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**Town of Louisa
Monthly Meeting
February 21, 2023**

Present: R. Garland Nuckols, Mayor; Jessi Lassiter, Vice-Mayor; Danny Carter, John J. Purcell IV, Sylvia Rigsby, Vicky Harte, Council members; Jeff Gore, Legal Counsel; Elizabeth T. Nelson, Town Manager; Jessica M. Ellis, Clerk/Treasurer; John Robins, Project Manager; A. Carter Cooke, Planning Commission Chair; Maxine Butcher, Veronica Saxton, Cochran Garnett, Planning Commission members; Kellye Throckmorton, Administrative Assistant

Absent: None.

Also in Attendance: Breese Glennon, town resident at 103 Ellisville Drive and town business owner; Matthew Kersey, town resident at 225 Fredericksburg Avenue; Margaretanne Molina, town resident at 105 West Street and town business owner; Gladys Thomas, county resident at 5681 Jefferson Hwy; Melissa Chisholm and Mike Rasswallia, applicants for SUP 2023-02; Sumita Das, applicant for SUP 2023-01

All copies, including: reports, handouts, and documents can be found following the minutes.

Mayor Nuckols called the Louisa Town Council meeting to order at 6:01 p.m.

BUSINESS FROM THE FLOOR

None.

CONSENT AGENDA

1 Council member Rigsby made the motion to approve the agenda.
2 Council member Lassiter seconded the motion. The vote went as
3 follows: 5-0 in favor.
4

5 **JOINT PUBLIC HEARING**

6
7 At 6:05 pm, Carter Cooke, Chairman of the Town of Louisa Planning
8 Commission, called the Planning Commission to order for a joint
9 public hearing with the Town Council on the following items:
10

11 **1) SUP 2023-01:** *A Special Use Permit application submitted by The*
12 *Sappington Revocable Living Trust and Sumita Das/Louisa BP*
13 *(Tax Map 41 106) located at 450 East Main Street, Louisa,*
14 *Virginia, in the General Commercial zoning district, which allows*
15 *various uses by special use permit. The application is to facilitate*
16 *the operation of Games of Skill/Chance in the Town of Louisa as*
17 *outlined in Town Code 165-44; B (10).*
18

19 Mrs. Nelson introduced Mr. Das, owner of the Louisa BP. Mrs.
20 Nelson reported that Mr. Das filed an SUP application with the town
21 after learning that one was required to operate games of skill. Mrs.
22 Nelson stated that Mr. Das took ownership of the gas station in
23 September 2022 and reportedly was unaware that he needed the
24 permit. The town only learned recently that the gas station had the
25 games inside the business, and was proactive in contacting him
26 immediately about the need for an SUP in order to operate the
27 games. Mrs. Nelson reported that Mr. Das currently has eight games
28 inside the gas station, and that he closes the doors for business each
29 day at 10:00 pm.
30

31 Mayor Nuckols then opened the public hearing at 6:06 pm asking if
32 there was anyone present that would like to speak for or against the
33 SUP.
34

35 Breese Glennon, town resident at 103 Ellisville Drive and town
36 business owner, and Matthew Kersey, town resident at 225
37 Fredericksburg Avenue, both spoke during the public comments
38 period expressing their opposition to the SUP permit for the BP
39 station. Mrs. Glennon spoke specifically to the games of skill not

1 aligning with the town's vision in the comprehensive plan. Mr. Kersey
2 echoed Mrs. Glennon's comments. He noted that the two SUPs are
3 different, but stated that he has reservations none the less. Mr.
4 Kersey concluded by asking why the SUPs were being pushed along
5 so quickly; he questioned why both bodies had to meet jointly versus
6 meeting separately so that more citizen input could be heard.
7

8 John Robins, Project Manager, then read aloud the correspondence
9 that was received on the matter. The following citizens and business
10 owners were all in opposition of the SUP: Dicky and Brenda Purcell,
11 town residents at 117 Sims Avenue; Gayla Goerge, town resident at
12 205 Patrick Henry Drive; Mary Wood, town resident at 212 Cammack
13 Street; Genna Couch, town resident at 207 Patrick Henry Drive.
14 *(Each letter/email echoed sentiments that were expressed by*
15 *previous speakers. A copy of their statements can be found following*
16 *the minutes.)*
17

18 There were no comments in favor of SUP 2023-01 - by those in
19 attendance, or in the form of written correspondence.
20

