

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON WEDNESDAY, JUNE 18, 2014, IN THE BOARD ROOM OF THE BRUNSWICK COUNTY GOVERNMENT BUILDING

PRESENT: WELTON TYLER, VICE-CHAIRMAN; JOHN CATALDO, BARBARA J. DRUMMOND, DENISE C. WILLIAMS, BOARD OF SUPERVISOR MEMBERS; DR. CHARLETTE T. WOOLRIDGE, COUNTY ADMINISTRATOR/CLERK; PHYLLIS KATZ, COUNTY ATTORNEY; TAMMY W. NEWCOMB, DEPUTY CLERK/RECORDER OF MINUTES

ABSENT: BERNARD L. JONES, SR., CHAIRMAN

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

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

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**Re: Invocation and Pledge of Allegiance**

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

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**Re: Approval of Agenda**

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board approved the agenda as presented.

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

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**Re: Public Hearings**

**Proposed Ordinance for Designation of New and Re-naming of Polling Place for the Lawrenceville Precinct (Precinct 501)**

Mr. John Corrigan, Chairman of the Brunswick County Electoral Board, stated that due to the recent closure of St. Paul's College, the Electoral Board is requesting that the Board of Supervisors consider relocating the Lawrenceville Voting Precinct from the

St. Paul's College John E. Thomasson Student Center to Totaro Elementary School. He stated that Totaro Elementary School meets the criteria as established by the Virginia State Code for a polling precinct. Further, Mr. Corrigan stated that the Electoral Board is requesting to rename the Lawrenceville Voting Precinct to the Totaro Voting Precinct.

The Vice-Chairman opened the public hearing. The following citizen spoke:

- Anna Price expressed concern regarding the proposed name change of the Lawrenceville Voting Precinct. She stated that she felt that it may cause voter confusion to move the location and to change the name at the same time.

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

Upon motion of Ms. Drummond, seconded by Mrs. Williams, and unanimously carried, the Board adopted the ordinance to relocate and rename the Lawrenceville Precinct.

**AN ORDINANCE TO AMEND  
SECTION 22-35 OF THE CODE OF BRUNSWICK COUNTY (ELECTIONS/POLLING  
PLACES) BY DESIGNATING AND RENAMING A NEW POLLING PLACE FOR THE  
LAWRENCEVILLE PRECINCT (PRECINCT 501) IN THE TOTARO ELECTION  
DISTRICT**

**WHEREAS**, the polling place for the Lawrenceville Precinct (Precinct 501) in the Totaro Election District is located at the John E. Thomasson Student Center, St. Paul's College, Lawrenceville Virginia, and

**WHEREAS**, St. Paul's College has ceased operations and the property is currently on the market to be sold; and

**WHEREAS**, the Electoral Board of the County of Brunswick has been successful in finding a new facility that can adequately serve as a polling place for the registered voters in Precinct 501.

**NOW BE IT ORDAINED UNDER AUTHORITY GRANTED TO THE BOARD OF SUPERVISORS UNDER CHAPTER 3 OF TITLE 24.2 OF THE CODE OF VIRGINIA,**

**THE FOLLOWING CHANGES TO SECTION 22-35 OF THE CODE OF BRUNSWICK COUNTY SHALL BE MADE:**

1. Section 22-35 of the *Code of Brunswick County* shall be amended to strike the present provision:

*Precinct 501, Lawrenceville Precinct:* The polling place shall be located in the John E. Thomasson Student Center, St. Paul's College, 100 Athletic Field Drive, Lawrenceville, VA 23868.

2. Section 22-35 of the *Code of Brunswick County* shall be amended to rename Precinct 501 as the Totaro Precinct and to include the following descriptive provision:

*Precinct 501, Totaro Precinct* shall be located at the Totaro Elementary School, 19350 Christanna Highway, Lawrenceville, VA 23868.

This Ordinance shall take effect immediately upon adoption.

The County Administrator shall submit a copy of this Ordinance once adopted to the Virginia Board of Elections and to the Brunswick County Board of Elections.

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

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**Proposed Ordinance to Establish, Regulate and Administer Cable Television Franchise and Activities**

Ms. Phyllis Katz, County Attorney, stated that Shentel submitted a request to Brunswick County on February 7, 2014, to renew the television cable franchise agreement. Further, when a request for a cable franchise agreement renewal is made, the local jurisdiction has 120 days to approve or to preliminarily deny with reasons set forth in the determination letter. Ms. Katz explained that the 120 day period was nearing an end, and on May 12, 2014, she stated that she notified Shentel that Brunswick County requests changes to the existing franchise agreement and that the County would conduct a public hearing on the cable franchise ordinance at its June 18, 2014 meeting.

Ms. Katz further stated that in addition to the changes to the franchise agreement proposed, the County is further requesting that Shentel provide services to the properties on or around Lake Gaston. She concluded by adding that on May 20, 2014, Shentel representatives requested to postpone all action on the renewal request so that they could provide a response to the changes proposed by the County. However, the Board may conduct a public hearing on the proposed ordinance to receive public comment.

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

Upon motion of Mr. Cataldo, seconded by Ms. Drummond, and unanimously carried, the Board adopted the ordinance providing for the establishment, regulation and administration of cable television franchises and activities as presented.

