

**Buckingham County
Board of Supervisors
Monthly Meeting
October 12, 2021**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Tuesday, October 12, 2021 at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex, the following members were present: Donald R. Matthews, Jr., Chairman; T. Jordan Miles, III, Vice Chairman; Dennis Davis; Harry W. Bryant, Jr.; Joe N. Chambers, Jr.; and Danny R. Allen. Donald E. Bryan was absent. Also present were Karl R. Carter, County Administrator; E.M. Wright, Jr., County Attorney; Cheryl T. “Nicci” Edmondston, Zoning Administrator; and Jamie L. Shumaker, IT Manager.

Re: Call to Order

Chairman Matthews called the October 12, 2021 meeting of the Buckingham County Board of Supervisors to order.

Re: Establishment of a Quorum

Chairman Matthews certified there was a quorum. Six of seven members present and the meeting could continue.

Re: Invocation and Pledge of Allegiance

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

Re: Approval of Agenda

Vice Chairman Miles moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the agenda as amended.

Re: Approval of Minutes

Supervisor Bryant moved, Supervisor Davis seconded to approve the minutes of the September 13, 2021 meeting. This motion passed with a 5-1-1 vote with Supervisor Allen abstaining and Supervisor Bryan absent.

Re: Approval of Claims

Supervisor Davis moved, Vice Chairman Miles seconded and was unanimously carried by the Board to approve the claims as presented.

Re: Announcements

There were none.

Re: Public Comments

Lann: We have two signed up, seven emails and three voicemails.

Wilbur and Kate Wilmoth: (voicemail) I'm Kate, and I'm calling for Kate and Wilbur Wilmoth. We have about for 371 total acres on Payne's Pond Road, and we are opposed to the solar farm. Our property borders Georgia Creek, which is concerned about being flooded when heavy rains with hurricanes like Agnes and Camille. There's erosion on our creek banks now. And what if no trees on the solar farm to solve runoff. We had the gas pipeline come through and he went from one end to the other. We had no say about that. And it could be stopped in other places. We down here on Bridgeport Road, we can't even get a pothole fixed. No trees are trimmed off the Bridgeport Road. So we are opposed to the soul. We live in the Slate River district. Thank you.

Scott Flood: (voicemail) My name is Scott Flood, Slate River District. Calling about agenda Part L Section 1, Riverstone Solar. The Planning Commission's public hearing for Riverstone Solar did not have proper notice. Our letter was received the day of the meeting. No opportunity to be part of the planning. No public hearing or rebuttal was granted after the plan was modified. Please reject the Riverstone proposal. No solar project should be able to enter the James River or any other waterway. This is not the right location for this corporation's project. No project of this size should be developed within the county. The risks are far too great. The proposed Riverstone solar project is enormous. It is six times larger than any of the county has accepted before. It will blank it over three square miles of Buckingham County. The site's waterways abruptly empty into the James River. Site segregation wipes away countless plants and animals. Nothing is in writing regarding the exact chemicals and materials that make up the solar panels and other industrial components. What parts are considered toxic now, what parts will be considered toxic in the future? What happens if these panels are damaged by hail, tornado etc. After water enters the panels and chemicals enter the soil and watershed damage will be done. Stop it before it happens. The project is many times larger than other counties permit. The proposed buffers are smaller than other counties mandate. This 150 megawatt facility will have about 1 million electrical terminations in the hundreds of 1000s of solar panels with great risk of a large scale disaster. Does Buckingham have the resources to fight a fire of this magnitude? Will EMS be overwhelmed during construction? Catastrophic environmental harm has occurred as other solar projects. Failing some other solar developers put the Riverstone's down erosion and sediment control plan in question. Failure of erosion, sediment control plans for Louisa County's 1000 acre facility, Essex County's 200 acre facility had disastrous consequences. Fines have been

imposed and regulatory agencies activated. We have an opportunity for Buckingham to be an example of what to do if this facility is imposed on the community. Buckingham will be an example of what not to do. Solar is supposed to benefit the environment, not harm it. The solar project on this site has the potential to generate great harm. Projects of enormous size should not be allowed. No solar project should enter the James River or any other waterway. There are too many risks and there'll be too large a discussion of the habitat. This project should not proceed and not be approved by the Board of Supervisors. Say no to this disaster. Richmond channel six special investigation of the catastrophe at Dominion Energy's Belcher solar facility in Louisa. Thank you.

Kenda Hanuman: (voicemail) Hi, this is Kenda Hanuman in District 5 commenting on the Board of Supervisors meeting on October 12. I made this comment to the Planning Commissioners last month and had no response. I hope that you'll consider a constituents input now. The message I gave them was to thank you for considering 21st century energy. You can make history by bringing Buckingham into a new plane era. But as you attempt this transition, please do the investigation as well as the investment in new proposals. With a few questions have you taken the time to research the cost benefit to the county of large solar fields here? Have you examined the reports on cadmium telluride panels? Are these being suggested? Are you aware of the damage tornadoes caused to solar panel fields? I know that area has had tornadoes before in Centenary. Do you understand the threat towards firefighters if a wild fire occurs in the solar field? So consequently Jimmy Merrick of the Riverstone Project has informed me the panels will be silicone, not cadmium telluride. Will that be included in your restrictions? Scott Aaronson of Impact Power made some really helpful points about community solar, as contrasted to industrial utility scale development. I hope you will take those into consideration. Please take the time to learn about the consequences of approving an SUP for 2000 acre Riverstone Solar Project and listen to the voices of the residents in both Districts 1 and 5, living in the impacted area. This would set a precedent for more of the same in our rural neighborhood, should you approve this project at this time. So please do not approve a hearing for the SUP until you studied environmental costs to the county. Thank you.

In Person:

Quinn Robinson, District 4: Again, my name is Quinn Robinson, I live out in Andersonville, next to the Second Liberty Baptist Church. I'm in District Four. I just have a few quick things. I had a call on an unrelated matter from an attorney. And he wanted some information. I asked him to go to the website. He said, I've been there, it's a disaster. And I think there's something to be gained with having an audit of this. It's not that anything's wrong with it. But does it reach the audience to which it's intended? And does it have the access to bring that about? And I don't think it does. Now my problem is I'm well into my 70s. And I'm a victim of CenturyLink. I can't get a connection. If I tried to get on YouTube, nothing happens. It just doesn't. And it's very frustrating. We talk about a digital divide in the old days, it was just a matter of having access and not. Now you're the same thing for different nature. It's just not accessible to the people who

need it. And how are you going to educate the people of my age, when they want to get onto this thing and make it work? It's a problem. Anyway, I hope that you can look into that. And it doesn't cost anything from some of them. And it just gives you a framework of what to do, what to improve. So that your product is better reflection of what the county is all about and wants to do. Thank you. The other thing is I can't hear people at these meetings. And if you were to use the computers on your desk, you'd get a clearer picture of who's speaking. And you wouldn't have to have somebody in the back of filming the backs of people's heads. It's ridiculous. And I also suggest that you reach out to Longwood, perhaps and ask their theatre department to get more out of these productions. It's just it's not that difficult. There could be stuff online to help that out. But anyway, you want to make the best representation. And I don't think we're getting that. It's nobody's fault. But it's going to take a lot more concentrated, deliberative work and a cooperative fashion to get it. The other quick thing with the bit about the tax on solar is I know that's a different thing. But I need to know because the law 58.1-2636 doesn't tell me who the people are who are going to have to pay this. It's very something like one megawatt or 100 megawatts, something isn't clear. I don't know how you can vote on it without knowing the technical limits of it. Thank you.

Cassel Adamson, District 1: My name is Cassel Adamson. I'm here representing several different people not only myself. I'm representing my father who's an attorney who's basically getting ready to turn 80 here in January, I am here representing this Dr. Smith, who owns 100 acres right next to where they're talking about Apex solar talking about putting this property or putting the 1100 acre proposed site. I am, you know, certainly friends with Kate Wilmoth and Randy Wilmoth who's been there a longtime residents and advocate of I guess, Buckingham County or whatever, and have been their entire lives. I'm here representing myself. Allison Purcell, who's with also with the Smith family as well. The, at the end of the day, we have not been notified of what's going on here were kept in the dark they put a little sign up going you know, that's right in the middle, not kind of at a turning point or you know about what's going on with this whole project. And at the end of the day, knowing personally having a personal friend, Rusty McGuire, who's the Commonwealth Attorney, I guess he still is, but was a Commonwealth Attorney for Louisa County and all the disasters that they've had with that last solar project that they did there about a year ago. Not only with erosion, but with all sorts of different fallout from that where the county was promised and sold a bill of goods of future income, future revenue they were sold they were you know they were sold a good slick deal of promises from a company that comes and sets up the deal and then leaves. So this is I'm sure this is the exact same thing the sheer volume that's going on here is crazy. You know my family has between multiple pieces of parcels they're over 1000 acres that's right next to it and part of it adjoining what they're trying to do here. A 50 foot buffer come on please. I'm sitting there trying to develop land in Chesterfield County and they want 200 feet and this is from basically you know, residential to an office building. I mean we have to do something a little bit better here. This is a great opportunity to show some great leadership and to sit there and take a strong stance on here because the sheer volume of what we're talking about have over three miles, square miles that you're going to level. You're going to put these solar panels that don't absorb you know,

they don't absorb any water that with all the runoff and everything else. If less learn from Louisa County, go talk to any one of the Board of Supervisors there that are on there now or there a year ago. They regret their decision. Don't make the same mistake. Learn from their mistakes. The erosion, just the all the different parts of this are crazy. That whole area is hunted very heavily. Their rifles that are shot there constantly. When these holes, when these different solar panels have holes in them which will happen because there's so many square feet of things when the rifle bullet when the when the shells go through that and these chemicals leak, leak out there beyond nasty chemicals. What's going to happen? How are they going to be... how are they going to be dealt with? What's the reclamation process? How is that your...

Matthews: Your time is up. Thank you,

Adamson: Please vote no.

Emails:

Emmanuel Zunz: My name is Emmanuel Zunz, and I am the owner of the property located at 991 Paynes Rd. which is adjacent to the Riverstone Solar Project.

I have several comments and questions about the project and SUP. I would appreciate hearing a response to my questions from Apex Clean Energy and/or the Planning Commission.

1. The application references that the “power generated will be linked to the electrical transmission grid via the existing 138 kv overhead high voltage transmission line adjacent to the property.”
 - Where does Apex intend to link to the transmission line? Could this location change?
 - Is it Apex’s position that the transmission line is on its leased property? If not, what is the plan for accessing the transmission line?
 - Section 3.7 of the SUP application, titled “Existing and Proposed Utilities,” contains a map that references “Proposed Easement: Gentie Line” which shows as a light green line on the map.
 - o What is the Gentie Line?
 - o What does the reference to the “proposed easement” mean?
 - Have all necessary easements been obtained? If not, what easements or right of ways does Apex need?
 - How will the inability to obtain these easements affect the project plan?
 - Are there alternative plans if necessary easements are not obtained?
 - Apex initially asked me for an easement over my property to connect into the transmission line. Is that still the plan? If not, what has changed?
 - Are there any existing conservation easements on the property over which Apex needs access which would prevent the construction of the utilities or infrastructure necessary for this project?

2. The SUP says that a minimum 150-foot setback shall be maintained from Solar Equipment to any adjoining or adjacent residential dwellings. During construction, this setback area may be used for staging of materials and parking.

- How can neighbors enforce this promised 150-foot setback?
- Does Apex intend to use the area near the substation for staging and/or materials during construction?
- Please explain what kind of activity and how long it will last.

3. The SUP says Apex “shall not obtain a building permit until evidence has been given to Buckingham County that the electric utility company has signed an interim interconnection service agreement.”

- What is an interconnection service agreement?
- With whom does Apex need to negotiate such an agreement?
- What kind of regulatory approval, if any, is necessary for such agreement?

4. The SUP says the existing transmission line that the project will interconnect into “may be reconfigured.”

- What does that mean?
- Whose approval is necessary for any reconfiguration?

5. The application notes that the closest home is 355 feet from a solar panel.

- Does this include the substation?
- How far will the substation be from the Zunz property line?
- What lighting will be used around the substation (during construction and after construction)?
- What noise is expected from the substation area (during construction and after construction)?

Thank you! Emmanuel Zunz

Kelly Franz: I own property within a quarter mile of the proposed solar farm project on Payne’s Pond Road. My concerns are many, high among those are safety for my family and property, protection of our environment and the James River ecosystem and most importantly our privacy. Erosion and subsequent flooding possibilities are a real threat. Some property owners are already experiencing problems, just with the clear cutting, and total clearing of the project area will only create additional runoff. My house will be surrounded on three sides, all of which are at a higher elevation than my property. Fear of fire is a concern, one validated by Mr. Merrick’s statement that county EMS will be trained on how to handle a potential fire. He claimed no water is used in the solar processing but when asked how EMS would contain a fire he stated “from a deep water well”. An industrial well could easily affect our water table, creating yet another concern. Payne’s Pond Road cannot handle the amount of traffic now, it’s riddled with potholes and

washboards on a constant basis. It needs to be graded monthly but we are lucky if it's done every three months or so. Mr. Merrick stated all construction traffic will enter from Bridgeport Road, but let's be serious, how will that be enforced? We've already seen Jetco vehicles arrive through Payne's Pond Road. With 400+ employees coming and going the road will become impassable for those of us who live here and will certainly impede any speedy access for emergency vehicles. While all the above constitutes reason enough to oppose this project, one concern tops my list. I was totally blindsided by this project as were all my neighbors. Underhanded and unethical tactics have been the norm, lack of communication to those of us so closely affected by the project. Letters were sent to some, but so late preparation was impossible before the planning commission meeting. Although the view from my front door might become solar panels, I never received a letter, not even a late one! The only way I knew about it was from a neighbor whose letter was dated the 21st but actually received the 25th, not even a whole business day prior to the meeting. I spoke to another person who received his letter the day of the meeting! Why the secrecy? What's the rush? What do we still not know? While I am not opposed to progress I believe this project should be located in an industrial area, not in the middle of an agricultural and rural part of Buckingham County with both homes and the James River so close by. I do expect due diligence be exercised so the residents of this area are heard, their concerns researched and sound decisions based on fact are made. We all stand to lose a great deal. Kelly Franz, 511 Blue Heron Lane

Jane Moss: My name is Jane N. Moss, landowner from District 1 and my comment is related to Case 21-SUP290. I own the property adjacent to the Weyerhaeuser property on Paynes Pond Road and Blue Heron Lane. I respectfully ask the Board of Supervisors to deny the request by Apex Energy for the construction and operation of a Solar Generating Facility. I am against the destruction of the thousand acres of forests and wildlife habitats that surround my property. The term "Solar Farm" is a misnomer because the large-scale industrial solar-powered plant that is proposed does not resemble a farm in any way, shape, or form. At five times the size of the next largest solar plant in Buckingham County, the massive size of the power plant is staggering. The ecosystems that will be destroyed by the removal of 1,000 acres of vegetation can never be restored or recovered. Over the 40-year span of the project, the amount of waste that will be generated by obsolete solar panels will affect future generations. Please consider the value of the County's precious rural landscape that is being gobbled up by this greedy corporation. This project offers negligible benefit to the citizens of Buckingham County.

Laurie Collins: Board of Supervisors Members, I am very concerned about the potential hazards of a large scale power generating station next door. Clearing this large of a tract of land and keeping it cleared is hazardous. Our home is located in a valley, downhill of the project. Our home has creeks and storm runoff brooks on 3 sides. Flooding of our home and the kind of erosion that has occurred in the Belcher solar project in Louisa would be devastating. Flooding downstream will be inevitable! Some grass seed will not be enough. A 50 foot buffer is not enough to contain runoff. The buffer should not be only for covering up the view. The project is simply too large and too close to homes. There is no assurance that the project will be planted in a responsible and ecological way. Native plantings were removed from the wording. Nonnative

plants do not help support the pollinators, the beneficial insects or the food chain. This can deeply affect farms in the area. Another huge concern is fire. Mr. Merrick has said that he will be training EMS on best procedures to handle fire. To me that says that the fire hazard is real. Buckingham County does not have a large fleet of fire trucks or personnel. With the project being "MONITORED REMOTELY", (according to Mr. Merrick) in an area currently with no high speed internet, and very limited EMS , and rural dirt roads, a fire would be catastrophic and likely out of control before anyone could arrive. We should have a say in projects that will change the agricultural and rural areas surrounding our homes. Please do not move forward on this project until the hazards to the community are carefully studied and remedied. If this is rushed to a vote like it was at the planning commission meeting, please take a moment and ask yourself, is this in the best interest of everyone in the county? Can this project possibly injure your constituents? Can it damage the environment more than it helps? Who is responsible for damages caused by the potential fire hazards, erosion damage, and flooding? Thank you. Laurie Collins, 511 Blue Heron Lane.

Bradley Pickens: My name is Brad Pickens, District One, and I own property adjacent to the proposed Riverstone Solar Project. First, we were only notified of this project one business day prior to the planning commissions meeting to approve the special use permit. This project will literally surround our property with industrial solar arrays, so I am rightfully concerned and would like to be involved. I respectfully request the Board of Supervisors "pump the brakes" on this project, and initiate an independent review, rather than rely solely on Apex' proposal to determine risks and rewards to Buckingham. Once this land is surrendered to industrial power production, it will never go back. There are far too many questions, and far too many risks that are left unanswered. Rural communities are under attack from corporate solar developers (out of state and foreign), who want to build large-scale industrial solar power plants on agricultural and forestry lands to take advantage of lower development costs and marginal oversight from local governments. I am concerned that Buckingham is not staffed or funded to stand toe-to-toe with Weyerhaeuser and Apex on this project. The 1,000 acre Belcher project in Louisa is a frightening example of how invasive this industrial-scale development can be, and how impossible it is to repair the damage. This project is massive in size and scope. It is fully **five times** larger than the normal "large" solar project. It is scheduled for a 40 year life. 40 years! How old will you be in 40 years? This will not be one installation that is left to sit quietly for that entire time. Current solar technology has been in use for 20 years, and will be obsolete in 5. What does Apex have planned for the follow on? Will they claim "too big to fail" status when they want to change the land use to something else, possibly more offensive? Environmental impacts have been touched on in the proposal, but there is no enforcement mechanism in place to mitigate or correct runoff control failures. The full western half of this project drains into the riparian zones and ponds I have meticulously protected on my land. Will Apex dredge those ponds when 1,000 acres of soil are disturbed? Will Weyerhaeuser compensate neighbors when their property values plummet? I beg the Board to consider the impact to those of us that share a border with this proposal. Seattle-based Weyerhaeuser has very little concern for the loss of green spaces. Charlottesville-based Apex has no skin in the

game for the runoff generated by this massive excavation. Buckingham residents will not see cheaper power. No-one in Buckingham will benefit from this project. Not jobs, not energy. However, the environment and private property values **will** suffer - especially if there are no enforcement or mitigation measures written into the project. Please, please, slow down this runaway train. Initiate an independent review, and keep the real interests of Buckingham County in your hearts as you deliberate. Thank You

Theodore Smith, Jr.: Dear Honorable Members of the Buckingham County Board of Supervisors: RE: Agenda Item L– Request for Special Use Permit for a Solar Generating Facility

Please deny the special use permit application by Apex Energy Inc. for the following reasons:

- Inadequate notice given to the neighboring landowners of the public hearing prior to the vote by the planning committee
- The location, scale and size of the proposed 1200-acre solar plant and its proximity to the wetlands, farmland, and the James River
- The dangerous runoff, sediment, and erosion that will result from solar plants as seen in Essex County and more recently in Louisa County despite the claims by these solar companies that the retention ponds and vegetation will stop the harmful effects of runoff
- The leaching of toxic metals and toxic chemicals into the soil, well water supply and into the James River from broken solar panels
- Environmental injustice to the neighboring farmers and homeowners that will be affected by ill effects of a solar plant of this size and scale

Please do not let Apex Energy take advantage of the residents of Buckingham. I appreciate your time and thank you for your consideration. Best regards, Theodore Smith, Jr., 4583 Bridgeport Rd.

