

VIRGINIA: A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE COUNTY GOVERNMENT CENTER ON FEBRUARY 3, 2011 AT 7:00 P.M.

PRESENT: SUPERVISOR REGINALD O. HARRISON, CHAIRMAN
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, HEFTY & WILEY, COUNTY ATTORNEY
MRS. MELISSA D. ROLLINS, DIRECTOR OF FINANCE
MS. RHONDA R. MACK, DIRECTOR OF PLANNING
MRS. DEBORAH NEE, COMMISSIONER OF REVENUE
SHERIFF ALVIN CLAYTON
MR. STACEY T. WILLIAMS, BUILDING OFFICIAL
MRS. VALERIE PIERCE, DIRECTOR SURRY SOCIAL SERVICES
MRS. BILLIE JEAN ELMER, VCE UNIT DIRECTOR
MR. ERVIN JONES, DIRECTOR PARKS AND RECREATION

CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

CONSENT ITEMS

1. Approval of January 6, 2011 Minutes, Board of Supervisors Budget Work Session
2. Approval of January 6, 2011 Minutes, Board of Supervisors
3. Approval of February, 2011 Accounts Payable

	Accounts Payable	Additional	Total
General Fund	\$179,396.43	\$79,493.22	\$258,889.65
Debt Service	\$50,586.63	\$586.63	\$51,173.26
Capital	\$17,465.61	\$11,800.97	\$29,266.58
Water & Sewer	\$11,333.14	\$7,336.82	\$18,669.96
Indoor Plumbing	\$2,525.00	\$0.00	\$2,525.00
Totals	\$261,306.81	\$99,217.64	\$360,524.45

4. Appropriation Requests:

School System - Feb. 2011	Instruction	\$800,000.00
	Admin./Health	\$50,000.00
	Pupil Transp.	\$50,000.00
	Operation/Maint.	\$100,000.00
	Food Serv.	\$50,000.00
	Debt Service	\$0.00
	Capital Projects	\$0.00
	Technology	\$50,000.00
	Total	\$1,100,000.00
<hr/> Dept. of Social Serv. - Feb. 2011		\$150,000.00

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

PROGRESS REPORTS

1. VDOT

No representative of VDOT was available to present a report to the Board. Mr. Franklin reported that he had had an opportunity to meet with Mr. Dennis Huer, Mr. R Carroll and Ms. S. Ponton of VDOT at the recent Highway Safety Commission Meeting on January 12, 2011. A representative of VDOT had kindly e-mailed an overview of items they had discussed and Mr. Franklin indicated that he would be prepared to present this information at a later meeting of the Board. Chairman Harrison again expressed concern regarding the condition of Laurel Springs Road and suggested that VDOT representatives examine those conditions first-hand.

2. Treasurer

A. INVESTMENT LETTER: Chairman Reginald Harrison read the investment letter submitted by Mary H. Shaw, Treasurer. He stated that as of January 4, 2011 the county had \$15,284,106.68 in the LGIP Fund. Since that report, accrued interest for December, 2010 in the amount of \$1,696.45 had increased that balance to \$15,285,803.13. On January 18, 2011 the county transferred \$1,000,000.00 from the General Fund to Certificates of Deposit with EVB, leaving a balance of \$15,285,803.13 in the Local Government Investment Pool and two EVB CD's each in the amount of \$500,000.00. Chairman Harrison stated that as of February 3, 2011, the county had \$16,285,803.13 in total investments.

3. County Administrator

A. Mr. William Hefty, County Attorney, addressed the Board with regard to the County’s proposed Noise Ordinance. As a result of a previous work session, Mr. Hefty indicated that he had incorporated changes recommended by members of the Board. This new draft, he explained, contained six categories of noise that would be prohibited. Additional categories could be added and existing categories amended at a later date if necessary. ***(A copy of the newest draft noise ordinance is included as an integral component of these minutes.)***

After reviewing the six categories, Mr. Hefty reported that the ordinance contained provisions for a civil penalty rather than a criminal penalty. He also explained that a first-offense warning was built in to the ordinance. Sheriff Clayton was called upon and reported that most noise complaints in the County were relating to loud music. Following further discussion, Mr. Hefty agreed to consult with Sheriff Clayton and re-draft the noise ordinance for presentation at a future meeting of the Board. At that time, a Public Hearing would need to be scheduled prior to the Board taking action on the ordinance.

