

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON WEDNESDAY, FEBRUARY 15, 2012, IN THE AUDITORIUM OF THE COUNTY GOVERNMENT BUILDING

PRESENT: WELTON TYLER, CHAIRMAN; BARBARA JARRETT DRUMMOND, VICE-CHAIR; JOHN CATALDO, BERNARD L. JONES, SR., DENISE C. WILLIAMS, BOARD OF SUPERVISOR MEMBERS; TAMMY W. NEWCOMB, DEPUTY CLERK

ABSENT: CHARLETTE T. WOOLRIDGE, COUNTY ADMINISTRATOR/CLERK

Re: Closed Meeting – 6:30 p.m.

Upon motion of Mr. Tyler, seconded by Ms. Drummond, and unanimously carried, the Board went into closed meeting to discuss the following matters:

2.2-3711.A.1

- Personnel – Buildings and Grounds Worker II

2.2-3711.A.5

Discussion concerning perspective industry where no previous announcement has been made of the industry's interest in locating its facilities in the community.

2.2-3711.A.7

Discussion regarding a specific legal matter requiring the provision of legal advice, to-wit:

- Contract
- Fiberight, LLC

MOTION TO RECONVENE IN OPEN MEETING

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board reconvened in Open Meeting.

CERTIFICATION OF CLOSED MEETING DISCUSSION

WHEREAS, the Board of Supervisors of Brunswick County, Virginia ("Board"), convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712 of the Code of Virginia, 1950, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies 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 were heard, discussed or considered by the Board.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: Regular Meeting at 7:30 p.m.

Chairman Tyler called the regular meeting to order and welcomed all citizens in attendance.

Re: Invocation and Pledge of Allegiance

Supervisor Drummond gave the Invocation and led the Pledge of Allegiance.

Re: Approval of Agenda

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board approved the agenda with the following changes:

Add under New Business

- Personnel Committee Recommendation
- Tobacco Commission Grant Application
- Silver Trail Project – Lack of Response

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: Public Hearing – 7:30 p.m.

Simmons Drive Community Improvement Project – Acquisition of Property by Condemnation

Leslie Sullivan, Planning Director, stated that Simmons Drive Community Improvement Project consists of installing water and sewer lines and improvements to Simmons Drive and Edmonds Avenue to the current Virginia Department of Transportation (VDOT) standards. The infrastructure improvements require that permanent right-of-way, temporary construction easements and permanent utility easements are obtained. County staff and the Southside Planning District Commission have been working with property owners to acquire all required right-of-way and easements. Since all right-of-way easements have not been obtained voluntarily, Brunswick County must obtain the remaining right-of-way and easements through the process of condemnation for four (4) properties.

The Chairman opened the public hearing. No one spoke in favor of or in opposition to the request. After all citizens were provided an opportunity to express their views, the Chairman closed the hearing.

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried,

the Board adopted the following resolution:

WHEREAS, the County of Brunswick (the "County") is in the process of upgrading its wastewater system to provide service to certain County citizens (the "Project") and in so doing is installing improvements along, and in the area of, Simmons Drive and Edmonds Avenue in the County (the "utility improvements"); and

WHEREAS, pursuant to Sections 15.2-1901, 15.2-1901.1 and 15.2-1902 of the Code of Virginia of 1950, as amended, the County is authorized to acquire land and/or easements by condemnation to be used in the construction of the utility improvements, and the County is vested with the power of eminent domain for the acquisition of lands and/or easements for the purposes of such utility improvements; and

WHEREAS, the Board finds that it is necessary to obtain certain interests in real estate consisting of (i) fee simple title to and (ii) easements over, under, across and through, certain real property adjacent to Simmons Drive and Edmonds Avenue (the "real property") for the proposed utility improvements, and that an emergency exists which requires that entry be made onto the real property as soon as possible in order to begin construction of the utility improvements in order to meet funding requirements for the project; and,

WHEREAS, previous efforts of the County to purchase the fee simple interests and the easements described below from the owners of record of the real property (the "owners") have been unsuccessful;

NOW, THEREFORE, BE IT RESOLVED, that the Brunswick County Board of Supervisors hereby approves and adopts the following:

