



**Board of Supervisors
County of Louisa
Tuesday, September 7, 2021
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Babyok called the September 7, 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 Administration; Helen Phillips, County Attorney; Jeff Ferrel, Assistant County Administrator; Alexandra Stanley, Executive Assistant/Deputy Clerk; Wanda Colvin, Finance Director; Griff Carmichael, Human Resources Director; Robert Dube, Fire & EMS Chief; Andy Wade, Economic Development Director; and Tom Egeland, Planning Associate

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., for the purpose of discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments where such evaluation will necessarily involve discussion of the performance of specific individuals;
2. In accordance with §2.2-3711 (A) (3) VA Code Ann., for the purpose of discussing the potential disposition of real property in the Louisa District, where discussion in 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., for the purpose of discussing a prospective business in the Cuckoo District, where no previous announcement has been made of the business or industry's interest in locating (or expanding) facilities in the community;
4. In accordance with §2.2-3711 (A) (8) VA Code Ann., for the purpose of consultation with legal counsel regarding a recent Attorney General;
5. In accordance with §2.2-3711 (A) (19) VA Code Ann., for the purpose of discussing

plans to protect public safety in the Mineral District, as it relates to vulnerabilities and briefings by staff members and legal counsel to respond to such matters.

6. In accordance with §2.2-3711 (A) (29) VA Code Ann., for the purpose of discussion of the award of public contract involving the expenditure of public funds, where discussion in an open session would adversely affect the negotiating position 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
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 7th day of September 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 7th day of September 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. ADAMS

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

ADOPTION OF AGENDA

On the motion of Mr. Purcell, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the September 7, 2021 agenda, as presented.

MINUTES APPROVAL**Board of Supervisors (BOS) - Regular Meeting - Aug 2, 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 approve the minutes of the August 2, 2021 regular meeting.

BILLS APPROVAL**Resolution – To Approve the Bills for the Month of August 2021 (FY21)**

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 2021 (FY21).

Resolution – To Approve the Bills for the Month of August 2021 (FY22)

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 2021 (FY22).

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 September 7, 2021, as follows:

- Resolution – Authorizing a Pass through Appropriation for Sheriff for Security for Special Event Proceeds
- Resolution – Transferring Ownership of a Storage Shed from the County of Louisa to CART
- Resolution – Authorizing a Pass through Appropriation for Insurance Proceeds
- Resolution – Authorizing a Pass through Appropriation for PetSmart Charities Grant
- Resolution – Authorizing a Pass through Appropriation for 4 for Life Funding
- Resolution – Authorizing a Pass through Appropriation for Insurance Proceeds
- Resolution – Authorizing a Pass through Appropriation for Insurance Proceeds
- Resolution – Authorizing a Budget Supplement for Fire and Emergency Services for Fiscal Year 2020 Assistance to Firefighters Grant Program - Wellness & Fitness Programs
- Resolution – Approving FY2021 Budget Re-Appropriations
- Resolution – Authorizing the Pass Thru Appropriation of JJDP Title II Strengthening Families Program Grant
- Resolution – Authorizing a Pass through Appropriation to the Human Services Department for Additional Federal/State Funds

RECOGNITIONS**Presentation – Recognizing Dr. John "Jack" Manzari for His Years of Service and Contributions to Louisa County**

Mr. Goodwin read the resolution and Mr. Gentry presented a framed copy to Dr. Manzari.

Dr. Manzari made a brief statement about the Board supporting the construction of the Goochland J. Sargeant Reynolds Community College campus and how it will benefit the

students of Louisa County.

PUBLIC COMMENT PERIOD

Mr. Babyok opened the public comment period.

Ms. Susie Bickley, Patrick Henry District, appeared before the Board to express her opposition to the proposed Ferncliff Place, a mixed income housing development in the Patrick Henry District.

Mr. Williams Shaw, Green Springs District, appeared before the Board to express his concerns with upcoming development in Louisa County.

Mr. Randy Holliday, Mineral District, expressed his opinion regarding the deforestation for solar development in the County.

Ms. Heidi Shalloway, Patrick Henry District, expressed her concerns with the mixed income housing development, known as Ferncliff Place.

Ms. Brenda Winecroft, Patrick Henry District, expressed her support in affordable housing, but spoke in opposition to the Ferncliff Place, a mixed income housing development.