B. Mr. Franklin presented correspondence from Mr. Lloyd Hamlin, Superintendent of Surry County Public Schools, requesting a budget amendment to reflect the award of additional federal revenue. The majority of this amendment to the FY 10-11 budget comes from the award of federal stimulus and State Fiscal Stabilization Funds. According to school system personnel, these funds will need to be amended to the Instruction category. If approved, the revised FY 10-11 budget would be as follows:

<u>Expenditures by Category</u>	<u>Current Budget</u>	<u>Approved Amendment</u>	<u>Revised Budget</u>
Instruction	\$10,708,106.00	\$182,200.00	\$10,890,306.00
Admin. & Health	\$828,621.00		\$828,621.00
Pupil Transport.	\$1,044,508.00		\$1,044,508.00
Operation & Maint.	\$2,394,806.00		\$2,394,806.00
Technology	\$824,658.00		\$824,658.00
Food Service	\$585,662.00		\$585,662.00
Debt Service	\$264,890.00		\$264,890.00
Total Expenditures	\$16,651,251.00	\$182,200.00	\$16,833,451.00

<u>Revenue</u>			
State	\$3,343,780.00		\$3,343,780.00
Federal	\$1,148,820.00	\$182,200.00	\$1,331,020.00
Local Misc.	\$300,000.00		\$300,000.00
Local Appropriation	\$11,858,651.00		\$11,858,651.00
Total Revenue	\$16,651,251.00	\$182,200.00	\$16,833,451.00

Supervisor Lyttle made a motion that the Board approve the amendment of the FY 10-11 School System Budget to reflect the award of \$182,200 in additional federal funds and appropriate the funds for expenditure in the instruction category. The motion was seconded by Supervisor Seward; the Board voted unanimously in favor of the motion.

C. Mr. Franklin introduced Resolution 2011-01 recognizing Mrs. Hattie Pearl Charity who resides in the Surry District of Surry County and has reached the age of 90 years on September 20, 2010. Supervisor Holmes made a motion that the Board approve Resolution 2011-01. Supervisor Blount seconded the motion; Supervisors Harrison, Lyttle, Seward, Holmes and Blount voted affirmatively.

D. Mrs. Melissa Rollins addressed the Board with regard to a proposed Memorandum of Understanding (MOU) between the County and the Surry Department of Social Services (DSS) for the purpose of specifying the facility costs and payment method for county owned facilities allocated to and occupied by the Surry DSS. This MOU replaces the original agreement from 1986 which contains certain depreciation expenses which are no longer applicable. Additionally, costs for custodial services, maintenance and insurance expenses would now be based on actual costs rather than estimates. This MOU also provides general guidance on the following: performance of custodial duties, maintenance and repairs, payment of utilities, modifications, renovations and fixtures to the space occupied by Surry DSS and terms of renewal. This agreement will renew from year to year until December 2020 at which time the building will be fully depreciated unless subsequent changes warrant amendment.

Supervisor Blount made a motion that the Board approve the MOU between the County and Surry DSS retroactive to July 1, 2010; Supervisor Seward seconded the motion. The Board members unanimously approved the motion.

E. Mr. William Hefty addressed the Board regarding a matter previously deferred, Ordinance 2011-01 Vacating Captain John Smith Drive in Scotland Wharf Subdivision. Recent correspondence from the petitioner's attorney requests an additional 30 day delay of action and Mr. Hefty recommended that the Board defer action until their March 3, 2011 meeting. He advised that he had spoken with all parties involved and would not recommend any further delays in action.

Following brief discussion, Supervisor Seward made a motion that the Board defer action on Ordinance 2011-01 until March 3, 2011. The motion was seconded by Supervisor Lyttle; Supervisors Harrison, Holmes, Blount, Seward and Lyttle voted affirmatively.

UNFINISHED BUSINESS

Mr. Tyrone Franklin reminded the Board of information presented at a previous meeting with regard to the County's recycling incentives. At that time the Board had recommended that staff initiate a recycling education campaign. Mr. Franklin provided the Board with informational materials staff had developed and reviewed recycling initiatives already in place. Chairman Harrison suggested that staff consider distribution of educational materials through the School System.

