

**At a Regular Meeting of the Board of Supervisors Meeting
Held in the General District Courtroom on
Thursday, August 20, 2015 – 7 pm**

BOARD MEMBERS PRESENT

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

STAFF PRESENT

Deborah A. Davis, County Administrator
Vandy V. Jones, III, Deputy County Administrator
Michael F. Kaestner, County Attorney
Raymond R. Bell, Sheriff
Ellen G. Boone, Commissioner of the Revenue
Shilton R. Butts, Assistant to County Administrator/Deputy Clerk
Deste J. Cox, Chief Deputy Treasurer
Anne K. Ellis, Accounts Payable Clerk
Andre M. Greene, Director of Community Development
Michael Kessinger, Officer
Valarie Ricks, Lieutenant
Lorenzo D. Turner, Assistant to the Director of Community Development
Eddie T. Vick, Public Safety Officer
Gary Williams, Circuit Court Clerk
Onnie L. Woodruff, Treasurer
Rachel Yates, Director of Finance and Operations for the Public Schools

Item 1. Call To Order/Determine Quorum

The August 20, 2015 meeting of the Board of Supervisors was called to order by Chairman Hamlin.

Item 2. The Invocation

The Invocation was offered by Supervisor Fly.

Item 3. The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

Item 4. Agenda Amendments

Staff requested the following agenda amendments:

1. Under the Consent Agenda, add Item 6d, Request for Restoration of Funds – Sheriff’s Department \$2,003.00.
2. Under the Consent Agenda, add Item 6e, Request for Restoration of Funds – Public Safety \$2,107.70.
3. Under the Consent Agenda, add Item 6f, National Suicide Prevention Month Proclamation (Requested by District 19 Community Service Board).
4. Under the Consent Agenda, add Item 6g, Request to Accept and Appropriate DMV Highway Safety Grant, Sheriff Department \$7,999.00.
5. Under the County Administrator’s Report, delete Item 2, Iluka Update.
6. Under the County Administrator’s Report, add Animal Control Update as Item 2.
7. Under the County Administrator’s Report, delete Item 3, Request for Qualifications, Community Improvement Grant for the Pocahontas.
8. Under the County Administrator’s Report, add “Draft” Special Events Regulations as Item 3.
9. Under the County Administrator’s Report, add Item 6, Letter from Town of Wakefield.
10. Under the County Administrator’s Report, Supervisor Fly requested to delete Item 4, Information Requested by Board member (tabled from July 16, 2015).
11. Under the County Administrator’s Report, Supervisor Fly requested to add the Budget as Item 4.
12. Under the County Attorney’s Report, add Request for Approval to Codify the Noise Ordinance as Item 1.

County Administrator Davis noted that under the Superintendent of Schools, the Superintendent of Schools’ Request has been revised.

Item 5. Approval of Regular Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the August 20, 2015 regular agenda of the Sussex County Board of Supervisors meeting is hereby approved to include the following amendments: (1) under the Consent Agenda, add Item 6d, Request for Funds – Sheriff’s Department \$2,003.00; (2) under the Consent Agenda, add Item 6e, Request of Funds – Public Safety \$2,107.70; (3) under the Consent

Agenda, add Item 6f, National Suicide Prevention Month Proclamation (Requested by District 19 Community Service Board); (4) under the Consent Agenda, add Item 6g, Request to Accept and Appropriate DMV Highway Safety Grant, Sheriff Department \$7,999.00; (5) under the County Administrator's Report, delete Item 2, Iluka Update; (6) under the County Administrator's Report, add Animal Control Update as Item 2.; (7) under the County Administrator's Report, delete Item 3, Request for Qualifications, Community Improvement Grant for the Pocahontas; (8) under the County Administrator's Report, add "Draft" Special Events Regulations as Item 3; (9) under the County Administrator's Report, add Item 6, Letter from Town of Wakefield; (10) under the County Administrator's Report, Supervisor Fly requested to delete Item 4, Information Requested by Board member (tabled from July 16, 2015); (11) under the County Administrator's Report, Supervisor Fly requested to add the Budget as Item 4; and, (12) under the County Attorney's Report, add Request for Approval to Codify the Noise Ordinance as Item 1.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

