



**Board of Supervisors
County of Louisa
Monday, December 19, 2022
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Adams called the December 19, 2022 regular meeting of the Louisa County Board of Supervisors to order at 5:00 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	Absent	5:00 PM
Willie L. Gentry Jr.	Cuckoo District Supervisor	Present	5:00 PM
Eric F. Purcell	Louisa County Supervisor	Absent	5:00 PM
R. T. Williams	Jackson District Supervisor	Present	5:00 PM
Duane A. Adams	Mineral District Supervisor	Present	5:00 PM
Rachel G. Jones	Green Springs District Supervisor	Present	5:00 PM

Others Present: Christian Goodwin, County Administrator; Helen Phillips, County Attorney; Chris Coon, Assistant County Administrator; Wanda Colvin, Deputy County Administrator/Director of Finance; Alexandra Stanley, Executive Assistant/Deputy Clerk; Griff Carmichael, Director of Human Resources; Josh Gillespie, Director of Community Development; and Scott Raettig, Manager of Information Technology

CLOSED SESSION

On the motion of Mr. Barlow, seconded by Mr. Gentry, which carried by a vote of 5-0, 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) (5) VA Code Ann., to discuss a prospective business in the Mineral District where no previous announcement has been made of the business's interest in locating in the County; and
2. In accordance with §2.2-3711 (A) (7) and (8) VA Code Ann., to consult with legal counsel and staff about potential litigation regarding property in the Mineral District; and
3. In accordance with §2.2-3711 (A) (29) VA Code Ann., for discussion of a public contract involving Louisa County Fire and EMS, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County.

REGULAR SESSION

On the motion of Mr. Williams, seconded by Mr. Gentry, which carried by a vote of 6-0, 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	Absent
R.T. Williams, Jr.	Mover	Yes/Aye
Willie L. Gentry Jr.	Seconder	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Rachel G. Jones	Voter	Yes/Aye
Eric F. Purcell	Voter	Absent

On the motion of Mr. Williams, seconded by Mr. Gentry, which carried by a vote of 6-0, the Board voted to adopt the following resolution:

WHEREAS, the Louisa County Board of Supervisors has convened a Closed Meeting this 19th day of December 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 19th day of December 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. Williams, seconded by Ms. Jones, which carried by a vote of 5-0, the Board voted to adopt the December 19, 2022, agenda, as amended, with the following changes:

- Removed Resolution to Approve/Deny the Request for an Amendment to PUD Rezoning REZ2022-04 Zion Town Center LLC from Public Hearing

MINUTES APPROVAL

Board of Supervisors (BOS) - Special Called Meeting - Dec 5, 2022 3:30 PM

On the motion of Mr. Williams, seconded by Ms. Jones, which carried by a vote of 5-0, the Board voted to approve the minutes of the December 5, 2022, special called meeting.

Board of Supervisors (BOS) - Regular Meeting - Dec 5, 2022 5:00 PM

On the motion of Mr. Williams, seconded by Ms. Jones, which carried by a vote of 5-0, the Board voted to approve the minutes of the December 5, 2022, regular meeting.

BILLS APPROVAL

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

On the motion of Mr. Williams, seconded by Mr. Barlow, which carried by a vote of 5-0, the Board adopted a resolution approving the bills for the first half of December 2022.

CONSENT AGENDA ITEMS

On the motion of Mr. Williams, seconded by Mr. Barlow, which carried by a vote of 5-0, the Board voted to adopt the Consent Agenda items for December 19, 2022, as follows:

- Resolution – To Approve and Award Contract for Information Technology Asset Disposal
- Resolution – To Take Streets in the Equestrian Shores Subdivision into the Secondary System of Highways in Louisa County, Virginia
- Resolution – Authorizing the Fire & Emergency Medical Services Department to Proceed with the Purchasing of Equipment for Squad 6

RECOGNITIONS

(None)

PUBLIC COMMENT PERIOD

Mr. Phil Winston, Mineral District, appeared before the Board to speak in opposition of the proposed Lake Anna Resort development and encouraged the Board not to move forward with extending the option agreement for the purchase of property owned by Lake Anna Environmental Services.

