

VIRGINIA: A SCHEDULED MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE SURRY COUNTY GOVERNMENT CENTER ON THURSDAY, JUNE 1, 2017 AT 7:00P.M.

PRESENT: SUPERVISOR JUDY S. LYTTLE, CHAIR  
SUPERVISOR MICHAEL H. DREWRY, VICE-CHAIR  
SUPERVISOR JOHN M. SEWARD  
SUPERVISOR GIRON R. WOODEN, SR.  
SUPERVISOR KENNETH R. HOLMES

ALSO

PRESENT: MR. TYRONE W. FRANKLIN, COUNTY ADMINISTRATOR  
MR. WILLIAM HEFTY, COUNTY ATTORNEY  
MS. DANIELLE POWELL, COUNTY ATTORNEY  
MRS. MELISSA ROLLINS, ASSISTANT COUNTY ADMINISTRATOR  
MRS. CAROL SWINDELL, INTERIM FINANCE DIRECTOR  
MS. RHONDA RUSSELL, DIRECTOR OF PLANNING  
SHERIFF CARLOS TURNER  
MRS. FAYE P. WARREN, TREASURER  
MS. GAIL CLAYTON, CLERK OF CIRCUIT COURT  
MR. RAY PHELPS, EMERGENCY SERVICES COORDINATOR  
MS. FRANCES BAILEY, PROJECT COORDINATOR I

### **CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE**

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

### **CONSENT ITEMS**

1. Approval of May 4 2017 Minutes, Board of Supervisors
2. Approval of May 15, 2017 Minutes, Board of Supervisors Continued Meeting
3. Approval of June 2017 Accounts Payable:

	Accounts Payable
General Fund	\$250,729.13
Debt Service	\$0.00
Capital	\$70,179.24
Water & Sewer	\$8,985.94
CSA	\$6,653.98
Indoor Plumbing	\$0.00
Juror Payments	\$1,170.00
<b>Totals</b>	<b>\$337,718.29</b>

#### 4. Appropriation Requests May, 2017:

<b>School System - June 2017</b>	Instruction	\$1,123,225.14
	Admin./Health	\$75,753.71
	Pupil Transp.	\$70,701.72
	Operation/Maint.	\$227,078.35
	Food Serv.	\$56,721.15
	Debt Service	\$0.00
	Capital Projects	\$0.00
	Technology	\$91,596.25
	<b>Total</b>	<b>\$1,645,076.32</b>
<hr/>		
<b>Dept. of Social Serv. - June 2017</b>	<b>\$180,000.00</b>	

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

### PROGRESS REPORTS

#### 1. VDOT

##### A. Quarterly Update

Mr. Rossie Carroll, VDOT Williamsburg Residency Administrator, provided an update on agency activities in Surry County. He reported that staff had completed fifty-six of the seventy-five work orders submitted during the last quarter. Most of these were related to drainage, removal of roadside vegetation, ditching, mowing, patching of potholes, and shoulder maintenance.

Mr. Carroll further reported that VDOT had approved funding for the Smart Scale Project which would realign the intersection of Route 10 east and Bacon's Castle Trail (Rt. 617). This is estimated to be a \$6 million project and is anticipated to be complete in 2026. VDOT has also conducted several traffic studies resulting in signage and pavement markings on some of the County's roads.

### PUBLIC HEARING

#### 1. VDOT Six-Year Secondary Road Improvement Plan: Resolution 2017-11

Chairperson Lyttle called the public hearing to order. Mr. Franklin informed that a public hearing was being conducted to receive public comments regarding the VDOT/Surry County Six-Year (FY 18-23) Secondary Road Improvement Plan.

Ms. Frances Bailey, Project Coordinator I, addressed the Board to report that staff had met with VDOT representatives on March 15, 2017 and that the Surry County Highway Transportation Safety Commission had approved the

Six-Year Plan at their meeting on April 12, 2017. The budget for the FY 18-23 Plan is \$157,341 and all funds will be allocated to support the proposed Moonlight Road project.

Chairperson Lyttle opened the floor for public comments.

There being no comments from the public, Chairperson Lyttle closed the floor and requested a summary by staff and statements from fellow Board members.

Supervisor Drewry made a motion that the Board authorize Resolution 2017-11 adopting the VDOT/Surry County Six-Year Secondary Road Improvement Plan as presented. The motion received a second from Supervisor Seward; Supervisors Lyttle, Wooden, Holmes, Drewry, and Seward voted affirmatively.

