervisor Fore made the following recommendations to Administrator Witt for the Strategic Plan:

- Move the partnership with the Schools to the “red” category until the Board has more information to proceed and feel comfortable of being on the right path with the School Board
- Move develop fact sheets for key policy issues to the “yellow” category and develop fact sheets for public review on communications projects, solar projects, PPEA, School projects and renovations, County taxes and assessments, use of cares funds, County budgets, CARES funding and COVID information including a vaccination schedule and resources available to the public
- Move initiation of a dialogue with the towns to the “yellow” category – all towns need to be engaged in conversation; all towns are having water issues – there needs to be one meeting with all town mayors to develop a County wide perspective on addressing all their issues with one approach

Chairman Walker will present Committee Appointments in the February meeting. Supervisor Fore requested the current list be sent to all Board members prior to the meeting. Supervisor Fore will also make her Board appointment in the February meeting.

Administrator Witt provided a summary of the policies regarding a boundary amendment to Enterprise Zones.

- Localities may amend the boundaries and/or local incentives in the enterprise zone once every twelve months from the date of the last amendment (Va. Code § 59.1-544)
- The size limits for Enterprise Zones for counties require a minimum of one half (1/2) square mile (320 acres) and a maximum of six square miles (approximately 3,840 acres); Charlotte County currently has 773 total acres in Enterprise Zone 48A (Va. Code § 59.1-542)
- Any additional of zone acreage cannot consist of a single site for a single business firm and cannot be less than a total of 10 acres in size (Va. Code § 59.1-544)
- Each Enterprise Zone may have up to three non-contiguous areas (Charlotte County currently has only one area); total acreage of the combined zone areas cannot be greater than the maximum zone size (3,840 acres for Charlotte County). (Va. Code § 59.1-542)

DHCD Staff Recommendation:

Given the information provided, the property off Hwy 360 that included one business and no other surrounding businesses is ineligible to be added to the Enterprise Zone because it is a single site for a single business. The goal of the Enterprise Zone is to identify strategic areas of investment in which current businesses can expand and new businesses can locate in order to encourage and incentivize private economic development and job creation.

Supervisor Pierantoni suggested new Board members would benefit from knowing the difference between an opportunity zone and an enterprise zone. Supervisor Pierantoni stated the Morgan Lumber Company site has three businesses not one and the Route 15 and Route 360 intersection has 6 to 8 businesses located there. Supervisor Pierantoni suggested consideration of the two locations mentioned and looking into other businesses located in the County that could take advantage of these opportunities.

Administrator Witt stated per State Code if a meeting date falls on a Holiday it automatically will be scheduled for the following day. October’s meeting will be on Tuesday the 12th.

Norma Tuck, Finance Director provided a tentative schedule for the upcoming 2021-2022 budget process for the Board’s review.

After Board discussion motion was made by Garland H. Hamlett, Jr., seconded by Will Garnett to move forward with a consolidated budget, and follow the schedule provided with the exception of the Public Hearing date of April 19th which was moved to April 20th at 6:00 p.m. Motion was carried with all members present and voting yes.

Administrator’s Report: Administrator Witt reported US Cellular has agreed to allow for placement of the new equipment for the P25 communication systems on the tower at Law Lane

in Charlotte Court House. Administrator Witt noted the draft siting agreement with NOVI Energy will be discussed in closed session and, because of the confidential nature of the agreement it will not be distributed until going into closed session. Regarding broadband, Administrator Witt reported the fiber project partnering Charlotte County with Mecklenburg Power/Empower Broadband was completed on January 5, 2021. Administrator Witt stated the fiber has been connected at the Bacon District Fire Department and the hotspot is now operational. A general update from VDOT was also provided as well as the results of the Sheriff's Department vehicles that were sold. Administrator Witt stated since the vehicles were property of the Sheriff's Department, Sheriff Freeman requested the funds be returned to the Sheriff's department, to assist in payment of PPE and vest.

P. K. Pettus addressed the Board during the closing public comment period. Ms. Pettus once again expressed her support for the Courthouse Solar Project and solar in general. Ms. Pettus questioned if the Conditional Use Permit included in the packet was a draft permit? Ms. Pettus also provided information on the recorded lease amounts landowners in the current areas were receiving.

Motion was made by Garland H. Hamlett, Jr., seconded by Robert L. Shook, Jr. to approve the invoices for payment in the amount of \$1,068,171.03. Motion was carried with all other members present and voting yes.

Motion was made by Will Garnett, seconded by Tony Reeves to approve the requested School appropriates for CARES Act GEER Grant State Set Aside Additional Vision Grant Funds in the amount of \$49,164.36. Motion was carried with all other members present and voting yes.

By consensus of the Board the CARES expenditures were approved.

Board Comments

Supervisor Fore expressed her appreciation for the expressions of sympathy shown to her in the passing of her Father.

Motion was made by Robert L. Shook, Jr., seconded by Will Garnett to convene in closed meeting to discuss the following:

A siting agreement with developer NOVI Energy for the Courthouse Solar project as permitted by Virginia Code Section 2.2-3711.A.8, consultation with legal counsel employed or retained by public body regarding specific legal matters requiring the provisions of legal advice by such counsel.

Motion was carried with all other members present and voting yes.

Chairman Walker called the meeting back to order.

Motion was made by Robert L. Shook, Jr., seconded by Donna Fore to certify the closed meeting as follows:

WHEREAS, the Charlotte County Board of Supervisor has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Virginia Code Section 2.2-3712 requires a certification by the Charlotte County Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE , BE IT RESOLVED that the Charlotte County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters considered by the Charlotte County Board of Supervisors.

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

Denise Nelson with the Berkley Group addressed the Board. Ms. Nelson stated following the last session the Berkley Group made some updates upon receiving legal advice from the County

Attorney Russell Slayton. Those updates included removing the bike lane on Shady Oaks and changes to the battery storage.

Supervisor Fore read a letter from Janet and Ed Early. The Early's commented they discovered a few months ago without any notice plans to place solar panels on the other side of the CCC road, which borders their property for an industrial scale solar facility on currently intact wildlife habitat and economically valuable timber rotation property. The Early's stated they are not opposed to solar or other renewable energy if done in a responsible manner and in a suitable place (e.g., land already paved or other disturbed or on rooftops). However, the Early's feel the Courthouse Solar's proposed site and scale is inappropriate due to rolling topography, wet natured soil, destruction of habitat and heavy construction and traffic on Rt. 40. The Early's requested the Board delay a decision until more details are further studied.

Supervisor Pierantoni shared her concerns regarding Shady Oaks' entrance only being used for maintenance and not for construction; the green blinking lights that would be viewed from Drakes Branch; and the buffers around the property. All of these were focused on adjoining landowners' rights and property value.

Supervisor Hamlett stated that he did not believe that the buffers were sufficient and thought they needed to be extended. Also, that the vegetation that would be planted needed to be something that was indigenous to the area and fast growing.

Supervisor Shook shared that the landowners have requested 100 feet buffers and wants to work with them on increasing the distance presented.

Supervisor Garnett shared his concerns with the buffers and agreed that they need to be increased and that the vegetation planted should be native to Virginia.

Supervisor Fore included that the Eagle Eye Hunt Club is active in the area and asked that a buffer be placed around their property to minimize interfere with their hunting.

Being no further business, the meeting was adjourned.