

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON WEDNESDAY, JULY 16, 2014, IN THE BOARD ROOM OF THE BRUNSWICK COUNTY GOVERNMENT BUILDING

PRESENT: BERNARD L. JONES, SR., CHAIRMAN; WELTON TYLER, VICE-CHAIRMAN; JOHN CATALDO, 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: BARBARA JARRETT DRUMMOND, BOARD OF SUPERVISOR MEMBER

Re: Closed Meeting

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

- 2.2-3711.A.7: Consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by such counsel.

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

The County Attorney attended the closed meeting.

Reconvene in Open Meeting

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

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

Certification of Discussions in Closed 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
Mrs. Williams: Aye
Mr. Jones: Aye

Supervisor Tyler entered the meeting.

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

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

Re: Invocation and Pledge of Allegiance

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

Re: Approval of Agenda

Upon motion of Mr. Tyler, seconded by Mrs. Williams, and unanimously carried, the Board approved the agenda with the following additions:

Order of the Agenda:

- Move Presentations to the Brunswick High School 2014 Boys and Girls Indoor and Outdoor Track & Field Teams after Approval of Agenda.

Add under New Business

- Amendment to Brunswick County Code – Chapter 26, Emergency Services

Add under Old Business

- Virginia Department of Health, Southside Health District – Request for FY15 Budget Allocation

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

Re: Presentations

Brunswick High School 2014 Indoor and Outdoor Track & Field Boys Team – Group 1A/2A East Region Indoor Track & Field Runner-Up; Group 1A/2A State Indoor Track & Field Runner-Up; Group 2A Conference 34 Outdoor Track & Field Champion; Group 2A East Region Outdoor Track & Field Runner-Up; and Group 2A State Outdoor Track & Field Runner-Up

The Board of Supervisors recognized the 2014 Brunswick High School Boys Outdoor

Track and Field team as follows:

Head Coach	Darrell Owens
Assistant Coach	Milton Pearson
Assistant Coach	Shanika Morgan
Assistant Coach	Veronica Gillis
Assistant Coach	Chris Stephensen
Manager	Janae Jackson
Manager	Naomi Jackson

Players

Dillquan Bagley	Kwante Rice
Jared Barmoy	Justin Ruffin
Tony Barnes, Jr.	DaJuan Seward
Jamisen Baskerville	Joseph Stephensen
Xavier Burke	Kevin Stephensen
Davon Davis	Connell Stith
Michael Dilworth	Devonte Stith
Tyreese Fisher	Jamari Stith

Daniel Gillis	Xavier Thompson
JaVonte' Hargrove	Haywood Townes
Jabbar Harris	Shakeim Tucker
Tylik McMillan	Trevon Walker
Daylan Owens	Latrell Wallace-Williams
Malcolm Pearson	Ethan Warwick
Emmanuel Prosisie	Jakal Williams

Brunswick High School 2014 Indoor and Outdoor Track & Field Girls Team – Group 1A/2A East Region Indoor Track & Field Runner-Up; Group 1A/2A State Indoor Track & Field Runner-Up; Group 2A Conference 34 Outdoor Track & Field Champion; Group 2A East Region Outdoor Track & Field Champion; Group 2A State Outdoor Track & Field Champion

The Board of Supervisors recognized the 2014 Indoor and Outdoor Track & Field

Girls Team as follows:

Head Coach	Darrell Owens
Assistant Coach	Milton Pearson
Assistant Coach	Shanika Morgan
Assistant Coach	Veronica Gillis
Assistant Coach	Chris Stephensen
Manager	Janae Jackson
Manager	Naomi Jackson

Players

Desiray Bennett	Accura Morgan
Shakiya Bowser	Younique Morgan
Javana Boyd	Acacia Seward
Ashley Brown-Allen	Ayanna Seward
Chynna Cabiness	Kayla Shoultz
Shalance Crenshaw	Bria Stith
Sha'Damia Hargrove	Brooke Stith
Jasmine Harrison	Le'Tishay Trotter
Jazmyn Johnson	Jaderia Walker
Demetria Jones	Myneshia Walker
Harley Jones	Victoria Wallace-Williams
LaShay Lee	Rowan Williams

Re: Public Hearings

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 Boydton 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.

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

Upon motion of Mr. Tyler, seconded by Mr. Cataldo, and unanimously carried, the Board approved Case #14-010 subject to the conditions as recommended by the Planning Commission.

1. The tower and facility shall be constructed, operated and maintained in accordance with all rules of the Brunswick County Zoning Ordinance and with any and all terms and conditions of this conditional use permit, and in compliance with all federal, state and other local laws and regulations for this issue. Failure of the Permittee to operate in compliance with all federal, state and local laws will result in enforcement action by the County which may include revocation of this permit by the Board of Supervisors.

