

VIRGINIA: A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE COUNTY GOVERNMENT CENTER ON AUGUST 4, 2011 AT 7:00 P.M.

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

ALSO

PRESENT: MR. TYRONE W. FRANKLIN, COUNTY ADMINISTRATOR
MR. WILLIAM HEFTY, COUNTY ATTORNEY
MRS. TERRI HALE, INTERIM DIRECTOR OF FINANCE
MS. RHONDA R. MACK, DIRECTOR OF PLANNING
MRS. MARY SHAW, TREASURER
SHERIFF ALVIN CLAYTON
MRS. BILLIE JEAN ELMER, VIRGINIA COOPERATIVE EXTENSION
MR. STACEY T. WILLIAMS, BUILDING OFFICIAL

CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

The meeting was called to order by Vice-Chairman Seward who then asked for a moment of silence in honor of former Chairman of the Board, Mr. Reginald Harrison. Following the moment of silence, he asked the citizens to stand and say the pledge of allegiance.

Due to the unexpected death of former Chairman Reginald Harrison, Supervisor Holmes made a motion that Supervisor John M. Seward be named Chairman for the remainder of calendar year 2011. Supervisor Lyttle seconded the motion; all present voted affirmatively.

Supervisor Holmes made a second motion that Supervisor Ernest L. Blount be named Vice-Chairman for the remainder of calendar year 2011. Supervisor Lyttle seconded the motion; the Board unanimously approved the motion.

Chairman Seward reported that after consultation with County Attorney, Mr. William Hefty, the Board has the authority to appoint an individual to fill the unexpired term of Mr. Reginald Harrison, representative of the Claremont District. He cited Section 24.2-228 of the Virginia Code. Supervisor Lyttle, with reverence and respect, made a motion that Mr. David Harrison, the son of Mr. Reginald O. Harrison, be appointed to represent the Claremont District for the remainder of his father's term set to expire December 31, 2011. Supervisor Blount seconded the motion; Supervisors Seward, Holmes, Lyttle and Blount all voted affirmatively.

CONSENT ITEMS

1. Approval of July 7, 2011 Minutes, Board of Supervisors
2. Approval of August 2011 Accounts Payable:

(These figures represent the month of June FY10-11)

	Accounts Payable	Additional	Total
General Fund	\$98,573.75	\$24,731.75	\$123,305.50
Debt Service	\$0.00	\$0.00	\$0.00
Capital	\$581.61	\$0.00	\$581.61
Water & Sewer	\$10,210.23	\$670.74	\$10,880.97
Indoor Plumbing	\$0.00	\$0.00	\$0.00
Totals	\$109,365.59	\$25,402.49	\$134,768.08

(These figures represent the month of August FY11-12)

	Accounts Payable	Additional	Total
General Fund	\$166,321.24	\$7,260.40	\$173,581.64
Debt Service	\$561,377.70	\$0.00	\$561,377.70
Capital	\$0.00	\$0.00	\$0.00
Water & Sewer	\$345.13	\$0.00	\$345.13
Indoor Plumbing	\$500.00	\$0.00	\$500.00
Totals	\$728,544.07	\$7,260.40	\$735,804.47

3. Appropriation Requests:

School System - August 2011	Instruction	\$288,000.00
	Admin./Health	\$150,000.00
	Pupil Transp.	\$154,000.00
	Operation/Maint.	\$326,000.00
	Food Serv.	\$52,000.00
	Debt Service	\$0.00
	Capital Projects	\$0.00
	Technology	\$95,000.00
	Total	\$1,065,000.00
Dept. of Social Serv. - August 2011	\$150,000.00	

4. Budget Amendments:
- | | |
|----------------|------------|
| Animal Control | \$2,500.00 |
| Water & Sewer | \$7,500.00 |

Supervisor Blount made one correction to the minutes and then moved that the Consent Items be approved as enumerated. Supervisor Lyttle seconded the motion and all Board members voted affirmatively.

PROGRESS REPORTS

1. VDOT

No representative of VDOT was available to present a report to the Board.

2. Treasurer

A. INVESTMENT LETTER: Chairman Seward read the investment letter submitted by Mary H. Shaw, Treasurer. He stated that as of July 7, 2011 the county had \$10,296,466.72 in the LGIP Fund. Since that report, accrued interest for June 2011 in the amount of \$1,026.74 had increased that balance to \$10,297,493.46. Chairman Seward stated that since the last Treasurer's report, \$1,500,000.00 was transferred from the LGIP account to the General Fund account leaving a balance of \$8,797,493.46 in the LGIP account. On July 18, 2011 a CD with EVB matured and was redeemed in the amount of \$500,752.34 and deposited into the general fund account. As of August 4, 2011 the county had \$9,297,493.46 in total investments, including one CD valued at \$500,000.00.

