

At a regular meeting of the Charlotte County Board of Supervisors held at the Administration Building on April 12, 2021 at 6:00 p.m.

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

Absent:

Chairman Walker called the meeting to order.

Supervisor Reeves gave the invocation.

Motion was made by Supervisor Hamlett, 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, seconded by Supervisor Reeves, and carried with all other members present and voting yes to approve the March 8, 2021 Board of Supervisor meeting minutes and the March 16, 2021 joint work session minutes as presented.

Being ahead of schedule, Chairman Walker requested Supervisor Pierantoni give her committee report before the Public Hearing.

Kay M. Pierantoni – Supervisor Pierantoni stated at the conclusion of the March Board meeting she spoke with Mr. Larry Clark and other citizens on the best method for a community discussion on the War Memorial located on the Courthouse grounds. Supervisor Pierantoni stated from this discussion it was decided a round table type format with a small group of citizens would be best for the initial discussions. Supervisor Pierantoni stated the following citizens were recommended; Dr. Heztiene Foster, Mrs. Darlene Foster, Mr. William McCargo, Mr. Shane Newcombe, Mrs. Cora StJohn and Ms. Monique Williams.

Supervisor Pierantoni stated the first meeting was on March 26th and it was agreed to meet again on April 23rd. Supervisor Pierantoni stated as with all Committee meetings, the dates are advertised and the public may attend.

Supervisor Pierantoni stated members of the Planning Commission continue to have discussion as they work toward their recommendation on suggested changes to the zoning ordinance for setbacks and requirements for buffers as related to solar projects. Supervisor Pierantoni stated the quality of the plant material in the buffers is a vital a component to screening for adjoining landowners. The distance in setbacks and the maintenance and replanting of the buffers are necessary for the life of the project need to be considered.

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

Andy Carwile, Chairman for the Planning Commission called the Joint Public Hearing to order. Chairman Carwile stated the purpose for the public hearing was to receive public comment for Kerwin and Beverly Kunath's Conditional Use Permit application for a barn-style event & wedding venue on property identified as new property tax map #53-A-18B, located at 4475 Highway 59, Keysville, VA. Immediately following the hearing, the Planning Commission conducted a public special called meeting in the conference room to consider the application.

Being no public comment, the public comment period was closed.

Monica Elder, Staff Representative for the Planning Commission gave the Staff Report as follows:

General Information

Applicant/Property Owner: Kerwin and Beverly Kunath

Tax map: 53-A-18B

Location/Address: 4475 Highway 59, Keysville, Virginia 23947

Zoning District: General Agricultural

Parcel Acreage: 189.93 (per County Tax Records)

Lot Size for Proposed Use: 2 Acres

Application Date: Completed application received **December 8, 2020**; Amended access route submitted March 23, 2020.

Planning Commission Review: December 15, 2020

Current Parcel Use: Single family dwelling, shelter, stable, pond with pier, 177 acres in timber

Proposed Use: 64' X 120' barn venue for weddings and other events, to accommodate approximately 300 guests.

Use as Defined in the Zoning Ordinance: Large Place of Assembly - Any public or private space, located in an enclosed building, or on open ground or in a stadium, in which people gather for meetings, events, including clubs, lodges, religious worship, performances, and similar group functions with seating for more than 160 people or more than 6,400 square feet of gross floor area for indoor uses (seating area for outdoor uses).

Setbacks: Approximate setbacks are .9 mile from Highway 59; with side setbacks of 660' on the west and 750' on the east, and 900' from the rear boundary. This meets current setback requirements for the Agricultural District (minimum 125' front setback, 50' side setback & 70' rear setback).

Ingress/Egress: Site access will consist of a gravel driveway extending from adjacent parcel 53-A-17, owned by the applicant, to the proposed site. VDOT has reviewed the entrance and has issued a driveway entrance permit.

Screening: Site is screened by existing vegetation.

Parking: Zoning Ordinance Section 10-7-10 requires one parking space per 200 square feet of assembly space when seats are not fixed. Therefore, 39 parking spaces are required based on square footage. Planned parking meets this requirement.

