



**Board of Supervisors
County of Louisa
Monday, December 20, 2021
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Babyok called the December 20, 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; Robert Dube, Fire & EMS Chief; Griff Carmichael, Human Resources 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 employment, assignment, and salaries of employees in general services; and
2. In accordance with §2.2-3771(A) (8) VA Code Ann., for consultation with legal counsel regarding specific legal matters pertaining to use and posting of announcements inside and around buildings on county property requiring the provision of legal advice.

REGULAR SESSION

On the motion of Mr. Williams, seconded by Mr. Adams, 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.	Voter	Yes/Aye
Willie L. Gentry Jr.	Voter	Yes/Aye

Duane A. Adams	Mover	Yes/Aye
Bob F. Babyok, Jr.	Voter	Yes/Aye
Eric F. Purcell	Voter	Yes/Aye

On the motion of Mr. Williams, seconded by Mr. Adams, 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 20th day of December 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 20th day of December 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. BARNES

Mr. Barnes 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 December 20, 2021 agenda, as amended, with the following changes:

- Removed Update from Jaunt from Presentation Items; and
- Rearranged the Order of New Business/Action Items.

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting - Dec 6, 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 December 6, 2021 meeting.

BILLS APPROVAL

Resolution – To Approve the Bills for the First Half of December 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 December 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 December 20, 2021, as follows:

- Resolution – Requesting a Speed/Safety Study Route 622 (Moody Town Road) in the Jackson District
- Resolution – Authorizing a Pass through Appropriation for the Sheriff's Office for DMV Select Enforcement Grant
- Resolution – Authorizing the Assignment of Fund Balances to the Long Term School Capital Projects Reserve Fund

RECOGNITIONS

Presentation – Recognizing James Ogg for His Dedicated Service on the Louisa County Broadband Authority

Mr. Goodwin read the resolution and Mr. Adams presented a framed copy to Mr. Ogg recognizing him for his years of service on the Broadband Authority.

PUBLIC COMMENT PERIOD

Mr. Morgan Perkins, Patrick Henry District, appeared before the Board to talk about the increased numbers of coyotes in Louisa and how a Bounty program would greatly benefit the County.

INFORMATION/DISCUSSION ITEMS

Presentation – Update from Jaunt

This item has been removed under Adoption of Agenda.

Presentation – LACA (Lake Anna Civic Association) Grant Request

Mr. Greg Baker and Mr. Harry Looney with Lake Anna Civic Association (LACA), appeared before the Board to provide a report on water quality monitoring at Lake Anna. The report outlined current and past five fiscal years of income and expenses. Mr. Baker noted over the past few years, expenses for LACA's Water Quality Monitoring Program have exceeded income by significant amounts, resulting in a draw down on LACA's operating and water quality monitoring reserves.

Back and forth discussion ensued regarding water quality monitoring at Lake Anna.

Mr. Baker stated LACA's intention to submit a request for funding in FY23 in the amount of \$10,000 to support water quality programming.

Mr. Adams noted that even though there is funding within the fireworks fund balance, it cannot be used towards the Water Quality Monitoring Program. He explained how that funding is restricted due to donations received specifically for fireworks and cannot be applied to a different fund.

Further discussion ensued regarding LACA's budget request.

Presentation – Virginia Department of Transportation Quarterly Report

Mr. Alan Saunders, Residency Engineer, Louisa Residency Administrator for the Virginia Department of Transportation (VDOT), presented the VDOT quarterly update, which included an update on projects, construction and maintenance activities, traffic engineering studies, and roads located in the County.

Mr. Saunders further reported on the following project and designs and speed study updates in the County:

- Projects in Development and Preliminary Engineering
- County Safety and Operational Improvements
- Pavement/Resurfacing
- Local Assistance Programs
- Traffic/Engineering Studies
- Maintenance Activities
- Land Use Projects
- Work Orders

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; DEQ regulations, maintenance, repairs, & projects; and status updates to the plants and waste water treatment facilities.

Presentation – Fiscal Year 2021 Louisa County Comprehensive Annual Financial Report

Mr. Michael E. Lupton, CPA, MBA, the County's Audit Manager from Robinson, Farmer, Cox Associates presented the County's Comprehensive Annual Financial Report for fiscal year 2021.

Discussion – Bounty on Coyotes in Louisa County

Mr. Cale Godfrey, Department of Wildlife Resources, stated some Virginia counties have instituted bounty programs in hopes of reducing coyote numbers. He said currently, seventeen (17) counties have enacted coyote bounties, but at present, only ten (10) counties have allocated funds to pay for bounties. He noted that while bounties are popular with local landowners, hunters, trappers, and some livestock producers, these bounty programs never achieve their desired objectives. He said there is not a single documented instance of a bounty program temporarily or permanently reducing coyote populations or livestock depredation problems.

