

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON WEDNESDAY, OCTOBER 17, 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; PHYLLIS KATZ, COUNTY ATTORNEY; 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 matter:

2.2.3711.A.7

- Discussion regarding specific legal matters requiring the provision of legal advice by such counsel regarding a communication 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 Drummond gave the Invocation and led the Pledge of Allegiance.

Re: Approval of Agenda

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

Add under New Business

- Consideration of Tax Relief for Logging Companies

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

Re: Public Hearing – 7:30 p.m.

Resolution of the Brunswick County Board of Supervisors Approving a Plan of Lease Financing to Renovate the Historic County Courthouse for Use as the County Government Building and Authorizing Certain Documents to be Prepared in Connection Therewith

Mr. George Scruggs, Kutak Rock, and Mr. Ted Cole, Davenport and Company, provided a brief overview of the following documents relative to financing for the Brunswick County Historic Courthouse Rehabilitation Project:

- Draft Resolution
- Proposed Terms and Conditions
- Lease Financing Agreement, Series 2012
- Lease Financing Agreement
- Lease Agreement
- Ground and Structure Lease

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

- Ray Sawyer, 15240 Christanna Highway, Lawrenceville, Virginia, spoke in opposition to the historic courthouse renovation project.
- Hab Baker spoke in opposition of the historic courthouse renovation project.
- Robert Abernathy spoke in opposition to the historic courthouse renovation project.
- John Miller, 306 South Main Street, Lawrenceville, Virginia, spoke in opposition to the historic courthouse renovation project.
- Sidney Brown, 4307 Boydton Plank Road, Alberta, Virginia, spoke in opposition to the historic courthouse renovation project.
- Bill Hudson spoke in opposition to the historic courthouse renovation project.
- Jerry Marston, 2024 Iron Bridge Road, Lawrenceville, Virginia, requested that the Board of Supervisors delay action on the financing plan for the historic courthouse project.
- Nat Neblett, 116 Hebron Lane, Lawrenceville, Virginia, spoke in support of the historic courthouse renovation project.
- Anna Price, 508 Plank Road, Lawrenceville, Virginia, spoke in support of the historic courthouse renovation project.
- Gene Wiley, 220 Reedy Creek Road, Freeman, Virginia, requested that the Board of Supervisors delay action on the financing plan for the historic courthouse project.
- Thomas Nelson, 125 Cresent Drive, Lawrenceville, Virginia, spoke in opposition to the historic courthouse renovation project.
- Kathy Anglin, 1956 Brooks Crossing, Lawrenceville, Virginia, spoke in opposition to the historic courthouse renovation project.
- Catherine Capps, 514 South Main Street, Lawrenceville, Virginia, spoke in opposition to the historic courthouse renovation project.
- Donald Clary, 105 Cresent Drive, Lawrenceville, Virginia, requested that the Board of Supervisors delay action on the financing plan for the historic courthouse renovation project.

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

Supervisor Williams stated that she reviewed the documents, has spoken with her

constituents and based on their feedback and the economy, she feels that it would be irresponsible for her to support this project.

Supervisor Cataldo inquired about the existing contractual obligations relative to the project. Ms. Woolridge explained that the only contract that we have relative to the project at this time is the agreement between Brunswick County Government and Crabtree, Rohrbaugh and Associates, architectural firm, to provide professional services to assist Brunswick County in performing the courthouse renovation project. Brunswick County is obligated under the contract to pay the architectural fees. Brunswick County has not entered into a construction agreement at this time.

Supervisor Cataldo questioned if the interest rate from SunTrust could be extended if the project is delayed for another month. Mr. Cole indicated that he would contact SunTrust to determine if the interest rate could be extended.

Supervisor Cataldo also informed the public that this project has been discussed for a number of years, prior to him serving on the Board, and there was a public meeting relative to the project.

Chairman Tyler stated that Brunswick County has been working on this project for a significant amount of time. Further, he has not been contacted by any constituents in the Powellton District expressing their opposition. He stated that he feels the project should move forward as presented.

Upon motion of Mr. Cataldo, seconded by Mr. Jones, and carried, the Board deferred action on the plan for lease financing to renovate the historic courthouse until the until November 14, 2012, regular meeting.

Aye: Cataldo, Drummond, Jones; Nays: Williams, Tyler

Re: Approval of Minutes

Upon motion of Ms. Drummond, seconded by Mrs. Williams, and unanimously carried, the Board approved the minutes of the September 19, 2012, regular meeting as recorded.

