



**Board of Supervisors
County of Louisa
Monday, January 10, 2022
Louisa County Public Meeting Room
2:00 PM**

CALL TO ORDER - 2:00 P.M. - CHRISTIAN R. GOODWIN, CLERK

Mr. Goodwin called the January 10, 2022 meeting of the Louisa County Board of Supervisors to order at 2:00 p.m.

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	2:00 PM
Fitzgerald A. Barnes	Patrick Henry District Supervisor	Present	2:00 PM
Willie L. Gentry Jr.	Cuckoo District Supervisor	Present	2:00 PM
Eric F. Purcell	Louisa County Supervisor	Present	2:00 PM
R. T. Williams	Jackson District Supervisor	Present	2:00 PM
Duane A. Adams	Mineral District Supervisor	Present	2:00 PM
Rachel G. Jones	Green Springs District Supervisor	Present	2:00 PM

Others Present: Christian Goodwin, County Administrator; Helen Phillips, County Attorney; Chris Coon, Assistant County Administrator; Alexandra Stanley, Executive Assistant/Deputy Clerk; Griff Carmichael; Human Resources Director; Wanda Colvin, Finance Director; Robert Dube, Fire and EMS Chief; Janice Sheppard, Human Services Director; Scott Raettig, Information Technology Manager; and Robert Gardner, Community Development Director

ANNUAL ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

Resolution – To Appoint the Chairman of the Louisa County Board of Supervisors for 2022

Mr. Goodwin opened the floor for nomination of Chairman.

Mr. Barlow nominated Mr. Adams.

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to close the nominations and appoint Mr. Adams as Chairman of the Louisa County Board of Supervisors for 2022.

Roll call was taken for Mr. Adams as Chairman.

ROLL CALL

Mr. Fitzgerald A. Barnes
Ms. Rachel G. Jones
Mr. Duane A. Adams
Mr. Willie L. Gentry, Jr.
Mr. Tommy J. Barlow
Mr. R. T. Williams, Jr.
Mr. Eric F. Purcell

VOTE

Yes
Yes
Yes
Yes
Yes
Yes
Yes

Resolution – To Appoint the Vice Chairman of the Louisa County Board of Supervisors for 2022

Mr. Adams opened the floor for nominations for Vice Chairman.

Mr. Williams nominated Mr. Barlow, seconded by Mr. Purcell.

With no further nominations, Mr. Adams closed the nominations.

On the motion of Mr. Williams, seconded by Mr. Purcell, which carried by a vote of 7-0, the Board voted to appoint Mr. Barlow as the Vice Chairman of the Louisa County Board of Supervisors for 2022.

Resolution – Establishing Board of Supervisors Meeting Dates and Times for 2022

On the motion of Mr. Purcell, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to meet on the first and third Monday of each month beginning at 5:00 p.m. with regular business and Public Hearings beginning at 6:00 p.m.

Resolution – Adopting the Bylaws for the Board of Supervisors

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the Louisa County Board of Supervisors Bylaws, as presented with no changes.

CLOSED SESSION

On the motion of Mr. Williams, seconded by Mr. Purcell, which carried by a vote of 7-0, the Board voted to enter Closed Session at 2:00 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (1) VA Code Ann., to discuss compensation and assignment of specific staff in various functions, and interviews of candidates for Director of Community Development; and
2. In accordance with §2.2-3711 (A) (7) VA Code Ann., for consultation with legal counsel and briefings by staff members pertaining to litigation regarding vaccine mandates; and
3. In accordance with §2.2-3711 (A) (19) VA Code Ann., for discussion of plans to protect public safety and briefings by staff, law-enforcement and emergency service officials concerning actions taken to respond to such matters where discussion in open meeting would jeopardize the safety of any person or the security of any facility, building, structure or information technology system.

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 3:00 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

Voter	Role	Vote
Tommy J. Barlow	Voter	Yes/Aye

Fitzgerald A. Barnes	Seconded	Yes/Aye
R.T. Williams, Jr.	Mover	Yes/Aye
Willie L. Gentry Jr.	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Rachel G. Jones	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 10th day of January 2022, 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 10th day of January 2022, 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.

ADMINISTRATIVE ITEMS - 6:00 P.M.

INVOCATION

Mr. Williams 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 January 10, 2022 agenda, as amended, with the following changes:

- Added a discussion on temporarily waiving landfill tipping fees for residential tree waste;
- Added a discussion on the 10-year retention period for family subdivision parcels; and
- Added a resolution confirming a local emergency for Winter Storm Frida to Consent Agenda.

MINUTES APPROVAL

Board of Supervisors (BOS) - Regular Meeting - Dec 20, 2021 5:00 PM

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0-1, with Ms. Jones abstaining, the Board voted to approve the minutes of the December 20, 2021

regular meeting.

