

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON WEDNESDAY, OCTOBER 21, 2015, IN THE BOARD ROOM OF THE BRUNSWICK COUNTY GOVERNMENT BUILDING

PRESENT: HON. BARBARA JARRETT-DRUMMOND, CHAIR; HON. BERNARD L. JONES, SR., VICE-CHAIR; HON. JOHN CATALDO, HON. WELTON TYLER, BOARD OF SUPERVISOR MEMBERS; DR. CHARLETTE T. WOOLRIDGE, COUNTY ADMINISTRATOR; PAUL JACOBSON, COUNTY ATTORNEY; LESLIE R. WEDDINGTON, DEPUTY CLERK/RECORDER OF MINUTES

ABSENT: HON. DENSIE C. WILLIAMS, BOARD OF SUPERVISOR MEMBER

\*\*\*\*\*

**Re: Closed Meeting – 6:30 p.m.**

No closed meeting.

\*\*\*\*\*

**Re: Call to Order – 7:30 p.m.**

Chair Drummond called the meeting to order and welcomed all citizens in attendance.

\*\*\*\*\*

**Re: Invocation and Pledge of Allegiance**

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

\*\*\*\*\*

**Re: Approval of Agenda**

Upon a motion by Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved the agenda with the following change:

Addition under Old Business

- Enterprise Zone

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

\*\*\*\*\*

**Re: Public Hearings**

**Conditional Use Permit Case #15-023 – Submitted by Verizon Wireless,  
Telecommunications Tower in the Agricultural (A-1) Zoning District**

Ms. Leslie R. Weddington, Interim Assistant to the County Administrator/Director of Planning stated the applicant is requesting approval of a conditional use permit for a 199' telecommunications tower in the Agricultural (A-1) Zoning District. The subject property is located on the west side of Robin Road (State Route 633) and on the north side of Smoky Ordinary Road (State Route 608), in the Sturgeon Magisterial and the Sturgeon Election District. The Planning Commission conducted a public hearing at their September 8, 2015, meeting. Staff received one (1) phone call and one (1) letter in opposition to the request for a conditional use permit and one (1) letter in favor of the request. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of Conditional Use Permit Case #15-023 subject to certain conditions.

The Chair opened the public hearing. Mr. Steve W. Blaine, Attorney at Law, representing Verizon Wireless, presented the applicant's request. After providing all citizens an opportunity to express their views, the Chair closed the public hearing.

Upon a motion by Mr. Jones, seconded by Mr. Cataldo, and unanimously carried the Board approved Conditional Use Permit Case #15-023 and the variance for the lease area setbacks 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 use. 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. Verizon Wireless will provide one total vertical space on the proposed 199' self-support tower to Brunswick County, at no cost, for use by the County's departments, agencies, and emergency services provided that (a) the tower possesses the space and structural capacity at the time of the County's request to support the proposed facilities, and (b) the County executes a zero dollar lease agreement and agrees to abide by Verizon Wireless' Colocation Guidelines as submitted with this application. Verizon Wireless shall provide an area up to 3' x 5' within the lease compound for the County's ground equipment at a mutually agreeable location. The County may not sublet its space on the tower or ground to a third party. Verizon Wireless requests that the County submit its equipment specifications to them within thirty (30) days of the approval of this application for the loading to be incorporated into the tower design.
3. The applicant must obtain County approval for additional antenna co-location. No administrative approval shall constitute or imply support for, or approval of, the location of additional towers, antennas, etc., even if they may be part of the same network or system as any antenna administratively approved under this section.
4. 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.
5. 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.
6. 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.
7. Permittee shall secure and maintain all federal, state, and local licenses and certification required to do business in the commonwealth of Virginia and Brunswick County.
8. 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 Administrator.

9. 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.
10. Written verification shall be provided by a licensed 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.
11. 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.
12. 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.
13. 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.
14. The conditions hereof are not severable. Should one or more be deemed unenforceable, this permit shall be void.

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

\*\*\*\*\*

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

Dr. Charlette T. 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 Chair opened the public hearing. No citizens spoke. After providing all citizens with an opportunity to express their views, the Chair closed the public hearing.

Upon a motion by Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board adopted the ordinance authorizing the formation of the Joint Workforce

Investment Area Consortium as follows:

**WHEREAS**, the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128, (hereinafter the “Act”), provides federal funding to states for the delivery of workforce training and other services; and

**WHEREAS**, the Act requires the Governor to designate local workforce development areas to deliver workforce development 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 Innovation and Opportunity Act Area; and

**WHEREAS**, on July 1, 2015, the Member Jurisdictions entered into an agreement to jointly administer the Workforce Innovation and Opportunity Act programs called the “CLEO-LWIB Agreement” for the South Central Workforce Innovation and Opportunity Act Area 8 (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 for them under the Act; and

**WHEREAS**, VA. Code §15.2-1300 provides that local governments may enter into agreements for 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 Va. Code § 15.2-1300 to be designated as the South Central Workforce Development Area Consortium ( the “Consortium”) and to be recognized as Virginia’s Area VIII Local Workforce Development Area which will perform the duties incumbent on them individually under the Workforce Innovation and Opportunity Act; and

**WHEREAS**, the creation of a joint entity will permit the delivery and oversight of workforce services in a manner that will ensure accountability to governing bodies of the Member Jurisdictions.