Mr. Dan Thomlinson, Mineral District, asked the Board to consider recognizing Ms. Annette Hayes, Ambassador for Pickle Ball in Louisa County, for her service and contributions to Louisa County.

Mr. Griff Carmichael, Director of Human Resources, Louisa District, appeared before the Board to thank them for their continued support to Louisa County staff.

Ms. Vicky Hart, Louisa District, asked the Board what the expected costs are for the Lake Anna Treatment Plant and how much of that will be trickled down to the taxpayers. She noted that until that determination is made, she opposes any effort to purchase the property owned by Lake Anna Environmental Services.

Mr. Ben Unruh, Mineral District, appeared before the Board to speak in opposition of the proposed Lake Anna Resort development.

Mr. Ryan Underwood, Mineral District, appeared before the Board to speak in opposition of the proposed Lake Anna Resort development.

INFORMATION/DISCUSSION ITEMS**Presentation – Update on Harmful Algal Bloom Study by DEQ**

Mr. Thomas Faha, Director of the Northern Regional Office of DEQ, appeared before the Board to provide an update on the Harmful Algal Bloom (HABs) Study and plan development phases.

In 2022, the General Assembly appropriated \$3.5 million to DEQ to study HABs in Lake Anna and the Shenandoah River basin. These studies are being conducted with VDH, which has issued swimming advisories for Lake Anna and algal mat alerts for sections of the Shenandoah River basin. The studies funded by the General Assembly will focus on the environmental factors that cause these HABs and management approaches that could be employed to prevent and mitigate their impacts.

The Shenandoah River basin and Lake Anna are different and unique aquatic systems (free-flowing stream vs a constructed impoundment) and have different HABs that trigger advisories and alerts from VDH. DEQ intends to manage each of these HAB studies as separate and distinct projects while recognizing the need for consistency in the overall approaches and methodologies of the studies both for their current application as well as transferability of the information for future HAB events in Virginia.

In collaboration with VDH, DEQ is partnering with the U.S. Geological Service and the Interstate Commission on the Potomac River Basin to conduct these studies and anticipates finalizing study plans by early 2023.

Questions and comments were addressed by the Board regarding: the expectation and proactive measures they hope to gain from the study and whether mitigation efforts will be accomplished through regulation or voluntary mechanisms, which were answered by Mr. Faha.

Presentation – FLHF Update

Ms. Kim Hyland, Director of Fluvanna/Louisa Housing Foundation (FLHF), appeared before the Board to provide an update on services, programs, and current staffing at the Foundation. She provided in depth statistics on revenues and expenditures for FY22 and highlighted specific programs such as the essential home repairs and ramps program and discussed the notable increases seen in both since FY20. Ms. Hyland talked briefly about administrative expenses and noted that the Foundation will be requesting a 75% increase in funding for FY24 to support the rise in services and growth in administrative expenses. She provided funding comparisons from surrounding localities and a cost breakdown to fund the administration of the FLHF. She explained there has been no increase since 1996 and funding was decreased in 2002.

Back and forth conversation ensued between the Board and Ms. Hyland regarding her proposed FY24 budget request. They talked about ways to create additional funding to help offset the increase cost in services and administrative support.

Presentation – VDOT Quarterly Update

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

the County.

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

Presentation – Fiscal Year 2022 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 2022.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Resolution – To Extend the Option Agreement for Purchase of Property Owned by Lake Anna Environmental Services

The County entered into an option agreement for the potential future purchase at a cost of \$90,000, pending approval by the Board of Supervisors, of 1.665 acres where a sewage treatment plant is located near New Bridge at Lake.

The property is known as: parcel 8, containing 1.665 acres; and parcel 7, containing 0.918 acres recorded in Deed Book 1171, page 65 and Plat Book 8, page 2657 in the Clerk's Office of the Circuit Court in Louisa County.

