

**At a Joint Meeting of the Sussex County Board of Supervisors
and Planning Commission, held at the Sussex Central High School Auditorium on
Thursday, March 17, 2011, 6:00 p.m.**

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
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Andre M. Greene, Director of Planning
W. Travis Luter, Sr., Building Official
Shannon D. Fennell, Assistant to Director of Planning
Deborah A. Davis, Assistant to County Administrator
Eddie T. Vick, Public Safety Coordinator

Item 1. Call To Order

The March 17, 2011 joint meeting of the Sussex County Board of Supervisors and Planning Commission was called to order by Chairman Parker.

Item 2. Approval of Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the agenda of the March 17, 2011 meeting of the Sussex County Board of Supervisors is hereby approved as presented.

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

Voting nay: none

Absent: Supervisor Tyler

Item 3. Public Hearing

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors shall enter public hearing to consider the following: (1) Ordinance Amendment #2011-01, Board of Supervisors, applicant; (2) Ordinance Amendment #2011-02, Board of Supervisors, applicant; (3) Ordinance Amendment #2011-03, Board of Supervisors, applicant; (4) Ordinance Amendment #2011-04, Board of Supervisors, applicant; (5) Ordinance Amendment #2011-05, Board of Supervisors, applicant, (6) Rezoning Application #2011-01, James Kellenberger, applicant; and (7) Rezoning Application #2011-03, L. Chester Carter, applicant.

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

Voting nay: none

Absent: Supervisor Tyler

Staff Reports for the above mentioned public hearing items were presented by Shannon D. Fennell, Assistant to Director of Planning.

Item 3A. Ordinance Amendment #2011-01, Board of Supervisors, applicant

Staff Report

An ordinance is proposed to amend re-ordain the Zoning Ordinance by adding a new section (Article XXIII, Sports and Shooting Range) which provides a set of development standards and safety provisions for sports shooting ranges locating in the A-1, General Agricultural District.

Recommendation

The Planning Commission held a public hearing on February 7, 2011 to consider the proposed ordinance amendment and voted (7 -1) to forward the item to the Board of Supervisors with a recommendation for approval.

At the Planning Commission's public hearing, several citizens voiced opposition to the proposed ordinance amendment stating that several provisions of the ordinance are pre-empted by state law. The Planning Commission, on suggested amendments by the Director of Planning and the County Attorney, made several amendments to the suggested language of the proposed ordinance to assure that no state pre-emption would render provisions of the ordinance invalid. The County Attorney made a comprehensive and detailed review of the proposed ordinance and has placed supportive statute and case law annotations in the proposed ordinance which supports the validity of the proposed ordinance.

The Planning Office has also received several emails from citizens in opposition to the proposed ordinance amendment.

Item 3B. Ordinance Amendment #2011-02, Board of Supervisors, applicant

Staff Report

An ordinance is proposed to amend and re-ordain Section 16-22(21) of the Zoning Ordinance by deleting pistol ranges and sporting clay fields and allowing instead the location of shooting ranges in the A-1, General Agricultural District in accordance with a set of development standards and safety provisions.

Recommendation

The Planning Commission held a public hearing on February 7, 2011 to consider the proposed ordinance amendment and voted (7 -1) to forward the item to the Board of Supervisors with a recommendation for approval.

Item 3C. Ordinance Amendment #2011-03, Board of Supervisors, applicant

Staff Report

An ordinance is proposed to amend and re-ordain Section 16-22, Subsection (37) of the Zoning Ordinance by adding the word Non-Commercial and deleting the requirement of a conditional use permit for kennels. These changes will allow non-commercial kennels out-right in the A-1, General Agricultural District. Several counties (Chesterfield, Henrico, Greensville, Surry and Southampton) allow private non-commercial kennels out-right in the A- 1, General Agricultural District.

Background Information

The Planning Commission forwarded Conditional Use Permit Application #2010-01 (David Taylor, applicant) to the Board of Supervisors with a recommendation for approval. The applicant was requesting a conditional use permit to allow approximately eighteen (18) hunting dogs on his property located on Concord Sappony Road. The Board of Supervisors tabled the item on October 21, 2010 and on November 18, 2010 enacted an emergency ordinance making the requirement for a conditional use permit applicable to only commercial kennels. The Board's adoption of the emergency ordinance stemmed in part due to overwhelming public opposition to the requirement of a conditional use permit for private kennels. The original emergency ordinance expired on January 18, 2011. However, it was extended by the Board of Supervisors at their meeting on January 20, 2011 for an additional 90 days to allow the Planning Commission the appropriate time to consider permanent changes to the Zoning Ordinance relative to kennels.

