



**Board of Supervisors
County of Louisa
Monday, October 18, 2021
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Babyok called the October 18, 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 Stanley, County Attorney; Alexandra Stanley, Executive Assistant/Deputy Clerk; Wanda Colvin, Finance Director; Griff Carmichael, Human Resources; Scott Reattig, Information Technology Manager; Robert Gardner, Community Development Director; Robert Dubé Fire and EMS Chief; and Andy Wade, Economic Development Director

CLOSED SESSION

On the motion of Mr. Adams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to enter Closed Session at 5:00 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (1) VA Code Ann., to discuss litigation regarding potentially defamatory statements about DHS on social media where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County; and
2. Pursuant to Va. Code Section 2.2-3771(A) (8) for consultation with legal counsel regarding specific legal matters pertaining to use of county property in the Louisa District requiring the provision of legal advice.

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
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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 18th day of October 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 18th day of October 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

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

ADOPTION OF AGENDA

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the October 18, 2021 agenda, as presented.

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting - Oct 4, 2021 5:00 PM

On the motion of Mr. Adams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve the minutes of the October 4, 2021 regular meeting.

BILLS APPROVAL

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

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

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 October 18, 2021, as follows:

- Resolution – Authorizing a Pass through Appropriation for Insurance Proceeds
- Resolution – Authorizing a Pass through Appropriation to Louisa Fire and EMS for Donations Received
- Resolution – Recommending Re-Appointment of Halsey Green to the Louisa County Board of Equalization
- Resolution – Approving the County's Participation in the Proposed Settlement of Opioid-Related Claims Against Mckesson, Cardinal Health, Amerisourcebergen, Janssen, and Their Related Corporate Entities, and Directing the County Attorney to Execute the Documents Necessary to Effectuate the County's Participation in the Settlements
- Resolution – To Take Streets in the Cuckoos Nest 3 Subdivision into the Secondary System of Highways in Louisa County, Virginia

RECOGNITIONS

Presentation – Recognizing Robert "Bob" Hardy for His Service and Contributions to Louisa County

Mr. Goodwin read the resolution and Mr. Purcell presented a framed copy to Mr. Bob Hardy, recognizing him for his years of service and contributions to Louisa County.

Presentation – Fire and Emergency Services Recruit Graduation

Chief Robert Dubé made some introductory remarks regarding the graduation of Recruit Class 2021-01 then turned the ceremony over to Mr. Ryan Sampson, Lieutenant -Training Division for Louisa County Fire-EMS.

Lieutenant Sampson acknowledged the following individuals on their recent achievements:

- Ms. Samantha Brooks of Louisa County Fire-EMS completed Firefighter II, Basic Pump Operations
- Mr. Brandon Corbi of Louisa County Fire-EMS completed Hazardous Material Operations, Emergency Medical Technician, Emergency Vehicle Operator Course, Basic Pump Operations & Rural Water Supply
- Mr. Alexander Dillard of Bumpass Volunteer Fire Department completed Hazardous Material Operations, Emergency Vehicle Operator Course, Basic Pump Operations & Rural Water Supply
- Mr. Troy Dillard of Bumpass Volunteer Fire Department completed Hazardous Materials Operations, Emergency Vehicle Operator Course, Basic Pump Operations & Rural Water Supply
- Mr. Terrence Jordan of Louisa County Fire and EMS completed Firefighter II, Emergency Medical Technician & Emergency Vehicle Operator Course

- Ms. Kate Marken of Bumpass Volunteer Fire Department completed Hazardous Material Operations, Emergency Vehicle Operator Course, Basic Pump Operations & Rural Water Supply
- Mr. David Palmer of Louisa County Fire & EMS completed Firefighter II, EMT & Rural Water Supply

Several member of the Board took a moment to congratulate each graduate of their accomplishments and thanked them for their service and contributions to Louisa County.

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 – J. Sargeant Reynolds Community College President's Message

Dr. Paula Pando, President of J. Sargeant Reynolds Community College, presented the Board with an overview of the college and an update of its happenings, along with statistics for Louisa County residents enrolled at the college. Dr. Pando stated it has been a busy year for J. Sargeant Reynolds, with new challenges related to COVID-19. She noted colleges across the US have seen a chilling decline in enrollment during the pandemic and those numbers are expected to rise. She also noted the demographic drought will transform the labor market and talked about ways the college is combating those effects. Dr. Pando talked about the great American labor shortage and how their Workforce Alliance program will play a huge roll in providing the proper tools for postsecondary education in workforce development. She spoke proudly about how J. Sargeant Reynolds is ranked #1 for delivering Workforce Credentials to job seekers and the recent partnerships with Toyota and Goochland County.

