

VIRGINIA: AT A REGULAR MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD WEDNESDAY, MARCH 21, 2018, IN THE BOARD ROOM OF THE BRUNSWICK COUNTY GOVERNMENT BUILDING

PRESENT: HON. BARBARA JARRETT-HARRIS, CHAIR, HON. JOHN W. ZUBROD, VICE-CHAIR, HON. FREDERICK A. HARRISON, SR., HON. BERNARD L. JONES, SR., HON. WELTON TYLER, BOARD OF SUPERVISOR MEMBERS; DR. CHARLETTE T. WOOLRIDGE, COUNTY ADMINISTRATOR/CLERK; PAUL C. JACOBSON, COUNTY ATTORNEY; LESLIE R. WEDDINGTON, ASSISTANT COUNTY ADMINISTRATOR/DEPUTY CLERK/RECORDER OF MINUTES

Re: Closed Meeting – 6:30 p.m.

Upon a motion by Mr. Zubrod, seconded by Mr. Harrison, and unanimously carried, the Board of Supervisors of Brunswick County, Virginia convened in Closed Meeting to discuss the following matters under:

- 2.2-3711.A.5: Discussion concerning a prospective business/industry.

Ayes: Harrison, Tyler, Zubrod, Harris; Nays: None

Reconvene in Open Meeting

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that to the best of each member’s knowledge

- (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and
- (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board.

WILL EACH MEMBER NOW SO CERTIFY:

Mr. Harrison: Aye
Mr. Jones: Aye
Mr. Tyler: Aye
Mrs. Zubrod: Aye
Mrs. Harris: Aye

Re: Call to Order – 7:30 p.m.

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

Re: Invocation and Pledge of Allegiance

Chair Harris invited anyone in the audience who would like to participate in the invocation with Board members to please stand and join them. Supervisor Harrison gave the Invocation and Pledge of Allegiance.

Re: Approval of Agenda

Upon a motion by Mr. Zubrod, seconded by Mr. Harrison, and unanimously carried, the Board approved the agenda with the following amendments:

Add under New Business

An Ordinance to Impose a Different Rate of Tax Levy on Computer Equipment and Peripherals Used in a Data Center

Add under Appointments

Industrial Development Authority

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Re: Public Hearing

Mid-Atlantic Broadband Request for Consideration for Exemption from Real Estate and Personal Property Taxes

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

Upon a motion by Mr. Zubrod, seconded by Mr. Harrison, and unanimously carried, the Board adopted the following ordinance:

WHEREAS, Mid-Atlantic Broadband Communities Corporation ("Mid-Atlantic Broadband") owns and will own certain real and personal property in Brunswick County, Virginia (the "Properties"); and

WHEREAS, pursuant to § 58.1- 3651 of the Code of Virginia, 1950, as amended, ("the statute") Mid-Atlantic Broadband has requested that the Board of Supervisors of Brunswick County, Virginia grant tax exemption pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia for property in the County owned by Mid-Atlantic Broadband and has filed with the Brunswick County Board of Supervisors (the "Board") a written request for such exemption and provided information in such request as required by statute; and,

WHEREAS, pursuant to the statute the Board did conduct a public hearing on the request of Mid-Atlantic Broadband, duly advertised as required by the statute, and considered the application by Mid-Atlantic Broadband, the questions provided in the statute, the comments of the public and other facts and circumstances; and,

WHEREAS, after due consideration the Board hereby finds the following:

- 1) that Mid-Atlantic Broadband is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code and is a nonprofit organization that uses the Properties for benevolent uses;
- 2) that Mid-Atlantic Broadband does not have a current annual alcoholic beverage license;
- 3) that no trustee or officer of Mid-Atlantic Broadband receives compensation in excess of a reasonable allowance for salaries or other compensation for person services which such director, officer or employee actually renders;
- 4) that a significant portion of the service provided by Mid-Atlantic Broadband is generated by funds received from donations, contributions or local, state or federal grants and no part of the earning inures to the benefit of any individual;
- 5) that Mid-Atlantic Broadband provides services for the common good of the public;