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

Re: Virginia Department of Transportation Monthly Report

The monthly report was submitted as follows:

Maintenance Forces

- Mowing on secondary routes has been completed.
- Performing brush cutting on primary and selected secondary routes.
- Surface treatment schedule has been completed.
- Machining non-hard surface roadways and hauling stone where needed.
- Cleaning out pipes to correct drainage problems.
- Repairing shoulders on various primary and secondary routes.
- Performing ditching in problem areas.
- Performing spot patching with plant mix on secondary routes.
- Local patching and slurry seal project has been completed on Route 137 from Route 46 to the Lunenburg County line.
- Bridge maintenance began on Route 648, Great Creek Road, on Monday, October 15, 2012. The road will be closed until November 15, 2012 to complete these repairs. A detour is in place.
- Preparing for upcoming winter weather season.

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.

- Fernando Brown, 51 Gilliam Lane, Warfield, Virginia, expressed concerned about the deteriorated condition of Gilliam Lane. He further stated that school buses traveling on the road may have contributed to the deterioration of the road. He requested assistance from the Virginia Department of Transportation to provide improvements to the road.
- Thomas Nelson, 125 Crescent Drive, Lawrenceville, Virginia, thanked the Board of Supervisors and all citizens who visited the Better Brunswick Government booth at the Taste of Brunswick Festival on October 13, 2012.
- Bill Hudson thanked the Board of Supervisors and all citizens who visited the Better Brunswick Government booth at the Taste of Brunswick Festival on October 13, 2012.
- Jerry Marston, 2024 Iron Bridge Road, Lawrenceville, Virginia, asked the Board members to attend an upcoming Better Brunswick Government meeting to provide information relative to the historic courthouse renovation project. Additionally, he 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 Mr. Jones, seconded by Ms. Drummond, and unanimously carried, the Board approved the Consent Calendar of Reports as presented for the following organizations:

- A. Lawrenceville-Brunswick Airport Monthly Report – September 2012
- B. Industrial Development Authority Monthly Report - September 2012
- C. Roanoke River Service Authority Minutes
- D. Economic Development Visioning Committee Minutes

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

Re: Brunswick County Public Schools Monthly Report

FY12 Year End Summary

Mr. Richard Rush, Director of Finance, provided an overview of FY12 and FY13

budgets. He stated that at the end of FY12, Brunswick County Public Schools had 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).

As a result, Mr. Rush stated that the School Board recommends amortizing the school year ended deficit of \$526,075 over three years beginning in fiscal year 2013-2014 by a reduction in the base level funding of \$175,358 per year. At the end of the three year period, it is requested that the base level funding amount of \$4,592,672 be restored.

For FY13, Mr. Rush projects a deficit in the amount of \$420,000 due to the ADM outlook as follows:

Fall membership:	1,905
Budgeted ADM:	1,908
Expected shortfall	75
Projected lower state funding:	\$420,000

As a result, Mr. Rush stated that the School Board recommends reducing the current year's budget by \$420,000 to cover the projected lower state funding. The base level funding from the county to be held at the \$4,592,672 amount. This will protect the division from running another deficit and allow the school system time to adjust to a declining enrollment. Additionally, it will maintain the school division's compliance with the Virginia Department of Education.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board accepted the recommendations as presented.

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

Re: Finance Director's Report

Approval of Disbursements

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

- System checks dated October 4 , 2012, in the amount of \$6,000.00
- System checks dated October 11, 2012, in the amount of \$50,131.09
- System checks dated October 17, 2012, in the amount of \$231,904.07
- System checks dated October 18, 2012, in the amount of \$5,906.26

Upon motion of Mr. Jones, seconded by Mrs. Williams, and unanimously carried, the Board approved disbursements in the amount of \$293,941.42 as presented.

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

Reappropriation request from Judge Bloom

Mrs. Reekes, Director of Finance, stated that in January 2012, the Board of Supervisors appropriated \$2,000 in the FY12 Combined District Court departmental budget as requested by Judge Bloom for assistance in conference expenses. Per the attached letter, Judge Bloom did not attend the scheduled conference and he is requesting that the Board of Supervisors appropriate \$2,000 in FY13 for a conference scheduled in November 2012. Convention and education expenses were not included in the adopted FY13 Combined District Court budget.

Upon motion of Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board reappropriated the amount of \$2,000 to the applicable revenue and expenditure line items in the FY13 Combined District Court departmental budget.

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

Brunswick County Personal Property – Declaration as Surplus and Authorization for Sale

Mrs. Reekes, Director of Finance, presented a list of personal property items that have been determined to be surplus (unusable or obsolete) and must be disposed of. The County Administrator recommends that the items are declared surplus and disposed of through the competitive bid process. The sale will be held at the Brunswick Byway Visitor Center building. A draft resolution was presented for the Board's consideration.

