



**Board of Supervisors
County of Louisa
Monday, November 20, 2023
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Adams called the November 20, 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	Present	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; Dale Mullen, Interim County Attorney; Wanda Colvin, Deputy County Administrator/Director of Finance; Alexandra Stanley, Executive Assistant/Deputy Clerk; Andy Wade, Director of Economic Development; Griff Carmichael, Director of Human Resources; Scott Raettig, Information Technology; Manning Woodward, Supervisor Elect – Louisa District; and Christopher McCotter, Supervisor Elect – Cuckoo District

CLOSED SESSION

On the motion of Mr. Barlow, seconded by Mr. Barnes, 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, assignment, and compensation of employees; and,
2. In accordance with §2.2-3711(A)(7)(8) and (29) VA Code Ann., to consult with legal counsel and staff about hunting on County property and Amazon Performance Contract.

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	Voter	Yes/Aye
R.T. Williams, Jr.	Voter	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 20th day of November 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 20th day of November 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. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the November 20, 2023, agenda as amended, with the following changes:

1. Added a Resolution Authorizing a Budget Supplement for Salary Increases for Full-Time County Employees

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting – November 6, 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 November 6, 2023, regular meeting as presented, with no changes.

BILLS APPROVAL

Resolution – To Approve the Bills for the First Half of November 2023

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 first half of November 2023.

CONSENT AGENDA ITEMS

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the Consent Agenda items for November 20, 2023, as follows:

1. Resolution – To Approve the 2024 Holiday Schedule
2. Resolution - Authorizing a Pass Through Appropriation to General Services for the FY24 Litter Prevention and Recycling Program
3. Resolution - To Approve and Award a Contract for Hauling and Disposal Services of Scrap Tires
4. Resolution - To Approve and Award a Contract for Front-End Load Solid Waste Hauling and Disposal Services
5. Resolution - Requesting a Safety/Speed Study on Route 621 (Peach Grove Road) in the Mineral District
6. Resolution - Recognizing Richard "Dick" Shrum for His Years of Service to Lake Anna Advisory Committee
7. Resolution - Requesting an Evaluation of a Through Truck Traffic Restriction on Route 617 (Green Springs Road) in the Green Springs District
8. Resolution - Approving an Easement Agreement Between the County of Louisa ("Grantor") and Rappahannock Electric Cooperative ("Grantee")
9. Resolution - Supporting and Encouraging the Award of the Firefly/TJPDC VATI 2024 Grant Application
10. Resolution – Authorizing a Budget Supplement for Salary Increases for Full-Time County Employees

RECOGNITIONS

(None)

PUBLIC COMMENT PERIOD

Chairman Adams opened the public comment period.

Ms. Vicky Harte, Louisa District, talked about current events across the world and the impacts it has on Louisa County.

Ms. Paula Durbin-Wesby, Mineral District, spoke briefly about the Amazon Data Center at Shannon Hill and expressed her concerns with the potential locations of the substations.

Ms. Marta Keane, CEO of JABA, appeared before the Board to provide JABA's annual report for Louisa County.

Mr. Dan Thomlison, Mineral District, addressed his concerns regarding AWS and the proposed amended performance agreement between the County of Louisa and Amazon Data Services, Inc.

Mr. Wood explained that service connections in each project area are anticipated to begin within the noted period and into the following period until all who are pre-registered for service are connected. (I.e., first connections are made in the fall and will carry into the winter until connections are complete).

Mr. Wood provided a map showing the proposed Louisa project areas for the VATI 2024 Grant. The total passings within the VATI 2024 grant project is estimated to be 441 with 15.5 total miles of fiber. The total investment is \$1.6 million with \$0 requested county match. Mr. Wood noted the next steps for the VATI 2024 grant would be for the Board to approve a resolution supporting the inclusion of Louisa County and provide a letter of support that will need to be included in the VATI 2024 application.

Chairman Adams noted the support resolution was adopted under Consent Agenda and staff will ensure Firefly receives a copy for their application.

Back and forth conversation ensued between the Board and Mr. Wood.

