

**Surry County Board of Commissioners
Meeting of April 17, 2017**

The Surry County Board of Commissioners met on April 17, 2017. The meeting was held in the County Commissioners' Meeting Room, Surry County Government Center, Dobson, North Carolina.

Board members present for the meeting were Chairman Eddie Harris, Vice-Chairman Van Tucker, and Commissioner Larry Phillips.

Commissioner R.F. "Buck" Golding and Commissioner Larry Johnson were unable to attend.

Others present for the meeting, at various times, were:
Chris Knopf, County Manager
Conchita Atkins, Clerk to the Board
Edwin Woltz, County Attorney
Sandy Snow, Assistant County Manager for Human Resources and Operations
Sarah Bowen, Finance Officer
Rhonda Nixon, Internal Auditor
John Shelton, Emergency Services Director
Sheriff Graham Atkinson
Jimmy Combs, Chief Deputy
News Media

Chairman Harris called the meeting to order.

Commissioner Tucker delivered the invocation and led the Pledge of Allegiance.

Chairman Harris requested the Board review and approve the agenda.

Upon motion of Commissioner Phillips, seconded by Commissioner Tucker, the Board voted unanimously to approve the agenda.

Chairman Harris requested the Board consider the minutes of the April 3, 2017 and April 6, 2017 meetings.

Upon motion of Commissioner Tucker, seconded by Commissioner Phillips, the Board voted unanimously to approve the minutes.

Chairman Harris requested that the Board consider the consent agenda. Upon motion of Commissioner Phillips, seconded by Commissioner Tucker, the Board voted unanimously to approve the following consent agenda items:

Request from the County Manager:

- Approve the following from the Tax Department:
 - Total releases for the month ending 3/31/2017 in the amount of \$3,620.10.
 - Total refunds for the month ending 3/31/2017 in the amount of \$25,264.21.

Total NCVTS Tag and Tax refunds for the month ending 3/31/17 in the amount of \$1,995.69.

Total real and personal property discoveries for the month ending 3/31/2017 in the amount of \$8,837.41.

Total Motor Vehicle Discoveries for the month ending 3/31/17 in the amount of \$357.98.

Total EMS and EMD additions as of 3/31/2017 in the amount of \$1,832.76.

Total EMS and EMD refunds as of 3/31/2017 in the amount of \$2,221.68.

Total EMS and EMD releases as of 3/31/2017 in the amount of \$1,017.03.

Total EMS and EMD collections as of 3/31/2017 in the amount of \$59,807.26.

Requests from the Finance Officer:

- Approve budget change no. 26 as follows:

The Board of County Commissioners approved an amendment to the FY 2016-2017 Budget Amendment at their meeting on April 17, 2017.

| <u>ACCOUNT CODE</u> | <u>DESCRIPTION</u> | <u>PREVIOUS AMOUNT</u> | <u>CHANGE</u> | <u>REVISED AMOUNT</u> |
|---|------------------------------|------------------------|---------------|-----------------------|
| <u>GENERAL FUND</u> | | | | |
| <u>EXPENDITURES</u> | | | | |
| <u>BUILDINGS & GROUNDS - COUNTY</u> | | | | |
| 1054190 53067 | Beulah Community Center | 63,833 | 55,000 | 118,833 |
| | Increase departmental total. | 581,332 | 55,000 | 636,332 |
| <u>SPECIAL APPROPRIATIONS</u> | | | | |
| 1054198 57106 | Pilot VFW | - | 15,000 | 15,000 |
| | Increase departmental total. | 1,148,523 | 15,000 | 1,163,523 |
| <u>NON-DEPARTMENTAL</u> | | | | |
| 1054199 59510 | General Fund Contingency | 65,065 | (63,400) | 1,665 |
| | Decrease departmental total. | 638,595 | (63,400) | 575,195 |
| <u>SHERIFF'S OFFICE</u> | | | | |
| 1054310 53040 | Vehicle Maintenance | 87,154 | 1,273 | 88,427 |
| | Increase departmental total. | 5,058,851 | 1,273 | 5,060,124 |
| <u>COUNTY JAIL</u> | | | | |
| 1054320 55480 | Prisoner Safekeeping | 170,000 | 201,000 | 371,000 |
| | Increase departmental total. | 2,458,408 | 201,000 | 2,659,408 |
| <u>HOMELAND SECURITY GRANT</u> | | | | |
| 1054336 51720 | Contracted Services | 0 | 11,500 | 11,500 |
| 1054336 52010 | Supplies and Materials | 0 | 1,250 | 1,250 |
| | Increase departmental total. | 0 | 12,750 | 12,750 |
| <u>EMERGENCY MEDICAL SERVICES</u> | | | | |
| 1054370 55300 | Refunds | 30,000 | 285,000 | 315,000 |
| | Increase departmental total. | 5,981,980 | 285,000 | 6,266,980 |
| <u>VETERANS SERVICE OFFICE</u> | | | | |
| 1055820 53025 | Software License | 10,200 | (6,600) | 3,600 |

