

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON WEDNESDAY, SEPTEMBER 19, 2012, IN THE AUDITORIUM OF THE BRUNSWICK COUNTY GOVERNMENT BUILDING

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

Re: Closed Meeting – 6:30 p.m.

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

2.2-3711.A.1

- Personnel matter

2.2.3711.A.7

- Discussion regarding specific legal matters requiring the provision of legal advice by such counsel regarding two communications received.

MOTION TO RECONVENE IN OPEN MEETING

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

CERTIFICATION OF CLOSED MEETING DISCUSSION

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board.

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

Re: Call to Order – 7:30 p.m.

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

Re: Invocation and Pledge of Allegiance

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

Re: Approval of Agenda

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

Add under New Business

- Resolution authorizing the County Administrator to enter into a Confidentiality Agreement with Economic Development Prospect

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

Re: Approval of Minutes

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board approved the minutes of the August 22, 2012, regular meeting and the August 30, 2012, adjourned meeting as recorded.

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

Re: Virginia Department of Transportation Monthly Report

Mr. Billy Smith, Residency Administrator, presented the monthly report as follows:

Maintenance Forces

- Primary mowing has been completed. Working on mowing secondary routes.
- Machining non-hard surface roadways and hauling stone where needed.
- Performing spot patching with plant mix on various routes.
- Performing ditching in problem areas.
- Working with Brunswick County staff on Johnson Run Road project. Held a meeting on-site on August 28, 2012.
- Repaired pipe on Route 606 in Alberta.
- Replaced pipe on Route 633 during the week of September 10-14, 2012.
- Conducted litter patrol/dead animal removal.
- Bridge on Route 659, Doctor Purdy Road, is now posted at three (3) tons due to concerns regarding the stability of the substructure. The district bridge section will be performing further evaluation to determine appropriate action.
- Route 658, Hill Creek Road, has been closed due to damage from heavy rainfall on Saturday, August 25, 2012. The district bridge section will further evaluate the condition and determine whether repairs can be made. A detour is in place.

FY14 Revenue Sharing Program

Ms. Woolridge, County Administrator, stated that in order to participate in the FY14 Revenue Sharing Program, the Board is required to adopt a resolution and submit an application. She advised that funding is designated for the Johnson Run Road project.

Upon motion of Ms. Drummond, seconded by Mrs. Williams, and unanimously carried, the Board adopted a resolution to participate in the FY14 Revenue Sharing Program.

WHEREAS, the Brunswick County Board of Supervisors desires to submit an application for an allocation of funds of up to \$25,000 through the Virginia Department of Transportation Fiscal Year 2013-14 Revenue Sharing Program;

WHEREAS, these funds are requested to fund improvements to State Route 740, Johnson Run Road in the Powellton Election District; and

NOW, THEREFORE, BE IT RESOLVED THAT the Brunswick County Board of Supervisors hereby support this application for an allocation of \$25,000 through the Virginia Department of Transportation Revenue Sharing Program.

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

Re: Presentations

Brunswick County Historic Courthouse Rehabilitation Project – Crabtree, Rohrbaugh & Associates

Ms. Woolridge, County Administrator, provided a brief overview of the historic courthouse rehabilitation project. She indicated that the rehabilitation of the courthouse will provide an opportunity to conserve and restore a monumental landmark in Brunswick County's history, ensure that staff and citizens are in a safe and secure building, and afford citizens the opportunity to access primary governmental services from one principal location.

Ms. Woolridge also introduced Hal Hart, Crabtree, Rohrbaugh and Associates, who provided an overview of the historic courthouse rehabilitation project to include project background, general scope of services, project goals, site plan, existing building, proposed plans, building exterior, and the rehabilitation schedule.

Further, Mr. Nathaniel Neblett, a member of the historic courthouse renovation project committee, provided an overview of the background of the historic courthouse. He emphasized that the rehabilitation would enhance the historical character and integrity of the building.

Brunswick County Historic Courthouse Rehabilitation Project – Davenport and Company

Mr. Ted Cole, Davenport and Company, provided an analysis of the funding options for the Brunswick County Historic Courthouse Rehabilitation Project.

- Option 1: Virginia Resources Authority (VRA) – Virginia Pooled Financing Program
- Option 2: SunTrust Bank

The recommendation is to consider borrowing up to \$3,000,000 from SunTrust Bank utilizing a 20-year amortization at a 10-year rate.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board accepted Davenport and Company's recommendation to finance the historic courthouse rehabilitation project according to the SunTrust Bank proposal, utilizing a 20-year amortization at a 10-year rate. Further, the Board authorized the advertisement of a public hearing to be held on October 17, 2012, to consider action to formally approve the financing and related documents.

