

**At a Board Work Session
of the Sussex County Board of Supervisors held
in the General District Courtroom, Thursday, July 15, 2010, 5:00 p.m.**

MINUTES

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, Deputy County Administrator
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Deborah A. Davis, Assistant to County Administrator
Brenda H. Drew, Housing Programs Coordinator
Nicole L. Scuderi, Administrative Secretary
Montaque M. Gilliam, Building and Grounds Supervisor

Item 1. Call To Order

The July 15, 2010 Work Session of the Sussex County Board of Supervisors was called to order by Chairman Parker.

Item 2. Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session for the following: (a) Personnel Matters, Applicable Code Section 2.2.3711(A)(1); and (2) Protecting Individual Privacy in Personal Matters not related to public business.

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

Voting nay: none

Item 3. Return To Regular Session

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY 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 2.2-3712 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 were 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 4. Action On Closed Session Items

Item 5. Offer of Retirement to Ms. Mary E. Jones, County Administrator

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried; RESOLVED that the Sussex County Board of Supervisors hereby thanks Ms. Mary E. Jones for her years of service and dedication as Sussex County Administrator; and

FURTHER RESOLVED that the Board of Supervisors shall hereby offer retirement to Ms. Mary E. Jones, allowing her to retire effective September 1, 2010 and compensate her for annual leave accrued up to the maximum amount allowed under the County's Personnel Policy.

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

Voting nay: none

Abstaining: Supervisor Tyler (He stated that the Board should retire Ms. Jones in a more humane way, considering her many years of service).

Item 6. Sheriff's Request For Additional Funding

George E. Morrison, III, Deputy County Administrator, advised that Chairman Parker and Supervisor Fly had previously requested that this item be added to the regular agenda.

Jerry L. Whitaker, Director of Finance, advised that the Board, at its last meeting approved the \$7,000.00 for copier expense, as requested by the Sheriff, so that item has been taken care of.

Item 7. Code of Ethics

The Board will consider this item during the regular agenda.

Item 8. Recording System for Board of Supervisors

George E. Morrison, III, Deputy County Administrator, advised that the information and quote provided to the Board is from FTR (For The Record). It is a portable recording system that can be also used for the Planning Commission, Board of Zoning Appeals and Industrial Development Authority meetings. Staff is requesting that the Board appropriate \$6,350.00 for the purchase of this equipment.

Supervisor Fly advised that he is aware of a system used by the General Assembly that costs \$8,000.00 and that he would provide the information to staff. He stated that this particular system would allow the recording of the meeting to be posted on the website immediately after the meeting.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the decision on the purchase of a recording system, until further information is provided and directed staff to schedule a demonstration by both companies.

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

Voting nay: none

Item 7. Personnel Policy

George E. Morrison, III, Deputy County Administrator, stated that it has been requested by certain members of the Board to place this item on the agenda for adoption.

County Attorney Thompson advised that he has the County's Personnel Policy and a copy of the State's Personnel Policy and is comparing the two. He has partially completed the review process and may be able to present it at the next Board meeting. He is also researching FMLA and FLSA requirements.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the County Attorney to provide a draft of the Sussex County Personnel Policy to the Board at the September 16, 2010 meeting.

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

Voting nay: none

Item 8. Employee Residency

Supervisor Fly advised that he believes that, within one year of employment with Sussex County, the County Administrator, Deputy County Administrator, and department heads should reside in Sussex County.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees that the County Administrator, Assistant County Administrator and all department heads that are employed by the County, become residents of the County within one year of employment.

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

Voting nay: none

Supervisor Birdsong asked if it would be legal for the Board to try to make this retroactive for existing personnel. Most of the current staff has a lot of years to work before they retire and most of them live outside of the County.

County Attorney Thompson advised that he will research and report at the next regular meeting.

Item 9. Background Checks on County Employees

Supervisor Fly advised that it came to his attention that the County does not perform background checks on employees, other than the Sheriff's Department. He suggested that we start doing background checks on all new employees and existing employees also.