2. The County shall have the right of first refusal to co-locate on the tower, at any elevation which is not occupied by another user. In the event the County affixes its communication facilities to the tower, the County shall thereafter be entitled to the continuous and uninterrupted use of such tower space, with no obligation to pay rent to applicant. Whenever applicant receives a bona fide proposal for the right of co-location from any third-party entity, applicant shall afford written notice to the Brunswick County Director of Planning disclosing the tower elevation, and other pertinent information, concerning the proposed co-location. Within thirty (30) days from receipt of such notice, County shall have the right to notify the applicant that it intends to utilize such space. If the County has failed to afford written notice of its intended co-location within said thirty (30) days from such receipt from the applicant, then County's preemptive first refusal right shall automatically terminate. If County affords applicant written notice of its intent to utilize the subject tower space, then County shall have sixty (60) days from the date of such notice from county to applicant by which to co-locate. If County fails to commence construction of its facilities within said sixty (60) days period, then effective on the sixty-first (61st) day, County's preemptive right of co-location shall automatically terminate. In the event of co-location by any third party entity upon removal by such entity of its antenna facilities, the "tower vacancy" created by such removal shall automatically afford the County a first refusal right to utilize the space so vacated, upon the same terms and conditions hereinabove set forth. The duties and responsibilities hereby imposed upon applicant shall follow title to the tower, and therefore be binding upon any successor in title of applicant.
3. Prior to the issuance of a zoning permit for the proposed tower or any accessory structures and/or equipment, the applicant shall submit a site plan for County approval in accordance with the provisions of Article 27 of the Brunswick County Zoning Ordinance.
4. Prior to commencing any land disturbing activities on the subject property, the applicant 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 and Sediment control Ordinance and the Virginia Erosion and Sediment Control Handbook.
5. A copy of any and all FAA, FCC, and any other governmental agency approval must be on file with the County prior to site plan approval.
6. Permittee shall secure and maintain all federal, state and local licenses and certificates required to do business in the Commonwealth of Virginia and Brunswick County.

7. The applicant shall be responsible for correcting any frequency problems which affect the Brunswick County Public Safety Communications System caused by this use. Such corrections shall be made immediately upon notification by the Brunswick County Administration.
8. All tower lighting shall be shielded as to minimize visibility from the ground. Details of this shielding shall be provided in the site plan for County approval.
9. Written verification shall be provided by a licenses engineer to certify that the accessory equipment for the tower shall not exceed the minimum decibel level at the lease area boundaries. This written verification shall be provided along with the site plan for County approval.
10. In the event Permittee is notified of any violation of applicable federal, state or local laws, regulations or permit conditions, or of any investigation or inspection by any federal or state agency with jurisdiction over the facility, Permittee shall promptly notify the County thereof and shall provide the County with all information pertinent thereto.
11. All complaints received by the County will be referred directly to Permittee which shall give them prompt and courteous attention and shall advise the County of the deposition of such complaints within thirty (30) days of the complaint referral.
12. In the event Permittee is notified of any violations of applicable laws, regulations, or permit conditions at the facility, 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.
13. The conditions hereof are not severable. Should one or more be deemed unenforceable, this permit shall be void.

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

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.

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

Upon motion of Mrs. Williams, seconded by Mr. Cataldo, and carried, the Board approved Case #14-012 subject to the conditions as recommended by the Planning Commission.

1. The tower and facility shall be constructed, operated and maintained in accordance with all rules of the Brunswick County Zoning Ordinance and with any and all terms and conditions of this conditional use permit, and in compliance with all federal, state and other local laws and regulations for this issue. Failure of the Permittee to operate in compliance with all federal, state and local laws will result in enforcement action by the County which may include revocation of this permit by the Board of Supervisors.
2. The County shall have the right of first refusal to co-locate on the tower, at any elevation which is not occupied by another user. In the event the County affixes its communication facilities to the tower, the County shall thereafter be entitled to the continuous and uninterrupted use of such tower space, with no obligation to pay rent to applicant. Whenever applicant receives a bona fide proposal for the right of co-location from any third-party entity, applicant shall afford written notice to the Brunswick County Director of Planning disclosing the tower elevation, and other pertinent information, concerning the proposed co-location. Within thirty (30) days from receipt of such notice, County shall have the right to notify the applicant that it intends to utilize such space. If the County has failed to afford written notice of its intended co-location within said thirty (30) days from such receipt from the applicant, then County's preemptive first refusal right shall automatically terminate.