BILLS APPROVAL

Resolution – To Approve the Bills for the Second Half of December 2022

On the motion of Mr. Purcell, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board adopted a resolution approving the bills for the second 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 January 10, 2022, as follows:

- Resolution – Authorizing a Pass through Appropriation for Vending Machine Commissions
- Resolution – Authorizing a Pass through Appropriation for K-9 Donations
- Resolution – Authorizing a Pass through Appropriation to the Sheriff's Office for Project Lifesaver
- Resolution – Authorizing a Pass through Appropriation to Louisa Fire and EMS for Donations Received
- Resolution – Authorizing a Pass through Appropriation for Sheriff and Fire and EMS for Security and Medical Coverage for Special Event Proceeds
- Resolution – Authorizing a Pass through Appropriation to General Services for the FY 2021 Litter Prevention and Recycling Program
- Resolution – Authorizing a Pass through Appropriation for the Violence Against Women (V-Stop) Grant to the Commonwealth Attorney's Office
- Resolution – Authorizing a Pass through Appropriation for PetSmart Charities Grant
- Resolution – Authorizing a Pass through Appropriation for Insurance Proceeds
- Resolution – Confirming a Local Emergency for Winter Storm Frida

RECOGNITIONS

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

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

PUBLIC COMMENT PERIOD

Mr. Adams opened the Public Comment Period. With no one wishing to speak, the Public Comment Period closed.

INFORMATION/DISCUSSION ITEMS

Discussion – Request to Proceed with Assistance to Firefighting Grant Application

Chief Dube explained the Louisa County Department of Fire and Emergency Services (FEMS) would like to apply for an Assistance to Firefighting Grant for 56 Vehicle Exhaust units for all 11 stations (including the Administration building here) and for 1 fire training center bay. These are the AirVac 911 vehicle exhaust systems and are a highly favorable funded item from FEMA.

The total cost of the project is \$538,552 and of that \$489,592.73 is covered by the grant and the County is required to provide a ten percent (10%) match in the amount of \$48,959.27. The FEMS department is requesting authorization to proceed with this grant application.

Mr. Williams asked if Board action was necessary to proceed with the application process.

Mr. Goodwin said no action is required, staff would like to notify the Board before making application so they are aware of the grant details.

Mr. Williams asked for the timeline of the grant.

Chief Dube said the application deadline is the first week of February and the grant will not be awarded until late Spring.

Discussion – Temporarily Waiving Landfill Tipping Fees for Residential Tree Waste

Mr. Adams noted the after effects of Winter Storm Frida has left a large amount of devastation and cleanup across the County and encouraged the Board to consider ways to alleviate costs to citizens that plan to dispose of storm related tree debris at the Landfill.

Suggestions were made by the Board regarding a temporary waiver of fees to dispose at the landfill.

On the motion of Mr. Barnes, seconded by Ms. Jones, which carried by a vote of 7-0, the Board voted to allow residents of Louisa County to dispose of storm related vegetative waste at the landfill free-of-charge for 60-days, beginning on January 11th and ending on March 11th. Additionally, proof of residency may be required and the fee waiver is ONLY for residential tree waste, NOT commercial contractors.

Discussion – 10-Year Retention Period for Family Subdivision Parcels

Mr. Adams discussed the 10-year retention period for family subdivisions parcels and requested the Planning Commission take a look at reducing the retention period.

The Board agreed that it was due time for the Planning Commission to review the requirements and to consider alternative options.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

(None)

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

(None)

Board Appointments

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

- Reappointed Mr. Gordon Brooks to the Planning Commission to represent the Mountain Road District
- Reappointed Mr. John Disosway to the Planning Commission to represent the Mineral District
- Reappointed Mr. Ellis Quarles to the Planning Commission to represent the Patrick Henry District
- Appointed Mr. James Dickerson to the Planning Commission to represent the Green Springs District
- Reappointed Mr. Willie Harper to the Industrial Development Authority to represent the Mineral District
- Appointed Mr. Greg Leffler to the Industrial Development Authority to represent the Green Springs District
- Reappointed Mr. Wesley Harvey to the Transportation Safety Commission 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.

Chief Dube and Ms. Sheppard gave an update on winter storm Frida and the impacts it had on public safety efforts and the warming shelter.

PUBLIC HEARINGS

Resolution – Authorizing a Budget Supplement for Federal Coronavirus Local Fiscal Recovery (SLFRF) Funding from the American Rescue Act (ARPA)

Ms. Wanda Colvin provided a brief overview on the request to authorize a budget supplement for Federal Coronavirus Local Fiscal Recovery (SLFRF) Funding from the American Rescue Act (ARPA).

