The monthly meeting of the Buckingham County Board of Supervisors held on Monday, January 9, 2023 at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: L. Cameron Gilliam; Donald R. Matthews, Jr.; Joe N. Chambers, Jr.; Dennis H. Davis, Jr.; T. Jordan Miles, III; Harry W. Bryant, Jr. and Danny R. Allen. Also present were Karl R. Carter, County Administrator; Cheryl “Nicci” Edmondston, Zoning Administrator/Planner; Kevin Hickman, Finance Director; E.M. Wright, Jr., County Attorney; and Jamie L. Shumaker, IT Manager.

Re: Call to Order by County Administrator Karl Carter

Carter: I’d like to call the January 9, 2023 Board of Supervisors meeting to order.

Re: Establishment of a Quorum

Administrator Carter certified there was a quorum, 7 of 7 members were present and the meeting could continue.

Re: Invocation and Pledge of Allegiance

Supervisor Miles gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Confirmation of a 2023 Chairman of the Board of Supervisors

Carter: Because this is our first meeting of the 2023 year, our first item of business is the election of a Chairman. Our By-Laws go by rotation so in the next rotation is Supervisor Chambers is scheduled to be Chairman for the year 2023. We entertain a motion to nominate Supervisor Chambers as Chairman.

Miles: Mr. Carter, I would move to nominate Supervisor Chambers for the Calendar Year 2023 Chairman of the Buckingham County Board of Supervisors.

Carter: We have a motion by Supervisor Miles, second by Supervisor Allen. All in favor cast your vote on the voting machine. That passes unanimous. I will congratulate Supervisor Chambers on being Chairman for the upcoming year.

Supervisor Miles moved, Supervisor Allen seconded and was unanimously carried by the Board that Supervisor Joe Chambers, Jr. will be the Chairman of the Board of Supervisors for Calendar Year 2023.
Re: Confirmation of 2023 Vice Chairman of the Board of Supervisors

According to the By-Laws, Dennis H. Davis, Jr. is scheduled to be Vice Chairman for the 2023 Calendar Year.

Chambers: Next on our list will be the confirmation of Vice Chairman.

Allen: So moved.

Bryant: Second.

Chambers: Call for the vote. Seven yes.

Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board for Dennis H. Davis, Jr. to be the Vice Chairman of the Board of Supervisors for the 2023 Calendar Year.

Re: Approval of Agenda

Chambers: Next will be the approval of agenda.

Miles: I’d so move Mr. chairman that the agenda be approved as presented.

Gilliam: Second.

Chambers: A motion and second that the agenda be approved as presented. Are you ready to vote? Seven yes.

Supervisor Miles moved, Supervisor Gilliam seconded and was unanimously carried by the Board to approve the agenda as presented.

Re: Approval of Minutes

Chambers: The next will be the approval of minutes. We have a motion and second. Motion by Vice Chairman Davis, second by Supervisor Gilliam the minutes be approved. Are you ready to vote? Seven yes.

Vice Chairman Davis moved, Supervisor Gilliam seconded and was unanimously carried by the Board to approve the minutes of the December 12, 2022 meeting as presented.
Re: Approval of Claims

Chambers: The next H. will be approval claims. We have a motion and a second. Motion by Supervisor Bryant, seconded by Supervisor Allen that the claims be approved. Ready to vote? Seven Yes.

*Supervisor Bryant moved, Supervisor Allen seconded and was unanimously approved by the Board to approve the claims as presented.*

Re: Approval of By-Laws and Rules of Procedure

Chambers: The next will be the approval of claims.

Miles: I'd make a motion that the claims be agreed to Mr. Chairman.

Chambers: Motion by Supervisor Miles, seconded by Supervisor Gilliam that the claims be approved. Are you ready to vote?

Allen: You just went by the claims. This is By-Laws and Rules.

Miles: Yes, I move, Mr. Chairman that we approve the By-Laws and Rules of Procedure as presented sir.

Chambers: A motion and second that we approve the By-Laws and Rules of Procedure. Are you ready to vote?

*Supervisor Miles moved, Supervisor Gilliam seconded and was unanimously carried by the Board to approve the By-Laws and Rules of Procedure as presented.*

Re: Announcements

Chambers: Now we come down to Item J, the announcements. Do we have any announcements?

There were none.

Re: Public Comments

Chambers: Now the public comments. Are there any public comments at this time?

Lann: Yes, we have 13. First one is Santoshi Young, District 5. Gerry Sackett will be next.

*Santoshi Young, District 5: Hello, my name is Santoshi Young, and I am here tonight with my daughter Gracie. We live at 500 Unity Place Buckingham and we are in district five. Thank you Mr. Bryant for meeting with us this past week and proposing the four people we have suggested*
as representatives on the county gold mining committee. Every month Gracie and I come here to speak to you as inconvenient as it is because her bedtime is 6:15. But I want you to put a face to who exactly it is that I'm asking you to protect. Some of you may not like babies, and that's okay. But like it or not, we need the younger generation. The older we get, the more we need them. Even if it is just to repair our car or fill our grocery shelves with food. But some of you up there are fathers and maybe even grandfathers. Do you remember the first time you laid your eyes on their adorable little faces? How long was it before you knew that you would do anything to protect them? Was it instant? Or did it grow with time? We are calling for you to protect them and all other human beings that live in this beautiful Buckingham County so that we can all live, laugh, love and grow. I know you've made the decision already. But I think it's a mistake that all four of our suggested residents were not confirmed for the county gold mining committee. Each one is an important player and has a wealth of knowledge that will help to make this work for each of us. What we are dealing with requires specialized knowledge and diverse thinking. Please reconsider letting them help you to navigate this. This is too big for only one resident to assist. Time is of the essence. As you know the election is in November. Some of you may stay some of you may go. Either way, think about the legacy that you will be leaving behind by making such an important stance to protect the people you have promised to serve. Think about the example you will be making to other counties in the state and even country. When you go home tonight, look at the faces of your children and grandchildren and ask yourself, “Am I doing everything I can to protect them?” Deep down you will know that answer. And you will know what you need to do. Thank you.

Chambers: Thank you, man.

Lann: Gerry Sackett, District 5 and Reverend Stephen Fiske will be next.

Gerry Sackett, District 5: My name is Gerry Sackett. I live in the fifth district. I'm gonna hit the history button again. In the past meetings, I brought up the mining operations in Leadville, Colorado, which resulted in a span of over 162 years because gold was first discovered there in 1860. What I want to point out is how long it took the authorities to respond once they realized there was a problem. In 1904, mental deficiencies in the children of that town were recognized. Although the doctors assumed they were temporary and likely to resolve the child was taken out of the environment. But that was 44 years already after the mine had been in operation. In 1943, these problems were reiterated and mental deficiencies were judged to be long term. And that was 39 years after they were first reported. So this is just...it goes on and on, you know that it took from the time that the EPA was founded in 1970. It still just takes a tremendous amount of time. Leadville in 1983, was designated a Superfund cleanup site. Now, at the present, they report substantial remediation of the quality of the water in the Arkansas River, which is downstream from Leadville. But that's 119 years after the mine was founded. So all I'm saying here is that if we listen to the lessons of history, and act now to pass ordinances that are going to protect ourselves and our family. But if we go into delay, and then the people involved change, it's just you know, if we can act quick to throw some logs in the road that anyone wanting to come into this county to do something gives us the right to say whether they can or not. Please, let's do that. Thank you.
Chambers: Thank you, sir.

Lann: Reverend Stephen Fiske, District 5, and Kenda Hanuman will be next.

Rev. Stephen Fiske, District 5: Good evening, gentlemen. To all of you and all stakeholders. Good evening to all of you. And thank you for your care and your concern in being here. I'm new. I just moved here. And we had 10 people over the Christmas holiday. And they all brought business to this community. And I really love it here. I'm happy to be here. But I am very concerned. I'm very concerned about the way this earth of ours is treated. And I just want to bring up a few reminders. Since Rachel Carson's Silent Spring Book, explore, expose the deadly consequences of DDT. Since the disastrous Santa Barbara oil spill. Since Ohio's Cuyahoga River caught fire. Can you imagine such a thing? Since Love Canal, where toxic chemicals oozed out of the ground during a wet spring. Since the Three Mile Island partial nuclear meltdown. Since the Flint Michigan water crisis. Since a strong coalition of local activists were successful in sending back the attempts by Dominion and Duke oil to cross our county, with the Atlantic Coast pipeline. All these incidents have one thing in common. They were promoted by corporate interests. And they were promoted also and supported by government interests. And they all brought toxic results to the environment and to the health and welfare of the citizens of those communities. And we have this issue before us now. So I implore you, I implore you, and by God's grace, we are also employed to take care of the land, the air and the water of this beautiful earth with which we are all blessed. So I implore you all to be the caretaker to be the ones who stand up to protect our environment and protect the health of this community. Thank you very much for your time.

Chambers: Thank you, sir.

Lann: Kenda Hanuman, District 5, and Heidi Berthoud will be next.

Kenda Hanuman, District 5: Good evening. Kenda Hanuman, District 5, Supervisor Bryant’s district. I live on Ramaa Lane. I attended the first meeting that you had tonight at 4:30 for the gold committee. And I'm really glad you've started that. And I do agree that time is of the essence, that we can't stand to wait until after something bad happens here and then try to clean it up. So I'm really grateful that it appears the committee will be working in a really timely manner. I had sent a letter to the editor of the Farmville Herald last week, that was printed about the committee makeup. And Supervisor Bryant had originally thought we could have four of the public on that meeting in that committee. And then he was told that no, could only be one. So there will be two supervisors and one public representative. We have more than one person who has been pretty educated here in the county about this issue, and can bring different perspectives to it. I think it would be really wise to have more than one, if you end up with one, I trust that they'll be able to do a good job and hopefully speak for more than just them self. I didn't understand in the conversation at that meeting about talking about the Dillon Rule versus the Home Rule. I'm not sure the Home Rule plays into this at all. But it would be nice to have clarification about that. And I guess, are you going to have the meetings open to the public? Each one each month? Okay, so the third Monday of each month you're having meetings, so I hope the public hears that and they'll attend and find out what the progress is and I thank you.
**Chambers:** Thank you maam.

**Lann:** Heidi Berthoud, District 5 and Chad Oba will be next.

**Heidi Dhivya Berthoud, District 5:** Good evening, my name is Heidi Dhivya Berthoud and I live in District 5. 4:30, 3rd Mondays by the way. The state funded study on the impacts of gold mining is final and it concluded what we already know, that Virginia is not for commercial gold mining. It's for lovers. You have at the ready a solution to the potential environmental and economic devastation this industry would bring. An already well thought out rights based ordinance. We argue that the land use ordinance alone has no teeth. Together, they are strong deterrence to the industry setting up camp in our county. So we understand you want only one public participant on the gold mining committee. But we were looking forward to you confirming all four Buckingham informed and concerned residents tonight, and that would have included Kenda Hanuman, Gerry Sackett, Pete Capuscinski, and myself. Jeeva Abbate resigned when he understood that he was the only public participant. He was expecting to be part of a large committee. We encourage more input, not less, and we work better as a team. This is a big deal. I have I've really not heard good reasons for limiting the addition of public participants. Mr. Miles, I believe you're proud of the litter committee that includes seven residents, each from a district litter is important, but it's it does not have the gravity nor the impact of gold mining. Why do you want to limit inclusion? You were elected to represent us and to listen to us. Democracy is the best way to serve the county. Letting in metallic mining will be counter to growing the county. Show of hands, who wants to move to a poisoned community. For those who think there is limited, this is limited to District 5, think again. Aston Bay wrote on their website that they were looking at two other sites in Buckingham, most likely along Route 15 where the gold pyrite belt is. Our guess is New Canton, or the Booker Mine, southwest of Dillwyn. Metallic mining doesn't just drain and poison the groundwater for miles around it also bankrupts the community it invades. So I challenge any of you supervisors to make a motion to bring the rights based ordinance to a public hearing now. Why wait? You don't have to wait for the committee to advise you. Let the people of this county know you care. Let Richmond and the 2.7 million people downstream from us in just the James River watershed, that doesn't include all the other four watersheds it could be impacted.