Mr. Gerald Harlowe, Green Springs District, appeared before the Board to express his opposition to the Ferncliff Place, a mixed income housing development.

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

INFORMATION/DISCUSSION ITEMS

Presentation – Louisa Arts Center

Ms. Karen Welch, Director of the Louisa Arts Center, appeared before the Board to provide a brief update on the 2020-2021 performing season and to thank the Board of Supervisors for their continued support. She noted how they continue to adapt to the changing course of COVID and the adjustments they have made to their programs given the current state of the economy.

Members of the Board thanked Karen Welch for her continued service and contributions to the community.

Presentation – Update from the Chamber of Commerce

Mr. Bo Bunderick, Chairman of the Chamber of Commerce Board, appeared before the Board to provide a brief update on current events and happenings put on by the Chamber of Commerce.

Vice Chair, Ms. Sarah Marshall, talked about the Chamber's grant opportunities through the Housing and Community Development Block Grant and how those funds will go towards the program Lift Louisa. Lift Louisa was established to assist existing and new businesses with the current challenges they are experiencing due to COVID.

Ms. Casey Hollins, Chair of the Leadership Louisa Program, briefly talked about the

development of the program and things to look forward to as they course through the remainder of the year.

Presentation – Legislative Update - Thomas Jefferson Planning District Commission

Ms. Dominique Lavorata, Thomas Jefferson Planning District Commission, provided an update on legislative matters of interest in the upcoming regular session of the Virginia General Assembly and the development of the 2022 legislative priorities.

Mr. Adams said as the Board begins this process, he would like for the Thomas Jefferson Planning District Commission to strongly address the unfunded mandates that continue to be enforced by the Governor, House and Senate.

Discussion – Citizen Well Insurance Program

Mr. Barnes stated that several of his constituents have received a letter that appears to be coming from Dominion Energy regarding a Citizen Well Insurance Program and the coverage available for water service and well lines. He asked if Sarah Marshall from Dominion Energy could come forward to address the Board on this matter.

Ms. Marshall said Dominion Energy entered into a partnership with Home Serve in 2017, which is a company that provides insurances policies for home owners within their grid. She said because Dominion does not share their customer data, Home Serve has sent letters out to a general zip code in Louisa County so homes inside and outside the Dominion area, and on well water, are receiving these letters. She noted that the Citizen Well Insurance Program is not a Dominion program and home owners can be removed from the notification list.

Mr. Barnes asked if those who are on well water should ignore the letter.

Ms. Marshall said yes.

Mr. Babyok asked if the County should take action and address this letter to Home Serve.

Mr. Williams said that if it is an issue than Dominion Energy should get with their attorney since they are the ones that entered into a partnership with the Home Serve.

Mr. Goodwin said he is willing to work with Dominion Energy offline and address this issue, if that suits the Board.

Mr. Adams said nothing is going to change, it is a marketing campaign with Dominion Energy. He said the best recourse of action has already been done by relaying the Board's concerns to a Dominion Liaison and have her carry their concerns back to Dominion.

Discussion – Utility Scale Solar Development - Planning

Mr. Goodwin noted that solar development in the region continues, and several solar projects have been sited or approved in the County. As solar development in the region continues, staff has provided potential options the Board may use to guide such development using siting requirements and other criteria. Currently, no guidelines, policies or ordinances exist which control either suitable locations or numbers of land use amendments necessary for establishing

such facilities.

Mr. Adams asked for Mr. Ferrel to provide clarification on the memo that was included in the Board packet regarding utility scale solar development.

Mr. Ferrel stated to date, applicants have submitted six utility-scale conditional use permit requests involving almost 4,000 acres. The majority are concentrated near the Towns of Louisa and Mineral close to existing electrical transmission lines. In addition to proximity to these lines, several other factors make the County desirable for solar facility development. These include desirable topography, rural population density, low cost of land and streamlined regulatory processes. Given these factors and the federal and state requirements and incentives to increase renewable energy it is reasonable to expect that additional applications will be filed. Best practices used by other local governments include several methods used to guide these developments. Requirements set forth in the newly adopted land development regulations were the County's first step to provide a fixed standard for development.