Item 3D. Ordinance Amendment #2011-04, Board of Supervisors, applicant

Staff Report

An ordinance is proposed to amend and re-ordain Section 16-22 (Use Regulations) of the Zoning Ordinance by adding a new sub-section (55) that would permit commercial kennels in the A-1, General Agricultural District with a conditional use permit.

Item 3E. Ordinance Amendment #2011-05, Board of Supervisors, applicant

Staff Report

An ordinance is proposed to amend and re-ordain Section 16-1 (Definitions) of the Zoning Ordinance by deleting the current definition of a kennel and adding the definitions for a commercial kennel and a non-commercial kennel.

Item 3F. Rezoning Application #2011-01, James Kellenberger, applicant

Staff Report

The applicant, James Kellenberger, is requesting to rezone tax map number 89-(A)-44D, consisting of 8.42 acres, from A-1, General Agricultural District to B-2, General Business District to allow the construction of a for-profit community/recreation/convention center. The property in question is located at 15071 Courthouse Road approximately 1,300 feet south of the intersection of Courthouse Road (Route 735) and Sussex Drive (Route 40) in the Courthouse Election District.

Recommendation

The Planning Commission held a public hearing on February 7, 2011 to consider the proposed ordinance amendment and has forwarded the item to the Board of Supervisors with no recommendation. There has been no public opposition to Rezoning Application #2011-01.

Mr. Kellenberger was in attendance at the meeting.

Item 3G. Rezoning Application #2011-03, L. Chester Carter, applicant

Staff Report

The applicant, L. Chester Carter, is requesting to rezone tax map numbers 67-(A)-30 & 67-(A)-30A, consisting of approximately 5.17 acres, from A-1, General Agricultural District to B-2, General Business District in order to locate a new automobile/truck maintenance facility and a new car/truck wash. The property in question is located on the west side of U.S. Route 301 (Blue Star Highway) approximately 1,400 feet south of the intersection of U.S. Route 301 and Route 40 (Sussex Drive) in the Stony Creek Election District.

Recommendation

Staff is recommending approval of Rezoning Application #2011-03 for the following reasons:

- 1) A rezoning from A-1, General Agricultural to B-2, General Business District would be consistent with the County's Comprehensive Plan which has the site in question designated for future commercial development.
- 2) The property has been used in the past for commercial uses. A towing and mechanic shop was located on the affected property but burned several years ago and there has been a convenience store and a fertilizer, seed and equipment sales operation located on the site in question.
- 3) The proposed commercial uses for the property in question would be compatible with surrounding land uses in the area.
- 4) There has been no public opposition to the request.

Mr. Carter was in attendance at the meeting.

Supervisor Fly posed several questions regarding Ordinance Amendment #2011-01.

Item 4. Public Comment

Public comments were heard from the following:

- Raymond Covington, opposes shooting range ordinances
- Timothy Drewry, Wakefield District, opposes shooting range ordinances
- Phillip Van Cleave, opposes shooting range ordinances
- Courtney Bolze, opposes the shooting range ordinances
- Andy Romano, opposes shooting range ordinances
- Mike Alexander, opposes shooting range ordinances
- Todd Jarrett, opposes shooting range ordinances
- Dale Mullin, opposes shooting range ordinances
- Doug Chesson, Executive Director, Airfield 4-H Center, fearful of changes
- Christie Goodman, opposes shooting range ordinances
- Ronald Cox – opposes shooting range ordinances
- Jim Hackett, opposes shooting range ordinances
- Anne Joyner, commercial kennel needs conditional use permit, also suggested that background checks be performed on applicants for kennel
- James Kellenberger, applicant for Rezoning Application #2001-01
- Jim Hackett, opposes the kennel amendments
- Danny (last name inaudible) opposes kennel amendments

Item 5. Return To Regular Session

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby return to regular session.

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

Voting nay: none

Item 6. Board's Action on Public Hearing Items

Item 6A. Board's Action on Ordinance Amendment #2011-01

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns Ordinance #2011-01, Board of Supervisors, applicant, to the Planning Commission for further revisions, prior to the Board taking action on this issue.

Voting aye: Supervisors Caple, Fly, Harrell, Parker

Voting nay: none

Abstain: Supervisors Birdsong, Tyler

Item 6B. Board's Action on Ordinance Amendment #2011-02

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns Ordinance Amendment #2011-02 to the Planning Commission for further revisions, prior to the Board taking action on this issue.

