



**Board of Supervisors
County of Louisa
Monday, June 21, 2021
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Babyok called the June 21, 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; Alexandra McKinley, Executive Assistant/Deputy Clerk; Griff Carmichael, Human Resources; Wanda Colvin, Finance Director; Robert Dube, Fire & EMS Chief; Bob Hardy, Information Technology Director; and Andy Wade Economic Development Director.

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. In accordance with §2.2-3711 (A) (1) VA Code Ann., to discuss salaries of Fire & EMS and Parks and Recreation employees; and
2. In accordance with §2.2-3711 (A) (29) VA Code Ann., to discuss a public contract involving property in the Mineral District where discussion in an open session would adversely affect the bargaining position of the public body; and to discuss the award of a public contract involving the acquisition of public resources where discussion in open session would adversely affect the negotiating strategy of the public body.

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
Bob F. Babyok, Jr.	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 21st day of June 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 21st day of June 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. BABYOK

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

ADOPTION OF AGENDA

On the motion of Mr. Adams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the June 21, 2021 agenda, as amended, with the following changes:

- Removed the Jaunt presentation from Information/Discussion Items
- Moved the resolution to repeal the State of Emergency declared March 13, 2020 due to COVID-19 from Consent to Action Items
- Removed the resolution authorizing a supplemental appropriation the Louisa County Public Schools to fund teacher stipends and salaries for virtual academy teachers
- Removed the resolution to approve/deny CUP2021-02 Energix Aditya, LLC from Public Hearings
- Add a resolution to respond to HB2063 which amends the Virginia overtime wage act to Action Items

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting - Jun 7, 2021 5:00 PM

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve the minutes of the June 7, 2021 regular meeting.

BILLS APPROVAL

Resolution – To Approve the Bills for the First Half of June 2021

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board adopted a resolution approving the bills for the first half of June 2021.

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 June 21, 2021, as follows:

- Resolution – To Take Breezywood Lane (Route 809) into the Secondary System of Highways in Louisa County, Virginia
- Resolution – Authorizing a Budget Amendment to the Fiscal Year 2022 Louisa County Public Schools Cafeteria Budget
- Resolution – Authorizing a Pass through Appropriation for Vending Machine Commissions
- Resolution – Authorizing a Pass through Appropriation to Louisa Fire and EMS for Donations Received
- Resolution – Authorizing a Pass through Appropriation for K-9 Donations
- Resolution – To Approve and Award a Contract for Disposal of Recycled Materials
- Resolution – Authorizing a Pass through Appropriation for Sheriff for Security for Special Event Proceeds
- Resolution – Authorizing a Supplemental Appropriation to Sheriff's Office for State Asset Forfeiture Funding
- Resolution – To Approve and Award Contracts for Masonry Services
- Resolution – Authorizing a Budget Supplement for Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant Funding for Licensed Daycare Centers

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

Presentation – Louisa County Water Authority Quarterly Update

Ms. Pamela Baughman, General Manager of the Louisa County Water Authority (LCWA), provided the LCWA Quarterly Update, which included; revenues & expenses; review of the safety manual; maintenance, repairs, & projects; and status updates to the plants and waste water treatment facilities.

Discussion – To Consider Amendments to Louisa County Code Section 70-8. - Farm Machinery, Farm Animals and Certain Farm Products from Personal Property Tax

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to advertise an amendment to Louisa County Code Section 70-8. - Farm Machinery, Farm Animals and Certain Farm Products from Personal Property Tax.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS**Resolution – Authorizing a Supplemental Appropriation the Louisa County Public Schools to Fund Teacher Stipends and Salaries for Virtual Academy Teachers**

This item was removed under Adoption of Agenda.