Mr. Adams stated majority of the approved solar projects in Louisa are in the Mineral District, and since he has been on the Board, he has voted against three of those projects and in favor of two others. He noted that Belcher Solar predates his term on the Board. He said that he recently took a tour of the site and the conditions of the project are worse than they were in 2019. He said he hears that improvements are being made to the site and he hopes they continue to find a solution to the problem. He noted the amount of land that was cleared for the project has created a terrible situation. He said he understands that construction can be done in a good way, or bad way, but that Belcher Solar has been construction in a very bad way. He said the erosion and damage is catastrophic and is poison in the well to the County. He said the people who live below Belcher Solar are far more patient than he would be if he were in their situation. He said he would like for the Board to take a real hard look on what position they want to take on future solar development.

Mr. Barnes said he agrees with Mr. Adams. He said when the project was approved, the development was not intended to create such problems with stormwater runoff. He said from his experience from working for the Soil and Water Conservation District, there were a number of things that should have been taken into consideration and does not believe those measures were ever considered. He said DEQ is the regulatory agency and they need to address these issues immediately.

Mr. Adams stated DEQ has not been doing their job. He said Belcher Solar was built to state specifications, but the state regulations have failed the County. He said the Board is supposed to be the most responsive to the citizens of the County and if DEQ cannot do their job, then the Board must take the position to address and take action on these issues.

Mr. Gentry said he does not feel that one failed project should dictate future development and it should not be the course of action the Board should take. He stated that an ordinance should not be amended or established because of one failed development and that not all are the same.

Mr. Purcell said he agrees with Mr. Barnes and Mr. Adams and suggested the Board look into appointing a committee to discuss alternative options for utility scale solar development.

Mr. Barlow asked if there have been any discussion with DEQ regarding the stormwater

violations. He said he has never seen such a failure that DEQ hasn't been on top of daily.

Mr. Ferrel said that DEQ is on site routinely, not daily, and they are slowly working on mitigation efforts. He noted that DEQ has an approved mitigation plan and they are ensuring the developer is working on the modifications to the sire and that all violations are addressed.

Mr. William asked if DEQ has assessed the damage to adjoining property owner's land and if they have a plan to address the damages.

Mr. Ferrel said it is undetermined the value of damage made to the properties, but DEQ is investigating the damages.

Mr. Williams asked if Dominion is in violation with their stormwater permit.

Mr. Ferrel said he cannot speak on behalf of Dominion, but he is aware of some orders that are potentially in violation.

Mr. Williams said he would like for the Board to be supplied with those orders, if possible.

Ms. Phillips offered suggestions on which course of action the Board might want to take, whether it be an amendment to the existing ordinance or the establishments of a policy that could offer more flexibility, when needed.

Mr. Babyok assigned Mr. Barnes and Mr. Adams to the Utility Scale Solar Development Committee and instructed them to find additional members to serve on the Committee to work in concert with staff on potential amendments/guidelines for utility scale solar development and report back at the October 4th meeting.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Resolution – Approving Local Matching Funds and Supporting Firefly's Grant Application for County Fiber Deployment

Louisa County is committed to bringing universal broadband internet access to its citizens across the county within the next three years. Firefly Fiber Broadband, Dominion Energy and Rappahannock Electric Cooperative have developed a regional internet service expansion project with the Thomas Jefferson Planning District Commission as the lead applicant with the county being one of multiple counties included in the project to make fiber to the home broadband internet service available to the unserved locations in the county.

Mr. Gary Wood, went over the Universal Broadband Plan for Louisa County, which included: the total electric accounts in Louisa; project costs and details; share construction costs; and project schedule timeline for Dominion and REC.

The preliminary planning for the regional project has identified 10,088 locations in the county as being unserved without access to speeds faster than 25 mbps download or 3 mbps upload, and

the preliminary design includes 1,050 miles of fiber optic cable to be installed in the county to make service available to those locations, with a cost estimate of \$75,250,000 for the construction, creating a need for additional grant funding to make the project financially feasible.

This project will seek grant funds from the Virginia Department of Housing and Community Development through its Virginia Telecommunications Initiative (VATI) with an application on or before 14 September 2021, and that application process provides additional scoring points for local contributions to the project.

Questions and comments were addressed regarding: VATI-eligible unserved passing's and total fiber miles.

Mr. Barnes and Mr. Adams commended Mr. Wood and his team on the accomplishments they have made with the FireFly broadband project.

On the motion of Mr. Williams, seconded by Mr. Gentry, which carried by a vote of 7-0, the Board voted to participate in the regional project and support the application including providing local matching funding not to exceed \$8,949,000 pending execution of a future construction agreement. Additionally, staff are hereby directed to provide letters of support for the effort as deemed applicable by the County Administrator.