**AN ORDINANCE OF THE COUNTY OF BRUNSWICK, VIRGINIA PROVIDING FOR  
THE ESTABLISHMENT, REGULATION AND ADMINISTRATION OF CABLE  
TELEVISION FRANCHISES AND ACTIVITIES UNDERTAKEN PURSUANT THERETO**

**ARTICLE I**

**General Provisions**

**1. Title**

This Chapter shall be known and may be cited as the “Brunswick County Cable Television Ordinance.”

**2. Statement of Applicability**

This Ordinance establishes the criteria, procedures and standards by which Brunswick County will grant and enforce an ordinance cable franchise to a provider of cable services pursuant to §15.2-2108 *et seq.* of the Code of Virginia as an alternative to a negotiated cable franchise pursuant to §15.2-2108.20 of the Code of Virginia. The County, on request by an applicant, will continue to grant a negotiated cable franchise in accordance with Title VI of the Communications Act of 1934, as amended, 47 U.S.C. §521 *et seq.*,

and as provided by §15.2-2108.20 of the Code of Virginia. The ability to seek an ordinance cable franchise under this Ordinance shall be available to:

A. A cable operator with previous consent to use the public rights-of-way to provide cable services whose negotiated franchise with the County is up for renewal and who seeks to renew that franchise pursuant to Virginia Code §15.2-2108.30;

B. A certificated provider of telecommunications services with previous consent to use the public rights-of-way in the County through a franchise; and

C. A certificated provider of telecommunications services that lacked previous consent to provide cable service in the County but provided telecommunications services over facilities leased from an entity having previous consent to use of the public rights-of-way in the County through a franchise.

### **3. Franchise required**

A. No Person shall construct, install, maintain, expand, enlarge or otherwise increase or operate a Cable System through, on, over or under any Public Way or Public Right-of-Way in the unincorporated area of the County without first having applied for, been granted and accepted a Franchise under the provisions hereof and its Franchise is in full force and effect.

B. Any person who constructs, installs, maintains, expands, enlarges, or otherwise increases, or operates a Cable System through, on, over, or under any Public Way or Public Right-of-Way, or within any privately owned area in the County which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the County, in the unincorporated area of the County without first having applied for, been granted, and accepted a Franchise under the provisions hereof, or a Franchise under the County's preexisting cable ordinance, shall be guilty of a class 4 misdemeanor.

### **4. Existing Rights**

Nothing in this Chapter shall be deemed to abrogate the constitutionally protected rights of a Cable System operating in the County on the date of the adoption or amendment of this Chapter.

### **5. Definitions**

"Act" means the Communications Act of 1934.

"Affiliate", in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person.

"Board" means the governing body of the Brunswick County, Virginia.

"Cable operator" means any person or group of persons that (i) provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system or (ii) otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system. Cable operator does not include a provider of wireless or direct-to-home satellite transmission service.

"Cable service" means the one-way transmission to subscribers of (i) video programming or (ii) other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service. Cable service does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. §332(d).

"Cable system" or "cable television system" means any facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community, except that such definition shall not include (i) a system that serves fewer than 20 subscribers; (ii) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (iii) a facility that serves only subscribers without using any public rights-of-way; (iv) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, 47 U.S.C. §201 et seq., except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; (v) any facilities of any electric utility used solely for operating its electric systems; (vi) any portion of a system that serves fewer than 50 subscribers in the County, where such portion is a part of a larger system franchised in an adjacent county; or (vii) an open video system that complies with §653 of Title VI of the Communications Act of 1934, as amended, 47 U.S.C. §573.

"Certificated provider of telecommunications services" means a person holding a certificate issued by the State Corporation Commission to provide local exchange telephone service.

"Franchise" means an initial authorization, or renewal thereof, issued by a franchising authority, including the County or the Commonwealth Transportation Board, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the construction or operation of a cable system, a telecommunications system, or other facility in the public rights-of-way. A negotiated cable franchise is granted by a County after negotiation with an applicant pursuant to §15.2-2108.20. An ordinance cable franchise is granted by the County when an applicant provides notice pursuant to §15.2-2108.21 that it will provide cable service in the County.

"Franchisee" means a person that has been granted a cable television franchise by the County pursuant to this Ordinance or any predecessor ordinance or franchise agreement.

"Interactive on-demand services" means a service providing video programming to subscribers over switched networks on an on-demand, point-to-point basis, but does not include services providing video programming prescheduled by the programming provider.

"Person" means an individual, partnership, association, joint stock company, organization, corporation, or any other legal entity, but such term does not include the county.

"Public rights-of-way" means the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement, or similar property in which the County or the Commonwealth of Virginia now or hereafter holds any property interest, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining cable facilities. No reference herein, or in any franchise, to a "public rights-of-way" shall be deemed to be a representation or guarantee by the County that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a franchisee shall be deemed to gain only those rights to use as are properly in the County and as the County may have the undisputed right and power to give.

