



**Board of Supervisors
County of Louisa
Tuesday, September 5, 2023
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Adams called the September 5, 2023, regular meeting of the Louisa County Board of Supervisors to order at 5:00 p.m.

ADMINISTRATIVE ITEMS - 6:00 P.M.

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	5:00 PM
Fitzgerald A. Barnes	Patrick Henry District Supervisor	Present	5:00 PM
Willie L. Gentry Jr.	Cuckoo District Supervisor	Present	5:00 PM
Eric F. Purcell	Louisa County Supervisor	Present	5:00 PM
R. T. Williams	Jackson District Supervisor	Absent	5:00 PM
Duane A. Adams	Mineral District Supervisor	Present	5:00 PM
Rachel G. Jones	Green Springs District Supervisor	Present	5:00 PM

Others Present: Christian Goodwin, County Administrator; Helen Phillips, County Attorney; Chris Coon, Deputy County Administrator; Wanda Colvin, Deputy County Administrator/Director of Finance; Alexandra Stanley, Executive Assistant/Deputy Clerk; Josh Gillespie, Director of Community Development; and Scott Raettig, Information Technology

CLOSED SESSION

On the motion of Mr. Barlow, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to enter Closed Session at 5:00 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (1) VA Code Ann., to discuss the performance and assignments of employees;
2. In accordance with §2.2-3711 (A) (7) (8) and (29) VA Code Ann., to consult with legal counsel and staff about the award of a performance agreement with Amazon Data Services, Inc., where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County.

REGULAR SESSION

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to return to Regular Session at 6:00 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

Voter	Role	Vote
Tommy J. Barlow	Voter	Yes/Aye
Fitzgerald A. Barnes	Seconder	Yes/Aye

R.T. Williams, Jr.	Mover	Yes/Aye
Willie L. Gentry Jr.	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Rachel G. Jones	Voter	Yes/Aye
Eric F. Purcell	Voter	Yes/Aye

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the following resolution:

WHEREAS, the Louisa County Board of Supervisors has convened a Closed Meeting this 5th day of September 2023, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE BE IT RESOLVED on this 5th day of September 2023, that the Louisa County Board of Supervisors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the Louisa County Board of Supervisors.

INVOCATION

Mr. Barnes led the invocation, followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the September 5, 2023, agenda as presented, with no changes.

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting – August 8, 2023, 5:00 PM

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to approve the minutes of the August 8, 2023, regular meeting as presented, with no changes.

BILLS APPROVAL

Resolution – To Approve the Bills for the Month of August 2023 (FY23)

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board adopted a resolution approving the bills for the month of August 2023 (FY23).

Resolution – To Approve the Bills for the Month of August 2023 (FY24)

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board adopted a resolution approving the bills for the month of August 2023 (FY24).

CONSENT AGENDA ITEMS

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the Consent Agenda items for September 5, 2023, as follows:

1. A Resolution to Adopt FY2023 Budget Reappropriations
2. A Resolution to Proceed with the Northeast Creek Reservoir Capacity Evaluation
3. A Resolution to Authorizing an Incentive Plan for Public Safety Recruitment
4. A Resolution to Approve Trevilians Tennis Court Repair
5. A Resolution to Approve and Award a Contract for Professional Services Related to Synthetic Turf Fields Installation
6. A Resolution Authorizing a Pass Through Appropriation for Insurance Proceeds
7. A Resolution Authorizing the Fire & Emergency Medical Services Department to Apply for a Grant to Purchase a Stretcher
8. A Resolution Authorizing the Fire and Emergency Medical Services Department to Apply for a Grant to Purchase a Rescue Boat
9. A Resolution to Proceed with the Sheriff's Department 911 Console Upgrade Capital Project
10. A Resolution Proclaiming September as Childhood Cancer Awareness Month

RECOGNITIONS

(None)

PUBLIC COMMENT PERIOD

Chairman Adams opened the public comment period.

Ms. Vicky Harte, Louisa District, requested the department of Fire/EMS receive proper swift waster rescue training and equipment.

