



**Board of Supervisors
County of Louisa
Monday, October 16, 2023
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Adams called the October 16, 2023, 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
Rachel G. Jones	Green Springs District Supervisor	Present	5:00 PM

Others Present: Christian Goodwin, County Administrator; Kyle Eldridge, Assistant County Attorney; Wanda Colvin, Deputy County Administrator/Director of Finance; Alexandra Stanley, Executive Assistant/Deputy Clerk; Andy Wade, Director of Economic Development; and Scott Raettig, Information Technology

CLOSED SESSION

On the motion of Mr. Barlow, 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 the performance of employees; and
2. In accordance with §2.2-3711 (A) (7) (8) and (29) VA Code Ann., to consult with legal counsel and staff about the award of a contract involving property in the Patrick Henry District, where discussion in an open session would adversely affect the bargaining position of negotiating strategy of the County; and
3. award of a performance agreement with Amazon Data Services, Inc. where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County.
4. In accordance with §2.2-3711 (A) (7) (8) and (3) VA Code Ann., to consult with legal counsel and staff about the acquisition of real property in the Mountain Road District 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. 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
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
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 16th day of October 2023, 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 16th day of October 2023, 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 led the invocation, followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the October 16, 2023, agenda as amended, with the following changes:

- Added a Resolution to Assign the Agreement for the Sale, Delivery, and Use of Reclaimed Water in Anticipation of the Sale of the Spring Creek Golf Course to New Business/Action Items

MINUTES APPROVAL**Board of Supervisors (BOS) - Regular Meeting – October 2, 2023, 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 October 2, 2023, regular meeting as presented, with no changes.

BILLS APPROVAL**Resolution – To Approve the Bills for the First Half of October 2023**

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 2023.

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 16, 2023, as follows:

1. Resolution - To Take Goldenberry Lane (Route 819) Into the Secondary System of Highways in Louisa County, Virginia
2. Resolution - Approve and Award a Contract for Computer Assisted Mass Appraisal System Solution
3. Resolution - Authorizing a Pass Through Appropriation for the Commonwealth Attorney's Office for the Victim Witness Grant
4. Resolution - To Approve and Award the Contract for Benefits Consulting Services
5. Resolution - Authorizing a Pass Through Appropriation to Juvenile Probation for VJCCCA
6. Resolution - Authorizing a Pass Through Appropriation for Sheriff's Office BulletProof Vest Program
7. Resolution - Authorizing a Pass Through Appropriation to the Sheriff's Department for the FY24 PSAP Staffing Recognition Funding Program
8. Resolution - Authorizing Additional FY2023 Budget Reappropriations

RECOGNITIONS

(None)

PUBLIC COMMENT PERIOD

Chairman Adams opened the public comment period.

Mr. David Koegle, Patrick Henry District/Secretary of the Louisa County Electoral Board, thanked the Board for their efforts in moving the Louisa County Office of Elections to a new facility. He also took a moment to recognize Anderson Woolfolk and his team in helping facilitate the move.

Mr. Jeffrey Bullock, Cuckoo District, provided the Board with pictures of his neighbor's property and expressed his concerns with the amount of trash that continues to pile up. He indicated that he filed a complaint through the Community Development Department and the County was able

to take his neighbor to court. He said the judge originally required the neighbor to clean up the property, but later overturned his ruling. He asked the Board about other options in getting the issue resolved.

Mr. Barnes requested to add a discussion on litter control on residential property. The Board agreed to hold a brief discussion after public comment period.

With no one else wishing to speak, Chairman Adams closed the public comment period.

INFORMATION/DISCUSSION ITEMS

Discussion – Duty to Keep Residential Property Clean

Mr. Barnes stated he has received complaints similar to Mr. Bullock's situation within in his district. He said he would like to know if there are any current laws that allow localities to enforce litter on residential property. He also requested that Mr. Eldridge explain why the judge continues to dismiss matters such as these.

Mr. Gentry explained how the Board has dealt with situations like this in the past. He said it always boils down to property rights and how far the Board is willing to impose on those rights.