If County affords applicant written notice of its intent to utilize the subject tower space, then County shall have sixty (60) days from the date of such notice from county to applicant by which to co-locate. If County fails to commence construction of its facilities within said sixty (60) days period, then effective on the sixty-first (61st) day, County's preemptive right of co-location shall automatically terminate. In the event of co-location by any third party entity upon removal by such entity of its antenna facilities, the "tower vacancy" created by such removal shall automatically afford the County a first refusal right to utilize the space so vacated, upon the same terms and conditions hereinabove set forth. The duties and responsibilities hereby imposed upon applicant shall follow title to the tower, and therefore be binding upon any successor in title of applicant.

3. Prior to the issuance of a zoning permit for the proposed tower or any accessory structures and/or equipment, the applicant shall submit a site plan for County approval in accordance with the provisions of Article 27 of the Brunswick County Zoning Ordinance.
4. Prior to commencing any land disturbing activities on the subject property, the applicant 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 and Sediment Control Ordinance and the Virginia Erosion and Sediment Control Handbook.
5. A copy of any and all FAA, FCC, and any other governmental agency approval must be on file with the County prior to site plan approval.
6. Permittee shall secure and maintain all federal, state and local licenses and certificates required to do business in the Commonwealth of Virginia and Brunswick County.
7. The applicant shall be responsible for correcting any frequency problems which affect the Brunswick County Public Safety Communications System caused by this use. Such corrections shall be made immediately upon notification by the Brunswick County Administration.
8. All tower lighting shall be shielded as to minimize visibility from the ground. Details of this shielding shall be provided in the site plan for County approval.
9. Written verification shall be provided by a licenses engineer to certify that the accessory equipment for the tower shall not exceed the minimum decibel level at the lease area boundaries. This written verification shall be provided along with the site plan for County approval.

10. In the event Permittee is notified of any violation of applicable federal, state or local laws, regulations or permit conditions, or of any investigation or inspection by any federal or state agency with jurisdiction over the facility, Permittee shall promptly notify the County thereof and shall provide the County with all information pertinent thereto.
11. All complaints received by the County will be referred directly to Permittee which shall give them prompt and courteous attention and shall advise the County of the deposition of such complaints within thirty (30) days of the complaint referral.
12. In the event Permittee is notified of any violations of applicable laws, regulations, or permit conditions at the facility, 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.
13. The conditions hereof are not severable. Should one or more be deemed unenforceable, this permit shall be void.

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

Proposed Ordinance – Establishment of Regulatory Zone at Cold Spring Branch in Lake Gaston

The Chairman opened the public hearing. The following citizens spoke:

- Mike Cestaro spoke in favor of the establishment of the regulatory zone as requested.
- Wally Sayko spoke in favor of the establishment of the regulatory zone as requested.
- Harold Bowen spoke in favor of the establishment of the regulatory zone as requested.
- Shep Moss spoke in opposition to the establishment of the regulatory zone.
- John Edwards spoke in opposition to the establishment of the regulatory zone.

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

Supervisor Tyler stated that he would like to visit the proposed area. Supervisor Cataldo stated that he will coordinate a time and date to take Board members on a tour of the area.

Upon motion of Mr. Tyler, seconded by Mr. Cataldo, and unanimously carried, the Board deferred this matter until the August 20, 2014, meeting.

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

Re: Approval of Minutes - June 18, 2014 Regular Meeting

Dr. Woolridge requested the Board of Supervisors to approve the June 18, 2014, minutes with the following revision: Page 24 under FY15 Brunswick County General Fund and Capital Improvement Projects Budget – Adoption and Appropriation:

“Supervisor Drummond stated that questions were raised regarding a potential conflict of interest relative to her voting on The Improvement Association’s budget....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”. Upon motion of Mrs. Williams, seconded by Mr. Cataldo, and unanimously carried, the Board approved the minutes of the June 18, 2014, regular meeting as revised.

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

Re: Virginia Department of Transportation (VDOT) Monthly Report

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

Maintenance Forces

- Mowing on secondary routes is ongoing.
- Route 633 (Pocahontas Road) project is ongoing.
- Performed litter removal on various routes.
- Performed various maintenance activities on primary and secondary routes.

- Bridge repairs on Route 715 (Iron Bridge Road) were completed and the road was re-opened on June 30, 2014.

Southside Community Services Board – Recognition of Joseph Bittman

Mr. Don Burge, Executive Director, recognized Mr. Joseph Bittman and expressed appreciation for his nine years of dedicated service as a member of the Southside Community Services Board representing Brunswick County.