Lann: That is all.

Re: Presentation Galen Creekmore, Central Virginia Electric Coop/Firefly Update

Matthews: We have one presentation tonight which is Mr. Gary Wood and Mr... Galen Creekmore from Central Virginia Electric Coop updating us on the Firefly.

Creekmore: Thank you Mr. Chairman. It is a joy to be back in Buckingham. It's always good to be back before you give an update. My name is Galen Creekmore. I work for both Central Virginia Electric and our subsidiary Firefly Fiber Broadband. We also have a number of folks on our team participating virtually including Mr. Wood, who sends his regards. Mr. Carter will be advancing the slides for me this evening. So thank you. First, I wanted to start with a snapshot of our CVEC grid and how that relates back to the CVEC fiber build and the subsequent connections by Firefly for internet service. One thing to draw your attention to on this map is our Mount Rush substation is there in the center of the county. And that does represent the largest number of meters, our largest substation within the county. We have about 4500 electric accounts within the county on the eastern side in Dominion's territory, they have about 3800 and

we'll talk about Dominion territory later. So let's talk about what substations are complete and connected. The Pamplin substation represented by the light blue lines on the map has new fiber construction is complete and new connections are ongoing. We have about a 62% take rate in that substation, likewise in the Curdsville substation represented by the orange lines on the map, fiber construction is complete and connections are being made. That also has about the same take rate as the Pamplin substation so we're glad that those are complete and moving forward. And let's take a look at the next substations that have some more progress going on. We got a lot of work going on in Buckingham and that's a good thing. Tower Hill substation is actually located in Appomattox County, just across the border, but the lines come into Buckingham and if you'll recall, I'm going through this by substation because we're an electric company. We break down things by substation, and that's how we're building it out on our fiber build is by substation so that's why it's organized in this way. There's connections happening right now in Tower Hill. That area is largely unserved. We have a great 70% take rate in that location right now. Now, a lot of the fiber construction and connections happening in Mount Rush is really we have new NIDS, (Network Interface Devices) being turned over to Firefly for InterConnection into the home every day. Out of Mount Rush connections are already started along Union Church Road and even as soon as yesterday and today Perkins Mill Road connections are coming along. One item of note in Mount Rush that was made a little different is the area in and around Yogaville along the James River is actually fed from across the James River out of our Schuyler substation in which touches parts of Nelson, Albemarle and then across the river into Buckingham. We are building out normally we would say we build out the Schuyler substation separately. But since the Mount Rush build is going to be so close to the Schuyler portion of the Buckingham members, we're going to connect the Schuyler portion, the Buckingham portion of the Schuyler substation with Mount Rush so it's all in together and actually just spoke with Yogaville this week, representatives from there. That's the North circuit coming out of where we're working on the south and west circuit so that'll be kind of the next circuit that we come to after we finished the connections that we're doing right now. We're around a 49- 50% take rate there. We really expect that to keep moving forward. Across the whole county right now we have over 500 connections made in home using FireFly right now. After we connect all of what will be our Mount Rush build, we'll have another 900 to 1000 connected and we're working every day in that in that area as I talked about. Let's go to the next slide and talk about the final substation. The Centenary substation is the green lines on that map. And as you can read their connections are expected in the first part of the next year. Where we're working right now to get the get the site prepared to place a fiber hut next to our substation there. But what about the other, that's the CVEC built. If we go to the next slide, we'll look at what about the other side of the county there and blue in the Dominion electric territory. You'll recall the last time we were before you we were discussing plans on how to move into this area. The MOU that you signed with us and Dominion earlier this year allows us to go in there and study where the unserved locations are, and then apply for a Virginia Telecommunications Initiative Broadband grant to go after to make that build feasible and go after funding just for the unserved locations within the blue area. If we go to the next slide, it'll tell you a little bit about the timeline that we expect for that VATI award announcement. So this really pertains again to the blue unserved in the blue area. In the past, the

DHCD has never announced a VATI award on the timeline I gave us but we've been assured that with the outgoing governor, we will know in December, the status of applications to the VATI grant program. Dominion has told us they will go in the first quarter 2022 and file with the State Corporation Commission to move forward with their project. And we're confident in their filing. This is not the first time they've done this before, we're not going to be the first people through the door. They've gone through this with other partners in the state. So they they're familiar with the process. Dominion will obtain easements along their fiber route and construction will take place in 2022 and the following year. So with that, that was just a quick snapshot. I know you have a full agenda, I'll be happy to answer any questions that I can.

Allen: You are talking about the unserved area. So what if people have already gotten like Comcast or some other? Is that what you're talking about?

Creekmore: Yeah, well, there's differentiation here. Only unserved locations and the states definition of that is anything equal to or less than 25 megabits per second download in 3 megabits per second upload. Anything less than, anything greater than that, if you're considered serve, you cannot the grant funds, he wouldn't be eligible for the grant funding. So the grant had to carve out those areas that were equal to or less than 25/3, meaning they're unserved. Firefly can under state law can make the economic decision to serve anywhere they choose. Grant funding will only be used to serve those qualifying locations meaning they're unserved.

Allen: With at 1.5 million we gave yall or trying to give you, won't you be able to serve everybody in the county because we've got people now that you know can't get it.

Creekmore: We're gonna make sure everyone that is unserved will have access. If they have and we want to work with the county to make sure we identify every unserved location. If they have other options like a Comcast and that the state would consider they have service and that are grant eligible, and they would, they would like another option. Again, grant money, the VATI project is something different than Firefly making a business decision and saying, we're gonna go serve those folks, which is why I'm careful to separate the two conversations but I think the first hurdle is to make sure we get every person that does not have access to service served and you know, Firefly can make a separate decision based on the economics of, of serving other folks that would like a more reliable service and great customer service and a great company to work with in Firefly.

Miles: I will follow up on that, Mr. Chairman, so with regards to that, sir, and maybe I'm asking the wrong person this question, but could this RISE project with the Dominion and the Rappahannock Electric Cooperative, and y'all make those same business decisions, meaning that if there's somebody up in the northern end of the county, who might have broadband, or someone in our area who might have CenturyLink, if they are served, could you use non VATI money, like the money that we put up the 1.5 million to make sure that they have access?

Creekmore: I think this is getting, I think, really, it probably be best to have those type of specific, one off type of discussion, or we can look at where those fiber outside actually run. Because actually, in a lot of cases where it doesn't make sense for Firefly and Dominions build to get these one offs out in the county that may or may not have service, but Comcast is close. So the areas considered served, but they have, say, a long driveway and there's one home and they've been quoted, we've heard instances where they've quoted \$60,000 to get service from Comcast, but the areas considered served but you know, these one off deals, the state actually has a long extension program, where they can actually submit straight from the end user to the state, and we'd be happy to work with the county on that to make sure, Firefly wouldn't necessarily be involved, but we want to make the county aware of those programs. And Firefly may be involved. But again, to make those decisions on where exactly this fibers running, I'd be happy if we have specific areas that yall can send us you know, send those inquiries give us an address to look at because it may be we're a good fit and it may be the long extension program with the state is a good fit to then they'll cover the costs of Comcast go ahead and connect that member or does it make more sense to Firefly? Now it's tough to get a blank statement because sometimes it literally comes down to where's the fiber actually running to or from? But again, happy to engage on any of those type of what about this area type of thing.

Davis: That's where I was going because I've got calls in the last few weeks that people been quoted 1000s of dollars to get the internet, 300 feet a couple \$1,000. This is nuts.

Creekmore: Absolutely. And we do hear that a lot. And with the service map, broadly across Buckingham and the amount of unserved that's in Buckingham, we're going to be essentially covering all of Buckingham anyway. But tough to break it down in terms of we have to keep the VATI project separate, because that can only go to unserved, but when you look between the long extension program and the way our fiber has to be routed, no, we're not going to stop the fiber when there's when there's a chunk of what they consider served area around a DSL, V slam location and then everything else around it is unserved. Fiber doesn't work where you run it and stop and then pick up 100 yards down the road. When we come down a road, we're going to be serving everyone along the fiber route. So the difference which I keep coming back to is we're not going to be using the grant funds for that small little served carve out. But they will still be offered Firefly service because of again, the fiber route. As I was talking to Mr. Miles, the fiber route would dictate that everyone along that route would be offered service. Sorry if that's confusing, but that that's an important differentiation.

Davis: That we need to keep an eye on.

Creekmore: Yeah, absolutely. As those things pop up, we need to hear about them and just engage and keep lines of communication open and so we can see exactly what problems need to be solved.

Matthews: Any other questions, gentlemen? Thank you, Mr. Creekmore.

Creekmore: Thank you.

Re: VDOT Road Matters

Matthews: The next item on the agenda is the VDOT Road Matters. Mr. Frederick. Mr. Frederick is not here this evening. So I think your concerns if you have any, Mr. Carter is going to take some notes and relay those to Mr. Frederick. So anyone on the board have any issues in their district?

Davis: Yes, I do... Carter G. Woodson on the 15 side, where New Canton post office is, I've been getting a lot of complaints about a lot of truck traffic through there. And I just wanted to ask, when they were building the power plant, that road was restricted to trucks. Trucks couldn't go down that road. It was very narrow going over to Liberty and where the power plant is. I thought they were supposed to go through Blinky's. I've got a couple calls in the last week about trucks going all through there. So I'd like to ask him about any restrictions on that road.

Miles: Mr. Chairman, if you could, Mr. Carter, if you could inquire as to the status of the right away cutting. I think they're done, but an update on that, please.

Allen: I got a road. It's Shady Road. It's 804. And this is getting real bad with the washboard. Somebody's going to go sideways. It's a lower section.

Carter: Anyone else have anything to get to Scott?

Davis: One more thing, Karl. I was just wanting to know about the status of the study on Route 15.

Matthews: Mr. Bryant, do you have anything?

Bryant: No I don't have anything.

Matthews: I think that's it Mr. Carter.

Re: Public Hearing: Case 21-SUP289 Landowner Monmouth Farm LLC; Applicant: Euan Fuller, Authorized Cellco Partnership Agent, request to obtain a Special Use Permit for the purpose of constructing a 199' monopole communications tower at Tax Map 13 Parcel 12 at 12994 Howardsville Road

Matthews: We'll move on to Item K Public Hearings. Number 1, Case 21-SUP289. The landowner is Monmouth Farm LLC. Mrs. Edmondston, are you gonna take it from here?

Edmondston: Good afternoon, Mr. Chairman and Members of the Board. There was a request for a public hearing for Case 21-SUP289. The landowner is Monmouth Farm LLC, the applicant Euan Fuller an authorized Cellco Partnership Agent. Tax map is 13 parcel 12. It contains approximately 300.92 acres. It's located at 12994 Howardsville Road, Howardsville, Virginia. It's on State Route 602 in the James River magisterial district. It's currently zoned A-1 and their request was to obtain a special use permit for the purpose of constructing a 199 foot monopole communications tower. I do have the applicants, their attorney Sean Bamman, and with Bamman Consulting present to discuss this application, and answer any questions that you as the board or anyone in our audience may have this evening.

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

- 1) Prior to permitting, Applicant shall provide a determination of no hazard from the FAA indicating the proposed tower shall not require lighting/markings; and,
- 2) All feed cables shall be hidden within the monopole and all access ports shall be sealed to prevent wildlife intrusion; and
- 3) Prior to permitting, Applicant shall provide a letter from the tower manufacturer certifying the proposed tower can support a minimum of six (6) arrays of similar design, including the primary user. The letter shall be signed by a licensed Virginia Registered Professional engineer; and,
- 4) If an emergency power backup generator is used, its noise level shall not exceed 65dBa at the nearest property edge. Testing shall be limited to the hours between 9:00A.M. and 4:00P.M, (Monday through Friday); and,
- 5) Should the highest antennas arrays be lowered in the future for capacity needs, the unused top portion of the tower shall be removed; and,
- 6) No advertising shall be installed on the fencing near the ground compound; and,
- 7) That all federal, state and local regulations, ordinances and laws be strictly adhered to.
- 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 Planning Commission or Board of Supervisors.
- 10) 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.

11) If the building permit is not obtained within six (6) months from the date of approval then the Special Use Permit shall be null and void.

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

13) Tower shall not be constructed until a tenant is ready to locate on the tower immediately after building.

14) The construction of the tower must be complete within 2 years from the date of approval or this permit will be null and void.

15) The tower shall be constructed to fall within the lease area upon failure. Upon seeking a building permit, the applicant must certify and provide construction plans showing the break point technology.

Matthews: The public hearing is now open.

Kronenthal: Mr. Chairman, Members of the Board. My name is Mark Kronenthal. I'm with Rob Jackson. And we represent the applicant Cellco which is a division of Verizon. My colleagues Zanas Talley is here, as is Sean Bamman from BCI, which represents Verizon. The matter is a 199 foot tall monopole. Planning Commission has recommended approval, as has your third party reviewer. We do have a presentation tonight. But I know we've shared the information with a number of you. If you're comfortable we can forego the presentation and go right to questions and reserve time for rebuttal in case there are any matters that require any clarification.

Matthews: Pleasure the board? Did anyone sign up for public comment on that?

Lann: We have two.

Matthews: I think you should go ahead and do the presentation.

Kronenthal: All right, Mr. Carter, can I impose upon you for the PowerPoint. We emailed it. While we're connecting to the presentation. The proposal is a monopole tower, and that's a single tower. Its 195 feet with a 4 foot lightning rod. The location is in the western part of the county. And there'll be a little inset whenever the presentation comes up.

VERIZON

BOARD OF SUPERVISORS

Buckingham County, Virginia
October 12, 2021



SITE NAME:
VZW - HOWARDSVILLE - RAWLAND

ADDRESS:
12994 HOWARDSVILLE ROAD
HOWARDSVILLE, VA 24562

INSTALLATION OF WIRELESS COMMUNICATION FACILITY TOWER
ANTENNAS AND ASSOCIATED EQUIPMENT

Graham Evans
I have reviewed this document
2021-07-01 14:53:04:50



VICINITY MAP

NO.	DESCRIPTION	REV	ISSUED
1	VZW SITE	0	2021/07/01
2	GENERAL SITE PLAN	0	2021/07/01
3	CONNECTION PLAN	0	2021/07/01
4	ACCESSORY PLAN	0	2021/07/01

SHEET INDEX

THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS, NOR AS BASIS FOR CONSTRUCTION, UNLESS EACH OF THE DRAWINGS HAS BEEN REVIEWED AND FOUND "FOR CONSTRUCTION".

Before You Dig, Dig Or Blast
Dig Safety, Virginia

DIG SAFELY - VIRGINIA

PROJECT TEAM	ROLE	CONTACT
PROJECT MANAGER	PROJECT MANAGER	953-100-1000
ENGINEER	ENGINEER	953-100-1000
CONTRACTOR	CONTRACTOR	953-100-1000
UTILITY	UTILITY	953-100-1000
ENVIRONMENTAL CONSULTANT	ENVIRONMENTAL CONSULTANT	953-100-1000

AMT CONSULTING TEAM	ROLE	CONTACT
ENVIRONMENTAL ENGINEERING	ENVIRONMENTAL ENGINEERING	953-100-1000
LAND SURVEYING	LAND SURVEYING	953-100-1000
GEOTECHNICAL ENGINEERING	GEOTECHNICAL ENGINEERING	953-100-1000
STRUCTURAL ENGINEERING	STRUCTURAL ENGINEERING	953-100-1000
ELECTRICAL ENGINEERING	ELECTRICAL ENGINEERING	953-100-1000



