

At a regular meeting of the Charlotte County Board of Supervisors held at the Administration Building on July 12, 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

Russell Slayton, County Attorney

Absent:

Chairman Walker called the meeting to order.

Supervisor Pierantoni gave the invocation.

Motion was made by Supervisor Reeves, seconded by Supervisor Hamlett, and carried with Supervisor Fore voting no and all other members present and voting yes to approve the agenda as presented.

Motion was made by Supervisor Pierantoni and seconded by Supervisor Fore and carried with all other members present and voting yes to approve the June 14, 2021, meeting minutes as presented.

Committee Reports:

Kay M. Pierantoni – Supervisor Pierantoni reported the Roundtable Committee met on June 21st with a good discussion. The next meeting is scheduled for July 22 at 6:30 p.m. and they hope to have a recommendation for the Board at the August meeting. Supervisor Pierantoni stated there will be a Planning Commission update later in the meeting.

Garland Hamlett, Jr. – Supervisor Hamlett stated Crossroads Services Board is actively looking for a replacement for Ms. Baker. The Board has hired a consultant for the selection process and hopes to have the process completed by the end of August.

Robert L. Shook, Jr. – Supervisor Shook reported the convenience centers are now open seven days a week.

Tony Reeves – None

Donna Fore - None

Will Garnett - None

Gary D. Walker – None

Public Comment:

Hazel Bowman Smith- Ms. Smith addressed the Board with some thoughts on solar and solar farms. Ms. Smith stated she is not against solar power; it uses the natural energy from the sun and is one of the cleanest most substantial and most renewable energy in the world. Ms. Smith also stated she hopes the Board will consider the negative points as well. Solar energy is inconsistent, the visual impact, and the amount of waste. Ms. Smith recommends larger setbacks and buffers to make the solar farms feasible. Ms. Smith also mentioned she read in an article that each solar farm was required to have internet access and would like to know if that could be beneficial to the citizens of Charlotte County.

William McCargo- Mr. McCargo addressed the Board concerning the Tri-County Community Services Board. Mr. McCargo is a Tri-County Board member and stated he has made many referrals to Tri-County on behalf of citizens in the County needing services. There is a

continuing need for services in the County and Mr. McCargo feels it is the right decision to continue the partnership with Tri-County Community Action.

Rodney Moon – Mr. Moon stated he is a 50/50 co-owner of a parcel of property 70-A-27E located on Hermon Road which has been included in the Randolph Solar Project although he has not entered into an agreement. Mr. Moon raises the question how property could be entered into such an agreement without the signatures of all the property owners and are there other parcels included in this project in which all property owners have not signed an agreement.

George Toombs- Mr. Toombs addressed the Board with concerns of his lack of confidence in all local officials in the County. Mr. Toombs does not think solar is good for the County or the landowners of the County. Mr. Toombs feels the 3% density rule should be changed along with the setbacks and buffers.

Beverly Fitz- Comments submitted by email. Ms. Fitz is concerned over the number of solar projects being considered for Charlotte County. She is concerned over the impact on wildlife, the impact adjacent property owners will experience by the loss of the value of their property if they want to sell, and the attraction other business's as well as family's may have to move into the County if everything is surrounded by solar farms. Ms. Fitz is concerned with the buffers and the fact there maybe new plantings, but she has not seen any real buffers to the completed project on Route 59. Ms. Fitz states she is not anti-solar but requests the Board work with the projects already approved, see how they progress, and what revenue the County receives and then consider any larger projects.

