

Surry County Board of Commissioners
Meeting of February 20, 2017

The Surry County Board of Commissioners met on February 20, 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, Commissioner R.F. "Buck" Golding, Commissioner Larry Johnson and Commissioner Larry Phillips.

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
Kim Bates, Planning Director
Daniel White, Parks and Recreation Director
News Media

Chairman Harris called the meeting to order.

Former Commissioner Gary York delivered the invocation.

Commissioner Phillips led the Pledge of Allegiance.

Chairman Harris requested the Board review and approve the agenda.

Upon motion of Commissioner Johnson, seconded by Commissioner Golding, the Board voted unanimously to approve the agenda.

Chairman Harris requested the Board consider the minutes of the February 6, 2017 meeting.

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

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

Requests from the County Manager:

- Approve the following from the Tax Department:
- Total releases for the month ending 1/31/2017 in the amount of \$996.02.
- Total refunds for the month ending 1/31/2017 in the amount of \$2,130.94.
- Total NCVTS Tag and Tax refunds for the month ending 1/31/17 in the amount of \$833.28.
- Total real and personal property discoveries for the month ending 1/31/2017 in the amount of \$3,379.41.

- Total Motor Vehicle Discoveries for the month ending 1/31/17 in the amount of \$114.96.
- Total EMS and EMD additions as of 1/31/2017 in the amount of \$43,891.34.
- Total EMS and EMD refunds as of 1/31/2017 in the amount of \$121.71.
- Total EMS and EMD releases as of 1/31/2017 in the amount of \$353.26.
- Total EMS and EMD collections as of 1/31/2017 in the amount of \$3,969.95.
- Approve the Parks and Recreation 2017 Summer Day Camp fees and fee waivers.

Request from the Assistant County Manager for Human Resources and Operations:

- Approve for Dobson Cruise In to have cruise-in events around the Historic Courthouse, March through September, 2017 on the second Saturday of each month.

Requests from the Finance Officer:

- Approve the Finance Officer to pay Golden LEAF \$98,100 for Pittsburgh Glass Works missed employment benchmark penalty. Pittsburgh Glass Works has remitted the funds to Surry County.
- Approve the Health and Nutrition Center to lease a new copier for Animal Control and WIC.

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.

Rick Sowers, Sowers Construction, addressed the Board regarding questions about the grading work his company performed at the new location for the Bannertown Volunteer Fire Department.

Chairman Harris stated the situation is quite complicated and there are certain policies and procedures that the Board has to follow. These policies are for the benefit of the taxpayers in Surry County. Chairman Harris stated that Mr. Sowers was contracted to do work for the Bannertown Fire Department and the contract was between the fire department and Sowers Construction with the Airport Authority in the mix as well. Chairman Harris stated the Board wants Sowers Construction paid for their work. Chairman Harris reiterated that the situation is complicated. The Board is working on resolving the issue and having discussions with all parties involved. The Board has been addressing some underlying issues with the Airport Authority. The Authority was contractually obligated to provide a graded site for the Bannertown Volunteer Fire Department.

Mr. Sowers stated that it has been mentioned that the price was too high, on his bill, for the project. Mr. Sowers stated he has to be competitive with his business. He gave the fire department a better deal since he was already at the airport working. Mr. Sowers stated that someone on the Board thought it was priced too high.

Chairman Harris stated that he did not know Mr. Sowers but had heard that his character was impeccable. Chairman Harris stated he has no authority to question the billing amount and if someone else has done that it is entirely up to that individual. The expansion of the airport is complicated with a lot of moving parts. Chairman Harris stated the County will move forward, but there is a process that needs to be followed. Chairman Harris stated that he has great sympathy for the people that manage the Bannertown Volunteer Fire Department since they are volunteers. Chairman Harris told Mr. Sowers he wanted him to be successful and asked him to be patient with the County a little longer until the issue is resolved.

Mr. Sowers stated getting paid is not the issue, it is the way he feels he has been treated during the last few Board of Commissioners' meetings.

Commissioner Golding asked Mr. Sowers where he received his information, and Mr. Sowers stated in the newspaper. Commissioner Golding stated that sometimes the newspaper is not always accurate.

Commissioner Tucker stated that when a man enters into an agreement with someone and the work is completed, then they should be made whole. Commissioner Tucker stated that he had not heard one board member say not to pay Mr. Sowers' bill. Commissioner Tucker stated that everyone on the Board wants Mr. Sowers paid. It is a complicated process on how the money will be received whether from the airport, fire department or the County. Surry County did not enter into the agreement for the grading but we were sent the bill. Commissioner Tucker stated he would vote for Mr. Sowers to get his money once some issues are resolved. Commissioner Tucker stated that the amount of the bill had not been questioned by the Board. The issue is not the amount of the bill, but what method the funds will be distributed in the best interest of Surry County's citizens.

Mr. Sowers has documents that showed the grading plan for the airport. The fire department and airport negotiated the site, and the airport stated the amount was too high, not grading, but the site the fire department chose. The airport decided to choose another site. The fire department gave Mr. Sowers a set of plans, and he gave them a price. The fire department requested Mr. Sowers complete the grading assuming it would be paid for by the airport.