"Transfer" means any transaction in which (i) an ownership or other interest in the cable operator is transferred, directly or indirectly, from one person or group of persons to another person or group of persons, so that majority control of the cable operator is transferred; or (ii) the rights and obligations held by the cable operator under the cable franchise granted under this article are transferred or assigned to another person or group of persons. However, notwithstanding clauses (i) and (ii) of the preceding sentence, a transfer of the cable franchise shall not include (a) transfer of an ownership or other interest in the cable operator to the parent of the cable operator or to another affiliate of the cable operator; (b) transfer of an interest in the cable franchise granted under this article or the rights held by the cable operator under the cable franchise granted under this article to the parent of the cable operator or to another affiliate of the cable operator; (c) any action that is the result of a merger of the parent of the cable operator; (d) any action that is the result of a merger of another affiliate of the cable operator; or (e) a transfer in trust, by mortgage, or by assignment of any rights, title, or interest of the cable operator in the cable franchise or the system used to provide cable in order to secure indebtedness.

"VDOT" means the Virginia Department of Transportation.

"Video programming" means programming provided by, or generally considered comparable to, programming provided by a television broadcast station.

All terms used herein, unless otherwise defined, shall have the same meaning as set forth in Sections 15.2-2108.19 *et seq.* of the Code of Virginia, and if not defined therein, then as set forth in Title VI of the Communications Act of 1934, 47 U.S.C. §521 *et seq.*, and if not defined therein, their common and ordinary meaning. In addition, references in this Ordinance to any federal or state law shall include amendments thereto as are enacted from time-to-time.

## **6. Application procedures and fee**

A. In order to obtain a Franchise, an applicant shall first file with the County Administrator a request, in writing, to negotiate the terms and conditions of a negotiated Franchise Agreement.

B. All applications for an initial Franchise Agreement shall include the following minimum information:

(1) A map delineating all areas to which Cable Service shall initially be provided and anticipated future service areas, and a statement explaining the applicant's line extension requirements.

(2) A detailed statement of Services proposed to be offered to Subscribers.

(3) A detailed statement of any services to be offered to the County, including but not limited to Access Channels, cable service outlets to public locations, capital grants/support, etc.

(4) A detailed statement of the service characteristics and capabilities of the applicant's proposed Cable System.

(5) A schedule of initial rates, fees and other charges to be established by the applicant.

(6) A detailed statement of the applicant's customer service standards.

(7) A detailed statement of the types of reports and records maintained by the applicant with regard to customer service, line extension deployment and annual performance summaries.

(8) Evidence of the financial stability, technical and other qualifications of the applicant.

(9) Full and true disclosure of the actual ownership of the applicant, including the identity of all principals and ultimate beneficial owners, however designated, specifically including all stock holders of corporations (nominal and beneficial) owning more than one percent (1%) of the issued and outstanding stock and all partners of any general or limited partnership.

(10) Any additional information that the County may require.

C. Submitted applications may be amended only with the consent of the Board.

D. Applications shall be signed by the applicant or by a duly authorized representative of the applicant, evidence of whose authority shall be supplied with the application.

E. Each Person applying for an initial Franchise shall pay a nonrefundable fee in the amount of two-thousand five hundred dollars (\$2,500.00) to defray expenses incurred by the County in processing applications. Such nonrefundable payment shall be used to offset any direct costs incurred by the Franchising Authority in connection with the application and this ordinance.

F. The applicant shall make itself available to participate in franchise negotiations with the County and/or its representatives.

G. After considering the financial, technical and legal qualifications of the applicant, the Board may enter into a negotiated Franchise Agreement if it determines that the applicant's plans for constructing, operating, and maintaining its Cable System are adequate and will sufficiently meet the current and future cable-related needs and interests of the residents of the County.

H. Should an applicant intend to elect to obtain an ordinance cable franchise from the County in lieu of a negotiated agreement, it shall give the County written notice of such election at least forty five (45) calendar days prior to filing a notice electing an ordinance cable franchise. This requirement is not applicable if the County refuses to engage in negotiations with the applicant, or the applicant has an existing negotiated Franchise Agreement with the County.

I. After the forty five (45) day period set forth in subsection H above, an applicant, through its president or chief executive officer, shall file written notice with the County that the applicant elects to receive an ordinance cable franchise at least (thirty) 30 days prior to offering cable service in the County. The notice shall be accompanied by a map or a boundary description showing:

(1) The initial service area in which the applicant intends to provide cable service in the County within the three (3) year period required for an initial service area; and

(2) The area in the County in which the applicant has its telephone facilities, if any.

The map or boundary description of the initial service area may be amended by the applicant by filing with the County a new map or boundary description of the initial service area.

J. The County will adopt an ordinance within one hundred twenty (120) days of the applicant's filing of the notice required in subsection H above. An ordinance adopted under this section that relates to an applicant's provision of cable service shall apply to such applicant retroactively to the date on which the applicant began to offer cable service in the County pursuant to this Ordinance.

K. Notice of any ordinance that requires a public hearing shall be advertised once a week for two successive weeks in a newspaper having general circulation in the County. The advertisement shall include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the County. All costs of such advertising shall be assessed against the applicant or Grantee.