Item 6. Approval of Consent Agenda

In the July 16, 2015 Board of Supervisors minutes, the motion for the Tobacco Commission Grant #3008 in the amount \$829,350.00 was accepted. However, the appropriation wasn't included in the motion; only the appropriation for the local match of \$92,150.00 was included in the motion.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the amendment of the July 16, 2015 Board of Supervisor minutes to accept and appropriate the Tobacco Commission Grant #3008 in the amount of \$829,350.00.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby amends the July 16, 2015 minutes to reflect the change of Bill Collins from the Blackwater District to the Courthouse District.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) amended Minutes of July 16, 2015 Meeting; (b) Warrants and Vouchers; (c) Acceptance and Appropriation of Department of Criminal Justice Services Victim Witness Grant #16-S9574VG15, \$56,903.00; (d) Request for Funds – Sheriff's Department \$2,003.00; (e) Request of Funds – Public Safety \$2,107.70; (f) National Suicide Prevention Month Proclamation (Requested by District 19 Community Services Board); and, (g) Accept and Appropriate DMV Highway Safety Grant, Sheriff Department \$7,999.00.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

Item 7. Motion to Enter Public Hearing

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters into Public Hearing to consider Ordinance Amendment #2015-02, Solar Energy Ordinance.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

a. Ordinance Amendment #2015, Solar Energy

Lorenzo Turner, Assistant to the Director of Community Development, provided staff report.

Article XXIII. Solar Energy Regulations

This article is intended to guide the development of solar energy in Sussex County while protecting the public health, safety and general welfare of the community. All regulations and procedures set forth in the zoning ordinance shall apply unless modified in this article.

Sec. 16-390. Definitions

Applicant – means the person or entity who submits an application to the county for a permit to construct or operate a solar farm pursuant to this article.

Solar collector means a device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the purpose of transforming solar energy into thermal, mechanical, chemical or electrical energy.

Solar energy means radiant energy received from the sun that is collected in the form of heat or light by a solar collector.

Solar farm means a use of land where a series of solar collectors are placed in an area for the purpose of converting solar energy into electrical power for interconnection with the power grid primarily for off-site energy consumption. The term includes any associated cabling, devices, equipment, and structures located on site that are associated with the operation of a solar farm. The use of solar collectors for residential or business consumption that occurs on-site is not considered a solar farm.

Sec. 16-391. Allowable Zoning Districts

- A. Upon issuance of a conditional use permit by the governing body and in accordance with the standards set forth in this article, solar farms shall be permitted in the A-1 (General Agricultural), I-1 (Limited Industrial) and I-2 (General Industrial) zoning districts.
- B. Solar collectors not associated with a solar farm shall be permitted in any zoning district, provided they conform to the standards outlined in Section 16-392(B).

Sec. 16-392. Development Standards for Solar Energy Uses

A. Solar farms shall conform to the following development standards:

1. Height

- No aspect of a solar farm shall exceed 25 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.

2. Setbacks

- All aspects and components of a solar farm shall meet the minimum zoning setbacks for the zoning district in which it is located.

3. Transmission Lines

- Any new electrical transmission lines associated with a solar farm may be located either above or below ground.

4. Screening

- Solar collectors that are located more than one hundred fifty (150) feet from an adjacent public street right-of-way, residentially zoned property, or residential use shall not require screening;

- Solar collectors that are located less than one hundred fifty-feet (150) from an adjacent public right-of-way, residentially zoned property, or residential use shall be screened from view of such adjacent public right-of-way, residentially zoned property or residential use utilizing natural vegetation as approved by the Department of Community Development. Such vegetative buffers shall be appropriate to the location of the site, the adjacent land use, and the area topography.