3. County Administrator

Prior to addressing items on the agenda, Mr. Tyrone Franklin took a moment to introduce new employees Mr. Ricky Woodard - Maintenance Tech II and Mr. Clifford Redstone - Network Technician to the Board and the audience present. Mr. Franklin also reported on the departures of Mr. John B. Edwards, Jr. and Mrs. Melissa D. Rollins and informed the Board that the County had contracted with VML-VACo to obtain the services of Mrs. Terri Hale as interim Finance Director.

A. Ms. Rhonda Mack addressed the Board with regard to the County's Broadband initiatives stating that this grant opportunity was borne out of the County's success with the Elberon Heights Project which assisted 49 persons with housing rehabilitation as well as providing water and sewer service in the Elberon Heights area. The County's Broadband project will accomplish the following:

1. Construction of three communication towers
2. Installation of 23,200 feet of fiber network
3. Creation and retention of 31 new jobs by industry partners

The project is expected to be completed within 12 months and will provide broadband access to all residents of Surry County. Ms. Mack explained that citizens will not have to wait for the completion of the project to subscribe, but that they can do so as their area is covered. Ms. Mack requested that the Board authorize the execution of the grant agreement in the amount of \$700,000 with the Virginia Dept. of Housing and Community Development for implementation of the Surry County Broadband Project and that they consider directing administration of the grant agreement and monthly reporting on project progress to the Surry County Broadband Authority in lieu of the Board of Supervisors.

Supervisor Blount made a motion that the Board authorize the execution of the grant agreement and direct administration of the grant agreement to the Surry County Broadband Authority as requested. Supervisor Holmes seconded the motion; the Board unanimously approved the motion.

B. Ms. Mack went on to explain that the County's partners in the Broadband Project are Mid-Atlantic Broadband Cooperative, Buggs Island Telephone Cooperative and Icon Broadband Technologies, Inc. All partners in the project have negotiated three agreements related to a proposed utility and access easement, outlining provisions for the coordination of fiber deployment activities for the respective projects and establishing access to the infrastructure proposed in the industrial park.

Supervisor Lyttle made a motion that the Board approve the proposed Utility and Access Easement, Master Collation License Agreement and Project Coordination Agreement as presented. Supervisor Blount seconded the motion; Supervisors Seward, Holmes, Lyttle and Blount voted affirmatively.

C. Ms. Mack further requested that the Board consider authorizing execution of the Engineering Services contract in favor of ICON Broadband Technologies, Inc. for professional services up to \$132,000 to be paid from VDHCD grant funds.

Supervisor Holmes made a motion that the Board authorize the execution of the Engineering Services contract with ICON Broadband Technologies, Inc. as requested. The motion was seconded by Supervisor Lyttle and received unanimous approval of the Board.

At this time, Mr. Tyrone Franklin suggested that the Board begin the scheduled Public Hearing for this evening due to the late hour.

PUBLIC HEARING

Chairman Seward called the meeting to order. Mr. Tyrone Franklin, County Administrator, reported that the public hearing was being conducted to receive public comments regarding the proposed Surry County Noise Ordinance 2011-03.

Mr. William Hefty, County Attorney, addressed the Board with information regarding the need for a new noise ordinance. Such an ordinance is a preventative tool to be used by law enforcement to promote an environment for citizens to be free from noise that jeopardizes their health or welfare or degrades the quality of life. The ordinance will establish a civil penalty instead of a criminal penalty for violators. Mr. Hefty further advised the Board that categories can be added or deleted from the ordinance as needed in the future.

Chairman Seward opened the floor for public comments.

Mrs. Helen Eggleston (Dendron District) addressed the Board with information regarding noise levels obtained from the OSHA website. She stated that she felt the proposed ordinance was useless and did not address the issue of industrial noise in a residential community.

Mrs. Betsy Sheppard (Surry District) began her comments by extending condolences to the Board on the loss of their colleague, Mr. Reginald O. Harrison. She then stated that the proposed ordinance resembled one adopted by the City of Richmond and suggested that language used therein to describe noise as being "plainly audible" lacked true definition and that decibel levels should be used instead.

Mr. Douglas Dorsey (Bacon's Castle District) addressed the Board and spoke in favor of the proposed Noise Ordinance stating that this was an ordinance that the Sheriff's office could reasonably enforce and would not require the County to purchase decibel meters.