## **7. Franchise Renewal**

A Grantee electing to renew its cable franchise shall do so (i) pursuant to the renewal procedures in 47 U.S.C. §546, or (ii) by providing notice to the County that it will opt into an ordinance cable franchise pursuant to this Ordinance. A Grantee may file such notification that its cable franchise will be renewed by an ordinance cable franchise not more than one year in advance of the expiration date of its existing franchise. Except as provided by federal law, the restrictions in Sections 15.2-2015 through 15.2-2018, 15.2-2100 through 15.2-2105, 15.2-2106 and 15.2-2107 of the Code of Virginia, including, but not limited to, the advertisement and receipt of bids for cable franchises, shall not apply to renewal certifications except where a renewal would result in the County having granted a cable franchise and a renewal with combined terms in excess of forty (40) years.

## **8. Transfer**

No transfer of any franchise granted under this Ordinance shall occur without the prior consent of the County, provided that the Board shall not unreasonably withhold, delay, or condition such consent. No transfer shall be made to a person, group of persons or affiliate that is not legally, technically, and financially qualified to operate the cable system and satisfy the franchise obligations.

## **9. Modifications**

Any modification to a franchise shall require the approval of the Board.

## **10. Incorporation of Amendments to State Code, Federal Law and Regulations**

Sections 15.2-2108.19 through 15.2-2108.31 of the Code of the Virginia, 1950, as amended, and all of the provisions and standards referenced therein, are hereby adopted and incorporated as fully as if set out at length herein. All future amendments to such sections and provisions are hereby automatically incorporated into the County Code.

## **11. Severability**

If any Section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, sentence, paragraph, term, or provision hereof, all of which will remain in full force and effect for the term, or provision hereof, all of which will remain in full force and effect for the term of the Franchise, or any renewal thereof.

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

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### **Case #14-007, Amendment to Conditional Use Permit Case #13-008, Campground in the Agricultural (A-1) Zoning District**

Ms. Leslie Weddington, Director of Planning, stated that the subject property owned by Lonnie R. and Joyce Powell, is located on the north side of Governor Harrison Parkway (Highway 58), approximately 1.25 miles east of the intersection of County Pond Road (State Route 638) and Governor Harrison Parkway, located in the Totaro Magisterial District and the Sturgeon Election District. The applicants are requesting approval to amend their original conditional use permit to add an additional lot to the approved campground, which would allow them to operate and maintain a four lot campground for camper/travel trailers for temporary use.

The Planning Commission conducted a public hearing on this request at their May 13, 2014, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing, the Planning Commission recommended approval of Case #14-007 by a vote of 9 to 2.

The Vice-Chairman opened the public hearing. No citizens spoke. After providing all citizens an opportunity to express their views, the Vice-Chairman closed the public hearing. Supervisor Cataldo stated that Mr. Powell was approved through his original

conditional use permit to place three camper/travel trailers on his property. However, he has placed four camper/travel trailers on the site on two separate occasions. As a result, he has violated the county zoning ordinance and he feels that the application should be denied.

Mr. Powell stated that the homeowner moved the camper trailer on to the site temporarily to see if he would like living in that area. He told the homeowner that the camper could not be permanently placed there until the case was approved by the Board of Supervisors. The camper trailer was removed.

Upon motion of Mrs. Williams, seconded by Ms. Drummond, and carried, the Board approved Case #14-007 subject to the following conditions recommended by the Planning Commission:

1. Prior to the commencement of any type of construction work pertaining to the campground, the permittee shall meet the requirements of Article 27. Site Plan Requirements.
2. The campground shall be served by public water and sewer systems or central systems where public systems are not available. These systems must be approved by the Virginia Department of Health and the county zoning administrator.
3. The storage of refuse in the campground shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in containers, which shall be located in reasonable proximity to the campground lot they serve. Containers shall be provided in sufficient number and capacity to properly store all refuse.
4. Each camper/travel trailer must have a minimum lot size of 5,000 square feet.
5. All ancillary structures, steps, landings, patios, carports, and garages shall be constructed in compliance with the Uniform Statewide Building Code.
6. The permittee is required to conform with all terms and conditions of this permit, any and all rules and regulations of the Brunswick County Zoning Ordinance. The

permittee's failure to do so will constitute a violation of the Brunswick County Zoning Ordinance, which in turn may result in the revocation of this conditional use permit and require the permittee's immediate removal of the manufactured homes from the subject property.

7. No more than four (4) camper/travel trailers shall be permitted on the subject property. Camper/travel trailers shall be permitted to locate on the subject property from the date of approval of this conditional use permit by the Board of Supervisors and shall be removed by December 31, 2016.

Ayes: Drummond, Williams, Tyler; Nays: Cataldo.

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**Conditional Use Permit Case #14-009, submitted by Rebecca Evans and Bernard Scruggs, Campground in the Agricultural (A-1) Zoning District**

Ms. Weddington stated that the subject property owned by Rebecca Evans and Bernard Scruggs, is located off of Salem Drive (a private drive), approximately 0.2 miles southeast of the intersection of County Pond Road (State Route 638) and Salem Road Parkway, located in the Totaro Magisterial District and the Sturgeon Election District. The applicants are requesting approval of a conditional use permit to operate and maintain a two lot campground for camper/travel trailers for temporary use.

The Planning Commission conducted a public hearing on this request at their May 13, 2014, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing, the Planning Commission recommended approval of Case #14-009 by a vote of 9 to 2.