**Chambers:** Thank you for your comments, maam.

**Berthoud:** Thank you.

**Lann:** Chad Oba, District Six, and Ramona Christian will be next.

**Chad Oba, District 6:** Good evening. Thank you all for being here for listening to us. And Happy New Year. I'm in District 6, which is Mr. Chambers’ district and I live at 571 Woods Road. I think that most of you will agree at this point in the process of considering gold mines that you really don't want it. I think, pretty much, I haven't talked individually to all of you. But that's the feeling I'm getting. And if you've read the National Academy of Sciences report, you would have plenty of proof why it isn't a good idea here. Were ill prepared for this to happen.
And I don't think that there's any amount of preparation because a gold mine anywhere is disastrous. It's been proven time and time again. You have several citizens that even visited a mine about this industrial goldmine was compared to by the exploratory drilling company. And that community is pretty much wiped out. People have moved away. It's a terrible thing. In addition to that, you've heard from Mr. Sackett, this evening about all of the effects that may not be identified, but down the road will affect folks. So I think anybody with a mind would know that this is not a good idea. So here we are with considering a committee and I kind of questioned why we're even considering a committee. Why not just go straight to the ordinances, decide what you want to do, somebody make a motion, and go for it, because we are wasting time. But if we are to have a committee, let's include as many experts on that committee, as we can gather. Friends of Buckingham has offered a connection to very good legal assistance that knows about land ordinances. We also have the rights of nature ordinance that's been well researched. So I would hope and we have, and we have people in this room Kenda Hanuman who already served on the committee. We need to get these people on this committee. And isn't this part of the democratic process anyway? Don't we want people involved? Don't we want to hear from people? This is like censoring, censoring of our other voices. And I really have to say that it's... we're in a dangerous position not only here in this county, but in this country. Let's include people let's hear the voices. It's the diversity of the voices that informs our decisions and makes them better decisions more creative or just decisions. Thank you.

Chambers: Thank you. You’re welcome.

Lann: Ramona Christian, District 1 and Marie Flowers will be next.

Ramona Christian, District 1: Hello. Good evening, gentlemen. I'm here tonight to respond to the two comments made by two citizens and the action taken by the Board of Supervisors at the last meeting concerning the election and an employee of the electoral board. I want to remind the Supervisors and the citizens that the Buckingham Electoral Board is a separate and independent board from the Board of Supervisors. The Board of Supervisors has no authority over the Board of Elections or Electoral Board or its employees. The Electoral Board is not subordinate to the Board of Supervisors. This is actually in Virginia Election Law, Article 4.24.2-109 through 110. The Electoral Board appoints or hires a registrar and his or her employees for a period of four years. The contract comes up every four years. Again, it's right here, if any of y'all want to borrow my book, and look, I'll let you have it. And so they, the electoral board members are appointed by the political party chair in power at the Governor's mansion. That chair takes those names to the Circuit Court Judge and he confirms them. It does not concern anyone else in this county or this state, not even the Governor, except the political party chair, and the Circuit Court Judge, Judge Blessing. Anyway, any letters of support or reprimand can only be relevant when coming from the electoral board. The three members of the electoral board are the ones that see all the issues complaints, reports compliments, not the Board of Supervisors. They alone are given the authority by the law of the State of Virginia to handle these issues concerning any and all elections and any issues related to employees. A letter commenting on any issues of the election process would be overstepping the authority given the Board of Supervisors by the law of the State of Virginia. This would be equivalent to the electoral board sending a letter of reprimand to you, Mr. Chair, saying they disapproved of the job you are doing. It's none of their
business what you do. They have no authority over you. That would be absolutely none of their business and could lead to potential lawsuits. When commenting, the commenting party does not know all the issues evidence or have seen any of the documentation. It is always dangerous to operate out of gossip and innuendo. While it is always good to hear comments regarding the elections in our county, it would serve our community better if election issues were raised at the electoral board meetings since they alone have invested the authority over everything pertaining to elections by the law of the State of Virginia. Other community manners are assigned to you the Board of Supervisors by law and they should take precedence over another board's issues. Thank you ma'am.

Lann: Marie Flowers, District 3 and Diane Gilliland, District 4 will be next.

Marie Flowers, District 3: Hello, Marie Flowers, 266 LeGrande Lane, Curdsville area, and I am concerned about the toxic spillover, the ordinance and you know when we bring up things, it's for all of us. You all live here. You have families here. I am… I can never understand why you do not look at things in that respect. And we do need think more people on this committee. Why not? Are you all afraid of the input from the citizens? Another idea might be to get somebody on the committee who was for gold mining so that you can see another point of view. Uh, but I just and I would like to know the reason why you just can't bring up a vote as Mrs. Oba suggested to bring up the vote and vote on it for the nontoxic trespass. I don't I don't understand why you can't give us a reason as to why this is dragging out so long. I think that's all I got to say. Except that you live here. I'm not speaking just for myself. You live here. You have families here. You need to do what is the best. And if there is some impediment, you need to deal with it and fight it and do what is the best thing for the people of the county. Thank you.

Chambers: Thank you, ma'am.

Lann: Diane Gilliland, District 4 and Julia Gibson will be next.

Diane Gilliland, District 4: Diane Gilliland, District 4. I don’t know how to begin. Buckingham. Buckingham. When you say Buckingham, we are the Heart of Virginia. The Heart of Virginia. Not the rear end, the heart. You put in mining, there goes the air quality. There goes our water quality. You put in all these solar panels, there goes, again, there goes our water quality with runoff. You cut off those valves from the heart, you're killing it. You kill the heart. You are taking the heart out of Virginia. What’s Virginia without the heart? What is Virginia without rural communities like ours? Because all of you sitting up here, our rural community is going down the tubes. Our rural community will become a ghost town. Our rural community will be no more because you have taken the heart and stomped it. Destroyed it. Mutilated it. All because, what you are going to grease your pockets with their money? Because the more people that say Whoo, let’s do this goldmine, you get more money in your pocket. All these solar panels, are you getting money in your pockets for that? You are cutting the heart of Virginia out. You are not listening to the people of this community. You are killing us. You are killing us because you don’t care. None of y'all are listening to any of these folks out here. Not one of you are listening. If you were listening, we would not be in this situation right now. The heart, the heart of Virginia, Buckingham Virginia. You are killing it. Why? The seven of
you. Seven of you and you are killing the heart of Virginia. You are killing our rural community because you don’t have the guts to stand up and say NOPE, we are not doing this. No, we will not change rural Virginia for a gold mine. We will not change rural Virginia for all these solar, thousands of acres of solar panels. For what? For what? What do you gain? We gain nothing. We gain dirty air. We gain dirty water. We gain nothing.

**Lann:** Julia Gibson, District 5 and Chris Godschalk will be next.

**Chambers:** We need to stop hollering during the meeting acting like a bunch of clowns. We are up here trying to do business for the County. Why don’t you respect people and keep the comments to yourself?

**McManus:** Nope. (inaudible)

**Chambers:** Say what?

**McManus:** It’s called the First Amendment sir.

**Chambers:** Look a here. You are going to shut your mouth up until you get a chance to speak. You don’t…

**McManus:** No. You don’t tell me to shut my mouth.

**Miles:** Mr. Chairman, point of order.

**Chambers:** You don’t have the point to speak right now. I have the right to tell you to shut up. When it’s your time to speak, you speak.

**McManus:** How about asking politely to be quiet. Shut up yourself. Shut up is a nasty word.

**Chambers:** Why don’t you be quiet then maam?

**McManus:** Why don’t you ask politely, sir?

**Chambers:** I asked you politely.

**McManus:** You are going to learn about the law in a minute.

**Miles:** Point of order.

**Chambers:** We can’t have order with citizens like this. Citizens clapping their hands like they are at a baseball game. This is not a baseball game. We are trying to do business for the County. Y’all come up here and ask us to do business for the county, people hollering out and clapping your hands and what not. Is that respectable or disrespectful? We need to work together in the county. We are not working together because of people like that.
McManus: (inaudible)

Chambers: One more word and you are getting out of this meeting. You are disorderly and we can’t conduct the meeting in a timely order with your mouth. Take it any way you want to take it. Alright. Go ahead ma’am.

Julie Gibson, District 5: My name is Julie Gibson, Hundley Branch Road, District 5. Supervisor Miles, reportedly you still refuse to see the value in a Rights Based Ordinance. Why? We have presented you with proven examples of this type of ordinance and action across the states. We have facilitated a presentation by a group of environmental lawyers and activist who have well over a hundred years of collective experience solving this very problem and have spoon fed you the best legal defense against gold mining in this county. Your constituents have been asking you over and over for months to enact a rights based ordinance. I honestly cannot understand why you refuse to do what your constituents ask. All of you. Several months ago after the first Board of Supervisors meeting I attended, I googled Supervisor Miles and I found your Miles for Maysville page from when you first ran for Board of Supervisors. Your website bio stated that you stand for principle, leadership, integrity and faith in your fellow man and woman. Your campaign slogan was “Proven Leadership You Can Trust”. I immediately felt relieved. I thought, wow, thank goodness we are standing up against this big corporation and the potential environmental ruin of your property, but this guy is young and local. His family is from here. He seems honest. He claims we can trust him. He’s promising to lead his constituents with integrity. Surely he will get this done. Now knowing that you don’t support the Rights Based Ordinance, I’m really disappointed. I don’t feel like I can trust you. I don’t feel like you are doing what our constituents are asking you for. Were your campaign statements just the standard rosy politician lip service? Because the version of Supervisor Miles that you portrayed in your campaign would have had this Rights Based Ordinance drawn up months ago. Your weak stance on this issue does not ooze proven leadership. The entire state is watching us. A story on the goldmine situation in Buckingham ran in the Richmond Times Dispatch on Sunday. I assume you have career goals outside of Buckingham. Do you think Virginian’s will look favorably at you when they learn with the biggest threat in the modern history of your county, you failed to do all you could to ensure the safety and health of the place your own family is from? Please include 4 residents on the county gold mining committee. The County Litter Committee has 7 residents. I think something as monumental as potential goldmine deserves at least 4 residents on the committee. A heartfelt thank you to Supervisor Bryant for agreeing to our request for the committee. We greatly appreciate…

Chambers: Thank you maam for your comments.

Lann: Chris Godschalk, District 5 and David Ball will be next.