21 At 6:16 pm, Mayor Nuckols closed the public hearing.
22

23 Following the public hearing, the Planning Commission members
24 held a lengthy discussion on the matter. Mr. Purcell (who serves on
25 the PC and Town Council) stated that the town code does not
26 address the games of skill and it does not fit the current land use.
27 Ms. Saxton then stated that she is an advocate of property rights and
28 feels that: because the gas station has been in business for years;
29 they currently sell lottery tickets there; and the games are already in
30 use at that location that she is supportive of allowing the SUP. Ms.
31 Saxton noted that the matter may be a moot point as the legality of
32 these games have already been taken up with the state government.
33 Mrs. Garnett questioned the term of the lease to which Mr. Das
34 responded that it was 15 years.
35

36 Mrs. Garnett then made a motion to recommend approval of
37 SUP2023-01. Ms. Saxton seconded the motion. The vote went as
38 follows: Ms. Saxton, for; Mrs. Garnett, for; Mrs. Butcher, against; Mr.
39 Cooke, against; Mr. Purcell, against. The motion to approve failed 3-

1 2. *(During the vote, Mrs. Butcher was referred to as Mrs. Ryan in*
2 *error – Ryan being her previous name.)*

3
4 **2) SUP 2023-02:** *A Special Use Permit application submitted by*
5 *Central Virginia Property Holdings LLC and 208 Enterprises LLC*
6 *DBA Real Entertainment (Tax Map 40A2 1 59) located at 209*
7 *West Main Street, Louisa, Virginia, in the General Commercial*
8 *zoning district, which allows various uses by special use permit.*
9 *The application is to facilitate the operation of Games of*
10 *Skill/Chance in the Town of Louisa as outlined in Town Code 165-*
11 *44; B (10).*

12
13 Mrs. Nelson introduced Melissa Chisholm and Mike Rasswallia,
14 business partners of Real Entertainment, located at 209 West Main
15 Street.

16
17 Mrs. Chisholm stated that both she and Mr. Rasswallia own
18 successful businesses in the county and decided to cooperatively
19 open a business at 209 West Main Street that would feature a deli,
20 vapes, offer beer and wine, and games of skill. Mrs. Chisholm stated
21 that previously, the property was a bar with pool tables, dancing, and
22 tables outside that allowed the consumption of alcoholic beverages in
23 close proximity to the street. Mrs. Chisholm also noted that many of
24 the previous patrons consisted of motorcyclists who were often times
25 loud and crowded in the street in front of the bar. Mrs. Chisholm
26 stated that she and Mr. Rasswallia will not feature pool tables, music,
27 dancing, or outside dining. Mrs. Chisholm stated that they signed a
28 lease on the property in November of 2022 and did not know at the
29 time that a SUP was required to operate the games of skill. She
30 stated that they did not know that there were different regulations for
31 the county and town. Their goal is to bring a place to town that will
32 allow people the opportunity to get a bite to eat and relax, but not
33 interfere with the current businesses.

34
35 Mr. Rasswallia also spoke briefly reiterating what Mrs. Chisholm had
36 already stated, but took a moment to differentiate between what a
37 casino is versus what he and Mrs. Chisholm want to offer people - a
38 place to relax and enjoy entertainment. Mr. Rasswallia added that

1 their business would fill a void on Main Street and bring in more
2 customers and tax revenue for the town.

3
4 At 6:21 pm, mayor Nuckols opened the public hearing asking if there
5 was anyone present that would like to speak for or against SUP
6 2023-02.

7
8 Breese Glennon, town resident at 103 Ellisville Drive and town
9 business owner; Margaretanne Molina, town resident at 105 West
10 Street and town business owner; and Matthew Kersey, town resident
11 at 225 Fredericksburg Avenue, spoke during the public comments
12 period expressing their opposition to the SUP permit for the games of
13 skill at the 209 W. Main Street location. Each of the three speakers
14 expressed similarly that: gaming is not a good “fit” for the town; it will
15 not bring patrons to shop the area; they’re concerned about a
16 negative impact on town; and according to the comp plan, the town’s
17 vision does not support gaming.