| | | | | | |
|---|-------|--|------------|-----------|------------|
| | | Decrease departmental total. | 198,838 | (6,600) | 192,238 |
| <u>REVENUE</u> | | | | | |
| 1044000 | 48500 | Insurance Refunds | 39,936 | 1,273 | 41,209 |
| 1044000 | 49900 | Unencumbered Balance | 5,783,148 | 170,000 | 5,953,148 |
| 1044320 | 42331 | Soc. Security Incentive | 4,000 | 6,000 | 10,000 |
| | | State Confinement of | | | |
| 1044320 | 44142 | Prisoners | 75,000 | 25,000 | 100,000 |
| 1044336 | 42328 | Homeland Security Grant | 0 | 12,750 | 12,750 |
| 1044370 | 44110 | EMS Fees | 3,250,000 | 200,000 | 3,450,000 |
| 1044372 | 44110 | EMS Fees | 420,000 | 85,000 | 505,000 |
| | | Increase fund totals. | 71,815,350 | 498,750 | 72,314,100 |
| <u>GENERAL FUND-CAPITAL IMPROVEMENT</u> | | | | | |
| <u>EXPENDITURES</u> | | | | | |
| 2554245 | 59557 | County Reserve | 844,755 | 2,566,524 | 3,411,279 |
| | | Increase departmental total. | 844,755 | 2,566,524 | 3,411,279 |
| <u>REVENUE</u> | | | | | |
| 2544245 | 49839 | Transfer from GF-SCHS CO (NEW) | 0 | 1,525,991 | 1,525,991 |
| 2544245 | 49880 | Transfer from CP-Schools (NEW) | 0 | 583,995 | 583,995 |
| 2544245 | 49895 | Transfer from IWSD (NEW) | 0 | 456,538 | 456,538 |
| | | Increase fund totals. | 844,755 | 2,566,524 | 3,411,279 |
| <u>GENERAL FUND-CAPITAL OUTLAY-SCHOOLS</u> | | | | | |
| <u>EXPENDITURES</u> | | | | | |
| 2755912 | 59210 | Transfer to Capital Improvement Fund(NEW) | 0 | 1,525,991 | 1,525,991 |
| | | Increase departmental total. | 3,899,915 | 1,525,991 | 5,425,906 |
| <u>REVENUES</u> | | | | | |
| 2744912 | 49900 | Unencumbered Balance | 446,345 | 1,525,991 | 1,972,336 |
| | | Increase fund totals. | 3,899,915 | 1,525,991 | 5,425,906 |
| <u>EMERGENCY TELEPHONE SYSTEM FUND</u> | | | | | |
| <u>EXPENDITURES</u> | | | | | |
| <u>911 TELEPHONE</u> | | | | | |
| 3554329 | 57471 | Secondary PSAPs (NEW) | 0 | 60,242 | 60,242 |
| | | Increase departmental total. | 563,538 | 60,242 | 623,780 |
| <u>REVENUES</u> | | | | | |
| 3544329 | 44113 | Subscriber Charges | 439,195 | 60,242 | 499,437 |
| | | Increase fund totals. | 563,538 | 60,242 | 623,780 |
| <u>SCHOOLS CAPITAL PROJECT RESERVE FUND</u> | | | | | |
| <u>EXPENDITURES</u> | | | | | |
| 6355919 | 59210 | Transfer to Capital Improvement Fund(NEW) | 0 | 683,995 | 683,995 |
| 6355919 | 59270 | Transfer to Building Reserve | 100,000 | (100,000) | 0 |