Chris Godschalk, District 5: My name is Chris Godschalk. I live in District 5. I don’t really have a full speech prepared but I do have some points that I just want to go over. So, Buckingham County has a population of about 17,000 people. And, having just one person or one member of the community be to this committee to study the impact of goldmining puts us at
roughly .006% of the community involved in this process. I think that’s absurd. There is no reason why we shouldn’t have more community involvement especially because there is a wide range of opinions and expertise here. Additionally, as other people have mentioned, if the goldmine happens in Buckingham, Buckingham will end up being a shell of itself. I’ve been to the communities where the economic opportunities have come and gone and they are all, like other people said, they are ghost towns. They’ve unincorporated. They barely exist. Just a shell of their former selves. I don’t see any reason why we can’t vote or openly discuss the ordinances that we’ve proposed, and I don’t see any reason why those can’t be heard now. But even if that has to wait, then we absolutely need to have more community representation. Just having one person is unacceptable. Thank you.

Chambers: Thank you sir.

Lann: David Ball, District 3 and Theresa McManus will be next.

David Ball, District 3: Don’t let this thing fall apart. David Ball, District 3. How are you gentlemen this evening? Good. I have a number of different things to take up. One of which has to do with something that was on the website. The map for the IDA meeting which is the Industrial Development Authority and it says it’s going to be in Colorado on the 2nd of February. Is that true? That’s the map that’s on the county website. I was a little surprised that it’s listed as Buckingham Hall. Someone obviously found that. Yeah. That’s on Ground Hog Day. So I guess that’s going to repeat over and over and over. Alright, for everybody’s benefit, and it’s not been talked about here. Virginia does have a DMME, or it’s now called Virginia Power or something like that. It’s got a new name but anyway, they have a set of ordinances and rules and all that together for mining because Virginia has the most comprehensive mining regulations in the state. I think that’s something that ought to be taken into consideration, reviewed, examined and understood. The other issue would be procedures. A lot of these issues come to the Buckingham Board of Supervisors such as pipeline and other issues that have gotten voted on long, long before it goes to federal processes, state processes. By the time it goes through all those, it never gets approved and it sort of gets pointless for you to have to consider something that you don’t know if is going to actually happen or not despite whatever processes the corporation might make. So it behooves you to change the process to where they need to have all their approval from all agencies before it comes to you because you are the last vote typically. That’s what it should be. I know in other parts of the State, other counties, that’s exactly what they do. Another issue that’s been brought to my attention, that has to do with the FOIA training. The question is whether or not you guys can legally operate without current FOIA training. From what’s on record, most everybody got their FOIA training in 2020. It’s a two-year approval so you are out of training and the question is do you have a legal right to continue to operate until you’ve been FOIA certified. So that’s…

Chambers: Thank you, sir.

Lann: Theresa McManus, District 2 and that will be all.
Theresa McManus, District 2: Theresa McManus, District 2. I came here to actually congratulate you. I am going to congratulate you. Then I’m going to say do you know your Board members have for years since somebody talked about gossip, I’m going to talk about gossip. I was told Mr. Chambers that you owed millions to the County. Let me say something. Mr. Chambers is in good standing in this county because I checked. I don’t repeat any rumors that your Board members have told me. This is my time. You guys are all in a lot of trouble. Because you don’t know the law in this county. You don’t know your own law. Don’t look down Mr. Matthews. I expect you to listen to me. I’m leaving your county so aren’t you happy. I’ll be out of here in a few months but until I do I’m going to bring the wrath of God down on you. I’m going to make sure you follow the law to the letter of the law. I’ve asked you to read the Constitution. I know none of you probably have. Do you know what Article 1 Section 2 of the Virginia’s Constitution says? Nope, you don’t. We the people have the power. You’ve forgotten that. Everybody here, how many months, Mr. Gilliam, I’ve talked to you before about the goldmine. You flatly said, why don’t we do something. I’m so tired of hearing these people talk about this ordinance. Jordan Miles, what’s your problem? That young lady was excellent with what she said. You’ve lied to us all along. You don’t give a shit about this County.

Chambers: Watch your language, maam.

McManus: So all of you.

Chambers: Mrs. McManus?

McManus: I’m sorry I cussed. I apologize to the community and to the people here. But here’s the deal, you guys have got to understand, you represent us. You represent the people. You know what you don’t like, is all of a sudden the people now know what the law is. I will continue to educate the people about what the law is and how to represent themselves properly. It hasn’t been done in this county for what, 30 years so I’ve been told. You are in a little bit of a mess. You are all going into a closed session for lawyers. Why is that? Probably because you didn’t follow the law and now you’ve got your knickers in a twist gentleman. We didn’t do that. You did it because you didn’t follow the law. Oh my goodness. How about education? I’ve talked about it, education. I just found out by Mr. Ball, that you are not even in Code. You haven’t gotten training you are supposed to have. Dear Lord, what do you think the people in this county want? I’ve defended everyone in this county over and over again. I’m not defending you anymore. Yall need to get some training. It’s my phone, Jordan. Don’t be looking around. Yall need to have training and you need to know what the hell is going on and you need to listen to the people. It’s the people who put you up here and it’s the people who are going to take you out.

Chambers: Mrs. McManus, one thing I’m going to tell you is you’re a big liar. Mrs. McManus. What you said about me is a big liar, I want you to prove that. Another thing you is a racist. You is a racist. Hold it let me talk. Let me talk.

Miles: Point of order.
Chambers: What I’m saying about this is you are a racist, when a Supervisor up here made a motion for my granddaughter receive a plaque for Miss Five County Fair, you called him and cursed him out because he appointed a black person. Is that not racist? Your friends don’t know that. How you call a Supervisor and curse him for appointing my granddaughter for receiving a plaque.

McManus: Any child in this county that does something…

Chambers: Mrs. McManus, let me tell you something. Mrs. McManus, let me tell you something. I don’t care what you say about me but you leave my grandchildren out of it.

McManus: Bring up the race card again.

Chambers: You’s a racist.

McManus: I am. (inaudible, many people yelling out at once)

Someone in audience said “My mom is black.”

Miles: Mr. Chairman, Point of order.

Chambers: Look, I’m through with your mouth okay. I’m not scared of you. Mr. Kidd, she needs to get out of this meeting. She’s being disrespectful. She needs to get out of the meeting. We can’t conduct a meeting with her in it with her attitude. When you want to come back and act like a decent person, we will accept you back. I done gave her two warnings. She needs to leave the meeting, Sheriff. I’m going to recess until she leaves.

Re: Presentations

There were no presentations scheduled.

Re: VDOT Road Matters, Scott Frederick, Resident Engineer

Scott Frederick, VDOT: Good evening. Good to be here tonight. I don't want to create a competition but I do have in the four counties I serve I have 28 supervisors and I think if you counted number of work orders created by each supervisor, I think, Mr. Miles does the best job for his constituents of all 28 supervisors.

Miles: No, no, don't say that.

Frederick: Really, he brings a lot of issues to us. That's because he's out talking to his people. So I do think he does a great job for his constituents. No, it's not a competition, though, I do want to point that out. So we've been working up on cleaning the trees that were blown down recently. We got a few more of them left out there to get and we were pretty well aware of where they are. We finished mowing our full cut back and touching up our secondaries for the year. We're still
using our boom ax to cut back brush. We'll continue to do that throughout the winter. We're spotting gravel on our non-hard surface roads. We really can't do a whole lot of grading on them when they're as wet as they are right now. But we're trying to add gravel to them where they're soft. We're fixing potholes as they come up. As we move into spring, we'll be cleaning out our pipes and our ditches. We're gonna make a big, big push towards cleaning out ditches this spring. So you'll be seeing us do that. And then like I said, as we move into spring time, when the weather breaks, we'll pick our rural rustic program back up. So one thing that we do every spring is meet with you guys. We have a work session. So we need to think about a date that we want to do that. I know next month is already February, but at least be thinking about whether you'd like to do a work session before maybe the February meeting or if not, then we'd have to do it at the March meeting and public hearing. But I wanted to point that out to you guys.

Chambers: What’s the pleasure of the Board?

Frederick: And at this time, I'll turn it over to y'all for any issues, comments or concerns you'd like to bring to me.

Chambers: District 1?

Davis: I just want to thank Scott for coming and taking care of trees I call him about doing a windstorm.

Frederick: Thank you for letting us know about that one.

Chambers: District 2?

Gilliam: Mr. Frederick, y'all overall have done a good job. District 2 has a problem with Bell Road. 650, I was at Chuck Stop today and some of your pavers came down through there. I know that you pave it continues, I mean fixing the potholes continuously. But I would ask you to do a traffic count somewhere between 15 and the end of Bell Road at some point. I understand that fixing the potholes is one thing but I believe that total resurface in that road is 100%, I had one lady here tonight is calling me and said she needs to go to the dentist because her teeth are shaken out when she goes up. I wouldn't have put that on you till you gave Mr. Miles a trophy. So I'm gonna turn around and deal with her tonight. See that lady with that mask. She’s got boxing gloves on. If you would, would you please address that? Because I think it needs to be taken care of and maybe let's get a traffic count on that road. See what we need to do for her and paving a new road for her and constituents on 650.

Frederick: We'll take a look at.

Chambers: District 3?

Matthews: Yes, sir. Mr. Frederick, I had a lady give me an email today, shoot me an email, Diane O'Bryant. She said that the ditches had not been cut all year from box, her box number 6352 Andersonville Road. But she listed 6762 through 7392.
Frederick: The second address one more time.

Matthews: It was box numbers. 6762-7392. Andersonville Road.

Frederick: Okay, that'll be an easy one to catch.

Matthews: She told me that the entire road has not been cut and I don't know if that's...

Frederick: We were located out on that road and up until about six months ago.

Matthews: Maybe after you moved all your equipment you've got to cut

Frederick: We're gonna we will take a look at the ditches and if they need to be done and we'll get them cleaned out. Thank you.

Chambers: District 4?

Miles: Yes, Mr. Chairman, the stop sign across from the Buckingham Post Office near where the County Administrator lives and halfway near where I live is down. The Stop Ahead, I should say.

Frederick: Can you tell me that road one more time?

Miles: Oak Hill. Rt. 633. On St. Andrew's Church Road and on Ranson Road that is connected to St. Andrew's Church Road I've noticed a lot of the shoulder deterioration that's right at Chairman Chambers and my district. If you have to get off the road due to big truck, you're gonna tear something all to pieces, a part of your car and throw it out of alignment. And one other thing. Yeah. Oh, for Hall Road. The 60 end of Hall Road is really, really windy and a lot of people use it as a cut through road, I say a lot, some people use it as a cut through road, especially where the Davis’ live. I didn't know if y'all could look into windy roads sign just to let folks know and the road does get very narrow. It expands in time, but I just for the folks who live on that road.

Frederick: Yeah, I’ll submit that road. I'll submit that the traffic engineering they'll review all the curves see if they need to be signed.

Miles: It's on the 60 end.

Frederick: That’s 3 right there.

Chambers: District 5?

Bryant: Yeah. On 602 from Glenmore toward Rt. 60 or 56, that thing is as rough as a goat gut.
Miles: It is.

Bryant: Then on Glenmore Road, east of Glenmore, there is some limbs on the side of the road that’s pretty well into the traffic lane. Not in the traffic lane but pretty close. From this recent storm.

Frederick: Yes, sir.

Bryant: Thank you all for getting the one’s on Rt. 20 that I told you about. That was real good. It looked good. Thank you so much.