**NOW WHEREFORE**, the Board of Supervisors of Brunswick County hereby

1. Rescinds the Charter Agreement and any other ordinance creating a local joint entity for the purpose of operating federally funded workforce training programs;
2. Approves entering into the South Central Workforce Development Consortium

Agreement (the "Agreement") which is attached hereto and made a part of this Ordinance; and

3. Authorizes the Chair of the Board of Supervisors of the County of Brunswick to execute the Agreement on behalf of the Board of Supervisors.

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

\*\*\*\*\*

**Re: Approval of Minutes**

Upon a motion by Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board approved the minutes of the September 16, 2015, regular meeting as presented.

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

\*\*\*\*\*

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

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

Maintenance Forces

- Patching potholes on primary and secondary routes.
- Machining\_National Highways System (NHS) roadways and hauling stone as needed.
- Machining shoulders on various routes as needed.
- Mowing various intersections for safety and sight distance.
- Route 642 Rural Rustic Project is complete.
- Removing dead animals and performing litter patrol on various routes.
- Performing routine maintenance on various routes.

\*\*\*\*\*

**FY 2017 Revenue Sharing Program**

Mr. Johnson stated that in order to participate in the FY17 Revenue Sharing Program, the Board is required to adopt a resolution and submit an application by October 30, 2015.

Ms. Drummond recommended to use the funds for the unimproved portion of Zero

Road (State Route 642), located in the Red Oak Election District, which will cover 0.4 of a mile.

Upon a motion by Mr. Jones, seconded by Mr. Tyler, and unanimously carried, the Board adopted the resolution to participate in the FY17 Revenue Sharing Program as follows:

**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 2016-17 Revenue Sharing Program; and,

**WHEREAS**, these funds are requested to fund improvements to Zero Road (State Route 642) in the Red Oak Election District; and,

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

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

\*\*\*\*\*

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

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

\*\*\*\*\*

**Re: Presentations**

Dr. Charlette T. Woolridge, County Administrator, gave an overview of the request from the Virginia Association of Counties for county tree ornaments to be displayed in the Executive Mansion during the 2015 Christmas season.

Ms. Wendy Nash, owner of Sally and Sonny's Florist, in partnership with Pamela Thomas and Griffin Farms, presented an ornament that was crafted using slate from the

roof of the Historic Courthouse.

\*\*\*\*\*

**Re: Citizen Comments**

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

- Mr. Bill Hudson, 108 Rollingwood Drive, Lawrenceville, Virginia. Mr. Hudson expressed concern regarding Mr. Welton Tyler's Financial Interest and Statement of Economic Interest filings, stating his failure to disclose a business owned by him and his wife.

\*\*\*\*\*

**Re: Consent Calendar of Reports**

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

- Brunswick County Industrial Development Authority Minutes and Executive Director's Report
- Roanoke River Service Authority Minutes

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

\*\*\*\*\*

**Re: Finance Director's Report**

**Approval of Disbursements**

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

- System checks dated September 29, 2015, in the amount of \$739.95
- System checks dated September 30, 2015 (FY15), in the amount of \$356.25
- System checks dated October 13, 2015, in the amount of \$42,777.07
- System checks dated October 15, 2015 (FY15), in the amount of \$228.93
- System checks dated October 21, 2015, in the amount of \$1,092,172.00
- System checks dated October 22, 2015, in the amount of \$1,500.00
- System checks dated October 23, 2015, in the amount of \$13,100.00

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

Board approved disbursements in the amount of \$1,150,874.20, as presented.

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

\*\*\*\*\*

### **Lawrenceville-Brunswick Municipal Airport – FY15 Additional Appropriation**

Mrs. Reekes stated that in order to reconcile the FY15 Lawrenceville-Brunswick Municipal Airport Fund, an additional appropriation is needed in the amount of \$3,051.74. Unexpended funds remain in the FY15 Planning Department's budget to cover the additional expense.

Upon a motion by Mr. Jones, seconded by Mr. Tyler, and unanimously carried, the Board approved the transfer of and appropriation of \$3,051.74 from the FY15 Planning Department budget to the FY15 Lawrenceville-Brunswick Municipal Airport Fund.