| | | | | | |
|------------------------|-------|------------------------------|---------|---------|---------|
| | | Increase departmental total. | 100,000 | 583,995 | 683,995 |
| <u>REVENUES</u> | | | | | |
| 6345919 | 49900 | Unencumbered Balance | 100,000 | 583,995 | 683,995 |
| | | Increase fund totals. | 100,000 | 583,995 | 683,995 |

INTERSTATES CAPITAL PROJECT FUND**EXPENDITURES**

Sewer Collection System

| | | | | | |
|---------|-------|--|-----------|---------|-----------|
| 8858420 | 59210 | Transfer to Capital Improvement Fund (NEW) | 0 | 456,538 | 456,538 |
| | | Increase departmental total. | 2,941,397 | 456,538 | 3,397,935 |

REVENUE

| | | | | | |
|---------|-------|-----------------------|-----------|---------|-----------|
| 8848420 | 49900 | Unencumbered Balance | 2,741,856 | 456,538 | 3,198,394 |
| | | Increase fund totals. | 2,941,397 | 456,538 | 3,397,935 |

- Approve the Inspection Department and Tax Department to purchase two vehicles per department using current funds.
- Approve the Health and Nutrition Center to purchase dental equipment. No County money is required.
- Approve the Health and Nutrition Center to remove the additional approval step in the Refund Policy for Health patients' overpayment refunds.
- Approve the denial of a Tax Department refund for a citizen with delinquent taxes that has requested a refund for fees incurred during the collection procedure.
- Approve Veterans Services Office to purchase software.

Chairman Harris then declared the meeting to be an open forum and invited members of the audience to address the Board on any matters of civic concern.

David Smith, Bannertown Volunteer Fire Department, asked the Board for an update on funding assistance on the recent grading/paving project at the fire department. The fire department is currently working on their budget. The fire department owes \$50,000 for a grading/paving project due to the fire department relocation. The relocation was relevant due to the Mount Airy/Surry County Airport expansion. The fire department has a contract with the Authority to pay for the grading work. The Authority refused to pay for the completed work.

Chairman Harris stated the Board of Commissioners stands ready and willing to work with the Bannertown Volunteer Fire Department to patience. Chairman Harris stated the fire department should take legal action against the Mount Airy/Surry County Airport Authority for the \$50,000. The fire department grading/paving was to be paid for by the Airport Authority. Chairman Harris stated the Board of Commissioners will look favorably if the Bannertown Volunteer Fire Department wants to include their attorney fees for the legal action in the costs. The issue needs to be resolved, and Chairman Harris has not had any communication with Airport Authority members. Chairman Harris encouraged legal action.

Commissioner Phillips stated if the fire department has a contract and it is breached, the fire department has a legal right to recourse. Commissioner Phillips stated that not all of the Airport Authority funds are County funds.

Commissioner Tucker stated it is a moving story that involves three parties: Airport Authority, Bannertown Volunteer Fire Department and an independent contractor. The contractor should be paid. The Board of Commissioners did not enter into an agreement on the project. Commissioner Tucker does not want to set a precedent that every time something does not work for these entities, that they expect the Board of Commissioners to clean up the issue. Commissioner Tucker stated he feels in the end there will be a positive solution. It is a complicated process. In the end, the Board of Commissioners may have to settle the issue if necessary.

Commissioner Phillips stated there is lack of communication between the Airport Authority and the Board of Commissioners' Chairman. Commissioner Phillips stated the only way to resolve the issue is for the Surry County Board of Commissioners resume the role of the Airport Authority. It is time to get the issue straightened out. Commissioner Phillips praised the Bannertown Volunteer Fire Department for securing an insurance rating of 5.

