

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON WEDNESDAY, NOVEMBER 19, 2014, IN THE BOARD ROOM OF THE BRUNSWICK COUNTY GOVERNMENT BUILDING

PRESENT: BERNARD L. JONES, SR., CHAIRMAN; JOHN CATALDO, BARBARA J. DRUMMOND, BOARD OF SUPERVISOR MEMBERS; DR. CHARLETTE T. WOOLRIDGE, COUNTY ADMINISTRATOR/CLERK; PHYLLIS KATZ, COUNTY ATTORNEY; TAMMY W. NEWCOMB, DEPUTY CLERK/RECORDER OF MINUTES

ABSENT: WELTON TYLER, VICE- CHAIRMAN; DENISE C. WILLIAMS, BOARD OF SUPERVISOR MEMBER

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

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

Re: Approval of Agenda

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

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

Re: Public Hearings

Conditional Use Permit Case #14-024 submitted by William F. and Margaret N. Hawkins

Ms. Leslie Weddington, Director of Planning, stated that the applicant is requesting to

utilize the existing building on the subject property as a duplex. The subject property is located on the south side of Lawrenceville Plank Road (Business Highway 58), approximately 0.2 of a mile southeast of the intersection of Lawrenceville Plank Road and Planters Road (State Route 606), in the Totaro Magisterial District and the Totaro Election District, also identified as Tax Map 53A-(1) Parcels 7, 8, 9, 10 and 11. The Planning Commission conducted a public hearing on the request at its October 14, 2014, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of Conditional Use Permit Case #14-024. 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 Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board approved Conditional Use Permit Case #14-024 subject to the conditions as recommended by the Planning Commission:

1. Prior to commencing any construction on the subject property, permittee must submit construction documents to the Building Department for review and approval and obtain a zoning and building permit for all proposed construction.
2. The only permitted use on the subject property is a two-family dwelling (duplex) and customary accessory uses.
3. 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 days of the complaint referral.
4. The conditions hereof are not severable. Should one or more be deemed unenforceable, this permit shall be void.

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

Rezoning Case #14-021 submitted by J.J. Sanderson, LLC – Agricultural (A-1) to Business (B-1)

Ms. Weddington stated that the applicant is requesting to rezone the subject property

to business to operate and maintain a restaurant in the existing building on the property. The subject property is located on the west side of Liberty Road (State Route 634) approximately 0.2 of a mile north of the intersection of Liberty Road and Old Stage Road (State Route 712) in the Sturgeon Magisterial District and the Sturgeon Election District, also identified as Tax Map 45 Parcel 5B. The existing building on the subject property was used as an office. Abell Lumber Company previously operated their office in the building but ceased operations in the mid-1990s. The building remains vacant. Agricultural (A-1) zoning with agricultural and rural residential uses surround the subject property. There are no commercial uses on properties surrounding the subject property. The subject property is in the Agricultural and Conservation Planning Area. The Comprehensive Plan states, "This planning area is expected to remain rural in nature with land reserved for agricultural use. Low density growth is anticipated in the form of strip development and one-acre lots with private well and septic systems along the highway. Public utilities are not available to sustain intense residential development. Incidental commercial establishments may locate throughout this planning area in support of residential growth." The Future Land Use Map of the Comprehensive Plan designates the subject property for agricultural, forestry, vacant, rural residential development. As a result, Staff recommends denial of Rezoning Case #14-021 as the requested rezoning is not in accordance with the County's Comprehensive Plan.

The Planning Commission conducted a public hearing on the request at its October 14, 2014, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing the Planning Commission voted 10-1 to recommend approval of Rezoning Case #14-021, based on the opinion of the Planning Commission that the rezoning and the proposed use would not be detrimental to the surrounding properties and a vacant building would be occupied for a commercial use. The Chairman opened the public hearing. No

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

Upon motion of Mr. Cataldo, seconded by Ms. Drummond, and unanimously carried, the Board deferred Rezoning Case #14-021, as agreed to by the applicant, until the December regular meeting.

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

Ordinance Amendment Case #14-026 submitted by J. J. Sanderson, LLC – Request to add the manufacture of pre-fab metal homes to the Industrial (I-1) Zoning District

Ms. Weddington stated that the applicant is requesting approval of a use not provided for application to amend the Brunswick County Zoning Ordinance to add the manufacture of pre-fab metal homes in the Industrial (I-1) Zoning District. The Planning Commission conducted a public hearing on the request at its October 14, 2014, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of Ordinance Amendment Case #14-026. The Chairman opened the public hearing. No citizen spoke. After providing all citizens with an opportunity to express their views, the Chairman closed the public hearing.