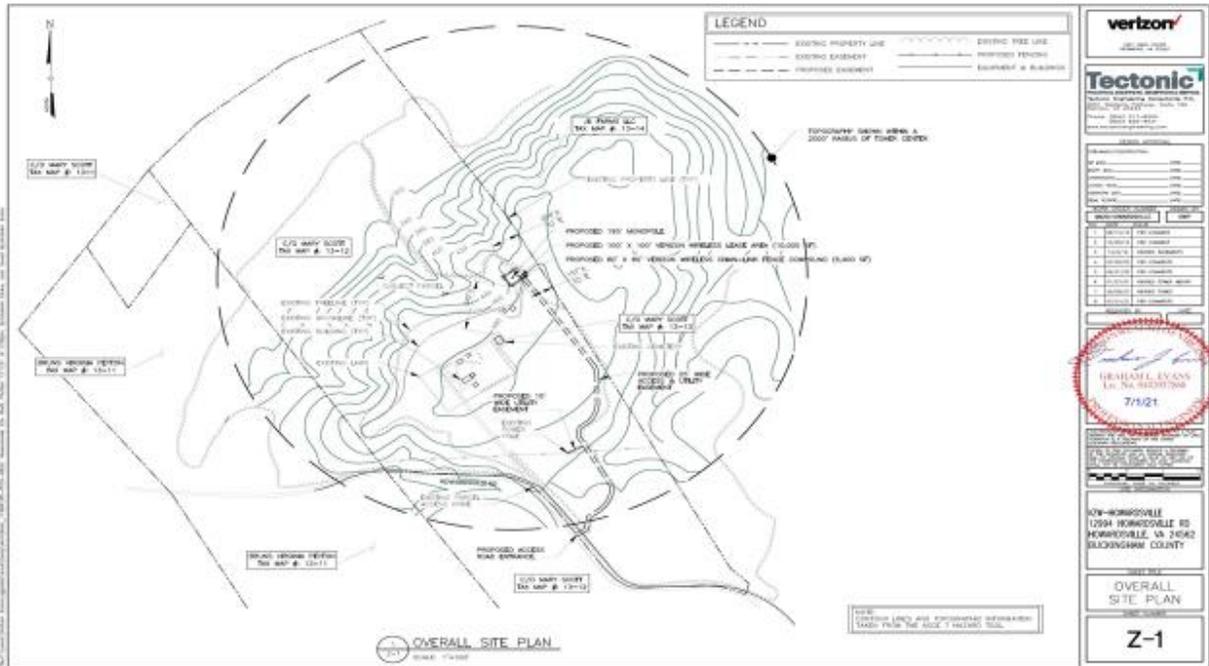
VER-HOWARDSVILLE
12994 HOWARDSVILLE RD
HOWARDSVILLE, VA 24562
BUCKINGHAM COUNTY

TITLE SHEET

T-1

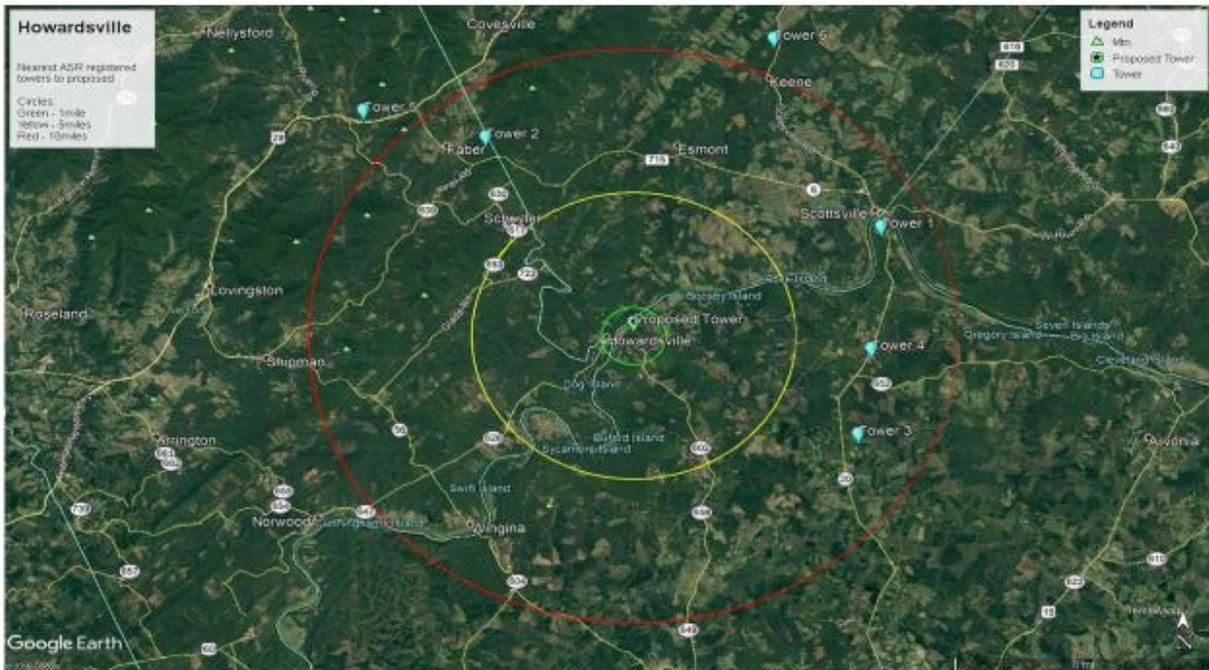
It's on a 300 acre parcel. But the lease area is a 100 by 100 foot area that's in a mostly forested area. But you'll see there is some open land around it. But it is indeed agricultural. The site is north of Howardsville, Road 602 and west of Logan Road, 653. Mr. Carter, if I can impose upon you to go to the next slide please. And so the other inset it's very small, you can see that you're

not too far from the James River. But I would note that in terms of coverage, Buckingham County is the largest area that is served. We're gonna go to the next.

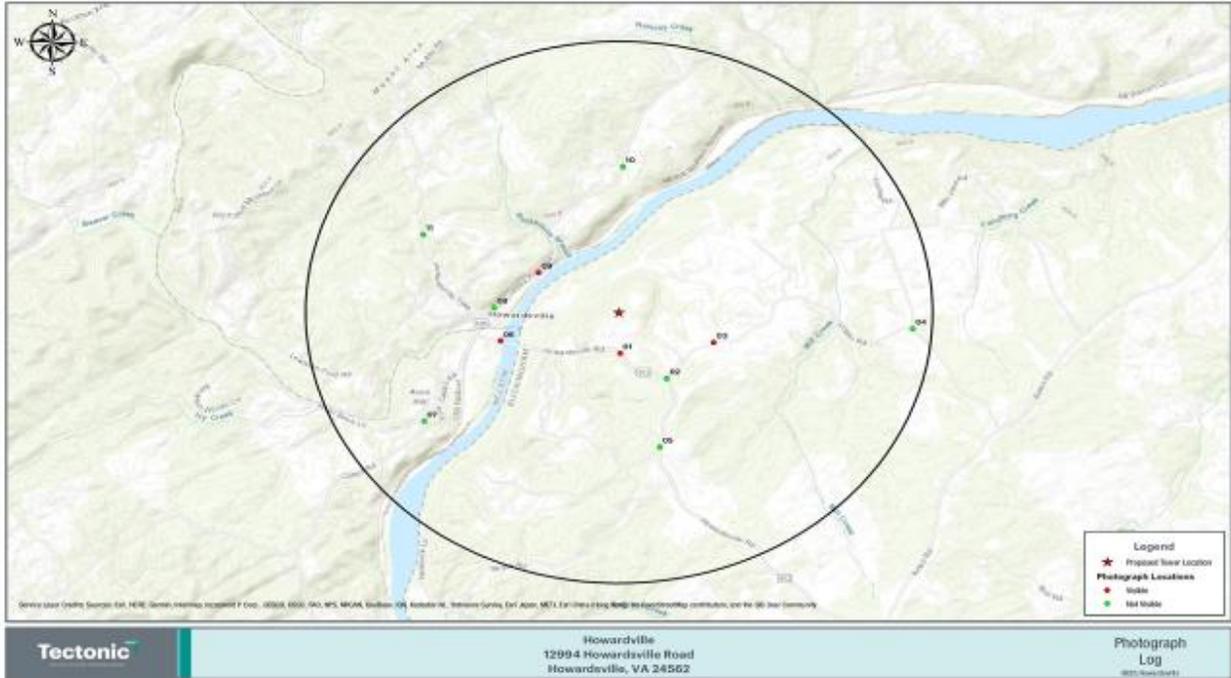


So this is the overall site area. Again, most of the lines that you're seeing are our elevation with a road at the bottom that is Howardsville Road. You can see a proposed gravel road that would access the site, which is 100 foot by 100 foot areas, the small box that is at the center of the circle. The James River is located about the top of the circle. If we get to the next slide please.

So this is a silhouette of the tower. It is again 199 feet, and you'll see that it has six rad locations, six arrays, so Verizon, and five others can have an opportunity to locate. So this is indeed an opportunity for any of the carrier's active in the county to also locate one without having to do an SUP. So it really does candidly expands competition, expands opportunity for citizens of the county to have their own carrier so long as their carrier takes the opportunity to join. You can also see an inset that shows the color sample. It's galvanized steel and will just weather naturally to the dough finish. With lots of studying, we've discovered that this Dell vision is Dell finish is indeed the least visually obtrusive. Previously we had proposed a lattice tower for this site but we've changed that at the request of you and the county administration. If we could go to the next slide please.



Alright, so this is um this is a just to give you a little bit of the scale. The green ring is one mile. The yellow ring is five miles and the red ring is 10 miles. There are small yellow dots or yellow tags that show towers that are large enough to locate or co locate or locate any, any kind of cellular facility. There is none that is feasible for colocation within seven miles of the site truly is a dead zone for cell service unless, of course, there's a benefit of biogeography. For some of the farther towers that are located. We could go to the next slide, please.



We want to, you know, it's part of your process, we do prepare photo Sims and they are photo simulations of what the tower would look like. This map shows the areas where we believe and, and were able to locate whether or not you would see or not see the tower. So there are four locations in red. The red star is the location of the tower. The four locations where we were, we determined that you were able to see with the balloon test. What you do is you fly a balloon, that's the height of the tower, take pictures of the balloon, and a team does a simulation of what the tower would look like. I think some of these simulations may show a lattice tower, but again to be clear, this is absolutely what is proffered as a monopole tower. So, what you'll be seeing the tower will illustrate the height not necessarily the exact appearance. The next slide please.



Tectonic Looking north from the intersection of the driveway and Howardsville Road. Proposed installation will be visible from this location. **P-1**
Distance from the photographic location to the proposed installation is $\pm 1,600'$. 9820 Howardsville

So, this is the entrance of Monmouth Farm. You can see the balloon. This balloon was a previous proposal that was at 250 feet. Go to the next slide please.



Tectonic Looking north from the intersection of the driveway and Howardsville Road. Proposed installation will be visible from this location. **S-1**
Distance from the photographic location to the proposed installation is $\pm 1,600'$. 9820 Howardsville

This shows the 195 foot tower. It obviously also shows the lightning rod is virtually invisible by this point. There's the lattice in this instance but this again this case is for a monopole. The next one please.



So, this is I believe, Logan Road. So this is Logan Road looking sort of down towards the river and towards the site. If we go to the next slide please.



Yeah, so you can barely see it at 195 feet above the trees. The next slide please.



Tectonic Looking northeast from the Howardsville Road Bridge. Proposed installation will be visible from this location. **P-6**
Distance from the photographic location to the proposed installation is ±4,145'. 9820 Howardsville

So, this is the Howardsville Road Bridge. This is taken from the other side of the river. It was the only place where you could get a view of where the balloon was. So the next slide please.



Tectonic Looking northeast from the Howardsville Road Bridge. Proposed installation will be visible from this location. **S-6**
Distance from the photographic location to the proposed installation is ±4,145'. 9820 Howardsville

So there you can see the tower peeking above the tree line. If we could go to the next slide please.



This is from, this is actually from the neighboring county. So this is going up 626. If we go to the next slide please.



Tectonic Looking southeast from James River Road/Route 626. Proposed installation will be visible from this location. **S-9**
Distance from the photographic location to the proposed installation is 43,130'. 9820 Howardsville

Again that would show you know a very not obtrusive, you know seeming some of the trees are higher than that. Go to the next slide please.



Tectonic Looking northwest from the intersection of Howardsville Road and Route 653. Proposed installation will not be visible from this location. **P-2**
Distance from the photographic location to the proposed installation is 43,045'. 9820 Howardsville

Again these are all the locations where you could not see a balloon. This is Howardsville and 653. Next please.



Tectonic Looking west from the intersection of Logan Road and Mountain View Road. Proposed installation will not be visible from this location. P-4
Distance from the photographic location to the proposed installation is ±9,920'. 1820 Howardsville

This is Logan Road and Mountain View Road. No balloon. Next please.



Tectonic Looking northwest from the intersection of Selma Road and Howardsville Road. Proposed installation will not be visible from this location. P-5
Distance from the photographic location to the proposed installation is ±5,435'. 1820 Howardsville

This is Selma Road and Howardsville Road. There is no balloon in this location. Next slide please.



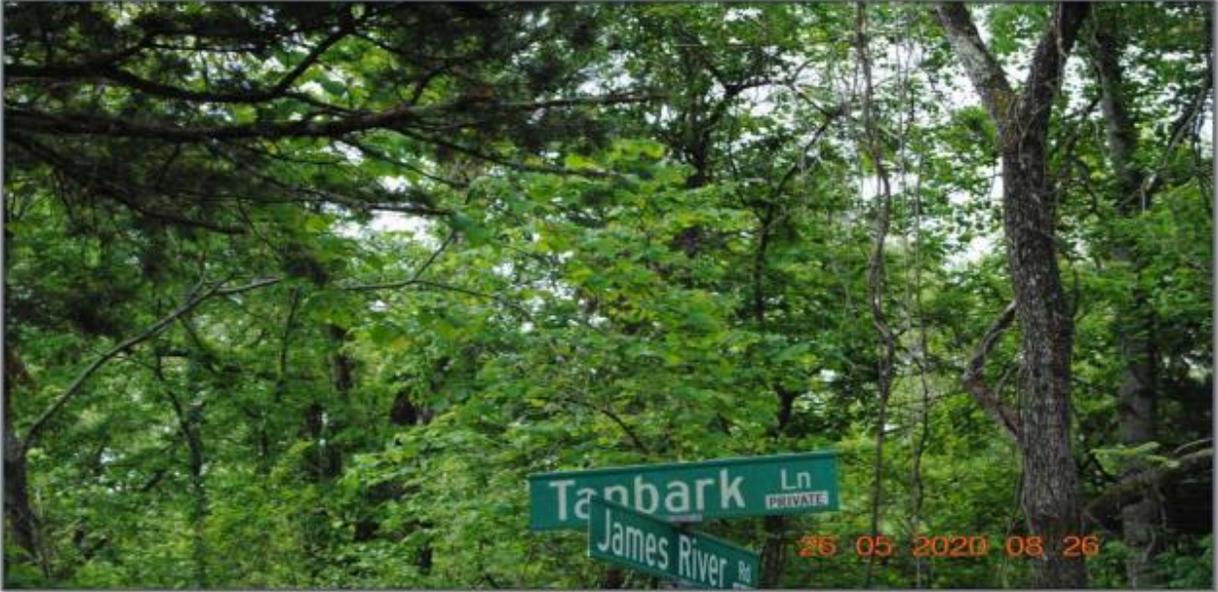
Tectonic Looking northeast from the intersection of Riverbirch Lane and Cabell Road. Proposed installation will not be visible from this location. **P-7**
Distance from the photographic location to the proposed installation is ±7,820'. 9820 Howardsville

And again River Birch and Cattle Road. You are not able to see the balloon obviously can't see anything through that brush. Next please.



Tectonic Looking east from 3340 James River Road/Route 626 (General Store). Proposed installation will not be visible from this location. **P-8**
Distance from the photographic location to the proposed installation is ±4,220'. 9820 Howardsville

All of these obviously are taken from the public right away. We didn't enter anybody's land without permission. So this is um, this is the James River Road and 626 General Store. We did not, we're not able to see the balloon. Next please.



Tectonic Looking south from James River Road/Route 626 and Tanbark Lane. Proposed installation will not be visible from this location. P-10
Distance from the photographic location to the proposed installation is 45,675' 0820 Howardsville

And this is obviously Tanbark and 626 and could not see the balloon. Next please.



Tectonic Looking southeast from Monticola Road and Howardsville Turnpike. Proposed installation will not be visible from this location. P-11
Distance from the photographic location to the proposed installation is 47,205' 0820 Howardsville

Again Monticola and Howardsville. Can't see it. Next one please.

CONTACT INFORMATION

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 - sbamman@bci-mail.com

Alright, so this is a just kind of in summary, who is going to use the service here. Obviously the first and most importantly, Buckingham County residents. This is as the largest demographic served. And it's a, you know, we find that there is generally in rural areas that are dead zones, like the area in question. There is a real hunger and a lack of opportunity for work from home in sort of the new post COVID economy. But not only that, for safety. As you know in rural areas, a lot of the work that you're doing is not necessarily inside a house handy to a landline. So if you are having an emergency whether it's on the road or in the field in the bush, you want to be able to have your cell phone working and the Batteau festival that goes down through this area on the river is very low here and there's no there's no services. I think that adds another group who's going to use this is Buckingham County. Visitors, you know, we find that that in the new finding is done by telephone you know, it's the sole way you find the way people connect. And in these areas that don't have cell service, you find that there's a disconnect for folks do get disconnected, and a locality or historic site can get disconnected from folks who are traveling and want to spend money in your county. I mentioned the safety It's, uh, I think these economic opportunity and safety opportunities for your county, and your residents are very strongly suggested in your comprehensive plan. And, as well with the economic opportunity through visitors. We do have plans for, we do hope to come to you very soon for another tower, that would be a special use permit. That would be up Route 20 in the Centenary area, but we're not able to disclose that location yet. You will be getting more Verizon service, a new rad center is being added to an existing tower on Route 60 near Rosney. So Verizon services will be expanded there. We're very glad to share. So we're, we're looking hard at the county and looking hard. You know, this isn't the only project that Verizon will have and we are actively deploying. So we're

here to answer any questions. Very glad to. And also if I might reserve a minute for rebuttal, in case there are any constructive comments,

Matthews: Questions or discussion from the board?

Patricia Osborne Whitaker, District 2: First of all, I'd like to know who my supervisor is.

Matthews: What district do you live in?

Whitaker: I do not know. I've been told five different times. I voted in five different places. So I would like to meet my supervisor. If you don't mind?

Matthews: Alright. What's your address?

Whitaker: 2554 Claybank Road. I live on the creek side to the church. Pat and Virginia is my neighbor.

Matthews: Are you on the north side of them or the south side?

Whitaker: On the north side. I'm assuming. It's really on the east side. It's not on the north side. It's on the east side. That's what sunrises so I say east.

Matthews: Where did you vote at last year?

Whitaker: Last year we voted that the rescue squad building up there behind the building. The first year we voted to church on 15. And then we went to the fire department and we voted there and they said no, you got to go back to the rescue squad and down in Dillwyn. So I'd like to know and meet my supervisor.

Matthews: Well, you're not gonna meet him tonight. We can send you pictures.

Whitaker: Why isn't he here?

Matthews: He's not here. I don't know why he's here.

Whitaker: He must have heard I was coming.

Matthews: I think he did.

Whitaker: I'll be honest with you,

Matthews: But let me get your telephone number and I'll get him to call you.

Whitaker: He don't answer the phone. He carries it on his hip. I don't know what for. Like I said, I've lived here since 2000. I see something on here I'd like to acknowledge. I'm from Powhatan County, by the way for 50 years on the Appomattox River side. Y'all have a statement in here requested from Powhatan County Board of Supervisors. I go to that county I still own land down here and I go to supervisors meeting down there. So y'all have some connections with them.

Matthews: Not really And they're not an adjoining County, but we do from time to time have some conversations.

Whitaker: All right, well, I still go to them too and as a matter of fact, when I moved to Buckingham County, my husband I am, well he's bad off. He's about ready to lose his legs, to be honest. But anyway, let's get over that. In 2000 when we moved here to get find out where we were, well, we were perked in Cumberland County, and then we got perked in Buckingham County. So we had to pay quite a bit of money to get perked to find out where we was going, and where the money was coming from all about money, right? I know. So anyhow, we finally got to 911 calls straight, but this Verizon that y'all got up here. I mean, I've got Century Link. These Verizon guys right here need to come to this county. Really bad. Because Century Link, I called everybody in this county. I started with Mr. Wright. as who I started with, because he's the head knocker, I've been educated a little bit.

