



**Board of Supervisors
County of Louisa
Tuesday, February 16, 2021
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Babyok called the February 16, 2021 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
Robert F. Babyok	Green Springs District Supervisors	Present	5:00 PM

Others Present: Christian Goodwin, County Administrator; Helen Phillips, County Attorney; Jeff Ferrel, Assistant County Administrator; Alexandra McKinley, Executive Assistant/Deputy Clerk; Wanda Colvin, Finance Director; Andy Wade, Economic Development Director; Bob Hardy, Information Technology Director; and Pam Baughman, Louisa County Water Authority General Manager.

CLOSED SESSION

On the motion of Mr. Adams, 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. Pursuant to Va. Code Section 3711(A)(3) to discuss the disposition of real property in the Green Springs District where discussion in open meeting would adversely affect the bargaining position of the County;
2. Pursuant to Va. Code Section 2.2-3711(A)(5) to discuss a prospective business in the Mineral District and Patrick Henry District where no previous announcements have been made of the businesses' interest in locating in the County;
3. Pursuant to Va. Code Section 2.2-3711(A)(5) to discuss a prospective business in Louisa County where no previous announcements have been made of the businesses' interest in locating in the County; and
4. Pursuant to Va. Code Section 2.2-3711(A)(8) for consultation with legal counsel regarding the Louisa County Water Authority.

REGULAR SESSION

On the motion of Mr. Barnes, seconded by Mr. Williams, 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	Mover	Yes/Aye
R.T. Williams, Jr.	Seconder	Yes/Aye
Willie L. Gentry Jr.	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Bob F. Babyok, Jr.	Voter	Yes/Aye
Eric F. Purcell	Voter	Yes/Aye

On the motion of Mr. Barnes, seconded by Mr. Williams, 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 16th day of February 2021, 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 16th day of February 2021, 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. Williams 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 February 16, 2021 as presented.

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting - Feb 1, 2021 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 accept the minutes of the February 1, 2021 meeting as presented with no changes.

BILLS APPROVAL**Resolution – To Approve the Bills for the First Half of February 2021**

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to approve the bills for the first half of February 2021.

CONSENT AGENDA ITEMS

- Resolution – To Approve and Award Contracts for Refrigerant Recovery Services

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to approve the Consent Agenda for February 16, 2021.

RECOGNITIONS

(None)

PUBLIC COMMENT PERIOD

Mr. Babyok opened the public comment period. With no one wishing to speak, Mr. Babyok closed the public comment period.

INFORMATION/DISCUSSION ITEMS

(None)

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS**Resolution – Approving the Memorandum of Understanding Between Louisa County Board of Supervisors and LA Resort, LLC.**

Mr. Andy Wade, Economic Development Director, appeared before the Board to talk about the Memorandum of Understanding between the County of Louisa Board of Supervisors and LA Resort, LLC. He provided a PowerPoint presentation, which included the following information:

- Phase One Deliverables (September 2021 - September 2022)
 - Louisa County/LCWA
 - Ratify option to purchase Lake Ann WWTP
 - LCWA assume operations permit (DEQ)
 - PER (if required)
 - Procurement (RFP)
 - Fully permit the project
 - Finalize project funding/financing
 - Procure site and plant construction
 - Final Gantt construction schedule
 - LA Resort, LLC
 - Prior to NTP: Bond/LOC due to County (\$750K)

