

VIRGINIA: A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE COUNTY GOVERNMENT CENTER ON JANUARY 7, 2010 AT 7:00 P.M.

PRESENT: SUPERVISOR M. SHERLOCK HOLMES, CHAIRMAN
SUPERVISOR JOHN M. SEWARD, VICE-CHAIRMAN
SUPERVISOR ERNEST L. BLOUNT
SUPERVISOR REGINALD O. HARRISON
SUPERVISOR JUDY S. LYTTLE

ALSO

PRESENT: MR. TYRONE W. FRANKLIN, COUNTY ADMINISTRATOR
MR. JOHN B. EDWARDS, JR., ASST. COUNTY ADMINISTRATOR
MRS. MELISSA D. ROLLINS, DIRECTOR OF FINANCE & TECHNOLOGY
MR. WILLIAM HEFTY, HEFTY & WILEY
MRS. DEBORAH NEE, COMMISSIONER OF REVENUE
MRS. VALERIE PIERCE, DIRECTOR OF SOCIAL SERVICES
MS. RHONDA R. MACK, COMMUNITY DEVELOPMENT DIRECTOR
MR. STACEY WILLIAMS, BUILDING OFFICIAL
MR. LLOYD HAMLIN, SUPERINTENDENT, SURRY COUNTY SCHOOLS
SHERIFF HAROLD D. BROWN

CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

The meeting was called to order by County Administrator, Mr. Tyrone Franklin. Mr. Franklin asked for a moment of silence. Following the moment of silence, he asked the citizens to stand and say the pledge of allegiance.

BOARD REORGANIZATION

Mr. Franklin explained that due to this being the first meeting of the Board of Supervisors for this calendar year, it is necessary to reorganize, elect new officers, and decide on a regular meeting time and place. Mr. Franklin asked for nominations for the position of Chairman. Mr. Holmes nominated Mr. Harrison; Mr. Blount nominated Mrs. Lyttle. Mr. Holmes moved to close the nominations, seconded by Mr. Seward. Supervisors unanimously voted in favor of the motion. Mr. Tyrone Franklin asked for a vote by the raising of hands. Mrs. Lyttle received two votes; Mr. Harrison received three votes from members of the Board. Mr. Franklin congratulated Mr. Reginald Harrison on being elected the new Chairman of the Board of Supervisors.

Mr. Reginald Harrison, Chairman, then asked for nominations for the position of Vice-Chairman. Mrs. Lyttle nominated Mr. Ernest Blount; Mr. Holmes nominated Mr. John Seward. Mrs. Lyttle made a motion to close nominations, seconded by Mr. Holmes. Mr. Harrison again asked for a vote by the raising of hands. Mr. Seward received three votes; Mr. Blount received two votes. Mr. Seward will continue to

serve as Vice-Chairman of the Board of Supervisors. Chairman Harrison asked the Board their pleasure as far as meeting time and location. Mrs. Judy Lyttle made a motion that meetings continue to be scheduled on the first Thursday of each month at 7:00p.m. in the General District Courtroom. This motion was seconded by Mr. Blount; motion was unanimously approved.

CONSENT ITEMS

1. Approval of December 3, 2009 Minutes
2. Approval of January, 2010 Accounts Payable

	Accounts Payable	Additional	Total
General Fund	\$236,352.58	\$118,493.28	\$354,845.86
Debt Service	\$0.00	\$562,272.50	\$562,272.50
Capital	\$32,056.26	\$145,981.85	\$178,038.11
Water & Sewer	\$2,121.72	\$12,840.07	\$14,961.79
Indoor Plumbing	\$0.00	\$0.00	\$0.00
Totals	\$270,530.56	\$839,587.70	\$1,110,118.26

3. Appropriation Requests

School System - Jan. 2010	\$1,205,000.00
Dept. of Social Serv. - Jan. 2010	\$155,000.00
General Fund - Third Quarter	\$1,829,514.00

Vice-Chairman Seward moved to approve the consent items as enumerated; Supervisor Blount seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

4. Supplemental Information for Appropriation Requests (Budget Amendments)

Chairman Reginald Harrison noted that the purpose of this item was to provide the Board with information only and required no action.