Matthews: He's a good one to start with.

Whitaker: So he was the best one I knew in the county. Well, I call it all the lawyers in the county. I didn't get nowhere. I had a supervisor. So I was told, but I didn't know who he was. I mean, I call up here. We'll find out. Well, I pay enough taxes in this county to know who my supervisor is and he's not here. So what's going on? Is he... on the on Century Link deal, you have a tax? Buckingham tax? I think its three bucks, if it ain't gone up. I ain't paid my bill for three months, and I don't intend to pay it. Because I haven't had a phone line for three months or more.

Matthews: We have a CenturyLink specialist here tonight. Mr. Miles right here. He'll help you out.

Miles: I can give you a call Miss Whittaker.

Whitaker: Well, these Verizon guys. Seems like to me, and what I'm trying to... the situation is we have a what do you call it? Hughes Net. Well, I'm too old to get into all that. I come to Buckingham for one reason, one reason only. To get away from people. Because I don't get along with people, period. I mean, I'll be honest, I don't get along with people. If you're wrong. You're wrong. I don't ride that rail. Yeah, well, I'd like to have a phone system. I'm in bad health.

My husband's in bad health. I went to the river, I pay taxes down Richmond County too. Went down there and he didn't have a phone. The man's got sugar real bad. Alright, so I like to have a phone in my house. A landline phone. Something I'm paying for I want to get. Now the next thing the situation in this county is getting to be is Virginia Power. Now that's another whole ballgame. I know that y'all don't, I don't use pay attention to my bills that much I just pay them on time. You know keep the lights on. Well when I looked at this last bill, and it was double what it was this time last year. It was time for me to put up a meter. You got me? So three months I have been overpaying and I called up there and the man didn't want to talk to me about that either. So I told him I was gonna knock on the door cuz I don't like secondhand stuff. We need a phone system in his county really, really bad. And I want to meet that man. Can you give me his address? I'll go knock on his door. Trust me. I will do it. Where does he live?

Matthews: What's his address?

Whitaker: I need his address.

Matthews: He might be moved by now. He might have moved tell you truth. I don't know.

Whitaker: I'll tell you what, I'm talking to John Station, the insurance man around here and I've had insurance John Staton for a very long, ever since we've been here. I told him, I called Jennifer and I said look my house burns down someone's going to pay for it and it ain't going to be me. I have a security system in our house, Richmond security right. Can't even send the sheriff's department down there.

Matthews: He's here tonight.

Whitaker: I'm glad you're doing the job. It's not necessary for the taxpayer's money to be spent unnecessarily. This county is a beautiful county. I moved out of Powhatan because it's so busy. And it's ridiculous the way people think down there. But see, like I said, I don't like people. I moved to Buckingham and I don't have to get along too many people. All I have to get along with is Agnes, Virginia and Bo. And of course, you know how that goes. All other people around the neighborhood. But we got some newcomers and they'd like to start coming. They're from Minneapolis military. Lives across the road from me. Anyway. I appreciate y'all listen, we need to find in this county.

Matthews: Yes, ma'am. We will very much make sure we listen to that.

Whitaker: Where do you live?

Matthews: I live over in the Curdsville district. I'm just a hop and a skip from you. Pat Bowe is in my district. But you're not.

Whitaker: No, I'm not.

Matthews: That's right. So

Whitaker: We had a terrible storm. You know that don't you. Him and I we had a bad storm.

Matthews: Yes, ma'am.

Whitaker: Well, the insurance company didn't cover dime of mine. I don't know what they did for his.

Matthews: Blew a tree down on his house I believe when that happened earlier this year, I believe.

Whitaker: No, he had more than that. But anyway, Case Closed. Thank you. I'd like to meet my supervisor. Do you have his address in the courthouse?

Matthews: I think we can probably get you the address.

Whitaker: I got the phone number. But you don't answer the phone.

Matthews: Is it Scotts Bottom Road. I think he lives on Scott's Bottom.

Whitaker: I live right next door to him. I'll walk over. Thank you guys.

Matthews: I'm glad I'm glad you came. Thank you.

Whitaker: Glad to meet all of yall. You've done a good job, just like to have a phone in the house.

Matthews: Yes, ma'am. And take care. We're actually working on that a little bit. Just to give you a little bit of information moving forward. You know, you've heard the gentleman speak from Central Virginia Electric about Firefly internet service, and they're going to be doing some work on Dominion poles, which is your electric company. But I think you're going to also have the ability to get phone service through Central Virginia when that when all that happens in the next two or three years.

Whitaker: Hey, I live for today. I don't live for tomorrow and I don't live for yesterday. I live for today. You know, just got implants, how you know, you going to live long enough to use them. I said, case closed. Thank you guys, but I will meet that man. I'm gonna get his address.

Matthews: Donnie Bryan is his name.

Quinn Robinson, District 4: Hello, again, Quinn Robinson, District Four. Still with Mr. Miles, I just wanted to say a couple things that have this cell tower, it's been an issue for some time, in many counties, the cell towers are put on public land, all the revenue goes to the county in general. And in Buckingham, it seems to be totally different. There's some mysterious way they come and pick out who they want to deal with, then they come to the county for permission, if did much better, if you had a system whereby the county controls where they're located, there's a big range, you pick it out, and you define it and then have people bid on it. But stop giving away the money that should be due to this county. And if you can't do that, then impose a tax on the revenue from those who are receiving it half to the county, and they can keep the other half. This is the biggest neglect of resources that I can imagine. There are many 1000s of dollars. So some of these things, and they go on for years. And I don't think there are many little people with 1015 acre spreads with the cell towers on. It's not right, it's not fair. And I think you can appreciate that, that it should be more open, if somebody wants to bid on it and fine, and let them deal with the various companies. And if that can't be done, then immediately upon approval of these things, the party that gets it in there should be no, they're gonna have LLCs you have to tell us who it is and how much is being paid in the rent. And then the and that would be a reassessment of their property, because it just hit the jackpot. And if you don't collect money on taxes, in terms of income, then what do you do to take the land and that's your land value is just raised very strongly. That's it, thank you. But I just want to mention from apex, I read last week that they've been taken over by another company, so it an ally that's been financing for some time, so they're not they're not on the bill for this anymore. You at least not directly. Thank you.

Lann: That was all for that.

Matthews: Are there any other questions or discussion from the board members or the public?

Bryant: Mr. Chairman, that piece of property is in my district, and I'm very familiar with the with the property and with the land owners and everything. And I make a motion that we approve this SUP.

Matthews: I've got to close the public hearing. I appreciate your statement, Mr. Bryant, and, or the folks that own land, they're in pretty good standing as far as you're concerned and everything. I mean, everything's good to go.

Bryant: No doubt about it.

Matthews: Okay. No other questions, no other discussion? We're going to close the public hearing.

Bryant: I'll make a motion to just what I just said while ago. I don't have to repeat it.

Allen: Second.

Matthews: We have a motion and a second to approve the cell tower in Mr. Bryant's district. Call for the vote. Six, yes. And one absent, approved.

Supervisor Bryant moved, Supervisor Allen seconded and was unanimously carried by the Board to approve 21-SUP289 for Cellco Partnership communications tower in Howardsville Va.

Re: Public Hearing: Revenue Share Ordinance for Solar Farms

Matthews: Alright, Item K-1 is going to be Revenue Sharing Ordinance for Solar Farms. And Mr. Karl Carter is going to take this little presentation for us.

Carter: Sir, Mr. Chairman, for those who weren't here last month, I go back over some of the information we talked about the previous month. Basically, there are two ways to tax solar farms. The first way is through the State Corporation Commission, with machinery and tools tax. This tax will be calculated on the values of their assessed by the State Corporation Commission and allow for typical depreciation on their machinery and tools. So in year one, when all the equipment is new, there will be a high tax. And when year 40 rolls around, when all the equipment is fully depreciated or close to being depreciated, you'll be at a low for revenue received from the county. We now have a way of doing this through revenue sharing, which is a real simple rate. It taxes the solar farms on the megawatts instead of the machinery and tools. So this revenue sharing is based on megawatts, which would be whatever the size of the plant is absorbing the example I used last month, 130 megawatt plant, you are taxed at \$1400 per megawatt. So in that example, I think I do my numbers, right. And we put \$182,000, the first year that we received from that solar farm. And what also makes this an attractive option is that it has an escalation clause that every five years and increases 10%. So the county will receive an increase in payments over the years and not decrease in like the machinery and tools tax. Now the thing about the revenue sharing that we don't talk about nowadays, what is very important is revenue sharing does not affect the Composite Index, which affects our school funding. So we want to leave that alone and get all the funding that we can from the state. In your packet tonight, you should have a copy of the ordinance. And I won't read the whole thing, but I'll just read the beginning of it. This ordinance says, "The Buckingham County ordinance to implement revenue share for solar energy projects and energy storage systems pursuant to Virginia Code. 58.1-2636. The Virginia code same as just mentioned, title revenue share for solar energy projects and energy storage systems effective July 1 2021, whereas Virginia code 58.1-2636 authorize any locality to adopt an ordinance to access revenue share up to \$1400 per megawatt, as measured the alternating current AC generation capacity of the solar energy project or storage capacity based on submissions by the city owners and interconnecting utility on any solar photovoltaic electric energy project of energy storage systems assumptions, certain exemptions Virginia section code 58.1-2636. Whereas the \$1400 per megawatt on any solar photovoltaic energy

project, energy storage system shall be increased by 10%. On July 1 2026, and every five years throughout there by 10%.” It was a comment made earlier about who was exempt from this and then in your ordinance, it goes down and talks about that we got the ability, it says this article shall apply to all solar photovoltaic energy systems except those described in 56-594,56-595.02, 56-594.2 or Chapter 358 and 382 of the acts of assembly of 2013, as amended. So exempt from this will be 20 megawatts or less, as measured in alternating current generation capacity for which an initial interconnection request has been found with their electric utility or regional transmission organization on or before 31st, or five megawatts or less. So those will be exempt from this revenue sharing proposal for you tonight. Mr. Chairman, that's all I have unless there any questions? You can open the public hearing...

Matthews: We're gonna open the public hearing up for the revenue sharing ordinance for the solar farms. Are there any comments?

Lann: Yes, we have three signed up and one email.

Anthony Taylor, District 3: Good evening, Mr. Chairman and Board Members. My name is Anthony Taylor. I'm from District 3. Mr. Carter did answer some of my questions because I read the code. And it actually caused me to have more questions and then answers. But just to give you a heads up, I mean, I'm here on the solar farms, and they are gigantic. But my main concern is mainly for the small person like myself, property owners that have entered into the solar arrays. My wife and I, and I'm sitting right at 11 kW unit. Last year, I produced 1.8 megawatt hours. So at least right now, I'm going to be exempt. But I'm kind of curious as to know, where do we go from here. I read like I said, I read the upcoming proposal for the revenue sharing on the solar projects, as well as the code. And I saw that it was in that code was enacted in 2020. And from what I gather is one of the fact the company is more than just going to effect on the individuals. But having recently bought into the solar, I find the legislation for this whole revenue sharing to be a little concerning. And the reason being that I say that is, you know, we've been, it's just been pounded in that we need to be more green, and more environmentally friendly. And some of these solar farms are huge. But I think there are other ways to go about getting where we are with doing solar. Without going like crazy with these 1000 acres farms. As a community, we help shut down the latest petroleum pipeline that would have traveled through the Commonwealth and this county. And that was, that was a victory. But at the same time, we have a real need to produce clean energy. And it's never been more in demand than it is right now. The cost of the solar technology is expensive, but I'm kind of wondering, you know, at what point does it get reduced from these big farms and trickle down to me. My, you know, my array cost us over \$30,000. And we had to pay out of pocket for it by to the grid, I pay to be tied to the grid, and then I get some of the power back at a reduced rate. But as it stands, you know, we can only produce up to 75% of what we consume annually or get heavily penalized so that \$30,000 that I spent, it's going to take me 10 years to recover. I'm just on the only equipment and it's only good for 25 years, relatively small array. But if we were to do the revenue sharing at least down to this level, it makes that kind of money, that kind of tax or revenue sharing actually

makes it ineffective. Possible long term benefits of the savings would just be a no brainer for anybody is entering into it or even thinking about getting into it. There's got to be a better way. My solar array like I said, it's only gonna last 25 years. And if I'm being taxed on the energy that is producing, I'm also being taxed on energy I'm consuming on my bill. Aren't I already gonna be paying for the structure itself on my property taxes. And then these companies is going to be the same way. They have to pay for the land. They have to pay for the property tax and are they going to be taxed on all the structures? This seems to be an awful, awful lot of money and we really are at a crossroads? Would you rather have a petroleum pipeline running through the county? Would you rather have a nuclear power plant? Would you rather have fracking of all those. O think solar is probably the most green. Maybe not on that huge scale. But we have to start somewhere. We have to start somewhere to improve our infrastructure. If we don't, we're going to become just keep coming back. And it's just one thing after the other year after year. There's just got to come a time you know, when we, there is smart development. We need to use common sense, and apply that and so but so far as revenue sharing, I'm a little concerned that it's going to reach back to me and make what I have invested in, it's going to make it it's gonna actually cost me to have it rather than benefit. Thank you for your time.

Marie Flowers, District 3: Hello, Marie Flowers District 3. I have come here, solar is a good thing. But in every good thing, there is positive and negatives. And I'm hoping before we approve all of this, you will get in touch with and with an expert to let you know, or some experts to talk about the positives and negatives. I know there have been times when this board has not protected the rights and the health of its citizens. Basically, the pipeline and the compressor station, you could have gone much further in protecting those people. I've been I went to all those hearings, and there were a lot of things that you could have insisted on. I hope that money doesn't trump everything. No pun intended. But my feeling is that the elected officials, their first responsibility is to protect the citizens. And I know that revenue is a very important thing for the county. And I also realize that an elected official can never do anything, right. There's always somebody that's going to tell you, you were you're doing the wrong thing. Most of us who come here to comment, we want you to have an open mind and look at everything, not just the revenue that comes in, but to look at everything. And well anyway, thank you for listening to me.

Quinn Robinson, District 4: Greetings again gentlemen. Quinn Robinson District 4. I just wanted to comment that I've as I said earlier, it's difficult to figure out what the limits of this are. It hasn't been clarified, and that goes directly to what the legislature did in Virginia. It's not clear. I couldn't make any sense out of that 58.1. And I should if you can either have an exception building the Buckingham's. If you're going to do this, the same that only persons with so much income or something. Just restrict it so that you don't get the little people. And the other thing was that they have the federal government paying huge incentives to get people to build solar installations and if somebody wants to build something for their home, or they want to keep their chickens warm during the winter fine, but that should be excluded. A reasonable level and it's the contrast between the smaller operators versus this thing by Apex is just overwhelming.

Anyway, it'd be much better to have a lot of little places going on. Please consider that. Thank you.

Lann: And we have one email from Mary Jane Poulter.

My name is Mary Poulter. I live in Maysville District at 639 Troublesome Creek Road in Buckingham. I want to comment on adopting a revenue share for solar energy projects and energy storage systems. I am in favor of the revenue sharing ordinance. I believe solar farms can be a viable economic option for Buckingham County residents and conserve to strengthen county revenue. I want to make some general comments about solar farming. First, I think there that there should be a requirement that a solar farm be surrounded by a tree barrier. For example, there should be a tree boundary between the solar farm located on Route 60 close to Sprouse's Corner. The view does not contribute to Buckingham's rural atmosphere, but the Board of Supervisors should recognize potential negative environmental effects of solar farms and ensure that they are addressed prior to the issuance of building, zoning permits to those businesses. Negative effects can include increased stormwater runoff, increased heat and air environment due to lack of tree coverage, and a plan for the proper disposal of the solar panels which contain lead and cadmium. Thank you for allowing me to express my opinion.

Lann: And that is all.

Matthews: Mr. Carter, I know there's a lot of different reasons that we're looking at the revenue sharing but if my memory serves me correct for years, the county didn't receive hardly any financial gain as far as the solar farm was concerned. Am I right on that? I mean, not even down to machinery and tools tax. Am I correct on that?

Carter: We did receive some taxes like a machinery and tools on their depreciated equipment. But also, when they purchased that equipment, we received some tax on that as well.

Matthews: But it was minimal compared to the revenue sharing.

Carter: Right compared to revenue share and revenue share, I think we get the numbers is about twice as much as the old way was doing it.

Matthews: Right. And I mean, granted, that's one reason for it. But also reasons some of this stuff is developed and Mr. Taylor touched on a little bit about how many megawatts you can sell or put on the grid, and that we're trying to penalize the small person. Well, there's a lot of Amish guys out here, they're what I consider small people that are not doing it for monetary gain, but they're actually doing it to survive, because that's the way they want to do it. And they don't pay an electric bill in their home. But I guess what you need to determine is are you doing it for your personal needs? Or are you doing it for personal gain as far as financially I mean, you know, at some point time you got to make a decision on that. So I think we've looked at it from a couple

different standpoints on how many megawatts, we're gonna how much money we're gonna make on a megawatt of energy, whether you make it or somebody else makes it. It doesn't make any difference. And I think that's something that the legislature, that our legislative body looked at back in 2020 and that's how this stuff has come about you know. It's not just Buckingham County has dreamed up these ideas and these things in these amounts of money that we're trying to achieve here but I just want to make a point for years we didn't make anything hardly on a on a solar farm. So you know, times are changing and things are happening and you know, we're moving forward but whether it's right or wrong or whether it's the right way to do it the wrong way to do it. I mean, that's still kind of up in the air we you know, we're kind of going through this thing as we as we come to it. So anyway, any other questions or discussion from our board or anyone else?

Miles: I move we adopt the ordinance, Mr. Chairman,

Matthews: I've got a close.

Miles: I apologize.

Allen: I'll just go along with you. I'm just saying in the back of my mind machinery and tools tax, have you looked at it over the so many years and looked at it back to this new thing we're getting ready to do. So with this new thing is a lot more money a lot more?

Carter: Yes.

Allen: Okay. I didn't know. I didn't see the numbers on both things. I didn't know if it was...

Carter: In our committee meetings, we had... there's actual program that you can type in all the information, it calculates it for you both ways, so you can compare it and see it on your screen.

Allen: There was a onetime I had heard that we will get like \$300,000 from the solar, and then this is gonna be a lot less.

Carter: What this was based on is 130 megawatt.

Allen: They're doing 149

Carter: Yes, you would increase those numbers. Yes, sir.

Matthews: Yes, ma'am.

A lady spoke from the audience and did not pick up on the recording.

Matthews: Karl, were you going to make a statement to that?

