

VIRGINIA: A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS
HELD IN THE GENERAL DISTRICT COURTROOM OF THE COUNTY
GOVERNMENT CENTER ON SEPTEMBER 5, 2013 AT 7:00P.M.

PRESENT: SUPERVISOR JOHN M. SEWARD, CHAIRPERSON
SUPERVISOR ERNEST L. BLOUNT, VICE-CHAIR
SUPERVISOR JUDY S. LYTTLE
SUPERVISOR KENNETH R. HOLMES
SUPERVISOR GIRON R. WOODEN, SR.

ALSO

PRESENT: MR. TYRONE W. FRANKLIN, COUNTY ADMINISTRATOR
MR. WILLIAM HEFTY, COUNTY ATTORNEY
MS. TERRI E. HALE, DIRECTOR OF FINANCE
MS. RHONDA RUSSELL, DIRECTOR OF PLANNING
MRS. DEBBIE NEE, COMMISSIONER OF THE REVENUE
SHERIFF ALVIN W. CLAYTON, SR.
MS. GAIL CLAYTON, CLERK OF CIRCUIT COURT
MR. STACEY WILLIAMS, BUILDING OFFICIAL
MR. ERVIN JONES, DIRECTOR, PARKS AND RECREATION
MRS. BILLIE JEAN ELMER, UNIT DIRECTOR, VCE

CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

The meeting was called to order by Chairman Seward who then asked for a moment of silence. Following the moment of silence, he asked those present to stand and say the pledge of allegiance.

CONSENT ITEMS

1. Approval of August 1, 2013 Minutes, Board of Supervisors
2. Approval of September 2013 Accounts Payable:

(Represents FY 12-13)

	Accounts Payable	Additional	Total
General Fund	\$43,576.93		\$43,576.93
Debt Service	\$0.00		\$0.00
Capital	\$0.00		\$0.00
Water & Sewer	\$0.00		\$0.00
CSA	\$0.00		\$0.00
Indoor Plumbing	\$0.00		\$0.00
Econ. Dev. Expense	\$0.00		\$0.00
Totals	\$43,576.93		\$43,576.93

(Represents FY 13-14)

	Accounts Payable	Additional	Total
General Fund	\$102,283.03	\$175,235.23	\$277,518.26
Debt Service	\$558.23	\$2,650.00	\$3,208.23
Capital	\$800.00	\$37,709.82	\$38,509.82
Water & Sewer	\$1,041.43	\$12,634.69	\$13,676.12
CSA	\$0.00	\$0.00	\$0.00
Indoor Plumbing	\$0.00	\$0.00	\$0.00
Econ. Dev. Expense	\$0.00	\$0.00	\$0.00
Totals	\$104,682.69	\$228,229.74	\$332,912.43

3. Appropriation Requests:

School System - September 2013	Instruction	\$1,000,000.00
	Admin./Health	\$50,000.00
	Pupil Transp.	\$75,000.00
	Operation/Maint.	\$100,000.00
	Food Serv.	\$75,000.00
	Debt Service	\$0.00
	Capital Projects	\$0.00
	Technology	\$50,000.00
	Total	\$1,350,000.00
Dept. of Social Serv. - September 2013		\$150,000.00

4. FY13 Budget Amendments

Sheriff's Office	DMV Selective Enforcement Grant	\$	4,935.00
Natural Disasters	Irene Reimbursements		17,888.21
Litter Prevention	Additional Grant Funds		2,216.00
Total		\$	25,039.21

5. Health Department Request for Additional FY 14 Local Funds - \$18,534

6. Funding of School Resource Officer (SRO) Grant - \$44,122

Supervisor Holmes made a motion that the Board approve the Consent Items as enumerated; Supervisor Wooden seconded the motion. Supervisors Seward, Blount, Wooden, Lyttle and Holmes voted affirmatively to approve the motion.

PROGRESS REPORTS

1. VDOT

A. VDOT Roadway Functional Classification Update

Mr. Franklin informed the Board that although this matter had been carried over from a previous meeting, the County really has no jurisdiction to dispute the decision of VDOT as it pertains to road reclassification.

2. Treasurer

A. Investment Letter

Chairman Seward read the Investment Letter provided by Mary H. Shaw, Treasurer, which stated that as of August 1, 2013 the County had \$12,837,016.86 in the LGIP Fund. Since that report, accrued interest for July 2013 in the amount of \$1,192.53 had increased that balance to \$12,838,209.39. Since the August 2013 report, \$2,000,000.00 was transferred from the LGIP to the general fund leaving a balance of \$10,838,209.39. As of September 5, 2013 the county had \$11,344,368.05 in total investments, including one CD valued at \$506,158.66 which matures January 18, 2014.

