

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON WEDNESDAY, MAY 20, 2015, IN THE BOARD ROOM OF THE BRUNSWICK COUNTY GOVERNMENT BUILDING

PRESENT: HON. BARBARA J. DRUMMOND, CHAIR; HON. BERNARD L. JONES, SR., VICE-CHAIR; HON. JOHN CATALDO, HON. WELTON TYLER, BOARD OF SUPERVISOR MEMBERS; DR. CHARLETTE T. WOOLRIDGE, COUNTY ADMINISTRATOR/CLERK; PAUL JACOBSON, COUNTY ATTORNEY; TAMMY W. NEWCOMB, DEPUTY CLERK/RECORDER OF MINUTES

ABSENT: DENISE C. WILLIAMS, BOARD OF SUPERVISOR MEMBER

Re: Closed Meeting – 6:30 p.m.

Upon motion of Mr. Cataldo, seconded by Mr. Jones, and unanimously carried, the Board of Supervisors of Brunswick County, Virginia convened in Closed Meeting to discuss the following matter:

- 2.2-3711.A.7: Consultation with legal counsel regarding legal advice.

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

The County Attorney attended the closed meeting.

Reconvene in Open Meeting

Upon motion of Mr. Cataldo, seconded by Mr. Jones, and unanimously carried, the Board of Supervisors of Brunswick County, Virginia, reconvened in Open Meeting.

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.

WILL EACH MEMBER NOW SO CERTIFY:

Mr. Cataldo: Aye
Mr. Jones: Aye
Ms. Drummond: Aye

Supervisor Tyler entered the meeting.

Re: Call to Order - 7:30 p.m.

Chair Drummond called the meeting to order and welcomed all citizens in attendance.

Re: Invocation and Pledge of Allegiance

Chair Drummond invited anyone in the audience who would like to participate in the Invocation with the Board members to please stand and join them. Supervisor Cataldo gave the Invocation and led the Pledge of Allegiance.

Re: Approval of Agenda

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

Order of Agenda:

- Move Finance Director's Report after Brunswick County Public School Report

Under Department/Agency Presentations

- Remove The Improvement Association Update

Under New Business:

- Add Alberta Volunteer Fire Department – Appropriation for Fire Truck

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

Re: Public Hearings

Conditional Use Permit Case #15-001 – submitted by Candace L. Mayer, Country General Store in the Agricultural (A-1) Zoning District

Ms. Leslie Weddington, Director of Planning, stated that the applicant is requesting approval of a conditional use permit for a country general store in the Agricultural (A-1) Zoning District. The applicants propose to operate and maintain the general store out of an existing commercial structure located on the subject property. The subject property is located at the southwest quadrant of the intersection of Christanna Highway (Highway 46) and Ankum Road (State Route 665), in the Powellton Election District and the Meherrin Magisterial District. The Planning Commission conducted a public hearing on this request at their March 10, 2015 meeting. No one spoke in opposition to the request. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend approval of Conditional Use Permit Case #15-001 subject to certain conditions.

The Chair opened the public hearing. No citizens spoke. After providing all citizens an opportunity to express their views, the Chair closed the public hearing.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved Conditional Use Permit Case #15-001 subject to the conditions as recommended by the Planning Commission.

1. The County general store shall be constructed, operated, and maintained in accordance with all rules and regulations of the Brunswick County Zoning Ordinance, with any and all terms and conditions of this conditional use permit, and in compliance with all federal, state, and local laws and regulations for this use.
2. Prior to the issuance of a zoning permit for the proposed country general store the permittee shall submit a site plan for County approval in accordance with the provisions of Article 27 of the Brunswick County Zoning Ordinance.

3. Permittee shall secure and maintain all federal, state, and local licenses and certificates required to do business in the Commonwealth of Virginia and the County of Brunswick.
4. All documents received by the County and the permittee shall be public records subject to the Virginia Freedom of Information Act.
5. Only a country general store is permitted on the subject property.
6. This conditional use permit shall expire if the use of the site as a country general store ceases for two (2) years.
7. These conditions shall be binding on any person, entity, including the permittee, its assignee, successors, and any subsequent assignee, successor, owner, operator, lessee, owning operating, or leasing the country general store situated on the subject property.
8. Permittee shall allow designated County representatives or employees access to the country general store at any time for inspection purposes. Reports of such inspections shall be provided to the Director of Planning to determine compliance with permit.
9. All exterior, permanent lights shall be arranged and installed so that the direct or reflected illumination is minimized at the property line.
10. All permanent light sources shall be directional and shielded fixtures that cast light downward.
11. Prior to the issuance of site plan approval, the permittee shall provide a copy of an approved commercial entrance permit for all proposed accesses to the subject property from the Virginia Department of Transportation.
12. Prior to commencing any land disturbing activities on the subject property, the permittee shall submit to the County for review and approval an Erosion and Sediment Control Plan in accordance with the provisions of the Brunswick County Erosion Control Ordinance and the Virginia Erosion and Sediment control Handbook and Regulations.
13. Storm water runoff from the property shall be managed and discharged in accordance with applicable federal and state regulations.
14. Violation of any local, state, or federal law, regulation, or ordinance or violation of any conditions of the permit shall be grounds for revocation of this permit by the County in accordance with law.
15. In the event the permittee is notified of any violations of applicable laws, regulations