Carter: If you look at Section Two of your ordinance, it reads in Article B it says This Article shall not apply to any solar photovoltaic (electric energy) project or storage energy system for which an application was filed with the County and approved by the County prior to January 1, 2021.

Matthews: Okay. Any questions or concerns? Public hearing is now closed.

Miles: I'd move we adopt the ordinance. Mr. Chairman.

Allen: Second.

Matthews: Got a motion on the floor to adopt the ordinance. And then we have a second by Mr. Allen. Call for the vote. Six in favor, and one absent.

Vice Chairman Miles moved, Supervisor Allen seconded and was unanimously carried by the Board to adopt the Revenue Sharing Ordinance for Solar Farms as follows:

BUCKINGHAM COUNTY BOARD OF SUPERVISORS

A BUCKINGHAM COUNTY ORDINANCE TO IMPLEMENT “REVENUE SHARE FOR SOLAR ENERGY PROJECTS AND ENERGY STORAGE SYTEMS” PURSUANT TO VA. CODE ANN. §58.1-2636

WHEREAS, Va. Code Ann. §58.1-2636 titled “Revenue Share for Solar Energy Projects and Energy Storage Systems” is effective July 1, 2021;

WHEREAS, Va. Code Ann. §58.1-2636 authorizes any locality to adopt an ordinance to assess a revenue share of up to \$1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the solar energy project or storage capacity, based on submissions by the facility owners to the interconnecting utility, on any solar photovoltaic (electric energy) project or energy storage system, and subject to certain exemptions set out in Va. Code §58.1-2636;

WHEREAS, the \$1,400.00 per megawatt on any solar photovoltaic (energy) project or energy storage system, shall be increased by 10 percent on Jul y1, 2026, and every 5 years thereafter by 10 percent; and

WHEREAS, the County desires to adopt this ordinance to implement the provisions of Va. Code Ann §58.1-2636, as amended.

NOW THEREFORE BE IT ORDAINED by the Buckingham County Board of Supervisors as follows:

1. To add an Ordinance titled “Revenue Share for Solar Energy Projects and Energy Storage Systems” among the Buckingham County Ordinance as follows:

“Revenue Share for Solar Energy Projects and Energy Storage Systems”

Sec. 1. Purpose, Definition, Relation to Other Ordinances.

- (a) The purpose of this article is to implement Va. Code Ann. §58.1-2636, as amended, titled “Revenue Share for Solar Energy Projects and Energy Storage Systems”.
- (b) Terms used in this article shall have the defined meanings found in Va Code Ann. §§58.1-2636, 58.1-3660, 58.1-3507, or 58.1-3508.6, as amended.
- (c) To the extent that the provisions of this article conflict with any prior ordinance or provision of the Buckingham County ordinances, this article shall control.

Sec. 2. Applicability.

- (a) This Article shall apply to all solar photovoltaic (electric energy) systems except those:
 - (i) Described in §56-594, 56-595.02, or 56-594.2 or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended;
 - (ii) 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; or
 - (iii) Five megawatts or less.
- (b) This Article shall not apply to any solar photovoltaic (electric energy) project or storage energy system for which an application was filed with the County and approved by the County prior to January 1, 2021.

Sec. 3. Revenue Share Rate Per Megawatt and Waiver of Machinery and Tool Tax.

- (a) The County hereby imposes a revenue share to be assessed at a rate of \$1,400.00 per megawatt on any solar photovoltaic (energy) project or energy storage system, which rate shall be increased by 10 percent on July 1, 2026, and every 5 years thereafter by 10 percent. The generation of storage capacity shall be measured in alternating current (AC) generation or storage capacity of the facility and the determination of the generation or storage capacity shall be based on submissions by the facility owner to the interconnecting utility.
- (b) The exemption for solar photovoltaic (electric energy) projects and energy storage systems greater than five megawatts as provided by Va. Code Ann. §58.1-3660, as amended, shall be one hundred percent (100%) of the assessed value.
- (c) Nothing contained herein shall be construed to prevent any other tax or fee as provided by the Code of Virginia.

- 2. This ordinance shall become effective on adoption.

ADOPTED this 12 day of October, 2021

<u>Supervisors</u>	<u>Yea</u>	<u>Nay</u>	<u>Absent/Abstain</u>
1. Dennis Davis	X		
2. Donald E. Bryan			X
3. Donald R. Matthews, Jr.	X		
4. T. Jordan Miles, III	X		
5. Harry W. Bryant, Jr.	X		
6. Joe N. Chambers, Jr.	X		
7. Danny R. Allen	X		

The undersigned hereby certifies that the foregoing is an accurate account of the vote taken at a duly convened meeting of the Buckingham County Board of Supervisors on the 12th day of October, 2021, at which meeting a quorum was present at the time the meeting was convened and at the time said vote was taken.

Clerk, Board of Supervisors of Buckingham County, Virginia

Re: Introduction Case 21-SUP290 Apex Clean Energy Solar Farm

Edmondston: Mr. Chairman, before I proceed with the introduction, it has been brought to my attention that one of the comments that was emailed in during the earlier portion of the meeting in regards to Emanuel Zunz. His attorney Amanda Ames sent that in, the comment in it's entirety was not read. I'd like to take a moment to read this and submit it to the official records of tonight's meeting. From Amanda Norris Ames. To Buckingham County Board of Supervisors and she states I am submitting the following public comment on behalf of a Buckingham County resident Emanuel Zunz for consideration at tonight's board meeting. My name is Emmanuel Zunz. I live at 991 Paynes Rd., which is the property just north of Apex's proposed project. I submitted comments and questions to the Planning Commission before their last hearing on September 27, 2021. My comments, however, were not read at the meeting or considered by the Planning Commission prior to their vote, in violation of the Planning Commission's own rules and procedures. Since then, Apex has reached out to me to discuss the matter. After hearing what Apex had to say, I *still* have significant questions and concerns about the project. For example, Apex initially asked me for an easement to cross my property to connect to the AEP power lines--which are entirely on my property. Now, however, Apex claims that it does not need an easement from me. Apex now claims that it can connect to the AEP power lines on *my* property *without my consent*. I strongly disagree. The SUP application

should be denied because the project is not feasible without Apex lawfully acquiring access to my property. What is the purpose of a solar energy project if it's not able to connect to the power grid? Why should the Board approve a project that cannot be built without trampling on a neighbor's property rights? Given these concerns and the legitimate concerns raised by my neighbors and others at the Planning Commission, I ask that the Board deny Apex's permit. At the very least, given that the proper rules and procedures were not followed at the Planning Commission's last meeting, I ask that the Board remand this matter back to the Planning Commission so that the Commission can hear and consider my comments, which were properly submitted but not read or considered in violation of the Commission's own rules. At the very least, the Planning Commission should consider all public comments – especially the serious concerns raised and properly submitted by a neighboring property owner – prior to issuing its recommendation. If not denied outright, the SUP should be sent back to the Planning Commission. Thank you. Amanda Norris Ames.

Mr. Chairman, this is an introduction of Case 21SUP290. Landowner is Weyerhaeuser. The applicant is Apex Clean Energy Inc. The property is Tax Map 17 Parcel 8 containing approximately 520.185 acres, Tax Map 17 Parcel 9 containing 97.4 acres, Tax Map 17 Parcel 13 containing approximately 59.5 acres, and Tax Map 18 Parcel 2 containing approximately 1286.43. The parcels are north of Bridgeport Road, East of Rt. 20, West of hardware Road in the Slate River Magisterial District. The zoning district is A-1. The request is the applicant wishes to obtain a Special Use Permit for a Solar Generating Facility for the purpose of constructing and operating solar photovoltaic modules to produce up to 149.5 MWAC. The power generated will be linked to the electrical transmission grid via the existing 138 KV overhead high voltage transmission line adjacent to the property. They are requesting a public hearing. This property is located north of Bridgeport Road, East of Route 20, West of Hardware Road and I read to you the tax maps and parcels that this contains. As I mentioned the landowner is Weyerhaeuser and the applicant is Apex Clean Energy. The property is zoned A-1. The zoning ordinance does not permit a public utility generating plant as a permitted use. However, within the A-1 Agricultural District, public utility generating plants, public utility booster or relay stations, transformer substations, meters and other facilities including railroads and facilities, and water and sewage facilities may be permitted by the Buckingham County Board of Supervisors by a special use permit following recommendation by the Planning Commission in accordance with this ordinance on the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the special use permit is approved. Riverstone Solar LLC, the applicant or Riverstone request a special use permit to allow for the construction and operation of a 149.5 megawatt utility scale solar facility known as the project, on approximately 1996 acres of private land in northern Buckingham County, Virginia, the property. The project is being developed by Apex Clean Energy, a renewable energy development construction and Operations Company based in Charlottesville, Virginia. Below are 27 conditions that were presented and agreed upon by the Planning Commission. Case 21-SUP290 was introduced to the Planning Commission on August 23, 2021. The Planning Commission held two work sessions to gather more information regarding this application. Work

sessions were held on August 30, 2021 and September 14, 2021. On September 14 2021, the Planning Commission voted to move this case forward to public hearing scheduled for September 27, 2021. One voicemail was played, two emails read, one email submitted to the minutes for official record and five people were in attendance signed up to speak during the public hearing. The Planning Commission voted to present to the Board of Supervisors a recommendation of approval of this special use permit. Would it be the pleasure of the Board of Supervisors to schedule a public hearing? If so, November 8, 2021 at 6 pm. Also with us this evening is the applicant, two members of Apex Clean Energy to present a slideshow in regard to their project and to answer any questions and concerns.

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

- 1. Riverstone 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 of this SUP.**
- 2. The Applicant shall sign the list of the adopted conditions for this SUP signifying acceptance and intent to comply with these conditions.**
- 3. 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 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 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.**
 - c. A Stormwater Management Plan must be submitted to the Virginia Department of Environmental Quality (VDEQ) and approved by VDEQ prior to any land disturbance.**
 - d. The site 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. That the building permit must be obtained within 3 years of obtaining the Special Use Permit and the generation of solar electricity shall begin within 18 months of the building permit or this SUP shall be null and void. These deadlines may be extended by the County Administrator after consultation with the Board of Supervisors for 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. 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.

6. This SUP shall be binding on Riverstone Solar, LLC or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility.

7. The construction of Riverstone Solar, LLC 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 July 30, 2021 (the "General Plan"). The Solar Equipment and accompanying storm water features shall be limited to no more than the 1,729 acres of the 1,966-acre Property as shown on 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 align with these conditions.

8. 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 on site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.

9. After completion of construction, the solar energy facility, during normal operation and 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. A minimum two hundred (200) 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.

11 a. A minimum of a fifty (50) foot setback from Solar Equipment to the property line and any public rights of way shall be provided around the perimeter of the Project 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. Within the fifty (50) foot setback, the applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure the Project from the property line. Transmission Lines and poles, security fence, and project roads may be located within the setbacks only where necessary.

b. 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 within the buffer area is compromised and no longer visually obscures

the project, the Applicant will plant a new buffer including timber, evergreens, cedars or other vegetation as determined by the Applicant with the advice of a professional arborist or Forrester.

12. a. Along existing public right-of-way (ROW) with existing timber, the Applicant shall retain at least a fifty (50) foot buffer of existing vegetation and timber with the intent to substantially obscure the Project 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 visually obscure the Project, the Applicant will create a buffer of at least fifty (50) feet. The new buffer will include timber, evergreens, cedars or other vegetation as determined 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.

b. 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 within the buffer area is compromised and no longer visually obscures the project, the Applicant will plant a new buffer including timber, evergreens, cedars or other vegetation as determined by the Applicant with the advice of a professional arborist or Forrester.

13. The Applicant shall install a security fence around the solar energy facility 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.

14. 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.

15. The solar energy facility shall not obtain a building permit until evidence has been given to Buckingham County that the electric utility company has signed an interim interconnection service agreement or interconnection service agreement with the permittee.

16. If the solar energy facility is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid) for a continuous twenty-four (24) month period it shall be considered abandoned. The Applicant shall provide notice to County Administrator immediately upon the site becoming inactive and/or shutting down operation. The current owner of the Project ("Project Owner") shall remove the facilities ("decommissioning") within twelve (12) months of receipt of notice from the Buckingham County ("County Notice"). If the solar energy facility is not removed within the specified time after the County Notice, the County may cause the removal of the solar energy facility with costs being borne by the Project Owner. Unless the solar energy facility is owned by a public service corporation in the Commonwealth of Virginia, the net costs of decommissioning which includes the estimated salvage value of the equipment 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. 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 every five (5) years and 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 surety, to the extent required, shall be initially provided before the issuance of the building permit.

17. The Project shall be deconstructed and removed within twelve (12) months of the time the Project Site is permanently decommissioned. As used herein "deconstructed and removed" shall mean (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.

18. 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.

19. 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.

20. 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, wash-boarding of gravel, shoulder rutting, culvert crushing, etc.) to the public road that are required as a result of damage from the Project. If a traffic issue arises during the construction of the Project, the Applicant shall develop with input from the County and VDOT appropriate measures to mitigate the issue.

21. Parking of vehicles or staging of equipment or materials related to the project shall be limited to the Project site or other land owned by the same landowner at the time of Board of Supervisor Approval.

22. 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.

23. No aspect of the Solar Equipment shall exceed 20 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.

24. 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.

25. 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.

26. 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.

27. The Applicant will be restricted from using Paynes Road, Georgia Creek Road and Quail Run Lane for access to the Project Area during the construction phase of the Project. Once the Project is operational, the Applicant will be permitted to use Georgia Creek Rd and Quail Run Ln to access the Project, as proposed in the Transportation Statement prepared by the Applicant and included in the Special Use Permit Application Request.

Allen: Hey, Nicci, one question.

Edmondston: Yes, Mr. Allen.

Allen: A lot of people have complained about they won't notify. Do you have any idea what happened? What's going on with that?

Edmondston: The letters went out the week of September 22, or 23rd. There was a delay. This was not given an approval for the public hearing until the 14th at that late work session by the Planning Commission.

Allen: So it was at fault, we didn't send it very fast.

Edmondston: I did not get them sent out before the end of the week. The 17th. But they were not sent out by the 17th.

Allen: Okay, thank you.

Matthews: We're gonna have a little presentation by Apex right now.

Merrick: Chairman Matthews, Members of Board, my name is Jimmy Merrick. I'm a Development Manager with Apex. I'm here tonight representing Riverstone Solar Project. I've prepared a handful of slides here, understanding that for some of you what extent I'm not familiar with how, how much you all have been following along at this point. But I do want to commend the Planning Commission and your county staff. They've done a tremendous amount of work to date that for Planning Commission meetings, leading up to today, and the conditions that were approved and moved forward to the board, that are before you today have been well discussed and I think have been pretty well refined. But you know, I think there were a lot of constructive comments that were made tonight, and I expect there to be more comments. And we're going to continue to make sure that we're available to address any and all concerns and make sure that all

comments are considered and do the best that we can to make sure that this project is going to be a good fit for the county.



Riverstone Solar Overview
October 2021

So the presentation I have today, if you wouldn't mind moving to the next slide,

Agenda

- Apex Clean Energy Overview
- Riverstone Solar Overview
- Economic Benefits
- Project Area
- Community Design
- Preliminary Site Plan
- Viewshed Analysis
- Q & A

I'll sort of treat it for members of the board and folks that are just tuning in and you know, aren't familiar with sort of how far we've come and where we are today. So I'll give an overview of just Apex who we are, as a company, an overview of Riverstone that the economic benefits that will bring to the county in the surrounding area, an overview of the project area, the community design considerations that have already gone into the project, preliminary site plan. And then we also given that view was a topic of much discussion during the Planning Commission, what we did is, is we commissioned a study a third party visual simulation analysis based on the conditions that were negotiated with the Planning Commission and put on the project. And so using those conditions, we did that visual simulation analysis, and that shows really exactly what you know, neighboring landowners in the surrounding community can expect. You know, those that are, that live in close proximity to the project, as far as you know, you know, their viewshed and what we're doing related to maintain that the rural character of the area there. And then lastly, I'm planning to make myself available for any q & a after the presentation.

Apex Is a Clean Energy Company

Apex develops, constructs and operates renewable energy projects across the United States

2009 Year founded

250+ Professionals in Charlottesville, VA headquarters and nationwide

Since its founding, Apex has evolved into one of the fastest-growing companies in the industry. Nearly two dozen Apex-originated wind and solar facilities are now operating around the country, totaling over 5 gigawatts (GW). Operating assets undermanagement have grown to 2.2 GW.



Acquisition and Development



Financing and Construction



Asset Management

3 Confidential



Apex, we develop, construct and operate renewable energy projects around the company, or sorry, around the nation. We're a renewable energy only company, we started working on wind farms. And now we develop wind farms, solar farms, battery storage, and now more recently, even green hydrogen all around the country. We do have a number of projects in Virginia that have either been constructed or in development, including this one today. We've grown to a pretty healthy size for 250 plus people now. And we have we have expertise really, really at every corner, from origination to construction to environmental. I also have one of our in house engineers today to help speak to some of the concerns that were raised during public comment. Next slide please.



Riverstone Solar

Apex Clean Energy

Located in Buckingham County, the Riverstone Solar project will provide substantial economic and environmental benefits while generating peak demand electricity and annual tax revenue.

Project will emit no carbon pollution, release no heavy metals, acid gases or small particles and require no water to operate.