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

WHEREAS, the attached listing of personal property ("surplus property") has become obsolete and unusable by Brunswick County ("County"); and

WHEREAS, in accordance with Section 15.2-951 of the Code of Virginia, as amended, localities may dispose of personal property, and in accordance with Section 15.2-1236 of the Code of Virginia, as amended, all sales of surplus property shall be based whenever feasible on competitive bids; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the best interest of Brunswick County to dispose of the personal property on the attached inventory.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Brunswick County, Virginia, that the property on the attached inventory be declared surplus and that this property be disposed of as soon as practicable through competitive bidding procedures.

NOW, THEREFORE, BE IT FURTHER RESOLVED that no County employee may participate in the bidding on the surplus property so declared herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED that all property for which no bid is received or for which such property is not removed from the premises by the successful bidder, the County Administrator shall transport the property 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.

FY12 Budget Transfer

Mrs. Reekes, Director of Finance, stated that an additional invoice for inmate medical costs from Riverside Regional Jail in the amount of \$834.85 has been received. As a result, this has created a shortfall in the amount of \$500.00 in the FY12 Sheriff-Correction and Detention departmental budget.

Upon motion of Mr. Jones, seconded by Mrs. Williams, and unanimously carried, the Board approved a transfer in the amount of \$500.00 from unexpended funds in the FY12 Sheriff-Law Enforcement and Traffic Control departmental budget to the FY12 Sheriff – Correction and Detention departmental budget.

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

Re: Planning Director's Report

Request for Easement – Property Owner by the Lawrenceville-Brunswick Municipal Airport

Ms. Leslie Sullivan, Director of Planning, stated that Virginia Carolina Products is under a Virginia Department of Environmental Quality (DEQ) order to stop discharging boiler processed water to waters of the United States due to high dissolved solids contained in the processed water. As a result, the Industrial Development Authority (IDA) has secured a Tobacco Commission grant to provide water and sewer services to the Virginia Carolina Forest Products facility. Virginia Carolina Forest Products has agreed to pay the required match of 10%. The project includes the following:

- Extension of an 8" inch water line 5,900' feet from the Town of Lawrenceville at Governor Harrison Parkway (Highway 58), along the west side of Airport Road (State Route 670) south across Brooks Crossing (State Route 606) to the Virginia Carolina Forest Products facility.
- Sewer will be provided by a pump station at the Virginia Carolina Forest Products facility which will be connected by a force main to the existing Lawrenceville sewer on Brooks Crossing. No easements are required for the sewer connection.

The water line will be installed inside of the Virginia Department of Transportation's (VDOT) right-of-way. Permanent utility easements are required for the installation of water lines across properties owned by Mr. Wilbur E. Thomas and the Lawrenceville-Brunswick Municipal Airport where the right-of-way is only 30' feet in width.

Upon motion of Ms. Drummond, seconded by Mr. Jones, and unanimously carried, the Board approved the easement as requested subject to approval by the Town of Lawrenceville and the Lawrenceville-Brunswick Airport Commission.

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

Re: County Administrator's Report

Enterprise Zone Application – Request to Schedule Public Hearing

Ms. Woolridge, County Administrator, stated that Brunswick County is in the process of amending its Enterprise Zone Program. As a result, a public hearing is required to be held by the locality prior to submittal of the application for amendment to the Virginia Department of Housing and Community Development.

Staff is requesting approval to advertise a public hearing on the Enterprise Zone Amendment Application to be held at the November 14, 2012, Brunswick County Board of Supervisors Meeting.

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

Board authorized the advertisement of a public hearing on the Enterprise Zone Amendment Application for the November 14, 2012, regular meeting.

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

Re: New Business

Consideration of Tax Relief for Logging Companies

Supervisor Cataldo recommended that the Board consider reducing the machinery and tools tax for logging equipment only by 25% beginning in FY14.

This was provided for the Board's information.

Re: Appointments

Brunswick County Litter Control Council

This matter was continued.

Economic Development Visioning Council

This matter was continued.

Workforce Investment Board

This matter was continued.

Lake Country Area Agency on Aging

Upon motion of Mr. Tyler, seconded by Mrs. Williams, the Board appointed Mr. Nelson Baird to serve a three (3) year term on the Lake Country Area Agency on Aging representing Brunswick County.

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

Lake Country Soil and Water Conservation Board of Directors

Upon motion of Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board reappointed Taylor Clarke to serve a four (4) year term on the Lake Country Soil and Water Conservation Board of Directors representing Brunswick County as Extension Agent.

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

Roanoke River Service Authority

This matter was continued.

Re: Adjourn

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

Welton Tyler, Chairman

Charlette T. Woolridge, Clerk