3. County Administration

A. Resolution 2013-18: Authorization for the Issuance of IDA Revenue Bonds

Mr. Franklin informed the Board that the Surry County Industrial Development Authority, at their meeting on Wednesday, August 21, 2013, considered the request of Windsor Mill Properties LLC for the issuance of up to \$1,500,000 in new bonds and the refinancing of the outstanding balance (\$4,270,000) of existing revenue bonds which were issued in 2007. A duly advertised and scheduled Public Hearing was conducted and IDA Resolution 2013-01 was unanimously adopted by a quorum of IDA members. He further informed that as per Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Code of Virginia, action by the Surry County Board of Supervisors is required to approve the issuance of the bonds.

Ms. Mary Ellen Shaw and Mr. Kevin Platte of Windsor Mill Properties LLC were present to address any questions from Board members.

Supervisor Lyttle made a motion that the Board approve Resolution 2013-18, which would authorize the issuance of revenue bonds by the Industrial Development Authority in a principal amount not to exceed \$5,770,000; not more than \$1,500,000 of which would be for business expansion and equipping of the Windsor Mills facility located in the Surry West Business Park. Supervisor Holmes seconded the motion;

Supervisors Seward Blount, Wooden, Lyttle and Holmes voted affirmatively.

B. Presentation: Tourism Support Group/Virginia Tourism Corporation

Mr. Steve Galyean, Director of Partnership Marketing Development, Virginia Tourism Corporation (VTC), addressed the Board to present the Tourism Assessment Report.

At its February 7, 2013 meeting, the Board of Supervisors took action to partner with the Surry County Chamber of Commerce in requesting assistance from the Virginia Tourism Corporation (VTC) for an assessment of tourism attractions and creation of a tourism marketing plan for Surry County. In June, County staff and community representatives met for three evenings to examine the County's strengths and weakness with regard to tourism. Mr. Galyean reported that the group was diverse, energetic and passionate about building on the existing tourism economy and that representatives of VTC would continue to help steer the group towards available funding sources and the development of a marketing plan.

Mr. Franklin informed the Board that action was being requested to (1) accept the Tourism Assessment Report as presented, (2) allow the Tourism Support Group to continue meeting for the purpose of developing a plan of work as well as mission and vision statements and (3) allow the Tourism Support Group to pursue a grant opportunity available through the VTC for the purpose of branding the County. Supervisor Blount made a motion that the Board authorize all three requests. The motion was seconded by Supervisor Lyttle and unanimously approved.

C. Presentation: Habitat for Humanity

Mr. Jason Wiedel, Project Director, Habitat for Humanity, addressed the Board providing information relative to the availability of grant funding through the Virginia Department of Housing and Community Development (VDHCD) for the assessment of housing conditions in Surry County. Mr. Wiedel informed that a similar assessment had been conducted in Sussex County. If obtained, grant funding would be disbursed to the locality. Mr. Wiedel also reported on recent activity of the organization in Sussex and Surry Counties.

Supervisor Lyttle made a motion that the Board partner with Habitat for Humanity in the application for grant funding through the VDHCD to conduct an assessment of housing conditions within Surry County.

Supervisor Holmes seconded the motion; Supervisors Seward, Blount, Wooden, Lyttle and Holmes voted affirmatively.

D. FY 14 Budget Amendment – Social Services

Mrs. Valerie Pierce, Director of Surry Social Services, addressed the Board indicating that the Department had a surplus of local funds in the amount of \$27,804.41 at the end of FY 12-13. Mrs. Pierce requested that the Board consider the re-appropriation of these funds in FY 13-14 for support of the Companion Services Program.

Supervisor Lyttle made a motion that the Board authorize the carry-over and re-appropriation of \$27,804.41 in surplus local funds to FY 13-14 for the support of the Companion Services Program administered by Surry Social Services. Supervisor Wooden seconded the motion which met with unanimous support.

E. Appointment: Board of Directors, Crater Area Agency on Aging

Mrs. Valerie Pierce, Director of Surry County Social Services, requested the appointment of Mrs. Gwendolyn Brown to the Crater Area Agency on Aging (CAAA) Board of Directors. According to the language of the agency's bylaws, ***“the length of the term of office of each member of the Board of Directors will be as determined by the appointing governing body.”*** Mr. Hefty, County Attorney, recommended that the Board establish the term from October 1, 2013 through September 30, 2016.