Presentation – Louisa Arts Center

Ms. Karen Welch, Executive Director of the Louisa Arts Center, provided the annual report on the Arts Center to the Board. Her presentation included: strategic plan goals; economical, cultural, and social impacts; and budget highlights.

Presentation – Virginia One Church, One Child

Ms. Cassandra Calendar-Ray, came forward to talk about the mission of Virginia One Church, One Child and how their services could be beneficial to Louisa County residents.

Virginia One Church, One Child is a statewide adoption education and recruitment program. Organized in 1985, their primary focus is finding families to adopt the hundreds of African American children who are waiting for a family. The organization is a part of the state's collaborative efforts to reduce the number of children who languish in the public foster care system. Since the late nineties, VA One Church, One Child has broadened its recruitment efforts to include targeted and child-specific recruitment on behalf of *any* waiting child. They work with churches across the commonwealth to educate and identify adoptive families. Recruitment through churches is complemented by outreach and adoption education with individuals, community groups, social clubs, civic associations, professional groups, and businesses.

The core program is funded by the Virginia Department of Social Services. Additional support is provided by special project grants and contributions from churches, individuals, and private sources.

Ms. Cassandra-Ray indicated that they are seeking additional support from the Board in establishing a location in Louisa County to better serve the children who remain in the public foster caser system.

Back and forth discussion ensued between the Board and Ms. Cassandra-Ray about the services and programs offered by the organization.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS**Resolution – Approving the County’s 2024 Legislative Platform**

Mr. Goodwin explained the County adopts a legislative platform on an annual basis in an effort to inform and advocate on behalf of the citizens of Louisa in the Virginia General Assembly. Working in conjunction with the Virginia Association of Counties, the Thomas Jefferson Planning District and similar entities, the attached platform has been developed for the 2024 session of the General Assembly.

He indicated that it is anticipated that this platform will be presented to and discussed with the County's state representatives in the General Assembly, and that future modification may be necessary based on those activities occurring in session.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve its legislative platform with the understanding that further modification may be required.

Resolution – To Consider the 2024 Thomas Jefferson Planning District Commission Legislative Program

Mr. David Blount, Thomas Jefferson Planning District Commission (TJPDC), briefly went over the Commission’s annual Legislative Program. He indicated the Commission serves as the basis of legislative positions and priorities of the member localities for the 2024 Session of the Virginia General Assembly.

The TJPDC Legislative Program includes the following:

- Public Education Funding
- Budgets and Funding
- Land Use and Growth Management

The Board reviewed the draft 2024 TJPDC Legislative Program.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve the 2024 TJPDC Legislative Program as presented.

Resolution – Supporting the Virginia Department of Transportation’s Intent to Replace the Bridge on Route 617 (Green Springs Road) in the Green Springs District

The Virginia Department of Transportation (VDOT) has identified a need to replace the superstructure of the bridge over Wheeler Creek on Rt 617 (Green Springs Road).

The intent of the project is to replace the existing superstructure with a new steel beam, timber deck which will match roadway width. The project will be performed in Spring 2025 and will involve closure of the road for approximately 4 weeks.

The County's concurrence regarding VDOT's intent to replace the bridge with a structure width that is less than that designated by the American Association of State Highway and Transportation Officials' "Policy on Geometric Design of Highways and Streets" manual is needed.

On the motion of Ms. Jones, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to support the project and concurs with the replacement of the bridge over Wheeler Creek on Route 617 with a structure that is of less width than that designed by the American Association of State Highway and Transportation Officials.

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

Mr. Wade came forward to go over the amended performance agreement between the County and Amazon Data Services, Inc. The County of Louisa approved a Performance Agreement with Amazon Data Services, Inc., on September 5, 2023, resolution number 2023-70. The Louisa County Board of Supervisors authorized the County Administrator to continue to negotiate terms of an Incentives Package resulting in an Amended Performance Agreement (the “APA”).