Upon motion of Mr. Cataldo, seconded by Ms. Drummond, and unanimously carried, the Board deferred Ordinance Amendment Case #14-026, as agreed to by the applicant, until the December regular meeting.

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

Proposed Ordinance Authorizing the Formation of The Joint Entity – The Workforce Investment Area Consortium

Dr. Woolridge, County Administrator, stated that the South Central Workforce Investment Board has revised the Consortium Agreement and they are requesting approval

from all participating jurisdictions. As a result, a public hearing is required.

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. Cataldo, seconded by Ms. Drummond, and unanimously carried, the Board adopted the ordinance authorizing the formation of the Workforce Investment Area Consortium as follows:

WHEREAS, the Workforce Investment Act of 1998, codified at 29 U.S.C. §2801 *et seq.*, (hereinafter the “Act”), provides federal funding to states for the delivery of workforce training and other workforce supportive services; and

WHEREAS, 29 U.S.C. §2831 allows the Governor to designate local workforce investment areas for the delivery of such services within the state; and

WHEREAS, the Governor has designated the counties of Amelia, Brunswick, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway and Prince Edward, Virginia (the “Member Jurisdictions”) as the Area VIII Workforce Investment Act Area, currently called the South Central Workforce Investment Area; and

WHEREAS, as required by federal law and agreements with the Governor of Virginia, the Member Jurisdictions are required to enter into Memoranda of Understanding for jointly operating the Workforce Investment Act programs; and

WHEREAS, on February 17, 2012, the Member Jurisdictions entered into a revised agreement to jointly administer the Workforce Investment Act programs called the “CLEO-LWIB Agreement” for Area VIII Workforce Investment Act Area (the “Charter Agreement”) and have operated continuously under this Charter Agreement; and

WHEREAS, the Member Jurisdictions wish to continue to jointly perform the responsibilities prescribed under the Act; and

WHEREAS, Virginia Code §15.2-1300 provides that local governments may enter into agreements for the joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually; and

WHEREAS, the Member Jurisdictions desire to form a joint entity under Virginia Code §15.2-1300 to be designated as the South Central Workforce Investment Area Consortium (the “Consortium”) and to be recognized as Virginia’s Area VIII Local Workforce Investment Area to perform the duties incumbent on them individually and collectively under the Workforce Investment Act; and

WHEREAS, the creation of a joint entity under Virginia Code §15.2-1300 will permit the delivery and oversight of workforce services in a manner that will ensure accountability and provide legal protections to governing bodies of the Member Jurisdictions.

NOW, WHEREFORE, with the adoption of this ordinance, the Brunswick County Board of Supervisors hereby:

1. Rescinds the Charter Agreement and any other ordinance or agreement creating a local joint entity for the purpose of operating federally funded Workforce Investment Act programs.
2. Approves entering into the South Central Workforce Investment Consortium Agreement (“the Agreement”) which is attached hereto and made a part of this Ordinance.
3. Authorizes the Chair of the Brunswick County Board of Supervisors to execute the Agreement on behalf of the Board of Supervisors.

Ayes: Cataldo, Drummond, Jones; 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 October 15, 2014, regular meeting as presented.

Ayes: Cataldo, Drummond, 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

- Route 633 (Pocahontas Road) project is complete.
- Route 642 and 652 deficient culvert replacement projects are complete.
- Patched potholes on various primary and secondary routes.
- Repaired shoulders on primary routes.
- Primary mowing is ongoing.
- Route 46 South bridge replacement project is scheduled to be completed by mid-December. VDOT will be grooving the deck and applying the color treatment to the rails within the next few weeks. Once completed, the bridge will open to through traffic.
- Completed drainage improvements and the application of stone on Johnson Run

Road. VDOT will perform surface treatment in the spring 2015.

Re: Brunswick County Public Schools Monthly Report

School Projects Update

Mr. Richard Rush, Director of Business and Support Services, provided an update on various school projects related to the approved reappropriation in the amount of \$53,000 as follows:

- Security Grant – Bids have been advertised for all schools included in the grant award. The award excludes Red Oak/Sturgeon Elementary School. \$17,820
- Security Needs – Bids have been advertised. \$ 9,500
- Maintenance and Transportation Van/Pickup Truck – No action has been taken at this time. \$20,680
- Classroom Chairs – Chairs have been ordered and received. \$ 5,000

Supervisor Cataldo requested a summary of the security measures that have been implemented at each school. Mr. Rush stated that he would provide a copy of the Security Plan as requested.

