

**At a Regular Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom on  
Thursday, February 17, 2011 at 7:30 p.m.**

**BOARD MEMBERS PRESENT**

T. Wayne Birdsong    C. Eric Fly, Sr.    Charlie E. Caple, Jr.  
Wayne M. Harrell    Harris L. Parker    Rufus E. Tyler, Sr.

**STAFF PRESENT**

George E. Morrison, III, Interim County Administrator  
Henry A. Thompson, Sr., County Attorney  
Jerry L. Whitaker, Director of Finance  
Deborah A. Davis, Assistant to County Administrator  
Nicole L. Scuderi, Administrative Secretary

**Item 1. Call To Order/Pledge of Allegiance/Invocation**

The February 17, 2011 meeting of the Sussex County Board of Supervisors was called to order by Chairman Parker; the Pledge of Allegiance was recited by all; the Invocation was offered by Supervisor Caple.

**Item 2. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG, and carried: RESOLVED that the regular agenda of the Sussex County Board of Supervisors is hereby approved, subject to the following: (1) Under Closed Session, add Item b, Discussion and consideration of courthouse complex additional construction through the investment of public funds, where bargaining is involved and where, if made publicly initially, the financial interest of Sussex County would be adversely affected, applicable Code Section 2.2-3711(A)(3); (2) Under Closed Session, add Item c, Discussion and consideration of personnel matters relating to County guidelines as to salary supplements of County employees and/or Constitutional Officers, Applicable Code Section 2.2-3711(A)(1); (3) Under New Business, add Item a, Proposed meeting date with the Secretary of Commerce; (4) Under Consent Agenda, remove Item b, Warrants and Vouchers; (5) Under Unfinished Business, Update of Department of Corrections' Payment In Lieu of Taxes.

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

Voting nay: none

**Item 3. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent Agenda inclusive of the following: (1) Approval of Minutes of January 10, 2011 Finance Committee Meeting; (2) Approval of Minutes of January 10, 2011 Buildings and Grounds

Committee Meeting; (3) Approval of Minutes of the January 20, 2011 Personnel Committee Meeting; (4) Approval of the Minutes of the January 20, 2011 Finance Committee Meeting; (5) Approval of the January 20, 2011 Regular Meeting; and (6) Approval of Restoration and Appropriation of \$6,400.84, \$1,865.36 and \$455.30 for Sheriff's Department; (7) Approval of Appropriation for Invoice #2125 from Townes PC, for Cabin Point Road Industrial Park; (8) Approval of Appropriation of \$14,918.75 for Sheriff's Department, from revenue line 3-100-019020-0003 to offset the negative balance and charges for future clean-up crews through the end of the fiscal year.

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

Voting nay: none

#### **Item 4. Standing Reports**

**Item 4a. Health Department** - absent

#### **Item 4b. County Administrator's Report**

##### **Item 4b1. Annual Financial Statement**

Jerry L. Whitaker, Director of Finance, introduced Ms. Ann Wall of Robinson Farmer Cox Associates. Ms. Wall provided the County's Annual Financial Statement to the Board.

##### **Item 4b2. Planning Commission Vacancy**

George E. Morrison, III, Interim County Administrator, reported that Mr. Walter Gay, Sr., Planning Commission member, has officially tendered his resignation from the Sussex County Planning Commission, effective January 19, 2011. Mr. Gay's resignation leaves a vacancy on the Planning Commission from the Wakefield District. His term expires on June 30, 2014. A nomination will need to be made by the Honorable C. Eric Fly, Sr., Wakefield District Board of Supervisor's representative, to make a recommendation for appointment to the Board of Supervisors.

Supervisor Fly advised that he would bring the name of a nominee to the next regular meeting.

##### **Item 4b3. Resolution in Recognition of Mr. Walter T. Gay, Sr.**

George E. Morrison, III, Interim County Administrator, reported that Mr. Walter Gay, Sr., Wakefield District Representative on the Sussex County Planning Commission has officially tendered his resignation from the Sussex County Planning Commission effective January 19, 2011.

Action requested: The Board of Supervisors will need to adopt the resolution in honor and recognition of Mr. Walter T. Gay, Sr.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that Mr. Walter T. Gay, Sr., has served as a member of the Sussex County Planning Commission for thirteen (13) years; and

WHEREAS, during his tenure, Mr. Gay devoted his time and interest to matters affecting the citizens of Sussex County and contributed to the growth and development of our area and his influence is still being felt; and

WHEREAS, Mr. Gay has always been willing to place his concern for the public good ahead of his personal interests and thus earned the admiration and high regard of other civic leaders and the affection of a host of area residents; and

WHEREAS, Mr. Gay has demonstrated in many practical ways and his deep and genuine love for Sussex County; and

WHEREAS, his dedication and diligence to this community deserves special recognition.