5. Site Plan Requirements

– Solar farms shall be developed in accordance with an approved site plan. Site plans must adhere to the standards outlined in Article XII, Sections 204 and 205 of the Zoning Ordinance.

6. Approved Solar Components

- Electric solar farm components must have a UL listing or equivalent and must be designed with anti-reflective coating(s).

-Building and electrical plans for the solar farm shall be submitted to the Building Official for review and approval to ensure compliance with all applicable building and electrical codes.

7. Utility Notification

Unless the applicant is a public service corporation or is an affiliate of a public service corporation, no solar farm shall be approved until evidence has been given to the Department of Community Development that the applicant has entered into a power purchase agreement or an asset purchase agreement with a public service corporation.

8. Decommissioning

- The owner or operator of a solar farm shall completely decommission the solar farm within twelve (12) months if the solar farm ceases to generate electricity for a continuous period of twelve (12) months. This period may be extended by the Planning Commission if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.

-Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing, and any other associated equipment, facilities and structures to a depth of at least 36 inches.

-Disturbed earth shall be graded and re-seeded.

-To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction of any solar farm by natural or man-made causes, Sussex County requires the placement of a surety/performance bond or certified check meeting certain terms and in certain amounts as determined by the Sussex County Community Development Department to ensure that such decommissioning or removal is completed expeditiously, and at no cost to the landowner.

9. Miscellaneous Provisions for Solar Farms

- The perimeter of a solar farm shall be secured through the use of security fencing of a least six (6) feet in height.

- The owner or operator of a solar farm shall provide for and maintain reasonable means of access for emergency services.

B. Solar collectors not associated with solar farms

- Roof-mounted or ground-mounted solar collectors shall not exceed the square footage of the principal structure or use and shall meet the following requirements:
 - Solar collectors shall be configured to avoid glare and heat transference to adjacent properties.
 - Ground-mounted solar collectors shall not be located within ten (10) feet of any side or rear lot line.
 - Ground-mounted solar collectors located within a front yard shall meet the minimum setback required for the principal structure or use in the applicable zoning district where located and shall be sited as far back as the principal structure or use.
 - The maximum height of a ground-mounted solar collector shall be 15 feet as measured from the grade or base of the collector to its highest point and shall not exceed the height of the principal structure or use.
 - Roof-mounted solar collectors shall not extend beyond the exterior perimeter of the building or structure on which mounted or built and shall not exceed the maximum height for the applicable zoning district where the building or structure is located.

b. Public Comment

Comments were here from the following:

Anne Joyner (Wakefield District)
Bill Collins (Courthouse District)
Antionette Jones (Stony Creek District)
Chip Parker (Wakefield District)
Shawn Goodwyn (Blackwater District)

c. Board Comment

Comments were heard from the following Board members:

Supervisor Warren was concerned with what would the County generate and or gain by accepting ordinance. He didn't see any evidence, information in packet, of where the County would receive any money. Sussex is an agricultural county. There are jobs and business that rely on agriculture.

Supervisor Fly advised that he didn't have a problem with the ordinance if solar farms aren't allow in areas zoned A-1, and are left in areas zoned I-1 and I-2. Sussex County is an agricultural-based economy. Supervisor Fly believes the County has to protect the agricultural base. He also suggested that the Board may want to table this item to do further research.

Chairman Hamlin is concerned with the rights of private citizens and their land and their ability to make a decision with what they, the citizen wants to do with their own land. He is also concerned with the 20 megawatts regarding tax purposes.

Vice Chairman Caple is concerned with the long term effects of the solar energy. He was also concerned with what effect would it have if the County doesn't have solar energy if industries coming to the County needed it.

Supervisor Stringfield wanted to inquire of landowners, in attendance, their position on solar farms/energy.