or permit conditions of the subject property, permittee shall notify the County and shall promptly and diligently cooperate with the applicable regulatory agency and take other reasonable actions in an attempt to cure the violation. Permittee shall promptly notify the County thereof and shall provide the County with all information pertinent thereto and details of the applicant's action to remedy said violation.

16. All complaints received by the County will be referred directly to the permittee which shall give them prompt and courteous attention and shall advise the County of the disposition of such complaints within thirty (30) days of the complaint referral.

17. The country general store and all accessory structures shall be designed and constructed to meet all requirements of the Virginia Uniform Statewide Building Code.

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

Conditional Use Planned Development Case #15-008 – Submitted by Virginia Electric and Power Company (VEPCO) d/b/a Dominion Virginia Power) Public Utilities in the Agricultural (A-1) Zoning District

Ms. Weddington stated that the applicant is requesting approval of a conditional use planned development permit for public utilities in the Agricultural (A-1) Zoning District. The subject property is identified as Tax Map 67-16 located on the north and south side of Lewis Drive (State Route 605), a portion of Tax Map 18-6 (as identified on the Greenville County tax records) containing approximately 10.758 acres within Brunswick County, located off of Grassy Pond Road (State Route 606), and a portion of Tax Map 18-30 (as identified on the Greenville County tax records) containing approximately 121.891 acres within Brunswick County, located off of Grassy Pond Road (State Route 606). Greenville County has approved the conditional use planned development permit. The Brunswick County Planning Commission conducted a public hearing on this request at their May 12, 2015 meeting. No one spoke in opposition to the request. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend approval of Conditional Use Planned Development Case #15-008 subject to certain conditions.

Mr. Dan Poteet, Dominion Virginia Power, presented an overview of the proposed conditional use planned development project. See attached report.

The Chair opened the public hearing. No citizens spoke. After providing all citizens an opportunity to express their views, the Chair closed the public hearing.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and carried, the Board approved Conditional Use Planned Development Case #15-008 subject to the conditions as recommended by the Planning Commission. Supervisor Tyler abstained.

1. Use Exceptions Pursuant to CUPD (Sec. 1-14 of the Zoning Ordinance). The use of the Property shall be limited to:
 - A. Electrical generating facilities, to include a facility primarily fueled by natural gas with oil and/or kerosene as a potential secondary fuel (the "Gas Generation Facility") and one or more solar power generation facilities ("Solar Facilities"), but not to include the use of coal or nuclear reaction as fuel sources.
 - B. Accessory uses such as associated substations, meteorological towers, and communications equipment related to use and operation of a permitted use on the Property, switching yards, transformer stations, above-ground electrical lines, above ground and underground utilities, and other similar facilities.
 - C. One or more observation platforms for any Solar Facilities.
 - D. Any use permitted by right in the Agricultural (A-1) District.
2. Construction Management and Mitigation. The applicant's construction activities on the Property shall be subject to the following conditions and requirements:
 - A. Construction Management Plan. The applicant shall prepare a "Construction Management Plan" for each applicable site plan for the Gas Generation Facility or any Solar Facilities, and each such plan shall address the following:
 - i. Traffic control methods.
 - ii. Lane closures.
 - iii. How construction traffic will be directed to the property.
 - iv. Flagging procedures.
 - v. Signage.
 - B. Construction Mitigation Plan. The applicant shall prepare a "Construction Mitigation Plan" for each applicable site plan for the Gas Generation Facility or any Solar Facilities, and each such plan shall address the following:

- i. Dust mitigation.
 - ii. Smoke and burn mitigation.
 - iii. Measures to limit specified construction activities between the hours of 11:00 p.m. and 5:00 a.m. that occur within five hundred (500) feet of any off-site residence existing at the time that these proffers are accepted by the Board of Supervisors.
 - iv. Procedure for receiving and responding directly to issues raised by adjacent and nearby landowners regarding matters covered by the Construction Mitigation Plan.
 - C. Fencing. The applicant shall install security fencing prior to intensive construction activities occurring on the Gas Generation Facility and each Solar Facility project.
 - D. Lighting. During construction the Gas Generation Facility and each Solar Facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.
 - E. Construction Access; Road Improvements. Primary access to the Property during construction of the Gas Generation Facility and any Solar Facilities shall be by way of Radium Road and the portion of Rogers Road that is immediately adjacent to the Property. Applicant will improve the portions of Radium Road and Rogers Road where those roads immediately abut the Property, which improvements shall be subject to plans approved by the Virginia Department of Transportation (“VDOT”). Such improvements shall be completed in accordance with a phasing plan to be included with the Construction Management Plan.
- 3. Operations. Post construction operations of the Gas Generation Facility and any Solar Facilities shall be subject to the following conditions and requirements.
 - A. Permanent Security Fence. The applicant shall install a permanent security fence around the Gas Generation Facility and the boundary perimeter(s) for each Solar Facility project, with fencing that is a minimum height of six (6) feet. Such installation shall occur prior to operations for each such project.
 - B. Lighting.
 - i. Any on-site lighting provided for the operational phase of each facility shall be shielded away from adjacent properties and shall be positioned downward to minimize light spillage onto adjacent properties.
 - ii. Emergency and/or safety lighting shall be exempt from this lighting condition.

- C. Noise. Except as otherwise provided herein, the applicant will implement noise attenuation measures to ensure that noise levels attributable to commercial operations of any electric generating facilities will be kept to a L_{90} reading of 75 dBA (decibels) or less at all property liens. Where the property line is adjacent to a public road, this noise attenuation standard will be as measured from properties on the opposite side of the road if such properties are owned by someone other than the applicant.
- D. Site Entrance. Permanent entrance ways and parking areas (excluding on site travel ways) for the Gas Generation Facility will have asphalt surface or better and shall be maintained in a manner that will keep dust to a minimum so as not to adversely impact adjacent properties.

4. General.

- A. Buffer/Setback Exceptions Pursuant to CUPD (Sec. 1-14 of the Zoning Ordinance).
 - i. A minimum fifty (50) foot buffer/setback (consisting of existing trees and vegetation) shall be maintained where the Property abuts lands owned by others (the "Property Buffer"). Fallen, diseased, or dead plant growth may be removed from the Property Buffer. The Property Buffer shall allow the inclusion of (i) power lines, (ii) gravel roads/entrances, (iii) guardhouses, (iv) security gates, fences and related facilities, (v) various utility easements and related facilities, (vi) stormwater facilities, and (vii) erosion and sediment control facilities.
 - ii. A minimum fifty (50) foot buffer/setback shall be maintained where the Property abuts any public rights of way, as such rights of way may be reconfigured or relocated prior to or concurrent with any construction activities related to the Gas Generation Facilities and any Solar Facilities (the "Road Buffer"). The Road Buffer shall allow the inclusion of (i) power lines, (ii) gravel roads/entrances, (iii) guardhouses, (iv) security gates, fences and related facilities, (v) various utility easements and related facilities, (vi) stormwater facilities, and (vii) erosion and sediment control facilities.
- B. Observation Platform.
 - i. At the option of applicant, an observation platform or platforms may be constructed on the Property for any Solar Facilities.
 - ii. Access to the observation platform shall be limited to daylight hours and by appointment only.
 - iii. Parking for private vehicles accessing the observation platform may be provided by the applicant off-site.
- C. Height Exceptions Pursuant to CUPD (Sec. 1-14 of the Zoning Ordinance). Structures associated with any electric generating facilities, including towers

constructed for electrical lines, may exceed the maximum permitted height as provided in the A-1 Zoning District regulations, provided that no structure shall exceed the height of two hundred fifty (250) feet above ground level. All structures that exceed the maximum permitted height as provided in the A-1 Zoning District regulations shall be identified and noted on the site plan approved for the Gas Generation Facility or any Solar Facilities.

- D. Right of Entry and Inspection of Premises. The applicant will allow designated County representatives or employees access to the facility at any time for inspection purposes provided such inspectors shall be subject to the applicant's reasonable safety requirements and protocols while on the subject property. The County may compile reports of such inspections for the Director of Planning to confirm compliance with this condition.
- E. Design. Subject to any safety requirements, including but not limited to, the Federal Aviation Administration regulations, structures above the tree height shall be a neutral or earth tone color reasonably designed to blend as much as possible into the surrounding natural environment. Details of the treatment of these structures shall be shown on the site plan.
- F. Decommissioning. Within a reasonable time after the decommissioning or cessation of use of the Property for electrical power generation or transmission, the applicant will restore above ground structures to a "brownfield condition" or such lesser condition as may be approved by the Board of Supervisors. Nothing herein shall require the removal of below-grade improvements.