5. Treasurer’s Refund Request

Supervisor Lyttle made a motion that the Board approve the Treasurer’s Refund Request in the amount of \$1,869.60 due to Loan Administration for the overpayment of Real Estate Taxes. The motion was seconded by Mr. Seward. Supervisors Harrison, Seward, Holmes, Lyttle and Blount voted in favor of the motion.

6. FY 09-10 Budget Amendment- Water and Sewer Fund

Upon completion of the Dendron Sewerline Project, the County had project contingency (grant) funds remaining in the amount of \$57,208.07. Rural Development authorized the use of the funds for additional projects and or equipment associated with maintaining the system. The County has purchased the equipment (i.e. grinder pumps) and made mechanical repairs to the system. The funds were requested from Rural Development and received in the current fiscal year. An amendment to the Water & Sewer Funds is needed to cover the cost of the repairs and replacement equipment.

Mrs. Judy Lyttle moved that the Board of Supervisors authorize the amendment and appropriation of grant funds to the FY 09 Water & Sewer Fund in the amount of \$56,048.14. Motion was seconded by Mr. Seward. Supervisors Harrison, Seward, Holmes, Lyttle and Blount voted in favor of the motion.

PROGRESS REPORTS

1. VDOT

A. RESOLUTION 2010-01: Mr. Tyrone Franklin reported that during a previous meeting of the Board of Supervisors a request from the residents of Tappahanna Hundred asked that Tappahanna Hundred, from Route 31 (Rolfe Highway) to the culdesac, be included in the Secondary System of State Highways. Resolution 2010-01 will add Tappahanna Hundred to the Secondary System of State Highways. Supervisor Seward moved that Resolution 2010-01 be approved; motion was seconded by Supervisor Holmes. Supervisors Harrison, Seward, Holmes, Lyttle and Blount voted in favor of the motion to approve Resolution 2010-01.

Mr. William Richardson, Asst. Residency Administrator, appeared before the Board wishing them a Happy New Year and reporting that many of the items discussed at the previous Board meeting had not received attention from VDOT due to the weather and the holidays.

Mr. Richardson further reported that the Waverly office would be closing later this year and that he would remain in his position through the month of April. After that time issues can be reported to VDOT via an 800 number. Mr. Tyrone Franklin asked about the status of the current 6 Year Plan and the funding for secondary road system. When asked by Mr. Franklin who would be the county's representative, Mr. Richardson suggested that it may be an individual from the Suffolk area.

Supervisor John Seward expressed concern regarding reduced funding to VDOT for the maintenance of secondary roads and other budget cuts pending in the General Assembly. Chairman Harrison reported that the water problem at Montpelier and Spring Grove Roads which had been discussed at the last meeting of the Board had been resolved. Mr. Seward again expressed concern about statewide budget cuts and their effect on county roads. Mr. Richardson suggested that concerns should be voiced to VACo and legislators in Richmond as the figures outlined in the governor's budget are subject to change within the General Assembly.

2. TREASURER

A. INVESTMENT LETTER: Chairman Reginald Harrison read the investment letter submitted by Mary H. Shaw, Treasurer. He stated that as of December 3, 2009 the county had \$3,761,302.37 in the LGIP Fund. Mr. Harrison stated that as of November, 2009, interest had accrued in the amount of \$1,006.15 increasing that balance to \$3,762,308.52. During the month of December, 2009, \$10,000,000.00 was transferred from the General Fund to LGIP, increasing the balance of the county's investment with LGIP to \$13,762,308.52.

Chairman Harrison stated that as of January 7, 2010, the county had \$15,762,308.52 in total investments.

3. COUNTY ADMINISTRATOR

A. PRESENTATION OF FY 08-09 ANNUAL FINANCIAL REPORT: Mr. Paul Lee of Robinson, Farmer, Cox Associates was present to report to the Board the FY 08-09 Annual Financial Report findings. Following Mr. Lee's report, Supervisor Holmes made a motion that the report be accepted; motion was seconded by Mrs. Lytle. The Board voted unanimously to accept the 08-09 Annual Financial Report as presented.

