



**Board of Supervisors
County of Louisa
Monday, May 20, 2024
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Adams called the May 20, 2024, meeting of the Louisa County Board of Supervisors to order at 5:00 p.m.

Board Member Name	District	Status	Arrived
Duane A. Adams, Chairman	Mineral District	Present	5:00 PM
Tommy J. Barlow, Vice Chairman	Mountain Road District	Present	5:00 PM
Fitzgerald A. Barnes	Patrick Henry District	Present	5:00 PM
Christopher C. McCotter	Cuckoo District	Present	5:00 PM
H. Manning Woodward, III	Louisa District	Present	5:00 PM
R.T. Williams	Jackson District	Present	5:00 PM
Rachel G. Jones	Green Springs District	Present	5:00 PM

Others Present: Christian Goodwin, County Administrator; Dale Mullen, Interim County Attorney; Chris Coon, Deputy County Administrator; Wanda Colvin, Deputy County Administration/Director of Finance; Alexandra Stanley, Executive Assistant/Deputy Clerk; Griff Carmichael, Director of Human Resources; Linda Buckler, Director of Community Development; Tom Egeland, Senior Planner; and Scott Raettig, Director of 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., discussion and consideration of prospective candidate for employment of a public body; and
2. In accordance with §2.2-3711(A)(3) VA Code Ann., discussion or consideration of the acquisition of real property for a public use, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body;
3. In accordance with §2.2-3711(A)(5) VA Code Ann., discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; and
4. In accordance with §2.2-3711(A)(8) VA Code Ann., Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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
Christopher C. McCotter	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Rachel G. Jones	Voter	Yes/Aye
H. Manning Woodward, III	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 May 2024, 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 May 2024, 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.

ADMINISTRATIVE ITEMS - 6:00 P.M.**INVOCATION**

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

ADOPTION OF AGENDA

On the motion of Mr. McCotter, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the May 20, 2024, agenda, as present, with no changes.

MINUTES APPROVAL**Board of Supervisors (BOS) - Regular Meeting – May 6, 2024**

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 May 6, 2024, regular meeting.

BILLS APPROVAL

Resolution – To Approve the Bills for the First Half of May 2024

On the motion of Mr. Barnes, seconded by Mr. McCotter, which carried by a vote of 7-0, the Board adopted a resolution approving the bills for the first half of May 2024.

CONSENT AGENDA ITEMS

On the motion of Mr. Barnes, seconded by Mr. McCotter, which carried by a vote of 7-0, the Board voted to adopt the Consent Agenda items for May 20, 2024, as follows:

1. Resolution – Authorizing a Budget Supplement to Louisa County Airport
2. Resolution – Recognizing Jodi Dalton as the Louisa County Public School's 2024 William G. Thomas Educator of the Year
3. Resolution – Recognizing Cheryl Sites as the Louisa County Public Schools' 2024 Wallace L. Tingler MVP of the Year
4. Resolution – Authorizing Staff to Advertise a Public Hearing for the Sale of Surplus Property Located in Louisa County, Virginia (Ferncliff)

RECOGNITIONS**Presentation – Proclaiming May 2024 as Older Americans Month**

Mr. Goodwin read the proclamation and Mr. Woodward presented a framed copy to Ms. Ginger Dillard, JABA Representative.

PUBLIC COMMENT PERIOD

Chairman Adams opened the public comment period.

Ms. Vicky Harte, Louisa District, appeared before the Board to provide information on upcoming events occurring in the Town of Louisa. She also expressed her concerns with the proposed fee increase for water/sewer services.

Ms. Ophelia Payne, Patrick Henry District/Branch Manager at the Louisa County Library, thanked the Board for their continued support and provided a brief overview of their summer reading program and other activities happening at the library.

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

INFORMATION/DISCUSSION ITEMS**Discussion – Amendments to the Solar and Technology Overlay District (TOD) Ordinance**

Mr. Chris Coon provided a brief update on the proposed amendments to the solar and TOD ordinance. He stated the Planning Commission has forwarded the proposed amendments on the solar ordinance with no recommendation, due to a tie vote. He explained the TOD ordinance will be reviewed by the Planning Commission at their upcoming June meeting, with the potential to be reviewed by the Board at their July 1st meeting.

Discussion – Permitted Structures and Uses on Lake Anna

Mr. Goodwin noted after direction by the Board at their previous meeting, staff met with Dominion to go over Lake Anna development standards. He said the meeting was constructive and Dominion was able to provide feedback to the County's questions that were directly related to the Board's concerns about Lake Anna shoreline uses and design standards. He said during the meeting, both parties agreed to formulate a list of FAQ's that either the Board or the public might be interested to know about what they could do outside a traditional use on the lake.

