

VIRGINIA: A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE COUNTY GOVERNMENT CENTER ON NOVEMBER 5, 2009 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. FAYE P. WARREN, DEPUTY TREASURER  
MRS. DEBORAH NEE, COMMISSIONER OF REVENUE  
MRS. VALERIE PIERCE, DIRECTOR OF SOCIAL SERVICES  
MS. GAIL P. CLAYTON, CLERK OF CIRCUIT COURT  
MR. STACEY WILLIAMS, BUILDING OFFICIAL  
MR. ERVIN A. JONES, DIRECTOR, PARKS & RECREATION  
SHERIFF HAROLD D. BROWN

**I. CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE**

The meeting was called to order by Chairman Holmes. Chairman Holmes asked for a moment of silence. Following the moment of silence, he asked the citizens to stand and say the pledge of allegiance.

**II. CONSENT ITEMS**

- Approval of October 1, 2009 Minutes
- Approval of **October, 2009**

Accounts Payable	Additional	Total
General Fund - \$ 183,720.40	\$ 53,647.25	\$ 237,367.65
Debt Service - \$ 24,852.26	\$ 31,887.66	\$ 56,739.92
Capital - \$ 14,435.71	\$ 6,594.00	\$ 21,029.71
Water & Sewer - \$ 26,343.18	\$ 678.55	\$ 27,021.73
Indoor Plumbing - \$ -0-	\$ -0-	\$ -0-
<b>Totals - \$ 249,351.55</b>	<b>\$ 92,807.46</b>	<b>\$ 342,159.01</b>
- Appropriation Requests – **November, 2009**
  - A. School System **\$ 1,329,198.00**
  - B. Department of Social Services - **\$ 150,000.00**
  - C. **FY 09-10 Supplemental Appropriation General Fund (Economic Development) \$30,000.00**

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

## **B. PROGRESS REPORTS**

### **A. VDOT**

Mr. William Richardson, Asst. Residency Administrator, appeared before the Board and stated that he did not have any standing report.

Supervisor Lyttle requested that the reflectors be replaced at the ferry where traffic turns on the top of the hill. Supervisor Harrison advised Mr. Richardson that he had received correspondence from a citizen who wanted the ditches cleaned on Beaverdam Road between at Sunken Meadow Road and Sunken Meadow Pond. Mr. Franklin inquired about the tree limbs left from the trimming on Route 31. Mr. Richardson stated that the contractor try to grind up as best as they can. He stated that any debris found around power light lines was the responsibility of the contractor hired by the power company.

### **B. Treasurer**

#### **1. Investment Letter**

Chairman Holmes stated that the county had received a letter from Mrs. Mary Shaw, Treasurer.

He stated that as of October 1, 2009, the county had \$5,258,234.39 in the LGIP Fund. Chairman Holmes stated that as of September, 2009, interest had accrued in the amount of \$1,876.76 increasing that balance to \$5,260,111.15. During the month of October, 2009, \$1,500,000.00 was transferred from the LGIP to the General Fund, decreasing the balance to \$3,760,111.15.

Chairman Holmes stated that as of November 5, 2009, the county had \$3,760,111.15 in total investments.

### **C. County Administrator**

#### **1. Presentation - Virginia Outdoor Recreation**

Mr. Franklin advised the Board that he had received correspondence from Mr. Phillip Reed, Conservation Easement Specialist with the Virginia Outdoor Foundation requesting feedback from the county regarding the acquisition of conservation easements for the following properties:

- **J. & E. Brock and G. Brock Tax Map #44-34A (254.46 acres)**
- **M. & B. Pond Tax Map #'s 57-16 & 64-7 (566 acres)**

He stated that the subject properties are currently used agriculturally and will continue to be used primarily for that purpose under the Conservation Easement. Planning staff have reviewed the activity and found it to be consistent with the Comprehensive Plan.

Mr. Franklin asked Mr. Reed to come forward and provide the Board with feedback on the request.

Mr. Phillip Reed advised the Board that Mr. Bob Lee, Executive Director will be doing the presentation. Mr. Bob Lee, Executive Director of Virginia Outdoor Foundation appeared before the Board and introduced himself. He showed a slide presentation (see attached). After the presentation, Mr. Lee stated the Virginia Outdoor Foundation was looking to building a partnership with the county and was happy to entertain any questions that the Board may have relating to conservation easements.

Mr. Franklin asked Ms. Rhonda Mack, Community Development Director, to come forward and give a brief overview from the planning staff.

Ms. Mack appeared before the Board and showed a slide presentation on the three subject properties. She stated the subject properties are used agriculturally and are consistent with the county's comprehensive plan and are supported by planning staff.

Discussion ensued among the Board members, Mr. Franklin, Mr. Lee and Ms. Mack.