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

Upon motion of Mr. Cataldo, seconded by Mrs. Williams, and unanimously carried, the

Board approved Case #14-009 subject to the following conditions recommended by the Planning Commission:

1. Prior to the commencement of any type of construction work pertaining to the campground, the permittee shall meet the requirements of Article 27. Site Plan Requirements.
2. The campground shall be served by public water and sewer systems or central systems where public systems are not available. These systems must be approved by the Virginia Department of Health and the county zoning administrator.
3. The storage of refuse in the campground shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in containers, which shall be located in reasonable proximity to the campground lot they serve. Containers shall be provided in sufficient number and capacity to properly store all refuse.
4. Each camper/travel trailer must have a minimum lot size of 5,000 square feet.
5. All ancillary structures, steps, landings, patios, carports, and garages shall be constructed in compliance with the Uniform Statewide Building Code.
6. The permittee is required to conform with all terms and conditions of this permit, any and all rules and regulations of the Brunswick County Zoning Ordinance. The permittee's failure to do so will constitute a violation of the Brunswick County Zoning Ordinance, which in turn may result in the revocation of this conditional use permit and require the permittee's immediate removal of the manufactured homes from the subject property.
7. No more than two (2) camper/travel trailers shall be permitted on the subject property. Camper/travel trailers shall be permitted to locate on the subject property from the date of approval of this conditional use permit by the Board of Supervisors and shall be removed by December 31, 2016.

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

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**Re: Approval of Minutes**

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board approved the minutes of the May 21, 2014, regular meeting as

recorded.

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

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**Re: Virginia Department of Transportation (VDOT) Monthly Report**

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

Maintenance Forces

- Machined shoulders on primary routes.
- Repaired signs on various routes.
- Patched potholes on various primary and secondary routes.
- Cut vegetation around structures on Route 606, 615, 636 and 642.
- Primary mowing completed; secondary mowing is ongoing.
- Bridge deck repairs completed on Route 689 (Big Buck Road).
- Rural Rustic Project on Route 633 (Pocahontas Road) is ongoing.

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**Re: Presentations**

**Country Club Shores Subdivision – Request for Buoys – James Clark**

Mr. James Clark, President of Country Club Shores Association, Inc., presented a request for the Board's consideration to establish a no wake zone in the northern portion of Cold Spring Branch located off of Pea Hill Creek in Lake Gaston. Mr. Clark explained that citizens cannot safely swim along the shore due to induced high waves caused by watercraft. Additionally, the high waves have caused significant erosion to the shoreline in the area.

Upon motion of Mr. Cataldo, seconded by Ms. Drummond, and unanimously carried, the Board authorized the advertisement of a public hearing on the establishment of a no wake zone in Cold Spring Branch for its July 16, 2014, meeting.

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

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**Re: Department/Agency Presentations**

**Southside Community Services Board – Request for Fiscal Agent – Don Burge, Executive Director**

Mr. Don Burge, Executive Director, stated that the Halifax County Treasurer has served as the fiscal agent for Southside Community Services Board for many years. Due to the relocation of the administrative offices to Clarksville, it is no longer feasible to continue this arrangement with Halifax County. On June 2, 2014, the Halifax County Board of Supervisors voted to authorize Southside Community Services Board to serve as its own fiscal agent.

Upon motion of Mrs. Williams, seconded by Ms. Drummond, and unanimously carried, the Board authorized Southside Community Services Board to serve as its own fiscal agent.

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

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**Virginia Department of Health, Southside Health District – Request for FY15 Budget Allocation – Christopher Mitchell, Business Manager**

Mr. Christopher Mitchell, MBA, Business Manager, stated that Southside Health District is requesting a \$10,800 increase in the FY15 Health Department budget. Some expenses relative to this increase are the cost of medical supplies and equipment, rising costs of utilities, and medical fringe benefits for employees. This increase would enable the Southside Health District to utilize an additional \$24,748 in state funding and to successfully meet the needs of the citizens of Brunswick County without reducing staff.

This matter was referred to the Finance Committee to provide a recommendation.

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**Community Memorial Healthcenter – Request for Letter of Support**

Community Memorial Healthcenter (CMH) is requesting the support of the Board of Supervisors for the consideration of a replacement hospital for Community Memorial Healthcenter. CMH is entering into a formal affiliation with Virginia Commonwealth University (VCU) Health System. VCU Health System has committed a minimum of \$75 million to this effort; however, CMH is required to obtain a Certificate of Public Need from the Commissioner of the Virginia Department of Health before the project can proceed. As a result, CMH is requesting a letter of support from Brunswick County for the Certificate of Public Need.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board approved a letter of support for the Community Memorial Healthcenter Certificate of Public Need as requested.

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

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**Re: Citizen Comments**

The Vice-Chairman 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 Vice-Chairman closed the Citizen Comment period.

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**Re: Consent Calendar of Reports**

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

the Board acknowledged receipt of the following reports:

- A. Lawrenceville-Brunswick Airport Monthly Report
- B. Roanoke River Service Authority Meeting Minutes
- C. Industrial Development Authority Meeting Minutes
- D. Economic Development Coordinating Council Minutes

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

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**Re: Brunswick County Public Schools Monthly Report**

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

This was provided for the Board's information.