Projected Benefits of Riverstone Solar

Investment	Appx. \$190,000,000
Project Capacity	149.5 MWac
Construction Jobs	~ 482 F.T.E. Jobs
Direct Local Revenue	~ \$14,800,000 +
Electricity Production	Up to 30,000 homes per year
CO ₂ Offsets	277,709 metric tons per year
Offset Equivalent	Carbon Sequestered by 308,664 acres of U.S. forests every year

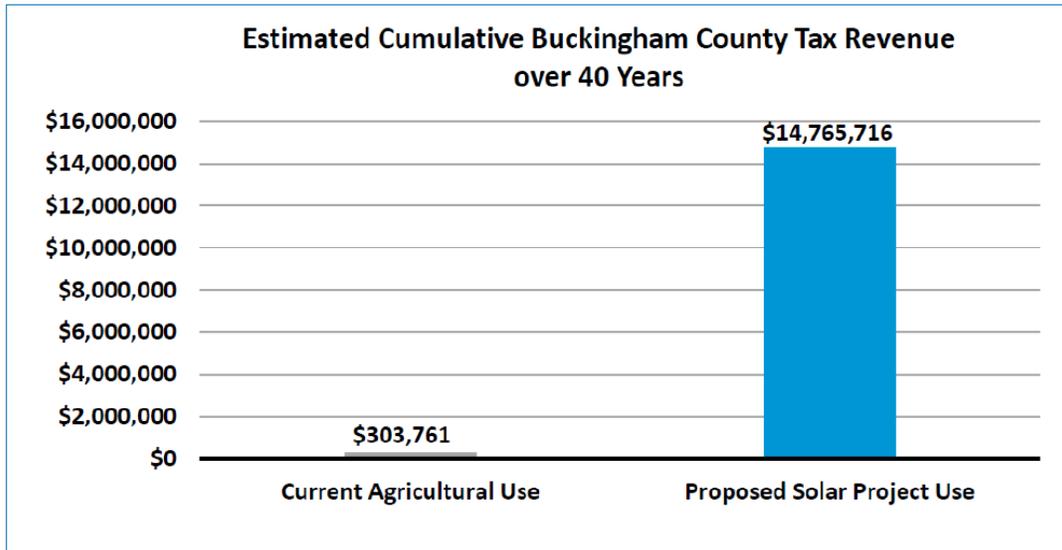
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But so, this is an overview slide just of the project. This the photo that this in the background here is actually a photo of a project that we've completed. I was on site at this project back in September of last year. But our project here in Buckingham County, this is the Riverstone Solar Project is going to be located and proposed to be located in northern Buckingham County, North of Bridgeport Road. It's divided through the center by Payne's Pond Road. And it is a solar only project. So you know, there's no fuel required. No off gassing. Very little moving parts. It will be quiet, very little noise and no lighting required for the operation of the project. This is a large project, and it represents a significant investment to the county, it's \$190 million investment to the county. And with that, you know, comes size but also a lot of economic benefits. So just as far as the jobs go, there will be a onetime flux of jobs during the construction of the project. We estimate about 482 jobs, during the construction of the project. There's a lot of local vendors that I think are well suited to the task as well, Buckingham Slate Quarry, for instance, is just down the road. And, you know, we've worked with them to supply a tremendous amount of aggregate for a previous project that we had. And construction is the largest sector in Buckingham County. And so I think there is a lot of skills and expertise that can help support this project locally. You know, we try to source as many jobs as possible locally for these projects. As far as revenues go, and so this number was assuming that the county would pass the revenue share ordinance, which you just did tonight. And so the direct revenues that we anticipate the county will receive from

this project are combination between the real estate value, which that's tremendously just with the result of the equipment that's going to be located on the project, but also in conjunction with the Revenue Share Ordinance.

Projected Economic Benefits to Buckingham County



- ~ \$14.8 Million in cumulative county revenue over the facility's anticipated 40-year operational life.
- ~ \$1.9 Million in state and local tax revenue from the one-time pulse of economic activity associated with construction of the project.
 - Estimated 482 jobs and \$24.3 Million in wages in Buckingham County's construction sector during the estimated 1 year of construction planned for the project.

6 Confidential



And so the project with those two combined, you'll see on the slide here, the proposal solar use would regenerate 14.8 million indirect tax revenues to the county. And this is really with no additional strain on the county or capital infrastructure. You know, we don't need any additional schools for this, we don't need water, we don't need sewer, plumbing, etc. And you can see in the current agricultural use, the county would see only about \$300,000 over the 40 year life of the project. And so this is a tremendous increase in value for the county, given the change as compared to the current land use. Now, Karl did talk about some additional revenues that previous projects have brought to the county and we'll bring those as well. Outside of the M & T tax which revenue share in a way exempts us from the M&T tax. But there will be also state and local tax revenues just from purchasing of equipment and services and things like that. And then I already spoke to the jobs but these are going to be well paying jobs. We anticipate about 24.3 million in wages just in Buckingham's construction sector and during the construction of the project. Next slide please.

Project Area



So this is a map of the project area. It's a parcel map. The black and yellow dotted line is our project area as proposed. This property is owned by Weyerhaeuser. And you can see actually that with this aerial, much of the property has actually been recently clear cut in very recent history. And this is just a snapshot in time. I understand that it's actually been clear cut even further as far as where we are today. And so majority of the site has been cleared already. And so I think, at the end of the day, I think that's why it ended up being a good fit for Weyerhaeuser and us as far as a partnership is it rotationally matches, you know, that a standard of timber would equate to about 40 years. And so they saw this as a good opportunity for them. And we're proud to partner with Weyerhaeuser there.

The next slide,

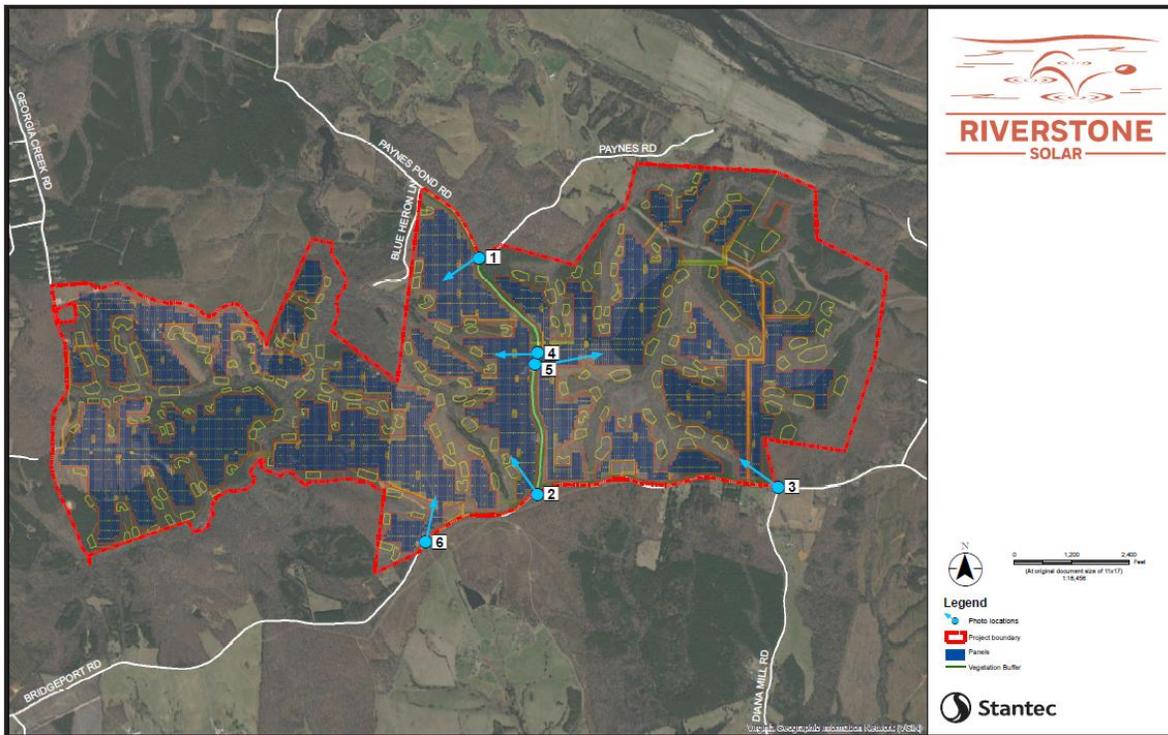
Community Design Considerations

- **Viewshed:** Applicant will leave and maintain existing vegetation within setbacks and install visual screening along ROW where necessary.
- **Sound:** During Operations, the project shall not exceed 50 dbA at property lines.
- **Traffic:** Construction traffic will be prohibited on Georgia Creek Rd, Quail Run Ln, Paynes Rd, and the Northern entrance of Paynes Pond Rd.
- **Project Entrances:** VDOT standards ensure construction traffic will not negatively impact safety of adjoining public roads
- **Wildlife Corridors:** The Applicant has incorporated extensive wildlife corridors throughout the project area.
- **Erosion and Sediment Control:** Per state law, an E&S bond is typically required as a contingency should any unforeseen issues arise.
- **Decommission Bonding:** The Applicant will post surety to protect the landowner and community against decommissioning costs. At the end of its useful life, the Project will be decommissioned in accordance with a decommissioning and rehabilitation plan.

I just want to discuss a little bit about the considerations that have that have gone into the community design for this project. Number 1 being viewshed. There's been a considerable amount of discussion on viewshed with regards to buffers and just making sure that the rural character of the county is maintained. And so we have committed to a 50 foot buffer around the entirety of the project and also the long right of ways. And then within that 50 foot buffer, we're going to leave all existing vegetation within that buffer. And so as you were aware, 100% of the site is pretty much evergreen, loblolly pines. It is a Weyerhaeuser track and so they will have foliage 365 days out of the year. And so we think it's actually really suitable buffer, you know, with little work to do right in the beginning, but working with Weyerhaeuser or another arborist or you know, someone with expertise as far as maintaining that, you know, we're confident that we can maintain it in a way where it will visually obscure the area or the projects to the surrounding community for the for the life of the project. As far as sound goes, we have committed to the condition and that you have before you today that the project shall not exceed 50 decibels at property lines. This is rather quiet and comparable to a dishwasher, just ambient noises in nature. And then as far as traffic goes, so we've made a decision to cross Georgia Creek with a temporary construction bridge, in order to avoid having to utilize Georgia Creek Road and Quail Run Lane. So those are smaller residential neighborhoods to the west of the project. And those are currently the roads that Weyerhaeuser uses to access the western portion of that project

area when they're doing their logging activities. And so that community is used to, you know, large trucks and in traffic that's back there. But you know, we wanted to make sure that we protected that community from the construction traffic from this project. And so what we've done is we've committed to actually accessing that portion of the western portion of the project from Bridgeport Road and Payne's Pond Road, and crossing little Georgia Creek with a temporary construction bridge that basically just spans the bridge that over with a crane. And from there very easily access that interior western portion of the site, and so we're proud to make that commitment. It is that additional cost to us to do that. But we think it's the right decision. And then as far as project entrances go, so all entrances will be VDOT approved. They're going to have the appropriate site stopping distances will have driveway entrance permits, and there'll be up to VDOT specs. So we are considering a total of seven proposed access points. However, only five of them are going to be proposed for construction. Two of those are actually are maintenance only. And those are Georgia Creek Road and Quail Run Lane, which I already referred to. And so for the O and M phase of the project, what we were planning to do is remove that temporary construction bridge, and then access that western portion of the project from those smaller roads. But during operations and maintenance, there's really little staff needed to maintain the project. It's one or two pickup trucks a week. Really just landscaping, mowing and making sure that the stormwater features are cleared and everything's in proper working order. And then we've also put considerable thought into the size of the project and made sure that we incorporated wildlife corridors and in the project area so it's not the entire project area isn't going to just be surrounded by entirety by fence line it will actually be broken up into smaller project areas for lack of a better word. Smaller, you know Island in areas where there's going to we're going to maintain corridors where wildlife, deer turkey game, what have you can still pass through the project uninhibited and so we've provided some substantial wildlife corridors there. And then erosion and sediment control. You know, I wanted to make sure that we covered that and I actually asked one of our in house engineers that's actually helped design the Riverstone project to be here tonight. His name is Jeremy Spates, and I'm going to ask him to come up and maybe address some of the things you know, as far as erosion and sediment control perspective after my presentation. Per state law, ENS bond is typically required as a contingency. And there will be substantial permitting, for erosion and sediment control and stormwater permitting. So and Lyn, your Environmental Programs Manager, I think can educate you all on that, he's well informed. And so we will require an erosion and sediment control permit, and then we'll work with the Peter Francisco Soil and Water Conservation District to know how to support the review of that. And then also sort of on that note, you know, we are making a commitment to reimburse the county for any plan reviews or third party inspections, or anything that may be required on the county's behalf during construction or even before construction starts for plan reviews. So before construction, and during construction, we are committing to reimbursing the county for any and all expenses with regards to that making sure that we're not putting any undue strain and understanding that Buckingham may not be completely, you know, staffed to support a project like this. So we're proud to make that commitment. And then, from a decommissioning perspective, it is common for these projects, to post surety not only to protect the landowner that the project is going to be located on but also the surrounding community and the taxpayers in the

county. So in the very, very unlikely event that, you know, for instance, Apex goes bankrupt, and we're not picking the phones up anymore, there is surety in place where the county can cash that in and use that money to deconstruct the project, and return the land to its to its previous use. With that being said, it's highly unlikely scenario. And, you know, we have full intent to at the end of its useful life completely deconstruct the project. We remove the panel's pull the steel up out of the ground, return it to its original land use, and then at that point, whoever the landowner is they could continue to farm it for trees, or farmland or whatever they wanted to do at that stage. The land is completely usable after the end of the project life.



So I wanted to give you a copy, patient, same slide that's on the screen. Given the amount of discussion that was had around viewshed, we took it upon ourselves to go ahead and perform a visual simulation analysis for the project. And so this map is...what this shows is the project boundary, the facilities that are proposed within the project boundary, including the stormwater features, and it also shows six blue points here. So these points indicate the location and direction of a photo that was taken. And there were before photos were taken. And so I encourage you to follow along using this slide for the next slides coming up so that you can understand sort of where we're looking at when I'm discussing some of the additional slides. And so what we've done is, is we've gone and we worked with Stantec to essentially just take photos of the site as it is today these photos were taken a week or two ago. And we did it before photo and then we used a computer to generate, you know, theoretically what it will look like in in 5 to 7 years and then also 10 to 15 years. And so folks that live around the project, I think this will help give them a really good understanding of what can they what they can anticipate.



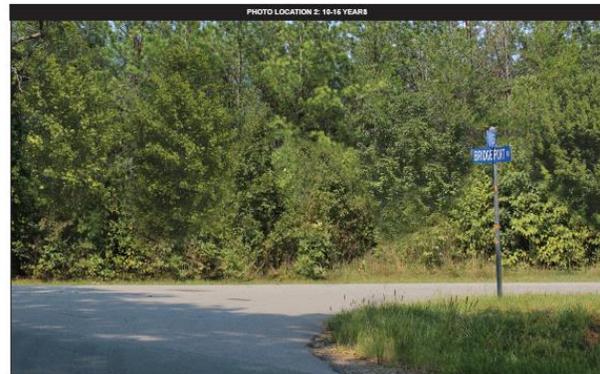
So I'm going to go to the next slide please. So this is Location One, looking to the southwest. This is basically right at the intersection of Payne's Road and Payne's Pond Road. And so the photo to the left here is the existing photo. So this is what we would call the before. And then the photo to the right is 5 to 7 years in the future. And so this would be after the solar project is constructed. And you can see that in 5 to 7 years that the project would not be visible from this location.



And then you can go to the next slide. And it's the same photo, except on the right side it's, it's a 10 to 15 years in the future. And so you can see that those trees will continue to grow up. And we'll continue to screen that project where we have, where are those photos looking, that plot was cleared in 2015. And so that those trees are already about five or six years old, and so it's very thick. And so you know, that's looking, you know, the Southwest there, you know, there's different age stands all over the project area. And so we've tried to get a really good, you know, mixture of that.



And so if you go to the next photo here, so this is photo location 2. If you refer back to your map there, you can see that it's looking to the northwest, and it's right where Bridgeport Road intersects with Payne's Pond Road. You can actually see the sign there. And so like I said, it's right at that intersection is looking to the northwest. And so this is essentially the view that you would have if you were driving by in a vehicle. So the existing photo, as you can see, there's already existing vegetation there. And we're planning to leave that buffer in place, undisturbed, for a 50 foot distance. And so you can see that in locations 5 to 7 years, in the photo to the right, it has no impact on the visual nature of that area as you're driving by the project. The project is completely screened there, because there is so much existing natural vegetation already in existence. And so we wouldn't clear that and, and replant, you know, the screening and then the community would have to wait for that to grow up. There's already a tremendous amount of existing vegetation there that would serve to visually obscure the project. And that's sort of what we've committed to and the conditions 11 and 12, is to make sure that we maintain that, because it serves a good purpose, and we don't want to remove it.



And then again, if you move to the next slide, this is the same area of course in 10 to 15 years, still can't see it.

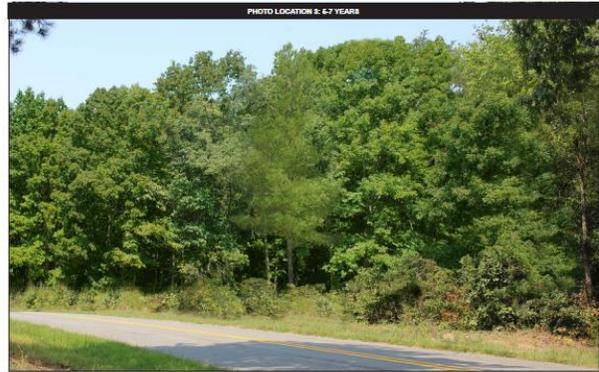


Photo location 3. And so this photo was taken at the intersection of Dianna Mill Road and Bridgeport Road. Again, a lot of existing vegetation here. And so this would be as you're driving through on Bridgeport Road, looking to your right, this is this is looking to the northwest, like into the project area. And so you can see there's a tremendous amount of existing vegetation here. And then in 5-7 years that will continue to grow up.

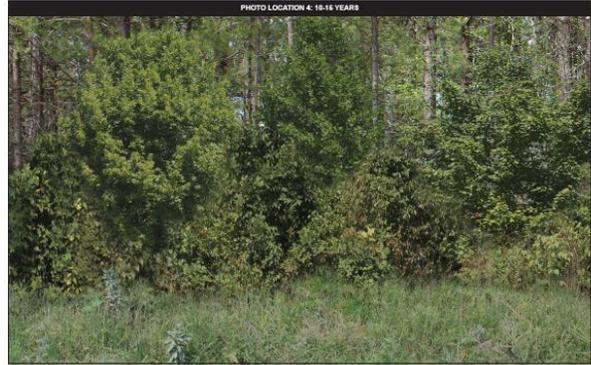


And then if you look at the next slide again, the vegetation will continue to grow up in 10 to 15 years, we'll still be visually obscuring the project.



Then you have photo location 4. So this is this is basically right in the middle of Payne's Pond Road and in the intersection of the projects for right in the center of the project, I would say you

have to the west, looking to the west, you have a lot of existing vegetation. So folks driving on that gravel road, that interconnects Bridgeport Road and Route 20. If they're looking, if they're going towards Scottsville on Payne's Pond Road, and they're looking to their left, this is what they would see today. There's like I said, this is about five years old, and then in 5-7 years that will continue to grow up. And we'll visually obscure the project, we don't anticipate that you would be able to see the project when you're on that road, looking to the west.



And then if you go to the 10 to 15 year phase, this timber is a little bit older, and you can see where typical pine will lose its branches as it continues to grow up. But it would be our intent to actually maintain this buffer, so that its purpose is to visually obscure the project. And so we would do selective clearing within that those existing rows of trees to ensure that we would open it up a little bit and allow the existing pines to start seeding and then making sure that new young pines would grow up. And the idea is to rotationally continue to always have young pine in existence in that buffer so that we're visually obscuring it at head level and not you know, letting the tree grow up and extend beyond that.