Resolution – To Respond to HB2063 Which Amends the Virginia Overtime Wage Act

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

WHEREAS, the General Assembly enacted HB2063 to amend the Virginia Overtime Wage Act; and

WHEREAS, on July 1, 2021, the amendments to the Virginia Overtime Wage Act go into effect in the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of Louisa County (the “Board”) has reviewed this proposed legislation and as a result thereof, has decided to suspend a long-term practice of allowing employees of Fire and EMS to volunteer with Louisa County’s volunteer Fire and EMS stations; and

WHEREAS, the Board hereby requests the County Attorney ask for an opinion from the Attorney General of Virginia regarding the amendments to the Virginia Overtime Wage Act, how these amendments apply to Louisa County, and if it is possible for Louisa County to get written waivers from Fire and EMS employees so they could re-institute the practice of allowing them to volunteer; and

WHEREAS, the Board will lobby the General Assembly to repeal the portions of these amendments that apply to Fire and EMS in the next session of General Assembly; and

NOW, THEREFORE, BE IT RESOLVED, on this 21st day of June, 2021, that the Louisa County Board of Supervisors hereby declare they disagree with the amendments to the Virginia Overtime Wage Act that apply to the volunteer practices in Louisa County for Fire and EMS.

Mr. Barlow requested that letters of support in response to this resolution be attached to the minutes (see Appendix A).

Several members of the Board expressed their disagreement with the amendments to the Virginia Overtime Wage Act that apply to the volunteer practices in Louisa County for Fire and EMS.

Resolution – A Resolution to Repeal the State of Emergency Declared March 13, 2020 Due to Covid-19

On the motion of Mr. Williams, seconded by Mr. Gentry, which carried by a vote of 7-0, the Board voted not to end the continuity of government.

Ms. Phillips explained on January 31, 2020, the Secretary of Health and Human Resources declared a public health emergency in response to the spread of novel coronavirus, or COVID-19 (the “virus”). On March 12, 2020, the Governor of the Commonwealth of Virginia declared a state of emergency in the Commonwealth of Virginia in response to the spread of the virus that remains in effect unless amended or rescinded.

On March 13, 2020, the Board of Supervisors of Louisa County (the “Board”) convened a special meeting, wherein it declared a state of emergency in Louisa County thereby putting into effect the powers, functions and duties for Louisa County government, prescribed by state law, local ordinances and resolution including the emergency operations plan for Louisa County. On March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of the virus.

On June 10, 2021, the Governor of Virginia’s office announced the 15-month state of emergency in the Commonwealth of Virginia will come to an end June 30, 2021 based on a decline in coronavirus infections.

The Board finds that emergency measures implemented in Louisa County necessary to mitigate the ongoing emergency and disaster occurring in the County to protect the health, safety, and welfare of the citizens were successful.

On the motion of Mr. Purcell, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to an end to the State of Emergency declared March 12, 2020 due to COVID-19 effective June 30, 2021.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Gentry provided a brief update on the ongoing investigation with Jaunt and noted that the investigation will not impact operations or operational funding.

Mr. Purcell took a moment to recognize Ms. Baughman and all of her hard work at the Water Authority.

Mr. Adams recognized the Louisa County Foundation for Emergency Services in raising the \$100,000 to support the New Bridge Fire & EMS Station.

Board Appointments

(None)

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 Conditional Use Permit Application CUP02-2021; Energix Aditya, LLC

This item was removed under Adoption of Agenda.

Resolution – Amending Louisa County Code Chapter 14, Section 14-29 (A) (18)

Louisa County Code Chapter 14, Section 14-29 (a) (18), lists the subdivisions in Louisa County where dogs running at large at any time is prohibited within the confines of the subdivision.

The proposed amendment will modify the ordinance to include all three sections of Reedy Creek Subdivision in the Patrick Henry District, where dogs running at large will be prohibited.

Mr. Babyok opened the public hearing.

Mr. Michael Breen, Patrick Henry District, President of the Reedy Creek Home Owner's Association, appeared before the Board to express his support of this request.

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. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to approve an amendment to Chapter 14, Section 14-29 (a) (18) with the addition to add Sections II & III of the Reedy Creek Subdivision where dogs running at large will be prohibited within the subdivision confines.

ADJOURNMENT

On the motion of Mr. Williams, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to enter Closed Session at 6:44 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (1) VA Code Ann., to discuss salaries of Fire & EMS and Parks and Recreation employees; and
2. In accordance with §2.2-3711 (A) (29) VA Code Ann., to discuss a public contract involving property in the Mineral District where discussion in an open session would adversely affect the bargaining position of the public body; and to discuss the award of a public contract involving the acquisition of public resources where discussion in open session would adversely affect the negotiating strategy of the public body.