Frederick: Yes, sir. Thank you. Well, we'll take a look at 602 I believe that one's on the schedule to be resurfaced in the near future. Hopefully this coming season. We'll take a look and see if there's anything we do in the meantime.

Chambers: For District 6, what’s the number up there off 56, Mr. Jones?

Mr. Jones spoke from the audience but did not pick up on recording. He spoke about a blind spot on Union Hill and 56.

Frederick: Okay, yeah, I'll submit that location to traffic engineering as well. We'll get it reviewed. See if there's anything we can install to help.

Chambers: District 7?

Allen: Oh, thank you. Most time I don't bring things because I'm on the same road as VDOT. I just go by and tell them but I do have one thing I saw yesterday over on 617 about the end of the road, or the county road. It's a lot more trees on the edge of the road. If you run off a road, you will hit a tree.

Frederick: Okay, yeah, we'll have to work towards cutting that brush back.

Allen: I appreciate it.

Chambers: Anything else? Thank you sir.

Frederick: Thank you guys.

Re: Public Hearing: Case 22-SUP319 Ivan Davis/Rosney Creek Solar LLC

Edmondston: Yes, sir. Mr. Chairman. We have a public hearing for Case 22-SUP319. The landowner is Ivan P. Davis at 106 Whetstone Lane, Dillwyn and the applicant is Rosney Creek Solar LLC. Property information, Tax Map 151 Parcel 21. The parcel itself contains approximately 439 acres located at 19691 East James Anderson Highway. As this case came
before you last month, the applicant wishes to obtain a special use permit to allow for the construction and operation of a five megawatt utility scale solar facility on approximately 55 acres of the 439-acre parcel here in Buckingham. These conditions are the same that were presented to us last month. There are some updates in regard to the conceptual plan for design and the layout of the solar facility itself. I have distributed those. Mary Margaret hearts with Apex and with the applicant Rosney Creek Solar LLC is here this evening to address questions comments. We do have individuals signed up for the public hearing.

Below are conditions that have been offered by the Applicant and approved for recommendation by the Planning Commission. Please review and consider amendments and adjustments to ensure the protection of the integrity of the Zoning District:

1. **Inspections.** Rosney Creek Solar, LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the “Applicant”) consent to annual administrative inspections by Planning Department Staff for verification of compliance with the requirements for this SUP after the completion of the construction of the Project. During construction of the Project, the county and its assigns and designees shall have access to the site for inspections and to assure compliance with the conditions of the SUP.

2. **Compliance with Conditions.** The Applicant shall sign the list of the adopted conditions for this SUP signifying acceptance and intent to comply with these conditions.

3. **Compliance with Laws; Erosion and Sediment Control and Stormwater.** That all federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
   a. All active solar systems and solar equipment used in this Project shall meet the requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and comply with state building code and shall be inspected by a county building inspector through the building permit process.
   b. An Erosion and Sediment Control Plan must be submitted to the County and approved by the Soil and Water Conservation District prior to any land disturbance. Prior to Applicant’s submission of the Erosion and Sediment Control Plan, the Applicant will contact the County’s erosion and sediment control reviewer and use reasonable efforts to arrange a meeting on the Property with the Applicant’s engineer. The County may obtain an independent third party review of the Erosion and Sediment Control Plan at the expense of the Applicant.
   c. The erosion and sediment control plan shall be prepared in accordance with the Virginia Erosion and Sediment Control Handbook. As an additional precaution, the erosion and sediment control plan will be implemented as a sequential progression, demonstrating that not more than 25% of the Project Area be disturbed at any one time during construction without temporary seeding or other stabilization in accordance with the Virginia Erosion and Sediment Control Handbook. Nothing in this condition shall prevent continued construction activities after areas have been stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, and such stabilized areas will not be subject to the 25% limitation in sentence 2 of this condition; however continued construction activities, excluding maintenance of erosion and sediment control and stormwater management features or associated activities, shall not be re-initiated in a previous Phase until at least 50% vegetative cover (as determined by an independent inspector) has been established in that Phase or 60 days after a Phase has been temporarily stabilized, whichever is sooner.
During this period, the applicant shall take continued action implementing best management practices to promote successful establishment of vegetative cover in a Phase. The erosion and sediment control plan will provide the means and measures in accordance with the Virginia Erosion and Sediment Control Handbook to achieve stabilization of the disturbed areas and to comply with this condition.

d. During the construction of the Project, the Applicant shall require the following:
   i. All Erosion and Sediment control facilities will be inspected by a qualified third party inspector: (i) at least every four calendar days; or (ii) as least once every five calendar days and within 24 hours following any runoff producing storm event. Any discrepancies should be noted and corrective action should be taken to ensure facilities are operating properly. Corrective measures include regularly cleaning out sediment basins and traps, stabilizing eroded banks or spillway structures, cleaning inlets and outlets and repairing damaged silt fence shall be prioritized. 
   ii. Runoff at stormwater outfalls will also be observed just as often for characteristic land disturbance permit (clarity, solids, etc.)
   iii. A record of the amount of rainfall at the Project during land disturbing activities.
   iv. A record of major land disturbing activities, including dates when clearing, grading and excavating occurred in each Phase. Dates when construction activities are either temporarily or permanently ceased in the Phase should be recorded along with stabilization areas.

e. The County may inspect the Project during construction as determined by the County and shall retain all enforcement rights under applicable law.

f. A Stormwater Management Plan must be submitted to the Virginia Department of Environmental Quality (VDEQ) and approved by VDEQ prior to any land disturbance. The Applicant will obtain approval of a Stormwater Pollution Prevention Plan (“SWPPP”). The Applicant and its contractor will have operational day-to-day control of the Project and must implement the SWPPP measures. The Applicant and its contractors will ensure that the applicable subcontractors are trained on appropriate best management practices and requirements in the SWPPP.

g. The Project shall fully comply with all applicable provisions of the Buckingham County Zoning Ordinance, to the extent not modified herein, throughout the life of this SUP.

4. **Expiration.** The building permit application must be submitted within 2 years of obtaining the Special Use Permit and the commercial generation of solar electricity shall begin within 24 months of the approval of the building permit or this SUP shall be null and void. The building permit deadline will be extended for 12 months (3 years total), and the construction time period extended by 12 months (30 months total) by administrative approval of the County Administrator after consultation with the Board of Supervisors due to delays in state permits, interconnection approval, or other good cause demonstrated by the Applicant. Any timeframe under which the Commonwealth is under an Executive Order of the Governor declaring a statewide emergency will toll the timeframe specified in this condition.

5. **Definitions.** All racking, solar modules, inverters, breakers, switches, cabling, communications components, and other ancillary components necessary to convert solar energy to electricity and interconnect to the electrical transmission are considered “Solar Equipment” and subject to the requirements for such, together with setback requirements of that district and other requirements, unless otherwise stated in these conditions. Solar Equipment shall not include access roads and transmission lines and poles. “Project Area” shall include all areas within the Property line boundary that include, but not limited to the following: Solar Equipment, ingress/egress, access roads, fencing, parking, laydown areas, setbacks, buffers, storage area, wetlands, erosion and sediment control features, storm water management features, and other ancillary components. Battery storage and other energy storage methods are not approved as part of this SUP and will require separate special use permitting. The Project will not exceed 5MWac in capacity.
6. **Binding Obligation.** This SUP shall be binding on the Applicant or any successors, assignees, current of future lessee, sub-lessee, or owner of the solar energy facility.

7. **General Plan.** The construction of the Project shall be in substantial conformance with these conditions and in general conformance with the Special Use Preliminary Site Plan prepared by Apex Clean Energy dated August 31, 2022 (the “General Plan”). Modifications to the General Plan shall be permitted at the time of building permit based on state and federal approvals and final engineering and design requirements that comply with these conditions. The Solar Equipment and accompanying stormwater features shall be limited to no more than 55 acres of the 439.6 acre Property (county parcel 151-21), as depicted on the General Plan.

8. **Construction Hours.** All site activity required for the construction and operation of the solar energy facility shall be limited to the following:

   a. All pile driving activity shall be limited to the hours from the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Saturday. Applicant may request permission from the Zoning Administrator to conduct piling driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the Zoning Administrator; and

   b. All other construction activity within the Project Area shall be limited to the hours from the earlier of sunrise or 8 a.m. to the later of 6 p.m. or sunset, Monday through Sunday in accordance with the provisions of the County's Noise Ordinance and shall not be unreasonably loud for a sustained duration of time as monitored at the property line of the Project Area.

9. **Sound.** After completion of construction, the solar energy facility, during normal operation, but excluding maintenance, shall not produce noise that exceeds 50 dbA as measured at the property lines of the project boundary, unless the owner of the adjoining affected property has given written agreement to a higher level.

10. **Setback from Existing Residential Dwellings.** A minimum five hundred (500) foot setback shall be maintained from Solar Equipment to any adjoining or adjacent residential dwellings that exist at the time of the approval by the Board of Supervisors. This requirement may be reduced or waived for the life of the solar energy facility, if agreed to, in writing, by the owner of the residence. Transmission lines and poles, security fence, and project roads may be located within the setbacks only where necessary. During construction, the setback may be used for the staging of materials and parking if the buffer is not disturbed. The Applicant shall retain and maintain existing vegetation and timber in the setback that are under the control of the Applicant and located on the Property.

11. **Setback to Property Lines and Rights of Way.**

   a. **Property Line.** A minimum of a fifty (50) foot setback from Solar Equipment to the property line shall be provided around the perimeter of the Solar Equipment where it is adjacent to property not owned by the same property owner as covered in the SUP at the time of the approval by the Board of Supervisors.

   b. **Right of Way.** The Applicant shall provide a minimum of a seventy-five (75) foot setback from Solar Equipment to any adjoining public right of way.

   c. Transmission lines and poles, security fence, and project roads may be located within the setbacks only where necessary.
12. **Setback to Perennial Streams and Connected Wetlands.** As an additional erosion and sediment control and stormwater management precaution, a minimum fifty (50) foot setback shall be maintained from Solar Equipment to the edge of all perennial streams and connected wetlands located within the Project Area. Transmission lines and poles, project roads, erosion and sediment control and stormwater management features may be located within the setbacks where necessary.

13. **Buffer.**
   a. Within the setback, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure from view the Solar Equipment and security fence from the property line. Along the property line if there is no vegetation or timber to retain the Applicant will supplement the buffer with new plantings in the fifty (50) foot buffer.
   b. Along existing public right-of-way (ROW) where there is existing timber, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure from view the Solar Equipment and security fence from the public right-of-way. Along existing public rights-of-way where there is not at least 50’ of vegetation and timber remaining to substantially obscure from view the Solar Equipment and security fence, the Applicant will create a buffer of at least fifty (50) feet. The new buffer will include timber, evergreens, cedars or other vegetation as determine by the Applicant with the advice of a professional arborist and subject to the prior written approval of the Zoning Administrator prior to the issuance of a building permit. All plantings installed in the buffer shall have an anticipated five-year height of six (6) to eight (8) feet after planting and an anticipated mature height of at least twenty (20) feet. Any new plantings shall be planted during the appropriate time of year after the completion of construction of the Project. The buffer may be included in the setback area.
   c. The Applicant will maintain all buffer areas with the advice and support of a professional arborist or forester for the duration of the Project’s operational life. Such maintenance may include thinning, trimming, seeding, or other modifications to the buffer to ensure the health of the vegetated buffer areas, public safety, and the energy efficiency of the Project. In the event the health of the vegetation with the buffer area is compromised and no longer substantially obscures the visibility of the Solar Equipment and security fence, the Applicant will plant a new buffer, or supplement the remaining buffer, including timber, evergreens, cedars, or other vegetation as determined by the Applicant with the advice of a professional arborist or forester.
   d. A performance bond reflecting the estimated costs of anticipated landscaping maintenance, as determined by the Applicant with the advice of a professional arborist or forester, shall be posted by the Applicant prior to construction. This ensures buffer landscaping is adequately maintained for the life of the Project.