Said option agreement includes a six (6) month renewal term, which the County wishes to exercise.

On the motion of Mr. Williams, seconded by Mr. Gentry, which carried by a vote of 5-0, the Board voted to approve the renewal clause of the aforementioned option agreement.

Resolution – Approval of Affordable/Workforce Housing Federal Grant Application

The Community Project Funding made Federal Funding available to localities to help support their efforts to provide affordable/workforce housing.

Louisa County was recently awarded \$775,000.00 in federal funds, upon completion and acceptance of application. The funds would be used to fund a portion of a mixed-income affordable housing development.

To capitalize on assets to grow, diversity, and strengthen economic well-being of citizens and businesses, the development of affordable/workforce housing would be completed by partnering with Fluvanna-Louisa Housing Foundation.

Fluvanna-Louisa Housing Foundation can fund any remaining cost over the awarded amount.

On the motion of Mr. Williams, seconded by Mr. Gentry, which carried by a vote of 5-0, the Board voted to approve the grant application as presented and authorizes Christian Goodwin, County Administrator, to sign all required application documents.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Gentry reported on the Commission on Aging.

Mr. Adams reported on the Lake Anna Advisory Committee.

Board Appointments

(None)

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

Ordinance – Amending Chapter 72 Section 72-23 Levy of Assessment; Recordation; Priority; Amendment; Enforcement and Collection Cost

Virginia Code §15.2-958.3 (the “C-PACE Act”), authorizes the creation of a statewide Commercial Property Assessed Clean Energy (“C-PACE”) Program (the “Statewide Program”), sponsored by Virginia Energy, and managed by the Virginia PACE Authority, its selected program administrator (the “Program Administrator”), and authorizes Virginia localities to opt into the Statewide Program instead of establishing a stand-alone C-PACE Program for the locality. Chapter 72 section 72-23 Levy of assessments; recordation; priority; amendments; enforcement and collection costs will add language stating The C-PACE lien shall be in the Loan Amount but shall secure not only the principal of the C-PACE Loan, but also all interest, delinquent interest, late fees, and penalties. Program Fees and collection costs (including attorneys’ fees and costs) payable in connection therewith.

Under Title 58.1, Chapter 39, Article 4 of the Virginia Code. If the County elects not to enforce the C-PACE Lien, which election shall be made within thirty (30) days of receipt by the County from the Capital Provider of notice of the Property Owner’s default under the terms of the C-PACE Documents, then the County, acting by and through the Treasurer, shall, within fifteen (15) days of the County’s determination not to enforce the C-PACE Lien, assign the right to enforce the C-PACE Lien in accordance with the terms of the C-PACE Documents to the Capital Provider by executing a C-PACE Assignment (Locality) and delivering such instrument to the Capital Provider for recordation in the Land Records. The preceding sentence notwithstanding, a C-PACE Assignment (Locality) may be executed and recorded at any time during the term of the C-PACE Loan, including at the C-PACE Loan’s closing, regardless of whether the C-PACE Loan is then in default. Upon such assignment and recordation, the Capital Provider is authorized to, and shall, enforce the C-PACE Lien according to the terms of the C-PACE Documents, in the same manner, that a property tax lien