In Fiscal Year 2021, the County received its first of two allocations of Federal Coronavirus Local Fiscal Recovery (SLFRF) funding from the American Rescue Plan Act (ARPA) in the amount of \$3,650,805.50. These funds can be used to (1) respond to the COVID-19 public health emergency or its negative economic impacts (2) respond to workers performing essential work during the COVID-19 public health emergency (3) government services to the extent of County revenue loss due to the COVID-19 health emergency and (4) to make necessary investments in water, sewer, or broadband infrastructure. It is requested that up to \$2,100,000 be used towards the acquisition of real property at Industrial Drive, Louisa. These funds were not appropriated as part of the FY 2022 budget and need to be appropriated at this time.

Mr. Adams opened the public hearing. With no one wishing to speak, Mr. Adams closed the

public hearing and brought it back to the Board for discussion.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to authorize a supplemental appropriation of \$3,650,805.50 to the Fiscal Year 2022 budget for the first allocation of Federal Coronavirus Local Fiscal Recovery (SLFRF) funding received from the American Rescue Plan Act (ARPA). The funding will be allocated as follows:

1. Property Acquisition: Industrial Drive (20235700-483100-COVD7) - \$2,100,000
2. American Rescue Funding (20235700-458007-COVD7) - \$1,550,805.50.

Resolution – Approving REZ2021-04; Louisa Mini-Storage LLC.

Mr. Robert Gardner provided a staff report on Rezoning Application - REZ2021-04; Louisa Mini Storage, LLC.

Louisa Mini Storage, LLC. Owner; is requesting a rezoning of approximately 4.693 acres from Industrial (IND) & General Agricultural (A-2) for parcels 41-207 & 41-208 to General Commercial (C-2), for the construction of an approximate 72,000 square foot self-service storage facility. The properties are located a tenth of a mile east of the intersection of Industrial Drive (Route 780) and Davis Highway (Route 22). The two properties have a combined acreage of approximately 4.693 acres, in the Mineral Voting District.

The 2040 Louisa County Comprehensive Plan shows Tax Map Parcels 41-208 & 41-207 as being located in the Louisa Growth Area, designated as Industrial. The 2040 Louisa County Comprehensive plan (“2040 Plan”) defines the Industrial land designation and, “Includes the full spectrum of industrial uses (light, medium, and heavy), as appropriate for adjacent development, infrastructure, and environment”.

The applicant is proffering out the following by-right uses in the General Commercial (C-2 rezoning): Day Care, Day Care Center, Private School, Restaurant, Restaurant Drive-In, Assisted Living Facility, Business or Trade School, Car Wash, Clinic, Grocery Store, Hospital, Kennel, Commercial, and Post Office. Other proffers include Dark-Sky requirements for outdoor lighting; provide and maintain 378 feet of evergreen screening trees from Route 22 along the eastern property line; hours of operation are between 5AM and 10PM; and to keep the property free of trash and debris. The provision of screening trees is found on a concept sketch produced by Shimp Engineering, P.C.

At a regular meeting of the Louisa County Planning Commission held December 9, 2021, on a motion by Mr. Disosway and a second by Mr. Manning, which carried a vote of 6-1, the Planning Commission voted 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 on the request for Rezoning Tax Parcel 41-208 from General Agricultural (A-2) to General Commercial (C-2); Rezoning of Tax Parcel 41-207 from Industrial (IND) to General Commercial (C-2).

Mr. Adams asked if the application would like to address the Board.

Ms. Kelsey Schline, Planner with Shimp Engineering, addressed the Board and provided a brief overview of the rezoning request as well as a concept plan of the proposed development. She

noted the proffer statement is a direct result of responsiveness and concerns heard at the neighborhood and Planning Commission meetings and it displays the efforts of the applicant to help mitigate those impacts.

Mr. Gentry asked if VDOT provided any type of recommendations on right and left turning lanes.

Ms. Schline said during the site plan process, VDOT will evaluate the final request to determine the entrance and context of the proposal. She said there were preliminary discussions with VDOT about a traffic light at the intersection of Route 22 and Industrial Drive which could have an impact on future turning lanes.

Mr. Adams asked questions regarding cleanup specifications included in the proffer statement.

Ms. Schline referred to the applicant to answer questions related to the operations of the site.

Mr. Daryl Payne said based off of the successes from other mini storage facility sites he manages, he plans to maintain a full-time employee to provide continuous surveillance and cleanup at the facility on a daily basis.

Mr. Adams said there were concerns with potential 24-hour traffic impacts from the facility, but noted the proffers state that hours will be limited to 5:00 a.m. to 10:00 p.m.

Mr. Purcell asked if they plan to allow storage unit auctions and renters to sell items from their units on the weekends.