Supervisor Futrell agreed with the suggestion to send ordinance back to the Planning Commission to get farmer's input and to see if the ordinance would make it through the Planning Commission.

Andre Greene, Director of Community Development, advised that the Code states that if 20 megawatts or less is generated, equipment can't be taxed; however, land is still taxable.

d. Return to Regular Session

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to regular session.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

e. Action on Ordinance Amendment #2015-02, Solar Energy

No action was taken on Ordinance Amendment #2015-02.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns Ordinance Amendment #2015-02, Solar Energy, to the Planning Commission for further consideration ; and

WHEREAS the Planning Commission is to invite farmers to the Planning Commission meeting to address concerns and then bring Ordinance Amendment #2015-02, Solar Energy, back to the Board of Supervisors.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

Item 8. Appointments

- a. **Social Services Board – Courthouse District:** There is a vacancy on the Social Services Board due the resignation of one of the members who resides in the Courthouse District. Supervisor Fly nominated Lou Savedge, 27463 Sussex Drive, Waverly, VA 23890, to serve on the Social Services Board for the Courthouse District for a term expiring June 30, 2016.

Ms. Savedge is a long time resident of Sussex County. She graduated from Virginia Commonwealth University with an undergraduate degree in Social Services. She has a Master's Degree in Social Services. Ms. Savedge is a retired social worker and has served as the Director of Social Services for several organizations.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Lou Savedge, 27463 Sussex Drive, Waverly, VA 23890 to the Social Services Board for the Courthouse District for a term expiring June 30, 2016.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

Item 9. Staff/Committees/Organization/Standing Reports

Item 9a. County Administrator's Report

1. Presentation of Funds from Department of Forestry, Dennis Gaston

Dennis Gaston from the Department of Forestry gave a brief presentation to the Board. Mr. Gaston advised the Board that the Department of Forestry acquired about 2,200 acres of land now called the Big Woods State Forest. The State Forest system entire budget comes essentially from timber sales. Every year the Department of Forestry harvests timber through clear cut or thinning operations with forest management afterwards of replanting. Last year, the Big Woods had two (2) clear cuts.

Since the Department of Forestry is a state agency, real estate taxes aren't paid. In lieu of paying real estate taxes, the Department of Forestry shares twenty-five percent (25%) of the timber sales. Mr. Gaston presented the Board with a check in the amount of \$100,567.78

2. Animal Control Services Update List

Eddie Vick, Public Safety Coordinator, provided an update. Mr. Vick advised that as of July 1, 2015, Animal Control Services is under the Public Safety Department. Mr. Vick is in the process of evaluating the operation of Animal Control Services.

Mr. Vick also provided a report regarding calls, adoptions and euthanization at the Animal Shelter. Mr. Vick also advised clean up and landscaping had been done by the Animal Control Staff.

A copy of the monthly report is included in the Board packet.

3. "Draft" Special Events Regulations

Supervisor Fly stated that he has received a lot phone calls regarding the "Draft" Special Event Regulations stating the ordinance needs to be stopped. Supervisor Fly is concerned with the fact that since the ordinance has been brought to the County, something has to be done.

Board members and citizens discussed the “Draft” Special Events Regulations. The Board recommended that the draft be taken back to the Planning Commission for further discussion.

A copy of the “Draft” Special Event Regulations was provided to Board members and citizens. The “Draft” Special Event Regulations reads:

An ordinance to amend the Sussex County Zoning Ordinance by amending Chapter 16, Section 16-22 (Use Regulations) and adding a new section numbered 16-22.1:

61) Special events in accordance with Section 16-22.1.