18
19 Gladys Thomas, county resident at 5681 Jefferson Hwy and local
20 business owner, stood and spoke in support of the SUP. Ms.
21 Thomas stated that she knows both Mrs. Chisholm and Mr.
22 Rasswallia personally and they run very clean, upstanding
23 businesses. Ms. Thomas stated that they are simply wanting to
24 provide a means of entertainment and relaxation for people, and
25 added that she felt it was a good fit for the town in that it is: filling a
26 vacant space on Main Street; is offering something different for
27 people; and is more friendly than the bar that was previously in the
28 same location.

29
30 John Robins, Project Manager, then read aloud the correspondence
31 that was received on the matter. The following citizens and business
32 owners are in opposition of the SUP: Debra Wollett, Co-Owner of
33 Obrigado & Floozie’s Pie Shop at 109 W. Main Street; Julie Houston,
34 county resident at 2970 Ellisville Drive; Jade Lourenco, Co-Owner of
35 Obrigado & Floozie’s Pie Shop at 109 W. Main Street; Yvonne Agee,
36 owner of TurnUpTheColor 205 W. Main Street; and Candace
37 Boerman, county resident at 129 Ordinary Way. *(Each letter/email
38 echoed sentiments that were expressed by previous speakers. A
39 copy of their statements can be found following the minutes.)*

1 Mr. Robins also read aloud an email received from Graven Craig,
2 town resident at 113 Woodger Circle and shareholder of 202 W. Main
3 Street, LLC. Mr. Craig stated that he is in support of the SUP
4 because: it is suited for commercial use; has been a bar for several
5 years; he has not had an issue with any of the previous patrons; and
6 because he is a firm believer of property rights. (*A copy of his email*
7 *can be found following the minutes.*)
8

9 Mayor Nuckols closed the public hearing at 6:36 pm.
10

11 Following the public hearing, the Planning Commission members
12 held a lengthy discussion on the matter. Mr. Purcell began the
13 discussion by stating that the comp plan and the town code does not
14 address gaming and that while he is supportive of the rights of
15 property owners, this property is not by-right and requires an SUP.
16 Mrs. Butcher stated that she did not feel that the games of skill
17 adhered to the town's comp plan or the town's desire for historic
18 preservation. Mrs. Garnett stated that she felt the matter needed
19 more citizen input, and had concerns with underage patrons. Mr.
20 Carter and Ms. Saxton also spoke in opposition concluding that they
21 felt that the games of skill were not a good fit for the town.
22

23 Mrs. Nelson then stated that Mrs. Chisholm asked for a moment to
24 speak. In response to the comments made by the Planning
25 Commission, Mrs. Chisholm declared that if they cannot utilize the
26 pre-purchased games of skill, they will be out \$20,000. She stated
27 that they signed a year lease and doesn't know what they'd be
28 allowed to do in that space. Mrs. Chisholm noted the bar that was
29 previously there was operating against code with music, dancing,
30 pool tables, and a couple of games of skill machines. She asked how
31 the bar was allowed to run their business as such, yet they can't open
32 their business with just the games of skill being an issue.
33

34 Mrs. Nelson responded stating town Council and staff were unaware
35 of what the bar had inside the building while in operation. Mrs.
36 Nelson continued saying that until recently, the town was unaware
37 that the BP was operating games of skill, nor were they aware of the
38 plans that she and Mr. Rasswallia had for their business. Mrs.
39 Nelson went on to say that there are several permissible uses for the

1 building and she would be happy to talk with her about those options
2 after the meeting.

3
4 Mrs. Butcher then made a motion to recommend denial of SUP 2023-
5 02. Mrs. Garnett seconded the motion. The vote went as follows:
6 Ms. Saxton, for; Mrs. Garnett, for; Mrs. Butcher, for; Mr. Cooke, for;
7 Mr. Purcell, for. The motion to recommend denial of SUP 2023-02
8 passed 5-0. *(During the vote, Mrs. Butcher was referred to as Mrs.*
9 *Ryan in error – Ryan being her previous name.)*

10
11 At 6:58 pm, Mr. Cooke then asked for a motion to adjourn the
12 Planning Commission's meeting. Mrs. Garnett made the motion to
13 adjourn. Ms. Saxton seconded the motion. The vote went in favor 5-
14 0.

15
16 **NEW BUSINESS**

17
18 **1) Discussion/Action: Special Use Permit 2023-01**

19
20 Council member Harte began the discussion by questioning where
21 the SUP falls in our code. Council member Rigsby and Legal
22 Counsel, Jeff Gore, responded in stating that this particular
23 use/games of skill is not addressed in our code, therefore, it was
24 difficult to categorize, but ultimately, it is most closely associated with
25 Chapter 165: Zoning § 165-44B(10). Council member Harte also
26 questioned if the town would receive any revenue from the games of
27 skill, and also expressed her concerns with gambling addiction. Mrs.
28 Nelson responded stating that the town would not receive any funds
29 from the games of skill.