The package negotiations related to Annual Infrastructure Grant and Investment Performance Grant percentages have concluded and include the following:

III. COUNTY ECONOMIC DEVELOPMENT INCENTIVES - ANNUAL INFRASTRUCTURE GRANTS.

- A. The County will provide annual grants to the Company (the “Annual Infrastructure Grants”) to offset a portion of the projected Infrastructure Costs to be incurred by or on behalf of the Company. The Annual Infrastructure Grants will be paid in the amounts set forth in Subsection E and in the form of a grant based on the incremental increase in real and business tangible personal property taxes generated by the Company’s activities and activities performed on its behalf, compared to such tax revenues generated on each of the respective Sites as of January 1, 2023 (the “Incremental Tax Revenue”).
- B. The County agrees to pay the Annual Infrastructure Grants for a period of twenty (20) years with the first payment to be made in 2026 and the last payment to be made in 2046, subject to Section G below.
- C. Annual Infrastructure Grants will be paid by the County to the Company through the Authority and shall be subject to annual appropriation. The County shall pay the Annual Infrastructure Grant each year within sixty (60) days of receipt of the Company’s payment of its annual property taxes. Each Annual Infrastructure Grant payment shall be based on the Company’s property tax payment made in the same calendar year in which the Annual Infrastructure Grant payment is due,

and the Company's certification to the Virginia Economic Development Partnership (VEDP) of its aggregate Capital Investment as of the June 30 preceding the date of the Annual Infrastructure Grant payment. As an example, and for illustrative purposes only, the County's Annual Infrastructure Grant payment in 2026 shall be based on the Company's tax payment of the property tax bill(s) due on December 5, 2026, and the Company's VEDP certification of aggregate Capital Investment as of June 30, 2026. The County agrees to assist and facilitate the payment process.

- D. The Parties agree that for purposes of determining the amount of the Annual Infrastructure Grants, the amount of the Capital Investment shall be based on the Company's reports to VEDP indicating the amount of Capital Investment made, or caused to be made, by the Company. The amount of Capital Investment shall not be adjusted for annual depreciation or other method of valuation for tax purposes.
- E. Annual Infrastructure Grants shall be paid using the applicable percentage of Incremental Tax Revenue and thresholds as set forth in the following schedule:

Total Capital Investment as of June 30 preceding the year of payment	Annual Infrastructure Grants as a % of Incremental Tax Revenue	Annual Infrastructure Grants Term – 20 Years
\$150 million to \$11 billion	15%	2026 – 2046
Over \$11 billion to \$20 billion	20%	
Over \$20 billion to \$30 billion	25%	
Over \$30 billion	30%	

- F. The aggregate value of the Annual Infrastructure Grants shall not be limited by the County. In the event the Parties disagree on the amount or schedule of the Annual Infrastructure Grants, the Parties shall seek to resolve the disagreement pursuant to the process set forth in Section XII(B).
- G. If the Company has not invested, or caused to be invested, in the County at least eleven billion dollars (\$11,000,000,000) in Capital Investments prior to July 1, 2040, then the County will not be obligated to pay additional Annual Infrastructure Grants to the Company pursuant to this Agreement.

Mr. Wade noted the project is a net new revenue that the County does not currently receive. The revenue will be billed to and paid by AWS. He said the rebates do not include certain infrastructure that AWS will not be taxed on, including the power of the infrastructure owned by REC and/or Dominion. He stated there are increased revenues generated from the improvements.

Mr. Wade said the annual infrastructure grants as a % of incremental tax revenue (15%, 20%, 25%, 30%) is purely based on what AWS pays to the County on an annual basis. He explained AWS will always pay 100% of their tax bill in any given year and the county will refund the rebate.

Chairman Adams noted that it appears the investment performance grant is structured to encourage more investment in the County.

Mr. Wade said it is structured to incentivize Amazon to continuously invest in Lousia County. He stated the initial \$11 billion dollar capital investment commitment is roughly for eleven (11) shells. He said there is potential for Amazon to build more than the eleven (11) data center shells on both campuses. He stated as they meet the \$11 billion dollar capital investment, if they exceed the investment before 2024, they will proceed to the next tier.

Chairman Adams asked if the rebate comes out of the taxes paid by Amazon, not out of the County's general fund balance.

Mr. Wade replied yes.

