

Surry County Board of Commissioners
Meeting of October 4, 2021

The Surry County Board of Commissioners met at 6:00 p.m., October 4, 2021. The meeting was held in the Board Room, Historic Courthouse, Dobson, N.C.

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

Others present in-person for the meeting, at various times, were:
Chris Knopf, County Manager
Sandy Snow, Assistant County Manager
Ed Woltz, County Attorney
Johnny Easter, Development Services Director
Sheriff's Office Staff
Martha Brintle, MIS Director
Nathan Walls, Assistant to the County Manager
Bryan Cave and Extension Agents, NC State University
Dr. Kim Morrison and Dr. Sandy George, Mount Airy City Schools
Master Gardener Volunteers

Chairman Marion called the meeting to order, gave the invocation and led the Pledge of Allegiance.

Chairman Marion requested the Board review and approve the agenda. Upon motion of Commissioner Goins, seconded by Commissioner Johnson, the Board voted unanimously to approve the October 4, 2021 agenda.

Chairman Marion requested the Board consider the minutes of the September 20, 2021 Board meeting as presented. Upon motion of Commissioner Harris, seconded by Chairman Marion, the Board voted unanimously to approve the minutes as written.

Chairman Marion requested the Board consider the consent agenda. Chris Knopf, County Manager, described each item. Upon motion of Commissioner Johnson, seconded by Commissioner Goins, the Board voted unanimously to approve the consent agenda as follows:

Requests from the County Manager:

- Approve the Frontier Natural Gas Service Agreement and Right of Way Authorization for the new detention center property.
- Approve the second vote of the Solid Waste Collector Non-Exclusive Franchise Application/Renewal Form for Funkhouser Garbage Service. A second vote was needed pursuant to NCGS 153A-46.
- Approve an emergency purchase of \$20,875 with \$3,000 annual maintenance after the first year for the Sheriff's Office fingerprint equipment replacement.

Requests from the Assistant County Manager:

- Approve for the Parks & Recreation Director to purchase a diesel Caterpillar chipper, utilizing funds in the current department budget.
- Approve \$10,000 be set aside for the services of LT Consulting in the oversight of school construction projects.

Requests from the Finance Officer:

- Approve the appointment of Miranda Jones as Purchasing Agent.
- Approve Budget Amendment #2 for FY22, which follows:

					Change #2
The Board of County Commissioners approved an amendment to the FY2021-2022 Budget Ordinance at their meeting on October 4, 2021.					
ACCOUNT			PREVIOUS		REVISED
CODE		DESCRIPTION	AMOUNT	CHANGE	AMOUNT
GENERAL FUND					
EXPENDITURES					
Board of Elections					
1054170	51720	Contracted Services	13,800	12,900	26,700
1054170	52010	Supplies & Materials	55,000	14,354	69,354
1054170	52900	Small Equipment	0	4,275	4,275
1054170	54350	Printing	48,960	1,893	50,853
1054170	56010	Equipment	0	7,810	7,810
		Increase departmental total	610,077	41,232	651,309
Special Appropriations					
1054198	57123	Mountain to Sea Trail	100,000	(100,000)	0
		Decrease departmental total	530,692	(100,000)	430,692
Central Services					
1054200	56010	Equipment	125,000	(125,000)	0
		Decrease departmental total	294,850	(125,000)	169,850
Sheriff's					
1054310	52010	Supplies & Materials	125,000	11,268	136,268
1054310	52900	Small Equipment	0	656,564	656,564
		Increase departmental total	6,622,156	667,832	7,289,988
Communications					
1054325	56010	Equipment	0	63,449	63,449
		Increase departmental total	1,503,290	63,449	1,566,739
Earthquake Recovery Program Grant (NEW)					
1054346	51720	Contracted Services	0	80,000	80,000
1054346	52010	Supplies & Materials	0	10,000	10,000
1054346	53010	Building & Grounds Maintenance	0	10,000	10,000
		Increase departmental total	0	100,000	100,000
Emergency Services					
1054370	51500	Professional Services	60,000	17,506	77,506
1054370	52010	Supplies & Materials	70,000	5,617	75,617
1054370	52900	Small Equipment	0	182,910	182,910
1054370	56010	Equipment	385,749	130,053	515,802
		Increase departmental total	7,720,517	336,086	8,056,603
Home Health Grants Program					
1055155	51720	Contracted Services	313,591	(6,145)	307,446
		Decrease departmental total	459,503	(6,145)	453,358
Local Assistance					
1055321	57734	Eldridge Donations	2,500	4,684	7,184
1055321	57735	Foster Care Donations	2,000	(71)	1,929
1055321	57739	Links Special Account	6,000	45,308	51,308
1055321	57810	Adoption Promotional	50,000	76,095	126,095
		Increase departmental total	1,468,538	126,016	1,594,554
Mountain to Sea Trail (NEW)					
1056128	51500	Professional Services	0	12,500	12,500
1056128	51720	Contracted Services	0	5,000	5,000
1056128	52010	Supplies & Materials	0	15,000	15,000
1056128	52900	Small Equipment	0	2,500	2,500