Well/Septic: A new private well and private septic system will be installed for the venue.

Comprehensive Plan Future Land Use Map Designation: Agricultural, Forestry & Rural Uses

Adjacent Property:

<u>Parcel Number</u>	<u>Property Owner</u>	<u>Description</u>
52-A-32	Charles B. Payne, III 1001 Ash Camp Lane Keysville, VA 23947	400 Acres Single Family Dwelling, Accessory Structures & Ag Buildings Open Land & Timberland
52-A-35	Frances Clark 501 Country Club Road Keysville, VA 23947	93.6 Acres Timberland
52-A-35D	Joyce Napier 4188 Hwy. 59 Keysville, VA 23947	7 Acres / Single Family Dwelling Open Land & Timber
52-A-36	Joyce Napier 4188 Hwy. 59 Keysville, VA 23947	25.8 Acres / Single Family Dwelling & Accessory Structures Open Land
53-A-13	Irving Jeffress & Cynthia Johnson 3214 Betlou James Place Baltimore, MD 21207	26 Acres Timberland
53-A-14	Kerwin & Beverly Kunath 4475 Hwy. 59 Keysville, VA 23947	100 Acres Open Land
53-A-16	Neal Lee Hamner c/o Mrs. J.D. Ramsey, Jr. PO Box 116 Keysville, VA 23947	102.5 Acres Timberland
53-A-17	Kerwin & Beverly Kunath 4475 Hwy. 59 Keysville, VA 23947	13.5 Acres / Single Family Dwelling & Accessory Structures Timberland & Open Land
53-A-18	Kerwin & Beverly Kunath 4475 Hwy. 59 Keysville, VA 23947	1 Acre / Single Family Dwelling & Accessory Structures
53-A-19	Derrick Napier 3520 Hwy. 59 Keysville, VA 23947	91 Acres / Single Family Dwelling & Accessory Structures Timberland & Open Land

53-A-20	Heather Bloom 4664 Hwy. 59 Keysville, VA 23947	3.2 Acres / Single Family Dwelling & Accessory Structures
---------	--	--

Application Consideration:

Issues to be considered when reviewing a conditional use permit applications per Zoning Ordinance Section 2-8-7.6:

a) Whether the proposed use is consistent with the comprehensive plan.

Staff noted the following applicable strategies and goals in the Comprehensive Plan:

- Preserve the productive agriculture and forest land and facilities in Charlotte County (Economic & Energy Goal, Page 71)
- Include tourism, rural enterprises, farm-based businesses, and small businesses in the economic development effort (Economic & Energy Strategy, Page 72)
- Encourage the establishment of economically viable rural businesses in order to help preserve rural land and quality of life (Economic & Energy Strategy, Page 73)
- Recognize and protect the rights of adjacent property owners (Land Use & Housing Strategy, Page 76)

b) Whether the impacts of the proposed use on surrounding properties and public facilities, services, and infrastructure will be adequately mitigated so as to protect adjacent owners and the general public.

c) The compatibility of the proposed use with other existing, planned, or proposed uses in the neighborhood, and adjacent parcels.

d) The timing and phasing of the proposed development and the duration of the proposed use.

e) Whether the proposed use will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, agricultural, archaeological or historic features

f) Whether the proposed use at the specified location will contribute to or promote the welfare of the public.

g) Whether the proposed use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the comprehensive plan.

h) The effect of the proposed use in enhancing affordable shelter opportunities for residents of the County.