Resolution – To Accept Bid to Sell Surplus Real Property in the Patrick Henry District

Louisa County, Virginia owns a parcel of real property in the Reedy Creek community, in the Patrick Henry District, in Louisa County, Virginia, consisting of approximately 32 acres of land, further identified as Tax Map Parcel 67-28A. After a public hearing on June 7, 2021 pursuant to the authority granted to a locality in Va. Code Ann. §15.2-1800, the Louisa County Board of Supervisors adopted a resolution to sell this surplus real property after it was advertised for sale. Said property was advertised for sale by notice in *The Central Virginian* which was published on August 12, 2021 and August 19, 2021. Three offers (which were: \$1 higher than the highest bid, not to exceed \$114,000; \$118,000; and \$120,000) to purchase the property were received by staff before close of business on August 27, 2021, as required by the notice, and the Louisa County Board of Supervisors has reviewed the three offers submitted.

On the motion of Mr. Williams, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to declare said real estate parcel shall be sold to the party making the highest offer. Additionally, that the Louisa County Attorney shall prepare a general warranty deed to convey said real estate property to deliver to the purchaser after payment is made to the Treasurer of Louisa County in the amount of \$120,000.

Resolution – Authorizing the Purchase of Ladder Truck

During the development of the 20 year CIP and associated projects for the MOG and volunteer equipment, the replacement of the County's three ladder trucks was not discussed or planned for. There are three ladder trucks in the County, strategically located at Co. 4 (Holly Grove), Co. 1 (Louisa) and Co. 7 (Zion Crossroads) with the ladder truck currently assigned to Co. 7 (Tower 7), being a 2004 American LaFrance tower ladder, which was purchased used by the County in 2017 as a stop gap measure due to the failure of the former ladder truck, purchased by the volunteer department in 2010. Maintaining Tower 7 in service has been challenging, due in large part to the fact that obtaining replacement parts has proven to be nearly impossible partly

because the manufacturer is no longer in business. Ladder trucks are a specialty piece of fire department equipment that have a multitude of uses.

The Zion Crossroads area has a number of large commercial buildings that, if they were involved in a fire beyond the incipient stage, would require large, elevated volumes of water applied with master streams. The area has both single and multi-family dwellings that are higher than the reach of the 24 foot portable ladders carried on the Engines.

The MOG voted unanimously at its meeting on August 19, 2021 to support the request that the Board consider a purchasing a used ladder truck for \$425,000.00.

A budget transfer is requested from the FY 2022 Rescue Apparatus Capital Project in the amount of \$250,000 and a carryover request is requested from the FY2021 Fire Trucks/Equipment Capital project in the amount of \$184,108.38 for the purchase of the aforementioned ladder truck.

On the motion of Mr. Williams, seconded on Mr. Barnes, which carried by a vote of 7-0, the Board voted to authorize a budget transfer from the Rescue Apparatus Capital Project (30332000-481051) in the amount of \$250,000 and a re-appropriation request is requested from the FY2021 Fire Trucks/Equipment Capital project (30332000-482180) in the amount of \$184,108.38 for the purchase of a used ladder truck in the amount of \$425,000. Additionally, the remainder of the re-appropriated amount is requested to be used for fire apparatus.

Resolution – Authorizing a Modification to the Tyler Munis Financial Software Contract

The County of Louisa is currently implementing new financial software. It was previously thought that the Executime module would further enhance time and attendance capabilities for the Louisa County Public Schools and possibly the County, but it has now been determined that this module does not have the capabilities that we previous thought and will not be needed; therefore, the County is requesting a contract modification to remove the Tyler Munis Executime module from the project for a savings of \$57,399. While analyzing system needs as the project moves into phase 2, it has been determined that the Employee Expense Reimbursement module would add efficiencies and time savings if added to the project at this time. The cost to add the employee expense reimbursement module to the contract will be \$31,126 with an annual maintenance cost of approximately \$1,793 with the annual fee being funded with realized savings from decommissioning a portion of the school's Talent Ed software that they are currently using.

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to authorize a contract modification removing the Executime Module and adding the Employee Expense Reimbursement Module for a net reduction to the contract amount of \$26,273 to the Financial Software Replacement contract (30312400-481150).