REGULAR SESSION

On the motion of Mr. Williams, seconded by Mr. Barlow, which carried by a vote of 7-0, the Board voted to return to Regular Session at 7:15 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

Voter	Role	Vote
Tommy J. Barlow	Seconder	Yes/Aye
Fitzgerald A. Barnes	Voter	Yes/Aye
R.T. Williams, Jr.	Mover	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

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On the motion of Mr. Williams, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to adjourn the June 21, 2021 regular meeting at 7:15 p.m.

BY ORDER OF:

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

APPENDIX A

I have always considered Holly Grove like the television town of Mayberry...a small, close-knit community where everyone knows each other.

I began firefighting when in 2011 I was a Louisa County High School student enrolled in the Fire Fighter I & II class. At the same time, I joined Holly Grove Volunteer Fire Department, who welcomed me with open arms. I enjoyed volunteering in my community and helping others in the neighborhood. Later that year, I joined Holly Grove Volunteer Rescue Squad, in preparation of me being enrolled in EMT class at the high school in 2012.

I am thankful that the County provided those classes at the high school. Training people young, and getting them to volunteer in their communities is something all counties should strive for. Our young people are the future, and what better way to teach people to be good neighbors. Joining fire departments and rescue squads makes young people accountable, gives them something positive to do, and really, keeps them out of trouble.

I graduated from high school in 2012, and was hired by Louisa County Fire and EMS in January 2013 as a Firefighter/EMT. I have stayed in Louisa for the last 8 years to be able to work in my home county. I care about the residents of both my neighborhood in Holly Grove, and the entire County of Louisa. Making connections and building relationships is important with the people you see from time to time. In an emergency, it is always helpful and calms patients when a face of someone you know comes to help.

During my career, I have also been the President of Holly Grove Rescue, and served on the Board at Holly Grove Fire. I also have actively run both fire and rescue calls on a volunteer basis in my spare time. I've been able to do these volunteer activities outside of my working hours for the county, and have never had a conflict. It has actually helped to bridge that gap between the career and volunteer staff. Being able to have both a volunteer and a career person in both departments has had a positive impact. This new mandate will negatively affect our citizens and our departments, unfortunately.

Mark Stanley

APPENDIX A

Tommy,

We are writing this letter to ask your support in the matter of career staff being able to volunteer. Thank you for all you do for the Mountain Road District.

We are fortunate to serve the community of Southeast Louisa County. While Louisa County is a large county in terms of square footage, we have retained our rural county feel, where “everyone knows everyone” and the saying of “neighbor helping neighbor” still rings true. Many career staff came through our volunteer organizations in Holly Grove, both fire and rescue. We are very proud of the people we have trained to serve the entire county in Fire and EMS. Other career staff have also had the same opportunity of being trained and worked in other volunteer fire and rescue departments in the county, and have gone on to become career staff in our county. What a great tribute to ALL of the volunteer organizations that serve Louisa County, that so many of our personnel were hired by the county.

Our growing Junior Squad is looking forward to volunteering as fire fighters and EMS providers. They also are hoping to one day serve the county that has trained them so well. We are proud that Louisa has seen such great things in our young people, and often hire them first. While this is good for everyone, it also can be hard on our departments when those same can no longer volunteer when they are available. This affects not only our departments, but our citizens as well.

It has come to our attention that county employees can no longer volunteer their services in the county starting July 1. We hope the Board of Supervisors or the County of Louisa Fire/EMS can find a way to allow our providers to continue to volunteer and help their communities they serve. They are a true asset to our rural community.

This also brings up an ethical decision that no provider should have to make. If a call comes in, for example, for a cardiac arrest or a motor vehicle collision with entrapment, and a provider is off duty, they have a decision to make. One decision would be not to go to the call, and realize that someone may perish because of that decision. The other, is to go on a call, but know that they would be disciplined. Having to choose between these is a difficult dilemma, that ultimately affects the citizens of our community. If there is a way to allow volunteering to continue from our career staff, we would love for the Board to explore those options.

Best Regards,

Holly Grove Volunteer Rescue Squad
Holly Grove Volunteer Fire Department