The Board requested that staff get Dominion's responses in writing and to have a representative attend an upcoming meeting to go over the list of FAQ's with the Board.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS**Resolution – Authorizing Budget Supplement for the Transportation Department and the Department of Fire & EMS**

Ms. Wanda Colvin noted the Department of Fire & EMS has experienced high turnover in the department as well as high call volumes, which has led to increased overtime costs. She explained that mandatory incentive payments were given for those willing to work additional shifts to ensure the County had the necessary staff needed to serve our citizens. Because of these necessary steps, it has led to a budget shortfall in Fire & EMS's budget in FY2024. Additionally, the Transportation Department has also experienced a budget shortfall due to the increased cost of Fire & EMS apparatus repairs and fuel costs.

Ms. Colvin said the Transportation Department is requesting a budget supplement in the amount of \$150,000 to cover the additional Fire & EMS apparatus repair costs and fuel costs in FY2024. The Department of Fire & EMS is requesting a budget supplement in the amount of \$680,000 to cover increased personnel costs and overtime expenses.

Discussion ensued regarding increased personnel costs and overtime expenses and how to address the problem, so it does not have further impacts to the FY2025 adopted budget.

Ms. Colvin explained the County has addressed salary compression and increased starting pay ranges for FY2025 in hopes of retaining current employees as well as attracting new candidates.

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 Transportation Department FEMS Apparatus Repairs (10035090-433110) in the amount of \$110,000 and to Transportation EMS Vehicle Fuel (10035090-460302) in the amount of \$40,000 for increased apparatus repair and fuel expenses and a budget supplement to Fire & EMS Overtime (10032300-412000) in the amount of \$680,000 for increased overtime and other personnel costs. The source of funding is additional funding received in FY2024 for Interest on Bank Deposits (0100R15-315010) in the amount of \$730,000 and a budget transfer from the Office of FEMS Compensation (10032400-411000) in the amount of \$100,000.

Resolution – Authorizing a Pass Through Appropriation for a Fire/Rescue Board from the Foundation for Lake Anna Emergency Services

Members of The Foundation for Lake Anna Emergency Services appeared before the Board to present a check in the amount of \$108,000 to be used towards the purchase of a Rescue Boat for New Bridge Fire & EMS and fire module for the boat. *This donation was not included in the FY24 budget and needs to be allocated.*

The Board commended the Foundation for their ongoing efforts in raising almost a half a million dollars towards New Bridge Fire & EMS (Station 8).

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to authorize a pass through appropriation of \$108,000 to Fire & EMS Boat Purchases Capital Project, GL # 30332000-482080 for the purchase of a Rescue Boat and a fire module for the boat. The Source of this Funding is Donations/Misc. Revenue, GL # 0303R18-318930.

Committee Reports

Ms. Jones reported on the Litter Advisory Workgroup and Mr. McCotter reported on the Lake Advisory Committee (LAAC).

Board Appointments

Based on the recommendation of the Personnel Committee, Chairman Adams said he is seeking a motion to appoint Ms. Linda Buckler as the Zoning Administrator, Mr. Tom Egeland as the Deputy Zoning Administrator, and Ms. Renee Mawyer as the Deputy Subdivision Agent for Louisa County.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to make the above-mentioned appointments.

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.

PUBLIC HEARINGS**Resolution – To Approve/Deny Rezoning Request; REZ2024-02 Lake Anna Storage LLC, Applicant/Owner; Doug Barmoy, Agent – Proffered Rezoning Request**

Mr. Tom Egeland presented the staff report for Lake Anna Storage LLC, and their request to rezone approximately 7.714 acres from Agricultural Growth Area Overlay District (A-2 GAOD) to General Commercial Growth Area Overlay District (C-2 GAOD). He stated the property is located on Chopping Road (Route 623), approximately 0.13 miles southwest of Zachary Taylor Hwy (State Route 522), and is further identified as tax map parcel 28-106, in the Mineral Election District.

Mr. Egeland noted that a regular meeting of the Louisa County Planning Commission held April 11, 2024, the Planning Commission voted to make a recommendation of approval to the Louisa County Board of Supervisors on the request of REZ2024-02, to allow the rezoning of approximately 7.714 acres from Agricultural Growth Area Overlay District (A-2 GAOD) to General Commercial Growth Area Overlay District (C-2 GAOD), with the following three (3) proffers:

1. The Property Owner will grant ten (10) feet of Right-of-way to Louisa County for any future road improvements.
2. Any project for a use other than Parking Facility and Recreation Vehicle Sales and Service shall be presented to the Planning Commission for review and comment prior to the application and submittal to the Zoning Administrator.
3. Remove Business or Trade School, Commercial Indoor Amusement, Financial Institution, and Private School from the list of Permitted Uses.