Section 16-22.1. Special Event Regulations

(a) *Definition.* Special event means any temporary organized gathering expected to attract no more than 500 persons at one time. Special events include, but are not limited to, agricultural expositions, craft fairs, carnivals, circuses, weddings, receptions, banquets, conventions, church revivals, family reunions, concerts, festivals, parades, celebrations, fundraisers or similar activities, excluding those gatherings at sporting, academic, graduation and commencement exercises sponsored by the county school system or, other educational institutions, as well as those gatherings, meetings or congregations sponsored by the federal, state or local government and further excluding those gatherings, meetings, congregations to be held entirely within an enclosed building.

(b) *Exclusions.* Events that are associated with residential uses including private parties, gatherings and similar activities that are not subject to a use agreement, contract, or collection of a fee between a private individual or group and a property owner or organization are not defined as a special event and are not regulated under this section.

(c) *Duration of Special Events.* Special events shall typically be conducted on a single day, but may be conducted for up to five (5) consecutive days.

(d) *Limitations on Frequency of Special Events.* No more than twelve (12) special events may be held in any calendar year at any property that adjoins a residential property or where a residential dwelling exists without obtaining a conditional use permit.

(e) *Conditional Use Permits for Special Events.* Any person seeking to hold more than twelve (12) special events in -a calendar year at a particular property that adjoins a residential property or where a residential dwelling exists must obtain a conditional use permit.

(f) *Events with More Than 500 Attendees.* Any person seeking to hold an event where more than 500 persons are expected must obtain a mass gathering permit in accordance with Article IV of Chapter 9 of the County Code.

(g) *Compliance with Noise. Ordinance.* All special events are subject to the noise ordinance of Sussex County.

4. Budget

Supervisor Fly provided a handout to the Board members for reference.

Supervisor Fly wanted to express to the citizens, the importance of the public hearing scheduled for the budget on September 17, 2015.

The County needs to put additional money into the budget to complete projects. It is Supervisor Fly's understanding that it was reported that the budget reflected an 11.35% reduction below the FY2015's budget. He wants clarification that if the funds for the capital improvement projects are added back to the budget, will there still remain an 11.35% reduction or will this reduction no longer be?

Supervisor Fly's concern is that it is his understanding, from the advice of the former Director of Finance, that as long as there was a reduction, the County's taxes would not be increased.

County Attorney Kaestner advised that the public hearing scheduled for September 17, 2015 is a hearing required by the Code that when a local governing body amends its budget and the amendment to the budget is larger than 1% (one percent) of the localities' entire annual budget, a public hearing must be held.

County Attorney Kaestner explained that the appropriation Administration is requesting the public hearing is generally to finish a number of projects that were initiated or planned for in the prior fiscal year, but are anticipated to continue into the current fiscal year. He advised that the County doesn't currently use a system to track encumbrances. The County can begin to do this; it would solve the problem.

Onnie Woodruff, Treasurer, provided clarification as to which projects had monies encumbered by way of purchase orders/signed contracts in the previous fiscal year. He also advised the Board that Administration needed to have authorization to transfer funds from the general funds or capital reserve fund for appropriation.

5. Change Order Agreement

County Attorney Mike Kaestner provided a draft Change Order Agreement by and between Jeff Robinson and Associates, PC and the County of Sussex for architectural services. The architectural services are for the design of a covered brick arcade to connect two existing buildings at the Sussex Courthouse Complex.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorize the County Administrator to execute a Change Order Agreement with Jeff Robinson & Associates in a form substantially similar to that presented at tonight's meeting and subject to approval by the County Attorney, to-wit:

This Change Order Agreement (“Agreement”) is made this 21st day of August 2015, by and between **JEFF ROBINSON & ASSOCIATES, P.C.**, a Virginia corporation, (“Contractor”), and the **COUNTY OF SUSSEX, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (“County”).