6) that no substantial part of the activities of Mid-Atlantic Broadband involves carrying on propaganda or otherwise attempting to influence legislation and Mid-Atlantic Broadband does not participate any political campaign on behalf of any candidate for public office; and,

7) that the County of Brunswick would lose initially approximately \$17,431 annually in taxes (based upon the current assessment and tax rates) if the Properties were exempted from Brunswick County property taxes;

THEREFORE, AFTER PUBLIC HEARING AND DUE CONSIDERATION, BE IT HEREBY ORDAINED BY THE BRUNSWICK COUNTY BOARD OF SUPERVISORS:

1. That the Board of Supervisors of Brunswick County hereby designates the Properties as exempt from real estate taxation and personal property taxation by the County of Brunswick under § 58.1- 3651 of the Code of Virginia, 1950, as amended based upon the purposes of Mid-Atlantic Broadband and the current use of the Properties for benevolent uses.
2. That the continuance of such exemption is expressly contingent upon the continued ownership of the Properties by Mid-Atlantic Broadband and the continued use of the Properties for benevolent purposes.
3. That the continuance of such exemption is expressly contingent upon Mid-Atlantic Broadband having no rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.
4. That this Ordinance shall take effect immediately.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Ordinance Amendment Case #17-036 – Proposed Amendment to Subsection 7-2, Penalties; 7-2-2 and 7-2-3 of Article 7. Effectual Clauses of the Brunswick County Subdivision Ordinance

Mr. Morrison stated that the ordinance amendment as proposed would address penalties for violations of the County's subdivision ordinance. The following amendments were drafted and recommended by the County Attorney:

- 7-2-2. The Board of Supervisors or its designated Agent may institute any appropriate action or proceeding, at law or in equity, to prevent, restrain, correct or abate a violation or attempted violation, or to prevent any act which would constitute a violation, of this ordinance.
- 7-2-3. No permit shall be issued by any administrative officer or employee of Brunswick County for the construction of any building, structure, or improvement requiring a permit upon any land for which an approval pursuant to this chapter is required, unless and until the person seeking the permit complies with the

requirements of this chapter and the subdivision within which such land is included is in compliance with the requirements of this chapter.

The Planning Commission conducted a public hearing on the proposed ordinance amendments at their January 9, 2018, meeting. No one spoke in opposition to the amendments. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of the ordinance amendment.

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

Upon a motion by Mr. Tyler, seconded by Mr. Zubrod, and unanimously carried, the Board approved Ordinance Amendment Case #17-036.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Ordinance Amendment Case #18-004– Proposed Amendment to Article 2. Definitions. Short-term rental and Amendment to Article 8, Residential, General, District (R-2). Insert 8-1-6 Short-term rental to replace 8-1-6. Tourist home in the Brunswick County Zoning Ordinance

Mr. George Morrison, Director of Planning, stated that the ordinance amendment as proposed would add a specified time limit in defining short-term rentals and omit the ambiguity in the length of stay for tourist homes in the Residential (R-2) Zoning District. The following definition is proposed:

- Short-term rental. An accommodation for transient guests where, in exchange for compensation, a dwelling unit is provided for lodging for thirty (30) days or less and which is not a “bed and breakfast inn,” “boarding house,” or “group home facility” as defined in this chapter. Such use may or may not include an on-site manager. For the purposes of this definition, a dwelling unit shall include single family dwellings, two-family dwellings (duplexes), three-family dwellings (triplexes), multiple-family dwellings, and manufactured/mobile homes.

The Planning Commission conducted a public hearing on the proposed ordinance amendment at their February 13, 2018, meeting. No one spoke in opposition to the

amendments. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend approval of the ordinance amendment.

The Chair opened the public hearing. The following citizen spoke:

- Natalie Hobdy – expressed concerns about the use of her home for short-term rentals and the possibility of being grandfathered to allow the use to continue until she is able to sell her home.