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

\*\*\*\*\*

### **Utilities Accounts Auditing Services**

Mrs. Reekes stated that Brunswick County desires to purchase utilities accounts audit services from a contract between Chesapeake Public Schools and Troy & Banks, Inc. The Request for Proposals specified that the procurement of such services was being conducted on behalf of other public bodies under the provisions of Virginia State Code Section 2.2-4304 and the resultant contract could be extended to any jurisdiction within the Commonwealth of Virginia.

Mrs. Reekes stated that Troy & Banks, Inc. performs a comprehensive review of utility and phone bills (i.e., electric, gas, fuel, water/sewer, and all telecommunications accounts) for the purpose of securing refunds, credits and cost reductions resulting from the discovery of charges or costs in excess of those permitted or allowed by applicable

contracts, tariffs, statues, rules and regulations and/or from overcharges or billing errors.

Mrs. Reekes stated that Troy & Banks, Inc. is paid strictly on performance. If Brunswick County does not receive any refunds or savings, Troy & Banks, Inc. is not paid. For any refunds, credits or rebates obtained by Troy & Banks, Inc. for overcharges, billing errors or costs in excess of those permitted by applicable contracts, tariffs, statues, rules or regulations, Troy & Banks, Inc. is paid 24% of all monies refunded or credited to Brunswick County.

Upon a motion Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board approved to enter into an agreement with Troy & Banks, Inc. for said services under the same terms provided to Chesapeake Public Schools in the Original Agreement effective October 26, 2015 and authorized the County Administrator to sign the agreement between Troy & Banks, Inc.

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

\*\*\*\*\*

**Re: Planning Director's Report**

**Brunswick County Comprehensive Plan Update**

Ms. Weddington stated that a request for proposals was issued to o hire a consultant to update Brunswick County's Comprehensive Plan. Funds are included in the FY16 Planning Department budget to hire a consultant to update the Plan. The following proposals were received:

- Nelsnick Enterprises
- Greater Community Planning & Development Partners
- Hill Studio

Ms. Weddington stated interviews were conducted on Tuesday, October 8, 2015.

Members of the interview panel were:

- Hon. John Cataldo, Board of Supervisors Member/Planning Commission Member
- Glenn Johnson, Chair, Planning Commission
- Dr. Charlette T. Woolridge, County Administrator
- Leslie R. Weddington, Interim Assistant to the County Administrator/Director of Planning

The interview panel unanimously recommends hiring Hill Studio to update the Comprehensive Plan.

Upon a motion by Mr. Jones, seconded by Mr. Tyler, and unanimously carried, the Board voted to accept the proposal from Hill Studio to update the Comprehensive Plan and authorize the County Administrator to sign the agreement between Hill Studio and Brunswick County by adoption of the following resolution:

**WHEREAS**, Brunswick County, Virginia (the “County”) desires to enter into an Agreement for Professional Services relating to updating the County’s Comprehensive Plan (the “Agreement”) with Hill Studio, P.C. (the “Company”);

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County does hereby approve the Agreement in substantially the form presented to this meeting and authorizes the County Administrator to execute and deliver said Agreement on behalf of the County, with any changes, insertions and omissions therein as may be approved by the County Administrator, such approval to be conclusively evidenced by her execution and delivery thereof.

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

\*\*\*\*\*

### **Johnson Run Road Rural Addition – Resolution**

Ms. Weddington stated that on March 19, 2014, the Board of Supervisors adopted a resolution for Johnson Run Road to be accepted into Virginia’s secondary system of state highways as required by the Virginia Department of Transportation (VDOT).

However, VDOT has provided an updated resolution and VDOT Form AM-4.3 that is

required by their Central Office to complete the acceptance process.

Upon a motion by Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board adopted the following resolution:

**WHEREAS**, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Brunswick County, and

**WHEREAS**, the Area Land Use Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

**NOW, THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the street(s) described in the attached Additions Form AM-4,3 to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements, and

**BE IT FURTHER RESOLVED**, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

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

\*\*\*\*\*

**Green Acres Road/Lincoln Street Resolution**

Ms. Weddngton stated that on April 17, 2015, the Board of Supervisors adopted a resolution for Green Acres Road and Lincoln Street to be accepted into Virginia's secondary system of state highways as required by the Virginia Department of Transportation (VDOT). However, VDOT has provided an updated resolution that is required by their Central Office to complete the acceptance process.

Upon a motion by Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board adopted the following resolution:

**WHEREAS**, the South Hill Residency Office of the Virginia Department of Transportation recommends that the street(s) referenced in this Board's resolution to be added to the secondary system of state highways as a no cost rural addition pursuant to Section 33.2-705 and Commonwealth Transportation Board policy, because the street(s) meets current minimum standards, the condition of the existing hard surface is serviceable, the street(s) has provided continuous public service since its establishment in 1971 and currently serves 18 occupied residential dwellings (or identified, government constructed, public facility).