Mr. Mike Eggleston (Dendron District) commented that the proposed ordinance did not address industrial noise and that it appeared to be too subjective. He also questioned the use of time limits and the document's application for individuals who work evenings and must sleep during the daytime.

Ms. Lucy Graves (Bacon's Castle District) spoke in favor of the proposed ordinance urging the Board to adopt the ordinance as presented.

Mrs. Lisa Craig (Surry District) addressed the Board speaking in opposition to the ordinance. She suggested the use of decibel meters in determining noise levels and stated that the ordinance does not provide clear legal limits on industrial noise and could result in future lawsuits.

Mr. Thomas Blackmon (Spring Grove) explained that the County currently has legal codes to address blatant noise infractions which "disturb the peace" and reminded members of the audience that changes could be made to the Noise Ordinance as necessary in the future.

There being no further comments from citizens, Chairman Seward closed the floor for public comments and asked for comments from staff and fellow Board members.

Supervisor Lyttle stated that the Board appreciated the comments from the public and made a motion that the Board adopt the Surry County Noise Ordinance 2011-03

as presented. Supervisor Blount seconded the motion; the motion was passed unanimously.

PROGRESS REPORTS (Cont'd.)

3. County Administrator

D. Ms. Rhonda Mack presented the Board with the Hampton Roads Regional Water Supply Plan as prepared by the Hampton Roads Planning District Commission and regional Utility Directors outlining regional water sources, usage and usage projections. The plan, she explained, is a tool used by permitting agencies to manage surface and groundwater resources, evaluate impacts of requests, to mitigate water quality issues, and avoid conflicts between users. Ms. Mack reported that County staff had met with representatives of the Towns and presented the plan to them. She requested that the Board schedule a Public Hearing to hear comments regarding the plan at their September 1, 2011 meeting.

Supervisor Blount made a motion that the Board schedule a Public Hearing as requested on September 1, 2011 to hear public comments regarding the Hampton Roads Regional Water Supply Plan. Supervisor Holmes seconded the motion; the motion was unanimously passed by the Board.

E. Mr. Franklin reported that the Surry VCE had been notified of required adjustments to salaries of VCE staff. Based on this information, additional funds are needed in the FY 11-12 budget to cover the increases in salaries and fringe benefits in the amount of \$3,188.00. Mr. Franklin stated that funds will be reimbursed to the County.

Supervisor Holmes made a motion that the Board authorize the amendment of \$3,188.00 to the FY 11-12 Virginia Cooperative Extension Budget transferred from the Contingency fund and appropriated for expenditure. Supervisor Lyttle seconded the motion; Supervisors Seward, Blount, Holmes and Lyttle voted affirmatively.

F. Mr. Franklin presented the Board with the proposed FY 11-12 Performance Contract between the County and the Virginia Department of Mental Retardation and Substance Abuse Services and the District 19 Community Services Board. The performance contract provides an outline for the expenditure of state, federal and local funds allocated for District 19 services with a total budget of \$18,639,542.00 for FY 11-12.

Supervisor Lyttle made a motion that the Board approve the FY 11-12 Performance Contract for the District 19 Community Services Board. Supervisor Blount seconded the motion; the motion was unanimously passed by the Board.

G. Mr. Franklin called the Board's attention to correspondence from the Virginia Association of Counties regarding the reduction in aid to localities.

He requested that the Board decide how to administer the FY 11-12 Reduction in State Aid in the amount of \$35,816.00 and consider authorizing the submittal of the proposed resolution as recommended by VML-VACo in support of restoring state funds for aid to localities.

Supervisor Blount suggested that the proposed resolution was a way to get the attention of lawmakers in Richmond. Following brief discussion, Supervisor Lyttle made a motion that the Board allow the state to reduce payments rather than submit a payment by check and adopt the proposed Resolution 2011-16. The motion was seconded by Supervisor Blount; all present voted affirmatively.

H. Mr. Franklin reported that the County had located property at the corner of Hollybush and New Design Roads adjacent to LPJ Middle School which would serve as an ideal location for a warehouse/garage facility benefitting the County and the School System. The property is approximately 21.9 acres and is offered at a purchase price of \$150,000.

Supervisor Blount suggested that the Fiscal Affairs Committee consider the matter and make a recommendation at the Board's next meeting. The Board agreed to table the matter until that time.