ON MOTION OF SUPERVISOR FLY that the Sussex County Board of Supervisors hereby authorizes that background checks be performed on all employees.

The motion failed due to the lack of a second.

County Attorney Thompson advised that it is best to have a Personnel Policy completed prior to some of the rules and guidelines being adopted.

Mr. Whitaker advised that he has one finance item. He provided an update as it relates to transactions that have taken place after the adoption of the FY 2011 budget. (A copy of the report is retained in the July 15, 2010 Board packet).

Mr. Whitaker requested that the Finance Committee meet prior to the next regular Board meeting.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the July 15, 2010 Work Session of the Sussex County Board of Supervisors is hereby recessed until the July 15, 2010 regular meeting scheduled for 7:30 p.m.

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

Voting nay: none

At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
on Thursday, July 15, 2010, 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, Deputy 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
Brenda H. Drew, Housing Programs Coordinator
Montaque Gilliam, Building and Grounds Supervisor
W. Travis Luter, Building Official
Tony S. Johnson, Senior Animal Control Officer
Tracy Terry, Animal Control Officer

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

The July 15, 2010 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 Tyler.

Item 2. Approval of Regular Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the agenda of the July 15, 2010 meeting of the Sussex County Board of Supervisors was approved with the following amendments: (1) Under County Administration, add Item 12, Transfer of Courtroom Cleaning to Building and Grounds Department; (2) Under County Administrator's Report, add Item 12a, Old County Administration Building Roof, (3) Under County Administrator's Report, add Item 12b, School Funds De-appropriation; (4) Under County Administrator's Report, add Item 12c, Wakefield Contract.

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

Voting nay: none

Supervisor Tyler stated that he would like for Board members who would like to add items to the agenda, to contact staff in advance so that the items may be placed on the agenda, as professional protocol.

Chairman Parker agreed.

Item 3. Approval of Consent Agenda

The Warrants and Vouchers were removed from the consent agenda because the Vice Chairman had not reviewed them.

Item 4. Standing Reports

Item 4a. Health Department - absent

Item 4b. Highways, Streets & Roads - absent

Item 4c. County Administrator's Report

Item 4c1. Appointment to District 19 Community Services Board

George E. Morrison, III, Deputy County Administrator, advised the Board that Dr. Phyllis Moore-Tolliver was contacted and has agreed to fill the vacancy on the District 19 Community Services Board. At the Board's regularly scheduled meeting on June 17, 2010, Dr. Moore-Tolliver's name was recommended to the entire Board of Supervisors by Chairman Parker.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Dr. Phyllis Moore-Tolliver, 24128 Cabin Point Road, Waverly VA 23890, to the District 19 Community Services Board for a term of three (3) years, expiring June 30, 2013.

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

Voting nay: none

Item 4c2. Appointment to Industrial Development Authority Board of Directors

George E. Morrison, III, Deputy County Administrator, advised the Board that Supervisor Caple has spoken with Mr. Mel Davis regarding his interest in serving on the Industrial Development Authority Board of Directors. Mr. Davis has agreed to serve.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Mel Davis, Post Office Drawer C, Stony Creek VA 23882, to the Industrial Development Authority Board of Directors for a four (4) year term, expiring May 15, 2014.

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

Voting nay: none

Item 4c3. Reed Road Convenience Center Update

George E. Morrison, III, Deputy County Administrator, reported that he is in receipt of an update from Mr. Rich Nolan, Senior District Manager of Atlantic Waste Disposal Inc., regarding Reed Road Convenience Center site. (A copy of the report is retained in the July 15, 2010 Board packet).

Item 4c4. McGill-Leprechaun Utility Project Conditional Closeout

George E. Morrison, III, Deputy County Administrator, provided information regarding the McGill-Leprechaun conditional closeout. (A copy of the report is retained in the July 15, 2010 Board packet).