WHEREAS, the County previously awarded a contract to Contractor for Architectural and Engineering Services;

WHEREAS, pursuant to such contract the Contractor has provided architectural and engineering services to the County pertaining to the design of a covered brick arcade to connect two existing buildings at the County courthouse complex (the “Project”);

WHEREAS, the County has paid all invoices for amounts owed to the Contractor for his work related to the Project;

WHEREAS, pursuant to the Virginia Public Procurement Act (Title 2.2, Chapter 42 of the Code of Virginia)(“VPPA”), § 2.2-4360(B), an award has been made and performance has begun, and the County has determined that it is not in the best interest of the public to void that prior contract; and

WHEREAS, through this Agreement, the County expressly ratifies the prior contract.

NOW THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

- 1. Incorporation By Reference:** The County of Dinwiddie, Virginia, issued a Request For Proposals in February 2010 (RFP-10-020710)(“RFP”) seeking proposals for architectural and engineering services. The RFP expressly provided that the procurement was being conducted under the provisions of VPPA § 2.2-4304 and that “the resultant contract may be extended to any public body within the Commonwealth of Virginia to purchase at contract prices in accordance with contract terms.” Unless modified herein, whether expressly or impliedly, all terms of the RFP are incorporated into this Agreement by reference. As applicable, all terms relating to Dinwiddie County shall be substituted to relate to Sussex County.
- 2. Term of Agreement:** Unless otherwise terminated, the term of this Agreement shall terminate upon the completion of construction of the Project, or two years from the date of this Agreement, whichever is sooner.
- 3. Costs:** Contractor agrees to perform all work pursuant to this Agreement according to the fee schedule submitted to Dinwiddie County, which is set forth below:
 - **Engineer: \$80 / hour**
 - **Draftsman: \$50 / hour**

- **Clerical: \$45 / hour**

Payment(s) shall be made to Contractor within thirty (30) days after receipt of complete and accurate invoice(s).

- 4. Scope of Change Order:** To date, Contractor has prepared drawings for the Project and revised such drawings to accommodate the location of where underground infrastructure is believed to be located. In addition, Contractor has also prepared an advertisement for the County to use when it advertises an invitation to bid for construction contractors to construct the Project.

The County may also wish for Contractor to further revise the drawings of the Project to include canopy lighting. In addition, the County may wish for Contractor (i) to prepare the detailed specifications that will be necessary to include with the invitation to bid the County intends to prepare, (ii) to be available while the invitation to bid is open to prepare any addenda necessary for the procurement or to answer bidders' questions, and (iii) to provide copies of drawings to prospective bidders for a reasonable fee. If the bid for the Project the County selects is beyond the County's available resources, the County may request Contractor to assist with redesign of the Project to accommodate a reduced cost. Last, once construction of the Project commences, the County may wish for Contractor to be available should conditions require any redesign, such as the need to modify the location of footings to accommodate underground infrastructure.

All requests for Contractor's services within the scope of this Agreement will be made in writing (e-mail is sufficient) by the county administrator or county attorney. ***Contractor shall not undertake any work prior to receiving a written request from the county administrator or county attorney.***

- 5. Notices:** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U.S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

If to the County:
County Administrator
P.O. Box 1397
Sussex, Virginia 23884

If to the Contractor:
Jeff Robinson & Associates, P.C.
P.O. Box 66
Emporia, Virginia 23847

- 6. General Terms and Conditions:** During the term of this Agreement, Contractor agrees to possess an active, valid license issued by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, pursuant to Title 54.1, Chapter 4 of the Code of Virginia. Failure to maintain such active, valid license will be sufficient grounds for immediate termination of this Agreement. During the term of this Agreement, Contractor agrees to maintain insurance which meets all of the requirements set forth in the RFP. Failure to maintain such insurance and to provide evidence upon request will be sufficient grounds for immediate termination of this Agreement.