School Budget Tracking Report

Mr. Rush presented an overview of the schools monthly financial report. See attached report. This was provided for the Board's information.

Re: Department/Agency Presentations

Route 58 East Utilities

Mr. Bob Roop, Timmons, provided an update on the Route 58 East Utilities project construction as follows:

- Completed testing of the 12 inch force main.
- Completed testing on pump station.
- Completed seeding and final restoration along pipeline and at station.
- Completed paving on Belfield Road with VDOT approval.

- Completed operations and testing review by Town of Lawrenceville (operator).
- Received Department of Environmental Quality and Virginia Department of Health certificates to operate.
- Estimated Dominion Virginia Power Plant water demand is March 2015.

This was provided for the Board's information.

Lawrenceville-Brunswick Municipal Airport – Obstruction Mitigation

Mr. Robbie Pecht, Lawrenceville Town Council and Airport Commission member, stated that in order to meet the new airport minimum licensing requirements as established by the Virginia Department of Aviation, the Airport Commission must acquire an easement and/or approval from two adjacent land owners, Mr. H. Bruce Brandon, HBB Properties, LLC, and Mr. Wilbur E. Thomas for removal of trees to mitigate obstructions. Mr. Pecht explained that the Commission has secured approval from Mr. Thomas to trim several tree limbs on his property.

Mr. Pecht further explained that several years ago, the County and Town purchased 9.12 acres from Mr. Brandon to satisfy the airport minimum licensing requirements at that time. Since that purchase, Mr. Brandon encumbered the remainder of his property with an environmental easement benefitting the Virginia Outdoors Foundation (VOF). As a result, it was necessary to negotiate property acquisition not only with Mr. Brandon, but also with VOF. The Commission has secured an easement from Mr. Brandon, with approval from VOF, in the amount of \$5,000, also with the addition of an Option Contract with HBB Properties, LLC. The Option Contract outlines the right of Mr. Brandon to repurchase the easement and the 9.12 acres if the airport ceases to operate.

Mrs. Phyllis Katz, County Attorney, recommended that the Board approve the resolution and authorize the execution of the Option Contract contingent upon Special Counsel for the Commission having first filled in the instrument number for the recorded Avigation and

Hazard Easement.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board approved the amendment to the Resolution as stated by the County Attorney.

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

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

**Acceptance of Avigation and Hazard Easement from HBB Properties, LLC,
Authorization for Payment to HBB Properties, LLC, and
Authorization for Execution of Option Contract with HBB Properties, LLC**

It is hereby resolved by the Brunswick County Board of Supervisors (the "Board") as follows:

1. The Board, on behalf of the County of Brunswick, Virginia ("County"), hereby accepts title to the two-thirds (2/3) undivided interest in the permanent avigation easement more particularly described in the Avigation and Hazard Easement dated October 13, 2014, from HBB Properties, LLC, which easement shall be for the use and benefit of the County and the Town of Lawrenceville, Virginia ("Town"), in its operation of the Lawrenceville-Brunswick Municipal Airport.
2. The Board, on behalf of the County, hereby authorizes payment to HBB Properties, LLC, or the Lawrenceville-Brunswick Airport Commission ("Commission") as appropriate, of the sum of FIVE THOUSAND & NO/100 (\$5,000.00) DOLLARS as consideration for the easement rights conveyed by operations of the aforesaid Avigation and Hazard Easement dated October 13, 2014.
3. The Board, on behalf of the County, hereby authorizes the execution of the Option Contract dated October 29, 2014, among HBB Properties, LLC, the County, the Town and the Commission, in the form presented by Russell O. Slayton, Jr., special counsel for the Commission, contingent upon having first filled in the Instrument Number for the recorded Avigation and Hazard Easement dated October 13, 2014, on the first page of said Option Contract.
4. The Chairman and Vice-Chairman, either of whom may act alone on behalf of the Board, are hereby authorized to execute and deliver any and all documents necessary to evidence the actions authorized hereby, including, although not exclusively, the aforesaid Option Contract dated October 29, 2014.

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

Re: Citizen Comments

The Chair opened the citizen comment period and advised that each citizen will be allotted three (3) minutes to speak. No citizens spoke.

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

Re: Consent Calendar of Reports

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board acknowledged receipt of the following reports:

- Lawrenceville-Brunswick Airport Meeting Minutes
- Industrial Development Authority Meeting Minutes

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

Re: Finance Director's Report

Approval of Disbursements

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

- System checks dated October 22, 2014, in the amount of \$6,000.00.
- System checks dated October 31, 2014, in the amount of \$455.72.
- System checks dated November 4, 2014, in the amount of \$5,946.31.
- System checks dated November 12, 2014, in the amount of \$376,754.48.
- System checks dated November 18, 2014, in the amount of \$27,034.89
- System checks dated November 19, 2014, in the amount of \$159,496.83.
- System checks dated November 20, 2014, in the amount of \$3,210.00.