Additionally, Mrs. Pierce requested that the Board acknowledge the previous appointment of Mr. Lewis Jones to the CAAA Advisory Board. Although, she explained, a formal appointment by the Board is not necessary; Mr. Jones will continue to serve on the Advisory Board at the pleasure of the CAAA Board of Directors.

Supervisor Holmes made a motion that the Board appoint Mrs. Gwendolyn Brown to the Board of Directors of the Crater Area Agency on Aging for a term beginning October 1, 2013 and ending September 30, 2016. Supervisor Blount seconded the motion; all present voted affirmatively.

F. Flood Zone Ordinance & Map Amendments

Ms. Rhonda Russell, Director of Planning and Community Development, addressed the Board to inform that a multi-year project to re-examine the County's flood zones and develop detailed, digital flood hazard maps has been completed. The new maps will soon be released for public review. These maps will reflect current flood risks and replace the maps that were adopted in 2009. Ms. Russell further

reported on the process and timeframe involved in the adoption of the Flood Insurance Rate Maps. No Board action is necessary at this time.

UNFINISHED BUSINESS

1. Broadband Implementation Project Update

Ms. Russell provided the Board with an update on the Surry County Broadband Implementation Project. She reported that the project continues to progress as anticipated with a recent audit by the Virginia Department of Housing and Community Development (VDHCD) having been performed in August 2013. Staff has entered into contract negotiations as a result of a Request for Proposals for a service provider and hope to have a contract in place by October 2013. Ms. Russell further reported that VDHCD had extended the grant contract through May 2014 with all project activities completed by that time.

2. Forestry Contract

Mr. Ervin Jones, Director of Parks and Recreation addressed the Board to provide information relative to the process implemented in soliciting a contract for clear-cutting of the Surry West Business Park. He stated that staff had begun the process in February 2013 of soliciting bids for the purpose of clear-cutting approximately 140 acres of County-owned property in the Industrial Park. As a result of these efforts only one company, Isle of Wight Forest Products, Inc. ultimately submitted a bid and a contract had been entered into for the project.

Supervisor Lyttle expressed concern that the contract had been executed without the knowledge of the Board. Mr. Hefty, County Attorney, stated that the County's small purchase procedure allowed for the County Administrator to enter into agreements under \$50,000; therefore, the contract did not require approval by the Board. No action was taken by the Board.

PUBLIC HEARING

1. CUP 2013-04

Chairman Seward called the public hearing to order. Mr. Franklin stated that a public hearing was being held to consider an application by T. Franklin on behalf of Surry County to permit a 350' communication tower as a conditional use as permitted by Article III, Section 3-302, on an irregularly shaped parcel consisting of ±37.74 acres located on the north side of Old Burrough Road, beginning ±585' east of the intersection of Old Burrough Road (SR T626) and Bank Street (SR T1001, setback ±825' from Old Burrough Road (SR T626), with an average depth of ±830' and width of ±2,170'. The subject

property is zoned Agricultural Rural Residence District (A_R) and the Tax Parcel Identification Numbers are 28-4-5, 28-4-6 and 28-66.

Ms. Russell addressed the Board showing the location of the proposed telecommunications tower on a map. (***Plat map is attached as an integral component of these minutes.***) She reviewed the permitting requirements, how the proposed location was selected, how the application was in compliance with the County's ordinances and Comprehensive Plan, as well as the grant funding process and its subsequent requirements. Ms. Russell introduced Ms. Ellen Brady, Cultural Resources, Inc. who provided information relative to the proposed tower's impact on the County's historic resources to include the historic Courthouse and the Enos farmhouse.

Ms. Russell informed that the tower would be located on County property, surrounded by dense foliage which would serve to decrease the visual impact of the tower for adjacent property owners. She also stated that the location of the tower, specifically its proximity to the Surry County Sheriff's Office would allow for the relocation of emergency service/dispatch equipment and result in substantial cost savings as the County would no longer need to lease space on another tower.

Ms. Russell reviewed the six conditions recommended by the Planning Commission on June 24, 2013 following their approval of CUP 2013-04 and listed below:

1. Applicant shall provide copies of all applicable state and federal permits
2. Applicant shall comply with all federal, state and local regulations and ordinances
3. Applicant shall certify that all transmission emission levels shall not exceed those permitted under federal regulations.
4. No interference with television, cable, radio, telephone or electronic devices shall be permitted. Any such interference shall be immediately remedied.
5. Signage shall not be permitted.
6. The tower height is limited to 350'± AGL with approval of all required permitting agencies.

Ms. Russell reported that on August 21, 2013 the Surry County Board of Zoning Appeals granted a special exception for the project as required by the County's permitting regulations.

Chairman Seward opened the floor for public comments.