Voting aye: Supervisors Caple, Fly, Harrell, Parker

Voting nay: Supervisors Birdsong, Tyler

Item 6C. Board's Action on Ordinance Amendment #2011-03

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns Ordinance Amendment #2011-03 to the Planning commission for further revisions, prior to the Board taking action on this issue.

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

Voting nay: none

Item 6D. Board's Action on Ordinance Amendment #2011-04

ON MOTION SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby places a two (2) year moratorium on all commercial kennels and not amend this ordinance at this time.

Voting aye: Supervisors Birdsong, Caple, Fly, Tyler

Voting nay: Supervisors Harrell, Parker

Item 6E, Board's Actions on Ordinance Amendment #2011-05

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the Planning Commission recommendation to amend and re-ordain Section 161 (Definitions) of the Zoning Ordinance by deleting the current definition of a kennel and adding the definition for a commercial kennel and a non commercial kennel.

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

Voting nay: none

Item 6F. Board's Action on Rezoning Amendment #2011-01 – James Kellenberger, applicant

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the Planning Commission recommendation to approve Rezoning Application #2011-01, James Kellenberger, applicant; and

WHEREAS, a rezoning from A-1 General Agricultural to B-2, General Business District would be consistent with the County's Comprehensive Plan which has the site in question designated for future commercial development; and

FURTHER RESOLVED that the proposed use of the subject property for a multi-purpose community/recreation conference center would be compatible with surrounding land uses in the area.

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

Voting nay: none

Item 6 G. Board's Action on Rezoning Application #2011-03, L. Chester Carter, applicant

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors approves of Rezoning Application #2011-03, L. Chester Carter, applicant, for the following reasons:

- 1) A rezoning from A-1, General Agricultural to B-2, General Business District would be consistent with the County's Comprehensive Plan which has the site in question designated for future commercial development.
- 2) The property has been used in the past for commercial uses. A towing and mechanic shop was located on the affected property but burned several years ago and there has been a convenience store and a fertilizer, seed and equipment sales operation located on the site in question.
- 3) The proposed commercial uses for the property in question would be compatible with surrounding land uses in the area.
- 4) There has been no public opposition to the request.

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

Voting nay: none

Item 7. Recess

ON MOTION OF SUPERVISOR BIRDSONG seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby recesses for a period of ten (10) minutes.

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

Voting nay: none

**At a Regular Meeting of the Sussex County Board of Supervisors
held at the Sussex Central High School Auditorium on
Thursday, March 17, 2011, 7:30 p.m.**

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
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Andre M. Greene, Director of Planning
W. Travis Luter, Sr., Building Official
Shannon D. Fennell, Assistant to Director of Planning
Deborah A. Davis, Assistant to County Administrator
Eddie T. Vick, Public Safety Coordinator

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

The March 17, 2011 regular 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 Harrell.

Item 2. Approval of Regular Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the regular agenda of the March 17, 2011 meeting of the Sussex County Board of Supervisors is hereby approved, subject to the following amendments: (1) under County Administrator's Report, add Item #5, Animal Control; (2) under County Administrator's Report, add #6, Tobacco Commission Economic Development Grant; (3) Under County Administrator's Report, add Item #7 Website Contract; (4) Add as 7a, Closed Session for the discussion of Real Estate, investment of public funds, Personnel matters, hiring of a County Administrator; Consultation of legal counsel, court litigation involving County, applicable Code Sections 2.2-3711(A)(3), 2.2-3711(A)1 and 2.2-3711(A)(7).

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

Voting nay: none

Item 3. Approval of Consent Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Consent Agenda of the March 17, 2011 meeting of the Sussex County Board of Supervisors is hereby approved, subject to the following: (a)

Minutes of February 4, 2011 Board Retreat; (a) Minutes of February 5, 2011 Board Retreat; (c) Minutes of February 15, 2011 Budget Work Session; (d) Minutes of February 17, 2011 Buildings and Grounds Committee Meeting; (e) Minutes of February 17, 2011 Budget Work Session; (f) Minutes of February 17, 2011 Regular Meeting; (g) Minutes of February 24, 2011 Budget work Session; (h) Minutes of February 28, 2011 Buildings and Grounds Committee Meeting; (i) Minutes of March 7, 2011 Personnel Committee Meeting; (j) Minutes of March 7, 2011 Budget Work Session; (k) Approval of Warrants and Vouchers for December 2010, January 2011 and February 2011.