Resolution – To Proceed with the Purchase of New Equipment for the Departments of General Services Landfill Facilities as Per FY22 Capital Improvement Plan

This project includes purchasing new equipment for use at County facilities by the Departments of General Services and Parks, Recreation and Tourism. The Board of Supervisors approved funding for the purchase of new and replacement equipment for the Department of General Services Landfill Facility in each of the last three fiscal years, including the current one. Unused

capital funds remain in the approved Fiscal Year 2022 Capital Improvement Budget from previous years. There is a need for this equipment to perform daily tasks in a more efficient manner. The General Services Department requests to proceed with purchasing of the following equipment to be used by the Louisa County Landfill and be shared with the Department of Parks, Recreation and Tourism: a compact tractor, a pull behind pickup dump trailer, and a utility task vehicle.

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to authorize the General Services Department to proceed with a total expenditure amount not to exceed \$65,000. The source of funding is Solid Waste Equipment Replacement Capital Improvement Plan (GL # 30342000-481415).

Resolution – Authorizing a Modification to the Public Safety Radio Communications System Upgrade Contract

Mr. Goodwin explained the Louisa Board of Supervisors approved the replacement of its Public Safety Communication Systems with Motorola by resolution RES2017-124. He said the County has a primary send/receive site for the radio system on the Rappahannock Electric Cooperative (REC) tower east of Cuckoo on Rt. 33 and Motorola is under contract to place a (substantially sized) generator at the site. He noted that REC has since notified the project team that the company cannot allow outside personnel 24/7 access to the site, which would be necessary to fuel the generator and do any necessary service on it in an emergency situation. As such, the location of the generator at the tower site needs to be outside the existing compound fence, which REC has approved. This has move has increased the cost by \$51,430.69 due to additional cabling, a separate ground system, fencing, grading and related work.

On the motion of Mr. Williams, seconded by Mr. Barnes which carried by a vote of 7-0, the Board voted to authorize a contract modification in the amount of \$51,430.69 to the Public Safety Radio Communications Upgrade contract for the aforementioned work needed for the generator installation. The source of funding is COVID-19 Equipment (GL# 30332000-482090).

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Gentry noted that Jaunt should be announcing their new Director in the coming days. He also noted that the Louisa County Historical Society is looking for volunteers to help with the operation and events of the organization.

Mr. Barnes asked about the postponement of JABA services for 30-days at the Betty Queen Center and if the closure will severely impact the meal services utilized by the seniors.

Mr. Gentry said that JABA staff will continue to follow up with the seniors that are a part of their programs and ensure their needs are meet.

Mr. Adams provided a follow-up report on the Broadband Authority meeting. He said the Broadband Authority has agreed not to build the last tower due to the FireFly fiber expansion project. He said the Broadband Authority has expressed interest in having cell phone carriers co-locate on the existing towers and would like to start the process on that.

Mr. Babyok said he will be reporting in October on the latest report for the Zion Small Area Traffic Study.

Board Appointments

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

- Appointed Ms. Wanda Colvin to the Thomas Jefferson Emergency Services Council
- Appointed Ms. Alexandria Tisdale to the Community Policy Management Team (CPMT)
- Appointed Mr. Ed Kube as an Alternate to the Board of Zoning Appeals (BZA)
- Appointed Mr. Gerald Bowles as an Alternate to the Board of Zoning Appeals (BZA)
- Appointed Mr. Gentry with the power of substitution, proxy to act and vote all shares at the annual meeting of the shareholders of Jaunt, Inc., a Virginia Public Service Corporation, on Wednesday, the 13th of October, 2021

Mr. Babyok made the following appointments:

- Assigned Mr. Gentry and Mr. Barnes to the Workforce Housing Development Committee and instructed them to find additional members to serve on the Committee
- Assigned Mr. Barnes and Mr. Adams to the Utility Scale Solar Development Committee and instructed them to find additional members to serve on the Committee

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.

The Board took recess at 8:12 p.m. and reconvened at 8:22 p.m. Mr. Barlow was not present when Mr. Babyok called the meeting back to order.

