



**Board of Supervisors
County of Louisa
Monday, November 1, 2021
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Babyok called the November 1, 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 Stanley, Executive Assistant/Deputy Clerk; Wanda Colvin, Finance Director; Anderson Woolfolk, General Services Manager; and Scott Raettig, Information Technology Manager;

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 consideration of prospective candidates for Deputy County Administrator;
2. In accordance with §2.2-3711 (A) (3) VA Code Ann., to discuss the potential acquisition of real property in the Green Springs District, where discussion in open meeting would adversely affect the bargaining position of the County; and,
3. In accordance with §2.2-3711 (A) (7) VA Code Ann., to discuss potential litigation regarding JRWA where such consultation in open meeting would adversely affect the negotiating posture of the County.

REGULAR SESSION

On the motion of Mr. Williams, seconded by Mr. Purcell, 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	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	Seconder	Yes/Aye

On the motion of Mr. Williams, seconded by Mr. Purcell, 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 1st day of November 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 1st day of November 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

ADOPTION OF AGENDA

On the motion of Mr. Purcell, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the November 1, 2021 agenda, as amended, with the following changes:

- Removed Recognition Item Recognizing Jeff Ferrel
- Added a Discussion Item on Amendments to the Sign Ordinance

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting - Oct 18, 2021 5:00 PM

On the motion of Mr. Williams, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to approve the minutes of the October 18, 2021 meeting.

BILLS APPROVAL

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

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

CONSENT AGENDA ITEMS

On the motion of Mr. Williams, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to adopt the Consent Agenda items for November 1, 2021, as follows:

- Resolution – Authorizing a Pass through Appropriation to Juvenile Probation for the Virginia Juvenile Community Crime Control Act Grant Program
- Resolution – Authorizing a Budget Supplement to Holly Grove Rescue Station for Sealing Parking Lot
- Resolution – Authorizing the Blue Ridge Health District to Retain Fiscal Year 2021 Surplus Funding for COVID-19 Vaccination and Testing Efforts
- Resolution – Authorizing a Budget Supplement for the Information Technology Department for Office 365 Migration Project

RECOGNITIONS**Presentation – Recognizing Jeff Ferrel for His Service and Contributions to Louisa County**

This item was removed under Adoption of Agenda.

PUBLIC COMMENT PERIOD

Mr. Babyok opened the public comment period.

Ms. Amy Ware, Jackson District, expressed her concerns with the offensive and profane signs posted near her place of residence in Louisa County.

Mr. Nathan Ware, Jackson District, also addressed his concerns with the offensive and profane signs posted near his place of residence in Louisa County.

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

INFORMATION/DISCUSSION ITEMS**Presentation – Central Virginia Small Business Development Center**

Mr. Greg Dorazio, Assistant Director for the Virginia Small Business Development Center (SBDC), appeared before the Board to provide a report on their organization. The Virginia SBDC is an organization that provides professional business counseling, training, and business resources to help grow and strengthen Virginia businesses. The Central Virginia SBDC is one of 27 local SBDC offices across Virginia and is focused on the Central Virginia region, which includes Louisa County. Many business owners and managers receive one-on-one counseling each year, and many others attend training programs to assist with business planning, marketing, financial analysis, and business start-up services.

Mr. Dorazio briefly went over the service time and hours devoted to small business owners in Louisa County alone, with assistance through the Chamber of Commerce. He also touched on the number of loans the organization was able to secure totaling more than \$50K and \$100K in financing.

Mr. Scott Randlett, Owner of Valley Trash and Hauling, gave a short testimony detailing his

first-hand experience in using services through the Central Virginia SBDC.

Presentation – Cutalong CDA

Mr. Mike Graft, Public Finance with McGuire Woods, appeared before the Board provide an update on Cutalong development, along with an assessment based funding approach that they plan to undertake and bring before the Board of Supervisors for consideration next month. The process includes a public hearing in accordance with Section 15.2-5156 of the Code of Virginia of 1950, as amended, on an ordinance creating the Cutalong II Community Development Authority (the "CDA"). The Ordinance authorizes (a) the creation of the CDA for the purpose of financing all or a portion of various public improvements which may include sewer system improvements, road improvements, landscaping, water and wastewater system improvements, walking trails for the community, traffic signalization and such other facilities and services and (b) establishes certain other details with respect to the CDA.