Chairman Adams noted there is no opportunity on a tax revenue basis for the County to lose money.

Mr. Wade said yes, and reiterated the project is net new revenue for the County.

Mr. Wade went over the incentives of the investment performance grant.

IV. COUNTY ECONOMIC INCENTIVES – INVESTMENT PERFORMANCE GRANT.

- A. If the Company's Capital Investments have reached \$11 billion prior to July 1, 2040, the County, beginning in 2047, will make five annual grant payments to the Company in the form of a percentage of the Incremental Tax Revenue according to the following schedule (the "Investment Performance Grant"). The first Investment Performance Grant payment will be in calendar year 2047 and continue through calendar year 2051 for a total of five Investment Performance Grant payments, based on the Company's property tax payment made in the same calendar year in which the Investment Performance Grant payment is due, and the Company's certification to the Virginia Economic Development Partnership (VEDP) of its aggregate Capital Investment as of the June 30 preceding the date of the Investment Performance Grant payment. As an example, and for illustrative purposes only, the County's Investment Performance Grant payment in 2047 shall be based on the Company's tax payment of the property tax bill(s) due on December 5, 2047 and the Company's aggregate Capital Investment as of June 30, 2047.

- B. Upon termination of its annual reporting requirement to VEDP in 2044, the Company will submit an annual certification of its aggregate Capital Investment in a format substantially similar to its previous certifications to VEDP to the County.

Investment Performance Grant Schedule

Total Capital Investment as of June 30 preceding the year of payment	Investment Performance Grants as % of Incremental Tax Revenue	Investment Performance Grant Term – 5 Years
\$11 billion to \$20 billion	17.0%	2047 – 2051
Over \$20 billion	20.0%	

- C. The Parties agree that for purposes of determining the amount of the Investment Performance Grants, the amount of the Capital Investment shall be based on the Company's reports to VEDP indicating the amount of Capital Investment made, or caused to be made, by the Company. The amount of Capital Investment shall not be adjusted for annual depreciation or other method of tax valuation. In the event the Parties disagree on the amount or schedule of the Investment Performance Grant, the Parties shall seek to resolve the disagreement pursuant to the process set forth in Section XII(B).
- D. The Investment Performance Grant will be paid by the County from Incremental Tax Revenue. The aggregate value of the Investment Performance Grant shall not be limited by the County.
- E. If the Company has not invested, or caused to be invested, in the County at least eleven billion dollars (\$11,000,000,000) in Capital Investments prior to July 1, 2040, then the County will not be obligated to pay Investment Performance Grants to the Company pursuant to this Agreement.

Mr. Wade stated the initial grant period ends in 2040, but for some reason if Amazon does not meet their initial \$11 billion commitment by 2040, the grants go away. He said if they meet the \$11 billion commitment by 2040, then investment performance grant kicks into play and would be based on the tiers of the investment performance grant.

Chairman Adams stated the initial investment has been mentioned, but the development has the potential to significantly grow, increase the investment in Louisa County, and to generate not only tax revenue but jobs as well.

Mr. Wade went over the permitting package and highlighted changes agreed by AWS. He said the Northeast Creek Technology Campus is roughly 1,400 acres and about 628 of that is to remain in green space (open space). He said AWS is donating 380 of the 628 acres to the County to remain as green space or to be used as a public park.

Chairman Adams said AWS has purchased the land and is giving the County 380 acres of green space, not to be developed. He asked Mr. Wade if he knew the value of the 380 acres. Mr. Wade responded \$10 to \$20 million dollars.

Mr. Barlow asked if AWS intends to deed the land to the County or dedicate the land. Mr. Wade said it would be deeded to the County.

Mr. Wade went over the tax package as outlined below.

I. TAX PACKAGE.

- A. The County has adopted Resolution 2023-81, which states the following and is attached hereto as Exhibit C.