Supervisor Harrison moved to approve a resolution approving the Virginia Outdoor Foundation conservation easements for the Brock and Pond properties in Surry County; Supervisor Lyttle seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

## **2. Conditional Use Permit #2009-01**

Mr. Franklin asked Ms. Mack to come forward and give the specifics of this agenda. Ms. Mack appeared before the Board and stated that her office had received an application by J. Appel to expand uses authorized under a previously approved conditional use permit #2007-01.

She stated the Planning Commission met on October 26, 2009 and recommends approval of the proposed conditional use application subject to one condition in regards to signage:

**1. No more than one freestanding sign shall be permitted.**

Ms. Mack asked the Board of Supervisors to consider authorizing a public hearing to consider the proposed conditional use permit request at the Board's December 3, 2009 meeting.

Vice-Chairman Seward moved to authorize a public hearing to consider the proposed conditional use permit request on December 3, 2009 at 7:00 p.m.; Supervisor Harrison seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

**3. CPI/Invoices - High School Renovation**

- Ballou Justice Upton Architects - \$ 9,750.00
- Ballou Justice Upton Architects - \$ 13,554.00
- Ballou Justice Upton Architects - \$ 2,510.33

Supervisor Lyttle moved to authorize payment to Ballou Justice Upton Architects in the aggregate amounts as outline above; Supervisor Harrison seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

Supervisor Harrison inquired about the breakdown of anticipated expenses for the high school renovation project. Mr. Franklin stated that he would provide that information to the Board at the next meeting.

**4. Appointment**

**1. Youth Services Citizens Board - Middle School Representative**

Mr. Franklin advised the Board that he had received correspondence from Mrs. Charlome Pierce, Principal, L. P. Jackson Middle School, requesting the Board of Supervisors to appoint Ms. Christal Godfrey as the youth representative to the Surry County Youth Services Citizens Board for a one year term.

Supervisor Harrison moved to appoint Ms. Christal Godfrey as the middle school youth representative to the Surry County Youth Services Citizens Board for a one year term; Supervisor Lyttle seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

## **5. Request for Proposals for Solid Waste Disposal Services**

Mr. Franklin asked Mr. John Edwards, Asst. County Administrator, to come forward and give the Board details on this agenda note.

Mr. Edwards appeared before the Board and stated that the county's solid waste disposal contract with Atlantic Waste Disposal is nearing its expiration date. He stated that Atlantic Waste has offered to extend the contract for another year at the current rate, however, another firm has expressed interest in competing for this contract.

Discussion ensued among the Board members. Mr. William Hefty, County Attorney, advised the Board that the county would have to solicit request for proposals before selecting a contract for next year.

Supervisor Blount moved to authorize staff to advertise a Request for Proposal for solid waste disposal services; Supervisor Harrison seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

## **6. Fiscal Update**

Mr. Franklin asked Mrs. Rollins to come forward and give the Board the specifics of this agenda item. Mrs. Rollins appeared before the Board and showed a slide presentation on the FY 09-10 financial update (1st quarter ending September 30, 2009) and the fiscal impact of Governor Kaine's budget reduction plan (see attached). She stated that the State of Virginia continues to experience budget woes which have impacted localities across the State. On September 8th, Governor Kaine announced a \$1.35 billion FY 10 Budget Reduction Plan to balance the FY 2010 budget. She stated that this reduction is on top of the \$4.1 billion in reductions that were implemented in FY 09.

Mrs. Rollins stated that as a result, the county will receive less funding than budgeted in FY10 for education (\$62K net impact) and support for constitutional officers (\$47K net impact). She addressed how the county will adjust to these shortfalls:

- Request a FY10 budget reduction plan from county departments.
- Revert local funds reserved for county capital projects to the General Fund.

In conclusion, Mrs. Rollins highlighted on the FY10-11 budget implications and expectations:

- Increase rates associated with the Virginia Retirement System.

- Continue decline in state and local revenues.
- Re-evaluation of current fee structure.
- Tax rate adjustments.
- Diminishing fund balance reserves (one time measure used to balance the current year budget).
- Evaluation of goals to include expansion of business tax base.
- Long term financial planning required for sustainability both operationally and capital project.

Discussion ensued among the Board members.

### **III. UNFINISHES BUSINESS**

#### **1. Public Hearing – Vehicle License Tax Ordinance #09-1 Continued**

Mr. Franklin stated that the Board of Supervisors had conducted a public hearing regarding the vehicle license tax ordinance at its last meeting and continued to this meeting for further discussion. He stated that this ordinance was for the county only, the towns have its own decals. He asked Mrs. Deborah Nee, Commissioner of Revenue, to come forward and give the Board specifics of this agenda note.

Mrs. Deborah Nee, Commissioner of Revenue, appeared before the Board and provided the Board with a summary of the past three year decal sales including the number of decals sold and the revenue generated(see attached below).