I. Mr. Franklin presented correspondence from Mrs. Valerie Pierce, Director of Social Services requesting that the Board appoint a replacement for Mrs. Earlene Sprouse, representative of the Surry District, whose term on the Surry County Social Services Board expired June 30, 2011.

Supervisor Seward responded that he was not prepared to present a nominee at this time.

J. Mr. Franklin presented a second correspondence from Mrs. Valerie Pierce, Director of Social Services requesting that the Board appoint a replacement for Mr. C. Pernell Fields, Sr., representative of the Carsley District, whose resignation was effective July 26, 2011. The appointee would serve the remainder of Mr. Fields' unexpired term ending on June 30, 2014.

Supervisor Holmes responded that he was not prepared to present a nominee at this time.

K. Mr. Franklin presented correspondence indicating the Mr. Michael Holle (Surry District) had resigned his position on the Board of Zoning Appeals effective July 31, 2011.

Supervisor Seward responded that he was not prepared to present a nominee to serve the remainder of Mr. Holle's term at this time.

L. Mr. Franklin introduced correspondence from Mr. Marshall W. Smith, President of John Tyler Community College requesting a representative to serve on the John Tyler Community College Board from July 1, 2011 through June 30, 2015.

Supervisor Lyttle made a motion that the Board appoint Mrs. Sopenia Pierce to serve on the JTCC Board for a four year term beginning July 1, 2011 and ending June 30, 2015. The motion was seconded by Supervisor Blount; all present voted affirmatively.

M. Mr. Franklin introduced correspondence from Ms. Rhonda Mack indicating that the term of Mr. John Newby, Surry District representative on the Board of Historic and Architectural Review had expired on May 31, 2011.

Supervisor Blount, noting Mr. Newby's willingness to serve another term, made a motion that the Board re-appoint Mr. John Newby to serve on the BHAR for a term beginning June 1, 2011 and ending May 31, 2016. The motion was seconded by Supervisor Lyttle; Supervisors Seward, Holmes, Blount and Lyttle voted in favor of the motion.

UNFINISHED BUSINESS

Mr. Franklin reported that the Fiscal Affairs committee had been scheduled to consider the matter of a budget amendment for Highway Revenue Sharing funding; however, the committee was unable to meet due to former Chairman Harrison's sudden passing.

NEW BUSINESS

Supervisor Lyttle suggested that with new appointees to the Surry County Industrial Development Authority, the Authority should schedule a meeting. Recognizing that the Authority only meets on an "as needed" basis, Chairman Seward remarked that a meeting would benefit members by reminding them of their duties and responsibilities.

CITIZEN COMMENTS

Mr. Mike Eggleston (Dendron District) addressed the Board with concerns about fiscal responsibility and enforcement of delinquent tax collection.

Mrs. Betsy Sheppard (Surry District) provided the Board with a copy of a report released by the Chesapeake Bay Foundation. She also requested clarification regarding the difference between the Noise Ordinance and the "Disturbing the Peace" section of the County Code.

Mr. Thomas Blackmon (Spring Grove) addressed the Board speaking in support of the Cypress Creek project.

Mrs. Lisa Craig (Surry District) suggested that the County invest in infrastructure to attract a community college, but added that proximity to a coal plant probably would not be appealing.

Mr. Mike Eggleston (Dendron District) again approached the Board with a question regarding the Cypress Creek project, specifically relating to the withdrawal of water from the James River and the effects of acid rain.

Chairman Seward reminded the audience that this portion of the program was not for "question and answer" but for citizens to address the Board with comments.

Mrs. Lisa Craig (Surry District) asked for clarification regarding the budget line item "Indoor Plumbing".

CLOSED SESSION

There being no further comments from the public, Supervisor Blount made a motion that the Board move to Closed Session to discuss a personnel matter involving salary or other compensation of a specific employee, Virginia Code § 2.2-3711(A)(1) and the acquisition of real property for public purposes where discussion in an open meeting would adversely affect our bargaining position, Virginia Code § 2.2-3711(A)(3). Supervisor Holmes seconded the motion. Supervisors Seward, Lyttle, Holmes and Blount voted in favor of the motion.

Supervisor Blount moved that the Board return to open session and certify by roll call that the closed session was concluded and that nothing had been discussed except the matter or matters permitted to be discussed under the provisions of the Virginia Freedom of Information Act. Supervisor Lyttle seconded the motion; all members present voted affirmatively.

ADJOURNMENT

There being no further business to conduct, Supervisor Lyttle made a motion to adjourn. Supervisor Holmes seconded the motion; Supervisors Seward, Holmes, Lyttle and Blount voted in favor of the motion.