PUBLIC HEARINGS

Ordinance – To Amend the Louisa County Code, Section 74-119 County Public Highways Designated for Golf Cart and Utility Vehicle Operations - to Add Blue Ridge Shores Subdivision

The Code of Virginia stipulates that golf carts and utility vehicles may not be operated on any public highway in Virginia except as specifically authorized by the governing body of the county, city or town in which said highway is located. The Code of Virginia § 46.2-916.2 provides that no portion of the public highways may be designated for use by golf carts and utility vehicles unless the governing body of the county, city, or town in which that portion of the highway is located has reviewed and approved such highway usage. The Board has (i) considered the speed, volume, and character of motor vehicle traffic using the highways in Blue Ridge Shores Subdivision (the "Subdivision") and (ii) determined that golf cart and utility vehicle operation on such highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in § 33.1-23.03:001. The Board has determined that use by golf carts and utility vehicles of the public highways in the Subdivision will not impede the safe and efficient flow of motor vehicle traffic.

The posted speed limited on all public highways in the Subdivision is 25 miles per hour; and or less.

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

On the motion of Mr. Purcell, seconded by Mr. Williams, which carried by a vote of 6-0, the Board voted to amend the Code of the County of Louisa, Virginia §§ 74-119, of which a copy is attached hereto, to permit the operation of golf carts and utility vehicles, subject to certain terms and conditions, on public highways in Blue Ridge Shores Subdivision -Ash Road; Beach Road; Beech Nut Drive; Blue Ridge Road; Clear Water Lane; Dogwood Drive; Ellis Drive; Fairview Road; Ferndale Drive; Hickory Nut Road; Hilltop Road; Honeysuckle Lane; Iris Lane; Lakeview Circle; Lee Court; Locust Drive; North Lakeshore Drive; Nottingham Road; Oak Hill; Pine Road; Poplar Drive; Red Cedar Road; Redbud Drive; South Lakeshore Drive; Walnut Road; Well Road.

Mr. Barlow returned to the meeting.

Resolution – To Decide on REZ2021-02, Louisa County Industrial Development Authority, Applicant/Owner - Proffer Amendment Request

Mr. Tom Egeland, Senior Planner, provided a brief overview of Rezoning application: REZ2021-02. The Louisa County Industrial Development Authority, Applicant/Owner; has submitted a request for a proffer amendment to REZ2015-04 to add a new proffer number 12; to exempt proffers 1 through 11 in REZ-2015-04 for solar projects on the parcels comprising the Cooke Industrial Rail Park. The subject properties are located north of Davis Highway (Rte. 22) between Chopping Road (Route 623) and Chalklevel Road (Route 625), and are further identified as tax map parcels 42-13, 42-23, 42-24, 42-30, 42-59B, 42-12-1, 42-60, 42-16-1, 42-16-2, 42-16-3, 42-16-4, 42-16-5, 42-16-6, 42-16-7, 42-16-8, 42-16-9, 42-16-11, 42-16-12, 42-16-13, 42-16-14, 42-16-15, 42-16-16, 42-16-17, 42-16-18, 42-16-19, 42-16-20, 42-16-21, 42-16-22, 42-16-23, 42-16-24, 42-16-24, 42-16-25, 42-16-26, 42-16-27, 42-16-28, 42-16-29, 42-68, 42-14, 42-21, 42-22, 41-234A, 42-4C, 42-3, in the Mineral Voting District.

The Louisa County Planning Commission held a public hearing on August 12, 2021 and voted to forward a recommendation 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 for a Proffer Amendment to REZ2015-04. The proffer amendment would allow a solar facility utility scale with the issuance of a conditional use permit in the Cooke Industrial Park.

Recommendation of approval included the applicants revised proffer statement dated 6-3-2021, to add proffer #12.

Mr. Williams asked if the applicant is requesting to remove proffers 1-10.

Mr. Egeland said proffers 1-10 will remain in place, unless someone applies for a solar project then proffer #12 will apply and Proffers 1-10 will no longer be applicable.

Mr. Williams said he does not think that is the case and went over a few of the existing proffers. He asked if this step is even necessary in the negotiation process with a solar company.

Mr. Egeland said VDOT will still review any traffic or road improvements and entrances to the site, but as far as the necessity and any potential agreements the County may have with future solar development, he would have to turn that question over to the Director of Economic Development for comment.

Mr. Wade said there is a tremendous amount of money that has to be invested to meet the County's new solar ordinance. He said solar projects are permitted by a developer and sold to a third party or solar utility company. He said in order to get to the point of submitting a Conditional Use Permit application, the investor wants the proffers to be cleared for solar development. He said the existing proffers are what run with the land when it was zoned Industrial back in 2006 and would stay in place, unless it is developed as solar.