Mr. William Hale, Mountain Road District, talked about Brackett's Farm's request for tax exemption and requested the Board approve the request.

With no one else wishing to speak, Chairman Adams closed the public comment period.

INFORMATION/DISCUSSION ITEMS**Discussion – Legislative Process for Upcoming General Assembly**

Mr. Goodwin provided an update on the legislative processes for the upcoming General Assembly before turning the meeting over to David Blount. Mr. Goodwin noted that due to redistricting, the County will have several new representatives and those candidates are requesting the Board hold its annual legislative worksession after the election. He indicated a

tentative date of November 20th has been agreed upon if the Board agrees to meet later in the year.

Mr. David Blount, Deputy Director/director of Legislative Services – Thomas Jefferson Planning District Commission, briefly updated the Board on past supported legislative priorities before going over the commission's current legislative priorities and processes for the 2024 General Assembly Session, which included the following:

- Public Education Funding: TJPDC is urging the State to fully fund its share of the realistic costs of the Standards of Quality (SQQ) without making policy changes that reduce funding or shift funding responsibility to localities.
- Budgets and Funding: TJPDC urges the governor and legislature to enhance state aid to localities and public schools, to not impose mandates on or shift costs to localities, and to enhance local revenue options.
- Broadband: TJPDC urges and supports state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.

The Board offered suggestions on how to better communicate the Board's desires in the upcoming general assembly, regardless of the nature for the request.

The Board agreed to hold their annual legislative worksession on Monday, November 20th at 4:00 p.m.

Presentation – Louisa County Historical Society

Ms. Katelyn Coughlan, Executive Director of the Louisa County Historical Society, provided an update with a PowerPoint Presentation, which included information on the following: update from the Sargeant Museum, an overview of Jack Jouett Day and the organization's participation in those events, update on other events such as Juneteenth and Family Free Day, and how the organization continues to shed light and share the history of Louisa County by striving to engage the public with a deeper understanding of the past to inspire action to promote a better future.

The Board thanked Ms. Coughlan for her time and efforts in bringing new life to the organization.

Discussion – Bracketts Farm Application for Tax Exemption

Mr. Jack Maus, Secretary for Bracketts Farm appeared before the Board to discuss the organization's request for tax exemption. This is the third application Brackett's has made since 2020. This application lists three parcels of land they want to be exempted. The total taxes due on the three parcels is \$8,177.28.

Certain property ownerships and uses may receive exemption from local real estate and/or taxes, by designation and/or classification, per *Virginia Code Section 58.1-3600 et seq.* These property ownerships and uses include but are not limited to: (1) churches or religious bodies, (2) non-profit cemeteries or burying grounds, (3) certain libraries and non-profit incorporated institutions of learning, (4) park and playground purposes, (5) patriotic, historical, benevolent, cultural purposes, (6) property of a nonprofit corporation organized to establish and maintain a museum.

The Elisabeth Aiken Nolting Charitable Foundation owns Bracketts Farm, a historic property in the Green Springs National Historic Landmark District. The foundation is organized and operated exclusively for charitable and educational purposes and is a 501 (C)(3) non-profit entity. The foundation has created a Heritage and Nature Walking Trail that is open to the public. On Bracketts Farm, there is a large pond that has historically been (and continues to be) open to the public for fishing. Nolting Pond is also a well-known birding location and is on the Virginia Department of Wildlife Resources Wildlife and birding Trail. Given the nature and activities of the foundation, they feel it is appropriate to request tax exemption from the Board.

Chairman Adams asked for Commissioner, Stacey Fletcher, to appear before the board to answer questions on tax exemption.

Mr. Williams asked if the foundation is currently receiving land use benefits. Commissioner Fletcher replied yes.

Mr. Williams asked if the Commissioner's office can exempt the rental unit(s) from the property in land use. Commissioner Fletcher said unless it is deeded separately, her office cannot exempt a portion of a parcel and tax it differently.