- (1) The Brunswick County Board of Supervisors hereby declares that an emergency situation exists with respect to the need for immediate acquisition at the appraised fair market value by the County for the project of the fee simple interests in title and the easements described below and depicted on the plats of survey attached hereto, for the purpose of constructing the utility improvements (the "property interests"):
 - Temporary and permanent utility easements consisting of approximately 634 square feet and 2,088 square feet, respectively, and fee simple title to approximately 3,242 square feet, all as shown on the attached plat, on land owned by Donal L. Storch, Jr. and Lora Jane Storch bearing tax map number 52B-4-B-1B;
 - Temporary and permanent utility easements consisting of approximately 1,324 square feet and 3,132 square feet, respectively, and fee simple title to approximately 32 square feet, all as shown on the attached plat, on land owned by Jacqueline H. Jackson and Charles T. Francis, Trustee for St. Augustine's College bearing tax map numbers 52B-1-8 and 52B-1-9;
 - Temporary utility easement consisting of approximately 900 square feet and fee simple title to approximately 5,185 square feet, all as shown on the attached plat, on land owned by Delta Washington bearing tax map numbers 52B-1-1, 52B-1-2; and 52B-1-3;
 - Temporary and permanent utility easements consisting of approximately 2,371 square feet and 37 square feet, respectively, and fee simple title to approximately 2,342 square feet, all as shown on the attached plat, on land owned by Julian Adams bearing tax map numbers 52B-1-16 and 52B-1-17.
- (2) The Brunswick County Board of Supervisors authorizes and directs its counsel, Sands Anderson PC, should it be unable to obtain clear title to the property

interests by voluntary conveyance, to initiate and prosecute legal proceedings to acquire the property interests by eminent domain, including without limitation, the filing of a certificate as defined in Virginia Code §25.1-300 and an immediate right of entry to the real property on which the property interests are located.

(3) The Brunswick County Board of Supervisors further authorizes its counsel to send notice to the owners by certified mail, as provided for in Virginia Code §15.2-1905 for the immediate entry onto the land. In addition, notice is hereby given of the County's intent to enter and take the subject property interests and that the following compensation is offered to the owners of the properties listed above:

- \$208.00 for tax map number 52B-4-B-1B, and
- \$72.00 for tax map numbers 52B-1-8, and 9; and
- \$123.00 for tax map numbers 52B-1-1, 2, and 3; and
- \$131.00 for tax map numbers 52B-1-16 and 17

(4) This resolution shall be effective immediately.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: Approval of Minutes

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board approved the minutes of the January 18, 2012, regular meeting and the January 31, 2012, adjourned meeting as recorded.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None

Re: Virginia Department of Transportation

Mr. Scott Gagnon, Director of Transportation and Land Development, presented the monthly report as follows:

Maintenance

- Patching pot holes on various primary and secondary routes.
- Machining non-hard surface roadways and adding stone if needed.
- Cleaning out pipes to correct drainage problems.
- Repairing shoulders on various primary and secondary routes.
- Performing ditch repairs in problem areas.
- Replacing cross line pipe on Planters Road (State Route 606).
- Performing brush cutting and tree trimming on primary routes.

Land Development & Permits

- Alberta Family Dollar – Final site plan approval issued on February 6, 2012.

Schedule Worksession for Secondary Six Year Plan 2013-2018

Mr. Gagnon requested that the Board of Supervisors schedule a worksession on the Secondary Six Year Plan 2013-2018 to be held at the March 21, 2012, meeting.

Upon motion of Ms. Drummond, seconded by Mrs. Williams, and unanimously

carried, the Board scheduled a worksession on the Secondary Six Year Plan 2013-2018 at 7:00 p.m. on March 21, 2012.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: Department/Agency Presentations

Virginia Civil War Trails Agreement for Historic Courthouse Marker – Bobby Conner

Bobby Conner, Brunswick County/Lake Gaston Tourism Association, Inc., presented a temporary easement/entry agreement to allow Virginia Civil War Trails, Inc. and its contractors to enter Brunswick County property to install a historical marker as part of the Civil War Trails program. The marker will be maintained by Virginia Civil War Trails, Inc.

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board approved the temporary easement/entry agreement to allow the installation of the civil war marker on Courthouse Square and authorized the Chairman and County Administrator to sign the agreement on behalf of Brunswick County.

Ayes: Conner, Drummond, Jones, Williams, Tyler; Nays: None.

Brunswick Sheriff's Office – 2009 State Homeland Security Program Grant (CBRNE Response Vehicle) – Sheriff Brian K. Roberts

Sheriff Roberts stated that the Virginia Department of Emergency Management has awarded a grant in the amount of \$316,000 through the 2009 State Homeland Security Program to the Brunswick County Sheriff's Office for the purchase of a response vehicle. There is no local match.