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

Upon a motion by Mr. Zubrod, seconded by Mr. Tyler, and unanimously carried, the Board referred the ordinance amendment back to the Planning Commission and authorized staff to work with the County Attorney to clarify the definition for short-term rental.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Re: Approval of Minutes

Upon a motion by Mr. Tyler, seconded by Mr. Harrison, and unanimously carried, the Board approved the minutes of the February 21, 2018, regular meeting.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Re: Virginia Department of Transportation

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

Maintenance Forces

- Patching potholes on primary and secondary routes.
- Performing secondary mowing/brush cutting.
- Adding stone to shoulders on various routes.
- Machined National Highway System (NHS) roadways and hauled stone as needed.
- Route 659 Doctor Purdy Road Bridge Replacement Project is ongoing.
- Performed routine maintenance and litter patrol on various routes.

Mr. Johnson reported on the following project:

- Route 659, Doctor Purdy Road Bridge Project – The bridge work has been completed and crews are scheduled, to apply the riding surface to the bridge deck by March 26, 2018. The bridge is scheduled to be open by Friday, March 30, 2018.
- Route 715, Iron Bridge Road Closure - Route 715-Iron Bridge Road, between Route 685-Fleshood Lane and Route 673-Reavis Gin Road, will be closed in order to inspect the bridge over the Meherrin River. The closure will be from March 26, 2018, through March 27, 2018, from 8:00 a.m. to 5:00 p.m. Sections of the bridge will be inspected by hand. A signed detour will be established during this road closure.
- Secondary Six Year Plan (SSYP) - VDOT is requesting to schedule a work session to solicit input for the SSYP at the Board of Supervisors April meeting and schedule a public hearing on SSYP during the Board's May meeting. New funding in the amount of \$216,000 is available to add one rural rustic project to the plan.

Re: Brunswick County Public Schools Monthly Report

Mrs. Dora Wynn, Superintendent, presented an overview of the schools monthly financial report. This was provided for the Board's information. See attached report.

FY2017 Carryover Re-appropriations

Mr. Darrell Owens, Director of Business Operations presented a request for the Board to re-appropriate unexpended funds from FY17 in the amount of \$143,351 to offset the purchase of vehicles as follows:

<u>Department</u>	<u>Vendor</u>	<u>Vehicle/Item</u>		<u>Price</u>
Transportation	Boyd Honda	Chevy Impala	#117	\$22,000.00
Transportation	Crossroads Chrysler Jeep	Dodge Caravan	#117	\$19,000.00
Transportation	Crossroads Chrysler Jeep	Dodge Caravan	#117	\$21,000.00
Maintenance	Colonial Truck Sales	Ford F150	#117	\$24,000.00
Transportation	Kingmor Supply	Motor for Bus #23	#117	\$24,351.00
Transportation	Kingmor Supply	Motor for Bus #18	#117	<u>\$33,000.00</u>
				\$143,351.00

Upon a motion by Mr. Zubrod, seconded by Mr. Harrison, and unanimously carried, the Board denied the request to re-appropriate unexpended funds from FY2017 in the amount of \$143,351.00.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Re: Presentations

Recognition of Clara M. Smith, Executive Director – Southside Senior Citizens Center

Mr. Harris recognized Ms. Clara M. Smith on her retirement as the Executive Director of the Southside Senior Citizens Center.

Re: Department/Agency Presentations

Website Update

Dr. Charlette T. Woolridge, County Administrator, unveiled the new updated website for Brunswick County. The Website Committee consisted of Supervisors Zubrod, Supervisor Jones, Charlette T. Woolridge and Melissa Tolbert.

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:

- Mike Dotti – Applauded the County's new website. He informed the Board that he was elected as the Industrial Development Authority Board chair and expressed his support for the Board of Supervisors and his willingness to work with Brunswick County to promote economic development.
- Natalie Hobdy – Inquired about her next steps regarding short-term rentals.
- Bill Hudson – Requested the Board to consider putting the county seal on all county vehicles.
- John Cataldo - Presented a letter on behalf of the Lake Gaston Association dated March 21, 2018, outlining goals for the Board of Supervisors to consider during the FY18 budget process as follows: Continue to work toward full weed treatment funding to protect lake property values, encourage prudent expenditures of all new revenue and consider using some of the new revenue to replenish the undesignated fund balance.