Back and forth discussion ensued regarding the workforce drought, enrollment at J. Sargeant Reynolds, and partnerships with Louisa County Schools.

The Board thanked Dr. Pando for her presentation.

Presentation – Update from JABA

Ginger Dillard, Director for Advocacy Services for JABA, appeared before the Board and provided an update on programs and services offered through their organization.

Discussion – Integrated Public Alert and Warning System (IPAWS) Update

Mr. Edward Porner, Virginia Department of Emergency Management, provided a PowerPoint presentation to the Board explaining IPAWS (Integrated Public Alert and Warning System) and outlining their plans to decommission the North Anna Nuclear Power Station's alert sirens and switch to a wireless system. The sirens were installed in 1980 by VEPCO (Virginia Electric Power Company) encompassing 5 EPZs within a 10-mile radius and the locations were based on population density at that time. Given the technology at the time, the sirens were the most accepted method of public notification. In the event of a real disaster/emergency, when the sirens

sound, residents are to tune to a local radio/TV station and follow the instructions on that are given, based on location. The method of notification is dependent upon EAS system integrity, radio/TV reception, and home power/household preparedness. Additionally, siren effectiveness, from inception, has steadily declined and despite focused public information, understanding of what the sirens mean is drastically low. Furthermore, the main concern is that current siren footprint does not cover the entire EPZ.

IPAWS modernizes and integrates the nation's alert and warning infrastructure. It provides a broader range of message options and multiple communications pathways. The system has been used as a primary public notification protocol since 2006 and is used routinely for Amber alerts, Silver alerts, and severe weather warnings. The notification is well understood by the public and notifications includes transient populations traveling through the area. A 3rd party survey company conducted a telephone survey among 361 adults living within a 10-mile radius of the North Anna Nuclear Power Station from February 20-23, 2019. The survey has a $\pm 5.1\%$ margin of error. VDEM's plan is to maintain the sirens and remain the primary notification protocol until early 2022, as per locality plan. Once the transmission is made, sirens will be decommissioned and hardware will be removed.

Questions were addressed regarding a more specific date in 2022 when the sirens will be decommissioned. Mr. Porner stated the expected timeline would be February of 2022.

The Board expressed their concerns with the proposed timeline. They noted that it did not provide enough time for residents to become acclimated to the new system.

Mr. Porner explained that a multi-outlet media campaign will be carried out to alert people of the conversion before it occurs.

Mr. Williams expressed his interest in enabling the wireless Integrated Public Alert and Warning System, but leave the sirens in place and not maintain them to help reduce decommission costs.

Mr. Adams expressed his concern with the lack of cell service in areas throughout Louisa, since residents would have to rely on their phones to receive alerts.

Mr. Porner noted that Spotsylvania County has expressed similar concerns.

Back and forth discussion ensued regarding the proposal.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Resolution – Authorizing a Budget Supplement to Louisa County Public Schools for Bus Driver Compensation

There is a critical shortage of bus drivers across the Country and for the students of Louisa County Public Schools. School bus drivers who are required to obtain a CDL to perform job duties have an enormous amount of responsibility of transporting the students of Louisa County Public Schools safely to and from the school buildings, transporting students on field trips, and

to and from athletic/extracurricular events. The Louisa County School Board desires to increase the hourly starting pay rate for school bus drivers to \$21.00 per hour and substitute drivers at a daily rate of \$84.00 per day. The salary for current drivers would increase based on the scale adjustment in conjunction with their years of experience. The funding needed to increase the compensation for drivers, based on the current staff, is \$358,000.

The Louisa County School Board is requesting a supplemental appropriation using FY 2021 year-end carryover funding that was available due to savings during the year in the amount of \$358,000 to cover these costs.

On the motion of Mr. Gentry, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board hereby authorizes a budget supplement to the Louisa County School Board in the amount of \$358,000.00 to increase the starting hourly wages of school bus drivers to \$21.00 per hour for regular route driving and the daily substitute rate for drivers to \$84.00 per day to recruit and retain quality transportation staff. Source of funding is from fiscal year 2021 budgeted savings that will be added to the Long Term School Capital Reserves Fund.

Resolution – Authorizing a Budget Supplement to Louisa County Public Schools for Media Production Technology Classes and Related Equipment, Devices, and Service

The Louisa County School Board wants to offer its students Media Production Technology classes that will expose students to the specific technologies associated with audio and visual production and connect graduates with employment opportunities. The Louisa County Public Schools wants to provide a hands-on, project-based program that brings disciplined craftsmanship together with innovative technology to help students define and drive dialogue on the future of sound, sight and motion design learning options for the 2021-2022 school year and beyond.