NOW, THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors express our sincere thanks to Mr. Walter T. Gay, Sr., for his distinguished service to the community and highly commend him for the manner in which he carried out his duties and responsibilities.

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

Voting nay: none

**Item 4b4. Chowan Basin Soil & Water Conservation District - Request for Use of Office Space**

George E. Morrison, III, Interim County Administrator, reported that staff has received a request from the Chowan Basin Soil and Water Conservation District regarding the relocation of their offices from the USDA Farm Service Building in the Courthouse area, to the County's Waverly Office Building. They state that the majority of their clients are in the Waverly and Wakefield area and an office in Waverly would be more convenient for their clients.

They would have staff in the office one day a week (Wednesday). Their hours of operation would be 9:00 a.m. - 4:30 p.m. for the clients to come in. However, in the months of August and September, they would require additional days in the office as this is their busiest time of the year and it is signing up times for producers.

The Chowan staff reported that they have their own computers and internet service, but they would need telephone service and are able to assist with this cost. This request comes in light of the County reducing the District's funding for 2011 to half of the amount of the previous year, from \$6,709.00 to \$3,355.00. They request this office space as an "in-kind" contribution to offset the financial shortfall and allow them to assist the County with tire recycling, used motor oil recycling, and he education activities they offer to mention a few.

At present, there are several vacant offices within the Waverly Office Building and with a few minor adjustments, this request could be accommodated with minimal interruption.

Action requested: The Board of Supervisors will need to approve the "in-kind" lease of office space to the Chowan Basin Soil and Water Conservation District. County Administration requests a meeting with their representative and the County Attorney to work out a contract.

Stacey Bradshaw, District Manager of the Chowan Soil & Water Conservation District addressed the Board and provided a copy of their Annual Report.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Chowan Soil & Water Conservation leasing office space in the County's Office Building located at 233 L South County Drive, Waverly VA 23890; and

FURTHER RESOLVED that the County Administrator and County Attorney are directed to work on a contractual agreement with the Chowan Soil & Water Conservation District and bring back to the Board of Supervisors for review and approval.

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

Voting nay: none

Abstain: Supervisor Tyler

**Item 4b5. Convenience Center Site/Hours of Operation Proposal and Surveillance Cameras**

George E. Morrison, III, Interim County Administrator, reported that staff has received a request from Mr. George Taylor, Environmental Inspections' Supervisor seeking overnight closure hours for the County's various Convenience Center site. Mr. Taylor cites the continued abuse of the Convenience Centers in evening and night hours. As a resolution to this problem, Mr. Taylor has requested posting hours of operation for Spring/Summer/Winter. The proposed hours would accommodate the needs of our citizens (seven days a week) and deter the abuse by non-residents. Subsequently, the gates would be locked at all other times. Mr. Taylor is recommending the following hours of operation:

Spring/summer	5:00 a.m. - 8:00 p.m.
Fall/summer	6:00 a.m. - 7:00p.m.

Additionally, Mr. Taylor has spoken with Waste Management and they are willing to purchase cameras for surveillance for all of the Convenience Center sites if the County will pay for the installation of the cameras. We have had particular problems with the Stony Creek Convenience Center, the Wakefield Convenience Center and the Waverly Convenience Center sites.

Action requested: The Board will need to approve the payment for the surveillance cameras to be installed. Additionally, the Board of Supervisors would need to vote to approve the hours of operation for the Convenience Center sites.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the installation of surveillance cameras and the change of hours of operation for Sussex County Convenience Sites.

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

Voting nay: none

**Item 4b6. Letter of Support for Driving Regional Growth - Embracing a Global Future (G-2)**

George E. Morrison, III, Interim County Administrator, reported that Mr. John Geissal, Project Director for Virginia's Gateway Regional Driving Regional Growth - Embracing a Global Future, met with County Administration and asked if the County would submit a letter of support for their Capital Campaign for Economic Development. The letter only requests that the County state its current commitment to Virginia's Gateway Region of \$37,050.00, would consider the same amount for Fiscal Year 2012 and would inform Virginia's Gateway Region of the County's appropriation by July 31, 2011.