- Full/final design of Lake Anna Resort
 - Fully permitted project
 - Final Gnatt construction schedule
- Phase Two Deliverables (September 2022- October 2022)
 - Louisa County/LCWA
 - Assume plant ownership from LAES
 - LA Resort, LLC.
 - Prior to phase 3 NTP - due to County:
 - Final LAR budget
 - Ratified construction contracts with GC
 - Proof of bank financing
 - Proof of investor capital
 - Contract b/w LAR & the resort management/hospitality company
 - Capital contribution to Louisa County - \$1,000,000 (prior to issuance if land disturbance permit)
- Phase Three Deliverables (October 2022 - December 2023)
 - Louisa County/LCWA
 - WWTP construction starts
 - WWTP construction completion (December 2023)
 - LA Resort, LLC
 - LAR construction starts
 - LAR construction complete
 - Occupancy Q1 2024
 - \$250K connection fee due (prior to issuance of O/P)
- Lake Anna WWTP Upgrade
 - Projected Cost: \$5,100,000
 - Plant Capacity: 99K gallons per day (currently permitted to go to this tier) and upgraded plant will use existing discharge location & infrastructure.
 - New Plant Treatment System: similar to Zion Crossroads system and will be bubbled with existing LCWA discharge permits.
 - Future Plant Upgrades: increase capacity to serve new commercial development at Route 208 corridor and irrigation at Cutalong.
- Lake Anna Resort (LAR)
 - Details
 - Condo/Hotel Structure
 - Zoning confirmation in place
 - 150+ rooms
 - Capital investment - \$50million+
 - 30+ jobs
 - One, two, & three bedroom units
 - Individual unites will be sold and become part of rental pool
 - 260K sq. ft. (6-7 stories)
 - Programming/design/amenities - 4 star rating
 - Amenities
 - Restaurant & lobby lounge bar
 - Meeting banquet space
 - Fitness facilities/tennis and basketball/pool
 - Pool side tiki bar and grill

- Playground and picnic area
- Gardens with walking trails
- Water recreation and equipment rental
- Shoreline
 - Boat ramps, slips, pavilion, beach and boardwalk
- Fiscal Impact
 - WWTP Debt Service Calculation - \$4,100,000 with annual debt service of \$196,968 (assumptions: 30 yr. financing at 2.6% interest rate)
 - LAR Revenue Projections: \$550,723

The Board of Supervisors is authorized under Section 15.2-2122 of the Code of Virginia and other applicable law to establish, construct, improve, enlarge, operate and maintain a sewage disposal system. The Board of Supervisors is authorized under Section 15.2-2109 of the Code of Virginia and other applicable law to maintain, operate, extend and enlarge waterworks and sewerage facilities. The Board of Supervisors is authorized under Section 15.2-1800 of the Code of Virginia and other applicable law to acquire title to or any interests in real estate. The Board of Supervisors wishes to delineate their agreement to cooperate with LA Resort, LLC with regard to the acquisition and operation by Louisa County of the Lake Anna Wastewater Plant that is currently owned by Lake Anna Environmental Services, Inc.

The Board of Supervisors and LA Resort, LLC., mutually desire to enter into this Memorandum of Understanding (MOU), identifying the responsibilities of each party to the transaction. The MOU details a projected timeline known as Phase One, Phase Two, and Phase Three, and the Parties have agreed to cooperate in good faith to complete the project within the projected timeline.

Questions and comments were addressed regarding: the details of the memorandum of understanding; size of the banquet hall; impact on and limitations to further economic growth; and operations and ownership of the WWTP.

Mr. Adams noted that he received a letter from the Windwood Coves Property Owner's Association in support of the proposed development and was asked if the letter could be read into the minutes.

Mr. Goodwin read the letter of support from Windwood Coves Property Owner's Association (see Appendix A).

On the motion of Mr. Adams, second by Mr. Gentry, which carried by a vote of 7-0, the Board voted to approve the Memorandum of Understanding between Louisa County Board of Supervisors and LA Resort, LLC.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

The following committee reports were given:

- Mr. Goodwin reported on the annual Dry Cask Storage Committee meeting;
- Mr. Purcell reported on the Louisa County Water Authority and complimented the administration of the General Manager;

- Mr. Adams reported on the Industrial Development Authority and the construction of the new hanger; and
- Mr. Barlow reported on the Thomas Jefferson Planning District Commission and noted that Chip Boyles has left the organization.

Board Appointments

On the motion of Mr. Purcell, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to make the following appointments:

- Mr. Tyler Fabling was appointed to the Broadband Authority representing the Jackson District.

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

Ordinance – Enacting Louisa County Code Sec. 74-21. Distributing Handbills, Soliciting Contributions or Selling Merchandise in Highway (Panhandling)

Mr. Goodwin explained the proposed addition to the Code Chapter 74 Traffic and Vehicles provides it shall be unlawful for any person in the highway to distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the drivers of motor vehicles or passengers therein on highways located within the county; to solicit contributions of any nature from the drivers of motor vehicles or passengers therein on highways located within the county; and, to sell or attempt to sell merchandise to the drivers of motor vehicles or passengers therein on highways located within the county.

