

Surry County Board of Commissioners
Meeting of January 6, 2020

The Surry County Board of Commissioners met at 6:00 p.m., January 6, 2020. The meeting was held in the Commissioners' Meeting Room, Historic Courthouse, Dobson, N.C.

Board members present for the meeting were Chairman Larry Johnson, Vice-Chairman Mark Marion, Commissioner Bill Goins, Commissioner Van Tucker and Commissioner Eddie Harris.

Others present for the meeting, at various times, were:
Chris Knopf, County Manager
Sandy Snow, Assistant County Manager
Nathan Walls, Assistant to the County Manager
Mark Willis, Opioid Response Director
Rhonda Nixon, Budget Director & Interim Finance Officer
George Crater, Airport Manager
Michella Huff, Board of Elections Director
Daniel White, Parks & Recreation Director
Steve Hiatt, Sheriff
Bryan Cave, Cooperative Extension Director
Ed Woltz, County Attorney
News Media

Chairman Johnson called the meeting to order, welcomed everyone and thanked them for their attendance. Commissioner Goins delivered the invocation and led the Pledge of Allegiance.

Chairman Johnson requested the Board review and approve the agenda. Upon motion of Commissioner Marion, seconded by Commissioner Goins, the Board voted unanimously to approve the January 6, 2020 agenda.

Chairman Johnson requested the Board consider the minutes of the December 2, 2019 meeting as presented. Upon motion of Commissioner Tucker, seconded by Commissioner Goins, the Board voted unanimously to approve the minutes as written.

Chairman Johnson requested the Board consider the consent agenda. Upon motion of Commissioner Harris, seconded by Commissioner Tucker, the Board voted unanimously to approve the consent agenda as follows:

Requests from the County Manager:

- Approve the following from the Tax Department:
 1. Total releases for the month ending 11/30/2019 in the amount of \$4,241.80.
 2. Total refunds for the month ending 11/30/2019 in the amount of \$3,033.93.
 3. Total NCVTS tag and tax refunds for the month ending 11/30/2019 in the amount of \$1,037.69.
 4. Total real and personal property discoveries for the month ending 11/30/2019 in the amount of \$39,908.28.
 5. Total EMS, EMD and EMS-MC additions for the month ending 11/30/2019 in the amount of \$3.31.
 6. Total EMS, EMD and EMS-MC refunds for the month ending 11/30/2019 in the amount of \$88.15.
 7. Total EMS, EMD and EMS-MC releases for the month ending 11/30/2019 in the amount of \$2,018.63.

8. Total EMS, EMD and EMS-MC collections for the month ending 11/30/2019 in the amount of \$23,463.81.

- Approve services from the Stokes Friends of Youth-Mediation/Conflict Resolution for \$4,000 and Children's Center-Teen Court for \$26,703 for the Surry County Juvenile Crime Prevention Council's Raise the Age program. The funding was provided from expansion funds that the Juvenile Crime Prevention Council received and no County match is needed.

Requests from the Assistant County Manager:

- Approve the Public Works Director to purchase three tarps at a total cost of \$7,000-\$10,000.
- Approve reclassification of position #419604 from Maintenance Mechanic II to Maintenance Mechanic I.
- Approve a Blood Supply Agreement, as presented by EMS Director John Shelton and reviewed by County Attorney Ed Woltz, to provide blood as needed to EMS from Northern Regional Hospital.

Requests from the Interim Finance Officer:

- Approve Chris Knopf, Sandra Snow, Rhonda Nixon, Jean Pierre DeCelle and Jordan Wooten as deputy finance officers.
- Approve the following updated banking resolution to reflect changes in Finance staffing:

COMMERCIAL BANKING SERVICES RESOLUTION
OF County of Surry (the "County")

BE IT THEREFORE RESOLVED, that Surry County shall from time to time enter into such Commercial Banking Services related agreements with BB&T Bank as any one of the officers of the County named below deems appropriate in order to facilitate management of the County's cash resources.

RESOLVED FURTHER, that any one of the following officers is hereby authorized and directed, either now or at any such time hereafter as they may deem appropriate, to execute and deliver on behalf of the County the Commercial Banking Services related agreements and any and all schedules or exhibits to such agreements, and any other certificates or documents which are required in connection with such agreements.