B. CIP / INVOICES – HIGH SCHOOL RENOVATION PROJECT:

<u>E.T. Gresham Company, Inc.</u>	<u>\$200,870.59</u>
<u>Office Pro Technologies</u>	<u>\$13,186.00</u>
<u>Reynolds Lighting Supply Co.</u>	<u>\$15,092.00</u>
<u>Spectrum Industries, Inc.</u>	<u>\$45,539.60</u>
<u>E.T. Gresham Company, Inc.</u>	<u>\$173,008.58</u>
<u>PHP Locker Company</u>	<u>\$15,776.00</u>
<u>Reynolds Lighting Supply Co.</u>	<u>\$10,830.97</u>
Total	\$474,303.74

Supervisor Holmes moved to authorize payment to E. T. Gresham, Office Pro Technologies, Reynolds Lighting Supply Co., Spectrum Industries, Inc., and PHP Locker Company in the aggregate amounts as outlined above; Supervisor Lyttle seconded the motion. Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

- C. SCHOOL SYSTEM BUDGET REQUEST: Mr. Tyrone Franklin asked the Board to consider the request from Mr. Lloyd Hamlin to amend the FY 09-10 School System budget in the amount of \$240,000.00. According to the School System, these funds are remaining from various unspent portions of the FY 08-09 School Operating budget. Supervisor John Seward moved to approve the requested amendment to the School System's FY 09-10 Budget; motion was seconded by Mrs. Judy Lyttle. Supervisors Harrison, Holmes, Blount, Lyttle and Seward voted in favor of the motion.
- D. UPDATE ON HIGH SCHOOL RENOVATION: Mr. Lloyd Hamlin, Surry County School Superintendent appeared before the Board to present an update on the High School Renovation Project. Mr. Hamlin reported that the construction/renovation project is winding down, although it has taken longer than anticipated. An Occupancy Permit is expected to be obtained next week which allow staff to move back into the renovated area. Improvements outside the building, to include the parking area, will not be completed until the spring.

Mr. Hamlin invited the Board of Supervisors to join with the School Board members for a tour of the facility on Monday, February 1, 2010 at 5:00pm. Mr. Hamlin further reported that all renovations were within budget and that the School System had been successful in doing more than had originally been planned with the funds allotted. He went on to inform the Board that the renovation of the library would now allow for increased utilization by the public. Mrs. Judy Lyttle stated that she was excited about the renovations and was eagerly looking forward to the planned tour. Mr. Holmes asked if the tour on February 1st would be open to the public. Mr. Hamlin suggested that a public event would be scheduled in the future and that the tour on February 1st was primarily for the members of the School Board and the Board of Supervisors. The Board agreed on the date and time proposed by Mr. Hamlin for a tour of the newly renovated High School facility.

- E. FY2010 FIRE PROGRAMS TRAINING MINI-GRANT: Mr. Tyrone Franklin reported to the Board that the County had been awarded \$3,200.00 from the 2010 Fire Programs Training Mini-Grant Program. These funds would be used to purchase equipment for the three fire departments to be used for training purposes. Supervisor Lyttle made a motion that the Board

accept the FY 2010 Fire Programs Training Mini-Grant; motion was seconded by Mr. Ernest Blount. Supervisors Harrison, Seward, Holmes, Blount and Lyttle voted in favor of the motion.

- F. WATER AND WASTE AGREEMENT WITH THE TOWN OF DENDRON: Mr. John Edwards, Assistant County Administrator presented the proposed agreement which is intended to help control the volume of wastewater which flows to the County's treatment plant to insure compliance with the County's wastewater discharge permit issued by the DEQ. This is accomplished by controlling the number of connections to the County's wastewater system and allowing access to the Town's water meter readings so that customers can be billed for actual usage, rather than the current flat rate. As the operator of the County's water and wastewater systems, as well as Dendron's water system, the Sussex Service Authority will be reading water meters in Dendron and sending out joint bills for the Town and County Systems. This agreement has already been approved by the Dendron Town Council.

Supervisor M. Sherlock Holmes asked if the County was still within limits set by DEQ to which Mr. Franklin replied that we were. Supervisor Judy Lyttle asked if this agreement would still allow for more people to connect to the system. Mr. Edwards said that it does allow for more connections, but limits the sub-dividing of lots as only one connection per lot is allowed.