14. **Fencing.** The Applicant shall install a security fence around the Solar Equipment that is a minimum six (6) feet in height. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be always maintained while the facility is in operation.

15. **Lighting.** Construction lighting shall be minimized and shall be directed downward. Post-construction lighting shall be limited to security lighting only and shall be full cut-off lighting pointed in a down direction.

16. **Interconnection.** The Project shall not receive a building permit until evidence has been given to Buckingham County that the electric utility company has a signed an interim interconnection service agreement or interconnection service agreement with the permittee.
17. **Payments.** The Applicant proposes to offer payments in the amount of $1,400/MWac over the operational life of the project. There are two avenues by which this may be accomplished at the County's sole discretion:

a. The County may amend its current Revenue Share Ordinance by removing the exemption of solar projects that are 5MW or less to comply with Va. Code § 58.1-2606.1. Local taxation for solar photovoltaic projects five megawatts or less; or

b. The Applicant will make substantial cash payments in accordance with Va. Code 15.2-2288.8 and Exhibit D below, less any Machinery and Tools (“M&T”) tax assessed. During any year after the solar facility commences commercial operations, should the M&T Tax levied against the project amount to a sum less than the substantial cash payment amounts set forth for that year in the Maximum Annual Payment column of Exhibit D, then the Owner shall pay to the County the difference between the Annual Payment in Exhibit D and the amount paid for M&T Tax. In the event the M&T Tax is greater than the Annual Payment, then no Annual Payment shall be owed. Exhibit D attached hereto is incorporated into this condition. In the event that the actual installed MWac capacity of the Project as of the Commercial Operation Date varies from that amount indicated in Exhibit D, then Exhibit D shall be amended and the Annual Payments therein shall be adjusted pro rata.

c. Any payments in excess of the Machinery and Tools Tax are substantial cash payments (2022 Va. Code § 15.2-2288.8. **Special exceptions for solar photovoltaic projects**) made by the Owner to the County and are intended for substantial public improvements, the need for which is not generated solely by the granting of this permit, so long as such conditions are reasonably related to the solar facility that is the subject of this permit. The Owner and the County acknowledge and agree that the county may identify in future budget years qualifying substantial public improvements that will be funded by any annual substantial cash payments in the sole discretion of the County.

18. **Decommissioning.** If the solar energy facility is inactive completely for a continuous twelve (12) month period it shall be considered abandoned. The Applicant shall provide notice to County Administrator immediately upon the Project becoming abandoned, inactive and/or shutting down operation. The Applicant or its successor and/or assign (“Project Owner”) shall decommission the Project within twelve (12) months of abandonment. The decommissioning shall be in accordance with a Decommissioning Agreement between the Applicant, Project Owner and the County. If the Project (or relevant part) is not removed within the specified time, the County may cause the removal of the Project with costs being borne by the Project Owner as will be provided for in the approved Decommissioning Agreement. The costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a bond, letter of credit, cash, or a parent guarantee by an investment grade entity. The Applicant’s cost estimate of the decommissioning shall not include the salvage value of the Solar Equipment. If the solar energy facility is sold to any entity that is not a public service corporation, the SUP shall not transfer to the purchaser until such time as the adequate surety is provided. If a surety is required, the cost estimates of the decommissioning shall be updated by the Applicant every five (5) years and be provided to the County. At its option, the County may require the surety amount be increased based on the net cost of decommissioning which includes the estimated salvage value of the equipment. The Decommissioning Agreement shall be agreed upon and the surety shall be provided before the issuance of the building permit.

19. **Decommissioning Timeframe.** The Project shall be decommissioned within twelve (12) months. The decommissioning shall require (i) the removal of any Project facilities installed or constructed thereupon, (ii) the filling in and compacting of all trenches or other borings or excavations made in association with
the Project and (iii) the removal of all debris caused by the Project from the surface and 36” below the surface of the Property.

20. **Training of Emergency Services.** The Applicant shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the solar energy facility regarding how to safely respond to on-site emergencies. Prior to construction, the Applicant shall ensure that emergency services staff has keys and other access to the Property and the Applicant shall provide the County and emergency services with safety data sheets (SDSs) on the Solar Equipment for the life of the project.

21. **Access Roads and Signage.** Access roads are to be marked by the Applicant with identifying signage. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner. The signage must identify the owner and provide a 24-hour emergency contact phone number. Each access gate must also have the signage that identifies the owner and provides a 24-hour emergency contact phone number.

22. **Construction Management.** The following measures will be taken:

   a. A Construction Traffic Management Plan and mitigation measures shall be developed by the Applicant and submitted to the Virginia Department of Transportation (VDOT) and Buckingham County for review. The Plan shall address traffic control measures, an industry standard pre- and post-construction road evaluation, and any necessary localized repairs (i.e., potholes, washboarding of gravel, shoulder rutting, culvert crushing, etc.) to the public road that are required as a result of damage from the Project.

   b. During construction, each project entrance will have a dedicated wash station to mitigate natural debris from unintentionally leaving the Project Area. The Applicant will take all reasonable precautions to minimize impact and damage to public roads including regular maintenance, washing and sweeping. If a traffic issue arises during the construction of the Project, the Applicant shall immediately develop with input from the County and VDOT and implement appropriate measures to mitigate the issue.

23. **Parking.** Parking of vehicles or staging of equipment or materials related construction or decommissioning of the Project shall be limited to the Project Area.

24. **Glare.** All panels will use anti reflective coatings. Exterior surfaces of the collectors and related equipment shall have a non-reflective finish and solar panels shall be designed and installed to limit glare to a degree that no after image would occur, towards vehicular traffic and any adjacent building.

25. **Height.** No aspect of the Solar Equipment shall exceed 17 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to electrical distribution facilities, substations, or transmission lines.

26. **No County Obligations.** Nothing in this SUP shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
27. **Severability of Conditions.** If any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.

28. **Enforcement.** That any infraction of the above-mentioned conditions could lead to a stop order and discontinuation or revocation of the special use permit in accordance with Virginia law.

29. **Solar Panel Technology.** The Applicant will be restricted from utilizing photovoltaic panels with internal components containing cadmium telluride. Only silicon type panels, or those other panels that have been established as optimal standard best practice shall be utilized by the Applicant.

30. **Ground Cover; Pollinators.** Prior to the start of construction, the Applicant will perform no less than 10 soil tests in areas across the Project Area to achieve an appropriate sample size of Project Area. The soil tests will be used to inform and develop a comprehensive and detailed vegetative management plan with the intended effect to revegetate the Project Area with ground cover. The vegetative management plan may include the optimal seed types, fertilizer rates, and liming rates (if necessary) to be used for temporary and permanent stabilization. Once operational, the Applicant will maintain ground cover in good condition throughout the operation of the Project. Where grubbing is not required for the construction or operation of the solar farm, or for the installation of erosion control and stormwater management features, existing stumps shall remain in place. Applicant will consider implementation of Pollinator Habitats where appropriate and in accordance with applicable laws and regulations.
**Chambers:** Any of the Board members have questions before we open the public hearing? At this time the public hearing is no open.

**Lann:** We have three Stephanie Marshall, District 5 and Ruth Aldridge will be next.

**Stephanie Marshall, District 5:** Good evening. My name is Stephanie Marshall and I own a cattle farm on 3323 Axtel Road in Buckingham County. I'm opposed to the construction of yet another solar facility in Buckingham County. And respectfully ask that the Board of Supervisors consider the long term impacts of these facilities on our county instead of just the short term gains the developers are promising. Solar facilities have a lifespan of 30 years on average. Does the financial gain of these colossal, temporary and potentially dangerous structures outweigh the health of the people of Buckingham County, the quality of its water and the beauty of its landscape. My concern is our readiness for the possibility of a fire. Our fire protection is made up of four volunteer departments with all support staff being volunteers. What happens when the solar facilities catch fire? You have volunteers responding to a hazmat fire who are not trained or equipped with limited water reserve. The burning panels create highly toxic and carcinogenic smoke and continue to produce hundreds of volts of electricity even when disconnected.
Included with this is the contaminants and heavy metals that leach into the soil and flow into our water system, which eventually leads to the mighty James. How often do solar facilities catch fire, you might ask? Dominion Energy's own Sadler Solar in Greensville County, which is located outside of Emporia, Virginia had fires March 3, and March 29 of 2022. According to reports by the independent messenger, the causes were a fail connector and a solar array and an inverter which is very common. County Emergency Services were required to contain both fires both times. In July of 2022 a solar facility that is under construction in Pittsylvania County outside of Gretna caught fire. I have copies of both articles for your review which I brought with me and I have only listed the most recent fires in the incidents and neighboring counties. These are not the first fires and will not be the last fires caused by an industrial solar plant. The solar facilities are an enormous risk and liability and will endanger the safety and wellbeing of the citizens of the county. What training and special equipment will be provided to our volunteer departments? And what steps will Buckingham County put into place to ready ourselves for the inevitable? Thank you.

Chambers: Thank you man. Next.

Lann: Ruth Aldridge, District 6, and David Ball will be next.

Ruth Aldridge, District 6: Good evening, Happy New Year 2023. As a concerned citizen, I spoke in 2022 two times and I'm here to speak for the third time about my concerns for water specific quality pre and post installation of additional solar farms at Buckingham, Virginia, the Heart of Virginia. For those that were not at those meetings, I have to buy bottled corporate water due to my health concerns and or issues because of my own well water conditions. It is not in a condition to drink without a filter prior to drinking per study that I participated in. Again, waterways are a major concern that needs to be addressed and researched for potential contamination for not only the landscape of the natural environment, but the animals and especially the humans that live and breathe here. When these citizens are potentially affected by the health related issues that can occur, what will Buckingham and you do about this? What is the plan? And is there a plan in place for the public that they can refer to quickly of what the plan will be? Will the companies that are contracted for the solar farms be responsible for potential health related diseases to citizens? Will Buckingham County be the Heart of Virginia become the shining headline example of potential Flint, Michigan toxic water wasteland disasters along with the gold mining concerns that have been brought by concerned citizens? Will the potential water issues be evolving? Please pause on planning on additional solar facilities and or gold mining until more research is completed locally and beyond Buckingham, Virginia, all across the United States. Financial gains should never be for a county over health concerns of the citizens. Thank you.

Chambers: Thank you.

Lann: David Ball, District 3. And that will be all.