Chairman Harris stated the Bannertown Volunteer Fire Department should get their attorney to send the Airport Authority a letter stating that legal action is imminent.

Anna Nichols, Charles Stone Memorial Librarian, thanked the Board for funds given to the library systems which allows the libraries to provide services to citizens. Ms. Nichols supports the FY 17-18 library budget requests. Ms. Nichols read a letter from Lucy Kay, former resident of Surry County. Ms. Nichols stated Ms. Kay is concerned about funding for libraries in Surry County and across the State. Ms. Nichols thanked the Board for the continued support of the libraries during budget.

There being no additional comments, Chairman Harris closed the open forum, and the Board resumed regular business.

Chris Knopf, County Manager, addressed the Board regarding the Mount Airy City Schools' entering into a Memorandum of Understanding with the Mount Airy Youth Foundation to put a scoreboard and revenue generating sign at the Mount Airy High School football stadium. The scoreboard is predicted to generate approximately \$60,000 per year to support athletics at Mount Airy High School. Mr. Knopf stated that Surry County owns the property on which the scoreboard will be placed. The property debt is fulfilled, the property will revert to the school system. The Youth Foundation will be responsible for upkeep of the scoreboard. Mr. Knopf stated the County will need to consent to the Memorandum of Understanding as the current landowner.

Upon motion of Commissioner Tucker, seconded by Commissioner Phillips, the Board voted unanimously to consent to the Memorandum of Understanding and approve the Mount Airy City Schools to move forward with the project.

Chris Knopf, County Manager, addressed the Board regarding the reappointment of Chairman Harris to the Surry Community College Board.

Upon motion of Commissioner Tucker, seconded by Commissioner Phillips, the Board voted unanimously to approve Chairman Harris reappoint to the Surry Community College Board.

Chris Knopf, County Manager, addressed the Board regarding the reappointment of Barbara Anderson to the Partners Behavioral Health Management.

Upon motion of Commissioner Phillips, seconded by Commissioner Tucker, the Board voted unanimously to reappoint Barbara Anderson to Partners Behavioral Health Management.

Chris Knopf, County Manager, discussed the Interstates Water and Sewer District, NC 89 Connector Area for mandatory sewer connections. Mr. Knopf discussed an ordinance requiring mandatory sewer connections and payment of availability fees under certain circumstances within the Interstates Water and Sewer District and an ordinance requiring mandatory sewer connections and payment of availability fees under certain circumstance between the Mount Airy City limits and the Interstates Water and Sewer District.

Chairman Harris stated the Board had discussion on the connections at the April 3, 2017 Board meeting and received public comment.

Commissioner Phillips made a motion to approve the ordinance requiring mandatory sewer connections and payment of availability fees under certain circumstances within the Interstates Water and Sewer District. The motion was seconded by Commissioner Tucker.

Chris Knopf, County Manager stated the Board needs to adopt the ordinance as the Interstates Water and Sewer District Board of Directors.

Commissioner Phillips withdrew his motion. Commissioner Tucker withdrew his second.

Commissioner Phillips made a motion to recess as the Board of Commissioners and convene as the Interstates Water and Sewer District Board of Directors. Commissioner Tucker seconded the motion. The vote was unanimous.

District Board Member Phillips made a motion to approve the following ordinance. District Board Member Tucker seconded the motion. The vote was unanimous.