## **PROGRESS REPORTS (cont'd)**

### 2. Treasurer

#### A. Investment Letter

Mrs. Faye P. Warren, Treasurer reported the following: as of the May 4, 2017 meeting, it was reported that the balance in the LGIP Fund was \$21,325,342.75. Since that report, accrued interest for April, 2017 in the amount of \$17,696.36 had increased that balance to \$21,343,039.11. Since the last report, \$1,500,000 was transferred from the LGIP to the General Fund leaving a balance in the LGIP of \$19,843,039.11. As of June 1, 2017 the County had \$20,343,039.11 in total investments, including one CD valued at \$500,000.00 which will mature on January 28, 2018.

### 3. County Administration

#### A. Presentation: Projects Update

Mr. Brian Camden, Project Coordinator, addressed the Board to present an update regarding ongoing projects in the County. He reported that although the Board had previously authorized the County Administrator to enter into a contract with Marine Contracting for the development of the Surry County Marina, staff had delayed the process to allow time for a legal review of the grant agreement with the Virginia Department of Health. The proposed contract appears to contain several financial provisions that had not been previously disclosed. The full grant amount of \$1,392,985 is still allocated for the project; however, it is now based on the entire project costing \$3.4 million. If the project expenditures total less than this figure, the state will only reimburse 39% of the actual costs. Additionally, the proposed grant is a reimbursement grant which will require that the County fund the entire project, submitting costs to the state upon completion for reimbursement. The construction of the proposed bath house and fueling station at the marina will be advertised for bid

later this month. The design for the proposed fishing pier has been completed and a joint permit application to the Army Corps of Engineers and the Department of Game and Inland Fisheries has been submitted. Initial comments from the permitting agencies are anticipated later in June.

With regard to the proposed Surry County Rescue Squad building, Mr. Camden reported that the civil engineers are scheduled to complete the site meets-and-bounds by early next week. Subsequently, environmental studies will be conducted and a schematic site plan is anticipated in June.

Additionally, Mr. Camden stated that the County would be advertising for bids for security upgrades in County owned facilities as well as upgrades to the lighting systems in the Government Center.

Ms. Rhonda Russell, Director of Planning and Community Development, addressed the Board to inform that two community meetings had been held to receive input with regard to a proposed new recreation center. Board members questioned Ms. Russell regarding the method used to notify the public since some of their constituents had been unaware of the scheduled meetings. Ms. Russell further stated that additional meetings would be scheduled as venues became available.

#### B. Resolutions 2017-07 and 2017-08: Action on FY 18 Proposed Consolidated Budget

Mrs. Carol Swindell, Interim Finance Director, addressed the Board to present resolutions establishing the 2017 Tax Rates and PPTRA percentage and to adopt the FY17-18 Consolidated Budget and CIP as previously presented. She informed that the total Consolidated Budget is \$37,454,069, including a proposed Capital Fund of \$8,940,868. Mrs. Swindell discussed changes in the budget from her previous presentation to include a salary package for a full-time Investigator in the Sheriff's Office as directed by a consensus of Board members. She reported that the Sheriff had identified about \$16,000 in savings in his budget and that the additional approximately \$40,000 needed to fully fund the position would come from the County's Contingency Fund.

Supervisor Holmes made a motion that the Board adopt Resolution 2017-07 setting the Tax Rates and PPTRA percentage. Supervisor Wooden seconded the motion; all present voted affirmatively. Supervisor Seward made a motion that the Board adopt Resolution 2017-08 formally adopting the FY 2017-2018 Consolidated Budget and CIP to include additional reimbursement for a full-time Investigator with approximately \$16,000 from the Sheriff's budget

and \$40,000 from the Contingency Fund. The motion was seconded by Supervisor Drewry and unanimously approved.

C. Resolution 2017-09: VDOT Land Use Permit

Mr. Tyrone Franklin informed Board members that in order to provide connections to County owned water and wastewater systems for residents at 50 Smith Street in the Town of Dendron, contractors will need to access portions of the systems located beneath a state maintained road. Mr. Tyrone Franklin, County Administrator, and Mr. Stacey Williams, Building Official, have authorized the use of the County's Land Use Permit Resolution to provide surety for the contractor who is acting on behalf of the County to provide the connections. Having no such resolution on file with the Virginia Department of Transportation, staff recommends that the Board consider Resolution 2017-09 which, if approved, would provide surety, guarantee completion of work and restoration of the existing right-of-way as appropriate.