Conditions Proposed by Staff:

1. The property owner(s) shall adhere to all federal, state, and local laws, regulations, ordinances and permit requirements for the construction and operation of the proposed facility.
2. The facility shall be constructed and operated in substantial compliance with the application provided and the approved site plan.
3. In accordance with Zoning Ordinance Section 10-7-10, the property owner shall provide a minimum of 39 on-site parking spaces for the venue.
4. Noise generation of a continuous nature shall not exceed 55 dBA as measured at the property line of the noise source. Noise generation of an impact nature shall not exceed 60 dBA as measured at the property line of the noise source. Temporary noise generated from power equipment such as lawn mowers is exempt from these standards.
5. Prior to obtaining a building permit, the applicant must provide the County Administration Office proof from the state Health Department that the waste handling and disposal system and private well meet the requirements of the Health Department.
6. The County Administrator, Building Official, Zoning Administrator, or any other parties designated by those County officials, shall be allowed to enter the property to check for compliance with the provisions of this permit, with reasonable advanced notice and subject to the security, health and safety standards and regulations that apply to the project site.
7. The private driveway for the facility must be constructed and maintained in a manner to allow for the ingress and egress of emergency services vehicles.
8. Any infraction of the above-mentioned conditions may lead to a stop order and revocation of the Conditional Use Permit if it be the wishes of the Charlotte County Board of Supervisors.

Chairman Walker closed the Public Hearing and readjourned the Board meeting.

Committee Reports:

Garland H. Hamlett, Jr. – None

Robert L. Shook, Jr. – None

Tony Reeves – None

Donna Fore – None

Will Garnett - None

Gary D. Walker – Chairman Walker noted the report in the packet from the CRC and commented they are continuing to do good work in the County.

Public Comment:

Kathy Liston addressed the Board with concerns on the Committee formed to discuss the Confederate Monument in the Courthouse Square. Ms. Liston stated at the March Board meeting Chairman Walker directed the round table meetings be advertised in the newspapers in advance so the public could attend and be heard. Ms. Liston stated this is not what happened. Ms. Liston stated she was invited to attend the meeting by Mr. William McCargo and Ms. Monique Williams, however she was not allowed to participate according to Supervisor Pierantoni because it was considered a Facilities Committee meeting and the six participants that had been chosen for the Committee were only allowed to speak. Ms. Liston requested the Board allow private citizens to organize a Committee with no Supervisors involved to discuss the Confederate Monument issue.

Gerry Stallard addressed the Board with concerns about a burned-out house on property adjacent to her property. Ms. Stallard stated the adjacent property owners have leaking sewage, animals who frequently wander onto her property and have recently brought a double wide onto the property. Ms. Stallard requested the following questions be answered:

- Who approves the septic system (concerns about the current health inspector)?
- Does the new dwelling have to be inspected?
- What are the County laws concerning livestock?
- How can she be assured the new dwelling is up to code?
- County rules regarding condition of the property?
- Is a permit or license needed to run a greenhouse and sell produce?

Monique Williams addressed the Board with comments from the Facilities Committee meeting on the Confederate Monument. Ms. Williams was under the impression this was a community meeting and if so, it should be a community led meeting and input from the community should be brought back to the Board of Supervisors. Ms. Williams feels there is a lot of discussion still to be had concerning these issues and there should be others invited to the meetings to provide a diverse array of opinions and discussions. Ms. Williams stated it should be a community forum and not a committee meeting.

Patricia Berkeley, Treasurer addressed the Board with an update. Ms. Berkeley stated the first period of the tax collection due in December was at 95% and still actively collecting overall 50% for the year. Ms. Berkeley stated she is planning to have bills out by the end of the month. Ms. Berkeley stated she appreciates the Board listening to her and helping with the problems with the computer system and she is happy to report things have been stable and she is grateful to RDA for all the work they have done to help get those issues resolved. Ms. Berkeley stated she had listened to the Budget works sessions and commented how hard the decisions are the Board must make. She also commented she is aware of the citizens struggling to pay their taxes. Ms. Berkeley stated the importance of keeping good employees and the small things she does for her employees to show her appreciation. Ms. Berkeley stated she hopes the Board will look for incentives to keep the good employees currently employed and realize how low on the scale some employees are. Ms. Berkeley noted her employees are certified and up to date on state codes as required to be in compliance. Ms. Berkeley stated it is important the employees from all the offices be told they are appreciated by the Board.