Commissioner Phillips stated he was not questioning Mr. Sower's workmanship but who is liable for the costs of the work. Commissioner Phillips stated the fire department is relocating as a part of the airport runway expansion. Surry County is paying 10% of a grant match with the State on the expansion of the runway. Commissioner Phillips questions why the grading cost was not a 10% match. Commissioner Phillips stated that issue has nothing to do with Sowers Construction, but is a funding mechanism issue. Commissioner Phillips wants clarity on where the funds will be paid from in the end.

Mr. Sowers stated this type of behavior has been going on with the Authority even when the County was reluctant about paying the Authority for worked he performed.

Commissioner Phillips discussed how previous Boards have had issues funding the airport and how the funds were appropriated. It is a broken system that needs to be fixed.

Commissioner Johnson stated he has expressed how he feels in previous meetings and will remain quiet.

Commissioner Harris stated the phone call he made to Mr. Sowers was out of respect to update him on the issue. The Board hopes to get the issue resolved in the next few months. There are a lot of issues that are being addressed.

Mr. Sowers stated if the Board has a problem with the Authority, they should not drag him or the fire department into the situation.

Commissioner Harris stated the Board will work through this issue because that is their job.

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

Chairman Harris then declared the meeting to be a public hearing on zoning application ZCR1166. The site 3.62 acres of tax parcels 4090-00-64-5902 and 4090-02-65-1036. The property owner is Mountain Lumber Company, Incorporated. The property is currently RA. The petition is to rezone the property to HB.

Chris Knopf, County Manager, presented facts pertaining to the rezoning on behalf of Kim Bates, Planning Director. Mr. Bates was unable to attend. Mr. Knopf stated the Planning Board recommends approval of the rezoning.

Chairman Harris asked for comments from the public.

No one spoke.

Chairman Harris closed the public hearing and asked the Board for a recommendation.

Upon motion of Commissioner Phillips, seconded by Commissioner Golding, the Board voted unanimously to approve the following Statement of Consistency:

Subject: Case # ZCR1166, a Petition for General-Use Rezoning.

Applicant / Owner: Mountain Lumber Company, Inc.

Property Description: Tax Parcels #4090-00-64-5902 and 4090-02-65-1036, located at 172 James Dunbar Road, Stewarts Creek Township.

Requested Reclassification: From Rural Agricultural (RA) to Highway Business (HB).

Planning and Development Staff recommends adoption of the proposal. The rezoning appears reasonable based on clear compatibility of the proposed classification with surrounding HB zoning and with the highway business development pattern of the area; based on the history of use of this property in support of the existing adjoining business; and based on the stated intent of the HB District.

Following public notification as required by state statute and local ordinance, no citizen had voiced opposition to the rezoning petition from the application date of December 28, 2016 to the Planning Board's meeting date of February 13, 2017. The Surry County Planning Board reviewed the petition on February 13, 2017, and returned a unanimous recommendation of approval, based on the above elements of compatibility and on consistency of the proposal with current adopted plans as presented below. This Statement as drafted by Planning and Development Department staff serves also as a transmittal of the reasoning of the Surry County Planning Board, and as that Board's formal recommendation of adoption of the rezoning proposal.

Consistency Elements from Land Use Plan 2020:

5.4.5.4 New commercial development should be encouraged to locate within existing areas of commercial activity.

5.4.5.5 Commercial sites should be served with necessary utilities.

5.4.5.7 Highway-oriented commercial uses shall be clustered along segments of principal and minor arterials, as described in the Thoroughfare Plan, in existing areas of similar development or around intersections; they should contain land uses that are mutually compatible and reinforcing in use and design; interchanges along major thoroughfares serve as excellent locations for this type of development.

5.4.5.12 Businesses should be served by roads and streets of a capacity sufficient for safe traffic flow; large businesses should locate at major intersections.

The Surry County Board of Commissioners, having held a duly noticed public hearing on February 20, 2017, and having heard no substantive objection to the proposal, hereby concurs with the above recommendations and consistency principles, and will vote on the question to adopt the proposed zoning map amendment.

Upon motion of Commissioner Golding, seconded by Commissioner Johnson, the Board voted unanimously to approve the rezoning as presented.

Chairman Harris then declared the meeting to be a public hearing on a text amendment for the Solid Waste Ordinance, Section 110.05.

Chris Knopf, County Manager, presented facts pertaining to the text amendment and stated the Planning Board recommends approval of the amendment. Mr. Knopf stated the request is to amend the Surry County Solid Waste Ordinance text to clarify a provision that requires vehicular loads of solid waste to be "covered so as to prevent the unintended release of solid waste from the transport vehicle and littering public rights-of-way, public property and private property." The intent of the proposed amendment is to provide further that these vehicular loads be secured by any and all means necessary to prevent unintended release and littering. Mr. Knopf stated the term "covered" has caused confusion and the ordinance needs to be amended to state "secured".

Chairman Harris asked for comments from the public.

No one spoke.

Chairman Harris closed the public hearing and asked the Board for a recommendation.