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board accepted and appropriated the amount of \$316,000 from the Virginia Department of Emergency Management to the FY12 Capital Improvement Project – Sheriff's Office Emergency Response Vehicle budget.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: Presentations

Alberta Caboose Project Letter of Support – Trudy Reel, Alberta Caboose Committee

Ms. Trudy Reel, Alberta Caboose Committee, requested a letter of support for the Alberta Caboose Project. She stated that a vintage 1917 Norfolk and Western Railroad caboose has been placed in the Alberta Town Square. The goal is to create a railroad history museum and a destination place for residents and tourists to visit.

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board approved a letter of support for the Alberta Caboose Project.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

The Old Brunswick Circuit Foundation – Nathaniel Neblett

Mr. Nathaniel Neblett stated that The Old Brunswick Circuit Foundation was established in 2004 for the purpose of identifying, preserving, and interpreting sites on the old Brunswick Circuit for charitable, religious, and educational purposes. Currently, there are three (3) sites owned and maintained by The Old Brunswick Circuit Board of Directors. They are as follows:

- Ebenezer Academy – established between 1783-1793 by Bishop Francis Asbury and is thought to be the first Methodist school established in America.
- Edward Dromgoole House – Mr. Dromgoole was an early Methodist leader in Virginia and North Carolina.
- Original Randolph Macon College – the original site of the oldest Methodist-affiliated college, still operating in the United States.

Mr. Neblett stated that The Old Brunswick Circuit Board of Directors will be applying for grants in the future to assist with maintenance of these sites and may request letters of support from the Board of Supervisors.

This was provided for the Board's information.

Re: Citizen Comments

The Chairman opened the citizen comment period and advised that each citizen will be allotted three (3) minutes to speak. No citizens spoke.

After giving all citizens an opportunity to express their views, the Chairman closed the Citizen Comment period.

Re: Consent Calendar of Reports

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board approved the Consent Calendar of Reports as presented for the following organizations:

- A. Lawrenceville-Brunswick Airport Monthly Report – January 2012
- B. Sheriff's Office Monthly Report – January 2012
- C. Roanoke River Service Authority Meeting Minutes
- D. Economic Development Coordinating Council Minutes

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: Finance Director's Report

Approval of Disbursements

Keli Reekes, Director of Finance, presented disbursements as follows:

- System checks dated February 8, 2012, in the amount of \$57,965.48
- System checks dated February 15, 2012, in the amount of \$433,820.33
- System checks dated February 16, 2012, in the amount of 22,412.73

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board approved disbursements in the amount of \$514,198.54 as presented.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: Planning Director's Report

Simmons Drive Community Improvement Project – Infrastructure Bids

Leslie Sullivan, Planning Director, stated that bids were solicited for the installation of infrastructure for the Simmons Drive Community Improvement Project. A total of three (3) bids were received, reviewed and tabulated by B&B Consultants, Inc. As a result, B&B Consultants, Inc. recommends the bid award to J.A. Barker Construction in the amount of \$799,575.00. Funds are included in the FY12 Capital Improvement Project budget to cover the costs associated with this project.

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board accepted the bid in the amount of \$799,575.00 from J.A. Barker Construction to complete the infrastructure for the Simmons Drive Community Improvement Project and authorize the County Administrator to sign all documents relative to this project.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: County Administrator's Report

Brunswick Academy Association – Request to Use Lawrenceville-Brunswick Airport to hold Annual Virginia Beef & Dairy Festival

Tammy Newcomb, Assistant to the County Administrator, stated that Brunswick Academy is requesting use of the Lawrenceville-Brunswick Airport grounds to hold the Annual Virginia Beef and Dairy Festival on Saturday, April 21, 2012. The request has been approved by the Town of Lawrenceville and the Lawrenceville-Brunswick Airport Commission.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved the request to use Lawrenceville-Brunswick Airport on Saturday, April 21, 2012 for the annual Virginia Beef and Dairy Festival.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

National Forum for Black Public Administrators (NFBPA) - Forum 2012

Tammy Newcomb, Assistant to the County Administrator, stated that the 2012 National Forum for Black Public Administrators is scheduled for April 21-24, 2012, in Virginia Beach, Virginia. The County Administrator is requesting to attend. Funds are included in the FY12 County Administrator's budget to cover the costs associated with attendance at this event.