Item 4c5. Reaffirmation of Pearson's Appraisal Contract

George E. Morrison, III, Deputy County Administrator, advised that Pearson's Appraisal Services, Inc., Real Estate Reassessment item is presented to the Board to reaffirm the vote taken on April 15, 2010. The amount approved by the Board of Supervisors in the resolution was for \$87,046.00 for Fiscal Year 2011. However, the contract amount is \$123,315.62 for the entire project to be completed in Fiscal Year 2012. Staff requests that the Board reaffirms its April 15, 2010 action to include the entire contract amount.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reaffirms their action taken on April 15, 2010, total contract amount for Pearson's Appraisal Services, Inc. is \$123,315.62; and

FURTHER RESOLVED that the Deputy County Administrator is hereby authorized to sign said contract.

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

Voting nay: none

Item 4c6. NACo Prescription Discount Card

George E. Morrison, III, Deputy County Administrator, reported that NACo had been advertising and offering (for free) the NACo Prescription Discount Card to participating localities and their residents. Recently, it was brought to Administration's attention by a staff member that this would be an excellent benefit to offer to the citizens of Sussex County in these tough economic times. Staff request that the Board approve the resolution included in their packet and authorize the Deputy County Administrator to execute the service agreement.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the following resolution:

WHEREAS, Sussex County has the authority, pursuant to Virginia Code Section 15.2-1200, to adopt such measures as it deems expedient to secure and promote the health, safety and general welfare of its inhabitants which are not inconsistent with the general laws of the Commonwealth. Such power shall include, but not be limited to, the adoption of quarantine regulations affecting both persons and animals, the adoption of necessary regulations to prevent the spread of contagious diseases among persons or animals and incur expenses necessary for the performance of powers herein above set forth; and

WHEREAS, the County is a member in good standing with the National Association of Counties (NACo), which is a requirement to be able to participate in the NACo Program; and,

WHEREAS, the County has discussed with NACo, the analysis of the special NACo committee appointed to review the several proposals received from vendors by NACo for this program and supports the NACo vendor decision process based on price, ease of use and the size of the pharmacy network; and has examined the successful results of the pilot study performed by NACo before entering into the agreement with Caremark PCS Health, L. P.; and,

WHEREAS, the County desires to offer this drug discount card program to help Sussex County consumers save money on their prescription medications any time their prescriptions are not covered by insurance; and,

WHEREAS, the drug card is not insurance; and

WHEREAS, all County residents, regardless of age, income or existing health coverage may use card immediately upon receipt; and,

WHEREAS, drug discount cards will be made available at numerous locations throughout the County for ease of access by County residents; and

WHEREAS, there is no enrollment form, no membership fee and no restrictions or limits on frequency of use; and,

WHEREAS, the Sussex County Rx drug discount card will be accepted by more than 63,000 pharmacies nationwide; and,

WHEREAS, the drug cards will be received in approximately 8-10 weeks from the date of the contract;

NOW THEREFORE BE IT RESOLVED that Sussex County hereby agrees to the term and conditions of the Managed Pharmacy Benefit Services Agreement for Member County between Sussex County, the National Association of Counties and Caremark PCS Health, L.P., as set forth in the Agreement, and the Deputy County Administrator is authorized and directed to execute the Agreement on behalf of the County; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is directed to provide copies of this Resolution and Agreement to the Town Councils of all towns geographically located, in whole or part, in the County of Sussex, Virginia, the Clerk of the Sussex County Circuit Court and Mr. Andrew Goldschmidt, Director of Membership/Marketing, National Association of Counties, 25 Massachusetts Avenue, NW, Suite 500, Washington DC, 20001.

Voting aye: Supervisors Caple, Harrell, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly

Item 4c7. Water System Quotes

George E. Morrison, III, Deputy County Administrator, reported that Mr. Eddie T. Vick, Public Safety Coordinator, requested that this item be tabled from the last meeting. Information was received from two vendors, that after additional contact, he had not heard back from Rideout Electric and Plumbing regarding their water sampling from the lab.

Mr. Vick recommends that the Board of Supervisors approve the lowest vendor (McCoy Water Filter, Inc. \$4,700.00 installed and a \$600.00 annual maintenance fee).