Upon motion of Commissioner Phillips, seconded by Commissioner Golding, the Board voted unanimously to approve the following text amendment:

§ 110.05 SECURED LOADS.

Transport of solid waste, whether residential, commercial or industrial, from the point of origin to a landfill or recycling center, must be completely secured so as to prevent the unintended release of solid waste from the transport vehicle and littering public rights-of-way, public property and private property. Licensed and/or franchised solid waste collectors who violate this section at least three times within a one-year period will risk having their license/franchise revoked by the Board of Commissioners for a period of not less than 365 days. This provision shall apply to municipal haulers of solid waste within the county, but outside of municipal limits.

Commissioner Golding asked how secure the loads need to be or tied down.

Mr. Knopf stated the intent of the ordinance is to prevent the unintended release of waste on the roadways.

Chairman Harris stated the change was a recommendation from the Litter Committee and the verbiage needed correcting. The ordinance is not designed to be burdensome for citizens. It is way to keep waste from coming out of vehicles and landing on roadways.

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

Bob Keck, Judy Absher, Benny Cockerham, Bruce Corregan, Sam Crawley, David Hostetler, Winston Kobe, Deborah Motsinger, Carol Parker, Dean Reavis, Linda Willard, Cheryl Bey, John Brame, Patti Brame, Henry Burrus, Nelson Clark, Chris Coley, Eula Raye Cook, Sandie Grant, Jackie Lewis, and Jack Moore for representing Yadkin Valley Senior Games at the North Carolina Senior Games State Finals.

Dr. David Shockley for being named the North Carolina Board of Community Colleges 2017 President of the Year and winning the Yadkin County Chamber of Commerce Impact Award.

The Board took a ten-minute recess.

The Board resumed regular business.

Chris Knopf, County Manager, addressed the Board regarding the reappointment of Frank Beals, David Caudle, and Tony Childs to the Planning Board.

Upon motion of Commissioner Golding, seconded by Commissioner Phillips, the Board voted unanimously to reapprove Tony Childs to the Planning Board for a three year term.

Upon motion of Chairman Harris, seconded by Commissioner Johnson, the Board voted unanimously to reappoint Frank Beals to the Planning Board for a three year term.

Upon motion of Commissioner Tucker, seconded by Commissioner Phillips, the Board voted unanimously to reappoint David Caudle to the Planning Board for a three year term.

Chris Knopf, County Manager, addressed the Board regarding a Memorandum of Understanding between the Parks and Recreation Department and the Armfield Civic Center. The Armfield Civic Center manages the soccer program at Fisher River Park.

Upon motion of Commissioner Johnson, seconded by Commissioner Phillips, the Board voted unanimously to approve the Memorandum of Understanding.

Chris Knopf, County Manager, addressed the Board regarding possible expansion of a water system in the Cana, Virginia community by the Carroll County Public Service Authority and the City of Mount Airy. The City of Mount Airy has expressed an interest in selling water to the Carroll County Public Service Authority. Mr. Knopf stated the engineer would like to determine if the County has any interest in participating in the project and if the County has received any public water service requests from the area.

The Board discussed the homes and business in the proposed route, cost estimates, and mandatory hook-ups.

No action was taken on the request.

Chris Knopf, County Manager, addressed the Board regarding a request from the Sheriff's Office to purchase six vehicles, in the amount of \$161,744. Mr. Knopf stated there are funds in the budget for the purchase.

Upon motion of Commissioner Phillips, seconded by Commissioner Johnson, the Board voted unanimously to approve the Sheriff's Office to purchase six budgeted cars and approve budget amendment no. 17 as follows:

The Board of County Commissioners approved an amendment to the FY 2016-2017 Budget Ordinance at their meeting on February 20, 2017.

<u>ACCOUNT</u>			<u>PREVIOUS</u>		<u>REVISED</u>
<u>CODE</u>		<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>CHANGE</u>	<u>AMOUNT</u>
<u>GENERAL FUND</u>					
<u>EXPENDITURES</u>					
<u>SHERIFF'S OFFICE</u>					
1054310	56010	Equipment	195,724	14,928	210,652
		Increase			
		departmental total.	5,043,923	14,928	5,058,851
 <u>REVENUES</u>					
1044000	48500	Insurance Refunds	18,404	14,928	33,332
		Increase Fund Totals	70,395,292	14,928	70,410,220

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

Upon motion of Commissioner Golding, seconded by Commissioner Johnson, the Board voted unanimously to go into closed session to discuss legal matters pursuant to G.S. 143-318.11(a)(3), property matters pursuant to G.S. 143-318.11(a)(5) and personnel pursuant to G.S. 143-318.11(a)(6).

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

Upon motion of Commissioner Johnson, seconded by Commissioner Golding, the Board voted unanimously to authorize the Assistant County Manager for Human Resources and Operations to work with Travelers on finalizing a liability claim.

There was no further business to come before the Board.

Upon motion of Commissioner Tucker, seconded by Commissioner Golding, the Board voted unanimously to adjourn. The meeting ended at 8:45 p.m.

Conchita Atkins
Clerk to the Board