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

Re: Citizen Comments

The Chairman opened the citizen comment period and advised that each citizen will be allotted three (3) minutes to speak. The following citizens spoke.

- A.W. Hyde, Sr. asked if a response had been received from Virginia Department of Transportation regarding the request to clear the right-of-way at the I-85 interchange in Alberta.
- George Daniel thanked the Board of Supervisors for their support of the Taste of Brunswick Festival. He invited the Board of Supervisors, County Administrator, and all citizens to attend the 2012 Taste of Brunswick Festival on Saturday, October 13, 2012, from 10:00 a.m. until 5:00 p.m. at the Southside Virginia Community College campus in Alberta.

- Jerry Marston expressed concern regarding the deficit in the FY12 Brunswick County Public School budget.

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

Re: Consent Calendar of Reports

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

- A. Lawrenceville-Brunswick Airport Monthly Report – August 2012
- B. Economic Development Visioning Committee Minutes

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

Re: Brunswick County Public Schools Monthly Report

Transfer Request from the Food Service Fund Balance to Operations

Upon motion of Mrs. Williams, seconded by Ms. Drummond, and unanimously carried, the Board approved the transfer in the amount of \$2,981 from the food service fund balance to the schools operations budget.

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

Transfer of Reappropriated Capital Funds to Operations

Upon motion of Mr. Cataldo, seconded by Mr. Jones, and unanimously carried, the Board approved the transfer in the amount of \$41,723 from the school capital fund to the schools operations budget.

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

2011-12 Year End Closing Update

Dr. Oliver Spencer, Superintendent, stated that at the end of FY12, Brunswick County Public Schools has a deficit in the amount of \$526,075. The deficit is due to the following: less state funding than projected (based on the Average Daily Membership – ADM) (\$316,075); increase in fuel costs (\$75,000); and increase in textbook costs (\$135,000).

Dr. Spencer recommended that Brunswick County decrease the FY13 local appropriation to the Brunswick County Public Schools to meet the Virginia Department of Education's local matching requirements.

Upon motion of Mr. Cataldo, seconded by Mr. Tyler, and unanimously carried, the Board accepted the recommendation to decrease the FY13 local appropriation to Brunswick County Public Schools to meet the Virginia Department of Education's local matching requirements.

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

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved an appropriation in the amount of \$526,075 from the FY12 undesignated general fund balance to the FY12 Brunswick County Public School budget.

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

The Board directed the County Administrator to schedule a joint meeting between the Board of Supervisors and the School Board to further discuss the schools FY12 budget.

Re: Finance Director's Report

Approval of Disbursements

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

- System checks dated September 6, 2012, in the amount of \$2,930.14
- System checks dated September 12, 2012, in the amount of \$368,020.86
- System checks dated September 19, 2012, in the amount of \$851,093.27
- System checks dated September 20, 2012, in the amount of \$1,350.00
- System checks dated September 21, 2012, in the amount of \$43,851.80

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved disbursements in the amount of \$1,267,246.07 as presented.

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

2012 Personal Property Tax Relief Act (PPTRA) – Resolution

Mrs. Reekes, Director of Finance, stated that in December 2005, the Board of Supervisors adopted an ordinance to implement 2004-05 changes to the Personal Property Tax Relief Act of 1998. Effective March 2006, the Auditor of Public Accounts advised the Treasurer that Brunswick County's allocation of the \$950 million PPTRA allotment is \$1,355,735.87. As a result, the Board of Supervisors is required annually to set the rate of tax relief for distribution of this dollar amount to qualifying vehicles. A draft resolution was presented for the Board's review.

Upon motion of Mr. Jones, seconded by Mrs. Williams, and unanimously carried, the Board adopted the resolution setting the rate of tax relief for tax year 2012 at 60% based on the effective tax rate of \$3.40.

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523

et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions of the 2004-06 Appropriations Act).

WHEREAS, by its enactment of an ordinance on December 21, 2005, ("Ordinance"), the Board of Supervisors of Brunswick County, Virginia (the Board of Supervisors) has previously implemented such modifications of the PPTRA.