**AN ORDINANCE REQUIRING MANDATORY SEWER CONNECTIONS AND
PAYMENT OF AVAILABILITY FEES UNDER CERTAIN CIRCUMSTANCES
WITHIN THE INTERSTATES WATER & SEWER DISTRICT**

WHEREAS, the Interstates Water and Sewer District was created by the Surry County Board of Commissioners pursuant to N.C.G.S. §162A-86, *et seq*;

AND, WHEREAS, the District and County have extended sewer services into the District;

AND, WHEREAS, as completed, the sewer services: (1) facilitate development and provide needed services to existing and future area residents, (2) allow for planned economic development and growth in the project area; and (3) bring health benefits to the residents of the District;

AND, WHEREAS, County has determined that extension of sewer services has benefited those areas now served, but that due to the tremendous costs associated with delivery of sewer services to rural areas, it is necessary that all available users support the services as permitted by N.C.G.S. §153A-284 in the form of mandatory hook up and usage charges or through periodic availability charges where hook up is not required, upon payment of the minimum usage charge;

AND, WHEREAS, County must adopt an ordinance to impose periodic availability charges within the District;

NOW, THEREFORE, BE IT ORDAINED that the following requirements are established for mandatory sewer connections and payment of availability charges for the gravity-flow portion of the sewer system located within the Interstates Water and Sewer District (and any other properties served by the District):

Section 1. Exceptions.

Mandatory connection and availability fees shall not apply along the portion of the sewer line that is designed and constructed as a force main sewer line.

Section 2. Mandatory Connection of Newly Constructed Buildings.

Any new construction requiring a building or zoning permit will be required to connect to a District controlled sewer main located within 200 feet of the structure. As a prerequisite to connection to a District controlled sewer main the newly constructed building(s) also shall be connected to a metered public water source owned/operated by the Town of Dobson.

Section 3. Mandatory Connection of Existing Structures after Sewer is Available.

When the property is subject to any of the following, mandatory sewer connection will be required:

- (a) A failed septic system
- (b) Damaged septic system requiring permit to repair
- (c) As directed by the Surry County Environmental Health Department
- (d) As directed/ordered by a court of proper jurisdiction
- (e) Where property has made connection to the Interstates Water and Sewer District sewer system, it cannot be connected back to an individual source of potable water supply (well).

**International Plumbing Code 602.3 Individual water supply.

Section 4. Rates, Charges, Fees and Billing.

(a) Rates for Sewer Service: The District shall set rates for sewer use by adopting a rate schedule, which may be amended from time to time, as the District deems necessary. In order to facilitate ease of administration by District's designated Operation's Agent, the text of the District's rate schedule shall be consistent with the text of the rate structure of its Operation's Agent, the City of Mount Airy, as that schedule changes from time to time. The District shall set rates for sewer service in an amount double that charged by the City of Mount Airy for customers within its corporate limits as established in Chapter 8, Municipal Utilities of the Mount Airy City Code, as amended.

(b) The sewer rates or charges are adopted to apply to all consumers and/or owners and premises, as applicable, connected to the District's system:

(1) A minimum charge for all customers including those with zero usage which shall be a periodic service charge to cover the cost of operations and maintenance, debt service, basic facilities charges and administrative overhead.

(2) A usage charge which shall be a periodic service charge to the consumer or owner equal to the volume of usage reflected by the water meter reading multiplied by the approved rate.

(c) An Availability Fee will be assessed, accruing each billing period to the owners of all parcels of property utilizing public water provided by Town of Dobson, to which a District sewer line has been made directly available, but owners of which have elected not to connect to the District sewer system. The Availability Fee shall be in the amount established in the rate schedule currently in effect and approved by the Board of Commissioners of Surry County sitting as the governing board of the Interstates Water and Sewer District and payable to the Operation's Agent. The Availability Fee shall not be an amount greater than the minimum charge established for connected customers and shall be applied as follows:

(1) For developed property on which there are situated one or more buildings, an Availability Fee shall be applicable to each such building for which a minimum charge would be required if the premises was connected to the District's water or sewer system.

(2) For any undeveloped parcel that would qualify for the issuance of a building permit for the construction of one or more buildings, a single Availability Fee shall apply regardless of the size of the parcel.

Section 5. Enforcement.

a) Any violation of any provision of this ordinance which is also a criminal violation under State law shall be prosecuted under the State law.

b) Any violation of this ordinance which is not a violation of State law shall be a Class III misdemeanor punishable by a maximum fine of \$500 and a sentence of not greater than 20 days.

c) In addition to any prosecution in criminal court, the County may take civil action against any violator of this ordinance to enjoin or abate any unlawful activity or condition or for damages.