Motion was made by Supervisor Fore, seconded by Supervisor Hamlett and carried with all other members present and voting yes to adopt the following resolution honoring Glenn Johnson for his service to the County;

WHEREAS, Glenn Johnson began his career with Charlotte County in December 1994 as a Deputy Animal Control Officer and Maintenance Worker; and

WHEREAS, in July 2011 Glenn Johnson was promoted to the position of Public Works Manager; and

WHEREAS, during his tenure, Mr. Johnson played a key role in numerous public facility renovation and construction projects, oversaw the daily operations of the County's convenience centers and the solid waste collection program, and was responsible for the on-going maintenance of Charlotte County's public facilities and grounds; and

WHEREAS, Glenn Johnson performed his job duties with skill and care, demonstrating a strong commitment to service and a sincere dedication to his profession and the community he served; and

WHEREAS, as an employee of Charlotte County, Mr. Johnson was an asset to the Charlotte County Board of Supervisors, his co-workers, his employees, and the citizens of Charlotte County; and

WHEREAS, on June 30, 2021, Glenn Johnson retired from his position with the county, having served the citizens of Charlotte County for more than twenty-six years,

NOW THEREFORE, BE IT RESOLVED, that the Charlotte County Board of Supervisors wishes to express its sincere gratitude and appreciation to Glenn Johnson for his service to Charlotte County.

BE IT FURTHER RESOLVED, that this resolution be permanently recorded in the minutes of the Charlotte County Board of Supervisors.

Patricia Berkeley, Treasurer addressed the Board to recognize Sara Evans, Deputy Treasurer with her Certification.

Scott Frederick, VDOT - Mr. Frederick stated the secondary mowing will be finished in the next week and the next round of primary mowing will start on Rt. 360. There have been several areas of guard rail repairs being made. Mr. Frederick stated removal of the debris piles has started and August 9th is the completion date on the removal. Mr. Frederick thanked Carolyn Hamilton and the bus crew for calling in the low hanging branches to get those taken care of before the start of school.

Motion was made by Supervisor Hamlett, seconded by Supervisor Reeves and carried with Supervisor Fore voting no and all other members present and voting yes to approve the following VDOT Six Year Plan Resolution;

WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2022 through 2027) as well as the Construction Priority List (2021) on June 14, 2021 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Scott Frederick, Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2022 through 2027) and the Construction Priority List (2021) for Charlotte County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Charlotte County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2022 through 2027) and Construction Priority List (2021) are hereby approved as presented at the public hearing.

Motion was made by Supervisor Fore, seconded by Supervisor Hamlett, and carried with all other members present and voting yes to approve a letter of support requested by Red Hill for a road closure.

Motion was made by Supervisor Shook, seconded by Supervisor Reeves, and carried with all other members present and voting yes to approve a letter of supported requested by the Heartland Park for a water study planning grant.

Petrina Carter with Tri-County Community Action addressed the Board. Ms. Carter stated she met with Administrator Witt and is currently working on a formal MOA with the County to be clear on what the County's needs are and what Tri-County Community Action can provide to the County. Ms. Carter stated there are currently two individuals from Charlotte County being housed by Tri-County for domestic violence. Tri-County is currently working with the State on the weatherization program to better serve citizens that need extensive repairs beyond what Tri-County can provide. Ms. Carter stated Tri County will be conducting a needs assessment on the 29th of July in County to determine the needs of the citizens, so they can better develop their programs for assistance.

By consensus of the Board a Public Hearing was set for August 9, 2021, at 6:05 p.m. for a proposed amendment to the FY 2021/2022 budget for America Relief Funds, WIB Grant and carry over items from FY 2021.

Monica Elder, Staff Representative for the Planning Commission addressed the Board with recommendations for amendments to the solar zoning ordinance. The amendments presented are as follows;

Setbacks

The Planning Commission recommends an amendment to Section 10-23-6 of the zoning ordinance that would retain the 125' front setback from the centerline of state-maintained roads abutting the property, while increasing other setbacks for utility-scale solar to 75' and requiring a minimum 400' setback from off-site residential structures. Recommended language also continues to provide the Board of Supervisors the authority to modify setbacks in the conditions associated with approval of a project application.

Community Meeting

The Planning Commission recommends an amendment to add regulations as Section 10-23-17 that would require project applicants to conduct a community meeting within 30 days of being notified by staff that their application is complete. Specific requirements for the meeting are included in the proposed language.