The staff of Louisa County Public Schools want to offer students an understanding and a reasonable amount of experience with a wide variety of media disciplines including, script and story development, digital video camera and acquisition technology, Sports Media Production, Digital Media Production, Broadcast Media Production, audio production, audio post-production, video editing, digital photography, 2D animation, 3D animation, compositing and basic live film production and broadcasting for the 2021-2022 school year and beyond.

Upon completion of said classes, students will have a proficiency in audio for gaming, motion graphics, music production, light and sound design, and digital cinema and video editing. MiFi Devices and Service continue to be an ongoing need in Louisa County for student communication and learning. The cost of the equipment for the Media Production Technology Classes is \$290,000 and the cost of the equipment for the MiFi Communications Devices and Service is \$90,000 for a total of \$380,000.

The Louisa County School Board is requesting a supplemental appropriation in the amount of \$380,000 to cover the costs for the above using FY 2021 year-end carryover funding that was available due to savings during the year.

On the motion of Mr. Gentry, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to authorize a budget supplement to Louisa County Public Schools in the amount of \$380,000 for the Media Production Technology Classes and MiFi Communications Devices. Source of funding is from fiscal year 2021 budgeted savings that will be added to the

Long Term School Capital Reserves Fund.

Resolution – Affirming Reviews of Erosion and Sediment Control Plans for Future Solar Projects Exceeding Five Megawatts by the Virginia Department of Environmental Quality

During its 2021 Special Session I, the General Assembly adopted amendments to the Erosion & Sediment Control (ESC) Law (Chapter 497 of the 2021 Special Session I Acts of Assembly).

As amended, the ESC Law, Va. Code § 62.1-44.15:55.1, now provides certain localities with the option to request that the Department of Environmental Quality (DEQ) review the ESC Plans for solar projects associated infrastructure with a rated electrical generation capacity exceeding five (5) megawatts.

The County of Louisa received a letter from DEQ dated September 24, 2021, communicating information about the above referenced adopted legislation and sought the county's decisions to have DEQ review ESC Plans for solar projects. If Louisa County affirms reviews of ESC Plans for solar projects and associated infrastructure exceeding five (5) megawatts by DEQ, review will begin on November 1, 2021.

After completing its review, DEQ will provide a recommendation to the locality on a Plan's compliance with the ESC Law and Regulations and the locality is subsequently responsible for granting written approval of the Plan or providing written notice of disapproval of the Plan in accordance with Va. Code § 62.1-44.15:55 B.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to affirm reviews of Erosion and Sediment Control Plans for future solar projects exceeding five (5) megawatts by the Virginia Department of Environmental Quality.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Barlow said he encourages the Board to communicate with their Planning Commission representatives about towing yard regulations. He said the commission has been struggling with towing regulations definitions and the impacts certain restrictions have on towing operations in the County.

Mr. Gardner indicated staff received an inquiry a while back from a Mr. Newman who owns property in the County. He said the property is zoned industrial and Mr. Newman would like to utilize the vacant space for a towing yard. He said staff and Planning Commission members have been unable to determine how his request should be handled since there are no zoning definitions within the industrial zoning district that support his request.

Ms. Phillips said Mr. Newman approached the Community Development Department about the use of his property and was advised that the existing definitions and code do not allow a towing yard operation. She said the questions is really should the Planning Commission forward a recommendation to the Board that amendments be made to facilitate this type of operation.

Question and comments were addressed by the Board regarding the type of uses that could be incorporated in the County's zoning definition.

The Board agreed to communicate with their Planning Commission representatives.

Mr. Barnes provided the following statement from the Utility Solar Development Committee:

On March 15, 2017 the Louisa County Board of Supervisors issues a conditional use permit to Belcher Solar, for a majority utility service solar energy farm in the Patrick Henry District. This CUP requires Belcher Solar to comply with relevant local, state, and federal law, and any violation of the CUP conditions can be considered by this Board as grounds to revoke the CUP.

In March, 2021 Louisa County was notified by the Virginia Department of Environmental Quality (DEQ) of a Consent Order issues by the State Water Control Board for violations of State Water Control Laws and Regulations associated with wetland and stream impacts at the Belcher Solar project. VEPCO/Dominion consented to pay \$50,700 for these violations.

In June, 2021 Louisa County staff became aware of a meeting between the Environmental Compliance Consultant for Dominion Energy and Louisa County residents whose property surrounds the Belcher Solar Project. It is believed these discussions are ongoing and these residents have been offered financial compensation in return for releases of legal claims.