against real property may be enforced under Title 58.1, Chapter 39 of the Virginia Code, including the institution of the suit in the name of the County and its Treasurer, and this right to enforce expressly includes an authorization for the Capital Provider to engage legal counsel to advise the Capital Provider and conduct all aspects of such enforcement. Such legal counsel, being authorized to institute a suit in the name of the County and its Treasurer, shall have the status of “Special Counsel to the County and its Treasurer” and an “attorney employed by the governing body,” and possess all the rights and powers of an attorney employed under Va. Code Secs. 58.1-3966 and 58.1-3969, with the express authority to exercise for the benefit of the Capital Provider every power granted to a local government and/or its Treasurer and its or their attorneys for the enforcement of a property tax lien under, or in connection with, any provision contained in Title 58.1, Chapter 39, Article 4 of the Virginia Code. The County, on its behalf and on behalf of the Treasurer, waives its right to require such legal counsel to post the optional bond described in Va. Code Sec. 58.1-3966. All collection and enforcement costs and expenses (including legal fees and costs), interest, late fees, other types of fees, and penalties charged by the County or Capital Provider, as applicable and consistent with the C-PACE Act and the Virginia Code, shall (i) be added to the Delinquent Payments being collected, (ii) become part of the aggregate amount sued for and collected, (iii) be added to the C-PACE Loan, and (iv) be secured by the C-PACE Lien. Nothing herein shall prevent the Capital Provider to which the C-PACE Lien has been assigned from enforcing the C-PACE Lien to the fullest extent permitted by the C-PACE Documents, the C-PACE Act or general law. The Property Owner of a Property being sold to pay Delinquent Payments, or another interested party, may redeem the Property at any time prior to the Property’s sale, in accordance with Va. Code Secs. 58.1-3974 and 58.1-3975.

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. Gentry, which carried by a vote of 5-0, the Board voted to approve the amendment of Chapter 72 by adding language to section 72-23-Levy of assessments; recordation; priority; amendments; enforcement and collection costs.

Ordinance – To Approve LDR2022-12 Amendment - Chapter 82 Waterways and Chapter 86. Land Development Regulations - Appendix A. Fee Schedule

Louisa County administers a program of reviewing and recommending proposals made by application from any person who desires to place “no wake” buoys or other markers relating to safe and efficient operation of vessels on Lake Anna in Louisa County. Spotsylvania County administers a similar application review process for proposed buoys and markers on Lake Anna in Spotsylvania County.

At the October 11, 2022, meeting of the Board of Supervisors, the County Administrator reported that the current code provisions to coordinate with the Lake Anna Advisory Committee and forward a recommendation to the responsible state agency (updated from Game and Inland Fisheries to Wildlife Resources) within 30 days should be extended to 90 days and that the application fees should be increased to be consistent with the fees charged by Spotsylvania County.

At the Planning Commission’s regular meeting on November 10, 2022, the Commission motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request of amendment LDR2022-12 including language to clarify that the Louisa County

Administrator shall provide response within 90 days of receipt by the county.

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. Gentry, which carried by a vote of 5-0, the Board voted to approve the proposed amendments to Chapter 82 Waterways; to increase the time interval for County review and recommendation on no wake requests from 30 to 90 days, and amendments to Chapter 86 of the Land Development Regulations, Appendix A - Schedule of Fees.

Ordinance – To Approve Amendment LDR2022-07 - Chapter 86 Land Development Regulation - Abatement & Civil Penalties

At the August 11, 2022, meeting of the Planning Commission, staff introduced the concept of a code amendment for Abatement & Civil Penalties. The Commission requested a work session to discuss the draft proposal.

At the September 8, 2022, Planning Commission work session, a draft proposal was discussed. The Commission requested the draft amendment to be scheduled for public hearing.

At the Planning Commission's regular meeting on November 10, 2022, Staff presented the draft ordinance changes for Abatement & Civil Penalties. The Planning Commission motioned to forward a recommendation of approval to the Louisa County Board of Supervisors.

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. Gentry, which carried by a vote of 5-0, the Board vote to approve the proposed amendments to Chapter 86 of the Land Development Regulations, pertaining to Abatement & Civil Penalties, with the full text copy attached.

Resolution – To Approve Rezoning Application REZ2022-07 Donald Bickley & Denise Hoffman, Trustees

Donald Bickley and Denise Hoffman, Trustees, submitted a request for rezoning approximately 41.97 acres of tax map parcel 33-1 from Agricultural (A-1) to Agricultural (A-2), for the purpose of subdividing.

The goal of this rezoning request is to subdivide the existing 41.97-acre property into five (5) additional parcels. Presently, the current Agricultural (A-1) zoning allows the subject property to be divided no more than two (2) parcels. The new parcels would need to meet Section 86-155 (a) requirements for minimum lot area of the future parcels of at least 1.5 acres.