Buffers

The Planning Commission recommends no changes to vegetative buffers. Section 10-23-10 currently requires that the entire facility, including fencing, be screened from ground-level view of adjacent properties by a landscaped buffer zone at least 25 feet wide, that existing mature tree growth and natural landforms on the site be preserved to the maximum extent possible, and provides the Board of Supervisors the authority to modify buffers through the conditions associated with approval of a project application.

Ms. Elder stated the Planning Commission serves as an advisory board to the Board of Supervisors. Therefore, staff recommends the Board consider the recommendation provided by the Planning Commission to determine next steps. Should the Board determine that obtaining additional input from the public is an appropriate next step, staff recommends the Board set a public hearing for the August 9, 2021, Board meeting at 6:05 pm.

Solar Discussion-Board Members

Supervisor Garnett – Supervisor Garnett stated he was concerned about decommissioning not at the end of the project but during normal business practices. Supervisor Garnett stated solar farms around the state have accumulated junk yards on the back of the properties of defective or damaged equipment. Supervisor Garnett stated we should take this time to outline these issues as they arise during normal operations and should be included in the ordinance.

Supervisor Pierantoni – Supervisor Pierantoni expressed her concerns over the buffers and setbacks. Supervisor Pierantoni stated the setbacks are being addressed but buffers still have not been addressed. Supervisor Pierantoni stated she held a community meeting and landowners are concerned with the proximity a solar farm can be located from their home, not the property line.

Motion was made by Supervisor Pierantoni, seconded by Supervisor Fore, and carried with all other members present and voting yes to hold a work session to review utility scale solar regulations and hire Advantus Strategies to assist.

Motion was made by Supervisor Garnett, seconded by Supervisor Reeves, with Supervisor Pierantoni abstaining, and carried with all other members present and voting yes to set a joint public hearing with the Planning Commission for a conditional use permit application for Morgan Lumber Company followed by a public hearing on the proposed solar amendments to the zoning ordinance for August 9th at 6:05 p.m.

Broadband Discussion

Supervisor Hamlett stated he would be attending a meeting in Chase City on July 13th with Representative Good to discuss broadband.

Administrator Witt added he met with Empower Broadband, RiverStreet and Commonwealth Connect with the Governor's office on Friday July 9th. There is a VATI grant due in September and if the County plans to apply with any of these providers Commonwealth Connect needs to be notified by July 27th. Administrator Witt asks for the Board's permission to submit a letter of the County's intent to submit the VATI grant application.

Motion was made by Supervisor Fore, seconded by Supervisor Hamlett, and carried with all other members present and voting yes to authorize the County Administrator to send a letter to the Department of Housing and Community Development stating the County's intent to submit a VATI Grant application in September.

CARES Funding Update

Administrator Witt reviewed the spreadsheet provided to the Board of funds received and expenditures along with a request from Christopher Salerno, Chief Magistrate for a second video conferencing system for the Sheriff's Department that would allow communication between the Court house and the Sheriff's Department.

Motion was made by Supervisor Hamlett, seconded by Supervisor Fore, and carried with all other members present and voting yes to authorize use of CARES funds to purchase a second video conferencing system for the Sheriff's Department as requested by the Magistrate.

Enterprise Zone Discussion – Supervisor Pierantoni

Supervisor Pierantoni stated there are two businesses located within the Route 15/360 corridor that would benefit from an enterprise zone at that location. Supervisor Pierantoni feels the County needs to be more business oriented and will continue further discussions with Administrator Witt.

Administrator's Report

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

Supervisor Pierantoni asked about an update on the school project for the month. Administrator Witt received an update from Mr. Arbogast to late for the packet and Mr. Arbogast will provide a detailed report for the August meeting.

Supervisor Pierantoni is concerned with Tri-County Community Action and asked for the status on the MOA. Mr. Witt responded Ms. Carter wants to hear from the citizens and once she understands what is needed, and what is expected by the Board she will meet with Administrator Witt and form a MOA with County.