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**Re: Finance Director's Report**

**Approval of Disbursements**

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

- System checks dated May 19, 2014, in the amount of \$7,660.16.
- System checks dated June 2, 2014, in the amount of \$23,125.63.
- System checks dated June 12, 2014, in the amount of \$41,243.96.
- System checks dated June 17, 2014, in the amount of \$24,666.62
- System checks dated June 18, 2014, in the amount of \$363,805.31.

Upon motion of Ms. Drummond, seconded by Mrs. Williams, and unanimously carried, the Board approved disbursements in the amount of \$460,501.68 as presented.

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

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**Virginia Retirement System – Contribution Rate Election**

Mrs. Reekes stated that language in the 2013 Appropriations Act, Item 468(H), allows localities to make an election regarding their employer retirement contribution rate every

biennium. Brunswick County has another opportunity to select which employer contribution rate it will pay beginning July 1, 2014.

The Board of Supervisors must approve one of the following employer contribution rate options for the defined benefit retirement plan in the biennium beginning July 1, 2014:

- 13.77% - the rate certified by the Virginia Retirement System (VRS) Board of Trustees for the 2014-2016 biennium; or
- 11.90% - the alternate rate, which is the higher rate of the current rate certified by the VRS Board for FY12 or 80% of the certified rate for fiscal years 2015-2016.

Please be aware that selecting the alternate rate will:

- Reduce the contributions to Brunswick County's employer account and the investment earnings they would have generated and, as a result, there will be fewer assets available for benefits.
- Result in a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time.
- Require that Brunswick County include the Net Pension Obligation (NPO) under GASB Standards in the notes to the financial statements.

Additionally, the Brunswick County School Board elected to use their certified rate of 8.97% for the 2014-2015 biennium. The Board of Supervisors must certify that it concurs with the election made by Brunswick County Public Schools.

Upon motion of Mrs. Williams, seconded by Ms. Drummond, and unanimously carried, the Board approved the 13.77% rate certified by the Virginia Retirement System Board of Trustees for the employer contribution rate during the 2014-2016 biennium and certified the election made by the Brunswick County School Board by adopting the following resolutions:

**RESOLUTION**  
**EMPLOYER CONTRIBUTION RATES FOR COUNTIES, CITIES, TOWNS,**  
**SCHOOL DIVISION AND OTHER POLITICAL SUBDIVISIONS**  
**(in accordance with the 2014 Appropriations Act Item 468(H))**

**BE IT RESOLVED**, that Brunswick County, 55112, does hereby acknowledge that its contribution rates effective July 1, 2014, shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013, actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(l) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

**BE IT ALSO RESOLVED**, that Brunswick County, 55112, does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014.

The Certified Rate of 13.77%       The Alternate Rate of 11.90%

**BE IT ALSO RESOLVED**, that Brunswick County, 55112, does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

**NOW, THEREFORE**, the officers of Brunswick County, 55112, are hereby authorized and directed in the name of Brunswick County to carry out the provisions of this resolution, and said officers of Brunswick County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Brunswick County for this purpose.

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

**RESOLUTION**  
**LOCAL GOVERNING BODY CONCURRENT WITH SCHOOL DIVISION**  
**ELECTING TO PAY THE VRS BOARD-CERTIFIED RATE**  
**(in accordance with the 2014 Appropriations Act Item 468(H))**

**BE IT RESOLVED**, that Brunswick County, 55112, does hereby acknowledge that Brunswick County Public Schools has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System

Board of Trustees pursuant to Virginia Code §51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the “Certified Rate”); and

**BE IT ALSO RESOLVED**, that Brunswick County, 55112, does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of Brunswick County Public Schools to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

**NOW, THEREFORE**, the officers of Brunswick County, 55112, are hereby authorized and directed in the name of Brunswick County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of Brunswick County, as appropriate, shall be affixed and attested by the Clerk.

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

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**Robinson, Farmer Cox Associates – FY14 Audit Engagement Letter**

Mrs. Reekes presented the Engagement Letter from Robinson, Farmer Cox Associates to provide audit services for Brunswick County for the year ended June 30, 2014. The audit fee is \$29,500, which is included in the FY15 proposed budget.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board approved the FY14 Audit Engagement Letter and authorized the County Administrator to sign on behalf of Brunswick County.

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

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**Re: Planning Director’s Report**

**Schedule Public Hearing – Conditional Use Permit Case #14-010, submitted by Southside Electric Cooperative, Communications Tower in the Agricultural (A-1) Zoning District**

Ms. Leslie Weddington, Director of Planning, stated that the subject property is located at the southeast quadrant of the intersection of Boynton Plank Road (U.S. Highway 1)

and Grandy Road (State Route 644) in the Red Oak Magisterial District and the Totaro Election District. The applicant is requesting approval of a conditional use permit to construct, operate and maintain a 120' communications tower to serve their existing substation.

The Planning Commission conducted a public hearing on this request at their June 10, 2014, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing, the Planning Commission recommended unanimous approval of Case #14-010 and requested that the Board of Supervisors schedule a public hearing for the Board's July 2014 regular meeting.