Re: Consent Calendar of Reports

Upon a motion by Mr. Harrison, seconded by Mr. Tyler, and unanimously

carried, the Board acknowledged receipt of the following reports:

- Industrial Development Authority, February 13, 2018, meeting minutes
- Roanoke River Service Authority, January 30, 2018, meeting minutes

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Re: Finance Director's Report

Approval of Disbursements

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

- System checks dated March 8, 2018, in the amount of \$3,532.25
- System checks dated March 15, 2018, in the amount of \$54,406.50
- System checks dated March 21, 2018, in the amount of \$220,215.68
- System checks dated March 22, 2018, in the amount of \$9,727.44
- System checks dated March 23, 2018, in the amount of \$1,770.00
- System checks dated March 22, 2018, in the amount of \$400.00

Upon a motion by Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board approved disbursements in the amount of \$290,051.87, as presented.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Re: Planning Director's Report

Alvis Road Housing Improvement Project – Contract Activities

Mr. George Morrison stated that Brunswick County was awarded a Community Development Block Grant from the Virginia Department of Housing Community Development (VDHCD) in the amount of \$519,925 to address the needs of a portion of Alvis Road (State Route 611). The project will benefit low-to-moderate income persons by providing housing rehabilitation, demolition and clearance. As part of the VDHCD contract activities, the Board is required to adopt the Housing Rehab Program Design which includes the Housing Rehabilitation Oversight Board Bylaws and the Program Income Plan.

Upon a motion by Mr. Zubrod, seconded by Mr. Harrison, and unanimously carried the Board adopted the Housing Rehab Program Design which includes the Housing Rehabilitation Oversight Board Bylaws and the Program Income Plan.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Re: Old Business

County Decals

Dr. Woolridge stated as a follow-up to the Board's discussion at the February 21, 2018, regular meeting, staff has performed an analysis of the decal display or license fee charge by county statewide and its impact on government services.

Below is an overview of Decal or License Fee or No Fee for eleven (11) counties and one (1) city within Southside Virginia.

Locality	Decal Display Required	License Fee Charged
Amelia County	Yes	Yes
Brunswick County	Yes	Yes
Buckingham County	Yes	Yes
Charlotte County	No	Yes
Cumberland County	No	Yes
Dinwiddie County	No	Yes
City of Emporia	No	Yes
Greensville County	No	Yes
Lunenburg County	No	Yes
Mecklenburg County	No	Yes
Nottoway County	No	Yes
Prince Edward County	No	Yes

Dr. Woolridge stated that of the eleven counties and one city listed above, including Brunswick County, only three (3) counties have decal display requirements (Amelia, Brunswick and Buckingham). The remaining eight (8) counties and one (1) city do not have decal display requirements (Charlotte, Cumberland, Dinwiddie, Emporia, Greenville, Lunenburg, Mecklenburg, Nottoway and Prince Edward).

Each county has a license fee charge, including those that no longer have a decal display requirement. The counties add the license fee, which varies from county to county, to the citizen's annual tax bill and provide a deadline for them to make payment.

Dr. Woolridge stated that prior to discontinuing the decal display, the following must be considered: (1) Collection of Personal Property Taxes and (2) Convenience Center Usage.

1. Collection of Personal Property Taxes

Motor vehicle decals have historically been used as a tool to enforce personal property tax compliance. Brunswick County's personal property tax collection rate for 2017 was 97%. This means that a large majority of county citizens tend to pay their personal property taxes.

To ensure compliance with personal property tax laws after discontinuing the decal display, tax collection methods must be implemented to maintain a strong tax collection rate. Therefore, personal property taxes that are not collected by the annual due date may be in jeopardy of certain delinquent tax collections.

Below are recommended methods to collect delinquent personal property taxes.

- A. Notice of Delinquency. This tax collection method is currently used by the Treasurer's Office. The process is as follows:
- December 5 of each year - All tax bills are due.
 - December 6 - All past due taxes are assessed a 10% penalty and a 10% interest per year. Interest is added the first of each month.
 - March - Delinquent bills are mailed for past due taxes.
 - April - Collection action.
 - May – An additional collection fee of \$30 is added to all delinquent tax bills.