Chairman Walker stated there was an email sent in for public comment period from Thomas Locke of Drakes Branch and asked Supervisor Hamlett to read it.

“I am aware that the Board of Supervisors has been approached again about the statue which commemorates those who served in the Confederate Army. I understand that some people view this as a symbol of oppression, and I respect that viewpoint. But, as Patrick Henry said in his "Give Me Liberty or Give Me Death" speech, "Different men often see the same subject in different lights." Therefore, I hope that those who oppose the statue will respect those of us who

do not. I have two great-grandfathers and three great-great-grandfathers who served in the Confederate Army. Four of them lived in Charlotte County. They were farmers, carpenters, and storekeepers. I have no evidence of any of them owning slaves. At least one was drafted and the rest apparently volunteered when Federal Armies invaded Virginia. My ancestors were not defending slavery. On the contrary, they were defending their homeland. Once the war was over, they pledged loyalty to the United States and tried to put their lives back together. Several of their descendants (and I) have served honorably in the U.S. Armed Forces over the years. Consequently, I view the statue as honoring those who were willing to do what they felt was required in defense of their homes and property. How else are we supposed to respond when those things are threatened? Given the different viewpoints of Charlotte County citizens regarding the statue, I urge you to put this issue on the November ballot, and let the people have a voice. Then, you will be in a better position to make an informed decision on this issue.”

Monica Elder Staff Representative for the Planning Commission addressed the Board. The Planning Commission recommended approval of the conditional use permit application for Kerwin and Beverly Kunath with the conditions presented.

Motion was made by Supervisor Hamlett, seconded by Supervisor Garnett, and carried with all other members present and voting yes to approve the Planning Commission recommendations for the conditional use permit application for Kerwin and Beverly Kunath for a barn-style event & wedding venue.

Patrina Carter, President/CEO of Tri County Community Action addressed the Board. Ms. Carter introduced Mr. Liam Hudson the COC coordinator for Tri County Community Action. Mr. Hudson serves the counties of Charlotte, Brunswick, Halifax, and Mecklenburg. Mr. Hudson stated his basic objective is for an alliance with organizations, nonprofits, law enforcements and churches who are experiencing homelessness in the communities. Mr. Hudson stated from 2017 thru 2020 there were 350 residents seeking assistance with housing thru Tri County Community Action.

Ms. Carter addressed the Board. Ms. Carter stated housing was one of the top needs when the Strategic Plan was done about 2 years ago. Ms. Carter stated recently during the ice storm Tri County’s emergency coordinator reached out to the fire departments and provided food to residents. Ms. Carter stated funds were flexible and 50% were designated to Charlotte County as Charlotte’s needs were the greatest.

Ms. Carter stated energy share is a great demand program for oil, electric or cooling. Ms. Carter also stated Tri County makes court appearances for domestic violence, also perform weatherization on houses and provide USDA loan packages for new home buyers.

Robert Taylor with RiverStreet addressed the Board on the Broadband Build-out Plan. Mr. Taylor stated the County currently has the following Broadband service providers with offerings and availability according to the current FCC477 filings from December 2019:

- Shentel – Cable
- B2X Online, Inc. – Fixed Wireless
- EMPOWER Broadband – Fiber
- Kinex Telecom, Inc. – Fiber
- Comcast – Cable

Mr. Taylor stated in the State of Virginia 84% of people have subscription for broadband and in Charlotte County it is 62%, either because it is not available, or it is not affordable. Mr. Taylor stated in the last two Federal Funding rounds RiverStreet has been the only company to get any funding for building broadband out in Charlotte County. In the Connect America Fund (CAF) they were able to get 10 census block routes which passed by 2,567 locations funding over \$6 million dollar which is just over \$2,400 per home, which is half of what is needed. Mr. Taylor continued to review the maps included with his presentation and answered questions from the Board members. Mr. Taylor stated he would be glad to return for a more in-depth work session at any time with the Board.