Upon motion of Mrs. Williams, seconded by Ms. Drummond, and unanimously carried, the Board authorized the advertisement of a public hearing on Case #14-010 for the July 16, 2014, regular meeting as recommended by the Planning Commission.

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

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**Schedule Public Hearing – Conditional Use Permit Case #14-012, submitted by Virginia Electric and Power Company d/b/a Dominion Virginia Power, Communications Tower in the Agricultural (A-1) Zoning District**

Ms. Weddington stated that the subject property is located at the intersection of Rawlings Road (State Route 629) and Waqua Creek Road (State Route 630), located in the Sturgeon Magisterial District and the Red Oak Election District. The applicant is requesting approval of a conditional use permit to construct, operate and maintain a 335' communications tower to serve their switching station currently under construction.

The Planning Commission conducted a public hearing on this request at their June

10, 2014, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing, the Planning Commission recommended unanimous approval of Case #14-012 and requested that the Board of Supervisors schedule a public hearing for the Board's July 2014 regular meeting.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board authorized the advertisement of a public hearing on Case #14-012 for the July 16, 2014, regular meeting as recommended by the Planning Commission.

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

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**Re: County Administrator's Report**

**FY15 Proposed General Fund and Capital Improvement Project Budgets - Additional Budget Considerations**

Keli Reekes, Director of Finance, presented additional budget considerations to be included in the FY15 proposed General Fund budget as follows:

- Brunswick County Public Schools has requested a change by category in regards to the reinstatement of health insurance for all contracted bus drivers. Specifically, the change will reflect an increase in transportation expenditures and a decrease in instruction.
- The Sheriff's Office has been awarded three grants for FY15 that need to be appropriated in order to properly account for the expenditures as follows:
  - The Byrne Justice Assistance Grant in the amount of \$1,214, which requires a local match in the amount of \$135.00. The local match is included in the proposed FY15 Sheriff's Office-Law Enforcement and Traffic Control budget. This grant is available to help support localities and their efforts to reduce crime and improve public safety.
  - A grant awarded by the Virginia E-911 Services Board in the amount of \$93,190, which requires no local match. These funds were made available to replace the E-911 system.
  - A grant awarded by the Office of Emergency Medical Services in the amount of \$69,667.50, which requires no local match. The grant was awarded to replace the Emergency Medical Dispatch (EMD) system.

It is important to note that these items do not require a change in the amount previously approved to be taken from the FY15 Undesignated General Fund Balance.

Upon motion of Mrs. Williams, seconded by Mr. Cataldo, and unanimously carried, the Board approved the additional FY15 budget considerations as presented.

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

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**FY15 Brunswick County General Fund and Capital Improvement Projects Budget – Adoption and Appropriation**

Dr. Woolridge stated that an appropriation in the amount of \$39,300,907 is required to fund the FY15 Brunswick County Consolidated Budget. This includes the General Fund, Capital Improvement Projects and Public School budget.

Supervisor Drummond stated that questions were raised regarding a potential conflict of interest relative to her voting on The Improvement Association's budget since she is a Board of Director member of The Improvement Association. She stated that the Board of Supervisors appointed her to serve on the Board of Directors representing Brunswick County. Therefore, she contacted the County Attorney to obtain an opinion regarding this matter and further received an opinion from the Attorney General's Office through The Improvement Association. The County Attorney and Attorney General concluded that there is no conflict of interest.

Vice-Chairman Tyler stated that he was also questioned regarding a potential conflict of interest relative to voting on The Improvement Association's budget because his brother Rufus Tyler is employed by The Improvement Association. He clarified that Rufus Tyler does not own The Improvement Association, but is an employee

of that agency. Additionally, he stated that he and his brother jointly own properties, but they do not reside in the same household. He contacted the County Attorney and the Commonwealth's Attorney to obtain an opinion regarding the matter. Both reviewed the issue and concluded that there is no conflict of interest.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and carried, the Board adopted and appropriated the FY15 Brunswick County Consolidated Budget in the amount of \$39,300,907.

**BE IT RESOLVED:** That the Brunswick County Board of Supervisors does appropriate the total amount of \$39,300,907 (inclusive of interfund transfer in the amount of \$6,380,280) for the consolidated Brunswick County budget for the year beginning July 1, 2014, and ending June 30, 2015, as budgeted by fund and function for general governmental activities, and as budgeted by fund and category for public school activities. Further, this total appropriation includes \$4,568,632 in local funding for school operations. Additional local funding for schools includes \$322,023 for the School Construction Debt Service Fund; and \$434,899 for School debt Service Fund.

Further, the Board set the tax rates per \$100 assessed value for 2014-2015 as follows:

Real Estate	\$0.47
Personal Property	\$3.60
Special Classification of Personal Property – Fire and Rescue Volunteers	\$2.40
Mobile Homes	\$0.47
Machinery and Tools	\$3.40
Merchant's Capital	\$1.20
Public Service Corporation Real Estate	\$0.47
Public Service Corporation Personal Property	\$3.60

Ayes: Cataldo, Drummond, Tyler; Nays: Williams.