Ms. Jones suggested staff look into how surrounding localities are handling litter control on residential property.

Mr. Eldridge said prior to amendments made to the Code of Virginia in 2021, localities could take property owners to court for intentional littering, regardless of zoning. He said current laws now prevent enforcement on property zoned agriculture or property in an agricultural or farming operation. Mr. Eldridge noted that majority of residential property in Lousia County is zoned agriculture. He said Mr. Bullock's neighbor's property is zoned agriculture and that is why the judge overturned his ruling.

Chairman Adams asked Mr. Eldridge to work with staff and to come up with suggestions or possibilities for enforcement of litter on residential properties in the County.

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Mr. Gentry stepped away from the dais.

Resolution - Authorizing a Budget Supplement to Mineral Volunteer Fire Department for HVAC System Replacement

The current heat pump/HVAC system at the Mineral Volunteer Fire Department (MVFD) has failed. MVFD submitted a request in July 2023 to replace the system in fiscal year 2025 as part of the FY2025 capital budget process, but unfortunately the system is not working and the station is unable to wait until next fiscal year to replace it.

A quote has been received using a current county contract and the cost of replacement will be \$11,676. The MVFD requests a budget supplement in the amount of \$11,676 to replace the

HVAC system immediately.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 6-0, the Board voted to authorize a budget supplement to Mineral Volunteer Fire Department Building Enhancements (30332000-482500-FS2) in the amount of \$11,676 for the purchase of a replacement HVAC/Heat Pump system. The source of funding is General Fund Balance.

Mr. Gentry returned to the dais.

Resolution - Authorizing a Pass Through Appropriation for the East End Radio Tower Capital Project with funding from the 2023 COPS Grant

The United States Department of Justice has awarded \$1,000,000 to Louisa County for the construction of a radio tower in the east end of the County under the 2023 FY 2023 COPS Technology and Equipment Program. This program does not require a local match. This funding was not included in the Fiscal Year 2024 budget and needs to be appropriated at this time.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to authorize a pass through appropriation in the amount of \$1,000,000 to East End Radio Tower Capital Project (GL # 30332000-482091) for the construction of a radio tower in the eastern part of the County. The source of this funding is DOJ COPS Grant, GL # 0303R32-332010-C3214).

Resolution - Authorizing the Purchase of Planning & Zoning Software

The Community Development Department, as part of the FY2017 capital budget, purchased permitting software to help support the needs of the department. Funding in the amount of \$49,243.21 is still available from the aforementioned project. Community Development would like to use these remaining funds to purchase Planning & Zoning Software. Purchases will be made in accordance with Louisa County Procurement guidelines.

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to authorize the purchase of Software for the Community Development Department from available funding (30381000-481080) for an amount not to exceed \$41,250.00.

Resolution - To Assign the Agreement for the Sale, Delivery, and Use of Reclaimed Water in Anticipation of the Sale of the Spring Creek Golf Course

In April 2014, the Louisa County Board of Supervisors entered into a 25-year agreement for the sale, delivery, and use of reclaimed water to Spring Creek Golf Club, LLC and Spring Creek Land Development, LLC. Spring Creek Land Development LLC has requested Louisa County assign this agreement to Heritage Golf Group in anticipation of the sale of the Spring Creek Golf Course. The agreement dated April 2014 states it may not be assigned without prior written consent of Louisa County.

On October 11th, 2023, the Louisa County Water Authority Board of Directors approved the assignment of the Agreement for the Sale, Delivery, and Use of Reclaimed Water from Spring Creek Land Development, LLC to Heritage Golf Group.

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to authorize the County Administrator to sign documentation to affect the assignment of this agreement to Heritage Golf Group after the documents are approved as to form by the County Attorney.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Barnes talked briefly about affordable housing.

Board Appointments

Mr. Gentry reminded the Board that his position on the Jaunt Board of Directors will need to be filled.

County Administrator's Report

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

PUBLIC HEARINGS

Ordinance – Resolution - Amending Louisa County Code Chapter 10, Article III, Transient Occupancy Tax Section 10-52

Code of Virginia §58.1-3819 allows any county, by duly adopted ordinance, to levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.