Mr. Chris Anderson (Surry District) asked the Board to consider a petition opposing the location of the proposed tower within view of the Town. He further asked that the Board consider another location for the tower.

Mr. Mike Eggleston (Dendron District) addressed the Board and asked why the tower was not being located in the County's Industrial Park. Ms. Donna Slade (Surry District) spoke in opposition to the proposed location of the telecommunications tower on Old Burrough Road.

Mr. Paul Krogan (Surry District) addressed the Board stating that the visual impact of the tower in close proximity to the Town would have a negative impact on tourism in the County.

Ms. Betsy Sheppard (Surry District) stated that although she applauded the Board's efforts to bring broadband to the County, she opposed the planned location of the telecommunications tower.

Mrs. Helen Eggleston (Dendron District) spoke in opposition to the proposed location of the tower.

Mr. Bill Roach (Surry District) stated that the tower would have a negative impact on the Town of Surry.

There being no further comments from the public, Chairman Seward closed the floor and requested summary comments from staff and fellow Board members. Supervisor Lyttle made a motion that the Board authorize CUP 2013-04 with the recommended conditions as presented. The motion was seconded by Supervisor Blount and unanimously approved.

2. ZOTA 2013-01

Chairman Seward called the public hearing to order. Mr. Franklin stated that a public hearing was being held to consider a proposal to amend and reenact the Surry County Zoning Ordinance – specifically Article 1, General Provisions, to accurately report the effective Ordinance adoption date, Article 2, Definitions and Uses, to include manufactured homes as permitted in the dwelling definition, Article 3, Sections 204, 304, 403, 503, & 603, regarding minimum dimensional requirements in the Agricultural Limited (A-L) District, Article 3, Sections 205, 305, 504, and 604 regarding minimum dimensional requirements in the Agricultural Rural Residence (A-R) Districts, Article 4, Supplementary Regulations, to permit up to 300 people at Outdoor Gatherings as a permitted by right use and Appendix B, Surry County Area and Bulk Schedule to make the schedule consistent with amendments proposed in Article 3 Bulk and Yard

Requirements outlined in the Agricultural Limited (A-L) and Agricultural Rural Residence (A-R) Districts.

Ms. Rhonda Russell informed the Board that the Zoning Ordinance Text Amendment was proposed to address certain inconsistencies and errors that had been discovered in the original document which was adopted by the County in March 2013. Following Ms. Russell's enumeration of the proposed specific changes, Chairman Seward opened the floor for public comments.

There being no citizens wishing to address the Board, Chairman Seward closed the floor and proceeded to ask for summary statements from staff and fellow Board members. Supervisor Blount made a motion that the Board adopt ZOTA 2013-01. Supervisor Holmes seconded the motion; Supervisors Seward, Lyttle, Wooden, Blount and Holmes voted affirmatively.

NEW BUSINESS

Chairman Seward asked that the Building and Grounds Committee of the Board schedule a meeting to consider the location of a new Rescue Squad building.

Supervisor Blount inquired with regard to the opening of the County's third manned solid waste collection site on Mantura Road. Mr. Franklin responded that there were still a few small issues to be resolved, but that he expected the site to be open within the next two weeks.

CITIZENS COMMENTS

Mr. Mike Eggleston (Dendron District) addressed the Board with negative comments regarding recent actions.

Mr. John Newby, a local contractor, asked how citizens could obtain more information regarding the work of Habitat for Humanity in Surry County. He was asked to contact the County Administrator's office to obtain the information.

CLOSED SESSION

There being no further comments from the public, Supervisor Blount made a motion that the Board move to Closed Session to discuss:

- matters involving the acquisition of real property for public purposes where discussion in an open meeting would adversely affect the County's bargaining position, as permitted by the Code of Virginia § 2.2-3711(A)(3)
- a personnel matter as permitted by Virginia Code §2.2-3711(A)(1)

- a prospective business or industry or the expansion of an existing business or industry, where no previous announcement has been made of the business' or industry's interest in locating/expanding its facilities in the County as permitted by the Code of Virginia § 2.2-3711(A)(5)

Supervisor Lyttle seconded the motion. Supervisors Seward, Wooden, Holmes, Blount and Lyttle 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.

Supervisor Lyttle made a motion that the Board schedule a Public Hearing for the October 3, 2013 meeting for consideration of a budget amendment to increase the property acquisition line by \$500,000. Supervisor Holmes seconded the motion which was unanimously approved.

ADJOURNMENT

Supervisor Wooden made a motion to adjourn. Supervisor Lyttle seconded the motion which passed with unanimous approval.

Proposed Tower Location



Old Burrough Road

BERCHLAND ROAD