7. **Miscellaneous:** This Agreement shall be governed by the laws of the Commonwealth of Virginia. Venue for any action arising out of the performance of this Agreement shall be with a state court in Sussex County. Headings or titles in this Agreement are only for convenience and shall have no meaning or effect upon the interpretation of this Agreement. This Agreement is the entire agreement between the parties and may not be amended or modified, except by writing, signed by each party. If any provision of this Agreement is determined to be unenforceable, then the remaining provisions of this Agreement shall be interpreted as in effect as if such unenforceable provision were not included herein.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

6. Letter from Town of Wakefield

At the July 16, 2015 Board of Supervisors meeting, the Board authorized County Administrator Davis to contact the Town of Wakefield concerning the \$50,000.00 donation for recreational activities and the installation of playground equipment on the parcel owned by the Wakefield Christian Outreach Center.

The Town of Wakefield submitted a reply to the County Administrator's letter, dated August 7, 2015, concerning the \$50,000.00 donation and advised that the monies have not been spent and still remain in the Town's reserve fund. It is still the Town's plan to purchase property in a desirable location on the east side of Wakefield for an additional recreational facility.

The Town also advised that the Town has also made an offer to the County to purchase some surrounding property. If the purchase is successful, the funds to make this purchase will come from the Town's Meal's Tax account which is earmarked for capital improvements in the Town.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby requests the Town of Wakefield to return money back to the County; and,

WHEREAS the County will put the money in an escrow account until such time as needed for Wakefield Recreation.

Voting aye: Supervisors Caple, Stringfield

Voting nay: Supervisors Fly, Futrell, Hamlin, Warren

The motion failed.

Recessed at 9:15 pm

Reconvened at 9:26 pm

Item 9b. Treasurer's Report (included in Board packet)

Item 9c. Commissioner of the Revenue (no report at this time)

Item 9d. Sheriff's Report (no report at this time)

Item 9e. Superintendent of Schools

1. Request for Approval of Re-appropriation of Funds (tabled from last month)

Rachel Yates, Director of Finance and Operations (Public Schools), provided presentation for Request for Approval of Re-appropriation of Funds.

The carryover was originally in the amount of \$6,320.79; however, Ms. Yates explained that due to staff change, there were two (2) years' worth of allocations, FY14 and FY15, that hadn't been transferred. As of June 30, 2015, the General Operating Fund has a remaining appropriation balance of \$6,320.79. There also remains \$40,822 in textbook allocations for FY14 and FY15. The total local appropriation balance as of June 30, 2015, is \$47,142.79.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the re-appropriation of the \$47,142.79 from the 2014-15 to the 2015-16 budget to be used for textbook purchases.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

Item 9f. Director of Social Services (no report at this time)

Item 9g. General Registrar (no report at this time)

Item 9h. Health Department (no report at this time)

Item 9i. County Attorney's Report

1. Request for Approval to Codify the Noise Ordinance

County Attorney Mike Kaestner advised the Board that the Sheriff's Department staff has concerns that deputies do not have proper legal citation when they issue summonses to violators of the noise ordinance.

When the Board adopted the Noise Ordinance last June, it was not "codified." In plain English, this means the Board did not state that the Noise Ordinance was to be placed in a certain part of the code. For example, the old noise ordinance was located in Chapter 11 of the County Code at Section 1. The legal citation to this old ordinance would be "Section 11-1 of the Sussex County Code." Without the ordinance being codified, deputies would have to cite to "Section 2(1) of the Sussex County Noise Ordinance." Understandably, some judges might think that looks unusual.

County Attorney Kaestner is proposing a simple fix to address Captain Giles' concern: that the Board adopt a resolution directing the Clerk to codify the ordinance. Bear in mind that this

resolution in absolutely no way affects the contents of the ordinance—this will merely make it easier for deputies to fill out their paperwork and make judges less skeptical of these summonses.

Request: That the Sussex County Board of Supervisors adopt the attached resolution.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopted the following resolution, to wit:

WHEREAS, the Sussex County Board of Supervisors adopted a Noise Ordinance at its regular meeting held June 19, 2014;

WHEREAS, such Noise Ordinance was not codified at a particular chapter in the Sussex County Code of Ordinances; and

WHEREAS, this resolution in no way affects the substance of the Noise Ordinance.