The property is located near the westernmost portion of the county near the boundary between Louisa, Albemarle, and Fluvanna counties, in the Green Springs voting district. The 2040 Louisa

County Comprehensive Plan designates this area of Louisa County as rural/agricultural, and it is not in a designated growth area.

At a regular meeting of the Louisa County Planning Commission held November 10, 2022, 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 approximately 41.97 acres of tax map parcel 33-1 from Agricultural (A-1) to Agricultural (A-2).

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 Ms. Jones, seconded by Mr. Williams, which carried by a vote of 4-0-1, with Mr. Barlow abstaining, the Board voted to approve the request for rezoning of approximately 41.97 acres of tax map parcel 33-1 from Agricultural (A-1) to Agricultural (A-2) to allow for subdivision of the property.

Resolution – To Approve/Deny the Request for an Amendment to PUD Rezoning REZ2022-04 Zion Town Center LLC

This item has been deferred to the February 6, 2023, Board meeting.

Resolution – To Approve REZ2022-06 Zion Investments LLC & Crossroads Land LLC

Zion Investments LLC & Crossroads Land LLC., submitted a request for rezoning approximately two lots totaling 3.33 acres further identified as tax map parcels 51-5-2C (Hotel) and 51-5-2B (Vacant) from Industrial (IND) to General Commercial Growth Area Overlay District (C-2 GAOD).

The goal of this rezoning is to allow the subject property's existing use of a hotel which is currently a nonconforming use under 2021 Land Development regulation to be a permitted use in General Commercial C-2. The properties are located in the eastern boundary of the Green Springs voting district and in the Zion Crossroads Growth Overlay District.

At a regular meeting of the Louisa County Planning Commission held November 10, 2022, 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 approximately 3.33 acres identified as tax map parcels 51-5-2C (Hotel) and 51-5-2B (Vacant) from Industrial (IND) to General Commercial Growth Area Overlay District (C-2 GAOD).

Mr. Adams opened the public hearing.

Mr. Paul Gerhardt, Owner's Representative/Agent, appeared before the Board to answer any questions the Board may have.

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

On the motion of Ms. Jones, seconded by Mr. Barlow, which carried by a vote of 5-0, the

Board voted to approve the request for rezoning of approximately 3.33 acres of tax map parcels 51-5-2C (Hotel) and 51-5-2B (Vacant) with approved proffers placed on 51-5-2B.

Resolution – To Approve Rezoning Application REZ2022-08 Harvest ZC Assets LLC

Harvest ZC Assets LLC, submitted a request for rezoning of tax map parcel 51-5-2D totaling 1.47 acres from Industrial (IND) to General Commercial Growth Area Overlay District (C-2 GAOD). The goal of this rezoning is to allow the subject property's existing use of a restaurant (IHOP) which is currently a nonconforming use under 2021 Land Development regulation to be a permitted use in General Commercial C-2. the property is further identified as tax map parcel 51-5-2D, located in the eastern boundary of Green Springs voting district in the Zion Crossroads Growth Overlay District.

At a regular meeting of the Louisa County Planning Commission held November 10, 2022, 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 51-5-2D from Industrial (IND) to General Commercial Growth Area Overlay District (C-2 GAOD).

Mr. Adams opened the public hearing.

Mr. Paul Gerhardt, Owner's Representative/Agent, appeared before the Board to answer any questions the Board may have.

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

On the Motion of Ms. Jones, seconded by Mr. Gentry, which carried by a vote of 5-0, the Board voted to approve the request for rezoning of tax map parcel 51-5-2D from Industrial (IND) to General Commercial Growth Area Overlay District (C-2 GAOD).

ADJOURNMENT

On the motion of Mr. Williams, seconded by Mr. Barlow, which carried by a vote of 5-0, the Board voted to adjourn the December 19, 2022 meeting at 8:11 p.m.

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