Supervisor Drewry made a motion that the Board approve Resolution 2017-09 as presented. Supervisor Holmes seconded the motion; all present voted affirmatively. Mr. William Hefty recommended that the Board take action to allow Mr. Gene Rickmond to be covered by the County's Land Use Permit. Supervisor Drewry made a motion that the Board authorize Rickmond Contracting to be covered by the VDOT Land Use Permit for work scheduled to take place at 50 Smith Street, Dendron, Virginia. Supervisor Wooden seconded the motion which was approved with unanimous support.

D. Resolution 2017-10: Recognizing Service of Gabriella Clark

Mr. Franklin introduced Resolution 2017-10 recognizing Ms. Gabriella W. Clark for her many years of service to Surry County through her participation on the Surry County Planning Commission and the Surry County Board of Zoning Appeals and stated that her knowledge and expertise would be missed. Chairperson Lyttle and Supervisor Holmes both praised Ms. Clark for her extended and exemplary service.

Supervisor Seward made a motion that the Board approve Resolution 2017-10 recognizing the service of Ms. Gabriella Clark. The motion was seconded by Supervisor Drewry and passed with unanimous approval.

E. Request for Public Hearing: Rezoning Application 2017-01

Ms. Rhonda Russell, Director of Planning and Community Development, addressed the Board to request that they consider authorizing the advertisement and scheduling of a public hearing relevant to Rezoning Application 2017-01: an application by PAR5

Development Group, LLC to rezone ±2.0 acres of a ±13.3 acre parcel from Agricultural- Rural District (A-R) to General Business District (B-2) for a proposed retail store. The (B-2) district permits commercial uses such as retail, general office, service, recreation, entertainment, auto and boat repair and restaurants. The subject property consists of a total of ±13.3 acres located on the west side of Colonial Trail W./SR10, beginning ±1,086 north of the intersection of Colonial Trail W./SR10 and Martin Luther King Highway/State Route 40, with ±315' of frontage along Colonial Trail W./SR 10 and an average depth of ±838'. The Surry County Comprehensive Plan (2005, as amended) recommends agrarian and residential uses in the area of the subject property. The Tax Parcel Identification Number for the property is 24-1-C1. Ms. Russell further explained that the request is a proposal to rezone a two acre site located in the Spring Grove area in close proximity to the U.S. Post Office and Two Sisters Food Mart, formerly Parth Convenience Store, located at the intersection of Martin Luther King Highway and Colonial Trail West. The applicant proposes to development the property for a Dollar General retail store.

Supervisor Seward made a motion that the Board authorize a public hearing for the July 6, 2017 meeting at 7:00pm in the General District Courtroom of the Surry County Government Center. Supervisor Wooden seconded the motion which passed with unanimous support.

#### F. Retirement of Sgt. William Thomas, Jr.

Mr. Franklin introduced correspondence from Sheriff Carlos Turner requesting the Sgt. William Thomas, Jr. be allowed to purchase his service weapon pursuant to the Code of Virginia, Section § 59.1-148.3, which allows law enforcement officers with ten or more years of service to purchase their service weapon for \$1.00 upon their retirement. Sgt. Thomas' retirement will be official on June 30, 2017.

Supervisor Wooden made a motion that Sgt. Williams Thomas, Jr. be allowed to purchase his service weapon for \$1.00 as allowed by Virginia Code upon his retirement on June 30, 2017. The motion was seconded by Supervisor Holmes and was unanimously approved.

#### G. Appointment: Youth Services Citizen Board

Mr. Franklin introduced correspondence from the Surry County Office on Youth indicating the need for an appointment to the Surry County Youth Services Citizen Board to complete the term of Mr. Nathan Cecil, an At-Large Member. The term will expire on September 30, 2017.

Supervisor Holmes made a motion that the Board appoint Mr. Breyon Pierce to fill the unexpired term of Mr. Cecil as discussed. Supervisor Wooden seconded the motion which passed with unanimous approval.

## **UNFINISHED BUSINESS**

### **1. Appointment: Highway Transportation Safety Commission**

Supervisor Seward made a motion that the Board appoint Mr. David Berryman to serve on the Surry County Highway Transportation Safety Commission representing the Surry District to fill the unexpired term of Mr. Clarence Perry which will expire on March 31, 2020. The motion was seconded by Supervisor Holmes; all present voted affirmatively.

### **2. Broadband Update**

Ms. Rhonda Russell, Director of Planning and Community Development, addressed the Board to provide an update on the County's Broadband Initiatives. She reported that staff had initiated negotiations with SCS Broadband to provide internet access in the County as previously directed by the Board. Terms of the agreement will be presented to Board members in closed session. The Surry County Economic Development Authority is scheduled to meet on June 14, 2017 to consider how to fund incentives offered to SCS Broadband. Additionally, the County will have to enter into a lease agreement with SCS Broadband to provide them access to County owned infrastructure. Ms. Russell stated that the goal was to have internet service available to County residents by early September.