1056128	53010	Building & Grounds Maintenance	0	25,000	25,000
1056128	55020	Rent-Buildings & Equipment	0	25,000	25,000
1056128	56010	Equipment	0	5,000	5,000
1056128	56500	Land Acquisition	0	10,000	10,000
		Increase departmental total	0	100,000	100,000
REVENUE					
1044000	49900	Unencumbered Balance	7,924,072	942,367	8,866,439
1044170	42210	Help America Vote Grant	0	41,232	41,232
1044346	43310	State Grant	0	100,000	100,000
1045155	42274	Corona Relief Act Funds	17,850	(6,145)	11,705
1045321	43385	Special Adoption Dollars	50,000	76,095	126,095
1045321	44600	Foster Care Donations	2,000	(71)	1,929
1045321	44602	Eldridge-Donations	2,500	4,684	7,184
1045321	44639	Links Scholarship	6,000	45,308	51,308
		Increase fund totals.	79,100,233	1,203,470	80,303,703
LANDFILL/RECYCLING FUND					
EXPENDITURES					
Landfill Operations					
6757420	55100	Capital Leases	491,420	(56,255)	435,165
6757420	56010	Equipment	25,250	265,901	291,151
		Increase departmental total	2,449,453	209,646	2,659,099
REVENUE					
6747420	48500	Insurance Refunds	0	69,902	69,902
6747420	49950	Retained Earnings	1,191,671	139,744	1,331,415
		Increase fund totals.	4,390,046	209,646	4,599,692

The Board recognized the Master Gardener volunteers for the work they have done on the gardens surrounding the Historic Courthouse in Dobson. Members, in-person and those unable to attend, were recognized with certificates.

The Board also recognized Extension Agents from NC State University, who provide County residents with agriculture, horticulture, gardening, beekeeping, 4-H youth development and other similar services. Each, who were in-person and those unable to attend, were recognized with certificates.

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

Gary York applauded the efforts of Bottomley Enterprises, which held a truck show event that raised \$351,000 for Brenner’s Children’s Hospital. He said approximately 350 trucks were on display. Mr. York described how the \$351,000 total grew exponentially from the \$20,000 figure that had

been raised only a few months ago. Chairman Marion praised the Board of County Commissioners for helping bring Bottomley Enterprises to Surry County a few years ago.

Gayle Straight played three audio/visual files for Commissioners to hear Gordon Recycling staff members using heavy equipment to offload/unload materials, reload materials and the continuous droning sound of running heavy equipment. She also said she can constantly smell diesel and gasoline fumes at her adjacent home. Ms. Straight described other property owners who live in the area, saying she is not sure how everyone sleeps and how children do homework.

Gayle Norman, a neighbor of Ms. Straight, said she hears the sounds during operating hours, also.

Seeing there were no further speakers, Chairman Marion closed the open forum.

Chairman Marion opened the public hearing for the Abatement of Health and Safety Nuisance Ordinance.

Johnny Easter, Development Services Director, presented the draft ordinance. The draft was the third version of the proposed ordinance. He said the ordinance would give the County the ability to solve problems that are currently not being addressed. Mr. Easter said the draft ordinance combines several general statutes and adds due process for appeal. He said the ordinance would serve as a last resort to solve health and safety nuisance issues. Mr. Easter explained how the process would work with the Code Enforcement Officer, Development Services Director and County Manager carrying out steps to declare a property a nuisance, which the owner could then appeal to the Board of Commissioners during a quasi-judicial hearing. He said the steps would address the approximate 1 percent of violators who don't comply. Ed Woltz, County Attorney, said the County always had NCGS 153A-140 to abate public health nuisances, but the proposed ordinance adds due process.

Mr. Easter said that in his research, Surry County's municipalities have ordinances to abate public health nuisances and surrounding counties have something similar, but don't have appeal rights. He said he hopes Surry County never has to use the process and that each situation will be handled on a case-by-case basis.

J.T. Henson said he had read NCGS 153A-140 and the proposed local nuisance ordinance - he said the local ordinance does not provide much specificity about what constitutes a nuisance. He said he would like to see more clarification about conditions and behaviors that are considered a nuisance. However, Mr. Henson said the can has been kicked down the road on the topic since February 2019. He asked the Board to pass the draft ordinance and amend it later, as needed for additional clarification.