30
31 Council member Rigsby then spoke, reiterating comments made by
32 Council member Purcell during the Planning Commission's
33 discussion. She concluded that because our code does not address
34 this type of use/businesses operating games of skill, she felt allowing
35 the request to go forward without proper regulations would provide an
36 opportunity for other businesses to do the same thereby setting an
37 unintentional precedence. Ms. Rigsby remarked that she felt the town
38 would be remiss in doing so as it would go against the vision set forth
39 by the town.

1 Without any further comment, Mayor Nuckols summarized that the
2 Planning Commission recommended denial of SUP 2023-01, and
3 asked what action the Council would like to take.
4

5 Council member Lassiter then made a motion to deny the application
6 for SUP 2023-01. Council member Purcell seconded the motion.
7 The vote went as follows: 5-0 in favor.
8

9 **2) Discussion/Action: Special Use Permit 2023-02**

10 Mayor Nuckols called for discussion on SUP 2023-02.
11

12 Council member Rigsby responded to the Mayor by referencing her
13 comments made during the discussion of the previous SUP, and
14 went further to read from the comp plan and remarked that she felt
15 that the use does not fit the historic nature of the downtown district
16 and what the town envisions in the future.
17

18 Council member Purcell stated that he still stands behind his
19 comments made during the Planning Commission discussions.
20

21 Hearing no further comments, Mayor Nuckols called for a motion from
22 Council.
23

24 Council member Rigsby made the motion to deny the application
25 for SUP 2023-02. Council member Lassiter seconded the motion.
26 The vote went as follows: 5-0 in favor.
27

28 Mayor Nuckols then took a moment to speak to the applicants and
29 state that, although he does not have the ability to vote, he wanted
30 them to know that the Council is progressive and wants businesses in
31 our locality. He informed them that staff will work with them to help
32 keep their business in town.
33

34 **3) Discussion/Action: Fiscal Year 2023 Budget Adjustments**

35 Mrs. Nelson reported that she had two budget adjustment requests
36 for Council to consider.
37
38
39

1 The first request, to cover both hardware and software upgrades to
2 our core operating system, is proposed to cost the town \$55,678.
3 The upgrades are necessary as IBM announced in January that they
4 will no longer support our server. Mrs. Nelson noted that by
5 upgrading both the hardware and software this fiscal year, we would
6 be saving the town almost \$5000. Mrs. Nelson stated that to cover
7 the expense, we would use additionally received revenue, and net
8 assets if necessary, over all four funds.

9
10 Council member Purcell made the motion to appropriate the funds to
11 cover the IBM upgrades. Council member Rigsby seconded the
12 motion. The vote went as follows: 5-0 in favor.

13
14 The second request, to cover costs from contractor assistance with
15 making residential water and sewer system connections, is proposed
16 at \$60,000. Mrs. Nelson stated that due to manhole installation,
17 extensive infrastructure upgrades, lack of staff, and the absence of
18 required town machinery warrants the need for contractor assistance.
19 Mrs. Nelson stated that the funds to cover this request would come
20 from connection fee payments for each location and salary savings in
21 the water and sewer fund.

22
23 Council member Lassiter made the motion to appropriate the funds
24 needed to cover contractor services for the connections to the town's
25 system. Council member Carter seconded the motion. The vote
26 went as follows: 5-0 in favor.

27
28 **STANDING COMMITTEE REPORTS**

29
30 **Cemetery Committee:**

31
32 Council member Harte reported that at the last meeting the
33 committee members discussed involving the Scouts (boy and/or girl)
34 in a beautification project in the area of the Columbarium, the flag
35 pole, or the entryways [as a cost savings measure for the town, and
36 to help them with reaching their goals]. Mrs. Harte stated that we
37 have not had any communication with the Scouts, as of yet, to
38 determine if they are interested and if we can get the project
39 completed this spring, as planned.