### **3. Historic Designation for the Town of Surry through the Virginia Dept of Historic Resources**

Ms. Danielle Powell, County Attorney, addressed the Board regarding correspondence from the Virginia Department of Historic Resources (DHR) pertaining to the pending historic designation for the Town of Surry. She reviewed the process which DHR is required to follow which includes notification of adjoining property owners and localities, a public hearing in the affected community and a period of time for additional comments. Following some discussion by Board members and staff, Board members agreed that the County should draft return correspondence to DHR requesting that an extension be granted and that a public hearing be scheduled in the County, as outlined in the Virginia Code.

Ms. Rhonda Russell, Director of Planning and Community Development also addressed the Board to assist with the reconstruction of a timeline, to speak to the lack of notification from the Town and DHR, and to shed light on the potential effect that such a designation could have on future attempts by the County to provide rehabilitative services to residents of the County.

Supervisor Seward questioned whether the process implemented by DHR in this situation was consistent with their mandate and made a motion that the County's legal team review the process and report back to the Board. The motion was seconded by Supervisor Wooden and passed with unanimous approval.

## **PUBLIC HEARING**

2. Ordinance 2017-01: Amendment to the Surry County Weapons Ordinance  
Chairperson Lyttle called the public hearing to order. Mr. Franklin informed that a public hearing was being conducted to receive public comments regarding Ordinance 2017-01, an amendment to the Surry County Weapons Ordinance.

Ms. Danielle Powell, County Attorney, addressed the Board stating that proposed changes to the Surry County Weapons Ordinance §20-66 and §20-67 would bring the County's code into compliance with state law. Section 20-66 has been revised and Section 20-67 has been removed as it is already enforceable under the Code of Virginia and, therefore, redundant.

Chairperson Lyttle opened the floor for public comments.

There being no comments from the public, Chairperson Lyttle closed the floor, read aloud the revised ordinance, and requested a summary by staff and statements from fellow Board members.

There being no additional summary or comments, Supervisor Seward made a motion that the Board adopt Ordinance 2017-01. The motion received a second from Supervisor Drewry; Supervisors Lyttle, Wooden, Holmes, Drewry, and Seward voted affirmatively.

## **NEW BUSINESS**

Supervisor Drewry requested that staff communicate with Surry Health Department staff regarding a timeline associated with the proposed security upgrades. He also requested that staff expedite execution of the VDOT Land Use Permit Resolution passed earlier in the evening. Supervisor Drewry further stated that while he appreciated Ms. Gabriella Clark's service to the County, citizens in his district had requested that new appointments be made; and he expressed concern about what he perceived as a lack of communication from staff regarding a resolution of recognition.

Supervisor Holmes stated that members of the Board typically recognized that it is not always easy to find new and qualified persons to serve in appointed roles and that he respected those individuals who were willing to continue to serve faithfully and effectively.

Chairperson Lyttle requested that staff work with the Board to ensure that new appointees to the Planning Commission and Board of Zoning Appeals received adequate training to fulfill their roles. Supervisor Drewry also requested that Board members receive some feedback from staff as to how appointees were performing.

**CITIZEN COMMENTS**

Ms. Gail Clayton (Carsley District) addressed the Board to inquire whether security and lighting improvements would be made to the Historic Courthouse which currently houses the Circuit Court. She stated that there was a “dead spot” in the Records Room that was not visible on the existing video monitoring system. Mr. Franklin stated that staff would address her concerns.

**CLOSED SESSION**

Supervisor Seward made a motion that the Board convene in Closed Session as permitted by Virginia Code §2.2-3711(A)(1) to discuss a personnel matter involving a specific position, the Director of Parks and Recreation. The motion was seconded by Supervisor Wooden and unanimously approved.

Supervisor Seward made a motion, seconded by Supervisor Drewry, that the Board return to open session and certify, by roll call vote, that only those public business matters exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

<b>PRESENT:</b>	<b>VOTE:</b>
Chairman Lyttle	Aye
Vice-Chair Drewry	Aye
Supervisor Seward	Aye
Supervisor Wooden	Aye
Supervisor Holmes	Aye

**ADJOURNMENT**

There being no further business before the Board, Supervisor Seward made a motion to adjourn. The motion was seconded by Supervisor Wooden and unanimously approved.