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**Virginia's Growth Alliance Resolution of Support for the Construction and Access of Natural Gas Pipelines in the Commonwealth**

Dr. Woolridge stated that the member localities of Virginia's Growth Alliance support

the efforts to collaborate with any and all stakeholders, governing bodies, government agencies, contractors, services providers, and any and all other interested parties in order to guarantee access to natural gas lines for current and future businesses and residents of the Virginia Growth Alliance communities. As a result, each locality is requested to adopt a resolution.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and carried, the Board adopted the following resolution:

**Virginia’s Growth Alliance Resolution of Support  
for the Construction and Access of  
Natural Gas Pipelines in the Commonwealth**

**WHEREAS**, the Commonwealth of Virginia has identified economic development as a critical element to improving the lives of our citizens; and

**WHEREAS**, the Commonwealth of Virginia has encouraged localities to develop regional marketing organizations to further economic development efforts; and

**WHEREAS**, Brunswick County, Charlotte County, the City of Emporia, Greensville County, Lunenburg County, Mecklenburg County and Nottoway County have formed Virginia’s Growth Alliance in an effort to market the region to further economic development; and

**WHEREAS**, Amelia County, Buckingham County, Cumberland County and Prince Edward County have provisionally joined Virginia’s Growth Alliance, and

**WHEREAS**, the region has identified the lack of the availability of, and access to, natural gas which has proven to be a critical hurdle impeding economic development in the Region; and

**WHEREAS**, it is the understanding of this body that a number of natural gas transmission lines are under consideration for construction in the Commonwealth; and

**WHEREAS**, the proposed routes of these transmission lines will cross many of Virginia’s Growth Alliance localities; and

**WHEREAS**, the planning stage for such transmission lines, which is underway, is the appropriate time to ensure that all localities within the Virginia's Growth Alliance region will be guaranteed maximum access to any transmission lines; and

**WHEREAS**, the construction of, and access to such lines will improve service reliability, and will alleviate heating source shortages as experienced in many parts of the United States during the winter of 2013-2014; and

**WHEREAS**, expanded capacity will allow better service to existing customers and importantly will allow the addition of new customers, including businesses who decide to locate in the Virginia's Growth Alliance region; and

**THEREFORE, BE IT RESOLVED**, that on June 5, 2014 the member localities of Virginia's Growth Alliance voted to support the construction of any and all natural gas pipelines in their localities and throughout Virginia in order that residents and businesses in the Virginia's Growth Alliance region may access natural gas transmission lines; and

**BE IT FURTHER RESOLVED**, that the member localities of Virginia's Growth Alliance pledge to collaborate with any and all stakeholders, governing bodies, government agencies, contractors, services providers, and any and all other interested parties in order to guarantee access to such lines for the current and future businesses and residents of the communities of Amelia County, Buckingham County, Brunswick County, Charlotte County, Cumberland County, the City of Emporia, Greensville County, Lunenburg County, Mecklenburg County, Nottoway County and Prince Edward County.

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

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**Central Virginia Criminal Justice Academy – Resolution Regarding Proposed Amendments to Charter Agreement**

Dr. Woolridge stated that the Board of Directors of the Central Virginia Criminal Justice Academy (CVCJA) is recommending amendments to the Charter Agreement for the Academy. The purpose for the Charter revisions is to make clear that the Academy has all the powers, authority, attributes and immunities as specified in the Title 15.2, Chapter 17, Article 5 of the Code of Virginia (Virginia Code §15.2-1747 et. seq.) which is part of the Virginia Code that created the regional criminal justice academies in 1993. Provisions of the current Charter Agreement require approval of such amendments by

three-fourths of the participating jurisdictions governing bodies. Accordingly, the Board of Directors respectfully request consideration and action on the resolution. Sheriff Roberts supports the adoption of this resolution.

Upon motion of Mrs. Williams, seconded by Ms. Drummond, and unanimously carried, the Board adopted the resolution as presented.

**WHEREAS**, the Central Virginia Criminal Justice Academy (“Academy”) Board of Directors has recommended amendments to the Academy’s Charter Agreement that was adopted in 1990; and

**WHEREAS**, approval of the amendments by participating governmental units of the Academy is required by the Academy’s existing Charter Agreement.

**BE IT RESOLVED** by the Brunswick County Board of Supervisors that the amendments to the Academy’s Charter Agreement recommended by the Academy’s Board of Directors, dated May 5, 2014, are hereby approved, and Brunswick County hereby enters in the Charter Agreement attached hereto.

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

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**Re: Appointments**

**Brunswick County Litter Control Council**

This matter was continued.

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**Economic Development Coordinating Council**

This matter was continued.

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**Meherrin Regional Library Board**

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board appointed Rebecca Akers to serve a four year term on the Meherrin Regional Library Board representing the Totaro Election District.

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

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**Workforce Investment Board**

Dr. Woolridge stated that Mr. Scott Martin, business representative, submitted his resignation from the workforce Investment Board. As a result, an appointment is needed to fill the vacancy.

This matter was continued.

**Roanoke River Service Authority**

This matter was continued.

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**Re: Adjourn**

Upon motion of Ms. Drummond, seconded by Mrs. Williams, and unanimously carried, the Board adjourned.

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

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Welton Tyler, Vice-Chairman

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Charlette T. Woolridge, Ph.D., Clerk