

**At a Budget Work Session of the Sussex County Board of Supervisors on
Thursday, March 31, 2011, 5:00 p.m., in the
General District Courtroom, Sussex Judicial Center**

BOARD MEMBERS PRESENT

T. Wayne Birdsong
Wayne M. Harrell

Charlie E. Caple, Jr.
Harris L. Parker

C. Eric Fly, Sr.
Rufus E. Tyler, Sr.

STAFF PRESENT

George E. Morrison, III, Interim County Administrator
Jerry L. Whitaker, Director of Finance
Henry A. Thompson, Sr., County Attorney
George A. Taylor, Environmental Inspections Supervisor
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order

The March 31, 2011 Budget Work Session of the Sussex County Board of Supervisors was called to order by Chairman Parker.

Item 2. Approval of Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the agenda of the March 31, 2011 Budget Work Session of the Sussex County Board of Supervisors is hereby approved; to wit: (1) Item 3 Vehicle Purchase for Environmental Inspections; (2) Item 4, Fiscal Year 2012 Budget Deliberation; (3) Item 5, Pay Increase for Two Sheriff's Department Employees – Request; (4) Item 6 Line of Duty Action Presentation; (5) Item 7, General Redistricting Procedures; (6) Item 8, Shooting Range; (7) Item 9, Closed Session; (8) Item 10, Return to Open Session; (9) Item 11, Board's Action on Closed Session Items (10) Item 12, Recess/Adjournment; add Personnel Matters to Closed Session, for discussion of County Administrator Interview Update and Overview of Fair Labor Standards Act as it relates to County personnel, applicable Code Section, Section 2.2-3711(A)(1).

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

Item 3. Vehicle Purchase for Environmental Inspections

George E. Morrison, Interim County Administrator, reported that at a previous meeting of the Board, he advised the Board of the serious and poor condition of the Environmental Inspections vehicle at the landfill. It was discussed that the Inspectors at the landfill need a vehicle to take up on the landfill as well as have a reliable vehicle for the road.

As part of the presentation at the previous meeting, he stated that he presented information on a vehicle currently held at the State's Surplus identified by Mr. Montaque Gilliam, Building and Grounds Supervisor. The vehicle is a 1999 Ford F150 Pickup Four Wheel Drive 4.6L V8 F1 SOFC 16V, 105,500+/- miles, in decent condition. The Board of Supervisors requested that Mr. Gilliam take a mechanic with him to inspect the vehicle first hand. In response to that request, Mr. Gilliam took one of the School Board's mechanics to inspect and drive the vehicle to assess its condition. Additionally, a CARFAX report was completed on this vehicle.

In his assessment of the vehicle, the School Board's mechanic deemed the vehicle is in good running condition and didn't see any problems with the truck. The CARFAX report indicated that there has been one owner for this vehicle and it has been registered in the Commonwealth of Virginia for its entirety since 1999. It was a leased vehicle until taken into the state's surplus system.

Action Requested: The Board of Supervisors is requested to take action to purchase this vehicle for Environmental Inspections. A motion is required to purchase the 1999 Ford F150 in the amount of \$3,275.00.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the purchase of a 1999 Ford F150, Vehicle ID #1FTRF18W0XNA48485, from the State's Surplus, for Environmental Inspections, in the amount of \$3,275.00.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

Item 4. Fiscal Year 2012 Budget Deliberation

Jerry L. Whitaker, Director of Finance, provided updated budget sheets to the Board.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of reducing the Schools' budget by \$500,000.00 for Fiscal Year 2012.

Voting aye: Supervisors Birdsong, Fly, Harrell, Parker

Voting nay: Supervisor Tyler

Abstaining: Supervisor Caple

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of including landfill revenues (tipping fees) of \$5.5 million dollars in the Fiscal Year Budget 2012.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby eliminates the

\$10,000.00 that was initially included for the purchase of a computer for the Building Official's Fiscal Year 2012 budget.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Tyler

Voting nay: Supervisor Parker

The Board held a brief discussion regarding Social Services budget, as it relates to salaries, matching funds.

ON MOTION ON SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the Interim County Administrator to obtain from the Director of Social Services, the following: the percentages of Social Services payroll that is paid directly from federal funding, from state funding, from local funding and what part of payroll positions are totally County funded.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

Supervisor Fly raised questions regarding Housing Programs being provided in the City of Emporia, County of Greenville and County of Surry.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried RESOLVED that the Sussex County Board of Supervisors hereby directs the Interim County Administrator and Housing Programs Coordinator to develop and analyze The Housing budget; and calculate the number of vouchers whereby tenants are served in the City of Emporia and the Counties of Surry and Greenville to determine if this system is advantageous to Sussex County; and

FURTHER RESOLVED that this information shall be provided at the April 21, 2011 meeting of the Board of Supervisors.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

Supervisor Fly stated that he is not convinced that Sussex County needs a Finance Director. He believes that the Treasurer and Finance Office provide the same services and perform the same functions. He further stated that he would like to eliminate the Finance Office and shift one person over to the Treasurer's Office.

Supervisor Birdsong asked that if we eliminated the Finance Department, and everything is placed in the Treasurer's office, where will the checks and balances come in.

Supervisor Caple stated that he disagrees with the elimination of the Finance Department because a previous Board saw the need for the position and that is why it was created.

Supervisor Harrell asked why the position was created if it was not needed.