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

Brunswick County Enterprise Zone – Proposed Ordinance

Dr. Woolridge stated that when Brunswick County initially adopted the Enterprise Zone Program in 1995, an ordinance was not required. The state is now requesting that all localities adopt an ordinance to specify enterprise zone program and incentives. As a result, the County Administrator requested that the Board conduct a public hearing on the proposed Brunswick County Enterprise Zone Ordinance.

The Chair opened the public hearing. No citizens spoke. After providing all citizens an opportunity to express their views, the Chair closed the public hearing. No citizens spoke.

After providing all citizens with an opportunity to express their views, the Chair closed

the public hearing.

Upon motion of Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board adopted the proposed Brunswick County Enterprise Zone Ordinance.

ARTICLE 1. BRUNSWICK/LAWRENCEVILLE ENTERPRISE ZONE

Short Title.

This ordinance shall be known and may be cited as the “Brunswick County Enterprise Zone Ordinance”.

Statement of Purpose.

It is the purpose of this ordinance to stimulate business and industrial growth within the area so designated as the Brunswick/Lawrenceville Enterprise Zone by means of state and local incentives more particularly set forth herein.

Boundaries of the Brunswick/Lawrenceville Enterprise Zone.

The boundaries of the Brunswick/Lawrenceville Enterprise Zone are as set forth on the map entitled “Map of the Brunswick/Lawrenceville Enterprise Zone,” which is on file in the offices of the County Administrator of the County of Brunswick, Virginia, and the Town Manager of the Town of Lawrenceville, Virginia, the area of which has been declared an enterprise zone by the Governor of the Commonwealth of Virginia under the Virginia Enterprise Zone Act, as amended by the Enterprise Zone Grant Act.

Definitions.

As used in the article, the following definitions shall apply:

Business Firm

Any business entity authorized to do business in the Commonwealth of Virginia and subject to the state income tax on net corporate rate income (§58.1-400 et. seq., Code of Virginia); or a public service company subject to a franchise or license tax on gross receipts; or a bank, mutual savings bank or savings and loan association; or a partnership or sole proprietorship. A business firm includes partnerships and small business corporations electing to be taxed under Subchapter S of the Federal Internal Revenue Code and which are not subject to state income taxes as partnerships or corporations, the taxable income of which is passed through to and taxed on individual partners and shareholders. However, a business firm does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, Section 512; nor does it include homeowners’ associations as defined in the Federal Internal Revenue Code, Section 528.

County

The County of Brunswick, Virginia.

Enterprise Zone

The area declared by the Governor of the Commonwealth of Virginia to be eligible for the benefits accruing under the Virginia Enterprise Zone Act, as amended by the Enterprise Zone Grant Act, described in this ordinance as the Brunswick/Lawrenceville Enterprise Zone.

Equivalent Employment or Job

Forty hours per week of an hourly wage (or the salaried equivalent). A single equivalent job may be represented by one employed individual, or by multiple employed individuals whose aggregate hours of employment (or salaried equivalent) equal 40 hours per week.

Industrial Development Authority

The Industrial Development Authority of Brunswick County, Virginia.

Local Grant

A grant developed by and administered through the Industrial Development Authority with the prior approval of the Board of Supervisors.

Qualification for Benefits

- A. A Business Firm located within the boundaries of the Enterprise Zone shall qualify for local incentives set forth in this ordinance. The County shall make grants to the Industrial Development Authority, subject to annual appropriations, for the funding of approved Local Grants and any other monetary incentives set forth in this ordinance.

Local Enterprise Zone Incentives

- A. Building permit fee incentive. Qualified business firms located within the Enterprise Zone shall be entitled to a rebate of all county building permit fees:
 - (1) Qualified business firm must expend a minimum of 10% of the pre-improvement assessed value based on the most recent tax assessment of the existing improved property; or
 - (2) For new business construction, the qualified business firm must invest a minimum of \$75,000 in real property improvement to qualify; or
 - (3) For newly constructed residential property, the qualified business firm must

expend at least \$75,000 in building construction to qualify.

The rebate shall be given by the Industrial Development Authority upon the issuance of a certificate of occupancy related to such improvements.

- B. Local Assistance/Coordination with Local Banking Incentive. The Lake Country Development Corporation has committed to introduce new businesses for Enterprise Zone industrial parks to the various local banks, schedule initial appointments, and coordinate any other activities needed to facilitate a smooth transition.
- C. Fast Track Permitting Incentive. Business firms in the Enterprise Zone will receive expanded staff assistance in applying for local permits and zoning changes. Requests will receive priority consideration by the responsible County agency.
- D. Discount on Site Purchase Cost Incentive. The Industrial Development Authority has adopted a policy that purchasers of land within an industrial park in the Enterprise Zone that invest \$300,000 in real property improvements on that land and create at least 10 new jobs will receive a discount on the fair market value of the land for cash purchases of the land according to the number of new jobs created as follows:
 - (1) 10 jobs created – up to 25% discount;
 - (2) 25 jobs created – up to 50% discount;
 - (3) 50 jobs created – up to 75% discount.