Supervisor Holmes asked for an update on the Navy's proposed Outlying Landing Field (OLF). Mr. Franklin summarized correspondence from the Navy stating that their decision to delay action would allow more time to study the need for an OLF and, at the same time, focus their attention on their west coast facilities. Mr. Franklin warned that there is still the possibility that they could reconsider the establishment of an OLF in Surry County after 2014. Chairman Harrison added that although the OLF seems to have "been placed on a back burner", it could resurface again. This fear still has an effect on the marketability of property in the areas of the county that were under consideration for the location of an OLF. Further discussion among the members of the Board was brief.

Supervisor Blount expressed concern regarding the expiration of privileges for surrounding areas at the Williamsburg-James City County Library. He stated that this would adversely affect students in Surry County. Following some discussion, Chairman Harrison and Supervisor Blount agreed to meet to discuss what could be done to solicit the cooperation of the Williamsburg-James City County Library Board.

PUBLIC HEARING

Chairman Harrison called the Public Hearing to order at 7:30pm. Mr. Franklin read the statement of the case: to hear comments regarding Conditional Use Permit 02-2010 an application by Commonwealth Engineering Group to permit a campground on property previously approved for the Chippokes Estates at Cobham Bay Subdivision.

Following introductory comments by Ms. Rhonda Mack, Mr. William Riddick, a representative for Commonwealth Engineering Group (CEG) addressed the Board. Mr. Riddick advised the Board that what CEG was proposing was a Recreational Vehicle (RV) Resort. Being in close proximity to Williamsburg and Hampton Roads, he explained, the property is a wonderful location for this type of resort. Approval of the Conditional Use Permit would allow CEG to convert the property from a residential subdivision to a campground/RV Resort as proposed. The approximately 337 acres would be developed in phases and contain areas for RV camping, tent camping, as well as small cabins. Amenities would include a recreation hall/community center, store, snack bar, pool/water park, par 3 golf course and access to the James River via a marina and possible access to Chippokes Creek for non-motorized watercraft. The resort is designed for transient visitors

and would prohibit visitors staying in excess of 120 days within a 12 month period. The Planning Commission has recommended approval of the Conditional Use Permit subject to twelve conditions which address concerns expressed by the Planning Commission during its meetings with Commonwealth Engineering Group.

Mr. Riddick also outlined the economic benefits of the development to the County. Once completed, he suggested that the value of the entire development would be about \$10,000,000. This would generate about \$73,000 in real estate taxes annually and would generate additional revenues to the county and county business as well as employ area workers with an estimated \$2,000,000 payroll annually.

Mr. Franklin asked Mr. Riddick to offer some time frame for completion of the project to which Mr. Riddick replied that that would be dictated by the economy.

Chairman Harrison asked for clarification with regard to long-term residents in the cabins at the resort facility. Mr. Riddick responded by stating that the limitation of 120 days within 12 months would apply to all visitors and that the only exception to the rule would be for on-site caretakers who would reside on the property year round.

At this time, Chairman Harrison invited the public to comment on the issue of Conditional Use Permit 02-2010.

Mr. Mike Eggleston (Dendron) addressed the Board and asked about the resort's proximity to Surry Nuclear Power Station and inquired as to whether or not its development would adversely impact the Power Station. Ms. Rhonda Mack responded by informing Mr. Eggleston and the Board that the Planning Commission had informed all neighboring entities of the planned development even forwarding site plans to them if requested and had not received any negative feedback.

Mr. John Stokes (Surry) addressed the Board as a member of the Planning Commission to relate some of the concerns expressed by the Commission. He urged the Board to adopt all twelve conditions if inclined to approve the Conditional Use Permit.

Ms. Mack presented staff comments and stated that, historically, temporary residents impacts communities in positive ways and that the Planning Commission had carefully considered how they might act in advance to protect permanent county residents and county resources. She further assured the Board that there would be numerous opportunities for review by the Planning Commission as the project progresses.

Mr. Franklin asked Mr. Riddick to discuss public access to the resort for citizens of Surry County. Mr. Riddick replied that opportunities for public access would depend on occupancy and that CEG would consider offering day passes to county residents for a fee. Additionally, the facility could be made available to the public in the off-peak season.

Following brief comments by the members of the Board, Supervisor Blount made a motion that the Board approve Conditional Use Permit 02-2010 subject to the

twelve conditions outlined by the Planning Commission. The motion was seconded by Supervisor Lyttle. Supervisors Harrison, Holmes, Seward, Blount and Lyttle all voted affirmatively in favor of the motion.