WHEREAS, the Board of Supervisors now desires to set the rate of tax relief for tax year 2012, for purposes of this Ordinance.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BRUNSWICK COUNTY, VIRGINIA:

1. For purposes of §3 (c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be sixty percent (60%).
2. All other provisions of the Ordinance shall be implemented by the Commissioner of the Revenue or the County Treasurer, as applicable, including, without limitation, those set forth in §3 (b) of the Ordinance, pertaining to the elimination of personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less, and in §4 pertaining to liability of taxpayers whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid.

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

Sheriff's Office – Emergency Response Vehicle

Mrs. Keli Reekes, Director of Finance, stated that at the February 2012 regular meeting, the Board of Supervisors accepted and appropriated \$316,000 from the Virginia Department of Emergency Management for the purchase of a response vehicle. Due to the time period required to equip the response vehicle, as of June 30, 2012, the vehicle had not been purchased. The Sheriff's Office is scheduled to purchase and pick-up the vehicle in October 2012. Therefore, the funds need to be re-appropriated in

FY13 budget.

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board re-appropriated the amount of \$316,000 to the applicable revenue and expenditure line items of the FY13 Sheriff's Office Capital Projects Budget.

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

Sheriff's Office – Disposal of Surplus Property

Mrs. Keli Reekes, Director of Finance, stated that the Sheriff has requested to declare the following items currently located in the Brunswick County jail as surplus property and to properly dispose of the property:

- 42 steel frames (formerly used as beds)
- 15 grill gates
- 14 security grade doors
- 14 stainless steel sink/toilet units
- 8 steel tables

The above referenced items cannot be reused or have little or no resale value. Therefore, it is not recommended that Brunswick County attempt to hold a sale of the items, but rather dispose of them as solid waste.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board adopted a resolution declaring the property as surplus in the Brunswick Sheriff's Office/Jail.

WHEREAS, the described personal property ("surplus property") has become obsolete and unusable; and

WHEREAS, in accordance with Section 15.2-951 of the Code of Virginia as amended, localities may dispose of personal property by declaring such property as surplus; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the best interest of Brunswick County to dispose of the surplus property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Brunswick County, Virginia, that the described surplus property is declared obsolete and unusable; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Supervisors that the County Administrator, or designee, is to remove such personal property from the Brunswick County Jail, transport to the Brunswick County Department of Solid Waste for disposal pursuant to its procedures for the sale and/or disposal of such items.

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

Re: County Administrator's Report

Virginia Association of Counties Annual Meeting – Designation of Voting Proxy

Ms. Woolridge, County Administrator, stated that the annual business meeting of the Virginia Association of Counties (VACo) is scheduled for Tuesday, November 13, 2012. As provided in the VACo Constitution, each county is requested to designate a member of its Board of Supervisors to cast its vote(s) at the Annual Business Meeting.

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board designated Welton Tyler, Chairman, as the voting representative.

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

Upon motion of Mr. Cataldo, seconded by Mr. Jones, and unanimously carried, the Board designated Barbara Jarrett Drummond, Vice-Chair, as the alternate.

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

Re: New Business

Resolution Authorizing the County Administrator to Enter into a Confidentiality Agreement with Economic Development Prospect

Upon motion of Mr. Jones, seconded by Mrs. Williams, and unanimously carried, the Board adopted the resolution authorizing the County Administrator to enter into a confidentiality agreement with an economic development prospect as follows:

WHEREAS, a prospective company (the "Prospect") desires to commence discussion with the Board of Supervisors of Brunswick County, Virginia (the "Board") regarding future economic development initiatives in Brunswick County; and

WHEREAS, the Board of Supervisors is interested in engaging in such discussions and negotiations; and

WHEREAS, the Board recognizes the importance of keeping such discussions confidential so as not to impede or thwart the ability of the parties to negotiate and bargain in the best interest of Brunswick County and that the Virginia Freedom of Information Act, Section 2.2-3705.1(12) of the Code of Virginia permits documents shared during these negotiations to be withheld from public disclosure; and

WHEREAS, such documents produced during negotiations and contract formation may contain proprietary information that is not subject to mandatory disclosure under the Virginia Freedom of Information Act, section 2.2-3705.6 of the Code of Virginia even after negotiations have ceased and the Board desires to protect such information to the fullest extent it can under the law.

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Administrator is authorized to deliver a letter to the Prospect authorizing confidential discussions as permitted by the *Code of Virginia*.

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

Re: Appointments

Brunswick County Litter Control Council

This matter was continued.

Economic Development Coordinating Council

This matter was continued.

Workforce Investment Board

This matter was continued.

Lake Country Area Agency on Aging

This matter was continued.

Re: Adjourn

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

Welton Tyler, Chairman

Charlette T. Woolridge, Clerk