It is necessary to enact these provisions in order to protect people and vehicles using and near the highways located within the County.

Mr. Williams clarified that this does not include the town limits, unless they choose to enact the same ordinance as well.

Mr. Babyok opened the public hearing.

Ms. Terry Jones, Patrick Henry District, She asked if the proposed amendment will include churches. She also asked about the phase out plan for the COVID vaccine and if the County is going to establish a public vaccination site.

Ms. Phillips said churches are not exempt from the ordinance.

Mr. Goodwin offered an explanation on the phase out plan, the organization who is administering the vaccine, and ways to contact the Blue Ridge Health District to see who qualifies for each phase. He also provided registration details.

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

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to add to the Louisa County Code of Ordinances:

Sec. 74-21--Distributing handbills, soliciting contributions or selling merchandise in highway.

- (a) It shall be unlawful for any person while in the highway to:
 - (1) Distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the drivers of motor vehicles or passengers therein on highways located within the county.
 - (2) Solicit contributions of any nature from the drivers of motor vehicles or passengers therein on highways located within the county.
 - (3) Sell or attempt to sell merchandise to the drivers of motor vehicles or passengers therein on highways located within the county.
- (b) For purposes of this section, the term "highway" means the entire width of a road or street that is improved, designed, or ordinarily used for vehicular travel and the shoulder, the median, and the area between the travel lane and the back of the curb.
- (c) A person violating this section shall be guilty of a Class 4 misdemeanor punishable by a fine of up to \$250.00.

State Law reference- Localities may prohibit or regulate distribution of handbills, etc., solicitation of contributions, and sale of merchandise or services on highways within their boundaries or on public roadways and medians, Code of Virginia, § 46.2-931.

Ordinance – Amending the Louisa County Zoning Ordinance

Mr. Ferrel noted several updates to the amendment since the last meeting.

Staff and the Planning Commission began discussion of the County Zoning and Subdivision Ordinances following the adoption of the 2040 Comprehensive plan by the Board of Supervisors in August of 2019. Although the Ordinances have been updated periodically as needed, there was a well-defined need to conduct a comprehensive review of these documents.

The Planning Commission held several work sessions regarding the topic and developed a drafted update, which consolidated and reorganized the chapters and updated information. The Planning Commission, at their regular meeting on February 13, 2020, voted to send a recommended draft to the Louisa County Board of Supervisors.

The Louisa County Board of Supervisors has held several work sessions and a public hearing on considering the recommended draft and additional amendments.

Mr. Babyok opened the public hearing.

Ms. Terry Jones, Patrick Henry District, asked if the proposed amendment will impact the tax parcels.

Mr. Barlow said it will not impact the GIS or the tax map.

Ms. Goodwin noted that if a citizen finds an error than they can always contact the Circuit Court Clerk's Office and be directed to GIS, if necessary.

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

Mr. Purcell took a moment to recognize staff and the Planning Commission for diligently working on the proposed amendments. He noted several concerns regarding the ordinance amendments as presented:

1. Long term water supply becoming an issue by amending all of the growth areas at the same time.
2. The impacts to the growth areas once the amendments have been codified.
3. Does not see how this amendment will not result in an increase in the size of County government, oversight, and enforcement.
4. He suggested that overlay districts only apply when water and sewer are established in the growth area and should be added accordingly by direction of the Board based off of recommendation by the respective district supervisor.

Several members expressed their concern with the overlay districts.

Mr. Barnes requested that the growth area overlay designated as Industrial on the Comprehensive Plan Future Land Use Maps in the Ferncliff Growth Area be removed. He stated that residents of the Patrick Henry District are proponents of mixed use because of the flexibility it offers.

Mr. Barlow asked if there is a way they could remove the scrivener errors and if they can be taken out as they are reviewed without having to come back to the Board in the form of a public hearing.

Ms. Phillips provided the Board with a draft motion to clear up some concerns regarding the scrivener's errors.