Supervisor Ernest Blount moved that the Board act to authorize the execution of the agreement with the Town of Dendron; motion was seconded by Supervisor Lyttle. The Board unanimously voted in favor of the motion.

- G. RECOMMENDATION FROM PLANNING & COMMUNITY DEVELOPMENT: Ms. Rhonda Mack, Community Development Director appeared before the Board to request that the Board schedule a public hearing on five land use applications by ODEC. These include Comprehensive Plan Amendment 2009-01, Zoning Ordinance Text Amendment 2009-01, Rezoning Application 2009-02, Conditional Use Permit 2009-02, and Conditional Use Permit 2009-03. Ms. Mack suggested that the public hearing be scheduled during the next meeting of the Board of Supervisors on February 4, 2010. She informed the Board that the same items were scheduled for a public hearing before the Dendron Town Council on Monday, February 1, 2010. Supervisor Lyttle made a motion that the Board schedule a public hearing to consider the five previously listed land use applications on Thursday, February 4, 2010 at 7:00pm; motion was seconded by Supervisor Holmes. Supervisors Harrison, Seward, Blount, Lyttle and Holmes voted in favor of the motion.

H. REQUEST FOR PROPOSALS FOR SOLID WASTE DISPOSAL SERVICES: Mr. John Edwards again appeared before the Board to report that the County had recently solicited proposals from firms to provide solid waste disposal services. Two firms responded, Waste Alliance and Waste Management. Both firms were interviewed and staff believes that Waste Management is best suited to handle the County's solid waste disposal needs based on the location of its landfill, previous service to the County, and its price proposal. Waste Management has offered a five-year contract with a disposal cost of \$23.00/ton for one year and an annual price adjustment based on CPI, with a 2.5% cap on the annual increases during the first three years of the contract.

Supervisor Seward asked if County residents could go to the landfill. Mr. Edwards informed him that they could with County permission. Items that could not be disposed of at County Waste Collection Centers could be disposed of at the landfill, but the resident would be responsible for payment at the same \$23.00/ton rate. Supervisor Blount asked if the Board could delay action on this item. Mr. Edwards informed the Board that the current contract with Waste Management expired in December 2009. Supervisor Lyttle expressed concerns regarding the process in selecting a vendor and also suggested that action on this item be delayed until the next meeting of the Board of Supervisors. Mrs. Lyttle moved that the item be tabled until the Board meets again on February 4, 2010; motion was seconded by Supervisor Blount. Supervisors Harrison, Seward, Holmes, Lyttle and Blount voted in favor of the motion.

UNFINISHED BUSINESS

None

PUBLIC HEARING

1. SURRY COUNTY RE-CODIFICATION ORDINANCE 2010-01

Mr. William Hefty, County Attorney, addressed the Board and informed them that the County had contracted with Municipal Code Corp. for the purpose of compiling all current non-land use ordinances into a complete, up-to-date, and re-organized code. Mr. Hefty reminded the Board that this action does not change any part of the current code, but compiles the County's Code into a format that can be more readily accessible to citizens via the internet. Mr. Hefty also acknowledged that Section 2 should be amended to exclude land use ordinances.

Public Comments: None

Public Hearing was closed. Supervisor Judy Lyttle moved that Ordinance 2010-01 be adopted with the amendment to Section 2 to exclude land use ordinances; Supervisor John Seward seconded the motion. Supervisors Holmes, Harrison, Blount, Lyttle and Seward voted in favor of the motion.

2. SURRY COUNTY NOISE ORDINANCE 2010-02

Mr. William Hefty, County Attorney, again addressed the Board of Supervisors to inform them that the County's Noise Ordinance was rewritten due to a similar Noise Ordinance in Virginia Beach being struck down by the Supreme Court of Virginia. Mr. Hefty further explained that Section 2.1.A addressed noise which is ongoing or continuous. There are no time constraints on such noise. In Section 2.1.B time limits are used to address noises which are not ongoing. Mr. Hefty suggested that the Board may want to consider an exception for farm animals and farm equipment. He then summarized by saying that noise ordinances are difficult to write because of the need to make them non-specific.

Supervisor Lyttle commented that she had concerns about issues with this ordinance, but that she would wait to see what the public had to say regarding this issue.