Southside Electric Cooperative Update

Jeff Edwards, President and CEO of Southside Electric addressed the Board and introduced Mr. George Felts Vice President of Engineering and Mr. Lloyd Lenhart, Director of Community Relations. Mr. Felts addressed the Board with a presentation and update on the February ice

storm. Mr. Lenhart started with a map of the Southside Electric coverage area showing the area of significant accumulation of ice which shows a bullseye in Southside Electric's territory. The most significant coverage of ice was in the Charlotte, Prince Edward, Nottoway, Lunenburg Counties, and the Dinwiddie area. Mr. Lenhart stated the areas extended around those area did not receive the amount of ice or damage. Mr. Lenhart stated some areas exceeded over ¾" of an inch of ice which is a historic amount.

Mr. Lenhart stated Southside Electric has standards and specifications designed for heavy ice loading based upon RUS specification but poles and supporting hardware are not designed to withstand the weight of an ice laden tree or the shock load delivered to the conductor and pole from a tree that falls onto the line.

Mr. Lenhart presented a timeline of the Emergency Response Plan Activation on February 10th at 11:00 a.m. and stated only three minor injuries of non-SEC employees and no known positive COVID cases among SEC employees from the restoration efforts.

Mr. Lenhart stated continuing recovery efforts (Phase 1) started on March 2nd to fix temporarily repaired or bypassed poles with six contract line crews and four from SEC's Operation's groups to complete all permanent replacements by close of business on March 5th. Recovery efforts (Phase 2) started on March 22nd with OSMOSE Utilities performing a visual inspection on the 77 circuits that sustained a lock out, vegetation corrective work, maintenance service order work and capital replacements.

Mr. Lenhart entertained questions from the Board and was grateful for the community support for the SEC lineman and other contractor crews that worked hard to restore power to Charlotte and the surrounding Counties.

By consensus of the Board a DHCD Enterprise Zone work session was set for May 10th at 12:15 p.m.

Discussion of Building Inspections for Solar

Administrator Witt addressed the Board and stated Supervisor Fore had asked for a plan to be developed for Solar Inspection when or if they may hit at the same time, as it could be potentially over whelming. Administrator Witt stated he contacted several neighboring counties where solar is currently going on and met with the Building Inspector. Administrator Witt stated he has come up with a plan for now, outlined what the goals are, overview of the projects, and have a couple options where the County could add a second inspector to cover additional inspections and would also provide a back up for the current inspector when he was on vacation, sick or in training. Administrator Witt stated a second inspector could also assist in scheduling inspections. Administrator Witt stated the second option would be to utilize third-party inspectors from an engineering firm or consulting firm who specialize in these types of E&S and land disturbance inspections for large tracts of land.

Administrator Witt recommends option two to utilize third party inspectors with all Board members in agreement.

CARES ACT – Allocation to Fire Department Discussion

Administrator Witt reported to the Board remaining CARES funding balance is \$190,833.40, at the April 6th budget work session the Board discussed using \$175,000 of these funds for the seven volunteer fire departments (\$25,000 for each department). Administrator Witt stated the way the funds would be reported to CARES funding for April, May and June and would pay for the County's part of the Sheriff's Department's salaries which would leave the General Fund \$175,000 to the good to allocate to the Fire Departments. Administrator Witt stated since the Board has already appropriated the Cares ACT Funding for the new radio console new website, and it was the consensus of the Board to move forward with the \$175,000 to the Fire Departments which would leave approximately \$15,000 left over for PPE need that may arise and anticipating the ARC money arriving in May.

Motion was made by Supervisor Shook, seconded by Supervisor Hamlett, and carried with all other members present and voting yes to approve the \$175,000 be allocated to the Fire Departments, (\$25,000 to each Department).

Administrator’s Report:

Supervisor Pierantoni asked on the next round of CARES funding if there were any guidelines had been provided.

Administrator Witt responded none had been received yet.

Supervisor Fore addressed the Salary Compensation Study and asked the original amount for the study.

Administrator Witt suggested \$5,000 for the study and earmark \$100,000 towards implementation of the study. By allocating funds it let the employees know the Board is serious about making sure employees are treated fairly. Administrator Witt suggested to allow the Public Hearing on the Budget before earmarking the money.