Commencing on September 18, 2023, and ending no earlier than December 31, 2050, the tax rate on Computer Equipment shall not exceed \$1.25 per \$100 of assessed value. Such equipment shall be subject to the following depreciation schedule:

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

- B. Commencing on the Effective Date, and ending no earlier than December 31, 2050, the County agrees to use all best efforts to ensure timely passage of future annual resolutions to maintain the tax rate and depreciation schedule set forth above. In the event of future actions by the General Assembly of the Commonwealth which could permit different tax treatment of commercial and industrial property, the County agrees it will continue to treat Computer Equipment as exempt from any higher real or personal property tax rate or special assessment. In the event the County increases the tax rate above \$1.25 per \$100 of assessed value, or negatively alters the above depreciation schedule, then any amount exceeding what would have been owed by the Company under this Section shall be reimbursed to the Company through the Authority until the rates are restored to the amounts outlined herein. Such reimbursements would be in addition to all other reimbursements, grants, and payments owed to the Company under this Agreement, and shall be made within sixty (60) days after the Company makes its annual property tax payments.

The Board went over the depreciation schedule. Chairman Adams asked what happens after year 5 and will the equipment be replaced causing the schedule to reup.

Mr. Wade said when they replace the server and network equipment, the schedule would revert back to year 1.

Mr. Williams asked how often they will need to replace the equipment in the buildings.

Mr. Wade said AWS has indicated they would replace the equipment on a 6–7-year scale, but that is subject to change.

The Board and Mr. Wade went over the logistics of the depreciation schedule in comparison to the full build out schedule, jobs and average salary ranges, and annual tax revenue.

Chairman Adams asked about water usage and where they are getting the water.

Mr. Wade said the cooling water source for both data center campuses will come from the Northeast Creek Reservoir. He stated they recently completed a new build model of the reservoir and it went from 2.7 million GPD to 3.2 million GPD. He said the average daily use at full build out for both campuses is 630,000 GPD. He said the Northeast Creek water treatment plant has a treatment capacity of 1 million GPD. He stated between the two, there will be 1.63 million of spoken for capacity, leaving 1.6 million GPD for future development.

Chairman Adams asked if they plan on drilling wells.

Mr. Wade said they do intend to drill temporary wells at the Lake Anna campus, but not at the Northeast Creek campus.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve the terms of the Agreement previously approved by the County on September 5, 2023, and mutual covenants and agreements set forth in the APA, the Louisa County Board of Supervisors hereby agree to the terms and conditions of the APA as presented.

Resolution – Authorizing a Budget Supplement to the Department of Fire & EMS

The Department of Fire and Emergency Services is requesting a budget supplement in the amount of \$70,000 to cover the increasing costs that will be incurred for compressed gases in Fiscal Year 2024. Compressed gas prices continue to rise and with the opening of a new station (New Bridge) in late FY23, the department's needs in this area continue to grow. These additional expenses were not included in the FY24 budget and need to be appropriated at this time.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to authorize a budget supplement to the Department of Fire and Emergency Services Compresses Gases (10032200-460017) in the amount of \$70,000 due to increased costs for the aforementioned supplies. The source of funding is a budget transfer from Reserved for Contingencies (10091000-410010).

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Barnes reported on affordable housing. Mr. Gentry provided follow up comments and talked about housing needs and the opportunity for grant funding. He also talked about manufactured homes being used as affordable housing, but localities not having the proper ordinances in place to allow the use of manufactured homes in certain zoning districts.

Chairman Adams reported on the Lake Anna Advisory Committee (LAAC). He said the General Assembly budgeted \$1 million dollars for remediation efforts for Harmful Algae Bloom and it is being funded through the Department of Conversation. He stated they are looking for a local agency to act as a financial agent of the money. He noted LAAC and Louisa County is willing to accept the money and help fund those efforts so it can be handled more effectively and efficiently.

Chairman Adams also reported on the Parks, Recreation, & Tourism Advisory Committee. He said it is his recommendation to split the committee and create a separate Tourism Advisory Committee. He directed staff to work with legal counsel on creating a Tourism Advisory Committee.

County Administrator's Report

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

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 make the following appointments:

- Reappointed Ms. Lillian Morris to the Commission on Aging to represent the Mountain Road District

PUBLIC HEARINGS

(None)

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 November 20, 2023, meeting at 7:38 p.m.

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