RESOLVED FURTHER, that any one of the following officers is hereby authorized to act on behalf of the County in designating the authority to transfer its funds, make payment orders or give other orders or instructions, and do all other things that may be necessary or desirable in connection with the County's use of the Commercial Banking services that are the subject of the above-designated or described agreements or in connection with the County's performance of its duties and obligations under such agreements:

Name of Officer /Title:

Chris Knopf, County Manager
Sandra Snow, Assistant County Manager
Rhonda Nixon, Interim Finance Officer
Jean Pierre DeCelle, Financial Analyst
Jordan Wooten, Budget Analyst

RESOLVED FURTHER, that this resolution shall remain in full force and effect until written notice of its amendment or rescission has been given to and received by BB&T Bank in the manner and place designated by the agreements entered into pursuant to this authorization, and that no such notice shall affect any action taken or order or instruction made prior to its receipt.

THIS RESOLUTION is effective upon its adoption this the 6th day of January 2020.

- Approve Budget Amendment #8, Airport, as follows:

					Change # 8
The Board of County Commissioners approved an amendment to the FY2019-2020 Budget Ordinance at their meeting on January 6, 2020.					
ACCOUNT			PREVIOUS		REVISED
CODE		DESCRIPTION	AMOUNT	CHANGE	AMOUNT
<u>AIRPORT CAPITAL PROJECTS</u>					
<u>EXPENDITURES</u>					
<u>Corporate Area Development</u>					
99754989	51560	Professional Services - Engineering	480,000	274,031	754,031
99754989	561640	Projection Construction	0	1,377,000	1,377,000
		Increase departmental total	480,000	1,651,031	2,131,031
<u>REVENUE</u>					
99754989	43388	NC DOT Grant Aviation	480,000	1,651,031	2,131,031
		Increase fund totals.	8,119,500	1,651,031	9,770,531

- Approve surplus of a vehicle in the Narcotics Division. Asset #95295 will be used as a trade-in towards a replacement vehicle.

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

Chuck Koubenec spoke about the new County jail project and said citizens should be able to comment on the topic during a public hearing. He also said the project should be better defined with a specific price tag.

The following citizens spoke in favor of the Second Amendment Resolution: Larry Norman, Steve Jeffries, Steve Hiatt (not the Sheriff), Walter Harris, Kevin Shinault, Richard Merlot, Debra Cochran, Mark Stanley and Brian Parker.

The following citizens spoke in opposition of the Second Amendment Resolution: Ken Badgett and Ron Ashman.

Allen Jones asked the Board to use judgment and just prudence on the Second Amendment Resolution.

When asked by the Board, Sheriff Steve Hiatt voiced his support of the Second Amendment Resolution.

There being no further comments, Chairman Johnson closed the open forum.

Mark Jones, a citizen, presented a draft resolution to protect Second Amendment rights in Surry County. He described the history of the Second Amendment.

Commissioner Harris recommended an edit to the resolution to create more distinction between Surry County and sanctuary cities. He asked Ed Woltz, County Attorney, if his recommended language was acceptable, to which he responded yes.

Upon motion of Commissioner Tucker, seconded by Commissioner Marion, the Board voted unanimously to adopt the edited resolution, which follows:

WHEREAS, it is acknowledged that the right of individuals to keep and bear arms is under attack in the United States of America by elected officials from many levels of Government; and

WHEREAS, it is further recognized that the Constitution of the United States of America is the supreme law of the land, and the Second Amendment to the Constitution guarantees individuals have the right to keep and bear arms in a manner that shall not be infringed; and

WHEREAS, the Supreme Court of the United States has, through multiple rulings, upheld an individual's right to keep and bear arms when federal, state and local laws have sought to restrict this right; and

WHEREAS, the right to bear arms is necessary for self-defense, the defense of others including family members, the protection of individual liberty and for the preservation of our United States Constitution; and

WHEREAS, many Americans believe that Second Amendment rights are "God-given" rights and it is a law of nature that every creature can defend their lives from threats; and

WHEREAS, the Surry County Board of Commissioners wishes to express its deep commitment to protecting Surry County citizens' Second Amendment Rights; and

WHEREAS, the Surry County Board of Commissioners wishes to express opposition to any law, regulation or other act that would infringe on the Second Amendment Rights of Surry County citizens; and

WHEREAS, the Surry County Board of Commissioners expresses its intent for Surry County to stand as a **Constitutional Rights Protection County** for Second Amendment Rights by opposing any efforts by any entity to restrict these Rights. Opposition will include any means available under the U.S. Constitution and the laws of North Carolina including the withholding of funds, direction of County employees, legal action and other means as deemed necessary and legal.