Mr. Williams asked if proffers 1-10 would be eliminated, if the property got developed as solar.

Mr. Wade said yes, however, the County's solar ordinance requires a 150-foot buffer, which would be a condition in a CUP once it comes before the Board.

Mr. Goodwin said these requirements are somewhat more stringent or are already required by law in the solar ordinance itself so items 1-10 are unnecessary as proffers for solar development.

Mr. Williams said he is trying to understand the timing of this request and why it is not being handled at the time of the CUP.

Mr. Wade said because the investors do not want to spend the money on submitting the CUP and all the information that goes with the application until the proffers are cleared. He said the project is dead, if this step does not follow through.

Mr. Babyok asked if Mr. Jarvis with the Industrial Development Authority (IDA), has anything to add to the discussion.

Mr. Ed Jarvis, IDA Administrator, stated the IDA Board of Directors have been working with Mr. Wade and he has been authorized by the IDA Board to speak on their behalf. He said Mr. Wade has been diligently working with the County Attorney on this request and the IDA is in full support of the plan.

Mr. Babyok opened the public hearing.

Mr. Mark (last name was inaudible), Mineral District, owns property adjacent to the Cooke Industrial Rail Park, and approached the Board with questions regarding potential solar development regulations. He said he is not opposed to solar development, but does have concerns with development in general. He expressed his concerns with the clearing of land causing a disturbance to hunting and game wildlife and wanted to know if there were other ways around deforestation when it comes to solar development. He asked if the plan was just formality at this point and if his questions should be addressed at a later time.

Mr. Babyok stated the request is formality in which to allow solar development to move forward.

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

Board for discussion.

On the motion of Mr. Adams, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to approve the request for a proffer amendment to REZ2015-04 to add a new proffer number 12; to exempt proffers 1 through 11 in REZ-2015-04 for solar projects on the parcels comprising the Cooke Industrial Rail Park. Approval included acceptance of the revised proffer statement dated June 3, 2021, copy attached.

Resolution – To Decide on REZ2021-03; Microzyme LLC, Applicant/Owner; Shimp Engineering, Agent; Rezoning Request from Commercial (C-2) to Industrial (I-2) Growth Area Overlay District.

Mr. Tom Egeland, appeared before the Board to provide a brief overview of Rezoning application, REZ2021-03. He stated the applicant, Microzyme LLC, Applicant/Owner; Shimp Engineering, Agent has submitted a request for rezoning of approximately 23.43 acres of 24.585 total acres from Commercial (C-2) to General Industrial (I-2) Growth Area Overlay District zoning classification for future expansion of the Bio-Cat manufacturing facility. The property is located southwest of the intersection of Route 250 (Three Notch Road) and Route 613 (Poindexter Road), and is further identified as a portion of tax map parcel 52-29, in the Patrick Henry Voting District.

The Louisa County Planning Commission held a public hearing on August 12, 2021 and voted to forward a recommendation 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. REZ2021-03, in order to expand future manufacturing operations and prepare the site for future Industrial General (I-2) uses. Recommendation of approval included acceptance of two (2) proffers submitted by the applicant/owner at the Planning Commission meeting.

Ms. Kelsey Schline, Planner with Shimp Engineering, and Mr. Steve Schuler, Assistant VP of Operations - Bio-Cat, appeared before the Board to talk about the rezoning request and background, history, and operations of Bio-Cat and Bio-Cat Microbials.

Ms. Schline noted the proffers were based off of the County's C-2 zoning regulations and restrictions. She stated there are uses that are not permitted, or permitted by CUP, in the C-2 District that are not permitted in the I-2 District. She said unless it was for medium industry, laboratory, or research and development use, any use in the I-2 zoning that didn't exactly match the C-2 zoning was listed.

Mr. Babyok opened the public hearing. With no one 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. Gentry, which carried by a vote of 7-0, the Board voted to approve the request for rezoning of approximately 23.43 acres of 24.585 total acres from Commercial (C-2) to General Industrial (I-2) Growth Area Overlay District zoning classification for future expansion of the Bio-Cat manufacturing facility, with acceptance of the two (2) proffers submitted by the applicant dated August 16, 2021, copy attached.

ADJOURNMENT

On the motion of Mr. Adams, seconded by Mr. Barnes, which carried by a vote of 7-0,

the Board voted to adjourn the September 7, 2021, regular meeting at 8:50 p.m.

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