Public Comments:

- A. Brian Agor (Surry District): Mr. Agor addressed the Board suggesting that the current Noise Ordinance under consideration was too vague and that the use of decibel levels would provide a means of more objective measurement of noise levels. Mr. Agor discussed motorcycle and motor vehicle exhaust sounds as well as standards of measurement of such noises. He also described the sound of the neighbor children playing indicating that these sounds can be heard over 200 feet from the source and can last for extended periods of time, thus violating the noise ordinance as currently written. Mr. Agor ended his comments with a request to the Board to table this ordinance until such time as more specific guidelines could be developed.
- B. Mike Eggleston (Dendron/Blackwater District): Mr. Eggleston also suggested the use of decibel levels as a more accurate means to measure noise levels and suggested that the current vague language of the ordinance left measures open to the interpretation of the listener. Mr. Eggleston contends that the exemption for aircraft has not been addressed and that this ordinance "gives ODEC a free pass on noise".
- C. Claude Reeson (Carsley District): Mr. Reeson discussed OSHA safety rules that designate 80 decibels and suggested that the use of this measurement at the property line might be used.

- D. Douglas Dorsey (Bacons Castle District): Mr. Dorsey spoke in opposition of the ordinance as it is written. He suggested the use of 50 feet as opposed to 200 feet and asked the Board to pass something that the County Sheriff's Department might actually be able to enforce. Mr. Dorsey also questioned time limits suggesting that disruptive noise should not have to be tolerated at any time, and that time limits be removed so that portions of the ordinance are in effect 24 hours a day. He further commented that when noise is not controlled it affects an individual's quality of life. Mr. Dorsey provided the Board with a copy of a noise ordinance from a neighboring locality (Isle of Wight) as an example of what he feels might be more suitable.
- E. Harold Brown: Sheriff Brown spoke briefly imploring the Board to adopt an ordinance that he and his staff would be able to enforce.
- F. Helen Eggleston (Dendron/Blackwater District): Mrs. Eggleston suggested the use of decibels as a fairer means of measuring noise levels. She specifically addressed Section 3.4 regarding the exception for railroads and aircraft asking that they instead be subject to special permits or conditions. Mrs. Eggleston voiced concerns regarding the building of the Coal Plant and railroad access which could produce noise levels that would be disruptive to citizens in that area.
- G. Chris Anderson (Surry District): Mr. Anderson voiced his concern to the Board regarding the lack of exception for farm and forestry in the noise ordinance under consideration. Mr. Anderson also speculated on whether shooting sports would be a violation of this noise ordinance.
- H. John Stokes (Surry District): Mr. Stokes specifically addressed his concerns to the language in Section 2.1.B and suggested that a dog barking at 2:00am, even if it only barked for 15 seconds, was a disturbance.
- I. Betsy Shepherd (Surry District): Mrs. Shepherd suggested that the use of decibels was a more objective and useful measure of noise levels. She asked for true restrictions on noise in the County and a clear means of measuring noise levels. Mrs. Shepherd mentioned two pending projects (OLF and ODEC Coal Plant) that could significantly raise noise levels in the county. She said that there is no real way to measure the impact of these increased noise levels without the use of decibels. Mrs. Shepherd agreed with previous speakers regarding the need for exemptions for agricultural and forestry industries and that railroads and aircraft ought to be subject to special permits or conditions. Additionally, Mrs. Shepherd asked that the fine be reduced from \$250.00 as that was not in the best interest of the County.
- J. Lisa Craig (Surry District): Mrs. Craig stated that she felt that time limits were good, but that the overall language of the Noise Ordinance was far too vague. Mrs. Craig suggested that limitations of the

proposed ordinance would prevent construction / renovation of residences as construction noise could be interpreted as a violation of said ordinance. She agreed with previous speakers regarding the need for exemptions for farming and forestry and special provisions for railroads and aircraft.