**Action requested:** The Board of Supervisors will need to approve the letter of support for Virginia's Gateway Region for the G-2 Capital Campaign and instructing the Interim County Administration to sign and forward the letter.

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 prepare, sign and forward a letter of support for Virginia's Gateway Region Driving Regional Growth Economic Development Program.

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

Voting nay: none

**Item 4b7. Director of Finance Report**

Jerry L. Whitaker, Director of Finance, provided the Mid Year and Monthly financial reports to the Board. (A copy of the financials are included in the February 17, 2011 Board packet).

**Item 4c. Treasurer**

Onnie L. Woodruff, County Treasurer, provided his monthly report to the Board. (A copy of the Treasurer' report is retained in the February 17, 2011).

**Item 4d. Commissioner of the Revenue** - no report

**Item 4e. Sheriff's Report**

Sheriff Bell advised the Fine and Forfeitures overage that the Director of Finance spoke of is erroneous.

**Item 4f. Superintendent of Schools** - no report

Supervisor Fly asked Dr. Harris, Superintendent of Schools if the School Board had adopted a resolution relating the school construction.

Dr. Harris stated that the School Board has adopted a resolution to construct an elementary school on the Central site, with the understanding that a second elementary school will be constructed with five (5) or earlier if funding is available.

**Item 4g. Director of Social Services** - no report

**Item 4h. County Attorney Report** - no report

Chairman Parker asked about the status of the Personnel Policy. County Attorney Thompson advised that he has the draft document and will bring the document to the County Administrator's Office tomorrow to use the copy machine to make ample copies for the Board.

**Item 5. Citizens' Comments** - none

**Item 6. Unfinished Business**

**Item 6a. Department of Correction Payment In Lieu Of Taxes**

**Item 7. New Business**

**Item 7a. Meeting with Secretary of Commerce**

George E. Morrison, III, Interim County Administrator, reported that a meeting has been scheduled with the Virginia Diner on Friday, March 18, 2011 at 1:00 p.m.

**Item 8. Closed Session**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried RESOLVED that the Sussex County Board of Supervisors shall enter Closed Session for the following (a) Discussion or consideration of courthouse complex additional construction through the investment of public funds where bargaining is involved and where if made publicly initially, the financial interest of Sussex County would be adversely affected, applicable Code Section 2.2-3711(A)(3); (b) Discussion or consideration of personnel matters relating to County guidelines as to salary supplements of County employees and/or Constitutional Officers, Applicable Code Section 2.2-3711(A)(1).

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

Voting nay: none

**Item 9. Return To Open Session**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisor 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, Tyler

Voting nay: none

### **Item 10. Board's Action On Items Discussed in Closed Session**

#### **Item 10a. Woodfuel Developers, LLC - Tax Abatement**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby offers 2 years tax abatements for Woodfuel Developers, LLC, for real estate and machinery and tools taxes.

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

Voting nay: none

#### **Item 10b. Commonwealth's Attorney's Office Space Addition**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes Dewberry to proceed with the design phase of the additional office space for the Commonwealth's Attorney's Office to be constructed above the sally port in the Judicial Center; and

FURTHER RESOLVED that the Buildings and Grounds Committee is authorized to negotiate the design price and provide a report to the Board.

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

Voting nay: none

#### **Item 10c. Personnel Matters relating to County Guidelines as to Salary Supplements**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby ratifies the resolution entitled "Vehicle Allowance For Director Of Finance," adopted on June 4, 2009, to exclude "business use"; and

FURTHER RESOLVED the Director of Finance is hereby authorized to drive his personal vehicle from his residence to Sussex Courthouse Complex and from Sussex Courthouse Complex to his residence and shall continue to receive a vehicle stipend of \$9,600.00 per year.

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

Voting nay: none

By general consensus, the Board of Supervisors stated that this action be retroactive.

County Attorney Thompson requested that the Board amend the vehicle policy immediately, to allow the County Administrator to have the authority to approve of employees driving a County vehicle versus their personal vehicle.

George E. Morrison, III, Interim County Administrator, suggested to the Board that they allow him to provide each Board member with a copy of the Vehicle Policy for their review and consider amending at the next meeting.

**Item 11. Recess**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the February 17, 2011 regular meeting of the Sussex County Board of Supervisors is hereby recessed until 5:00 p.m., on Thursday, February 24, 2011, General District Courtroom.

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

Voting nay: none