Any county that imposes a transient occupancy tax at a rate greater than two percent shall, by ordinance, provide that (i) any excess from a rate over two percent, but not exceeding five percent, shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. For any county that imposes an additional transient occupancy tax, any excess over five percent, the additional amount shall not be restricted in its use and may be spent in the same manner as general revenues.

An increase to the transient occupancy tax rate from two percent (2%) to seven percent (7%), would provide support for tourism initiatives in Louisa County as well as support the health, safety, and public welfare needs of our citizens.

Back and forth discussion ensued regarding rentals that already have contracts signed for 2024 and how the effective date of the transient occupancy tax rate will be applied to those rentals.

Chairman Adams opened the public hearing.

Ms. Kate Killham, Cuckoo District, spoke in favor of the proposed increase to the transient tax rate.

Chairman Adams acknowledged several written comments in response to the hearing and asked they be made part of the official meeting record. (See Appendix A).

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

The Board offered suggestions on how to apply the transient occupancy tax rate on rentals that already have contracts signed for 2024.

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve an amendment to Code of Louisa Chapter 10, Article III, Transient Occupancy Tax Section 10-52 -Amount of Tax to increase the transient occupancy tax rate from two percent (2%) to seven percent (7%).

The effective date of the transient occupancy tax rate change will be January 1, 2024. Any owner of an establishment offering transient occupancy who has a contract signed on or before October 16, 2023, for the use of the room or space before December 31, 2024, at the 2% rate in 2024 if the owner has provided a copy of the rental contract to the Commissioner of the Revenue on or before November 16, 2023.

Ordinance - To Amend Chapter 70 Code Section 70-228 of the Louisa County Code Request for Real Estate Tax Exemption for Brackett's Farm

Pursuant to Section 6(a)(6) of the Constitution of Virginia, and Va. Code §58.1-3651, a county may by designation, or classification exempt a nonprofit from real estate or personal property taxes, provided such property is used for religious, charitable, patriotic, historical, benevolent, cultural, or public playground purposes.

The Elisabeth Aiken Nolting Charitable Foundation is a nonprofit organization that operates Bracketts Farm as a working 515-acre farm, while contributing practical and scientific knowledge about the viability of small-scale farming. with historical, charitable, and educational purposes to preserve this tradition of stewardship of the land that brought the original settlers to the Green Springs District in Lousia County.

Ms. Jones provided a brief report on her site visit to Brackett's Farm. She said she found the operation to be compliant with the request for real estate tax exemption.

Chairman Adams opened the public hearing.

Mr. William Hale, Member of the Elisabeth Aiken Nolting Charitable Foundation, provided an overview of their request and how Brackett's Farm is a resource for the people of Lousia County.

Several other members of the foundation addressed the Board in support of the request.

Written comments were received in response to the hearing. (See Appendix B).

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

Several members of the Board expressed their support for the request and commended the work of the foundation for providing an educational and historical resource to the community.

On the motion of Ms. Jones, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to approve the amendment of Chapter 70 by adding language to section 70-228 to add Brackett's Farm owned by the Elizabeth Aiken Nolting Foundation to the list of real estate in Louisa County entitled to real property tax exemption.

CLOSED SESSION

On the motion of Mr. Barlow, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to enter Closed Session at 6:58 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (1) VA Code Ann., to discuss the performance of employees; and

REGULAR SESSION

The Board voted to return to Regular Session at 7:54 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.	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

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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.

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 October 16, 2023, meeting at 7:55 p.m.

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

DRAFT

APPENDIX A

Alexandra Stanley

Subject: FW: ON THE RECORD

Some people who received this message don't often get email from bobadams424@gmail.com. [Learn why this is important](#)

CAUTION: External email

I'm writing in response to the Transient Occupancy Tax hearing on Monday October 16. As a rental property owner, our property at this time has 21 bookings from March through September for 2024. We urge the BOS to grand father existing reservations entered into prior to implementation of the New Transient Tax.