- K. Donald Hulick (Claremont District): Mr. Hulick provided the Board with a significant amount of data regarding different aircraft and noise levels specific to each. He asked the Board why they would write a law if nothing has happened to make that law necessary – specifically why aircraft noise should be addressed in the Noise Ordinance when Surry County does not have an airport. Mr. Hulick explained that OSHA regulations describe any noise above 80 decibels as a danger to an individual’s health and; therefore, dangerous noises could not be eliminated or controlled unless they were measured in decibels.
- L. Carlos Verdaguer (Dendron District): Mr. Verdaguer addressed the Board suggesting that there should be an exemption for farm animals, but cautioned the Board in the use of vague language for exemptions. He also reminded the Board that construction creates noise as well as the use of generators when power is out and these activities may be violations of the ordinance as it is currently written.

There being no further comments from the citizens present, Supervisor Lyttle remarked that she had never considered noise to be a problem. She also said that, based on the citizens’ comments it “sounds like we need to go back to the drawing board”. Supervisor Blount added that business makes noise. Supervisor Holmes agreed with Mrs. Lyttle that the ordinance should be re-written. Vice-Chairman Seward commented that there is no need to rush in, and he reminded the public that ODEC noise issues would be addressed in the permit process. Chairman Harrison remarked that hearing is “in the ear of the beholder” and agreed that there needed to be some means of measuring noises.

Mr. Hefty, County Attorney, added that, in the case of ODEC, the Town of Dendron would be free to write their own noise ordinance. He went on to say that projects such as the OLF and the building of railroads cannot be limited because the local noise ordinance, regardless of the language used, would be pre-empted by Federal laws. Mr. Harrison added that there was a need to use more specific means of measuring noise levels and that it was most important to provide the Sheriff with a tool that can clearly be enforced. Supervisor Holmes remarked that it would be difficult to come up with an ordinance that would make everyone happy and that the Board would have to decide whether or not noise levels needed to be measured specifically. Mr. Harrison said that the Board should have a look at the noise ordinances of surrounding localities to see how they were worded, how well

they worked, and how easily they could be enforced. Mr. Tyrone Franklin said that County staff could gather and compile information from area localities for further consideration. Mr. Harrison agreed that further work was needed.

NEW BUSINESS

Mr. Tyrone Franklin advised the Board of Supervisors that there was a request regarding the CIP, for the Board to have the Planning Commission review the Capital Improvement Plan and amend to allow the County to accept proffers. The next meeting of the Planning Commission is on January 25, 2010.

Supervisor Seward made a motion that the Board refer the matter to the Planning Commission for review; motion was seconded by Supervisor Holmes. The motion was unanimously approved by the Board.

CITIZENS COMMENTS

Chairman Harrison asked all persons wishing to speak to come forward and be recognized by the chair and announced that they had three minutes to speak.

1. Mike Eggleston (Dendron/Blackwater District): Mr. Eggleston addressed the Board and commented that he had been present at the most recent Planning Commission Meeting when applications for ODEC had been considered. He commented that two of the members of the Planning Commission work for the power company and that he considered that to be a conflict of interest.
2. Betsy Shepherd (Surry District): Mrs. Shepherd spoke to the Board Members saying, now that ODEC applications have been referred to the Board for consideration it is time for a third-party independent study to be done. The Board now has the authority to do so as expressed in the County's Code – the Board has a responsibility to show that the public health has been protected. Mrs. Shepherd suggested that this could not be done prior to the public hearing the Board will conduct at their meeting on February 4, 2010 and that this may be a violation of the County Code. Mrs. Shepherd also shared that the DEQ has recently issued new limits on ozone contamination and she feared that the Coal Plant would have a detrimental effect on the Hampton Roads area environment. She also commented that the public hearing scheduled for February 4, 2010 should be held in a venue which would allow the participation of more of the public.
3. Claude Reeson (Carsley District): Mr. Reeson addressed the Board and shared additional information regarding telephone companies and the selling of rural exchanges. He expressed concern that Verizon may consider selling rural exchanges to Frontier Corp.
4. Catherine Oliver (Surry District): Mrs. Oliver spoke to the Board regarding pending ODEC applications stating that she felt that the Planning Commission

was willing to grant ODEC all their wishes. She asked that the Board adhere to the County's own Code and act to protect the health, safety, and welfare of County citizens by requesting a third-party independent study of ODEC. She reminded the Board that they have up to one year to act on these applications and implored them not to rush and hand ODEC "a blank check". Mrs. Oliver asked the Board Members whether they had read material previously submitted to them by citizens. She also suggested that the public hearing before the Board on these issues should be held in a larger venue to allow greater participation.