This incentive is to be provided as a Local Grant rebate following creation of the required number of jobs.

- E. Machine and Tool Tax Incentive. Qualified business firms located within the Enterprise Zone shall be eligible for grants based on the amount of machinery and tools tax payments over a five year period as follows:
 - (1) Year One – grant equal to 100% of machinery and tools tax payments;
 - (2) Year Two – grant equal to 75% of machinery and tools tax payments;
 - (3) Year Three – grant equal to 50% of machinery and tools tax payments;
 - (4) Year Four – grant equal to 50% of machinery and tools tax payments.
 - (5) Year Five – grant equal to 50% of machinery and tools tax payments.

For a grant based on machinery and tools tax payments, a required minimum investment of \$50,000 in machinery and equipment in the Enterprise Zone and the creation and maintaining of at least 5 new full-time jobs in the Enterprise Zone is required. If the number of required new full-time jobs decreases below 5 at any time during this five year period, the business firm shall no longer qualify for this incentive.

F. Real Estate Taxes Incentive. Business firms located within the Enterprise Zone and meeting the following conditions shall be eligible for grants based on real estate tax payments:

- (1) Existing business renovation/expansion – must expend a minimum of 10% of current assessed value or renovation must increase floor space by 10%;
- (2) New business construction – must invest a minimum of \$75,000 and create 5 new full-time jobs;
- (3) Residential Rehabilitation/Renovation – must invest an amount equal to 50% of pre-improvement assessed value based on the most recent tax assessment of the property and the property must be twenty-five (25) years or older;
- (4) Rehabilitation of Vacant Structure – must expend 50% of pre-improvement assessed value based on the most recent tax assessment and create and maintain 10 new full-time jobs; and
- (5) Businesses locating in a County industrial park – must invest \$300,000 and create and maintain at least 10 full-time jobs.

The qualified business firms shall be entitled to a five year grant based on real estate tax payments as follows;

- (1) Year One – grant equal to 100% of real estate tax payments;
- (2) Year Two – grant equal to 75% of real estate tax payments;
- (3) Year Three – grant equal to 50% of real estate tax payments;
- (4) Year Four – grant equal to 50% of real estate tax payments;
- (5) Year Five – grant equal to 50% of real estate tax payments.

If the number of required new full-time jobs decreases below 5 at any time during this five year period, the business firm shall no longer qualify for this incentive.

G. Low or No Interest Fixed Asset Loan Incentive. The Brunswick County Industrial Development Authority has adopted a policy to provide financing up to \$300,000 at the following rates to qualified applicants who locates in a County industrial park and make at least \$300,000 in fixed asset improvements to the site and create and maintain 25 full-time jobs;

- (1) Year One – No interest financing;

- (2) Year Two – No interest financing;
- (3) Year Three – 3% below prime (maximum of 7%); and
- (4) Year Four – 3% below prime (maximum 7%).

If the number of required new full-time jobs decreases below 25 at any time during the four year period, the business firm shall no longer qualify for this incentive.

H. Incentives and grants. Qualified business firms located within the Brunswick County Enterprise Zone with the prior approval of the Board of Supervisors are eligible to receive a Local Grant from the Industrial Development authority in accordance with the provisions of this ordinance upon application therefor and acceptance therefor by such Authority and the entering into an agreement relating to such Local Grant. All license fees, taxes and building permit fees shall initially be paid in full by the business firm, and incentives and rebates shall be funded by a Local Grant to the qualified business firm in accordance with this ordinance. Subsequent to such payment by the business firm, the County will, subject to and dependent upon annual appropriation, provide funds to the Industrial Development Authority in the amount of any such Local Grant on an annual basis, and the Industrial Development Authority shall be obligated to pay any such Local Grant only from such funds received by the County. Qualified business firms may select the beginning date for the tax incentives and grant period to begin on January 1 in any year following the year of application approval.