David Ball, District 3: Good evening, David Ball, District 3. First off, I want to talk about the fact that you don't have a solar policy. And I know you keep rolling that down the road, and
never getting a solar policy while you keep approving all these solar projects. And part of that has to do with the fact that if you take like this application, you're gonna take pretty much his farm and count that towards the solar, not just the area that's impacted by the solar. And then you disqualify all the other people who might want to have solar or limited solar setup on their properties, because you're talking about a cap on how much solar. So that's a concern. And there are various different methodologies for implementation of solar throughout the country. You know, if you did total research, and I've seen this since the 1970s. So I'm somewhat familiar with it, but I'm not an expert. The other issue I've brought up is the fact that you have the impoundment which is a state or county water impoundment, the dam that sits right next to the solar. Now I've raised concerns about the fact that if we have 100 year storm or a 500 year storm, will the solar impoundment area be satisfactory, and containing the excess runoff that comes from that storm event that could adversely impact that water impoundment. Now, when I was a soil and water director, and we dealt with the state issues, one of the things that got put through the state because of issues that occurred back in 20, prior to 2010, over heavy storms that impacted properties with these type of impoundments. What you're looking at is the fact that any excess overflow of water because of these heavy, rare but more frequent type events, could adversely cause a failure to that impoundment. And part of that was each of these impoundments were updated to a higher classification and the burden once they Were all approved through the process falls to the property owner and to the developer. Thank you.

Chambers: Thank you, sir. At this time, we will close the public hearing. Any Supervisor have a question?

Gilliam: I actually have a couple questions. Who would I address my questions?

Edmondston: Mary Margaret is here between

Gilliam: Happy New Year to you. First question I want to ask you is this Mary Margaret, this is a little different than most solar power farms. Isn't this helping reproduce…could you explain how this is helping some go back into the county?

Mary Margaret Hertz: Yeah, sure. Gladly. This is, we are our goal for this project is for it to be a community solar project, meaning the energy would stay local and local Dominion Energy customers would be able to participate in it and benefit from the energy offsets from the energy that's produced. So all of this electricity instead of being shipped elsewhere, via large transmission lines, it does stay local on the distribution lines.

Gilliam: You're saying some of the power is going to come back into the residents of Buckingham County, correct?

Mary Margaret Hertz: It will, it will and it's just for complete clarity, you won't see it on your electricity bill, unless you participate in the program.

Gilliam: Did you not say, in the meet and greet when I was there, did you not say that if you signed up for this, that you could get possibly 10% off your electric bill?
Mary Margaret Hertz: That's correct.

Gilliam: Okay, thank you. That's all the questions I have,

Miles: Mr. Chairman.

Chambers: Yes, sir.

Miles: So like everyone else here have read the application and the conditions and I want to commend you all on these conditions. These are the Riverstone conditions that we approved earlier in January. And that's a big project. And it's the same as being applied here, which is very stringent. In fact, one or two instances, the setback is much greater than the previous project. So I just want to commend you all on doing your due diligence was part of that for that 55 acre tract there.

Mary Margaret Hertz: Thank you. It's important to us that we comply with those conditions, because they're very carefully deliberated. And we understand what's at stake. So we'd really like to follow that they're a good example.

Miles: And just a follow up question, Mr. Chairman, how many runoff basins?

Mary Margaret Hertz: We've got three preliminary drawn out. So those will be finalized once we get engineers with boots on the ground for construction plans.

Miles: Thank you, Mr. Chairman.

Gilliam: I actually have one more question. And I think this goes to Karl or Nicci, maybe you could explain to me if you don't mind. So we had a cap on the solar power before I got on the board, I think it was a cap, Mr. Allen made the motion of how many acres? 2400 or something like it?

Allen: 4500.

Gilliam: 4500. Am I right for the people who are against solar power, that this small 55 acre facility actually eats up 455 or 439 that can be used? So basically, it's eating up 400 and some acres of the allotted solar power farm that we had an ordinance on, or made a limit on 4500 acres. So we only sacrificing 55 acres and actually taking up 400 and some acres, is that right?

Matthews: They've applied for the 439 acres.

Gilliam: Right, but they are only using 55. Correct? And the 439 that you're using eats into this 4500 that was approved before I got on the board. So for anyone who's against the solar power, you've got basically 400 acres, it's eat up that this project is not using. Correct?
Matthews: But they can come back and apply for another special use permit.

Gilliam: They would have to come back and do that. It eats into that correct. Right?

Allen: But of the 55 acres they are still not going to use but 20 acres is what they say in one of these papers. 20 acres is all they need to put in what they are talking about, this 5 Megawatt. The paperwork says 55. But our paperwork still says 439 acres.

Miles: Mr. Chairman?

Chambers: Yes, sir.

Miles: So I guess I would ask staff for clarification on this. We're adding 55 acres to the to the cap or adding 439 acres?


Miles: Okay, just so we're all clear. Okay.

Gilliam: So that would eat into, the 439 would eat into the 4500. And at this point right now, almost all Mr. Davis is asking for it 55 acres or Rosney Creek.

Allen: That's all they are counting on using.

Gilliam: Okay. All right. That's all the questions I have. Thank you.

Matthews: I have a question, Mr. Chairman.

Chambers: Yes, sir.

Matthews: Yes, ma'am. I asked you a question last time, what was the projected profitability of the solar of this 55 acres that you that he's putting in? What is the projection of that?

Mary Margaret Hertz: I do not have one for you. I can say that we do expect to make a profit, I couldn't tell you how much. There's too many variables at stake for me, or really anyone in our company to put a definitive number on it at this time. But we've got a lot at risk. That's part of doing business, you know, we've got to make a risk to make money potentially. And we wouldn't be here, if we didn't think that we had a shot at it.

Matthews: They've got to put a pencil to it at some point in time. They are not going to just fly by the seat of the pants, are they?

Mary Margaret Hertz: Oh, well. You'd be surprised. No, I'm just I'm Yeah, it's there's a lot up in the air that we're you know, it's not just as we're continuing on, we're very, very dependent on legislation, which is constantly moving, especially for renewable energy policy. In fact, you
know, if we don't get to participate in this Virginia shared solar program, because the capacity fills up, we won't be able to build the project. We know for sure that I wouldn't pencil at that point for us. So that's just one example.

Matthews: What about the retention ponds? You have three projected retention ponds, by your engineers. Is that right?

Mary Margaret Hertz: Yes. Preliminary.

Matthews: And you know, the conditions on the Riverstone project we had over 100. So this is on 55 acres, versus 2000 acres. So I'm just thinking, just looking at the, at the topographical stuff, that those corners that are close to the creeks and that watershed, I don't think it's going to suffice with three retention ponds on this piece of property.

Mary Margaret Hertz: Did you see that we had expanded our wetland setbacks to 100 feet, it was originally 50.

Matthews: I saw that, but also, I was going back to conditions that we put on Riverstone, you had been talking about the vegetation and timber remaining to substantially obscure the view of the solar equipment and security fence is on the applicant to plan. Is that correct?

Mary Margaret Hertz: Yes.

Matthews: So that's you. We developed a species of pine trees and other vegetation on the River Stone project. And I'm not gonna say that's going to be conducive for this project. But I think there should be something and we're going to spell that out later on in the conditions once we come to an agreement so that we make sure that the adjoining landowners are going to be protected from the view, obscured view of these solar panels.

Mary Margaret Hertz: It'd be a pretty substantial vegetative buffer there existing. So we would still plant it, of course, per your recommendations.

Matthews: And you know that it's going to be about four sets of eyes on this engineered plan, as far as storm water is concerned, so, you know, your engineer, better hope he's crossing the T's and dotting his I's, because there's gonna be a lot of people looking at this. Okay. Thank you.

Miles: Mr. Chairman.

Chambers: Yes, sir.

Miles: In the end, the introductory on the project interview it does point to what Supervisor Matthews was saying it states that the project represents an initial capital investment of over 7 million and will create 25 full time equivalent jobs over construction of the project.

Chambers: Any more questions? What's the Board's pleasure?
Gilliam: I make a motion we go ahead and approve this project.

Miles: I'll second it, Mr. Chairman.

Chambers: I closed the public hearing. I've already closed the public hearing. It was motion by Supervisor Gilliam and seconded by Supervisor Miles that we approve this project. All in favor? 7 Yes. Okay. Thank you.

Supervisor Gilliam moved, Supervisor Miles seconded and was unanimously carried by the Board to approve Case 22-SUP319 Ivan Davis/Rosney Creek Solar LLC’s Special Use Permit for Solar for on Tax map 150 Parcel 21.

Re: Public Hearing: Case 22-SUP320 Chris Hucks

Edmondston: The next case for you is 22-SUP320. Landowner, Terry Huskey. Applicant, Chris Hucks. The property information is located at 799 Troublesome Creek Road Buckingham in the Maysville District. It is Tax Map 123 Parcel 48 containing approximately 13 acres. Mr. Hucks came before you last month asking for this public hearing to obtain a special use permit to operate a professional service offices non retail medical office at this particular home on 799 Troublesome Creek Road. The conditions that were presented last month are the conditions that stand this month. There were no requested amendments or changes and Mr. Huck's is present this evening to discuss this case, and there are there's only there's one person signed up for public hearing.

Below are conditions that you may consider attaching to the request, if approved. Please review and consider amendments and adjustments to ensure the protection of the integrity of the Zoning District:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
2. Right of ways and roadway shoulders shall not be used for parking.
3. The property shall be kept neat and orderly.
4. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.
5. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.
6. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
7. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

8. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.

9. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.

10. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

Chambers: Okay. We opened the public hearing

Lann: Charles Smith, District 4.

Charles Smith, District 4: I'm Charles Smith, Maysville. I'm an adjacent landowner. I do have concerns about impact of traffic on the project. And I do ask that the permit be amended to include signage, both north and south of the property on Troublesome Creek Road to ensure people don't miss the turn and wind up turning onto our land. Thank you.

Chambers: Thank you, sir. Did you hear that Mrs. Edmondston?

Edmondston: Yes, sir, I did. Of course that discussion will be with the applicant. If he agrees to that he would need to most likely have a consultation with VDOT because they would be the ones controlling whether or not signage would be permitted per their guidelines, but I'm sure they will be agreeable to maximizing safety.

Chambers: Okay, thank you. The applicant here tonight?

Edmondston: Yes, sir.

Chambers: Any Board member have a...

Miles: I have a question, Mr. Chairman.

Chambers: Would you come forward, sir? Thank you.

Miles: Mr. Chairman, question for the applicant. First, Mr. Hucks, I'd like to thank you for bringing your talent and your expertise and investment to the county. We need more health care professionals in the county, as we all know, so thank you, um, I had communicated with you, I guess, maybe Friday, some questions from one of the landowners. And could you just address those briefly? I know, we talked about signs and you're open to signs, right.
Hucks: Yes, my recollection of the email was in regard to signage, which, of course, was authorized by VDOT, but I don't have any reservations about that.

Miles: Okay, so you don't have any issue with that at all? Okay.

Hucks: There was a question about the amount of space or parking. I would only hope that I would have to figure out how to handle more parking space than is what is on the address there. And the question in regard to medical transport service. As I spoke, I'm not, I don't recall, or am able to, if you're able to ask me directly in regard to what that entails, I'm happy to try to answer it. But I'm not running a EMS service or there's not going to be a high volume of ambulance in and out of the facility.

Miles: Well, if anybody hits me while I'm jogging intentionally or unintentionally, I know where to be.

Hucks: VDOT has graciously cleared the ditches of the trees so I think you'll be alright.

Chambers: Any more questions for the applicant?

Gilliam: Actually, Chris, I want to tell you, you work with me and my kids, my family. I want to welcome you to Buckingham we absolutely need more people like you. And again last week he took care of me when I had a bad cough and fortunately that's over with and speaking from District 2, welcome and we hope you have a great success.