Ms. Straight asked what the definition of a nuisance is in Surry County? She said if you can't enjoy your property, if you must change your habits because of an adjoining neighbor and if you can't use your property the way it is intended, is that considered a nuisance in Surry County? Mr. Woltz said she hit the nail on the head and explained how nuisances must be handled in civil court now - he said the nuisance ordinance would assist in fixing problems in the future if passed.

Commissioner Tucker addressed Mr. Henson, saying he was right, even though they rarely agree on the same topics - he said the draft ordinance was the most vague and ambiguous ordinance that could be written. Commissioner Tucker discussed a citizen's complaint about a loud air conditioner that bothers the citizen when they sleep. Commissioner Tucker said this would embark on something that will consume many hours. He provided examples of issues that might become cases. Commissioner Tucker

said that the Health & Nutrition Center Environmental Health Division already oversee public health issues to which Mr. Woltz said they don't oversee nuisances. Mr. Woltz added that there is due process with the proposed ordinance and after a case is heard by the Board of Commissioners, an appeal can be heard in Superior Court. Commissioner Tucker said he is not sure that the proposed ordinance would address issues on Galax Trail and at other properties. He said the ordinance would tie up too much of County staff's time. Commissioner Tucker shared his admiration for Mr. Easter and Mr. Woltz but said he was not in favor of the proposed ordinance.

Commissioner Johnson said NCGS 153A-140 could have been utilized all along and the draft ordinance just adds due process. Mr. Easter confirmed that was a correct statement. He said there will always be disputes between neighbors, but he would like to act with the proposed ordinance and grow with it.

Commissioner Harris discussed with Mr. Easter how the Code Enforcement Officer would be utilized with the ordinance and specifics of Forsyth and Wilkes counties' ordinances. Commissioner Harris said he has heard about many nuisance issues in meetings over the years and that the Health & Nutrition Center should be the primary adjudicator for public health. He said the proposed ordinance would cause too many issues between neighbors. Commissioner Harris said the ordinance may work in a place like Forsyth County, but thinks it could lead to Surry County trying to solve too many civil disputes between neighbors that they can solve themselves. He said these are primarily municipal problems. Commissioner Harris said most people in rural areas want to be left alone and that people move out of municipalities and into rural areas to get away from over regulation. He said these issues can be adjudicated in civil court and he won't support the draft ordinance.

Commissioner Goins said residents on Galax Trail tried to fix the issue with their neighbor, but it didn't work. He discussed the huge rats he saw on the property, as well as other similar issues that County residents deal with. Commissioner Goins said that it's time we do something to help people.

Commissioner Tucker echoed Commissioner Harris' comments about civil court being the appropriate adjudicator for these issues.

Commissioner Goins asked Mr. Woltz if the proposed ordinance could be any more specific and Mr. Woltz said this is what he came up with for the time being. Commissioner Harris and Mr. Woltz discussed the possibility of adding the word rodent, to which Mr. Woltz said perhaps, but he would have to look at the ordinance more. Mr. Easter said rodents are already addressed in the County's solid waste ordinance. In this part of the discussion, Commissioner Goins said he has received more phone calls about nuisance issues, other than Galax Trail, recently.

During the vote for the proposed ordinance, Commissioner Tucker said he thinks this will open Pandora's box, to which Chairman Marion said he doesn't think the ordinance will cause as many problems as Commissioner Tucker thinks.

Upon motion of Commissioner Johnson, seconded by Commissioner Goins, the Board voted 3-2 (Ayes: Marion, Johnson and Goins; Nays: Tucker and Harris) in favor of the Abatement of Health and Safety Nuisance Ordinance.

Since the decision was not unanimous in its first vote, the Board will vote on the item again at the October 18, 2021 Board meeting, pursuant to NCGS 153A-45.

Dr. Kim Morrison and Dr. Sandy George presented a request on behalf of Mount Airy City Schools to seek additional funding for property located

adjacent to Tharrington Primary School on Culbert Street in Mount Airy. The Board had already approved funding for the property acquisition on November 4, 2019 for \$61,121.18 and on September 7, 2021 for an additional \$30,879.

Dr. Morrison described the lengthy process that was involved in the property transaction that involved over 40 hours. Dr. George described the location of the 1-acre property.

Commissioner Johnson said the additional funding request concerned the Board at the September 7, 2021 meeting. He said the Board has helped with other school systems' requests to purchase property adjacent to schools for expansion efforts and he would be OK with demolition funding. Dr. Morrison said after the September 7 meeting, the Mount Airy City Schools Board of Education dedicated funding to demolition. She said if they could at least get funding for tree removal, she could go back to the Board of Education to request gravel and grading funding. Commissioner Johnson then said he would be OK with tree removal funding.