Application and Periodic Review

Any business firm seeking to receive local Enterprise Zone incentives shall make application to the Enterprise Zone Administrator on forms provided by the Industrial Development Authority. The Enterprise Zone Administrator may require the business firm to provide documentation establishing that said business firm has met the requirements for the receipt of local Enterprise Zone incentives. Failure to provide requested documentation shall result in a denial of the business firm's application for local incentives. Upon approval of any business firm application for local Enterprise Zone incentives, the Enterprise Zone Administrator shall submit a written report the County Administrator indicating the name and address of the qualifying business firm and the local Enterprise Zone incentives for which it is qualified. The Enterprise Zone Administrator may require the business firm to provide additional documentation from time to time to assure that said business firm retains the requisite qualifications for the receipt of local Enterprise Zone incentives, including proof of the business firm's compliance with investment and employment requirements under this ordinance and payment by the business firm of fees, taxes and any other amounts due and owed by the business firm to the county. Such documentation may include presentation of copies of cancelled checks or receipts indicating payment of such amounts in full. In the event that any business firm shall fail to maintain the requisite qualifications for the receipt of local Enterprise Zone incentives, the Enterprise Zone Administrator shall inform the business firm, in writing, that it is no longer qualified for the receipt of local incentives and shall send a copy of said notice to the County Administrator.

Enterprise Zone Administrator.

The Enterprise Zone Administrator shall be the Executive Director of the Brunswick County Industrial Development Authority.

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

FY16 Brunswick County General Fund and Capital Improvement Projects Budget

The Chair opened the public hearing. No citizens spoke. After providing all citizens an opportunity to express their views, the Chair closed the public hearing.

Virginia Department of Transportation – Proposed Secondary Six Year Road Plan 2016-2021

Mr. Tommy Johnson, Assistant Residency Administrator, provided an overview of the proposed Secondary Six Year Road Plan 2016-2021. The Chair opened the public hearing.

The following citizen spoke:

- James Hicks stated that he owns property on Zero Road and would like to know why the entire road was not paved.

After providing all citizens with an opportunity to express their views, the Chair closed the public hearing.

Supervisor Jones stated that, "Zero Road was partially paved utilizing Revenue Sharing Program funds, a 50/50 matching grant used to improve secondary roads. Brunswick County allocated \$25,000 and VDOT matched \$25,000 for a total project amount of \$50,000. The \$50,000 allowed for 0.4 of a mile to be paved. Funding was not available to pave the entire road through the Revenue Sharing Program. Supervisor Jones stated that he would work with VDOT representatives and the County Administrator to determine if alternative funding is available to finish paving Zero Road."

Upon motion of Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board approved the Secondary Six Year Road Plan 2016-2021 as presented by the Virginia Department of Transportation:

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2016 through 2021) as well as the Construction Priority List (2016) on May 20, 2015, after duly advertised so that all citizens of Brunswick County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, Billy Smith, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads (2016-2021) and the Construction Priority List (2016) for Brunswick County; and,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interest of the Secondary Road System in Brunswick County and of the citizens residing on the Secondary System, said Secondary Six Year Plan (2016 through 2021) and Construction Priority List (2016) are hereby approved as presented at the public hearing.

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

Shenandoah Cable Television, LLC (“Shentel”) – Proposed Cable Franchise Agreement

The Chair opened the public hearing. No citizens spoke. After providing all citizens with an opportunity to express their views, the Chair closed the public hearing.

Supervisor Cataldo expressed his disappointment that Shentel was unable to expand its service to the southern part of Brunswick County. Mr. Chris Kyle, Vice President of Industry Affairs and Regulatory for Shentel, stated that Shentel conducted an analysis of the southern portion of Brunswick County and determined that it is not economically feasible to expand service at this time.

Upon motion of Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board approved the Cable Franchise Agreement between Brunswick County and Shenandoah Cable Television, LLC (“Shentel”) as presented.

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

Re: Approval of Minutes

Upon motion of Mr. Jones, seconded by Mr. Tyler, and unanimously carried, the Board approved the minutes of the April 2, 2015, adjourned meeting, April 7, 2015, adjourned meeting, and April 29, 2015, special meeting as presented.

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

Re: Virginia Department of Transportation (VDOT) Monthly Report

Mr. Tommy Johnson, Assistant Residency Administrator, presented the monthly report as follows:

Maintenance Forces

- Machined non-hard surfaced roadways and applying stone as needed.
- Patched potholes on various primary and secondary routes.
- Performed routine maintenance on various routes.
- Repaired shoulders on primary routes.
- Repaired drainage issues on various secondary routes.
- Repairs on bridges on Route 712 are ongoing.
- Route 46 south bridge replacement project – Final inspection conducted today with a punch list of items to be completed.
- Johnson Run Road Project – VDOT has completed drainage improvements and placed gravel on the road. Surface treatment is scheduled by the end of June.

Re: Brunswick County Public Schools Monthly Report

Mr. Richard Rush, Director of Business Operations, presented an overview of the schools monthly financial report. See report attached.