Section 6. Nonpayment.

The County will take the following steps to collect past due payments from the customers:

a) Send delinquent notice to the customers.

b) Submit account to the N.C. Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.

c) Seek a judgment in Surry County Small Claims court.

d) Disconnect utilities. Sewer disconnections will render any structure uninhabitable.

Net of collected funds shall be remitted to Operation's Agent.

This Ordinance shall be effective upon adoption.

Commissioner Harris stated he feels the mandatory connections within the district are fair. There is a tremendous increase in property value within the district since water and sewer are available. The district was fully aware that mandatory connections were forthcoming and the connections are warranted.

Commissioner Phillips stated that Surry County was not required to provide water and sewer, but Surry County created a district. The district has a right to be profitable.

Upon motion of Interstates Water and Sewer District Board Member Phillips, seconded by Interstates Water and Sewer District Board Member Tucker, the Board voted unanimously to adjourn as the Interstates Water and Sewer District Board of Directors and convene as the Surry County Board of Commissioners.

Chris Knopf, County Manager, asked the Board to amend the Budget Calendar to change the Fire District Committee Meeting from April 20, 2017 to April 25, 2017 due to a conflict.

Upon motion of Commissioner Phillips, seconded by Commissioner Tucker, the Board voted unanimously to amend the calendar to reflect April 25, 2017 as the Fire District Committee Meeting.

Upon motion of Commissioner Tucker, seconded by Commissioner Phillips, the Board voted unanimously to approve and not release the April 3, 2017 and April 6, 2017 closed session minutes.

Chairman Harris informed the audience that it was time for the special recognition portion of the agenda. The Board recognized the following individuals:

Anne-Louis Tunstall, Ashley Hicks, Avery Tucker, Carley Elliot, Destini Hudson, Diana Hernandez, Gracie Pruitt, Julie Hicks, Madison Ramey, Mikki Nunn, Sydney Beck, and Tania Hernandez, East Surry High School, Lady Cardinals Swim Team, for their outstanding teamwork resulting in the East Surry High School Lady Cardinals Swim Team winning the Northwest 1A Conference Championship, earning third place in the North Carolina High School Athletic Association Western Regional Championship, and fourth place in the North Carolina High School Athletic Association 1A/2A State Championship.

Coach Leah Tunstall and Courtney Tunstall for their leadership in the development of Surry County Athletes resulting in the East Surry High School Lady Cardinals Swim Team winning the Northwest 1A Conference Championship, earning third place in the North Carolina High School Athletic Association Western Regional Championship, and fourth place in the North Carolina High School Athletic Association 1A/2A State Championship.

Justin Bowers, Robert Coleson, Roger Horton, and Barry McMillian, Surry County Emergency Services, for being the first flight team ever to advance to the Journal of Emergency Medical Services Games in the 2016 competition, first flight team to ever win the Gold Medal in the 2016 Journal of Emergency Medical Services Games and winning the Gold Medal in the 2017 Journal of Emergency Medical Services Games.

The Board took a ten-minute recess.

The Board resumed regular business.

Upon motion of Commissioner Phillips, seconded by Commissioner Tucker, the Board voted unanimously to go into closed session pursuant to G.S. 143-318.11(a)(6) and legal pursuant to G.S. 143-318.11(a)(3).

The Board came out of closed session and resumed regular business.

Upon motion of Commissioner Phillips, seconded by Commissioner Tucker, the Board voted unanimously to approve a one-step increase for employee #588 effective April 1, 2017.

Upon motion of Commissioner Tucker, seconded by Commissioner Phillips, the Board voted unanimously to re-appoint the Tax Administrator for a two-year term beginning July 1, 2017.

There was no further business to come before the Board.

Upon motion of Commissioner Phillips, seconded by Commissioner Tucker, the Board voted unanimously to recess until April 18, 2017-5:30 p.m. for a budget work session and other County business. The meeting ended at 8:55 p.m.

Conchita Atkins
Clerk to the Board