NOW THEREFORE, BE IT RESOLVED that pursuant to the authority granted by § 15.2-1433 of the *Code of Virginia*, the Sussex County Board of Supervisors hereby codifies the Sussex County Noise Ordinance at Chapter 11 of the Sussex County Code.

BE IT FURTHER RESOLVED that the Clerk to the Board of Supervisors is authorized to designate section numbers to the various sections of the Noise Ordinance.

BE IT FINALLY RESOLVED that the Clerk to the Board of Supervisors is hereby directed to distribute a copy of this resolution and a copy of the codified Noise Ordinance to the Sheriff, Commonwealth's Attorney and County Attorney.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

Item 10. Hearing of Citizens' Comments (9:26 pm)

Comments were heard from the following:

Shawn Goodwyn (Blackwater District)
Lee Goodwyn (Blackwater District)
Bill Collins (Courthouse District)
Michael Kessinger (Wakefield District)
Ann Joyner (Wakefield District)

Item 11. Unfinished Business – none

Item 12. New Business – none

Item 13. Report from Departments/Staff/Commissions (reports included)

Item 14. Board Members' Comments

- a. **Blackwater District** – Supervisor Warren thanked those who called and sent cards and letters of encouragement during his illness. Supervisor Warren also commented on packages Board members receive prior to meetings without having time to review material. Supervisor Warren advised that he has received calls concerning the County's website and the State purchasing woodlands.
- b. **Courthouse District** – none
- c. **Henry District** – Chairman Hamlin attended Educational Steering Committee at the VaCo. The Committee meeting was about extra monies the State had come up with for the schools' budget. The Educational Steering Committee doesn't have any power to make decisions. It is believed that the Educational Steering Committee is trying to get some of the money back into the school systems statewide. The Educational Steering Committee also discussed how teachers are paid.
- d. **Stony Creek District** – none
- e. **Wakefield District** – Supervisor Stringfield applauded VDOT for cutting trees hanging over road. Supervisor Stringfield also shared that he was in receipt of a letter from the State department advising those running for election to not place signs on state property.
- f. **Waverly District** – Supervisor Futrell advised Board members that he had spoken to the acting Mayor of Waverly and the Chief of Police about the County's Noise Ordinance. The acting Mayor of Waverly and the Chief of Police is supposed to be sharing the County's Noise Ordinance with the Waverly Town Council. Hopefully, the Town of Waverly will adopt their own Noise Ordinance and or do whatever is necessary to put a Noise Ordinance in place. Supervisor Futrell also shared that he had met with Joe Lomax, VDOT, and discussed and visited some areas of concern.

Item 15. Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for the discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, applicable Code Section 2.2-3711(A)(3)

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

Item 16. Return To Open Session/Certification

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren
Voting nay: none

ON MOTION OF WARREN, seconded by SUPERVISOR FUTRELL, and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session; and

WHEREAS the Board of Supervisors of Sussex County, Virginia convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the 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 as were identified in the motion convening the Closed Meeting were heard discussed or considered.

Voting aye: Caple, Fly, Futrell, Hamlin, Stringfield, Warren
Voting nay: none

Item 17. Action Taken on Closed Session Item

Supervisor Warren made the motion to accept the Town of Wakefield's offer on the said property Tax Map Number 61A2-A-6 on buying of the property less the dumpsite. However, the price of the offer accepted wasn't included. Supervisor Warren made another motion to include the price of offer accepted for purchase.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the Town of Wakefield's offer on the said property Tax Map Number 61A-2-A6 on buying the property less the dumpsite for the amount of \$20,700.00.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren
Voting nay: none

Item 18. Adjournment

ON MOTION OF SUPERVISOR WARREN seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the August 20, 2015 Sussex County Board of Supervisor Meeting is hereby adjourned at 10:34 p.m.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren
Voting nay: none