Thanks
Bob Adams

DRAFT

APPENDIX A

Alexandra Stanley

Subject: FW: For the record Transient Occupancy Tax

Subject: For the record Transient Occupancy Tax

CAUTION: External email

To Members if the Board of Supervisors,

My husband and I rent our primary residence for a few weeks during the summer. We have 4 weeks already rented for next summer, with returning guests...excellent guests!

We have contracts that were signed in September when the transient occupancy tax was 2 %.

Please consider allowing contracts that were signed prior to any raise in the tax to remain at 2%.

I fully support a raise in the tax for contracts signed after a decision is made, but please allow us to honor our existing contracts.

Thank you!

Sandra Brockel

Cuckoo District

--

Sent from my iPad

DRAFT

APPENDIX B

Louisa County Board of Supervisors
ATTN: A. Stanley
1 Woolfolk Ave., Suite 301
Louisa, VA 23093
October 16, 2023

Carol A. Heiser
897 Orchid Rd.
Mineral, VA 23117

REF: Please vote YES – Public Hearing to Exempt Elisabeth A. Nolting Charitable Foundation (Bracketts Farm) from Real Property Tax

Dear Chairman Adams and honorable members of the Louisa County Board of Supervisors:

As a Louisa county resident for over 25 years, I greatly appreciate the county's beautiful open spaces and diverse cultural resources. Bracketts Farm is a unique heritage site that provides numerous educational opportunities for county residents and visitors to learn about the significant cultural history of our region and its changing landscape.

Because Bracketts Farm is also rich in natural history, it's listed as one of several premiere sites on the Green Springs Loop of the *Virginia Bird & Wildlife Trail (VBWT)*, which is a series of locations on a statewide trail administered by the Virginia Department of Wildlife Resources (DWR), to promote the public's enjoyment of and engagement with nature and the outdoors.

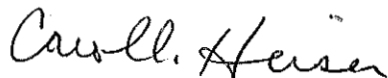
[<https://dwr.virginia.gov/vbwt/sites/green-springs-national-historic-district-bracketts-farm/>]

Over the past few years, I've had the pleasure of volunteering at Bracketts numerous times as a site monitor for the VBWT, to document the Farm's abundant natural history diversity. Each season, I record the bird species and various wildlife and plants that occur there, and I submit the data electronically to eBird and iNaturalist, which are international, online databases of records compiled by "citizen scientists" and vetted by research institutions. To date, 129 bird species have been documented at Bracketts Farm.

The Elisabeth Aiken Nolting Charitable Foundation has worked tirelessly to sustain and promote this Louisa County treasure for public use and education, and there are innumerable opportunities for continued collaboration on outreach efforts, such as with Louisa County Parks and Recreation and the Louisa County Historical Society. **Invaluable resources like Bracketts Farm require a great deal of funding to maintain for the local community and provide ongoing programs, and the Foundation needs the county's support in order for this site to continue its outreach successes. I respectfully request that the Board vote YES to Exempt Certain Property Owned by Elisabeth Aiken Nolting Charitable Foundation, a Nonprofit Organization, from Real Property Tax.**

Thank you very much for your consideration.

Sincerely,



Carol A. Heiser, Retired DWR Habitat Education Coordinator

APPENDIX B

CAUTION: External email

Louisa Board of Supervisors,

I am writing on behalf of Bracketts Farm. They are scheduled for discussion at the October 16 meeting.

Bracketts Farm is a place to glimpse a working farm, to see local history, to take a walk in the country, and to go fishing. It offers a unique opportunity for children to experience and understand the importance of gardens, native plants, and pollinators.

Last year, at Bracketts Farm Louisa school children planted sunflowers, 4-H ers grew pumpkins, gardeners harvested vegetables for the Louisa Food Bank, and naturalists started a pollinator garden to support butterflies. Please continue your support and encouragement of these activities by granting Bracketts Farm tax exempt status.

Thank you for your attention.
Linda Bonds, a volunteer

Sent from my iPhone

DRAFT