So this Like I said, much of this site has recently been clear cut. And so if you moved to photo location 5, you know, we wanted to be as conservative as possible with all the simulations. And so photo location five is the same location as the previous photo except is looking to the east. So if you're driving from Bridgeport Road towards Scottsville, on 20, and you look to your right, currently, you would see the existing photo. They have cleared this in 2020. And then they replanted pines, I think just this year, and so they're very young, I have walked it, there are pines, there, they have replanted it, I can assure you. And so we would anticipate this area to look

exactly like the area on the other side of the road does today, because the other side of the road was cleared in 2015. And you can see in the existing photo, it very well visually obscures the project. And so we anticipate that these trees will grow just as the west side of the road did. And in 5-7 years, this will sufficiently screen the project without the missing need to plant any additional screening there.

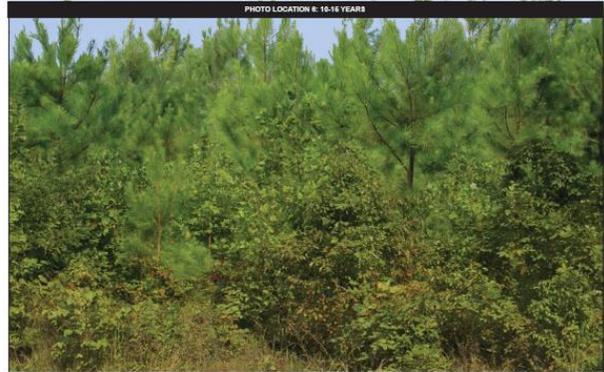


So if you go to the next slide, that just continues to get taller and 10 to 15 years. And so that's the most recent clearing. And I think even in the areas where you know, they've recently cleared in a very short amount of time, there will be existing buffer that will grow up and obscure the project. So you know, we're not saying that nobody's ever going to see it, and then it's going to be completely invisible. There is going to be certain timeframes early on in the project's life where you're going to be able to catch glimpses of this project driving by. But we're going to do our absolute best to make sure that we maintain this screening sufficiently.



And then the last photo, this is it, I'll conclude my presentation, this last photo is on Bridgeport Road. If you're if you're driving towards Arvon, look into your West, this is actually taken from the road. And so this is one of the highest elevations of the project site, I think it is the highest elevation of the project site. And we're trying to be really conservative here. And so you can see where there's existing pines here, already, and grass features and 5-7 years, even though you can overlook the project and some of the mountains in the background, those trees will continue to

grow up. And in 5-7 years, you might see portions of panel infrastructure here. But we think that a majority of it will be obscured.



And then if and then if you fast forward to 10 to 15 years, you won't you won't see anything from that portion of that location. So I hope that's helpful. You know, we tried to pick good locations and intersections that were easy to identify. That concludes my presentation tonight.



Contact:

Primary: Jimmy Merrick, Development Manager

Phone: 434.282.2107

Email: Jimmy.merrick@apexcleanenergy.com

Project Website: www.Riverstonesolar.com

My contact information is on the next slide. And any of the constituents that spoke at tonight's meeting with regards to the Riverstone solar project, I encourage them to reach out to me, and I'll remain available for any questions that the board may have.

Allen: Okay, I got a couple of comments, questions, whatever. That place down on 60 is a 20 megawatt solar power. And there's a lady, well a person living in the area real close, and they have a pacemaker and they started getting sick lately. And they went to the doctor and they kind of went back and forth looking at it. But they say the solar panels that made pacemaker reverse polarity. Have you ever heard anything like that?

Merrick: That is the first I've ever heard that one.

Allen: I mean, I don't know I'm just telling you what I'm hearing and to see if anybody got any more information about stuff like it.

Merrick: I think that is, no offense, unlikely. But you know, we can look into it.

Allen: I'd appreciate it. Next thing was, you know, Planning Commission, we took off ENS on number 28 and now you got a lot of trouble with ENS in Louisa County and I see where you're talking about to state is pretty much looking after you. I'm just wondering is it ...do you think that you're going to be able to cover all these areas without us having any plan?

Merrick: Yes, so that condition that was struck was more just in regards to pollinator habitat, and not erosion and sediment control. So actually, there were a number of projects that were sort of approved in other localities, where the applicant had committed to doing pollinator habitat throughout the project area. And then when they went to go and get their erosion and sediment control permits, and their stormwater permits from DEQ, DEQ would let it happened. They were like, you can't, you can't use these seed blends, you need to make sure that you stabilize the ground and use grasses that will allow for proper erosion and sediment control. Whereas in some instances with native pollinator habitat, it can be finicky, you know, not grow all around all times of the year. And so there's a lot of different things that we do. And we have Jeremy available here today, to really kind of do a bit more of a deep dive into the erosion and sediment control questions. And so perhaps we can maybe hold that, unless you guys have any additional questions, I can have Jeremy come up, but if it's erosion, sediment control related Jeremy's here to help address those concerns.

Allen: Well, I'm gonna just kind of open it back up to you to give you an idea. But the other thing is, the guy was talking about somebody having a hole in the pan, and then chemicals coming out. Is anything to that? Is it chemicals inside that can come out?

Merrick: We are happy to address that. You know, it's just a chain link fence, and I can't keep anyone from shooting at it. But there are no chemicals. There are two types of solar panels that

are commonly used. There are those that are silicon based. Silicon is a very common material. It's a silicon bifacial panel. And then there are also those that are called the thin film panels. And those thin film panels contain an element called cadmium telluride, and cadmium it's, it's a stable compound, it's very common to find that and panels all across the United States. With that being said, you know, they are safe. But we're not using cadmium telluride panels. And that's mainly just because those thin film panels, they can only generate power one way, whereas the silicon based panels, we can actually generate power from the sun that's hitting them from one way. And then also when the sun bounces off the ground and comes back up, we can actually generate electricity from the ground as well. And so we sort of get a double dip with the bifacials. And so, you know, we're happy to commit to not using solar panels with cadmium telluride. They're not being proposed here at Riverstone. There's not going to be chemicals, and we're happy to put that in a condition if necessary.

Miles: Just one question, Mr. Chairman, to Mr. Merrick. Would y'all be willing, I mean, just kind of came to me, if maybe expanding the size of the buffers around the residential areas?

Merrick: Yeah, we can. That's something we can certainly consider.

Miles: A discussion point.

Merrick: Yeah, that there are as compared to other areas where we've done projects, you know, we've exceeded those buffers here, but we would be happy like wherever you have a residential dwelling, so far in the conditions, what we've proposed today is 200 feet from those residential dwellings. So that is something that we'd be happy to discuss.

Matthews: That 200 feet, is that plus the 50 foot vegetative buffer or that...

Merrick: 200 that 200 feet is not plus the vegetated buffer. It would be essentially considering fence line as infrastructure. So 200 feet from a residential house would be the fence line. But if you would like to make it a condition where it's 200 feet plus the buffer, we'll be happy to commit to that tonight.

Miles: The reason I asked that, Mr. Chairman, because your condition number 10 states a minimum 200 foot setback shall be maintained from any solar equipment any adjoining or adjacent residential dwelling, but that I don't see buffer anywhere in that and condition 10 but buffer is obviously noted in which...

Merrick: 11 and 12

Miles: Yeah, so 11 and 12. But

Merrick: 10 is just referring more to infrastructure with regards to its location, or distance from residential dwellings. And then we expand upon that. Whereas within the project area, where we do have control, you know, we're maintaining a 50 foot buffer there, that's condition 11, which is around the entire perimeter of the project area, and then also condition 12, which is along public rights of way.

Miles: So you're gonna have to, you're gonna have a 50 foot buffer, not a 200 foot buffer, is that right? You're gonna have a 200 foot setback

Merrick: 50 foot buffer from a property line. And, and that, so solar equipment from will be 50, the fence will be at least 50 feet from the property line. And if you have a house, that's just on the other side of that property line, we have to be 200 feet from that house. And so there, it would be superseded there were if there is a situation where you have a house that's close to a neighboring property line, we would have to set back even further from that property line. And at that point, the residential dwelling setback would trump the neighboring property line setback?

Miles: I see. So it basically you got a 50 foot buffer all around, for the most part.

Merrick: At a minimum.

Miles: At a minimum. Right. Okay.

Matthews: If they would commit to another 50. It was a residential, he'd go to another 50 foot if we needed to do that, like we needed it.

Miles: And that's kind of my line of thinking. I mean, I know we haven't discussed that a lot. But that's kind of where my mind is going.

Merrick: We'd be happy to do that. The project afford to do that.

Miles: Is the 36 inch, when you decommission the project, or 36 inches below the surface of the property? Is that pretty standard?

Merrick: It's very standard, yeah, that we do that all over the country. And so we would actually remove anything that's three feet below the surface of the soil, including concrete, steel, things like that, and then we will completely return back to its original land use. Some instances that the landowners may, you know, want to ask us to leave the roads, we leave the roads for them. And if they're farmers like Weyerhaeuser, you know, we may leave the roads where the stormwater features because it is a massive improvement from where it is today.

Miles: And then the last question, Mr. Chairman, was under condition 8A, I know that you all want to have construction activity on Saturdays. Is that?

Merrick: Yes, that's correct. We are. I believe we're committing to not doing it on Sundays, however.

Miles: Could you maybe do just do Monday through Friday? Or is that a deal breaker?

Merrick: I mean I wouldn't say it's a deal breaker. But if you think about it, you know, there will be noise associated with pile driving just the nature of that activity, it's a very physical activity. When limiting it even to just Monday through Saturday, will have an impact on the construction schedule. You know, I think that schedule can afford that. But it will make construction last longer, basically. You know, it's do you want it all as quick as possible, you know, upfront, rip the band aid off or, you know, make it go longer. And as you know, 11 to 12 month construction period, you might have a 14 month construction period. So.

Miles: Thank you.

Merrick: If there are no further questions, I'd be happy to have Jeremy come up. He can talk at a high level just with regards to permitting. What to anticipate as far as the timing of construction, and then and then post construction operations. And then also, if there are further questions, we do have Timmons group supporting us with this project. And so we'd be happy to have you know, someone from Timmons Group, a third party come and speak to the erosion, sediment control permitting at a later meeting. We'll be happy to do that.

Spade: Good evening, Jeremy Spade, Civil Engineer with Apex and Licensed Professional Engineer. State pecks with managing the civil design projects. So it just wanted to talk at a high level of our approach to the erosion sediment control here and the permits that we'll have to receive beforehand and kind of the construction process. So, as Mr. Merrick alluded to already, so, before we can start construction, there are two main permits that we have to obtain with regards to erosion and stormwater. First one is overseeing the erosion sediment control during the construction period. And that one is run through the county level and with the review of the with the Soil and Water Conservation District and the second being post construction stormwater, which is reviewed by Virginia Department of Environmental Quality. So, for both of those, we will consult with an engineering firm to design the civil engineering aspects of the project. And both of those will go through lengthy reviews with the Soil and Water Conservation District for the exact construction period. And the erosion sediment control devices required to ensure that that sediment isn't leaving our site during construction. And then as well as a lengthy review with DEQ to ensure that post construction stormwater is not exceeding pre construction levels. And so just kind of getting into both of those. As Mr. Merrick also mentioned, you know, we'll be posting a bond for the erosion and sediment control during the construction period so if something happens contractor you know, negative situation that you know, could occur this county has that bond in there for you know, proper sediment control of the site. And then during the construction phasing, again, as was mentioned, that we're committing to paying for the third

party inspectors of the site to ensure the construction is being implemented as approved by both the county. So, the kind of phasing of the way that the typical construction would work is well first activities you know, installing the driveway means staging area right off the road. But before any land disturbance can occur, the erosion sediment control devices have to be put in place. So all of the basins around the site will be built, silt fence put up per the plans and no land disturbance occur within those drainage areas before those devices are installed and approved by the third party inspector. Then from there, the construction curves and seeding able to stabilize the site. And only at the time that the third party inspector and the county approves that we have full stabilization of the site are some of those devices able to be removed. And I will add to that so for this site, I anticipate a very large number of sediment basins to be built throughout the entire perimeter of the site for the majority of the drainage areas here and those will be kind of serve two purposes one for the during the construction time. They're there to collect any sediment that reaches that point. They hold the water the sediment filters down to the bottom of the basins and the cleaner water than discharges from but I also expect that the majority of those basins will be permanent to be able to meet the DEQ standards of the post construction stormwater aspects. So looking at the site as it is today compared to post construction currently, it's an active timber site with no erosion control on site. The timber company has different regulations that they have to abide to for erosion control that we will have to abide to. We will be under much stricter standards. We are not able to clear any wetlands like the timber company is able to in a certain amount. So as the site becomes, you know, taken over as a solar farm it will be now under stricter requirement for sedimentation and stormwater. So post construction we'll have stabilized site with our grass mix typically addressed mixes Bermuda fescue with clover and then many of these base will be converted to permanent detention basins. And that is to ensure that any runoff amounts are not exceeding the pre-construction runoff. So those basins basically just slow down the water running off the site, they hold them, they fill up with water and then it releases at a specified rate. That being said, still a large aspect to whether or not a project increases runoff is the amount of pervious area that's added. It's typical that solar farms add less than 1% of impervious area, basically have the gravel roads. We have some small, you know, transformer inverter pads that are you know, 30 feet by 14 feet concrete pads, and then we have the substation. So those are really the only items of the project that will contribute to any improvement over across the entire directorship comes very small. But the difference between that and the wooded to address, will require the need for the basin's to ensure that they were not exceeding current runoff amounts. And I do want to make a note about our site too. I think some of the recent issues that have been noted is due to very large drainage areas trying to drain off into, you know, one basin and that one base and being overwhelmed. Our site is very, it has an undulating terrain, it's, you know, goes up and down throughout the site. In essence what that ends up doing for our drainage areas is it breaks it up into very small drainages across the entire sites. So looking at that site, I counted upwards of 200 plus individual drainage areas within the site. So instead of, you know, having a few very large drainages, there are all going to one point. We have 200 plus drainage areas that are much smaller, 510 -15 acres versus 50 -100 acres. And each of those drainage areas will have some sediment and erosion control and stormwater device

where the water's leaving project. So either sediment basin or sediment trap. I'd be happy to answer any other questions.

Miles: Mr. Chairman, could ask one question? So with what you just said, sir, will that mitigate something from happening? Like it did in Louisa County, which was what many of the public speakers referenced?

Spade: So that, you know, I can't speak specifically. I'm not involved with, you know, the issues with Louisa. But from what I've been able to see with that project, and you know, talking with others in the industry that seemed like that was the problem areas were very large drainage areas, 50 -100 plus acres, all drained into one area and wasn't properly controlled. And our site is just, you know, kind of broken up differently.

Miles: Thank you.

Matthews: Your best recollection, are most of the retention or all of the retention ponds inside the buffered area or not?

Spade: I'd say majority of them are not within that area. They'll be internal to the site. So there's a number of streams and wetlands internal to the site again, so we can't disturb those so all of the basins will be upland of those streams and wetlands. So the vast majority of them end up being internal to the site.

Matthews: We want to make sure that that does happen so.

Davis: I've got a question. How much of that property has been wetlands?

Spade: So we have a wetland delineation, completed by Timmons Group. They mainly follow the streams that are existing there. I don't know if we have a visual that that would show that. But I'd say a small percentage overall was wetland. The topography of it just you know, usually don't get a wetland on the side of the hill, it's gonna be down by the creek.

Davis: How far are the setbacks going to be from the wetlands as far as your equipment and stuff?

Spade: So we'll have to, I guess, just abide by state requirements and county requirements with those setbacks. I don't have offhand with what those might be. But in general, so every drainage area, you know, again, would have some sediment erosion control stormwater feature before those. Those are typically you know, if you're talking about basin, then it's, you know, usually about 100 feet wide or so, then from there would be our field facilities. Another point, too, is the site with the topography of it, most of the steeper areas are, you know, the rounded off hills, and that will get steeper as it drops off into the streams. We do not, you know, it's not advantageous

for us to build on those steep areas that doesn't work with the solar racking. So, we will be the steepest series will be set off of those and build on more of the hilltops project that the topography also provides an additional buffer of you know, it's for the most part unbuildable area directly adjacent to the streams.

Matthews: Any more questions? If there are no further questions, we have a motion by Mr. Chambers. What was your motion again, Mr. Chambers?

Chambers: To approve this for public hearing.

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

Matthews: We have a motion and a second. Call for the vote, please. Six yes and one absent to move forward. All right.

Supervisor Chambers moved, Vice Chairman Miles seconded and was unanimously carried by the Board to approve Case 21-SUP290 Apex Clean Energy for public hearing at the November 8, 2021 meeting.

Davis: If I could say something real quick please. Before November 8th I'd like for us to reach out to Louisa County to see what happened over there and see if there is something we can do to keep it happening here.

Matthews: Mr. Carter, can you set up something, maybe some type of contact for us to talk to those people in Louisa?

Carter: Yes, sir. The Board wants to talk to them or do you want staff to and get back to you?

Matthews: What do you want to do, Mr. Davis?

Davis: Either way. If you could get me some Supervisor contacts, I would like to talk to them or if you want to talk to them and get me some contact information. I'd like to talk to them.

Carter: We can do both. I was thinking me and Mrs. Edmondston could reach out to them.

Davis: I think that would be great.

Matthews: Just to piggy back off your statement Mr. Davis, we still have the ability to change any of the conditions moving forward before anything is finalized and it's kind of a work in progress right now. We've made a lot of good headway on venues as far as the set back and as far as the vegetative buffer and Apex has been easy to work with and very supportive as far as some of the issues we've come up with for your district and your citizens along with the solar

committee so. Any recommendations would be more than welcomed from our Board moving forward so, just wanted to put that out there to the citizens in Mr. Davis' district.

Re: Consider Appointment to the Planning Commission for District 1

Davis: That appointment should be Mr. Allen's. Johnny Bickford was appointed for my District. The redistricting just moved across the road and as far as I'm concerned, Johnny is my representative. I would say let Mr. Allen make that appointment. With the redistricting, I think Mr. Bickford will be back in my district anyway and he was put on there by Mr. Jones so I'd just as soon keep him.

Matthews: What do you want to do Mr. Allen?

Allen: I've checked with some people, but haven't gotten a yes yet.

Matthews: So you are going to continue status quo.

Re: Consider appointment/reappointment of James D. Crews District 4 for the Planning Commission whose term expires November, 2021

Miles: Yes, sir. So what my plan is, is that I have somebody in mind, but I need to talk to Mr. Crews about that. And if we can table this until November.

Re: Request from the Buckingham-Dillwyn Garden Club for County Staff to weed twice a year, pruning and fertilizing of the Arts Center Plantings

Matthews: Item number 3, which is request from the Buckingham-Dillwyn Garden Club for the county staff to weed twice a year, pruning and fertilization of the Art Center plantings. Any discussion or any questions on that?

