

NEW 3/7/24

**Town Council
Regular Meeting
Res. No.**

RESOLUTION #1, RELATING TO REDACTIONS OF NOISE INFORMATION FROM THE AMAZON DATA CENTER SITE DEVELOPMENT PLAN

WHEREAS, the Town Council acknowledges and supports the spirit and intent of the Virginia Freedom of Information Act (FOIA);

WHEREAS, FOIA law mandates "*The affairs of government are not intended to be conducted in an atmosphere of secrecy ... All public records... shall be presumed open, unless an exemption is properly invoked.... The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government. Any exemption from public access to records or meetings shall be narrowly construed and no record shall be withheld... unless specifically made exempt pursuant to this chapter or other specific provision of law.*";

WHEREAS, FOIA law does not mandate exclusions (even for safety and security purposes) but instead expressly permits the local government, in its discretion, to release information and

WHEREAS, noise from generators and air chillers was a major public concern during the hearing process for the Amazon data center on Blackwell;

WHEREAS, citizens have provided invaluable information during the Amazon data center permit process, including exposing the invalidity of Amazon's first noise study, which Amazon withdrew as a result of citizen testimony;

WHEREAS, compliance with Warrenton's noise standards was never demonstrated by Amazon during the Special Use Permit process;

WHEREAS, the final Special Use Permit for Amazon requires, in condition #2, "The Applicant shall produce a Site Development Plan that delineates the external noise emitting equipment that is to be installed and activated at each phase of the building;

WHEREAS, Amazon failed to provide any noise information in SDP submittals 1 and 2, and provided only one page of noise information in SDP submittal 3, which was entirely redacted from public view;

WHEREAS, the potential for noise-emitting information on generators and air chillers to threaten safety and security is remote and implausible, *prima facie*;

WHEREAS, Amazon has failed to provide any evidence to support its assertion that providing noise information is a threat to safety and security;

WHEREAS, allowing Amazon's noise redactions would set an extremely problematic precedent for the future, giving future applicants free rein to redact a wide range of information based on unsupported and inadequate information;

WHEREAS, it is in the public interest—and it is consistent with VA FOIA law and for all the reasons stated above—to deny Amazon redactions relating to the noise-emitting equipment;

NOW, THEREFORE, BE IT RESOLVED::

- In applying FOIA law to noise redactions claimed by Amazon for its Site Development Plan, Town staff shall give full weight to the above provisions in the FOIA law:

- The Town Manager shall work with Town Staff to provide a rigorous review of the adequacy of the noise information submitted by Amazon to ensure complete and convincing information is provided as to the expected noise levels from generators and air chillers at various phases of operation, including full operation at maximum capacity.

ATTACHMENT: None

Votes:

Ayes:

Nays:

Absent from Meeting:

Adopted:

For Information:

Mr. Eric Gagnon, Councilman, Ward 5

ATTEST: _____
Town Recorder