**WHEREAS**, the South Hill Residency Office of the Virginia Department of Transportation confirms that no Department funds are required to improve the street(s) described on the attached additions form AM-4.3 to meet current minimum design or maintenance standards of the Department.

**NOW, THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached additions form AM-4.3 to the secondary system of state highways, pursuant to Section §33.2-705, Code of Virginia and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation.

**BE IT FURTHER RESOLVED**, this Board guarantees a clear and unrestricted right of way, as described on the attached for AM-4.3, and any necessary easements for cuts, fills and drainage, and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

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

\*\*\*\*\*

### **Stormwater Program "Opt Out" Support Resolution**

Ms. Weddington stated that Brunswick County is one (1) of fifty-four (54) localities that decided to "Opt Out" of the Virginia Department of Environmental Quality's (DEQ) expanded stormwater management program. Brunswick County chose to "Opt Out" due to cost, liability and uncertainty surrounding the new regulations. A resolution has been drafted in an effort to support the continuance of localities' ability to "Opt Out".

Upon a motion by Mr. Jones, seconded by Mr. Tyler, and unanimously carried, the Board adopted the following resolution:

**WHEREAS**, many localities are increasingly concerned over the Commonwealth of Virginia's expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

**WHEREAS**, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

**WHEREAS**, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

**WHEREAS**, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

**WHEREAS**, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to "Opt Out", leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

**WHEREAS**, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

**WHEREAS**, upon enactment, the Commonwealth of Virginia's lead environmental regulatory agency, the DEQ was established as the Commonwealth's VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth's environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

**WHEREAS**, the Board of Supervisors of Brunswick County, along with 54 other localities in Virginia, voted in 2014 to "Opt Out" of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

**WHEREAS**, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

**WHEREAS**, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

**WHEREAS**, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to "Opt Out" provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

**WHEREAS**, a recommendation to repeal the statutory "Opt Out" constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome unfunded or underfunded mandate; and

**WHEREAS**, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to "Opt Out" receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Board of Supervisors of Brunswick STRONGLY OPPOSES any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia's counties and cities the statutory right to "Opt Out" of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Brunswick County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to "Opt Out" be applied to all localities equally such that the Chesapeake Bay localities are not

required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

**BE IT FURTHER RESOLVED THAT:**

The Board of Supervisors of Brunswick County strongly recommends that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant "Opt Out" alternatives to all localities equally.

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

\*\*\*\*\*

**Re: County Administrator's Report**

**Virginia Association of Counties – Designation of Voting Proxy**

Dr. Woolridge stated that Virginia Association of Counties' (VACo) annual business meeting is scheduled for Tuesday, November 10, 2015. In accordance with the VACo bylaws, each county is requested to designate a member of its Board of Supervisors to cast its vote at the Annual Business Meeting.

Upon a motion by Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board designated Barbara Jarrett Drummond, Chair, as the voting representative and Bernard L. Jones, Sr., Vice-Chair as the alternate.

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

\*\*\*\*\*

**Re: Old Business**

**Enterprise Zone**

Dr. Woolridge stated that Governor Terry McAuliffe announced five new Virginia Enterprise Zone (VEZ) designations, and two joint zones to include Mecklenburg and

Brunswick counties. The Virginia Department of Housing and Community Development administers the VEZ program, which supports job creation and private investment by providing state and local incentives such as the Job Creation Grant (JCG) and the Real Property Investment Grant (RPIG) to qualified businesses and investors in enterprise zones.

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

\*\*\*\*\*

**Re: New Business**

\*\*\*\*\*

**Re: Appointments**

**Brunswick County Animal Control Advisory Committee**

Upon a motion by Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board appointed Ms. Beverly Menier from Stray Haven to serve as the animal advocacy group representative.

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

Upon a motion by Mr. Tyler, seconded by Mr. Cataldo, and unanimously carried, the Board appointed Mr. Bernard Jones to serve as the Board of Supervisors representative.

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

\*\*\*\*\*

**Brunswick County Litter Control Council**

This matter was continued.

\*\*\*\*\*

**Economic Development Coordinating Council**

This matter was continued.

\*\*\*\*\*

**Meherrin Regional Library Board**

This matter was continued.

\*\*\*\*\*

**Southside Community Services Board of Directors**

Upon a motion by Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, Mr. Calvin Moore was appointed to fill the at-large vacancy which expires on June 30, 2017.

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

\*\*\*\*\*

**Re: Adjourn**

Upon a motion by Mr. Jones, seconded by Mr. Cataldo, and unanimously carried, the Board adjourned.

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

---

Hon. Barbara Jarrett Drummond, Chair

---

Charlette T. Woolridge, Ph.D., Clerk