NOW, THEREFORE, BE IT RESOLVED that the Surry County Board of Commissioners declares Surry County a Second Amendment **Constitutional Rights Protection County** and declares that Surry County Government will respect and defend the Second Amendment Rights of County citizens.

The Surry County Board of Commissioners implores the North Carolina Legislature and the United States Congress to preserve, uphold and protect the rights of all citizens to keep and bear arms under the United States Constitution and further implores the North Carolina Legislature and the United States Congress to reject any provision, law or regulation that may infringe, have the tendency to infringe or place any additional burdens on the right of law-abiding citizens to bear arms.

The Surry County Government will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings or offices for the purpose of enforcing or assisting in gun confiscation or other restrictions that infringe on the right to keep and bear arms by law abiding citizens as expressed in the Second Amendment to the United States Constitution.

The Surry County Government will utilize all legal means necessary to protect the Second Amendment Rights of Surry County citizens including, but not limited to, legal action.

Adopted the 6th day of January 2020 by the Surry County Board of Commissioners.

The Board took a 10-minute break.

The Board resumed the meeting.

Don Mitchell, Facilities Director, and Rhonda Nixon, Interim Finance Officer, presented a capital project ordinance and Budget Amendment #9, creating the capital project for the new construction of

the Law Enforcement Center & Jail, as well as a reimbursement resolution for the project's upfront costs.

Mr. Mitchell explained the phases and timeframes for the design phase and said the jail will consist of approximately 299 new beds with "core" space for up to 450 beds. The jail portion will be approximately 80,000 square feet and will be located on County-owned property off Snow Street in downtown Dobson. Co-located with the jail will be a replacement Sheriff's Law Enforcement Center of approximately 45,000 square feet, which includes Sheriff's offices and the 911 Center.

Commissioner Tucker asked if the jail cost goes down, will the design contract be reduced, as well. Mr. Mitchell and Chris Knopf, County Manager, said they would expect a credit or lower design contract cost if the jail cost is lowered.

Ms. Nixon explained that the reimbursement resolution means Surry County is paying itself back on the project. Commissioner Tucker said he has hesitation on the resolution because of the jail cost not being decided upon yet.

Commissioner Harris asked if the Elkin High School gym project is now a separate project, to which Mr. Knopf replied yes, it is a separate project. Sandy Snow, Assistant County Manager, told the Board that she expects costs for that project from Mr. Bill Powell by the next Board meeting. Mr. Knopf said he expects three sets of estimates will be provided.

Commissioner Marion provided jail overcrowding numbers, stating Surry County is spending money to house inmates elsewhere and the jail project is needed.

Chairman Johnson said Surry County does not have to raise taxes for the jail project and would utilize a 20-year loan.

Mr. Knopf said staff will request additional language be added to the design contract to state that the design contract will be lowered if the Board approves a jail project that costs under \$55 million.

No action was taken on the reimbursement resolution.

Upon motion of Commissioner Johnson, seconded by Commissioner Tucker, the Board voted unanimously to approve the following capital project ordinance and Budget Amendment #9 (shown below), creating the capital project for the new construction of the Law Enforcement Center & Jail:

LAW ENFORCEMENT CENTER & JAIL FACILITY
CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Board of Commissioners of the County of Surry that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, this capital project ordinance is hereby adopted:

SECTION 1: The project funds authorized are to be used for architectural design fees for a new law enforcement center and jail facility.

SECTION 2: The officers of this governmental unit are hereby directed to proceed with this capital project within the guidelines set by the budget herein.

SECTION 3: The following amounts are available for expenditures for the project:

A. Professional Services – Architect	<u>\$ 1,452,500</u>
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TOTAL PROJECT COSTS \$ 1,452,500

SECTION 4: The following revenues are anticipated to be available to complete this project and are hereby appropriated:

Transfer from General Fund \$ 1,452,500
 TOTAL \$ 1,452,500

SECTION 5: The Finance Officer is directed to report quarterly to the Board of Commissioners on the financial status of the project.