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board approved the County Administrator's attendance at the 2012 National Forum for Black Public Administrators and related expenses.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

2012 Virginia Emergency Management Symposium

Tammy Newcomb, Assistant to the County Administrator, stated that the 2012 Virginia Emergency Management Symposium is scheduled for March 28-30, 2012, in Richmond, Virginia. The County Administrator is requesting to attend. Funds are included in the FY12 County Administrator's budget to cover the costs associated with attendance at this event.

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board approved the County Administrator's attendance at the 2012 Virginia

Emergency Management Symposium and related expenses.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Re: Old Business

Brunswick County Financial Report for Year Ended June 30, 2011 – Acceptance of Report

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board accepted the Brunswick County Financial Report for Year Ended June 30, 2011 as prepared by Robinson, Farmer, Cox Associates.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Resolution of the Board of Supervisors of Brunswick County, Virginia declaring its official intent regarding reimbursement of certain county expenditures from proceeds of obligations

Tammy Newcomb, Assistant to the County Administrator, stated that on August 17, 2011, the Brunswick County Board of Supervisors accepted the recommendation from Davenport & Company regarding funding of school improvements (\$1.5M), the historic courthouse (\$3M) and the Meherrin River Regional Jail-Mecklenburg Satellite Facility (\$1.1M). As a result, the Board of Supervisors is required to adopt a resolution declaring its intent regarding reimbursement of certain county expenditures from proceeds of obligations relative to the Meherrin River Regional Jail – Mecklenburg Satellite Facility.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board adopted the resolution as follows:

**RESOLUTION OF THE
BOARD OF SUPERVISORS OF BRUNSWICK COUNTY, VIRGINIA
DECLARING ITS OFFICIAL INTENT REGARDING
REIMBURSEMENT OF CERTAIN COUNTY EXPENDITURES FROM PROCEEDS
OF OBLIGATIONS**

RECITALS

The Board of Supervisors (the "Board") of Brunswick County, Virginia has or will make original expenditures (the "Expenditures") for costs related to the repair and renovation of the County's courthouse and public school buildings, and related to the County's share of the costs of construction of an additional jail facility to be constructed in Mecklenburg County as part of the Meherrin River Regional Jail Authority (the "Authority") of which the County is a member.

The Board has determined that the funds to be advanced to pay the Expenditures are or will be available only for a temporary period, and that it will be necessary to cause the County to be reimbursed for the Expenditures from the proceeds of one or

more issues of debt, which may include tax-exempt or taxable obligations, to be incurred by the County ("Obligations").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BRUNSWICK COUNTY, VIRGINIA AS FOLLOWS:

1. The Board declares its intent and reasonable expectation to cause the County to reimburse itself for the Expenditures with proceeds of Obligations.
2. This Resolution constitutes a declaration of "official intent" under Treasury Regulations Section 1.150-2.
3. The maximum principal amount of Obligations expected to be issued for the aforementioned projects is \$6,000,000.
4. This Resolution shall take effect immediately upon its passage.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Personnel Committee Recommendation

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board accepted the recommendation from the Personnel Committee to employ the individual to fill the position of Buildings and Grounds Worker II.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Tobacco Commission Grant Application

Upon motion of Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board authorized the Industrial Development Authority to apply for a grant through the Tobacco Region Opportunity Fund to assist in the creation of new jobs and investments through attraction of a new business and further authorized Joan Moore, Executive Director, Brunswick County Industrial Development to sign and submit the grant on behalf of Brunswick County.

Ayes: Cataldo, Drummond, Jones, Williams, Tyler; Nays: None.

Silver Trail Project – Lack of Response

Supervisor Jones stated that at the January 18, 2012, meeting he requested that Mr. Meade Pratali, Silver Trail Project Manager, send information regarding specifications of the modular homes to the Board of Supervisors. This information has not been received.

The Board directed staff to follow-up with Mr. Pratali regarding this request.

Re: Appointments

Brunswick County Litter Control Council

This matter was continued.

Economic Development Coordinating Council

This matter was continued.

Brunswick County Board of Zoning Appeals

This matter was continued.

Re: Adjourn

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board adjourned until Thursday, March 1, 2012, at 6:00 p.m.

Welton Tyler, Chairman

Tammy W. Newcomb, Deputy Clerk