Mr. Payne said they do not allow storage unit sales or auctions to occur on site.

Mr. Adams opened the public hearing. With no one wishing to speak, Mr. Adams 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 requested rezoning (REZ2021-04), with the proffers submitted by the applicant dated and signed January 10, 2022.

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 January 10, 2022 meeting at 3:43 p.m.

BY ORDER OF:
DUANE A. ADAMS, CHAIRMAN
BOARD OF SUPERVISORS
LOUISA COUNTY, VIRGINIA

From: [Robert Gardner](#)
To: [Alexandra Stanley](#)
Cc: [Christian Goodwin](#)
Subject: FW: Energix Two Oaks/VOTE NO
Date: Tuesday, December 21, 2021 12:24:58 PM
Attachments: [CdTe OSHA Report.docx](#)
[VA Tech Solar Study.pdf](#)
[MIT thin film PV Study.pdf](#)
[Forbes Magazine.docx](#)

FYI

From: Jeanne Trabulsi [mailto:jgracet@msn.com]
Sent: Tuesday, December 21, 2021 11:20 AM
To: Duane Adams <lcbs_md@louisa.org>; Fitzgerald Barnes <LCBS_PHD@louisa.org>; Willie Gentry <LCBS_CD@louisa.org>; Tommy Barlow <LCBS_MRD@louisa.org>; Toni Williams <lcbs_jd@louisa.org>; Eric Purcell <LCBS_LD@louisa.org>; Bob Babyok <lcbs_gsd@louisa.org>
Cc: Robert Gardner <RGardner@louisa.org>
Subject: Energix Two Oaks/VOTE NO

CAUTION: External email

Dear Board of Supervisors,

Do not approve Energix's Two Oaks Solar power plant because it violates the Louisa County Comprehensive Plan (CP) and because the SUP, itself, is inadequate and incomplete.

The Virginia Department of Conservation and Recreation (DCR) , a sister agency of the Department for Environmental Quality, has designated Cooke Rail Park a "High Priority" watershed conservation area. Energix's plans for the suspension of tons of mining waste, from which the toxic heavy metal Cadmium Telluride (CdTe) is derived and that is contained in Energix's solar panels, over this vulnerable development area runs counter to DCR's mission as well as the CP of Louisa: to "conserve and preserve the county's rural character and way of life." Moreover, the siting of this power plant in a conservation district does not square with your own community development director's suggestion for a solar ordinance that restricts solar development in such vulnerable areas.

Other concerns come to mind:

- The siting of an 118MW power plant in the middle of a 1,000-acre forest does not support the CP, on page 13 of which states that Louisa will direct growth away from rural areas.
- The clearcutting of 800 acres of trees does not support the CP, on page 13 of which states that Louisa will preserve forestall land.
- The potential erosion and property damage from Two Oaks Solar—such as recently occurred in the Energix Mount Jackson site as reported by Channel 3 <https://www.whsv.com/2021/12/10/mount-jackson-man-claims-solar-farm-water-runoff-is-damaging-fiances-property/> could be another Belcher catastrophe.
- The Cadmium Telluride in the solar panels may potentially leach into the artesian springs that flow into Goldmine Creek, that flows into Christopher Creek, that empties into Lake Anna—the “Jewel of Louisa” and the economic driver in tourism for the county.
- The wildlife in the park, upon which landowners depend for food, may be stymied by the wildlife corridor and by the project’s fences that surround adjacent landowners.

I also write to counter Energix claims that their utilization of CdTe panels is safe because several university reports say so. I attach here two of those cited reports, which have been funded by First Solar, itself. **That is to say, that the manufacturer of these panels commissioned and paid for the studies.** First Solar commission of the MIT study may be found on pages 8-9. First Solar commission of the VA Tech study may be found on page 1 and page 3.

I understand that there are conflicting statements on the toxicity of these panels. To represent the federal government side, I attach a report to the Occupational Safety and Health Administration that asserts that CdTe is hazardous to one’s health. I also attach the *Forbes* Magazine article that reports that tens of thousands of solar panels that were shattered by a tornado had to be treated at a facility that manages hazardous waste.

If you approve the SUP, and because of these revelations, you may want to require that Energix only use silicon-based panels. You may want to follow the practice of other county officials, such as those representing Prince George, Chesterfield, Spotsylvania, Buckingham, and Madison who allow only the use of panels made from silica. And, whatever you chose to do, mandate that Energix contract with First Solar for a site-specific, pre-funded recycling program.

Thank you for upholding Louisa County's Comprehensive Plan: the preservation of its rural character and way of life.

Sincerely yours,

Jeanne Trabulsi
Virginia Coalition for Human Rights
524 N Royal Avenue
Front Royal, VA 22630