DECAL SUMMARY

<b>2007 Decals (fees increased from 2006)</b>			
# Decals Sold	# Decals that should have been sold based on # of vehicles in Personal Property Book	# Vehicles w/no decal	% Of vehicles w/no decal
6175	6862	687	10%
Decal Revenue (cars & trucks \$15/motorcycles \$5)			\$ 87,945

<b>2008 Decals</b>			
# Decals Sold	# Decals that should have been sold based on # of vehicles in Personal Property Book	# Vehicles w/no decal	% Of vehicles w/no decal
5809	6894	1085	16%
Decal Revenue (cars & trucks \$15/motorcycles \$5)			\$ 85,725

<b>2009 Decals</b>			
# Decals Sold	# Decals that should have been sold based on # of vehicles in Personal Property Book	# Vehicles w/no decal	% Of vehicles w/no decal
5279	6992	1713	24%
Decal Revenue (cars & trucks \$15/motorcycles \$5)			\$ 77,865

<b>2010 Potential Revenue</b>			
Type Decal	Approximate # decals based on # of vehicles in 2009 Personal Property book	New Decal Fees	Potential Revenue
Cars & Trucks, etc.	6787	\$ 20	\$ 135,740
Motorcycles	205	\$ 10	\$ 2,050
Totals	6992		\$ 137,790
Potential Revenue based on 95% collection rate			\$ 130,901

She stated that the number of decals sold each year is decreasing. In 2007, approximately 10% of the vehicles had no decals; 2008 16% of the vehicles had no decals and 2009 24% of the vehicles had no decals. Mrs. Nee noted that the revenue from decals was declining even though the number of vehicles was increasing each year. The revenue has decreased by \$10,000 since 2007.

Mrs. Nee stated that according to the new ordinance, the vehicle license fees will be raised to \$20.00 for motor vehicles and \$10.00 for motorcycles. The potential revenue based on the number of vehicles taxed in 2009 is \$130,900. Effective 2010, the vehicle license fee will be added to the 2010 tax bill. She stated that if a Surry County resident owns a vehicle on January 1st, a vehicle license fee will be assessed by her office and added to the tax bill for that vehicle.

Mrs. Faye Warren, Deputy Treasurer, appeared before the Board and discussed the several different methods that the Treasurer's office would utilize in collecting delinquent tax (i.e. debt set-off, DMV stops, tax liens, judgments, etc.). She stated it would be impossible for the sheriff and his staff to cite anyone for failure to display a county decal since most localities has eliminated them. Mrs. Warren stated that she had contacted several surrounding localities and was told that their revenue had increased since the county had made the license fee part of the personal property tax.

Discussion ensued among the Board members regarding non-residents dumping at the solid waste collection sites and how to identify county residents using the solid waste collection sites.

Supervisor Blount moved to approve Surry County Ordinance #09-01 (Vehicle License Tax Ordinance); Supervisor Harrison seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lytle voted in favor of the motion.

#### **IV. BOARD'S CONCERNS**

Supervisor Harrison stated that the Board of Supervisors needs to revisit the county's Noise Ordinance. Discussion ensued among the Board members, Mr. Franklin and Mr. Hefty. Mr. Hefty advised the Board that he would provide the Board with a draft noise ordinance at the next meeting for the Board's review.

## **V. NEW BUSINESS**

### **1. Parks & Recreation Department Request**

Mr. Franklin advised the Board that Mr. Ervin Jones, Director, of Parks & Recreation was here tonight to request approval from the Board to host a Christmas Parade. He asked Mr. Jones to come forward and give the Board the specifics of the request.

Mr. Ervin Jones, Director, of Parks & Recreation, appeared before the Board and informed the Board that the Surry County Parks & Recreation Department, years ago use to sponsor a Christmas Parade that was rotated from town to town. He stated that his department would like to sponsor a Christmas Parade on December 5th, using the same route as the high school homecoming parade. Plans are to have breakfast with Santa and the parade starting at 5:00 p.m. He stated that the parade should last about 45 minutes. Mr. Jones asked the Board of Supervisors for approval for Parks & Recreation to sponsor a Christmas Parade on December 5, 2009.

Supervisor Blount moved to approve the request from the Surry County Parks & Recreation Department to sponsor a Christmas Parade on December 5, 2009 beginning at 5:00 p.m.; Supervisor Harrison seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

### **2. New Employee**

Mr. Franklin introduced Ms. Patricia Bernshausen as the new Administrative Assistant in the County Administrator's office.

## **VI. CITIZENS COMMENTS**

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

Mrs. Katherine Oliver of the Surry Election District, appeared before the Board and talked about the coal power plant. She stated that she had gathered information regarding the coal power plant that advises the coal power plant being hazardous to the citizen's health that she would like to present to the Board members and Planning Commissioners. She asked all persons in opposition to stand.