Hucks: Well, I certainly appreciate that.

Davis: While we got, Mr. Chairman, can I ask while we got Mr. Frederick here from VDOT, would it be any issues putting signage for the business on that road?

Frederick: (did not pick up on recording speaking from audience)

Hucks: Mr. Edwards, you know with a VDOT has assessed the entrance and has signed off on that. I think it's only, you know, important to have signage to be able to direct him to the office. I don't have any reservations about doing.

Chambers: Okay, thank you.

Davis: Does his application include signage?

Chambers: Can we do that now, Nicci?

Davis: Is it in there?

Chambers: So we can do it.
Miles: So Mr. Chairman, what we would be doing is requiring signs on either side of your entrance per county standards. For safety, obviously.

Chambers: Okay. That's what you're saying. Right? You said you had you're willing to put the signs up, right.

Hucks: Yeah.

Chambers: Okay. No problem. I wanted to make sure. Okay. I closed the public hearing and what is your pleasure Board?

Miles: So, Mr. Chairman, I would move that we approve the Case 22-SUP320 with the amended condition regarding the signage, sir.

Chambers: Do we have a second? Motion by Supervisor Miles and second by Supervisor Bryant, we approve this with the condition with the signage. Okay. All in favor. 7 yes. Thank you, sir.

Hucks: Thank you.

*Supervisor Miles moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve 22-SUP320 Chris Hucks for medical offices with the amendment to the conditions to add signage on both sides of entrance.*

Re: Introduction Case 22-SUP322 Lawrence and Barbara Hollister for Airbnb

Edmondston: Yes, sir. Mr. Chairman, the next case before us is an introduction for 22-SUP322. The landowners and applicants are Lawrence and Barbara Hollister at 4800 Moseley Road in Moseley, Virginia. Their property here in Buckingham is identified as 2870 Rock Mill Road Dillwyn, Virginia in the Curdsville District, Tax Map 161 Parcel 20. It's approximately 472.5 acres. It is an A-1 zoning district. The applicant wishes to obtain a special use permit for the purpose of operating an Airbnb Bed and Breakfast. The applicant is asking the Board of Supervisors to schedule a public hearing for this request. There are 11 conditions very similar to the prior Airbnb’s Bed and Breakfast that had been permitted in the last year. This does not have an event center or campgrounds associated just the Airbnb short term rental Bed and Breakfast. This case was introduced to the Planning Commission November 28, 2022 and a public hearing held on December 27. The Planning Commission voted unanimously to recommend approval of this case to the Board of Supervisors. Would it be the pleasure of the Board to hold a public hearing February 13, 2023 6pm?

Below are conditions that you may consider attaching to the request if approved:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
2. The facility shall meet all safety requirements of all applicable building codes.

3. Right of ways and roadway shoulders shall not be used for parking. Ample parking for occupants shall be supplied on premises.

4. The property shall be kept neat and orderly.

5. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.

6. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.

7. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.

8. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.

9. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable

10. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.

11. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

Chambers: What is the pleasure of the Board?

Miles: I move that Mr. Chairman that we hold February public hearing at 6pm during our regular board meeting,

Davis: I’ll second it.

Chambers: Motion by Supervisor Miles, second by Supervisor Davis that we hold a public hearing in February at our February meeting. All right. All in favor. 7 Yes. Okay.

_Supervisor Miles moved, Vice Chairman Davis seconded and was unanimously carried by the Board to schedule a public hearing for February 13, 2023 to hear public comment on Case 22-SUP322 for Lawrence and Barbara Hollister to operate an Airbnb._
Re: Introduction Case 22-SUP323 Buckingham County Firefighters Association

Edmondston: Yes, sir. The last case before you this evening is an introduction of Case 22-SUP323. The landowners and applicants are Buckingham County Firefighters Association. Their Tax Map is 125 Parcel 11. That is 28 acres and it's located at or near the vicinity of 300 South Constitution Route in Dillwyn. It is in the Maysville Magisterial District. Zoning District is A-1 with a watershed overlay. The applicant wishes to obtain a special use permit for the purpose of operating an event center for activities including but not limited to fundraising and a training venue with up to 4500 attendees. There are conditions attached to this application that are the same that has been attached to the other event centers with the exception of the number of attendees. The applicant originally requested attendees up to 6000 but prior to the public hearing with the Planning Commission, they actually amended that to 4500. This case was initially introduced to the Planning Commission on November 28, 2022 and a public hearing on December 27th. The Planning Commission voted unanimously to recommend approval of this case to the Board of Supervisors. Would it be the pleasure of the Board to hold a public hearing February 13, 2023 at 6 pm. If there are questions, the applicant is present as well.

Chambers: What is the pleasure of the Board?

Allen: So moved.

Chambers: Motion by Supervisor Allen, second by Supervisor Matthews to hold a public hearing in February concerning this. Are you ready to vote? Seven yes. Okay. That's all you got, Mrs. Edmondston?

Edmondston: That's all I have this evening for you, Mr. Chairman.

Chambers: Thank you.

*Supervisor Allen moved, Supervisor Matthews seconded and was unanimously carried by the Board to schedule a public hearing for February 13, 2023 at 6 p.m. to hear public comment regarding Case 22-SUP323 for Buckingham Firefighters Association to have an event center.*

Re: Consider appointment of two Board members to the Water and Wastewater Utilities Committee and county staff as outlined in the By-Laws and Rules of Procedures

Chambers: Let's move on to Q.1, Consider the appointment of two Board members to the Water and Wastewater Utilities Committee. Who serve on that now?

Carter: Mr. Chairman, currently, Jordan sits on that and Cameron sits on that.

Chambers: Do y'all want to continue to serve?

Gilliam: I'd be glad to.
Miles: Yes, sir, Mr. Chairman. I would move that we appoint Supervisor Miles and Supervisor Gilliam to the Water and Wastewater Utilities Committee seeing that those infrastructures are in our district.

Allen: Second.

Chambers: Motion by Supervisor Miles and second by Supervisor Allen that we appoint Supervisors Miles and Gilliam to this committee. All in favor? 7 yes.

 Supervisor Miles moved, Supervisor Allen seconded and was unanimously carried by the Board to reappoint Supervisor Miles and Supervisor Gilliam to the Water and Wastewater Utilities Committee for 2023 Calendar Year.

Re: Consider appointment of two Board members to the Solid Waste Committee and county staff as outlined in the By-Laws and Rules of Procedures

Chambers: Appoint two Board members to the Solid Waste Committee. Who serves on that?

Carter: Supervisor Gilliam and Bryant.

Chambers: Okay. Do yall want to continue to serve, Supervisors?

Miles: I’m fine with it.

Gilliam: Yes sir, I’d be willing to serve.

Miles: Mr. Chairman, I move that we continue with Supervisors Bryant and Gilliam on the Solid Waste Committee.

Chambers: Motion by Supervisor Miles and second by Supervisor Matthews that we continue with the Solid Waste Committee with Supervisors Bryant and Gilliam. All in favor? Seven yes.

 Supervisor Miles moved, Supervisor Matthews seconded and was unanimously carried by the Board to reappoint Supervisors Gilliam and Bryant to the Solid Waste Committee for the 2023 Calendar Year.

Re: Consider appointment of two Board members to the Finance Committee and county staff as outlined in the By-Laws and Rules of Procedures

Carter: The Finance Committee in your By-Laws is usually the Chairman and then another Board member. Currently for the last fiscal year was Supervisor Miles and Supervisor Matthews. For the new year, if you wanted to stay the same it would be Chairman Chambers and then another Board member.
Chambers: Do you still want to serve on here Jordan? I’ve got no problem if you want to continue?

Miles: Who’s spot would I take? That’s the thing?

Chambers: Aren’t you on it now?

Miles: I’m on it now but so is Supervisor Matthews.

Chambers: You would be taking the same spot?

Miles: Who is the second person going to be?

Chambers: Matthews.

Miles: Okay. Sure. I misunderstood you Mr. Chairman.

Carter: We can update the By-Laws to reflect that because it says Chairman.

Chambers: Since he’s already serving, let him continue to serve on it.

Miles and Matthews: Thank you Mr. Chairman.

Chambers: Motion by Supervisor Davis, second by Supervisor Gilliam that Supervisor Miles and Supervisor Matthews continue to serve on the Finance Committee. Are we ready to vote? Seven yes.

Vice Chairman Davis moved, Supervisor Gilliam seconded and was unanimously carried by the Board for Supervisors Miles and Matthews continue to serve on the Finance Committee and that the By-Laws be changed to reflect the change from Chairman serving for the 2023 Calendar Year.

Re: Consider appointment of two Board members to the Personnel Committee and county staff as outlined in the By-Laws and Rules of Procedure

Chambers: The next we have the Personnel Committee.

Carter: Yes, sir. That currently is Supervisor Chambers and Supervisor Bryant.

Miles: I'd move, Mr. Chairman, that that Chairman Chambers and Supervisor Bryant remain on that committee as long as they're willing for personnel.

Davis: I second that motion.
Chambers: Motion by Supervisor Miles, second by Supervisor Davis for Supervisor Bryant and Chambers to serve on the Personnel Committee. Are you ready to vote? Jamie? Okay, 7 yes.

Supervisor Miles moved, Vice Chairman Davis seconded and was unanimously carried by the Board for Supervisors Chambers and Bryant continue serving on the Personnel Committee for the 2023 Calendar Year.

Re: Registrar/Electoral Board: Request for Carryover of $15,000 from 21/22 Budget to the 22/23 Budget to pay for new Electoral Board members to attend Virginia Electoral Board Association Conference

Memo: We are requesting a partial rollover of the remaining funds in the Electoral Board/Registrar’s budget for fiscal year 2021-22 be carried over to the 2022-23 fiscal year budget. We would like to request $15,000 to be carried over. These funds will be needed to pay for the new Electoral Board members to attend the Virginia Electoral Board Association Conference at the Hotel Roanoke. It would cover the cost of mileage, hotel, conference fees, and additional meals not included by the conference. The remainder would be used to purchase new furniture and equipment in the Registrar’s office. The space in the Registrar’s office is very small and they are in need of additional shelving, filing cabinets, new desks (the current ones are upwards of 30 years old) additional computer monitors for dual monitor setup and new desktop printers to replace the ones that have stopped working.

Chambers: What’s your pleasure on that Board?

Allen: So moved.

Bryant: I’ll second it.

Chambers: Motion by Supervisor Allen, second by Supervisor Bryant to honor this request. All in favor. All in favor. Ready to vote? 7 yes.

Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the request for carryover from 21-22 to 23-24 for the Electoral Board and Registrar’s office in order for the new Electoral Board members to have training.

Re: Industrial Development Authority: Jeffery Steffers, District 3 representative on the IDA has resigned. Please consider an appointment to this Board

Chambers: The Industrial Development for District 3, do you have this? That’s you Mr. Matthews.

Matthews: Yes, sir. That's in my district. We haven't got someone to serve yet. But we're working on it right now. So I'm trying to have something by the first of February. When is the meeting for the IDA?
Carter: The first Thursday in February.

Matthews: If I have somebody before that in place, what do you…

Carter: Well, they could attend the meeting, but couldn’t participate without being approved by the whole Board.

Matthews: Okay, gotcha.