SECTION 6: The Budget Officer is directed to include an analysis of past and future costs and revenue for this capital project in each annual budget submitted to the Board of Commissioners for as long as this ordinance shall remain in effect.

SECTION 7: Any balance of appropriated funds which are unexpected at the conclusion of this project shall be reserved by the Board of Commissioners for use as provided by applicable law or regulation.

SECTION 8: Copies of this capital project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED BY THE SURRY COUNTY BOARD OF COMMISSIONERS this the 6th day of January, 2020.

					Change #9
The Board of County Commissioners approved an amendment to the FY2019-2020 Budget Ordinance at their meeting on January 6, 2020.					
ACCOUNT			PREVIOUS		REVISED
CODE		DESCRIPTION	AMOUNT	CHANGE	AMOUNT
<u>GENERAL FUND</u>					
<u>EXPENDITURES</u>					
<u>Transfers</u>					
1059810	59175	Trans to CP-County Buildings	0	1,452,500	1,452,500
		Increase departmental total	6,600,804	1,452,500	8,053,304
REVENUE					
1044000	49900	Unencumbered Balance	6,335,388	1,452,500	7,787,888
		Increase fund totals	76,642,124	1,452,500	78,094,624
<u>COUNTY CAPITAL PROJECTS</u>					
<u>EXPENDITURES</u>					
<u>Law Enforcement/Jail Facility (NEW)</u>					
99154307	51600	Architect Fees	0	1,452,500	1,452,500
		Increase departmental total	0	1,452,500	1,452,500
REVENUE					

99144307	49800	Transfer from General Fund (NEW)	0	1,452,500	1,452,500
Increase fund totals.			4,442,381	1,452,500	5,894,881

Upon motion of Commissioner Goins, seconded by Commissioner Marion, the Board voted unanimously to approve the phase II design development contract with Moseley Architects for new construction of a Law Enforcement Center & Jail, including language addressing a credit being applied.

Michella Huff, Director of Elections, presented an item about the acquisition of 28 ADA voting machines, which has already been budgeted.

Ms. Huff discussed the ADA voting machine purchase, totaling \$91,826, which was \$39,554 in savings from the previously budgeted amount. Ms. Huff said 28 2D scanners for each precinct still need to be purchased, at minimal cost, from the savings.

Upon motion of Commissioner Tucker, seconded by Commissioner Goins, the Board voted unanimously to approve the acquisition of 28 ADA voting machines.

Michella Huff, Director of Elections, discussed the recent precinct consolidation as an informational item.

Additional information is located in the Government Center shared drive under Administration: BOCC: Agenda Packets: 2020: January 6, 2020.

Michella Huff, Director of Elections, proposed to the Board enacting an ordinance to prohibit the use of temporary structures (pop-up tents) in parking lots of County-owned properties used at polling places.

Commissioners Goins, Tucker and Marion requested Ms. Huff come back to the Board with a compromise, to allow an assigned place for temporary structures.

Chairman Johnson asked who would be responsible for working with the public where to place their temporary structures. Commissioner Tucker suggested that the County Manager, Facilities Director, Director of Elections and Fire Marshal oversee the assignment.

Commissioner Tucker requested a room in the Elections Office be carpeted.

Ms. Huff will bring a revised temporary structure proposal back to the Board at a future meeting.

Ed Woltz, County Attorney, presented a revised Conflict of Interest Policy.

Chairman Johnson liked the revised policy.

Commissioner Tucker and Commissioner Harris commented that the policy is meant to protect employees.

Chairman Johnson said adjacent counties don't have this policy.

Board members discussed policy wording options.

Upon motion of Commissioner Tucker, seconded by Commissioner Harris, the Board voted 3-2 (Yeas and Nays below) to approve the following Conflict of Interest Policy:

Yeas: Commissioners Tucker, Harris and Marion

Nays: Chairman Johnson and Commissioner Goins

- (1) The Surry County Commissioners, Surry County Manger/Assistant Manager nor the Surry County Emergency Services Director/Assistant Director shall serve as Chief or Assistant Chief for a County-based (1) Rescue Squad; (2) Volunteer Fire Department; or (3) as Chairman of the Board for such an agency. Such service is construed as a conflict of interest per se and subjects the volunteer to disciplinary action consistent with the Surry County Personnel Ordinance; and
- (2) Neither the (A) Fire Marshal nor (B) Fire Prevention Inspectors shall serve as Chief or Assistant Chief for a County-based (1) Rescue Squad; (2) Volunteer Fire Department; or (3) as Chairman of the Board for such an agency. Such service is construed as a conflict of interest per se and subjects the volunteer to disciplinary action consistent with the Surry County Personnel Ordinance.