Mrs. Bessie Shepard of the Surry Election District, appeared before the Board and stated that she was disappointed that the Board elected not to move forward with the county hiring a third party to assist the county regarding

the coal power plant project. She passed out several handouts to the Board members.

Mrs. Dorothy Hewitt, member of the Dendron Town Council, appeared before the Board and stated that she was disappointed that the Board elected not to move forward with hiring a third party to assist the county in the coal power plant proposal.

Chairman Holmes commented that the Planning Commission reviews the application before the Board of Supervisors considers the application. Mr. William Hefty, County Attorney concurred with the statement made by Chairman Holmes. He stated that the Planning Commission conducts a public hearing, makes a recommendation to the Board of Supervisors and the Board of Supervisors conducts its public hearing before making a decision. He stated that until that happens, the Board has no authority to do anything.

Mrs. Helen Eggleston of the Dendron Election District, appeared before the Board and concurred with the comments made by Mrs. Oliver and Mrs. Sheppard relative to the Board not hiring an un-bias person to assist the county in the coal power plant proposal. She inquired about the county's debt payments. She stated that no debt payments were made March – September of this year. Chairman Holmes asked Mrs. Rollins to address Mrs. Eggleston concern. Mrs. Rollin stated that payments on the courthouse renovation projects are due twice a year. She advised Mrs. Eggleston that she had presented a detail presentation on the county's debt service payments at the Board last meeting and would be happy to provide her a copy of that report.

Mrs. Misty Furr, member of the Dendron Town Council, appeared before the Board and commented that she was disappointed with the Board's decision not to have the third party study done. She stated that the Town's Attorney advised the Town Council that the town lacked the resources needed in preparation of this request and suggested that the county's Planning Commission assist.

Discussion ensued among the Board members relative to the Board's decision in not obtaining an un-bias third party to assist the county in this project.

Mr. Mike Eggleston of the Dendron Election District, appeared before the Board and stated that he was disappointed that the Board chose not to hire a third party to assist the county. He commented on the closing of the International Paper Plant in Franklin noting that no one was expecting that plant to close. Further, he suggested that ODEC pay for the un-biased person to assist the county.

Ms. Beth Roach of the Spring Grove Election District, appeared before the Board and asked the Board to reconsider its decision in hiring a third person to assist the county in this matter.

Mr. Claude Reeson of the Spring Grove Election District, appeared before the Board and passed out a handout regarding telephone services. He stated that he along with others worked for years to get better calling area in the county and asked the Board of Supervisors to consider keeping what we have and eliminate any rural telephone service and expand to wireless. Mr. Reeson stated that he was providing this information to Delegate Barlow and Senator Quayle for their assistance.

Mrs. Lisa Craig of the Surry Election District, appeared before the Board and talked about the coal power plant. She stated that the applicant should pay for the third party study.

Ms. Donna Slade of the Surry Election District, appeared before the Board and asked whether citizens could express their opposition in a public setting. She stated that she wanted the record to reflect that she was against the coal power plant. Chairman Holmes stated that citizens have a privilege to speak before the Board and not do things to disrupt the meeting. He stated that it was the chair's obligation to maintain control of the meetings.

Mr. Joseph Robers of the Spring Grove Election District, appeared before the Board and thanked the Board for the copy of the letter regarding signage.

Mr. Hefty provided the Board with a brief synopsis of the letter relating to the large signs on private property. He stated that it was his opinion that citizens have the right to have a sign for or against a particular issue on its property and the sign can be 8x4; 32 foot in length. He stated that the Board of Supervisors does not have to adopt an ordinance regulating the size of signage on private property , the property owner does not have to have a permit to have the sign erected on their property and can keep the sign up as long as they wish.

Mr. Chris Anderson appeared before the Board and asked the Board whether the county did a study on the OLF proposal, who paid for it and was it done prior to a public hearing. Board members advised Mr. Anderson that several jurisdictions hired a legal representation, there were some studies done, Surry County has not paid for study for the OLF project. Mr. Anderson stated that the Board is responsible to rule on the matter of ODEC request. Vice-Chairman Seward stated that there were several agencies that have to approve the application.

## **VII. CLOSED SESSION**

Supervisor Harrison moved that the Board convene in closed session pursuant to Virginia Code Section 2.2-3711(A) (3), for the discussion of a matter involving the acquisition of real property for public purposes where discussion in an open meeting would adversely affect our bargaining position and Virginia Code Section 2.2-3711 (A)(5), a discussion concerning 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 industries interest in locating/expanding its facilities in the county; Supervisor Lyttle seconded the motion; Supervisors Holmes, Seward, Blount, Harrison and Lyttle voted in favor of the motion.

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

## **VIII. ADJOURNMENT**

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