Commissioner Harris asked Mr. Knopf if the County's Public Works Department could demolish the house, which Mr. Knopf and Sandy Snow, Assistant County Manager, said they would discuss with staff.

Dr. George discussed the cost of engineering services.

The Board discussed a compromise of \$25,000 additional for tree removal to be approved at the meeting and if any more funds were needed, the Board would consider them in the FY23 Mount Airy City Schools budget request.

Upon motion of Commissioner Johnson, seconded by Commissioner Goins, the Board voted unanimously to allocate an additional \$25,000 to Mount Airy City Schools for tree removal on the Culbert Street property adjacent to Tharrington Primary School and revisit any needed additional funding in the FY23 budget.

Mr. Knopf presented a request for the Board to approve the 2022 County Commissioners' Calendar, which shows 2022 meeting and holiday dates.

Upon motion of Chairman Marion, seconded by Commissioner Harris, the Board voted unanimously to approve the 2022 County Commissioners' Calendar.

Mr. Knopf presented Piedmont Authority for Regional Transportation (PART) ridership numbers following a request PART had made to receive Board approval to apply for a grant that would extend Route 6 in Surry County.

Commissioner Tucker discussed ridership numbers, which were low, saying that the numbers don't justify approving PART to apply for the grant. Mr. Knopf said he believes the funding is Federal dollars that pass through the State.

The Board discussed how Randolph County was the only other rural county with PART bus service. The Board also discussed how PART is seeking permission to apply for grant funds that they haven't been able to apply for in the past, due to NCDOT regulations.

The Board did not want to give PART permission to apply for the grant.

At Commissioner Johnson's request, Commissioner Tucker asked Mr. Knopf if Surry County can cut funding to PART that is generated from

rental car revenue. Mr. Knopf said that he would investigate and report back.

Mr. Knopf requested the Board appoint Dr. Richard Brinegar, Animal Ark of Elkin, to the veterinarian position on the Surry County Board of Health, on their behalf.

Upon motion of Commissioner Johnson, seconded by Commissioner Tucker, the Board voted unanimously to appoint Dr. Richard Brinegar to the veterinarian position on the Surry County Board of Health.

Mr. Woltz presented the Interlocal Agreement for Spencer's Mill funding to be provided to the City of Mount Airy for a proposed downtown hotel project. Surry County and Mount Airy have agreed to a County contribution of up to \$1.5 million with the agreement that if Mount Airy could find additional funding to help with the project, it would lessen the County's contribution by half of the additional dollars received. Commissioner Johnson provided a simple example that if the City were to receive \$500,000 funding from another source, it would lower the County's contribution to \$250,000.

Commissioner Johnson said that he believes that Sunhouse Development Company has not purchased the property yet. Mr. Woltz and the Board discussed the right course of action to take at the meeting. Mr. Woltz said an interlocal agreement is recommended because miscommunication can happen.

Mr. Knopf advised to first confirm Mount Airy has the development agreement in place with Sunhouse Development Company before executing the agreement. Commissioner Johnson said he would not be in favor of the interlocal agreement if the hotel brand associated with the property is not of a certain caliber.

The Board agreed to table the item until a later date.

Mr. Knopf said there would be no closed session at the meeting.

In General County Business, Commissioner Johnson asked the Board to reschedule the Thursday, November 18 Airport Authority meeting to Tuesday, November 16 at 6 p.m. in the Historic Courthouse since the City of Mount Airy is meeting on Thursday, November 18. Two Airport Authority members serve on the City of Mount Airy Board of Commissioners. The Board reached consensus to reschedule the meeting to Tuesday, November 16.

Commissioner Harris discussed the new State Veterans Cemetery coming to the State Road area, thanks to the generous donation of 167 acres of property by Nancy Barlow McKnight.

Commissioner Tucker recited an email from Chief Deputy Paul Barker, saying that Sheriff Steve Hiatt is not prepared to move forward with the previously discussed inmate litter collection program. Mr. Knopf said funding for the program and third-party litter pickup had been approved and staff was doing its due diligence to get the efforts initiated. He contacted the Sheriff's Office requesting cost estimates for their portion of the program. Mr. Knopf said that an RFP for the third-party litter efforts is being reviewed by the Finance Office. He said when the County receives bid proposals for the third-party pickup, they will be brought back to the Board for selection. Mr. Knopf said the Sheriff wants to discuss inmate litter collection programs with other sheriff departments before enacting the program in Surry County. Commissioner Tucker said he thinks we need to see more than an email about the program going forward.

Chairman Marion announced he officiated a wedding over the weekend.

Upon motion of Commissioner Goins, seconded by Commissioner Tucker, the Board voted unanimously to adjourn at 8:05 p.m.

Nathan Walls
Clerk to the Board