The Louisa County Board of Supervisors are concerned by this activity and the contact with Louisa County residents involving the CUP, given it has grounds to revoke the CUP based on the Consent Order. Earlier today, the committee agreed they should meet with Dominion representatives in order to discuss these concerns.

Mr. Adams noted the committee is working on providing some options that are pretty comprehensive and can be incorporated in the County's solar ordinance.

Mr. Babyok asked if Mr. Barnes had an update to provide to the Board regarding workforce housing development.

Mr. Barnes said due to the recent changes in staff, that project has been placed on hold. He said he hopes the committee will be able to reconvene in the near future to discuss alternative locations in the County for workforce housing development. He said under full disclosure, the workforce housing development will not occur in the Ferncliff area.

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:

- Reappointed Mr. Frederick Ross to the Transportation Safety Commission as the Jackson District Representative
- Appointed Ms. Lilly Bramble to the Commission on Aging to Represent the Jackson District
- Appointed Ms. Joanne Hoyle to the Commission Aging as an Associate Member

Mr. Purcell noted the upcoming Water Authority meeting will be conducted via Zoom rather

than in person.

Mr. Barnes asked for staff to work with the schools and the Blue Ridge Health District on getting the process started on a COVID-19 booster vaccination clinic for those who are 65 and older.

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.

Mr. Goodwin noted the Animal Shelter was awarded a grant in the amount of \$3,000 to go towards lifesaving efforts and facility improvements. He said the shelter held an adoption event back in September where 10 dogs and 18 cats were adopted out.

Mr. Gentry asked for an update on workspace for probation officers.

Mr. Goodwin said he has reached out the courts and they do not have the space, but alternative locations are being considered.

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 Overton Fork 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. 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 Overton Fork 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. Gentry, seconded by Mr. Barnes, which carried by a vote of 7-0, 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 Overton Fork Subdivision - Overton Drive (Route 1060); Lois Lane (Route 1061).

Resolution – To Approve Special Exception 2021-01; Microzyme LLC, Applicant/Owner; Shimp Engineering, Agent; Request for Buffering & Screening Modification from Sec. 86-132B.1 (A), Pursuant to Sec.86-125 of the Louisa County Land Development Regulations

Mr. Robert Gardner, Community Development Director, appeared before the Board to provide a brief overview of Special Exception application - SEP 2021-01. He stated Microzyme LLC, Applicant/Owner; Shimp Engineering, Agent; requests Buffering & Screening Modification from Sec. 86-132B.1 (A), Pursuant to Sec.86-125 of the Louisa County Land Development Regulations.

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 2040 Comprehensive Plan Future Land Use Map designates this area of Louisa County as Mixed Use within the Zion Crossroads designated growth area.

Mr. Gardner provided the staff analysis and recommendation:

Analysis:

- Bio-Cat operating locally for over 30 years, is expanding, creating more good paying jobs
- It is unreasonable to expect develop property to comply completely with the newest land use guidance and regulations.
- LDR (Land Development Rights) sec. 86-123B1.(a) requires shielding of expanding industrial uses from adjacent properties using 100-foot buffering/screening areas and sec. 86-125 allows area reductions on a case-by-case basis through a Special Exception Permit.

Staff Recommendation:

Approve SEP01-2021 Bio-Cat buffering/screening reductions request with several conditions:

1. The reduced vegetative buffering/screening areas explained in Exhibit B and illustrated on Exhibit C shall both become part of a future site plan development for the property.
2. Plant flowering ornamental trees along new travelway at the Northeasternmost corner of the property.
3. Plant 10-foot buffering/screening shown along the western property line either with Easter Red Cedar or Leyland Cypress or Arborvitae, a minimum if two feet tall at 15-foot centers.
4. The Applicant shall establish and/or maintain all reduced vegetative buffering/screening areas.
5. Removal of this vegetation requires prior approval from the Zoning Administrator. A replacement tree shall have either a minimum 2 inch diameter or breast height or 6-foot tall depending upon the type of tree removed and planted at the same location.
6. Violations of the conditions of this Special Exception shall be grounds for its revocation. The Louisa County Board of Supervisors may choose to hear any violations of the conditions of the Special Exception affording the applicant due process during a public hearing.

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. Williams, which carried by a vote of 7-0, the Board voted to approve the request for Buffering & Screening Modification from Sec. 86-132B.1 (A), Pursuant to Sec.86-125 of the Louisa County Land Development Regulations, as explained in the narrative (Exhibit B); and as shown on the Bio-Cat Buffer Modification (Exhibit C) for TMP 52-29, dated October 12, 2021.

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 October 18, 2021 meeting at 8:37 p.m.

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