The Board took a five-minute break.

Chris Knopf, County Manager, presented a request from Brintle Enterprises to waive a late fee of \$461.61 for their September 2019 occupancy tax payment, which was late due to the loss of their office manager.

Upon motion of Commissioner Marion, seconded by Commissioner Tucker, the Board voted unanimously to approve waiving Brintle Enterprises' late fee of \$461.61 for their September 2019 occupancy tax payment.

Stephanie Conner, Communications Director, presented a request to change the current Surry County Fire (F4) Frequency from 158.745 to 151.4825 to improve communications.

Upon motion of Commissioner Goins, seconded by Commissioner Marion, the Board voted unanimously to approve the change in the Surry County Fire (F4) Frequency.

Chris Knopf, County Manager, presented a request from the Alice Simmons Mills estate administrator, Fred Johnson, to settle claims filed against the estate by Surry County EMS in the amount of \$757.67, which is one-half of the claim amount.

Upon motion of Commissioner Tucker, seconded by Commissioner Goins, the Board voted unanimously to approve the settlement in the amount of \$757.67.

Chris Knopf, County Manager, presented a Laurel Springs Sewer Extension Update for informational purposes.

Chris Knopf, County Manager, presented a National Radon Action Month Proclamation request from the NC Radon Program.

Upon motion of Commissioner Harris, seconded by Commissioner Marion, the Board voted unanimously to approve the following proclamation:

**Surry County Board of Commissioners Proclamation In Support of
National Radon Action Month In Surry County, NC**

WHEREAS, radon is a colorless, odorless, radioactive gas that may threaten the health of our citizens and their families; and

WHEREAS, radon is the second leading cause of lung cancer in the U.S. and is the leading cause of lung cancer in non-smokers; and

WHEREAS, the National Academy of Sciences estimates that up to 21,000 lung cancer deaths occur in the United States each year; and

WHEREAS, one in 15 homes across the U.S. have elevated radon levels; and

WHEREAS, any home may have elevated levels of radon, even if neighboring homes do not, and living in a home with an average radon level of 4 picocuries per liter of air poses a similar risk of developing lung cancer as smoking half a pack of cigarettes a day; and

WHEREAS, testing for radon is simple and inexpensive and radon problems can be fixed; and

WHEREAS, Surry County, the U.S. Surgeon General, the U.S. Environmental Protection Agency, the NC Department of Health and Human Services' NC Radon Program and the North Carolina Advisory Committee on Cancer Coordination and Control support efforts to encourage homeowners to test their homes for radon, have elevated levels of radon reduced; and

WHEREAS, many residents in Surry County don't know about radon, yet need to know, for the safety and health of their families and a proclamation of National Radon Action Month is an opportunity to educate individuals on the available measures to reduce radon;

NOW, THEREFORE, the Surry County Board of Commissioners do hereby proclaim:

JANUARY 2020 as National Radon Action Month

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

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

Upon motion of Commissioner Goins, seconded by Commissioner Harris, the Board voted unanimously for Surry County Government to assume day-to-day operational control at the Mount Airy/Surry County Airport, at the expiration of the Mount Airy/Surry County Airport Authority's existing Fixed Base Operator contract, consistent with the general management and financial services contract between the County and the Airport Authority, executed on May 17, 2017.

Upon motion of Commissioner Goins, seconded by Commissioner Marion, the Board voted unanimously to split Bryan Cave's Cooperative Extension Director position with Yadkin County, where he will work two days a week and three days a week in Surry County, and for a separate County Livestock Agent, in which Yadkin County and Surry County will cover 25 percent each and the State will cover 50 percent of the salary for a difference of \$2,729.

Upon motion of Commissioner Goins, seconded by Commissioner Marion, the Board voted unanimously to approve, but not release, the November 4, 2019 closed session minutes.

Upon motion of Chairman Johnson, seconded by Commissioner Goins, the Board voted unanimously to adjourn at 10:28 p.m.

Nathan Walls
Clerk to the Board