Comments were addressed by the Board regarding the intent behind proffer #2, and asked if the same regulation has ever been applied to previous applications.

Mr. Egeland said to his knowledge the proffer has never been applied to any other application. He stated amendments, whether major or minor, are typically reviewed administratively by staff.

Chairman Adams expressed his concerns with the proffer, claiming it was a new undue government regulation. He stated he could not vote in support of the application if the proffer in question remains.

Mr. Barlow noted that prior to amendments made to the zoning ordinance in 2021, site plan amendments were supposed to be reviewed by the Planning Commission.

Chairman Adams asked since 2021, how many times has proffer #2 been required of a business in Louisa County.

Mr. Egeland said the requirement has never been applied to any other application.

Further discussion ensued regarding the intent behind the proffer.

Mr. Goodwin said the thought behind the proffer could have been due to the Board's and the Planning Commission's efforts to ensure that you have a responsible project meeting the needs of the applicant, while protecting the people on either side. He explained that if an alternative use was by-right in what the property was rezoned to now suddenly became the desire of the future owner of the property, you could have a straight-faced argument that maybe those controls to protect the neighborhood might not apply. He said he believes the proffer was well intentioned by the Planning Commission.

Mr. Goodwin asked Mr. Mullen if the Board approved an application with a set of conditions that are specific to a certain use, would those regulations still apply to a later property user who changes the use.

Mr. Mullen said they would still apply because it is a condition of the rezoning not the use.

Mr. Goodwin said if those protections didn't provide the same net impact on the new use that was once applied to the current use, would it not make any difference.

Mr. Mullen said it is more common in a rezoning to see every use proffered out, other than the one the applicant specifically wants. He said with the application set before you, if the Board votes in favor of the request, they are granting the property owner the right to use it for the purposes already permitted by the governing body.

Mr. and Mrs. Barmoy appeared before the Board to briefly go over their rezoning request and to address the concerns that were brought up by the Board. They noted that the use of the property was not only intentional, but conducive to the surrounding properties while offering the flexibility for other uses that are permitted by-right.

Mr. Barnes asked if the applicant has considered a vegetative buffer around the property.

Mr. Barmoy said they intend to preserve as many trees on the property and will maintain a 40ft buffer, beyond the 10-ft right-of-way along Chopping Road that will be granted to Louisa County for any future road improvements.

Chairman Adams opened the public hearing.

Mr. Phil Winston, Mineral District, spoke in favor of the rezoning request.

Ms. Vicky Harte, Louisa District, addressed her concerns with the existing cemetery on site and questioned the ownership and how it will be preserved.

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

Back and forth discussion ensued regarding the existing cemetery on site. The Board asked the applicant if they would be willing to add a proffer requiring a 10-ft vegetative buffer around the cemetery. The applicant willingly agreed to the request.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve the request for REZ2024-02 Lake Anna Storage LLC, Applicant/Owner; Doug Barmoy, Agent, with following revised six (6) proffers:

1. Site Plan. The property shall be developed in general conformance with the plan titled Site Plan to Accompany the Zoning Application Lake Anna Storage, LLC dated January 5, 2024.
2. Permitted Uses. PERMITTED USES, General – Louisa County Code of Ordinance Section 86-429. Owner hereby proffers that only the Commercial uses listed in Sec. 86-429 Permitted uses – Generally, will be permitted on the subject parcel for land use and business operation. Specifically: Mini-warehouse, Parking facility, General Office, Automobile Repair Service, Recreation vehicle sales and service, Contractor's Office and Shop, Automotive parts/supply, retail, Automobile rental/leasing, Clinic, Commercial

indoor sports and recreation, Commercial outdoor sports and recreation, Commercial vehicle repair service, Consumer repair service, Equipment sales and rental, Medical office, Personal Services, Personal Improvement services, Specialty shop, Store, general, Veterinary hospital/clinic, Solar Generation Facility, Small-Scale. All other uses are prohibited.

3. Security. All unattended areas of Lake Anna Storage shall be fenced and gated.
4. Lighting. All design and use of exterior lighting shall comply with the International Dark-Sky Association and shall be labeled as such on the site plan.
5. Right-of-way: The Property Owner will grant ten (10) feet of Right-of-way along Chopping Road (Route 623) to Louisa County for any future road improvements.
6. Cemetery Buffer: unless a court order or DHR (department of Historic Resources) request for relocation occurs a 10 -foot vegetative buffer will remain around the cemetery.

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 May 20, 2024, meeting at 7:15 p.m.

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