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

Item 4b1. Virginia Department of Transportation – Request to Attend Meeting (Reduce Truck Traffic on Lobb Shop Road)

George E. Morrison, III, Interim County Administrator, advised that the invitation was extended to VDOT. Mr. Dennis Heuer declined the invitation and responded via email.

Item 4b2. Finance Committee Report

Supervisor Fly provided the Finance Committee Report and advised that the Committee met on Tuesday, March 15, 2011. As a result of the Finance Committee Report, the following resolutions were adopted:

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment increase in the amount of \$79,000 (revenue) for Machinery and Tools Tax.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment (estimated) increase in the amount of \$700,000.00 for landfill tipping fees.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors approves a budget amendment increase in the amount of \$500,000.00 for Court Fines and Forfeitures.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment increase in the amount of \$28,000.00 for Insurance Adjustments.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment in the amount of \$19,000.00 (revenue line) for Jail Cleanup.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment in the amount of \$480,000.00 (reduction) for the Department of Corrections Payment In Lieu of Taxes.

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

Voting nay: none

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment of \$54,600.00 (expenditures) for Sheriff's Department overtime.

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

Voting nay: none

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment of \$7,000.00 (expenses) for Sheriff's Department SPOT Operations.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that Sussex County Board of Supervisors hereby approves a budget amendment in the amount of \$75,000.00 for Sheriff's Department Selective Enforcement.

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

Voting nay: none

Supervisor Fly advised that as a result of their March 15, 2011 meeting, the Finance Committee and the County's budgetary shortfall, it is recommended that the Board of Supervisors request a 15-18 month extension for the purchase option of the Mega Site industrial property.

Item 4b3. Director of Finance Report

Jerry L. Whitaker, Director of Finance, presented the monthly report for the period ending February 28, 2011. He requested that the Board schedule another budget work session. (A copy of the Director of Finance Report is retained in the March 17, 2011 Board packet).

By general consensus, the Board scheduled the next budget work session to Tuesday, March 22, 2011, at 5:00 p.m.

Item 4b4. Personnel Committee Report

Supervisor Tyler advised that the Personnel Committee met to interview candidates for County Administrator and this issue will be discussed further in Closed Session.

Item 4b5. Animal Control

Supervisor Birdsong asked if we have an agreement with the Town of Waverly to enforce animal control within the town's limits. He reported that there is a house on Main Street in Waverly where the back yard is cluttered with buzzards.

Item 4b6. Tobacco Commission Grant – Southside Round Two

George E. Morrison, III, Interim County Administrator, advised the Board that included in their supplemental agenda packet is a draft resolution regarding 2011 Round Two Tobacco Commission Economic Development Application for the development of the Route 602 Industrial Park. Staff recommends adoption by the Board of Supervisors.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors authorizes the submission of a Fiscal Year 2011 Southside Round Two Tobacco Commission Economic Development Application for the development of the Route 602 Industrial Park; and

FURTHER RESOLVED that George E. Morrison, III, Interim County Administrator, is authorized to sign and submit the Fiscal Year 2011 – Southside Round Two Tobacco Commission Economic Development Application and will be responsible for the accuracy of the application and for the appropriate use of funds, should they be granted.

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

Voting nay: none

Item b7. Website Contract

Supervisor Fly asked about the status of the County website. He reiterated that the Board adopted a resolution on September 16, 2010, authorizing staff to proceed with Inscorp to develop the County's website. The contract was executed on December 8, 2011.

George E. Morrison, III, Interim County Administrator, advised that some of the County's departments have not submitted required information to the Interim County Administrator; and County Administration has begun its busy season.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Board of Supervisors directs the Interim County Administrator to secure a firm date from Insercorp, when County's Website Project will be completed and becomes functional.

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

Voting nay: none

Item 4c, Treasurer's Report

The statement of money in the banks to the credit of Sussex County as shown by the Treasurer's Books at the close of business February 28, 2011, was \$27,467,556.45. (A copy of the Treasurer's Report is retained in the March 17, 2011 Board packet).