Motion was made by Supervisor Fore to earmark \$100,000 and formally put it in the Budget for the Compensation Study, seconded by Supervisor Hamlett.

Motion was amended by Supervisor Fore to earmark \$100,000 and restrict the use for the Salary Compensation Study only, seconded by Supervisor Hamlett and carried with all other members present and voting yes.

Motion was made by Supervisor Hamlett, seconded by Supervisor Garnett, and carried with all other members present and voting yes to approve the invoices for payment in the amount of \$664,493.49.

Public Comment Period:

Larry Clark addressed the Board and wanted to clear up he agreed to the format of having a Community type Committee but not have Supervisors on the Committee for the Confederate Monument.

Motion was made by Supervisor Garnett, seconded by Supervisor Shook and carried with and all other members present and voting yes to approve the following appropriations for FY 2021.

		Expenditure	Revenue
10-8101-5819	TIC-Bee Grant #3229	942.87	
10-240512	TIC-Bee Grant #3229		942.87
Total		942.87	942.87

Board Member Comments

Garland H. Hamlett, Jr. – Supervisor Hamlett wanted to thank the Board members and citizens and the public who sent text cards and showed other acts of kindness due to his son’s death, it was greatly appreciated.

Robert L. Shook, Jr. - None

Kay M. Pierantoni – Supervisor Pierantoni stated she wanted to address what Mr. Clark stated during public comment, Supervisor Pierantoni stated she heard from Mr. Clark and Ms. Liston on having something that does not include any Supervisors. A and group of citizens are welcome to meet and discuss these issues, but when the Board has sanctioned the Committee, she does not know how that can be done without a Board member being involved. Supervisor Pierantoni stated the people who were asked to join and were present stated they would rather continue in the format that was presently being used.

Tony Reeves – Supervisor Reeves responded to Supervisor Pierantoni’s comments and feels the Committee should continue with the same format and plan to meet on April 23rd as scheduled.

Donna Fore – Supervisor Fore responded to Supervisor Pierantoni’s comments concerning the Committee on the Confederate Monument stating she does not see the harm in the Board being involved, even in a broad Community and with Supervisor Pierantoni staying engaged.

Gary D. Walker – Chairman Walker responded to Supervisor Pierantoni and stated it is the responsibility of the Board to act or not when necessary and feels the Board being involved is important and feels the Committee is very balanced. Chairman Walker offered help to Supervisor Pierantoni; he feels there is a lot of pressure from this issue.

Donna Fore – Supervisor Fore stated she was grateful for Southside Electric attending the Board meeting but was disappointed they are not willing to help with broadband internet. Supervisor stated the three main issues she is asked about are taxes, internet, and the convenience centers.

Will Garnett – Supervisor Garnett stated the reason Southside Electric is unable to help with Internet, it would cost \$240 million dollars and they are unable to receive any type of grant funding.

Motion was made by Supervisor Shook, seconded by Supervisor Garnett and carried with all other members present and voting yes to convene in closed meeting to discuss the following:

The County's contract with Tri-County Community Action Agency as permitted by Virginia Code Section 2.2-3711.A.29, discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Motion was made by Supervisor Shook, seconded by Supervisor Hamlett pursuant to Virginia Code Section 2.2-3712.B, the Supervisor signing below certify that, to the best of each Supervisor's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting of the Charlotte County Board of Supervisors.

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

Motion was made by Supervisor Pierantoni, seconded by Supervisor Garnett, and carried with all other members present and voting yes to authorize staff to initiate the process to move association from Tri-County Community Action to the agency the Piedmont Planning District uses.

Chairman Walker requested Administrator Witt check with RiverStreet on a date for a work session.

Motion was made by Supervisor Garnett, seconded by Supervisor Hamlett, and carried with all other members present and voting yes to adjust the Administrator's salary by \$17,000 beginning on May 1, 2021.

Being no further business, the meeting was adjourned.