He said there are several reasons why coyote bounty programs don't work. The most important reason is that not enough coyotes are killed to affect population size. He stated research has shown that coyote populations must be reduced by more than 60% or their numbers will recover within a single year. Coyotes can rapidly compensate for losses by increasing the number of females that breed, producing larger litters, and increasing pup survival. Since coyote bounties are ineffective, the Department of Wildlife Resources has consistently recommended against these programs in favor of targeted control efforts on properties where coyote damage is a concern. This approach has been successfully used by USDA Wildlife Services to reduce livestock losses in Virginia.

Back and forth discussion ensued regarding bounty on coyotes and effective efforts that could

help reduce coyote population in targeted areas of the County.

On the motion of Mr. Williams, seconded by Mr. Purcell, which carried by a vote of 7-0 the Board created a committee to work on a bounty program for Louisa County. Mr. Barnes and Mr. Williams have been selected as the Board liaisons to the committee.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Resolution – Authorizing the Acquisition of Real Property on Poindexter Road

Virginia Code provides for the purchase of real property by a locality for any public use. It is the will of the Board of Supervisors to accept real property by deed of gift, to wit: All that certain parcel or tract of land, together with the improvements thereon, known commonly as Tax Parcel 52-53 and containing 2.5 acres more or and being located in the Green Springs Magisterial District in the County of Louisa, Virginia; and being that same tract of land conveyed to the Zion Crossroads Volunteer Fire Department by Deed of Gift dated June 2, 1994, and recorded in the Clerk's Office in Louisa County, Virginia Deed Book 468, page 257.

Mr. Goodwin indicated the Zion Crossroads Volunteer Fire Department has decided to cease conducting activities dedicated to extinguishing fires and providing fire protection, first aid and related emergency medical services. The Louisa County Board of Supervisors has the authority to approve dissolution of Company 7 pursuant to Louisa County Code § 61-53(a).

Discussion ensued regarding what led Zion Crossroads Fire Department to cease activities.

Mr. Barlow asked how it got to this point if the County created a position to specifically work with volunteer stations on recruitment and certifications.

Chief Dube indicated the position has not been filled at this time.

Further discussion ensued regarding the request to dissolve Zion Crossroads Volunteer Fire Department.

On the motion of Mr. Williams, seconded by Mr. Adams, which carried by a vote of 7-0, the Board Authorized the County Administrator to execute any and all necessary documents for, or related to, the transfer of the aforementioned parcel to the County of Louisa.

Resolution – Resolution Approving Agreement of Assignment and Termination

The Zion Crossroads Volunteer Fire Department, Inc. ("Company 7") has decided to cease conducting activities dedicated to extinguishing fires and providing fire protection, first aid and related emergency medical services. The Louisa County Board of Supervisors has the authority to approve dissolution of Company 7 pursuant to Louisa County Code § 61-53(a). The complete terms and conditions of the dissolution of Company 7 are set forth in the Agreement of Assignment and Termination attached hereto.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to accept the Agreement of Assignment and Termination and authorizes the County Administrator to execute any and all necessary documents for, or related to, the transfer of the aforementioned assets to the County of Louisa, and to execute the Agreement of Assignment and Termination on behalf of the County of Louisa.

Resolution – Authorizing the Acquisition of Real Property on Industrial Drive

Virginia Code provides for the purchase of real property by a locality for any public use.

After discussion and consideration in public session during recent meetings of the Board of Supervisors, it is the will of the Board to purchase real property, to wit:

All that certain tract, parcel or lot of land lying and being situate in the Louisa Magisterial District, Louisa County, Virginia, fronting on Industrial Drive and West Circle, containing 5.894 acres, as shown on a certain plat of survey by James H. Bell, Jr., P.C., P.L.S., dated September 23, 1986, recorded in the Clerk's Office of the Circuit Court of Louisa County, Virginia in Deed Book 377, page 64; and being the identical real property conveyed to Virginia Community Bank from Virginia Community Bankshares, Inc., a Virginia corporation, by a certain deed dated September 16, 1999, which deed is of record in said Clerk's Office in Deed Book 619, page 712; said conveyance made expressly subject to the protective covenants, conditions and restrictions for the Louisa Airport Industrial Park, dated December 14, 1985, and all subsequent modifications and amendments to those covenants, conditions and restrictions of record in the said Clerk's Office in Deed Book 240, page 511, Deed Book 287, page 84 and Deed Book 296, page 350; and,

All that certain tract or parcel of land, with improvements thereon and appurtenances thereunto belonging, lying and being situate in the Louisa District of Louisa County, Virginia, containing 3.955 acres, on plat of survey made by James W. Bell, C.L.S., dated August 29, 1984, and being a portion of that real estate acquired by the Virginia Community Bank from the Louisa County Industrial Development Authority by deed dated August 29, 2000, and recorded along with the aforementioned plat in the said Clerk's Office in Deed Book 650, page 484; said conveyance made expressly subject to the protective covenants, conditions and restrictions for the Louisa Airport Industrial Park, dated December 14, 1985, and all subsequent modifications and amendments to those covenants, conditions and restrictions of record in the said Clerk's Office.