Upon motion of Mr. Cataldo, seconded by Ms. Drummond, and unanimously carried, the Board approved disbursements in the amount of \$578,898.23 as presented.

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

Re: Planning Director's Report

Schedule Public Hearing: Rezoning Case #14-025, Submitted by Mollie W. Morris, Agricultural (A-1) to Rural Residential Manufactured Housing (RRMH)

Ms. Weddington stated that the applicant is requesting to rezone the subject property in order to develop an eight lot subdivision. The first phase of the development will consist of three lots. The second phase will consist of five lots. The subject property is located at the intersection of Oak Grove Road (State Route 667) and Stanley Road (State Route 666) in the Powellton Magisterial District and the Meherrin Election District, also identified as Tax Map 100 Parcel 38A. The Planning Commission conducted a public hearing on the request at its November 12, 2014, meeting. No one spoke in opposition to the request. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of Rezoning Case #14-025 and request that the Board of Supervisors schedule a public hearing at its next regular meeting.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board authorized the advertisement of a public hearing on Rezoning Case #14-025 for the Board's December regular meeting as recommended by the Planning Commission.

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

Re: County Administrator's Report

Proposed Resolution to Acquire Property from Brunswick Volunteer Rescue Squad

Dr. Woolridge presented a resolution to transfer all real and personal property from Brunswick Volunteer Rescue Squad to Brunswick County Emergency Medical Services.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board adopted the resolution to acquire property from Brunswick Volunteer Rescue Squad as follows:

WHEREAS, the corporate existence of the Brunswick Volunteer Rescue Squad (the "Corporation") was terminated pursuant to Section 13.1-914 of the *Code of Virginia*, 1950, as amended (the "Code") by the State Corporation Commission on February 28, 2005, for failure to file an annual report and/or pay its annual registration fee, and was never reinstated; and

WHEREAS, such Section of the *Code* also provides that the property and affairs of any corporation whose existence has been terminated pursuant to it shall pass automatically to the corporation's directors as trustees in liquidation (the "Trustees") and that such Trustee shall discharge the obligations of the corporation, and distribute the remainder of its assets in accordance with the law and the *Code*; and

WHEREAS, the Board of Directors and the members of the Corporation at a duly called meeting of the Board and the members on November 5, 1969, unanimously adopted a resolution providing that "should the Brunswick [Volunteer] Rescue Squad dissolve, all assets will be transferred to the Brunswick County Board of Supervisors"; and

WHEREAS, the Trustees of the Corporation adopted a Resolution dated September 15, 2014, providing for the transfer of all real and personal property owned by the Corporation to the County of Brunswick, Virginia, in order that it might use such property to provide emergency services to the public, which property shall include the Corporation's station building, equipment, vehicles and all other real and personal property of the Corporation wheresoever situated (the "Property"); and

WHEREAS, the County adopted a resolution on July 16, 2014, to create an emergency services agency to provide emergency services to the public and desires to accept such real and personal property and to use such property in providing such emergency services;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board, the Vice-Chairman of the Board and the County Administrator, be, and are hereby directed, authorized, and empowered to act alone or in concert in the name and on behalf of the County to take such action as they deem necessary and/or convenient in their sole and absolute discretion, to accept the transfer and conveyance of all Property of the Corporation, real and personal, to the County of Brunswick, Virginia, and to execute all deeds, bills of sale, agreements, documents of transfer, certificates and instruments necessary in their sole and absolute discretion to do so, such approval to be conclusively evidenced by the execution thereof.

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

Proposed Operational Medical Director Agreement

Dr. Woolridge presented the proposed Operational Medical Director (OMD) Agreement between Brunswick County and Dr. David Brown. The OMD Agreement authorizes Dr. Brown to serve as the OMD for the newly established Brunswick Emergency

Medical Services. Further, the Agreement outlines duties and responsibilities of both parties.

Upon motion of Ms. Drummond, seconded by Mr. Cataldo, and unanimously carried, the Board approved the Operational Medical Director Agreement as presented and authorized the County Administrator sign on behalf of the county.

Ayes: Cataldo, Drummond, Jones; 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.

Re: Adjourn

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

Hon. Bernard L. Jones, Sr., Chairman

Charlette T. Woolridge, Ph.D., Clerk