Action Requested: The Board of Supervisors is asked to approve McCoy Water, Inc. to treat the water at the Stony Creek Rescue Squad Building as well as appropriate the funds to commence the project.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the proposal submitted by McCoy Water Filter, Inc.; and

FURTHER RESOLVED that the cost of installation is \$4,700.00 and the cost of the annual maintenance fee is \$600.00 for the Stony Creek Rescue Squad building.

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

Voting nay: none

Item 4c8. Tobacco Commission Grant (460 Industrial Park)

George E. Morrison, III, Deputy County Administrator, reported that at the Board's last regularly scheduled meeting on June 17, 2010, inquiries were made regarding the status of the funds provided by the Virginia Tobacco Indemnification and Community Revitalization Commission for the development of the County's Highway 460 Industrial Park.

The grant was initially awarded in 2003. Since the award in 2003, two extensions have been awarded, one requested by the County in light of Hurricane Isabel and the other granted by the Commission so that they could clean up several of the long standing grant awards in the region. The County was contacted last spring to go over a review of the project, as well as be introduced to the Commission's new representative working in the Southside.

In April 2010, the County Administrator received correspondence indicating that the County's grant (#494, in the amount of \$249,720.00) had been closed due to the inactivity to draw down these funds. Upon further inspection and contact with the Commission, although this grant has been closed, the funds still remain in Sussex County's allocation from the Commission and may be reapplied for in mid-August 2010, if it is the Board's desire. In research, the activities which have been conducted by Townes PC are directly related to the County's first grant (#488, in the amount of \$45,000) to address Engineering, Design, and Construction plans. This grant has been closed out and the County has met the stipulations of the grant.

Action Requested:

The Board of Supervisors is asked to provide direction regarding reapplication with the Virginia Tobacco Indemnification and Community Revitalization Commission for grant assistance. This would require revised conversation with Townes PC to address the status of their current work and then an all out press to resubmit the application.

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

FURTHER RESOLVED that George E. Morrison, III, Sussex County Deputy County Administrator, is authorized to sign and submit the Fiscal Year 2011 Tobacco Commission Economic Development Application and will be responsible for 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 4c9. Victim Witness Grant #11-N95574VG10

George E. Morrison, III, Deputy County Administrator, reported that included in the Board's packet is a copy of information from the Department of Criminal Justice Services regarding Victim Witness Grant #11-9574VG10. The grant is in the amount of \$54,163.00.

Action Requested:

The Board of Supervisors is asked to do the following: (1) To accept the award and conditions; (2) To accept and appropriate grant funding in the amount of \$54,163.00; and (3) To authorize staff to sign the Statement of Grant Award/Acceptance for forwarding to the Department of Criminal Justice Services.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts Victim Witness Grant #11-N9574VG10, in the amount of \$54,163.00; and

FURTHER RESOLVED the Board of Supervisors hereby appropriates \$54,163.00 and authorizes staff to sign the Statement of Grant Award/Acceptance for forwarding to the Department of Criminal Justice Services.

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

Voting nay: none

Item 4c10. Greensville County Mega Site Letter of Support

George E. Morrison, III, Deputy County Administrator, reported that on Wednesday, June 30, 2010, a meeting was held with Mr. K. David Whittington and Mrs. Natalie B. Slate, County Administrator and Deputy County Administrator, respectively, for Greenville County.

Mr. Whittington is seeking Sussex County's support to make an application with the Virginia Economic Development Partnership with funding provided in part or in full by the Virginia Tobacco Indemnification and Community Revitalization Commission. Greenville County is requesting that Sussex County adopt a resolution so that their submission is a regional effort. In support of that effort, Mr. Whittington indicated that he was also contacting Brunswick County, Dinwiddie County, Southampton County, City of Emporia, and Halifax County, North Carolina for similar resolutions.

The Greenville County Mega Site is approximately 1,500 acres and is located west and adjacent to Exit 13 on Interstate 95. Mr. Whittington and Mrs. Slate indicated that most all of the landowners in the mega site have an option on the land, in Virginia which is certified by McCallum Sweeney, is one of the fifteen in the United States. It is indicated by Mr. Whittington that they seek to secure grant funds to assist in the procurement of the real estate from the landowners.