Re: Finance Department: ARPA Request

Chambers: Moving down to 7. Finance ARPA request.

Hickman: Good evening Board. So just have a quick approval I need from you all, whatever you desire. December 13, 2021, Piedmont Regional Jail came and spoke asking for salary raises and for the bar screens for their toilets to catch contraband. When you know, they would do shakedowns the inmates were throwing contraband down the toilet and these bar screens would prevent that. This was the decision of the Board to wait and see what the other localities did before the motion was approved. Finance Committee met last week and recommend that the ARPA funds be used for the bar screens only. Piedmont Regional Jail has received a quote and Buckingham’s portion of this project would be $78,139.50 What is the pleasure of the Board on this matter?

Miles: I’d moved Mr. Chairman we go with the committee on finances request to allocate the funds to the jail.

Chambers: Motion by Supervisor Miles and second by Supervisor Allen that we honor this request. Are you ready to vote? Seven, yes.

**Supervisor Miles moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the Finance Committee’s recommendation to fund Piedmont Regional Jail’s request for bar screens for their toilets from ARPA funds in the amount of $78,139.50.**

Re: Consider appointment to Gold Mine Committee

Chambers: All right. Item 8. Consider appointment to Gold Mine Committee.

Bryant: I recommend Heidi Berthoud.

Chambers: Okay, Supervisor Bryant made a recommendation. What was her name again?

Bryant: Heidi Berthoud.

Chambers: Okay, can we get a second?
Miles: I second, Mr. Chairman.

Chambers: Motion by Supervisor Bryant, seconded by Supervisor Miles. All in favor of the motion? Seven yes.

Supervisor Bryant moved, Supervisor Miles seconded and was unanimously carried by the Board to appoint Heidi Berthoud to the Gold Mine Review Committee.

Re: Consider retirement purchase of service weapons

Chambers: Okay. Consider retirement purchase of service weapons.

Memo from Sheriff Kidd: The Code of Virginia §59.1-148.3 allows for any full-time sworn law enforcement officer who retires with at least ten years of service, to purchase their service handgun issued by their agency for the price of $1.00. In the next few months we have three planned retirements from the Sheriff’s Office after they faithfully served our community.

- Captain Roger L. Jamerson 36 years of service
- Investigator John W. Ewers, Jr. 34 years of service
- Lieutenant Brent Uzdanovics 24 years of service

Please accept this letter as my formal request that the Board of Supervisors authorize said transfer and allow ownership of their service handgun to be retained by each in retirement.

Allen: So moved.

Matthews: Second.

Chambers: Motion by Supervisor Allen, second by Supervisor Matthews. All in favor. 7 yes.

Supervisor Allen moved, Supervisor Matthews seconded and was unanimously carried by the Board to authorize the purchase of the service weapons for $1.00 to Roger Jamerson, John Ewers, and Brent Uzdanovics after their retirement.

Re: Finance Committee Update

Chambers: Next is Finance Committee update.

Carter: Yes, sir, Mr. Chairman. I'll do that one. It was the decision of the Board last month to task the Finance Committee with looking at how we deal with personal property taxes. The two things you wanted the finance committee to look at was to bill twice a year, or do we want to prorate personal property taxes? Tonight, I'm giving you consensus of the Finance Committee on prorating. We're still trying to get some numbers ready for the twice a year cost figures. So I thought the easiest way to try to describe this prorating is to give you some examples on how we currently do it versus if we prorate it, how would it look? The first example for you now is saying a person buys a vehicle on December 1st of 2022. So that would have been last December.
Currently, and the thing is running through this whole thing is how we do our personal property taxes. January 1st. That's the golden date. So if you own it on January 1, you pay taxes for it in December. If you do not own it on January 1, then you don't pay taxes that December. So on this scenario, the person owned the vehicle on December 1 of 2022. So when January rolls around the current column, you will see: Do they own the vehicle? Yes. That's a yes. They own on January 1, it goes down to line number two, would they pay taxes in December 2023? Yes. Do they owe anything for 2022? Because they purchased the vehicle in year 2022? The answer's no currently the way we do it. Because once again, they did not own that vehicle on January 1 of 2022. And they did not own it, they did own it, I'm sorry on January 1, 2023. But 2022 they did not own the vehicle. We're gonna go through the proration method. Does the person own the vehicle on January 1? Yes. Do they pay taxes in 2023? Yes, they would. Would they owe anything for 2022? Since they purchased the vehicle in 2022 December, they would pay one month of tax for that vehicle. So currently right now, we don't charge them for that one month but if we went to prorating then they would pay one month or 1/12 worth of tax for that year. The second example is one that a person buys a vehicle on January 3. So the person doesn't… do they own the vehicle on January 1? They did not. So do they pay taxes in December 2023? They would not because they didn't own the vehicle on January 1. Would they owe anything for December of 2022? The answer will be no. So the way we currently do it, if you buy your vehicle on that, January, after December 1, they do not pay any taxes. So, as I put at the bottom, that taxpayer is almost going two years without paying taxes on that vehicle the way we currently do it. And if we're gonna go to prorating and go back to the questions, Did they own the vehicle in January 1? They did not. They got it on January 3. Would they pay any taxes in December of 2023? The answer would be yes, they will pay 12 out of 12 months, they got it in the month of January. So they would pay something in that fiscal year for owning that vehicle on January 1. They of course, will not owe anything for 2022 because they got the vehicle in January 2023. Last example I got is more realistic, because usually when somebody gets a new vehicle, they're trading in so they're getting rid of old vehicle when they get a new vehicle. So this example is a person buys a new vehicle and trades in their old vehicle in May of 22. I just picked May for an example. So the way we currently do that in the current column, the person does not own the vehicle on January 1, so they will not pay any taxes that year for the new vehicle. They would pay taxes for the old vehicle though, because on January 1, they hadn't traded their vehicle in yet. So they will pay on the old vehicle only. Most people trade it up. So when they pay that last year when they get rid of vehicle they're paying on the old vehicle, not the new one yet. So when you get down to the four question, do they owe anything for the newly acquired vehicles? The answer is no, because they did not own the new vehicle on January 1. If we would go to prorating does a person on the vehicle January 1? They own the old one. So yes, they do own, I should have put Yes, but they own the old vehicle they haven't traded in yet? Do they pay taxes in December? Yes, for proration. They're gonna pay taxes twice. They're gonna pay five months of taxes on the old vehicle, and they're gonna pay seven months taxes on the new vehicle. So once again, the way we currently do it, I think is a benefit to the taxpayer that if you don't own it on January 1, you do not pay anything. So right now, I think that helps the taxpayer a lot. So the Finance Committee came up with a recommendation that we want to stick with doing the, not doing prorating but to leave it at once a year. So I think, if I'm saying anything wrong, Mr. Jordan, let me know. But I think that was the decision on Finance Committee.
Miles: Mr. Chairman, that was correct. Right, Supervisor Matthews?

Matthews: I thought we were still going to continue to research the biannual stuff.

Carter: I want to bring back some more numbers.

Matthews: Okay, we are good with that.

Chambers: It’s just information tonight.

Carter: So we don’t need to do anything because we currently do this right now.

Chambers: Thank you Mr. Carter.

Re: County Attorney Matters

Mr. Wright stated that he had no matters for tonight.

Re: County Administrator’s Report

Carter: Yes, I only have a couple things for you tonight. In your packet, you should have a copy of where our water department has received a Water Fluoridation Quality Award from the US Department of Health. So we always like to, you know, recognize staff when they do a good job and receive an award. So thanks to Mr. Queen, his department on receiving this award for fluoride for the water system.

Also as an information item for you guys, before our next meeting, we have Local Legislative Day on January 19, so I'll be going to talk to our representatives so if any of you have anything you’d like me to take down there please let me know and I will get those, try to get those questions answered for you when we meet with our representatives.

Re: Other Board Matters

Chambers: Now Other Board Matters. Mr. Gilliam?

Gilliam: I actually have a very strenuous night I have some good news to report from District 2. I’d like to talk about a resolution for a young lady in my district named Jenna Oliver. Jenna just won 2023 Miss Agritourism award. And what that is, is that introduces people in the regular section to agriculture, and she has been awarded this with a bunch of constituents. Jenna is a junior at Buckingham County High School. And I know we'll get into it maybe if the Board would approve a resolution for her. But she has some mighty fine grandparents and parents and stepfather in District 2 and 3. And I'd like to make a motion that we'd do a resolution for Jenna.
Chambers: Do we have a second? A motion by Supervisor Gilliam, second by Supervisor Davis to do a resolution for Miss Jenna Oliver. Are you ready to vote? Seven yes.

Supervisor Gilliam moved, Vice Chairman Davis seconded and was unanimously carried by the Board to present Ms. Jenna Oliver with a Resolution of Recognition.

Chambers: Anyone else have any Other Board Matters?

Allen: Yeah, I got one more thing. I’m part of the After Prom Committee and we haven't had that for a few years right now. And I'm just wondering if it's alright to get the regular money plus, one year behind, pick it up to make sure we get enough money to really do after prom this year. If you don't mind.

Chambers: I’ve got no problem with it. Is that your motion?

Matthews: How much money are you talking about?

Allen: $3,000 is normal. And then I’d just like to get one more $3,000 from the past that they haven't got.

Bryant: They didn’t have it.

Allen: We didn't have it. Ever since this COVID-19 everything been slowed down.

Chambers: Okay. It's been motion by Supervisor Allen, second by Supervisor Bryant that we the after prom this year with the $3,000 plus last years $3,000. That’s $6,000. All in favor? Seven yes.

Supervisor Allen moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve to allocate the $3,00 due to After Prom and Carry over the $3,000 from the year before for a total of $6,000 for After Prom Committee.

Re: Executive Closed Session

Chambers: We need to go into Executive Session.

Miles: Mr. Chairman, I would offer a motion that we into that we enter into executive closed session with regards to consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing an open meeting would adversely affect the negotiating or litigating posture of the public body and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. And that is Code of Virginia §2.2-3711. A.7 Mr. Chairman.
Chambers: Thank you. Motion by Supervisor Miles, second by Supervisor Allen that we will go in executive session the code that was read. All in favor? Seven yes.

Supervisor Miles moved, Supervisor Allen seconded and was unanimously carried by the Board to enter into Executive Closed Session under §202-3711-A.7 as read.

Re: Return to Regular Session and Certification

Miles: Mr. Chairman, I would move that the Board of Supervisors return to regular session and certification that to the best of each member’s knowledge only business matters related to the Code of Virginia which the executive meeting was convened, it was discussed or considered in the closed Executive Session.

Chambers: Motion by Supervisor Miles, second by Supervisor Gilliam that nothing was discussed, but pertaining to the motion to enter into executive session.

Supervisor Miles moved, Supervisor Gilliam seconded and was unanimously carried by the Board to return to regular session and to certify that to the best of each member’s knowledge only business matters related to the Code of Virginia which the executive meeting was convened, it was discussed or considered in the closed Executive Session.

Re: Results of Executive Closed Session

Chambers: We have no results after the closed session.

Re: Adjourn

Chambers: Are there any other matters that need to come before the Board? If not, I adjourn the meeting

There being no further business to be discussed, Chairman Chambers declared the meeting of January 9, 2023 adjourned.

ATTEST:

____________________________________  ______________________________
Karl R. Carter      Joe N. Chambers, Jr.
County Administrator     Chairman