Supervisor Pierantoni is concerned the American Rescue Plan Funding received by the Towns; they may choose to allocate some of these funds to the Fire Departments. This would mean the Fire Departments located in the outlying areas of the County would not receive the same funding.

Supervisor Fore requested more information on the CRC assistance. Administrator Witt stated the County is currently with the Virginia's Growth Alliance which allows the County to use Company's procured by them for services. Administrator Witt stated he is on the committee for the CRC reviewing the proposals submitted for planning, architectural, engineering, local government, and other services for local and regional projects.

Supervisor Fore requested Mr. Arbogast attend the August Board meeting to provide an update on the school projects.

Public Comment Period

P. K. Pettus – Ms. Pettus shared with the Board information she had received on solar from a webinar.

George Toombs – Mr. Toombs addressed the Board with concerns over the COVID 19 virus and the impact solar farms will have on wildlife in the County.

Motion was made by Supervisor Garnett, seconded by Supervisor Reeves, with Supervisor Fore voting no, and carried with all other members present and voting yes to approve the invoices for past year 2021 and FY 2022.

Board Member Other Comments:

Supervisor Reeves – None

Supervisor Fore - None

Supervisor Garnett – None

Supervisor Pierantoni – Supervisor Pierantoni stated there was an article in The Charlotte Gazette stating the Randolph Solar project would generate \$113.7 million in revenue over a 50-year operational period. Supervisor Pierantoni would like to point out the CUP agreement is for a 25-year period and there are different variables to predict the amount of revenue that will be received from the project. Supervisor Pierantoni urged the Board to listen to the landowners who do not have an interest in the project and to look at the real numbers involved not just the numbers reported in the paper.

Supervisor Hamlett – None

Supervisor Shook - None

Chairman Walker - None

Conflict of Interest Discussion

Mr. Slayton reported on a State and Local Government Conflict of Interests Act question raised by Supervisor Pierantoni. She had reported her understanding of votes taken on two matters in Lunenburg County, which she believed had resulted in Supervisors disqualifying themselves because of conflicts. She was concerned that the legal advice being provided to the Lunenburg Board was different from the legal advice being provided to the Charlotte Board. Mr. Slayton reported that he had spoken to both the Lunenburg County Administrator and the Lunenburg County Attorney and communicated the facts of the two votes as reported by them. Mr. Slayton pointed out that there is no difference between the legal advice being given to the Lunenburg Board and that being given to the Charlotte Board. He stated that the Act creates a conflict when a Supervisor, or a member of the Supervisor's immediate family, has a personal interest in a contract which meets the requirements of the Act. He pointed out that as used in the Act, "immediate family member" refers to the spouse of the Supervisor, or a dependent of the Supervisor who is living in the Supervisor's household. Unless someone who has a personal interest in a contract also meets the definition of a Supervisor's immediate family member, there is no conflict. Mr. Slayton also stated that the requirements of the Act are often misunderstood, and that it would be a good practice for any Supervisor who believes his/her circumstances may create an appearance of impropriety to disclose the facts, state that the apparent conflict is not a conflict as defined by the Act, and that the apparent conflict would not render the Supervisor unable to fairly and impartially consider the matter before the Board. Mr. Slayton stated that a Supervisor who believes he/she has a situation creating an appearance of impropriety could make a disclosure and file a written declaration with the Clerk to the Board. Mr. Slayton addressed a reference Supervisor Pierantoni made to a paragraph entitled following a higher standard in the Virginia Supervisors Manual, Eight Edition, page 100. Mr. Slayton noted that while this manual suggest Supervisors may adhere to a higher standard that is aspirational, not code.

Motion was made by Supervisor Garnett, seconded by Supervisor Pierantoni, to accept the Perdu Pharma Settlement.

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

Being no further business, the meeting was adjourned.