The resolution will allow Sussex County to be included as a co-applicant on the applications, along with Greenville County and the City of Emporia. There is no financial obligation.

Action Requested:

This information is for the Board of Supervisors' edification and action.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors does not support the Greenville County Mega Site project.

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

Voting nay: Supervisor Tyler

Supervisor Tyler indicated that he voted "nay" because he feels that we need Greenville County to support our industrial park in Jarratt.

Item 4c11. Director of Finance Report

Jerry L. Whitaker, Director of Finance, provided an update to the Board. (A copy of the Director of Finance's report is retained in the July 15, 2010 Board packet).

Item 4d. Board of Supervisors Work Session Report

Item 4d1. Transfer Cleaning of Courtrooms

Supervisor Fly asked for an update regarding the transfer of the cleaning of the courtrooms to the Building and Grounds staff.

George E. Morrison, III, Deputy County Administrator, advised that he has met with Mr. Montaque Gilliam, Building and Grounds Supervisor and he informed him that things were going well.

Item 4d2. Old County Administration Building

George E. Morrison, III, Deputy County Administrator, reported that he has sent an email to Ms. Dodie Hudson, Project Manager for Dewberry. Ms. Hudson advised that she has communicated with Mrs. Lyndia Person-Ramsey, Commonwealth's Attorney, and he advised that a meeting be set with the three of them to further discuss this issue.

Item 4d3. School Funds De-Appropriation

Supervisor Fly advised that there was a total breakdown in communication between County Administration and School Administration. Dr. Harris states that he did not receive notification regarding the \$59k that the Board de-appropriated in February 2010.

This item will be further discussed and acted upon later in this meeting.

Item 4d4. NACo Annual Conference

Supervisor Fly asked who is going to the NACo Conference.

Supervisor Parker advised that the Chairman, the Deputy County Administrator and Supervisor Caple will attend.

Item 4d5. Wakefield Recreation Contract

Supervisor Fly asked what the Board could do to proceed with the Wakefield Recreation Contract.

County Attorney Thompson says the Board can make determination as to whether or not they will lease the property for a convenience center or for a recreational football field area. Once that is given, the Board can move forward with specifics for a new contract.

The Board, by general consensus, agreed to set a meeting with representatives of the Town of Wakefield and the Finance Committee, possibly sometime in September.

County Attorney Thompson stated that the Mayor of Wakefield and/or the Town Council should send written documentation advising the Board what the Town wants to use the property for.

Item 4d6. Board of Supervisors Work Session Report

George E. Morrison, III, Deputy County Administrator, reported that the Board of Supervisors held a Work Session beginning at 5:00 p.m. today and ending at 7:08 p.m.

Supervisor Parker advised that the items discussed in the Work Session were as follows: (1) Sheriff's Request for additional funding (removed from agenda until further notice); (2) Code of Ethics for Board members, to be acted on later tonight; (3) Voice recording system – will bring 2 vendors before the Board for approval; (4) Complete Personnel Policy Manual; (5) County Employees to reside in Sussex County, from this point on, not current employees, Personnel Committee will review; and (6) Background Checks for County Employees.

George E. Morrison, III, Deputy County Administrator, advised that there was a motion made to commend Ms. Mary Jones for a job well done and to offer compensation to her for annual leave up to the maximum amount that she is eligible for as a County employee, and ask if she will consider retiring effective September 1, 2010.

Supervisor Parker stated that the County Administrator has been ill for a while and the Board needs to bring this issue to a close.

Item 4e. Treasurer's Report

Onnie L. Woodruff, Sussex County Treasurer, reported that the Treasurer's Office has closed its books for fiscal year ending June 30, 2010 and has completed a preliminary internal audit with all books, funds, accounts and taxes in balance.

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 June 30, 2010 was \$23,959,388.71. (A copy of the Treasurer's Report is retained in the July 15, 2010 Board file).