FY16 Brunswick County Public School Budget Approval

Upon motion of Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board approved the FY16 Brunswick County Public School Budget as advertised.

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

Re: Finance Director's Report

Approval of Disbursements

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

- System checks dated May 13, 2015, in the amount of \$38,930.44.
- System checks dated May 20, 2015, in the amount of \$334,820.65.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved disbursements in the amount of \$373,751.09 as presented.

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

FY15 Audit Contract

Mrs. Reekes stated that Robinson, Farmer, Cox Associates has provided the contract to audit the financial statements of Brunswick County for the year ending June 30, 2015. The audit fee in the amount of \$29,500 is included in the proposed FY16 Brunswick County Consolidated Budget.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved the contract submitted by Robinson, Farmer Cox Associates for auditing services for the year ending June 30, 2015, in the amount of \$29,500.

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

Re: Department/Agency Presentations

Brunswick County Electoral Board – Voting Equipment Update

Mr. Wally Sayko, Chairman of the Brunswick County Electoral Board, stated that on April 14, 2015, the State Board of Elections decertified the AVS WINVote equipment that Brunswick County has used during elections for the past ten years. The state has six vendors under contract to provide election equipment. As a result of the Electoral Board's analysis of the vendors and their products, the Electoral Board recommends entering into a contract with Election Services Online, LLC for the purchase of fifteen OVO Scanners and fourteen ADA OVI Scanners for an amount not to exceed \$138,650 and annual maintenance fee of \$7,130.

Upon motion of Mr. Jones, seconded by Mr. Tyler, and unanimously carried, the Board accepted the proposal from Election Services Online, LLC and authorized the County Administrator to sign the contract on behalf of Brunswick County. Further, the Board appropriated \$138,650 from the undesignated fund balance to the FY15 Brunswick Electoral Board budget.

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

Brunswick Emergency Operations Plan Adoption

Dr. Woolridge stated that in accordance with Virginia State Code §44.146.19E, localities are required to maintain a current emergency operations plan (EOP). The plan provides for Brunswick County to respond to emergencies and disasters in order to save lives, protect the public health, safety and property, restore essential services, and enable and assist with economic recovery. As a result, the Brunswick County Emergency Operations Plan is presented for the Board's consideration and approval.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board adopted the Promulgation Statement and the Resolution to revise the Brunswick County Emergency Operations Plan as presented.

Promulgation of the Brunswick County Emergency Operations Plan

By virtue of the authority vested in me by Virginia State Code 44-146.19 as County Administrator of Brunswick County and as the administrator ultimately responsible for the emergency management of Brunswick County, I hereby promulgate and issue the Brunswick County Emergency Operations Plan (“the Plan”) dated May 20, 2015. The Plan provides for Brunswick County response to emergencies and disasters in order to save lives; to protect public health, safety, and property; to restore essential services; and to enable and assist with economic recovery.

The Plan complies with the Commonwealth of Virginia Emergency Services and Disaster Law of 2008, as amended and is consistent with the National Incident Management System (NIMS) as implemented in the National Response Framework adopted January 2008.

The Director of Emergency Management or his/her designee is hereby authorized to activate the Brunswick County Emergency Operations Center (“BCEOC”) in order to direct and control Brunswick County emergency operations. Augmentation of the BCEOC shall constitute implementation of the Plan.

Furthermore, the Director of Emergency Management or his/her designee is hereby authorized to amend the Plan as necessary to ensure the continued health and safety of the residents and property of the Brunswick County.

Assigned in the Plan, the head of each designated Brunswick County department or agency shall appoint a lead and at least one alternate for the department or agency.

This Promulgation rescinds any previous Promulgation Statements issued by the Brunswick County Administrator.

This Promulgation shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further promulgation.

Resolution of Adoption Brunswick County

Emergency Operations Plan

WHEREAS, the Board of Supervisors of Brunswick County, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, Brunswick County has a responsibility to provide for the safety and well being of its citizens and visitors; and

WHEREAS, Brunswick County has established and appointed a Director of Emergency Management and an Emergency Services Coordinator.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Brunswick County, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED, that the Director of Emergency Management, or his/her designee, are tasked and authorized to maintain and revise as necessary this document over the next four (4) year period or until such time be ordered to come before this board.

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

Re: Citizen Comments

The Chair opened the citizen comment period and advised that each citizen will be allotted three (3) minutes to speak. No citizens spoke. After providing all citizens an opportunity to express their views, the Chair closed the Citizen Comment period.