Item 4d. Commissioner of the Revenue – no report

Item e. Sheriff's Report

Sheriff Raymond R. Bell addressed the Board and requested a salary increase for Deputy Janette Epps. Since 2009, Deputy Epps has stepped in to assume the full time duties of civil process in addition of the regular duties she performs for the Sheriff's Office. Her ability to assume these additional duties has made for a seamless transition. In recognition of Deputy Epps' additional duties, Sheriff Bell requested that the Board grant a two (2) step increase in pay to raise her current salary of \$36,445.00 to \$38,290.00.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby forwards this request to the Finance Committee for further review and discussion.

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

Voting nay: none

Item f. Superintendent of Schools

Item f1. School Board's 2011-2012 Budget

Dr. Charles H. Harris, Division Superintendent reported that the 2011-2012 approved School Board budget is being proposed to the Sussex County Board of Supervisors based on projected funding from the Commonwealth of Virginia with a level funding request from the local governing body. The budget reflects a total of \$19,437,544.00, about a 5% reduction from the current budget. In this budget, school operations are supported by more than \$400,000.00 of one time state and federal funding. The School Board held budget work sessions on February 15 and February 17, 2011, to review, discuss and finalize their budget plans. A public hearing was also held on February 15, 2011. The School Board approved the budget on March 10, 2011.

The budget recommendation maintains a focus on instructional programs while having as little direct impact on the reduction of personnel as possible with a loss of \$525,298.00 in

state funding, 6.5%. The local request for operations is \$8,144,170.00, no increase in funding.

It is important to point out that with the school's regular operations being supported by a significant amount of one time funding, the 2012-2013 budget will need an influx of additional revenue to avoid drastic reductions for the following year.

The recommendation is to approve Sussex County School Board's 2011-2012 Sussex County Public Schools' budget for \$19,437,544.00

Item 4g. Director of Social Services - no report

Item 4h. County Attorney – no report

County Attorney Thompson asked the Board to review the Redistricting Process Data, the Personnel Policy, Vehicle Use/Acquisition Policy and Travel Policy and Procedures.

Item 5. Citizens' Comments

Comments were heard from the following:

- Anne Joyner, Courthouse District, Board of Supervisors is not keeping citizens abreast of the Route 460 bypass project; was shocked that the Board cut emergency equipment in the budget.
- Ora Briggs, Stony Creek District, was glad to hear of the budget clarification and asked about the status of the funding for the school construction project.

Item 6. Unfinished Business

Item 6a. Planning Commission Vacancy

Supervisor Fly advised that he has approached two (2) citizens in his district about serving on the Planning Commission; neither were not interested. He asked that this item be deferred until the April 21, 2011 meeting.

Item 6b. Waste Convenience Centers Site/Hours of Operation Proposal/Surveillance Cameras

George E. Morrison, III, Interim County Administrator, advised that he has spoken with representatives at Atlantic Waste Disposal, Inc., and they (Atlantic Waste Disposal) have offered to purchase and pay for the installation of the surveillance cameras. There will be a minimal cost for the electricity.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees to Atlantic Waste Disposal, Inc. purchasing and installing surveillance cameras at the County's Waste Convenience Center sites.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler
Voting nay: none

Item 7. New Business

George E. Morrison, III, Interim County Administrator, reported that he has spoken with Mr. Rich Nolan, District Manager of Atlantic Waste Disposal, has reported that the opening of the Reed Road Convenience Center site may be scheduled near the end of April.

Item 8. Closed Session

ON MOTION SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors shall enter Closed Session to enter closed Session for the following: (1) Consideration of Investment of Public Funds; (2) Legal Matters (obtain consultation with legal matters as to actual or probable litigation involving the County); (3) Personnel Matters, discussion of the hiring of a County Administrator, applicable Code Sections 2.2-3711(A)(6), 2.2-3711(A)(7) and 2.2-3711(A)(1), respectively.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler
Voting nay: none

Item 9. Return To Open Session

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL 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, Tyler
Voting nay: none

Item 10. Action Taken on Items Discussed in Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes George E. Morrison, III, Interim County Administrator to contact the Attorney/Owners of

the Peebles Property Mega Site and negotiate an eighteen (18) extension for the purchase option.

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 authorize Jerry L. Whitaker, Director of Finance, to draft a letter to the Virginia Resources Authority advising that Sussex County is seeking other funding options for the Mega Site.

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

Voting nay: none

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the appropriation of \$5,000.00 from the existing \$50,000.00 in the County Attorney's budget for outside counsel.

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

Voting nay: none

Item 11. Recess

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the March 17, 2011 meeting of the Sussex County Board of Supervisors is hereby recessed until 5:00 p.m. on Tuesday, March 22, 2011.

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

Voting nay: none