NEW BUSINESS

Mr. Tyrone Franklin provided the Board with an update on progress with the Surry County Employment Resource Center. The interior and furnishings are completed, he reported; and he invited the members of the Board to stop in for a visit. Mr. Franklin explained that the center was a collaborative effort of the County, Surry DSS, Crater Workforce Development and the Virginia Employment Commission. Clients would receive help during their search for employment and could benefit from available job training at the center. The Employment Resource Center will be an asset to the community, Mr. Franklin stated. He further proposed a grand opening ceremony scheduled for February 23, 2011. Supervisor Lyttle made a motion that the Board authorize staff to schedule a grand opening ceremony on February 23, 2011, time to be determined. Supervisor Blount seconded the motion; all present voted affirmatively.

Supervisor Lyttle reported that she had attended Legislative Day earlier today in Richmond, Virginia. She encouraged members of the Board to stay abreast of proposed legislation which would affect the operations of the county. Additionally Supervisor Lyttle urged fellow Board members to express their concerns regarding proposed legislative actions which would reduce funding to the county or create additional mandates that are not adequately funded.

Chairman Harrison added that he had recently attended a Gateway meeting and encouraged his fellow Board members to support the Route 460 project.

CITIZEN COMMENTS

Mr. Mike Eggleston (Dendron District) addressed the Board and suggested that due to the Navy's decision to delay action on an OLF, the County may want to return the monies designated to defend against OLF to the general operating budget. He also discussed the deteriorating condition of several county roads and culverts. Mr. Eggleston also made comments regarding Animal Control and the dumpster site outside of Dendron.

Mrs. Helen Eggleston (Dendron District) commented that a RV resort, as discussed earlier in the evening's meeting) would have been a better use of the property in Dendron as opposed to the proposed Cypress Creek project.

CLOSED SESSION

There being no further comments from the public, Supervisor Lyttle made a motion that the Board move to Closed Session to discuss a personnel matter involving a specific employee, Virginia Code § 2.2-3711(A)(1) and a matter requiring the advice of legal counsel, Virginia Code § 2.2-3711(A)(7). Supervisor Seward seconded the motion. Supervisors Harrison, Holmes, Lyttle, Seward and Blount voted in favor of the motion.

ADJOURNMENT

Draft Noise Ordinance: Surry County 2/3/11

Loud Noise Prohibited.

Sec. 1. Declaration of policy

It is hereby declared to be the public policy of the county to promote an environment for its citizens free from noise that jeopardizes their health or welfare or degrades the quality of life.

Sec. 2 Loud Noises Prohibited.

The following acts, or the causing or permitting thereof, are declared to be unlawful loud noises:

1. **Sound Producing Devices.** Allowing any device such as a radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device that is plainly audible inside the confines of a dwelling unit, house or apartment of another person or 50 feet or more from the device. This provision shall not apply to school sponsored events, county authorized parades, festivals or public events.
2. **Animals.** Allowing any animal or bird (except farm animals in agricultural districts) to create noise such that it is plainly audible 50 feet away from its source at least once a minute for 10 consecutive minutes.
3. **Vehicles.** Allowing any device such as a radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment for the amplification of sound which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
4. **Trash collection vehicle.** Allowing the collection of trash or refuse in residential use districts between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible inside any residence.
5. **Lawn care.** Allowing the creation of a plainly audible noise in residential areas between 10:00 p.m. and 6:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities.
6. **Parties or Social Gatherings.** Allowing the creation of a plainly audible noise either inside the confines of the dwelling unit, house or apartment of another

person or at 50 or more feet when the noise is generated from a gathering of 10 or more people.

Sec. 3. Penalties for Violation.

- (1) The provisions of this ordinance may be enforced by designated code enforcement officials or the sheriff's department through the issuance of a civil summons assessing civil penalties which shall be \$100.00 for the first offense, and \$250.00 for each subsequent offense.
- (2) No person shall be charged with a violation of this ordinance unless that person has (i) received verbal, electronic or written notice from any law enforcement officer or designated code enforcement official that he is violating or has violated the provisions of this section and (ii) had an opportunity to abate the noise disturbance. Notice need only be given once, and if violations occur on future occasions no additional notice need be given.