Re: Consent Calendar of Reports

Upon motion of Mr. Jones, seconded by Mr. Tyler, and unanimously carried, the Board acknowledged receipt of the following reports:

- Lawrenceville-Brunswick Airport Monthly Report
- Roanoke River Service Authority Meeting Minutes
- Industrial Development Authority Meeting Minutes

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

Re: Planning Director's Report

Schedule Public Hearing: Case #15-011, Amendment to Conditional Use Permit Case #13-007, submitted by Lonnie R. and Joyce Powell – Campground in the Agricultural (A-1) Zoning District

Ms. Weddington stated that the applicants are requesting to amend their original

conditional use permit for a campground park. The applicants would like to increase their approved campground park from four lots to six lots. The Planning Commission conducted a public hearing on this request at their May 12, 2015, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of Case #15-011, Amendment to Conditional Use Permit Case #13-007 and request that the Board of Supervisors schedule a public hearing for the June 2015 regular meeting.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board authorized the advertisement of a public hearing on Conditional Use Permit Case #15-011 for the June 2015 regular meeting.

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

Schedule Public Hearing: Conditional Use Permit Case #15-014, submitted by J.J. Sanderson, LLC - Manufacture of Pre-Fab Metal Homes in the Industrial (I-1) Zoning District

Ms. Weddington stated that the applicant is requesting approval of a conditional use permit in the Industrial (I-1) Zoning District to permit the manufacture of pre-fab metal homes on property that was previously used as a saw and lumber mill. The subject property is located on the east side of Liberty Road (State Route 634), approximately 0.1 of a mile northeast of the intersection of Liberty Road and Old Stage Road (State Route 712) in the Sturgeon Magisterial District and Sturgeon Election District. The Planning Commission conducted a public hearing on this request at their May 12, 2015, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of Conditional Use Permit Case #15-014 and request that the Board of Supervisors schedule a public hearing for the Board June 2015 regular meeting.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board authorized the advertisement of a public hearing on Conditional Use Permit Case #15-014 for the June 2015 regular meeting.

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

Lawrenceville Volunteer Fire Department – Special Entertainment Permit

Ms. Weddington stated that the Lawrenceville Volunteer Fire Department is requesting approval of a special entertainment permit in accordance with the Brunswick County Outdoor Musical/Entertainment Festivals Ordinance to hold its second annual Corn Hole Tournament on Saturday, June 13, 2015, at the Lawrenceville-Brunswick Municipal Airport. The Corn Hole Tournament will begin at 11:00 a.m. and continue until completion of the tournament. It is anticipated that approximately 100 people will be in attendance. The event will consist of the following:

- Corn hole tournament
- 50/50 raffle
- Selling of food and beverages
- Alcohol
- Selling of t-shirts

Further, the applicant requests to waive the following ordinance requirements:

- Waiver of application fee
- Waiver of performance bond and tax

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved the Special Entertainment Permit for the second annual Corn Hole Tournament to be held at the Lawrenceville/Brunswick Municipal Airport on Saturday, June 13, 2015, as requested by the Lawrenceville Volunteer Fire Department.

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

Re: Old Business

Merchant's Capital Tax

Supervisor Cataldo stated that the Merchant's Capital Tax Committee recommends the adoption of an ordinance to amend and restate Sections 54-42 and 54-44 of the Brunswick County Code to repeal the Merchant's Capital Tax to be effective January 1, 2017. In order to repeal the tax, it is necessary conduct a public hearing to amend the Brunswick County Code. As a result, Mr. Cataldo requested that the Board schedule a public hearing on the proposed ordinance at the June 2015 meeting.

Upon motion of Mr. Cataldo, seconded by Mr. Jones, and unanimously carried, the Board authorized the advertisement of a public hearing on the proposed ordinance at the June 2015 meeting.

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

Re: New Business

Alberta Volunteer Fire Department – Appropriation for Fire Truck

Supervisor Jones stated that Alberta Volunteer Fire Department's main fire truck has become inoperable, causing them to use an old back-up vehicle to respond to emergencies. He stated that the Alberta Volunteer Fire Department has located a used 1996 Simon/Saulsbury engine vehicle to purchase for \$59,000 and recommends appropriating the funds.

Upon motion of Mr. Jones, seconded by Mr. Tyler, and unanimously carried, the Board approved an appropriation in the amount of \$59,000 from the undesignated fund balance to the Alberta Volunteer Fire Department for the purchase of a fire truck.

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

Re: Appointments

Brunswick County Litter Control Council

This matter was continued.

Economic Development Coordinating Council

This matter was continued.

Lawrenceville-Brunswick Airport Commission

This matter was continued.

Southside Community Services Board of Directors

This matter was continued.

Re: Adjourn

Upon motion of Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board adjourned.

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

Hon. Barbara J. Drummond, Chair

Charlette T. Woolridge, Ph.D., Clerk