Supervisor Tyler advised, to not have a fiscal officer in this day and time would mean that the County is moving backwards. Sussex is one of the few Counties that has a Director of Finance who is a CPA. He further advised that there is some discussion at the state level about elimination of the Treasurer's position.

Supervisor Parker stated that in the past that there was one person paying bills and processing payroll. If you want the County to be fiscally responsible, that's the way to grow. The Treasurer is not required to have the same qualifications as a Director of Finance. Supervisor Parker recommended that if the Board proceeds in the direction of eliminating the Director of Finance position, he believes it would hurt the County – it is a checks and balance system and the offices need to remain separate.

Supervisor Fly state that he hopes that the Director of Finance is more than a hood ornament.

Jerry L. Whitaker, Director of Finance, advised that he is the staff person who caught an embezzlement in the past. It is his responsibility to make sure that the tax payers dollars are spent wisely.

Supervisor Fly suggested that this discussion be closed.

Mr. Whitaker stated that if the Board makes a decision to combine the two departments, the Board may not have a clean audit and he further advised that he hopes that the County will recognize his qualifications as a Certified Public Account and recipient of the Certified Government Finance Manager. Mr. Whitaker also stated that the Treasurer is not qualified to perform the job of a Director of Finance, because to be the Treasurer, the only educational requirement is that of a high school graduate.

Supervisor Fly stated that it is not his intent to criticize Mr. Whitaker, but he is looking at another avenue in which to save the County some money. He further stated that he cautions Mr. Whitaker on his comments regarding a constitutional officer.

Item 5. Pay Increases for Two Sheriff's Department Employees – Request

George E. Morrison, III, Interim County Administrator, addressed the Board regarding the salary increase of two Sheriff's Department's employees salaries; (1) An annual salary increase from \$36,445.00 to \$38,290.00 is being requested for Janette Epps; (2) An annual salary increase from \$36,444.00 to \$40,180.00 is being requested for Gwendolyn Maxwell.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a re-grade from Grade 13, Step 3 to a Grade 15, Step 3, increasing the annual salary for Sergeant Gwendolyn Maxwell from \$36,444.00 to \$40,180.00, effective April 1, 2011.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRSSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a two step increase for Janette Epps, raising the annual salary from \$36,445.00 to \$38,290.00, effective March 1, 2011.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

Item 6. Line of Duty Act Presentation

Jerry L. Whitaker, Director of Finance, provided information on the Line of Duty Act. This Act was created in 1966 to provide a Death Benefit to public safety employees killed in the Line of Duty. It is generally understood that public safety employees means law enforcement and correctional officers, firefighting, EMT and paramedics and volunteer fire and rescue personnel. Mr. Whitaker explained that the Board needs to make a decision by July 1, 2011. (A copy of the report from VACORP is retained in the March 31, 2011 Board packet).

The Board asked the Director of Finance to check insurance rates with the Virginia Municipal League and try to provide an answer regarding the Line of Duty Act.

Item 7. General Redistricting Procedures

Henry A. Thompson, Sr., County Attorney, provided a brief report on the redistricting program.

Supervisor Birdsong suggested that the Board meet with County Attorney Thompson to discuss the redistricting process.

By general consensus, the Board set a meeting for the discussion of redistricting process for Tuesday, April 12, 2011, beginning at 5:00 p.m.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG, and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates \$2,500.00 for expenses related to the hiring of a GIS specialist to assist with the redistricting process.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: Supervisor Tyler

Item 8. Shooting Range

Supervisor Parker would like to further the discussion of the shooting range in hopes that a decision can be made that all Board members are comfortable with.

Supervisor Harrell advised that he would agree that shooting ranges be allowed with a conditional use permit.

Supervisor Birdsong explained that the state may be eliminating conditional use permits. Commercial ranges are businesses and could require a business license.

The Board of Supervisors, by general consensus asked the County Attorney to communicate with the Planning Commission on the amendments as discussed and report to the Board at a later meeting.

(Supervisor Tyler left at 8:07 p.m.)

Item 9. Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session for the following: (a) Discussion of Acquisition of Real Estate, applicable Code Section 2.2-3711(A)(3), for the construction and development of an Industrial Park and the negotiation strategies of the County; (b) Discussion of County's legal contract with property owners regarding Mega-Site, applicable Code Section 2.2-3711(A)(30); and (c) Personnel Matters, for a discussion relating to the County Administrator's Interview Update and Fair Labor Standards Act as it relates to County Personnel.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

Item 10. Return To Open Session

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors has convened a Closed Meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-3712 of the Code of Virginia requires a certification by Sussex County Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered by the Sussex County Board of Supervisors.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

Item 11. Board's Actions on Items Discussed in Closed Session

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the Interim County Administrator to attend an auction on Saturday, April 9, 2011 and bid up to \$1.2 million dollars on property identified as Tax Parcel 165-A-19, 77.15 acres; Tax Parcel 165-A-19b, 36.51 acres; and residue of Tax Parcel 165-A-19, 423.63 acres.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE, and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the Interim County Administrator to execute an agreement with the representatives of the Peebles Property, to offer a \$250,000.00 non-refundable option for an 18 month extension with a clause to relinquish the option, if needed.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

Item 12. Recess/Adjournment

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the March 31, 2011 Budget Work Session of the Sussex County Board of Supervisors hereby recessed until Tuesday, 6:00 p.m. April 12, 2011 for a Redistricting Workshop.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker,

Voting nay: none