Questions and comments were addressed regarding the administrative costs and how they will be centrally financed.

Mr. Adams said he recommends a memorandum of understanding disclosing the financial responsibilities. He said he does not want the monetary impacts of the development to fall on the residents/taxpayers.

Discussion ensued regarding the financing measurements and collection mechanisms that are proposed for the CDA.

Mr. Graft said the CDA and the County would be fully indemnified and will not bear the financial costs for the development. He noted all costs will be assumed by the developer.

Mr. Nate Keiser, Project Manager, provided a brief overview of the proposed development at Cutalong. He noted the development would be a great area for the New Bridge Fire & EMS station and suggested further development options on the property.

Back and forth discussion ensued regarding the proposed CDA.

Presentation – James River Water Project Status Report

Mr. Justin Curtis, Aqua Law appeared before the Board to provide an update on the James River Water project. He explained the James River Water Authority (JRWA) has been working to construct water intake on James River to meet long-term water needs of Louisa and Fluvanna Counties. Permit application is pending for the proposed site, but is currently on hold at JRWA's request. The JRWA is evaluating an alternative location in coordination with VA Department of Historic Resources and Monacan Indian Nation. The decision on the project location will likely be in December of 2021.

He noted some challenges with the original site location. See below:

- Summer 2018: Documents circulated to finalize permitting process
- Sept. 2018: Monacans request additional mitigation to build at Alt 6
- Oct. 2018: Monacans reject JRWA offer; publicly oppose project
- Sept. 2019: VDHR declares JRWA's archeological consultant unqualified; requires plans

be revised by an archeologist approved by the Monacans

- Sept. 2019: USACE requires individual CWA 404 permit
- Oct. 2019: Monacans allege improprieties by JRWA archeological consultant
- June. 2020: Calls for USACE to require Environmental Impact Statement
- Aug. 2020: ACHP recommends additional mitigation and study

Evaluation on an alternative site:

- Jan. 2021: Assurances from Monacans to support project at Alt 1C site if satisfactory archeological study completed
- May 2021: JRWA Board authorizes study of Alt 1C using archeologists recommended by Monacans
- Aug. 2021: First phase of archeological study complete
- Nov. 1, 2021: Second phase of archeological study started
- Dec. 10, 2021: Expected study completion date

He provided additional information such as alternative project costs; significant permits and task requirements for construction at alternative site; and estimated project timelines.

Discussion – Signage

Mr. Barlow said he has received a number of calls regarding signs with profane language installed in Louisa County. He said the disturbance has nothing to do with the political position. He said the frustration and concerns have everything to do with the wording used in the signs, which displays vulgar and profane language. He said he would like to amend the County's Zoning Ordinance and add verbiage that prohibits signs, in public view, that display vulgar, obscene, indecent, or profane language. He stated the proposed amendment would align with the Board's mission of protecting the health, safety, and welfare of its residents. He said this request will need to go before the Planning Commission for recommendation.

Mr. Gentry said he does not disagree with Mr. Barlow, but his major concern is the enforcement of such signs. He said what may be vulgar to some may not be vulgar to others and that could cause some challenges. He said the proposed amendment must be clearly defined and supported by law to where it can be enforced by the Sheriff's Office.

Mr. Barlow said he understood Mr. Gentry's concerns, however, it is the Board's responsibility to at least see what can be done. He said if the state or federal law does not allow the local governing body to enforce such signs, then the signs will be left up a higher power to deal with. He said he certainly does not want his constituents to think he condones such behavior by not doing anything about it.