Mr. Barlow offered changes to Chapters 86-69.1; 86-69.2.; and 86-98.6.

The Board recessed at 7:22 p.m. and reconvened at 7:31 p.m.

Further discussion ensued regarding the concerns with the overlay districts, specifically in the Patrick Henry District.

Mr. Barnes said he would like for his constituents to have flexibility and does not feel that the industrial aspect of the overlay will be beneficial to the residents in that area.

Ms. Ferrel noted that by removing the growth overlay from the Patrick Henry District, it will

remove a ton of by-right uses.

Further discussion ensued regarding the proposed amendments, specifically the growth overlay districts.

Mr. Williams motioned, seconded by Mr. Barnes to approve the following:

Amendments to Louisa County Code Chapter 86 after they are edited to include corrections to the definitions of Lake Anna Shoreland and Waste Heat Treatment Facility, amendments to Chapters 86-69.1; 86-69.2.; and 86-98.6, removing the Growth Area Overlay District overlay from the areas designated as Mixed Use on the Comprehensive Plan Future Land Use Maps in the Louisa Growth Area, removing the Growth Area Overlay District overlay from the areas designated as Industrial on the Comprehensive Plan Future Land Use Maps in the Ferncliff Growth Area, and updated to include references to current state and federal statutes, and corrected to remove scrivener's errors.

Mr. Babyok requested a roll call vote.

Roll Call

Vote

Duane A. Adams	Yes
Fitzgerald A. Barnes	Yes
Tommy J. Barlow	Yes
Eric F. Purcell	Yes
R.T. Williams, Jr.	Yes
Robert F. Babyok, Jr.	Yes
Willie L. Gentry, Jr.	Yes

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to amendment Louisa County Code Chapter 86 after they are edited to include corrections to the definitions of Lake Anna Shoreland and Waste Heat Treatment Facility, amendments to Chapters 86-69.1; 86-69.2.; and 86-98.6, removing the Growth Area Overlay District overlay from the areas designated as Mixed Use on the Comprehensive Plan Future Land Use Maps in the Louisa Growth Area, removing the Growth Area Overlay District overlay from the areas designated as Industrial on the Comprehensive Plan Future Land Use Maps in the Ferncliff Growth Area, and updated to include references to current state and federal statutes, and corrected to remove scrivener's errors.

ADJOURNMENT

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adjourn the February 16, 2021 meeting.

BY ORDER OF:
ROBERT F. BABYOK, JR., CHAIRMAN
BOARD OF SUPERVISORS
LOUISA COUNTY, VIRGINIA

APPENDIX A



Windwood Coves Property Owners Association
14 A Windwood Coves Blvd
Mineral, VA 23117
Gate House Tele: 540-894-0818

February 12th, 2021

To: Louisa County Board of Supervisors
Re: Water Treatment Facility - Letter of Support

Dear: Supervisors

The purpose of this letter is to express our support of the County's efforts to convert the ownership of the wastewater treatment facility (aka Lake Anna Plaza) from private to County.

Windwood Coves Property Owners Association ("WWC POA") was founded over 30 years ago and is comprised of 262 lots in Louisa County. Our Property Owners contribute to the local economy and support the local government through various means including property taxes.

We want to thank Mr. Duane Adams of the Mineral District, and the various County staff members for stopping by, videophonically, last year, during one of our monthly WWC POA Board of Directors meeting. Prior to that meeting, our residents, and the WWC POA Board had an opportunity to send questions about the project, facility, and potential impact. During the meeting, we were further able to discuss the potential changes to the ownership and operation of the water treatment facility in the Lake Anna Plaza. Our Property Owners had multiple opportunities to ask a variety of questions during the meeting.

As you know, our community and many of our individual property owners (myself included) sit very close to this water treatment facility. We believe a County owned facility will result in better compliance with environmental regulations and ensure more reliable operations. WWC POA and other lake communities will benefit from improved operations and compliance of that facility.

We thank you for the consideration of our views.

Sincerely,

A handwritten signature in blue ink, appearing to read "Yamil Hernández", is written over a horizontal line.

Yamil Hernández,

President WWC POA