Carter: Yes, Mr. Chairman, I'll take that. This letter is basically asking us to take into our inventory of buildings, the landscaping of this facility, which is a county owned building, so we can do that in house. Also, I like to request that we send a letter of thanks and appreciate you to garden club all the years they have done it for us.

Matthews: Okay, yeah, absolutely. Let's do that.

Miles: I move that, Mr. Chairman.

Allen: Second.

Matthews: We have a motion and a second. Okay. Call for the vote to send a letter of appreciation to the garden club. Six Yes and one absent.

Vice Chairman Miles moved, Supervisor Allen seconded and was unanimously carried by the Board to send a letter of appreciation to the Buckingham-Dillwyn Garden Club for their years of service in keeping up the landscaping at the Arts Center.

Re: Assign Voting Credentials for the 2021 VACO Annual Business Meeting

Matthews: M.4. is to assign the voting credentials for the 2021 VACo Annual Business Meeting. Mr. Carter, you want to take care of that?

Carter: That's something we do every year when we go to the VACO conference. Last year, of course, the conference was canceled because of COVID. But two years ago, Supervisor Bryan was our voting member. I talked to Donnie earlier tonight. And he said he's going to the conference and still willing to do that voting member role if you so approve.

Matthews: Yes, sir. So can we have a motion?

Chambers: I'll make a motion.

Allen: Second.

Matthews: A motion to allow Mr. Bryan to be our voting member. A second? Okay. Call for the vote. Six, yes, one absent.

Re: Clerk of Circuit Court: Request to appropriate grand funds received from the Library of Virginia Circuit Court Preservation Program in the amount of \$15,206

Matthews: Item 5 is the Clerk of the Circuit Court Request to appropriate grant funds received from the Library of Virginia Circuit Court Preservation Program in the amount of \$15,206. Mr. Carter, I'll let you take care of that again.

Carter: What this is, Justin had applied for a grant last fiscal year. They got notice of it in December 20 they were awarded the grant but their grant was just received in September this fiscal year so he's asking for you to appropriate those funds in his budget so that he can spend those on I think he gave you technologies that he needs to pay an invoice with those grant funds so he's asked for that money to be appropriated to his budget.

Allen: So moved.

Davis: Second.

Matthews: I have a motion from Mr. Allen and a second from Mr. Davis. And we'd like to thank Mr. Midkiff for taking that on and getting those funds which will help with a lot of things in that office. So call for the vote. Six Yes and one absent.

Supervisor Allen moved, Supervisor Davis seconded and was unanimously carried by the Board to appropriate the \$15,206 grant funds received from Library of Virginia Circuit Court Preservation Program to the Circuit Court Clerks budget.

Re: Request from Powhatan County Board of Supervisors for the Buckingham County Board of Supervisors to adopt a resolution which calls upon the Virginia General Assembly to amend the relevant statutes dealing with mandating medical treatment and the delegation of that authority to the Executive Branch

Matthews: Item Number 6, which is M.6. Request from Powhatan County Board of Supervisors for the Buckingham County Board of Supervisors to adopt a resolution which calls upon the Virginia General Assembly to amend the relevant statutes dealing with mandating medical treatment and the delegation of that authority to the executive branch. Question on this item?

Miles: Mr. Chairman, Mr. Carter, is this specific to COVID vaccinations? I mean, I'm trying to cut to the chase here.

Carter: Yes. And I think they mentioned vaccination and mask mandates.

Miles: I would like to table this indefinitely.

Carter: Second page of the resolution, it starts at the bottom of first page actually is where it says certain actions of government officials of the Commonwealth of Virginia and the United States that purport to impose or threaten future imposition of mandates on Virginians regarding vaccinations and the wearing of facemasks unconstitutionally impinge on the constitutional rights of the people. Yes, it Mr. Miles it is directly related to that.

Allen: It is unconstitutional. I agree. I'll make the motion. Take it on. It's unconstitutional to mandate people to take shots and put on mask.

Miles: I'll make a substitute motion Mr. Chairman to table this indefinitely.

Matthews: Somebody has second that so.

Carter: Jordan's motion was first to table?

Allen: No, he never did make it.

Miles: I just suggested I didn't make a motion.

Allen: I think it's wrong to make, to mandate people to do things. You got the option. That's okay. But you shouldn't be forced to do that. He shouldn't be forced to take a shot that a lot of people have died from. If you every look all that up.

Matthews: Absolutely. We have a motion by Mr. Allen and a second by Mr. Davis. We'll call for the vote. Is there any other discussion?

Miles: I want to offer a substitute motion to...never mind, I withdraw that.

Matthews: We'll call for the vote. If there's no other discussion. 4 Yes, and two No and one absent. So it moves on as it will not be mandated in Buckingham County.

Allen: Thank you, I think it's a good idea.

Supervisor Allen moved, Supervisor Davis seconded to approve the resolution requested from Powhatan County for the General Assembly regarding mandating vaccinations and masks as shown below. This motion passed with a 4-2-1 vote. Chairman Matthews, Supervisors Davis, Bryant and Allen voting in favor. Vice Chairman Miles and Supervisor Chambers opposing. Supervisor Bryan absent.

WHEREAS, the Virginia Bill of rights contains a provision Article I, § 16 of the Constitution of Virginia that states, in part, that [no individual] “shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in nowise diminish, enlarge, or affect their civil capacities”;

WHEREAS, this constitutional protection against government’s burdening of the exercise of religious convictions is self-executing, as the Supreme Court of Virginia has held, and required no legislative implementation because it appears in the Virginia Bill of Rights;

WHEREAS, every individual enjoys the constitutional right to refuse medical treatment on the grounds that is contrary to his or her belief;

WHEREAS, every individual also enjoys a constitutional right to personal integrity and bodily autonomy and to refuse medical treatment as a function of his or her right to liberty under the Due Process Clause of the United States Constitution and the Constitution of Virginia;

WHEREAS, certain actions of government officials of the Commonwealth of Virginia and the United States that purport to impose or threaten future imposition of mandates on Virginians

regarding vaccinations and the wearing of facemasks unconstitutionally impinge on the constitutional rights of the people;

WHEREAS, the Board of Supervisors of Buckingham County have an obligation to speak on behalf of the residents of the County when actions or threatened actions of the federal or Virginia officials would burden the constitutional rights of the people;

WHEREAS, the authority of Virginia officials in the Executive Branch to impose mandates is derived from powers delegated to them by the General Assembly and is not a power inherent in any executive office;

WHEREAS, officials to whom the General Assembly has delegated the authority to impose mandates have abused that authority by requiring those who assert religious or medical exemptions to comply with burdensome and discriminatory tests and other conditions that violate their constitutional rights;

WHEREAS, the judiciary has failed to date to vindicate the constitutional rights of the people that are or would be violated by such mandates;

WHEREAS, the governing bodies of local governments in Virginia lack the legal and practical means of directing and controlling the constitutional officers, including Commonwealth's Attorneys, Sheriffs and school boards, who are charged with enforcing such mandates;

WHEREAS, the most effective, expeditious and timely response to the unconstitutional imposition of mandates would be a repeal by the General Assembly of Virginia of the authority delegated to executive officials to impose mandates on the people; and

WHEREAS, should the General Assembly decline to repeal the authority delegated to officials to impose mandates and officials who have imposed the mandates do not withdraw or appropriately revise the mandates, the people will be left with the extreme remedy of civil disobedience, which carries the risk of conviction, fine and/or imprisonment;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Buckingham County, Virginia calls upon the General Assembly to amend the relevant statutes dealing with mandating medical treatment by establishing a clear and limiting delegation of authority to those in the Executive Branch and in local government offices to impose mandates, which overbroad delegation has been abused, and urges every local governing body and school board in the Commonwealth to join in this appeal to the General Assembly.

Adopted by the Buckingham County Board of Supervisors on October 12, 2021.

Re: Consider authorization to sign contract for the Courthouse repairs

Matthews: M.7. Consider authorization to sign a contract for the courthouse repairs.

Carter: Mr. Chairman last month's meeting, we told you that me and Mr. Wright were working with the firm, Architectural Partners for the engineering for the courthouse project repair. So last month, we were at \$88,135. We've talked with them, and we've gotten that number down to \$74,105. And that's not to exceed number. So hopefully we can do some more stuff in house and that number come down further. So I'm asking you tonight to approve us to sign a contract with Architectural Partners for the possible courthouse projects.

Miles: I'll move that, Mr. Chairman.

Davis: Second.

Matthews: Any further discussion? If not, let's call for the vote. Six yes and one absent to authorize the contract.

Vice Chairman Miles moved, Supervisor Davis seconded and was unanimously carried by the Board to approve for the contract with Architectural Partners to be signed not to exceed \$74,105 for courthouse repair project.

Re: Consider forming a New Committee for Animal Control Facility

Matthews: Item M.8., Consider forming a new committee for Animal Control Facility. I think what we've looked at is that's may possibly be located in Mr. Miles' district, from what we talked about pre pandemic. So with that being said, I think he should be on the committee moving forward.

Miles: You want to serve from Chairman or?

Matthews: I would do that if I was nominated to do so.

Davis: I nominate the Chairman to serve on the committee.

Carter: I left off our new finance director. So I ask for Kevin Hickman to be on that committee as well.

Matthews: Who would you like to on that? So in total, Mr. Carter, you want to do it separately as far as...

Carter: I'm just saying, I have a recommendation I made of Mr. Hickman.

Matthews: Okay.

Miles: Your motion include me? Okay.

Carter: The two board members plus the ones listed on that.

Matthews: We have a motion to...

Chambers: We have a motion to put the two board members on there and Mr. Hickman?

Matthews: Mr. Miles, myself and Mr. Hickman.

Carter: The Animal Control Officers and General Properties Supervisor, and IT Director, Jamie Shumaker.

Matthews: Okay yep. All those people.

Allen: I second.

Matthews: Okay, we got a motion and a second. Call for the vote please. All right, we got six yes and one absent.

Re: Consider Emergency Appropriation for Courthouse Boiler in the Amount of \$37,736

Matthews: Item number M.9. Consider we need to consider an emergency appropriation for courthouse boiler in the amount of \$37,736. Any discussion?

Carter: Mr. Chairman I'm sorry for this one. Saving the worst for last but it's just one of those emergency things. The boiler at the courthouse has failed because of two tubes cracking and the possibly the third tube leaking. We're currently running off one boiler until we can get this one fixed. The one operational boiler that's working now was replaced about seven years ago so this one is less a little longer than that one. It's important to know that there is no backup right now if something was to happen to the one that's running currently. We found a boiler that was identical to the one that's failed but there's a 12 month lead time on that so like wherever they come from is taking a long time to get equipment and parts. We found one that was similar specs is going to have a say only 10 week lead time for that one. So I'm requesting that we try to purchase that on an emergency basis and get it to the courthouse because once the temperatures start to freeze and we get subzero freezing temperatures that one boiler will not keep up with the heat from the courthouse by itself.

Allen: Is there any way we go to a different type of heating system maybe? I don't know I'm just asking.

Carter: I think you can it might be just as costly once you get the system in place then change everything.

Allen: Yeah, I know a lot of places had boilers and done away with.

Matthews: Was that put in when they built, when they did the new courthouse for all that? You would think they would have used a heat pump or something.

Carter: That was back in 05. Yes sir.

Allen: You say one of them was replaced 7 years ago?

Matthews: Both of them brand new when they put them in?

Carter: Yes sir.

Matthews: What's the pleasure of the board?

Davis: I make a motion.

Bryant: Second.

Matthews: We have a motion and a second. Let's call for the vote. Six yes and one absent.

Supervisor Davis moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve an emergency appropriation of \$37,736 to replace a failed boiler at the courthouse.

Re: County Attorney Matters

Matthews: Okay. Item number N County Attorney Matters.

Wright: Good evening, Mr. Chairman, Members of the Board, I have a few items. I left on your desk a few handouts. There's only one that requires action that deals with the opioid settlement reservation Virginia's looks like it's gonna get about a half a billion dollars out of that settlement. Earlier in the General Assembly, there was a committee to administer that. What this asking you to do, and make them aware that we want to participate in that settlement, then we'll have to submit other stuff. No guarantee we're getting the money, but we're definitely not getting the money if we don't get a resolution out there. If you find it appropriate, I'd ask that you consider adopting that.

Allen: I make a motion that we adopt the resolution for the opioid settlement.

Chambers: Second.

Matthews: We have a motion and a second. Call for the vote. That's a no brainer. Six yes and one absent.

Supervisor Allen moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve the resolution below regarding Opioid settlement.

RESOLUTION

A RESOLUTION OF THE BUCKINGHAM COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposal have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the Buckingham County Board of Supervisors, the 12th day of October, 2021, approves of the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

Wright: Second, item and I'll be very brief tonight since the meeting is getting late. In discussions with the Compliance Officer and the Zoning Planner, we're finding what appears at

least right now to be a rash of people engaging activities, that without coming in and getting necessary permits or otherwise won't bother to bore you with the details. And when those are discovered, we've generally gone to them, compliance and zoning and compliance have gone to them and asked them to finally get into conformity. And that seems to be working. But the problem suggests is seems to be it's a deliberate action. So somewhere down the road, we may back, be back saying it might be necessary to take some legal action to say people are not in compliance. The second part of their problem is and this seems to be happening fairly often. It's happened a couple of times, just recently. Somebody comes in and asked for a building permit says it's a barn by way of example, which you pretty well exempt. Then some period of time later, they come back in and ask for some other type of either zoning or consideration to do with their property. And we start looking at the plans of what they want to do. That barn is now become part of a commercial operation, which really creates a problem in two aspects. That creates a problem for them, because they probably have declared wrongly on the application. The second complication it does is that barn didn't have to be constructed without any inspections. They are exempt from having it inspected. They want that now to become a part of their commercial building. Really, you can't really let them do that without them either bringing in engineers to say that it's in compliance or otherwise. I don't have a solution. We don't really want a whole lot of discussion or not asking for discussion on that tonight, I want to make you aware that that is a problem that's being addressed and being talked about. And we hope that the message will get out for people to get your stuff, get it the right way and don't create a problem for yourself or for the county.

So the third thing is last meeting your authorize a special election. That petition has been filed and I think the order is pending. I think three of the four judges have signed it and I suspect by tomorrow that order will be entered for the special election for the Commonwealth Attorney on the first Tuesday in March.

The fourth thing I'm sorry is an update from Hatton Ferry. I left that you can peruse that at your pleasure. Probably next meeting or the next two meetings we'll be talking about whether the board might be ready to pass that on to some other stakeholders.

Final thing I asked you to do and when I looked at the end, I realized I had not asked them to put one of the areas that for Executive Session. So when you come down to that point, if you could do a discussion of award of a public contract involving the expenditures of public land including interviews of bidders etc. I have a copy of that.

I'll be happy to entertain any questions.

Matthews: Any questions or discussion?

Allen: Do we have to appoint anybody to be the Commonwealth's Attorney?

Wright: Actually the judges do that.

Allen: Okay. Good enough.

Matthews: Thank you Mr. Wright. No questions, no discussion?

Re: County Administrator's Report

Matthews: Item O., which is the County Administrator Report.

Carter: Mr. Chairman, and it's been referenced a couple times tonight. Back when we adopted our calendar for FY 21, we had in there the November meeting will be on November 9, and we had that in there because usually the VACO meeting is that same time every year, but this year, they moved it back a week. So we don't need to move our November mean to that Tuesday. So as tonight I've heard people say November 8, and that is the correct date. That'll be the Monday we have our November meeting so it will not be on Tuesday in November.

Matthews: We probably need a motion for that?

Carter: Yes, since we adopted the calendar.

Miles: So moved, Mr. Chairman,

Allen: Second.

Matthews: Call for the vote, please.

Vice Chairman Miles moved, Supervisor Allen seconded to amend the CY21 meeting calendar for the month of November to Monday, November 8 instead of Tuesday, November 9.

Re: Information Items

Matthews: Informational items that are in your board packet, September 2021 building permit report, the Commonwealth Regional Council information, and the school ADM report is all in your board packet.

Re: Other Board Matters

Matthews: Any other board matters this evening, gentlemen? If not, we'll move to this item our executive closed session.

Re: Executive Closed Session

Miles: Mr. Chairman, I would move that the Board of Supervisors into enter into executive closed session for the following purposes. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body that's Code of Virginia, Section 2.2-32 711.A.3, and also for the purposes of discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offers and discussion of the terms or scope of such contract where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. That's Code Section 2.2-3711.A.2.9. So I'd moved that.

Allen: Second.

Matthews: Motion and a second. Call for a vote. All right.

Vice Chairman Miles moved, Supervisor Allen seconded and was unanimously carried by the Board to enter into executive closed session under the above stated Codes, 2.2-3711.A.3 and 2.2-3711.A.2.9 of the Code of Virginia.

Re: Return to regular session and certification

Miles: I'd like to make a motion. I would move that we return to regular session and certify that to the best of each board members knowledge only business matters related to the Codes of which the executive meeting was convened were discussed or considered in the closed executive session.

Allen: Second.

Matthews: We have a motion and a second. Call for the vote. Okay, we have six yes and one absent.

Vice Chairman Miles moved, Supervisor Allen seconded and was unanimously carried by the Board to return to regular session and certify that to the best of each board members knowledge only business matters related to the Codes of which the executive meeting was convened were discussed or considered in the closed executive session.

Re: Action as a result of Executive Closed Session

Miles: And, Mr. Chairman, my second motion would be that I'd move that the staff be authorized to advertise a public hearing on a siting agreement between Apex and Buckingham County at the next meeting if a tentative agreement is reached by staff and Apex by October 22, 2021.

Bryant: Second.

Matthews: We have a motion and a second on the siting agreement. Call for the vote. Six Yes, one absent.

Vice Chairman Miles moved, Supervisor Bryant seconded and was unanimously carried by the Board to authorize staff to advertise a public hearing on a siting agreement between Apex and Buckingham County at the next meeting if a tentative agreement is reached by staff and Apex by October 22, 2021.

Miles: I move to add Mr. Chambers to the group that's involved in the prior motion.

Davis: Second.

Matthews: We have a motion by Mr. Miles second by Mr. Davis. Six yes and one absent.

Vice Chairman Miles moved, Supervisor Davis seconded and was unanimously carried by the Board to add Supervisor Chambers to the group involved in the prior motion regarding Apex Siting Agreement.

Re: Adjourn

Matthews: Any other business gentlemen?

There being no further business to discuss, Chairman Matthews declared the October 12, 2021 meeting of the Buckingham County Board of Supervisors adjourned.

ATTEST:

Karl R. Carter
County Administrator

Donald R. Matthews, Jr.
Chairman