Mr. Adams said he agrees with both Mr. Barlow and Mr. Gentry. He said he has spoken with the County Attorney at length about the signs and the first thing that comes to mind is the 1st Amendment of the Constitution of United States of America. He said the Board needs to be very careful about anything that would appear to infringe on 1st Amendments rights, however, he also believes there could be codes tailored to the needs of community standards. He said legal counsel may come back and say the signs are protected under the Constitution and there is nothing that can be done, but he feels it is important the Board look at this issue as an offense to their community standards.

Mr. Purcell said he would like to know that the Sheriff's Office is on board with the proposal.

On the motion of Mr. Barlow, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to refer the following amendment to the Zoning Ordinance to the Planning Commission: **Add to Prohibited Signs Section 86-683(a)(9) Any sign that displays vulgar, obscene, indecent, or profane language.**

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Resolution – To Consider the 2022 Thomas Jefferson Planning District Commission Legislative Program

Mr. David Blount, Thomas Jefferson Planning District Commission, appeared before the Board to go over the annual Legislative Program for the 2022 Session of the Virginia General Assembly.

The Thomas Jefferson Planning District Commission (TJPDC) prepares and recommends the annual Legislative Program to serve as the basis of legislative positions and priorities of the member localities of the TJPDC for the 2022 Session of the Virginia General Assembly.

The Board has reviewed the draft 2022 TJPDC Legislative Program and asked questions regarding the basis for some of the priorities listed in the program, which were answered by Mr. Blount.

On the motion of Mr. Williams, seconded by Mr. Adams, which carried by a vote of 7-0, the Board voted to approve the 2022 TJPDC Legislative Program.

Resolution – To Approve and Award a Contract for New Holding Cells at the Louisa County General District Court

Mr. Goodwin explained an invitation for Bid (IFB) # GS-22-02 was issued on July 23, 2021, to solicit bids for construction of Louisa County General District Court new holding cells. This solicitation was advertised on the County's website, and on eVA (the Virginia Procurement website). Three (3) bids were received and HSL, Inc. dba Loudin Building Systems was deemed the lowest, responsive and responsible bidder for the contract.

The bid price for this construction is \$1,643,000. Funding for the construction is included in the FY 2022 capital budget and permission to proceed with the Louisa County General District Court New Holding Cells project is requested at this time.

Mr. Williams noted the Finance Committee was given the opportunity to review the contract information and recommend approval.

On the motion of Mr. Adams, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to authorize the County Administrator to enter into the contract with HSL, Inc.

dba Loudin Building Systems for construction of Louisa County General District Court new holding cells on behalf of the County of Louisa, so long as such contract is consistent with the Invitation for Bid, is consistent with the low responsive and responsible bidder price and only after the County Attorney for Louisa County, Virginia approves such contract as to form.

The Louisa County Board of Supervisors hereby authorizes the General Services department to proceed with the construction of Louisa County General District Court New Holding Cells in the amount of \$1,643,000. The source of funding is Building Enhancements/Building Spacing Capital Project (30342000-482500).

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Barnes reported on the Utility Solar Committee. He explained the committee is working on creating new regulations and recommendations for solar farms and continuing their efforts in dealing with Dominion on the existing issues at Belcher Solar. He said the committee met last week with Dominion and have been invited, along with staff, to take a tour of the facility. He said the committee did request for a third party engineer to look at the site and provide a recommendation on a correct course of action. He said they also requested the same firm look at land owner issues as well. He said Dominion has agreed to the inspection on the main site, however they have not agreed to, nor have they discounted, the inspection on neighboring properties.

Mr. Purcell reported on the Louisa County Water Authority Board. He stated he is in the process of obtaining a copy of a presentation that was presented at their last meeting that outlined comprehensive details on the COVID-19 restrictions and protocols the authority must comply with, from several state agencies. He said he thought the Board would be interested in seeing the amount of oversight the authority has been subjected to.

Board Appointments

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

- Appointed Ms. Tina Schweikart to the Human Services Advisory Board

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

(None)

ADJOURNMENT

On the motion of Mr. Adams, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adjourn the November 1, 2021 meeting at 7:30 p.m.

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