5. Chris Anderson (Surry District): Mr. Anderson addressed the Board regarding ODEC applications and submitted an article entitled "Health and Safety Risks of Carbon Capture and Storage" for the Board to review taken from The Journal of the American Medical Association, January 2010.
6. Helen Eggleston (Dendron/Blackwater District): Mrs. Eggleston spoke before the Board and implored them to consider requesting a third-party independent study of the effects of the Coal Plant on the citizens, towns, environment, and wildlife in Surry and surrounding areas. She said this should not be a study of economic impact, but one which would address health, welfare, environment, and quality of life. Mrs. Eggleston also cited a report from the State Corporation Commission which stated that there had been a decline in electrical usage. She went on to discuss fly ash; she stated that fly ash would be the asbestos of the future and that it may take decades to see its effect on people and the environment.
7. Lisa Craig (Surry District): Mrs. Craig appeared before the Board and asked for them to authorize a third-party independent study of the Coal Plants effects on health and the environment, reminding the Board that they had up to one year to act on ODEC's applications. She expressed concern that ODEC had not addressed some of the concerns of citizens and implored the Board to use the time they have to review all the information and not to "fast track" the applications under consideration.
8. Misti Furr (Dendron District): Mrs. Furr spoke to the Board also requesting that they authorize and third-party independent study. She suggested that ODEC could be required to pay for such a study or that there may be other groups which may be able to provide such a study at low-cost or no cost to the County.
9. Bess Richardson (Dendron District): Mrs. Richardson addressed the Board stating that she agreed with previous speakers on the need for a third-party independent study. She further stated that this issue should not be one of economics only and that noise from the construction of such a facility would be an issue for residents of Dendron. Mrs. Richardson pointed out that Supervisor M. Sherlock Holmes had been a keen advocate for school children and remarked that the prospective site for the Coal Plant would be within three miles of a school. She ended by stating that school children would be impacted by this decision.

10. Donna Slade (Surry District): Mrs. Slade appeared before the Board and stated that she was saddened by the actions of the Planning Commission and the Town of Dendron for "rushing in". She said that she felt the decisions of the Planning Commission and the Town of Dendron had been based on greed. She further expressed disappointment with the Board of Supervisors.
11. Carlos Verdaguer (Dendron District): Mr. Verdaguer spoke to the Board and encouraged them to authorize an independent study regarding the Coal Plant, stating that no one present in the meeting was an expert and that information needed to be compiled to aid in the decision making process. He also explained that such a facility would need to operate 24 hours a day, seven days a week at full-power. This, he asserted, was ironic when reports show that energy consumption is going down.

There being no further comments from the public, Mr. William Hefty, County Attorney, suggested that the Board move to Closed Session to review personnel issues 2.2-3711 (A)(1) and a public contract 2.2-3711 (A)(29). Supervisor Blount made a motion that the Board move to Closed Session; Supervisor Seward seconded the motion. Supervisors Harrison, Holmes, Lyttle, Seward and Blount voted in favor of the motion.

CLOSED SESSION

Mr. Seward made a motion that the Board of Supervisors return to open session and certify by roll vote, that the closed session just concluded, nothing was discussed except the matter or matters permitted to be discussed under the provisions of the Virginia Freedom of Information Act in the motion. Mrs. Lyttle seconded the motion. Supervisors Harrison, Blount, Holmes, Lyttle and Seward voted in favor of the motion.

Mr. Blount moved to consolidate two current County positions, Maintenance Supervisor and Sanitation Supervisor, into one position: Public Works Operations Supervisor and authorize the County Administration to advertise for the position to be filled. This motion was seconded by Mrs. Lyttle; the Board unanimously voted in favor of the motion.

The Board of Supervisors considered of the request made by several citizens during Citizens Comments to hold the Public Hearing scheduled for February 4, 2010 in a larger venue. Following their discussion, Chairman Harrison called for a motion. There being no motion, the Board decided to hold the next Board of Supervisors Meeting in the General District Courtroom as previously scheduled.

ADJOURNMENT

Vice-Chairman Seward moved that the meeting be adjourned; Supervisor Lyttle seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.