Mr. Purcell asked for clarification on language used in a memo provided by the County Attorney. He asked Ms. Phillips to explain why the words "strictly construed" were used in this case.

Ms. Phillips explained that strictly construed is language incorporated in the state code and the constitution of Virginia. She said the property in this case is used for charitable and benevolent purposes and if the property is not exclusively used for charitable purposes, an exemption should not be made.

Back and forth discussion ensued between the Board and Mr. Maus regarding how the organization provides the necessary funds for their charitable, benevolent, and historical purposes.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Resolution – To Approve the Performance Agreement between the County of Louisa and Amazon Data Services, Inc.

Mr. Wade provided the Board with an overview of the performance agreement.

Amazon Data Services, Inc., a Delaware corporation (the "Company") is engaged in the development and operations of data centers, including through direct ownership and third-party partners (the "Project"). The County and the Company desire to enter into an Economic Development Local Performance Agreement (the "Agreement").

The Company has proposed to build, develop, and operate, or cause to build, develop, and

operate, data center facilities (the “Project”) at locations in the County within the Technology Overlay District (“TOD”), including the Lake Anna Technology Campus and North Creek Technology Campus (collectively the “Sites”). To build, develop, and operate data center facilities at the Sites, the Company intends to make billions of dollars of capital investment and create hundreds of new full-time jobs in the County. Time is of the essence in developing the Project Sites, and the County desires to work with the Company and its agents to provide efficient approvals of various zoning, permits, inspections, and other actions necessary to allow the Project development to proceed within the TODl.

The Company and County intend to implement processes and specify and develop the necessary infrastructure to support the Company’s Project, including transportation, water, power, connectivity, and other infrastructure, and to that end intend to enter into a Water Services Agreement and potentially other development agreements that reflect the County and Company’s obligations with regard to construction and development of such infrastructure. To encourage the Company’s Project and additional data center development, the County desires to support infrastructure built by the Company, by providing incentives to the Company pursuant to Annual Infrastructure Grants and an Investment Performance Bonus. The provision of the Annual Infrastructure Grants, Investment Performance Bonuses, Permitting, Utilities, and proposed Tax Package, were important factors in the Company’s decision to make capital investments and create jobs in the County.

The General Assembly of the Commonwealth of Virginia has enacted 59.1-284.42 of the Code of Virginia, known as the Cloud Computing Cluster Infrastructure Grant Fund (the “Grant Fund Program”). The Grant Fund Program requires that the Commonwealth grants are matched on a two-for-one basis (the “Local Match”) by the locality, and the County desires to provide the Local Match to encourage additional data center development.

The County recognizes that the Project will bring direct and indirect benefits to the County that constitute a valid public purpose for the use of public funds, including stimulating additional tax revenue and economic activity, and has offered to provide the Annual Infrastructure Grants, Investment Performance Bonus, Permitting, Utilities, and Tax package to induce development of the Project. The County may act in cooperation with or through the Louisa County Industrial Development Authority for the provisions of its commitments under this agreement. The Company acknowledges that its decision to locate the Project in the County resulted from the availability of the Grant Fund Program, Annual Infrastructure Grants, Investment Performance Bonus, Permitting, Utilities, and proposed Tax Package.

Mr. Wade went over the incentives package pages 6-8 which included details on the infrastructure and performance grants. He also provided the Board with real and BPP tax revenue projections based on a 15-year single shell and full build out annual average. The proposed computer equipment BPP tax structure includes:

Tax Rate \$1.25

Depreciation schedule and assessed percentages:

Year 1:	50% of original cost
Year 2:	35% of original cost
Year 3:	20% of original cost

Year 4: 10% of original cost
Year 5+: 5% of original cost

On the motion of Mr. Purcell, seconded by Ms. Jones, which carried by a vote of 7-0, the Board voted to be in consideration of the mutual covenants and agreements set forth herein, the Louisa County Board of Supervisors hereby agrees to the terms and conditions of the Agreement subject to future amendment thereto about incentive package details. Furthermore, the Louisa County Board of Supervisors authorizes the County Administrator to continue negotiating terms of an incentives package with the Company for future consideration by the Board.