- May – December - other collection tactics are used to include Department of Motor Vehicle Registration Withholdings, tax liens, bank liens, set-off claims against state income refund.

B. Judgments. This will be a new tax collection method that will be utilized in conjunction with the Notice of Delinquency process. Judgments are warrants in debt or civil claims for money which are filed with the General District Court. The matter of delinquent taxes may be presented before a judge, who will hear both sides of the case and will make a ruling. (Note: This option may result in the need for additional personnel by the General District Court).

2. Convenience Center Usage

Decal display is a tool that convenience center employees utilize to identify county citizens/businesses permitted to dispose of waste. If decal display is eliminated, County employees must have other forms of identification as proof of residency/business. Such identification may be in the form of a driver's license, vehicle registration, tax bill or other forms of identification as verification of residency/ business.

It was a consensus of the Board to have the County Attorney draft and ordinance to amend the County's local vehicle ordinance and authorize staff to advertise for the Board's April 18, 2018 meeting.

Re: New Business

An Ordinance to Impose a Different Rate of Tax Levy on Computer Equipment and Peripherals Used in a Data Center

Upon a motion by Mr. Tyler, seconded by Mr. Jones, and unanimously carried, the Board authorized staff to advertise the following proposed ordinance for a public hearing for the Board's April 18, 2018 regular meeting:

WHEREAS, the Brunswick County Code of Ordinances establishes reporting requirements for personal property taxes in the County; and

WHEREAS, the Code of Virginia authorizes Brunswick County to separately classify computer equipment and peripherals used in a data center and impose a different rate of personal property tax levy on such class of property.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF BRUNSWICK COUNTY VIRGINIA, THAT:

1. Computer equipment and peripherals used in a data center shall be a separate class of property for personal property tax purposes in Brunswick County, Virginia, in accordance with Section 58.1-3506(A) (43) of the Code of Virginia, and the Brunswick County local tax levy applicable to such separate class of property shall be forty cents (\$0.40) per \$100 of assessed value.
2. For purposes of this ordinance, and as defined in Section 58.1-3506(A)(43) of the Code of Virginia, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services.
3. This Ordinance shall be effective on the date of its adoption.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Re: Appointments

Brunswick County 300th Anniversary Committee

This matter was continued.

Brunswick County Industrial Development Authority

Supervisor Zubrod apologized to Supervisor Tyler for appointing the Powellton's District representative to the Industrial Development Authority. This action was in conflict with the Rules of the Board.

Upon a motion by Mr. Zubrod, seconded by Mr. Harrison, and unanimously carried, the Board removed Rene Rice from the Industrial Development Authority.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Upon a motion by Mr. Tyler, seconded by Mr. Harrison, and unanimously carried, the Board appointed Henry L. Robinson to the Industrial Development Authority representing the Powellton District to fill an unexpired term.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Brunswick County Litter Control Council

Upon a motion by Mr. Zubrod, seconded by Mr. Harrison, and unanimously carried, the Board appointed Wally Sayko to serve on the Brunswick County Litter Control Council representing the Meherrin Election District.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Brunswick County Planning Commission

Upon a motion by Mr. Zubrod, seconded by Mr. Jones, and unanimously carried, the Board appointed Michael Grimm to fill an unexpired term on the Planning Commission representing the Meherrin Election District.

Ayes: Harrison, Jones, Tyler, Zubrod, Harris; Nays: None

Economic Development Coordinating Council

This matter was continued.

Re: Adjourn

Upon a motion by Mr. Zubrod, seconded by Mr. Harrison, and unanimously carried, the Board adjourned to Tuesday, March 27, 2018, at 6:30 p.m., for a budget work session to be held in the Board Room of the Brunswick County Government Building, 228 North Main Street, Lawrenceville, VA 23868.

Hon. Barbara Jarrett-Harris, Chair

Charlette T. Woolridge, Ph.D., Clerk