1 Mrs. Nelson added that, because of the time line and because we
2 have not heard from the Scouts, we have a secondary plan in place.
3 [Mrs. Nelson stated in a report at a previous Town Council meeting
4 that the committee had a small budget to work with to get the
5 beautification plans completed by spring; and the committee had
6 been working diligently to locate plantings and supplies, and
7 determine costs.] Mrs. Nelson reported the total project was over
8 budget, however Mrs. Meyer was able to find cost savings by working
9 with a local business. Mrs. Nelson stated that we also had cost
10 savings due to the repairs to the roof of the on-site maintenance
11 building coming in less than initially thought. The cost savings of both
12 will reduce the amount of over budgeted funds to just a few hundred
13 dollars, therefore, it would be within her authority to move the funds to
14 cover the beautification project without assistance from the Scouts.

15
16 **Water/Sewer Committee:**

17
18 Council member Purcell reported that the committee met and
19 discussed the newest water line replacement project – in detail, and
20 what steps were necessary to get it moving.

21
22 **Finance Committee:**

23
24 Council member Rigsby reported that the committee met and
25 conducted their first overview of the drafted budget. She stated that
26 the members and staff looked over all of the different funds, revenue
27 and expenses, and individual budget lines. Ms. Rigsby stated that the
28 committee would review the budget again, after the recommended
29 changes are made by Mrs. Nelson, before bringing it to Council as a
30 whole to review.

31
32 Mrs. Nelson reiterated that the goal is to have the committee meet
33 again before bringing it to Council.

34
35 **STAFF REPORTS**

36 **Police:**

37
38 Mrs. Nelson gave a brief update and reported:
39

- 1 • Sergeant Nachtman is a doing a great job serving as active Chief.
- 2 • We have only received one application for the vacant Chief's
- 3 position, which was forwarded to the Chief's Assoc.
- 4 • There are a lot of Chief of Police vacancies across the state and it
- 5 may take some time to fill the position.

6
7 Council member Harte questioned a statistic on the police report
8 about stolen vehicles and asked if any advertising had been done to
9 encourage residents to lock their vehicles to help prevent theft. Mrs.
10 Nelson stated that the department has in the past, but will mention it
11 to them to get the word out – on their website, social media, and
12 possibly the newspaper.

13
14 Council member Rigsby stated that, per conversations she had with
15 previous staff, past reports did not accurately capture information the
16 same from year to year, so it may be worth discussing with the
17 department to determine if the increase is completely accurate.

18
19 **Project Manager:**

20
21 Mr. Robins added to Council member Purcell's committee report by
22 stating that the water pipeline project has been submitted to the
23 USDA, for their review process, in hopes that we can avoid some the
24 newest regulations and reduce the costs for the project. The project
25 is coming in at \$1.4 million dollars and USDAs role is to look into
26 ways to help us if the project comes in over budget. Mr. Robins
27 added that VDOT is also currently doing the same for the town.

28
29 **Legal Counsel:**

30
31 Mr. Gore reported that the General Assembly has not yet approved a
32 budget.

33
34 Council member Harte asked what the process was to make changes
35 to the town code. Mr. Gore explained that Council would adopt an
36 ordinance to effect a change in the code, to change provisions, or
37 "create new"; Council would vote to proceed with a change of the
38 code, then vote to approve. Mrs. Harte stated that she is asking due

1 the grey area they encountered pertaining to the SUPs heard this
2 evening. Mr. Gore responded that a zoning amendment is a specific
3 type of ordinance that would be amending the text of the zoning
4 provisions in the town code which would require a two-step process:
5 1) Council would direct the Planning Commission to start the
6 process (or they could start the process on their own) by having them
7 draft an ordinance and then advertise it for public hearing; 2) the
8 ordinance would then come to Council for review, public hearing, and
9 approval.

10
11 **Clerk/Treasurer:**

12
13 No report.

14
15 **Manager:**

16
17 Mrs. Nelson was brief in stating that: the Chamber of Commerce has
18 not presented the town with a lease for the EV stations as of yet; the
19 Planning Commission met in January to begin their review of the
20 town's Comprehensive Plan (Ian Baxter met with Mrs. Nelson
21 recently and provided some helpful guidance); and the kickoff
22 meeting for the town's 150th Anniversary celebration was held on
23 the 9th – any and all participation from Council is welcome.

24
25 **COMMUNICATIONS**

26
27 None.

28
29 **ADJOURNMENT**

30
31 Council member Lassiter made the motion to adjourn the meeting at
32 7:29 p.m.

33
34
35 _____
36 Mayor

34
35 _____
36 Clerk