Resolution – Expressing Concern with the Implementation of Budget Language on Statewide Rate Setting for Private Day Special Education Funded Through the Children’s Services Act

Ms. Colvin stated the Board wishes to express its concern with the challenging situation that has arisen regarding the implementation of budget language on statewide rate setting for private day special education funded through the Children’s Services Act. Language in the 2022 Appropriation Act requires the Office of Children’s Services to implement statewide rates for private day special education services, effective July 1, 2023.

Although both the House and Senate proposed to eliminate this language in their respective budgets during the 2023 General Assembly session, these amendments were not included in the “skinny budget,” leaving the language from the 2022 Appropriation Act in place.

The Office of Children’s Services (OCS) recently issued administrative memorandum 23-06 dated July 24, 2023, which outlines how these provisions will be implemented for the 2023-2024 school year and announces that the state will not reimburse localities for private day costs in excess of a 2 percent increase from rates established for the 2022-2023 school year. It is understood that OCS is in a difficult position -- faced with a requirement to implement the 2022 directive despite a demonstration of legislative intent to eliminate this language -- there is a concern that the 2 percent cap will require localities to shoulder the entire cost of rate increases beyond this cap that may be demanded by providers, rather than these costs being shared by the state and local governments in keeping with the tradition of CSA as a state-local partnership.

Louisa County currently uses fourteen (14) private day facilities and eleven (11) of those are increasing their rates between five to twelve percent for the 2023-2024 school year. Action by the General Assembly in 2021 to authorize CSA funds to be used on a time-limited basis to support students’ transition back to public school from private placements was an important step in these efforts; however, in the near term, the state must continue to be a partner in sharing costs with localities for those children who are served in private special education placements.

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to request that the state continue to be a partner in sharing costs with localities for those children who are served in private special education placements and remove the 2 percent cap that will require localities to shoulder the entire cost of rate increases beyond this cap.

Resolution – Recommending Approval of a Comprehensive Agreement Addendum by the James River Water Authority

Mr. Purcell reported after initial contemplation of the pump station's location near the confluence of the James and Rivanna Rivers at Point of Fork, permitting concerns compelled consideration of a location further upstream on the James and delayed construction by several years. Due to the associated increase in the scope of the project and significant recent inflation in construction costs, the cost of the project has increased. An addendum to the initial project contract and additional funding will be required as detailed in the attached, and the JRWA Board will consider the same at a future meeting.

Mr. Barlow expressed concerns with the project's timeline and delays and indicated he is not ready to authorize more spending until the permit is complete.

Questions and comments were addressed by the Board regarding: the initial project contract and additional funding associated with the relocation upstream, which were answered by Mr. Goodwin.

On the motion of Mr. Purcell, seconded by Mr. Williams, which carried by a vote of 6-1, with Mr. Barlow voting against, the Board voted to recommend approval by the JRWA Board of the aforementioned contract addendum and additional funding by the James River Water Authority Board.

Resolution – To Proceed with the Shannon Hill Growth Area Utilities Capital Project

The Board of Supervisors approved funding in the amount of \$27,550,000 for the Shannon Hill Growth Area Utilities Capital Project in the Fiscal Year 2024 Capital Improvement budget with funding from a grant, debt issuance and funds from the Louisa Industrial Development Authority, which included \$4,900,000 for the purchase of a water tower.

The cost of the water tower portion of the project is higher than originally estimated at a cost of \$5,683,827 bringing the total cost of the project to \$28,333,827.

The Louisa Industrial Development Authority will make annual payments to the County to repay the agreed upon \$4,900,000 of the project costs using land sale proceeds and from solar revenues as they are received.

The Economic Development Department is requesting to proceed with the procurement of the water tower in accordance with Louisa County Procurement guidelines.

Discussion ensued regarding the design standards of the water tower.

Mr. Barnes said he has supported the Shannon Hill Business park, but cannot support this item until he knows more about the type of business that intend to break ground at that location.