Mr. Woodruff also asked the Board to adopt three (3) resolutions.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors, for FYE10, hereby appropriates a transfer of \$565,000.00 from the General Fund to the Reserve Fund, thus increasing the Reserve Fund \$400,000.00 over last year's ending balance.

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

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates a transfer of \$227,680.24 from the General Fund to the School Fund to cover all warrants payable generated for FYE 2010.

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

Voting nay: none

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that Sussex County Treasurer has submitted the delinquent tax list,

including the 2005-2009 personal property taxes and the 1990-2009 real estate taxes, in compliance with Section 58.1-3924 of the Code of Virginia; and

FURTHER RESOLVED that the Treasurer is hereby relieved of the responsibility of advertising the delinquent tax list and is also directed to continue collecting delinquent taxes.

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

Voting nay: none

Item 4f. Commissioner of the Revenue – absent

Item 4g. Sheriff's Report

Item 4g1. Relocation of Shooting Range

Sheriff Bell asked the Board's permission to move the shooting range from its current location on Route 460 site at the Waverly Airport to the former Robinson Road landfill site.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby grants permission to the Sheriff, to relocate the shooting range from Waverly Airport on Route 460 to the former Robinson Road Landfill site..

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

Voting nay: none

Item 4g2. Request For Additional Funding

Sheriff Bell requested the restoration of funding for overtime.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby restores and appropriates the amount of \$10,000.00 to the Sheriff's Department budget for overtime line item, for medical nurse and the DARE program, for Fiscal Year 2011.

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

Voting nay: none

Item 4g3. \$3,500.00 Compensation Board Budget Cut

Sheriff Bell requested that the \$3,500.00 that was taken away by the state, be reinstated for Selected Enforcement Program to cover the cost of cuts to employees' salaries.

The Finance Committee, by general consensus will consider this issue at the August 17, 2010 meeting.

Item 4g4. Animal Control Officers Transfer to Sheriff's Department

Supervisor Birdsong reminded the Board that at a previous meeting, the Sheriff was going to research what other localities are doing with regard to Animal Control Officers working under the supervision of the Sheriff.

Sheriff Bell advised that he had obtained a copy of the policies and procedures from Powhatan. He has reviewed them and needs information regarding the two Animal Control Officers, from the County Administrator's office. He can then go through the hiring process.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY that the two Animal Control Officers be transferred to the Sheriff's Department.

Voting aye: Supervisors Birdsong, Fly

Voting nay: Supervisors Caple, Harrell, Parker, Tyler

Item 4h. Superintendent of Schools

Dr. Charles H. Harris, III, Division Superintendent of Schools, advised that a resolution needs to be adopted to show that the School Board did not overspend its budget. An agreement with County Administration has taken place, but his direct concern was the lack of communication.

George E. Morrison, III, Deputy County Administrator, advised that actions taken by the Board earlier this evening have rectified the budgetary situation regarding Schools.

Item 4i. Director of Social Services – absent

Item 4j. County Attorney's Report

Item 4j1. Tuition Reimbursement Policy

County Attorney Thompson advised that he has completed and forwarded a draft of the Tuition Reimbursement, as requested by the Board.

Item 4j2. FLSA Compensatory Leave for Exempt Employees

County Attorney Thompson advised that he will have, at the next regular meeting of the Board, information regarding compensatory leave as it relates to exempt employees.

Item 4j3. Chapters 1 & 2 – Sussex County Ordinances

County Attorney Thompson advised that he has completed drafts of Chapters 1 & 2 of the Sussex County Code of Ordinances. He recommended that the Board of Supervisors authorize staff to advertise, so that they can take action. He also recommended that this item be placed on the August 2010 meeting agenda.

Item 4j4. Waverly Gas

County Attorney Thompson advised that he has a meeting scheduled with Waverly Gas next week in Waverly, regarding a pollution equipment matter. He stated that he will report to the Commissioner of the Revenue, the Treasurer, County Administration and the Board at the next regular scheduled meeting.