On the motion of Me, Gentry, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to authorize the Chairman of the Louisa County Board of Supervisors and / or the County Administrator to sign and execute such deed as may be approved as to form by the County Attorney to accomplish such purchase. The Board of Supervisors further authorizes the County Administrator to make such line item transfers that may be necessary to complete such purchase and to purchase such title insurance as he may, in his sole discretion, deem necessary.

Resolution – Authorizing a Budget Transfer from the Transportation Investment Fund Capital Project to the Regional Business Park Transportation Enhancements Capital Project

The County established a Transportation Investment Fund to save for transportation projects that have significant public value, as determined by the Board of Supervisors. The County also has a Regional Business Park Transportation Capital Project that has been approved and is in process.

It is requested that funding from the Transportation Investment Fund in the amount of \$473,902 be transferred to the Regional Business Park Transportation Capital Project for construction of road enhancements at the Regional Business Park.

On the motion of Mr. Williams. Seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to authorize a budget transfer from the Transportation Investment Fund Capital project (30382000-456011) in the amount of \$473,902 to the Regional Business Park Transportation Capital Project (30382000-431460-CRBP5).

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES**Committee Reports**

Mr. Adams provided a final report from the Utility Solar Development Committee.

On the motion of Mr. Adams, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the following report from the Utility Solar Development Committee dated December 17, 2021:

Utility-Scale Solar Generating Facilities: Action Items

The Committee is proposing several action items which will need sufficient time for the Board to review and consider adopting amendments to Chapter 86 Land Development Regulations. In the interim, the Board may consider temporarily suspending CUP applications for utility-scale solar energy projects for a specified period. Adoption of amendments to Chapter 86 require public hearings before the Planning Commission and BOS (or both at a joint meeting). The Board can decide upon a date to commence the suspension of CUP applications.

Utility-Scale Solar Action Items

Adopt an ordinance requiring a minimum of 151 MWs (Mega Watts) for all utility-scale solar energy projects.

1. Limit the total area of utility scale solar energy projects to a percentage of total County acreage. The Committee discussed 3 percent or roughly 9,800 acres. Current approved acreage including Two Oaks (panels and other land) roughly measures 5,000 acres.
2. Prohibit utility-scale solar development in certain Growth Areas.
3. Require vegetative buffer strips of existing vegetation a minimum of 300 feet surrounding all utility-scale solar projects. Supplemental plantings must reach a minimum height canopy of 20 feet within 10 years.

4. Utility-scale solar projects may not locate more than 1 mile from existing high-voltage transmission or distribution line right of ways. Projects exceeding the 1 mile limitation shall receive consideration on a case by case bases.
5. The County may also consider limiting the amount of utility-scale solar projects to a percentage of total MW approved.

Erosion and Sediment Control Updates

1. Sediment control features shall receive County approval on a phase by phase basis before any land disturbance or construction activities may begin on the next phase.
2. Site clearing shall not exceed 100 acres for each phase of development.
3. Require CUP applicants to obtain a written report from either an independent engineer or the zoning administrator determining the stabilization of each phase of construction. Once this determination is made another phase of land disturbance activities can begin.
4. Vegetative perimeter buffers shall not contain stormwater holding ponds.

Other Suggested Ordinance Updates

1. Require applicant to submit a copy of the PJM Interconnection Application with the CUP application. PJM Interconnection LLC (PJM) is a regional transmission organization (RTO) in the United States. It is part of the Eastern Interconnection grid operating an electric transmission system serving all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.
2. Applicant must demonstrate control of the property, e.g. lease agreement, option agreement or deed.
3. Require applicant to pay for independent engineer to check construction progress weekly and ensure construction is proceeding in accordance with the terms of the CUP. Any construction problems discovered by the independent engineer will be resolved by mutual agreement between applicant, engineer and county staff. Any unresolved disputes will be decided by the Board of Supervisors. Construction activity may halt during the time it takes to bring the issue to the Board for resolution.
4. Require applicant to post a bond sufficient to ensure compliance with the construction requirements of the CUP as determined by staff. The bond must be posted at the time the building permit is issued or the site plan is approved, and shall be released upon completion of construction upon certification by the independent engineer or the zoning administrator the construction has been built in compliance with the CUP.

5. Remove reference in CUP provisions regarding “occupancy permit,” prior to issuance of decommissioning bond. Decommissioning bond shall be in place prior to the start of generation.
6. Add text prohibiting disposal of solar panels the county landfill facilities.
7. Require CUP provisions to address financial impact of solar on Fire and EMS, to include cost of training and additional equipment and supplies.

Board Appointments

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

- Reappointed Mr. Sam Hughes to the Industrial Development Authority (IDA) to represent the Mountain Road District

County Administrator's Report

Mr. Goodwin reported that there were several monthly reports and items of correspondence in the Board packet and reminded the Board of several upcoming events.

Resolution – Recognizing Robert "Bob" Babyok, Jr., for His Years of Service and Contributions to the County of Louisa

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to recognize Robert Babyok, Jr., for his dedicated service to our citizens and leadership on the Board of Supervisors, with respect and gratitude.

PUBLIC HEARINGS

(None)

ADJOURNMENT

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adjourn the December 20, 2021 meeting at 9:00 p.m.

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