On the motion of Mr. Williams seconded by Mr. Purcell which carried by a vote of 6-1, with Mr. Barnes voting against, the Board voted to authorize the Economic Development Department to proceed with the Water Tower portion of the Shannon Hill Growth Area Utilities Capital Project (GL # 30382000-431460) in the amount not to exceed \$5,683,827 with funding from debt issuance for the Shannon Hill Utilities Project, of which the Louisa Industrial

Development Authority will reimburse the County for \$4,900,000 from land sale revenues and from solar revenues as they are received.

Resolution – To approve Minor Updates to County Seal Colors

Mr. Goodwin explained the official description of the Louisa County Seal reads, "The Seal shows Princess Louisa holding white flowers in a blue dress, which was period color and attire. The gold geographical representation of the County with the green background was the county high school colors at the time of design and adoption. And, at one time, Louisa County was known as the "Sun-Cured Tobacco Capital" of the world which is signified by the tobacco on the right. The dogwood flower on the left is also the official state flower.

The gold on the previously adopted Seal is recommended to be updated to better match County color schemes, including the color schemes used on emergency equipment.

General discussion ensued regarding the County seal colors. The Board offered suggestions on how to appropriately display the County seal on County vehicles and emergency apparatus without having to modify its colors.

Mr. Williams motioned to approve minor updates to County seal colors. With lack of a second the motion died.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Barnes provided a brief update on an affordable housing and the impact it has on localities across the state and the nation.

Board Appointments

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to appoint the following individuals:

- Appointed Ms. Patricia Thomasson to the Human Services Advisory Board

County Administrator's Report

Mr. Goodwin reported that there were several monthly reports and items of correspondence in the Board packet and reminded the Board of several upcoming events.

PUBLIC HEARINGS

Resolution – To Approve/Deny Rezoning Application - REZ2023-04, Three Notch Road, LLC

Mr. Gillespie provided a brief report on rezoning application – REZ2023-04, Three Notch Road, LLC.

Three Notch Road LLC, submitted a request for rezoning 3.03 acres of parcel 52-2-2 from Industrial Limited Growth Area Overlay District (I-1 GAOD) to General Commercial Growth

Area Overlay District (C-2 GAOD). The goal of this rezoning is to allow for an automobile dealership for golf cart and low-speed vehicle repair and sales. The property is located on the southwest line of Three Notch Road (Route 250), approximately 0.22 miles east of Poindexter Road (Route 613), in the Patrick Henry Election District.

At a regular meeting of the Louisa County Planning Commission held August 10, 2023, the Planning Commission voted that the public necessity, convenience, general welfare, or good zoning practice compels it to make a recommendation of approval to the Louisa County Board of Supervisors on the request for rezoning approximately 3.03 acres of tax map parcel 52-2-2 from Industrial Limited Growth Area Overlay District (I-1 GAOD) to General Commercial Growth Area Overlay District (C-2 GAOD) to allow the following permitted use

- Brewery, limited
- Brewery Major
- Winery Major
- Automobile dealership
- Automobile parts/ supply. Retail
- Automobile rental/leasing
- Automobile repair service
- Commercial vehicle repair service
- Construction sales and services
- Contractor's offices and shop
- Manufactured home sales
- Recreational vehicle sales and services
- Warehousing and distribution; and

Chairman Adams opened the public hearing.

Ms. Vicky Harte, Louisa District, asked about the additional permitted uses and how those would apply if the Board chooses to approve the application.

With no one else wishing to speak, Chairman Adams closed the public hearing and brought it back to the Board for discussion.

On the motion of Mr. Barnes, seconded by Mr. Barlow, which carried by a vote of 7-0, the Board voted to approve rezoning application – REZ2023-04, Three Notch Road, as presented with no changes.

Adjournment

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adjourn the September 5, 2023, meeting at 7:59 p.m.

BY ORDER OF:
DUANE A. ADAMS, CHAIRMAN
BOARD OF SUPERVISORS
LOUISA COUNTY, VIRGINIA