Item 5. Citizens' Comments

Comments were heard from the following citizens:

Kevin Bracy, Courthouse District
Fred Turck, Blackwater District

Item 6. Unfinished Business

Item 6a. Minutes of February 11th, February 18th, March 4th and March 18th Meetings

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Deputy Clerk's version of the February 11, 2010, February 18, 2010, March 4, 2010 and March 18, 2010 minutes of the Board meetings.

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

Voting nay: none

Item 6b. Code of Ethics

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Code of Ethics and Standards of Conduct for the members of the Sussex County Board of Supervisors; to wit:

WHEREAS, the citizens and businesses of Sussex County and its employees are entitled to have fair, ethical and accountable local government which has earned the public's full confidence; and

WHEREAS, the Board of Supervisors members recognize and readily accept that each Board member has the duty and responsibility to comply with both the letter and intent of the laws and policies affecting the operation of government; and

WHEREAS, the Sussex County Board of Supervisors are required to be impartial and fair in their judgment and actions and ensure that public office is used for the public good; and

WHEREAS, the Sussex County Board of Supervisors has determined that the adoption of a Code of Ethics and Standards of Conduct for its members shall assist in achieving these ends.

NOW, THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors on this 15th day of July, 2010, adopt the following:

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Sussex County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States and all governments therein and never knowingly, be a part of their evasion.
2. Put loyalty to the highest principles and to the County as a whole above loyalty to individuals or particular groups.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin or disability.
6. Avoid adopting policies, supporting programs or engaging in activities that discriminate against or offend individuals because of race, sex, religion, creed, country of origin or disability.
7. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges, to anyone whether for remuneration or not. A member should never accept for himself or family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
8. Make no private promises of any kind binding upon the duties or any office, since a public servant has no private work which can be binding on a public duty.
9. Engage in no business with the County Government, or the school system either directly or indirectly, which is inconsistent with the conscientious performance of government duties, except as may be consistent with the conflict of interest statutes in the code of Virginia.
10. Never use any information gained in confidentiality in the performance of governmental duties as a means of making private profit.
11. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
12. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with the sensitive personnel, legal matters, contractual matters by the Code of Virginia.
13. Avoid using the position of public trust to gain access to the media for the purpose of criticizing colleagues, citizens or personnel impugning their integrity, or vilifying their personal beliefs.
14. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
15. Review these principles orally and in public session at the annual organizational meeting each year.
16. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining, every member of the Board of Supervisors should adhere to the following Standards of Conduct:

The Authority of the Board of Supervisors is vested in the whole Board of Supervisors and not any individual Board of Supervisors' member. Unless temporary authority is delegated to any one or more Board members, subject to later Board action at a public meeting, no Board member speaks for, or may bind the Board of Supervisors to any course of action, decision or agreement without Board of Supervisors' approval, consent or consultation.

The Board agrees to provide appropriate mechanisms for disciplining members who violate the Standards of Conduct by using, as a final measure of discipline, censure or removal from any position which the Board itself, elects or appoints a Board member. This applies to a violation of the following:

1. A Board member shall in responding to questions from the media or citizens:
 - a) Remind the listener that they are not speaking for the entire Board;
 - b) Clarify their position on a particular item;
 - c) Make "no public comment" on Closed Session matters in reference to individuals, real estate and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.

These Code of Ethics and Standards of Conduct may be amended from time to time, with prior notice at least thirty (30) days by a majority vote of the entire members present and voting.

Voting aye: Supervisors Caple, Harrell, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly

Item 7. New Business – none

Item 8. Closed Session

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session for the following: (a) Personnel Matters, Applicable Code Section 2.2.3711(A); and (b) Prospective Business, Applicable Code Section 2.2-3711(A)(5); and

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 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 2.2-3712 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 were 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. Adjournment

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the July 15, 2010 meeting of the Sussex County Board of Supervisors is hereby adjourned.

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

Voting nay: none

The Finance Committee will meet at 12:00 noon on Tuesday, August 17, 2010 in the conference room of the County Administration building.