Veterans of Foreign Wars, Brunswick County Post 8048 – Request to Locate Monument on Historic Courthouse Square

Mr. Carl Wright, Brunswick County Post 8048, presented a request to relocate the Veterans of Foreign Wars Monument from Post 8048 to the historic courthouse square. He advised that all costs associated with the relocation would be the responsibility of Brunswick County Post 8048.

Supervisor Tyler expressed concern that granting this request could establish a precedent for any and all groups to request placement of monuments and other markers on historic courthouse square.

This matter was continued until the August 20, 2014, meeting.

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. Tyler, seconded by Mr. Cataldo, 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

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

Re: Brunswick County Public Schools Monthly Report

Mrs. Dora Wynn, newly appointed Division Superintendent, introduced herself and stated that she is looking forward to a successful partnership between the Board of Supervisors and the School Board.

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.

Re: Finance Director's Report

Approval of Disbursements

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

- System checks dated June 26, 2014, in the amount of \$70,441.27.
- System checks dated June 30, 2014, in the amount of \$11,775.49.
- System checks dated July 1, 2014, in the amount of \$165,071.75.
- System checks dated July 10, 2014, in the amount of \$37,696.95.
- System checks dated July 15, 2014, in the amount of \$53,966.77.
- System checks dated July 16, 2014, in the amount of \$27,274.37.
- System checks dated July 17, 2014, in the amount of \$1,269,565.56.

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

Board approved disbursements in the amount of \$1,635,792.16 as presented.

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

Bright Municipal Software – BAI.net System Upgrade

Mrs. Reekes stated that Brunswick County has the opportunity to upgrade its current accounting system to allow citizens and employees to securely access appropriate information using a web browser. Specifically, the following modules are available:

- The Treasurer Module allows citizens the ability to:
 - Pay real estate and personal property taxes on-line.
 - Purchase decals and dog tags on-line.
 - View and print receipts for previously paid taxes.
- The Commissioner Module allows citizens and businesses to perform property inquiries and title searches on-line.
- The Finance Module allows:
 - Employees to view current paystub information and payroll history on-line.
 - Employees to view and print their own W2 for the current year or previous years.
 - Designated users within departments and/or offices to access year-to-date general ledger information.
 - Designated users within departments and/or offices to view paid and unpaid vendor invoices.

The software and related hardware is available at a discounted price not to exceed \$34,600 only through the end of July 2014. Annual maintenance totaling \$6,375.00 will be waived for the first year (FY15) and will need to be appropriated in FY16 and future years. The Treasurer has collected excess administrative fees in the amount of \$34,600 for FY14 and is recommending that these funds be used to purchase the software and hardware to upgrade the current accounting system.

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

Board approved the accounting system upgrade as outlined and appropriated up to \$34,600 to the applicable FY15 revenue and expenditure line items.

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

Re: County Administrator's Report

South Central Workforce Investment Consortium Agreement – Proposed Revisions

Dr. Woolridge, County Administrator, stated that South Central Workforce Investment Board is proposing revisions to the Consortium Agreement. She requested that the Board review the draft document and provide feedback to her by July 25. The final document will be presented to the Board for consideration at a later date.

This matter was continued until the August 20, 2014, meeting.

Re: Old Business

Virginia Department of Health, Southside Health District – Request for FY15 Budget Allocation

Upon motion of Mr. Tyler, seconded by Mrs. Williams, and unanimously carried, the Board approved an additional appropriation in the amount of \$10,800 to the FY15 Virginia Department of Health, Southside Health District budget from the undesignated fund balance.

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

Re: New Business

Amendment to Chapter 26 of the Brunswick County Code. Emergency Services

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

Board authorized the advertisement of a public hearing for the August 20, 2014, meeting to amend Chapter 26 of the Brunswick County Code and to authorize the provision of direct emergency medical services in the area presently served by Brunswick Volunteer Rescue Squad.

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

Re: Appointments

Brunswick County Litter Control Council

Upon motion of Mr. Cataldo, seconded by Mr. Tyler, and unanimously carried, the Board appointed Jean Moody to serve on the Brunswick County Litter Control Council representing the Meherrin Election District.

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

Economic Development Coordinating Council

This matter was continued.

Workforce Investment Board

Upon motion of Mr. Tyler, seconded by Mrs. Williams, and unanimously carried, the Board nominated Mrs. Jean Moody to serve a two year term on the Workforce Investment Board.

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

Roanoke River Service Authority

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

Board appointed Ms. Elizabeth Burns to serve a two year term on the Roanoke River Service Authority representing Brunswick County. Further, the Board reappointed Mr. Welton Tyler to serve a two year term as the alternate member on the Roanoke River Service Authority.

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

Re: Adjourn

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

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

Bernard L. Jones, Sr., Chairman

Charlette T. Woolridge, Ph.D., Clerk