



August 16, 2012

To: Honorable Members of the Sussex County Board of Supervisors
From: Thomas E. Harris, County Administrator
Subject: Sussex County Board of Supervisors August 16, 2012 Meeting
Regular Meeting – 7:30 p.m.
General District Court Room – Sussex Judicial Center

AGENDA

Item 1. 7:30 p.m. CALL TO ORDER/DETERMINE QUORUM

Item 2. The Invocation & Pledge of Allegiance

Item 3. Agenda Amendments: *(none at this time)*

Item 4. Approval of Regular Agenda

Recommendation: Move to approve the Sussex County Board of Supervisors August 16, 2012 Regular Meeting Agenda, as presented (or with any amendments).

Item 5. Approval of Consent Agenda

- a. Minutes of the June 21, 2012 meeting
- b. Approval of Appropriations: Oyster Point Construction, \$647,935.15
- c. Approval of Appropriations: G E T Solutions, \$1,375.00
- d. Approval of Appropriations: Speight Marshall & Francis, \$3,750.00
- e. Approval of Appropriations: Rancorn Wildman Architects, \$6,548.14;
- f. Approval of Warrants & Vouchers

Item 6. Standing Report: Staff/Committees/Organization

Item 6-a. Health Department: No report at this time

Item 6-b. County Administrator's Report

Item 6-b-1. Conditional Use Permit #2010-02, Walter Tuma, applicant: On August 18, 2011, the Board of Supervisors approved Conditional Use Permit Application #2010-02 for a period of one year. The conditional use permit allowed the applicant to locate a commercial kennel at 5532 Rocky Branch Road for the breeding of Yorkies. The conditional use permit is due to expire on August 18, 2012. The resolution adopted by the Board of Supervisors on August 18, 2011, provided for the reconsideration of Mr. Tuma's permit prior to August 19, 2012 for the possibility of making the permit permanent. The Planning Department has received no complaints from the adjoining property owners and a site inspection conducted on August 9, 2012 by both Planning staff and the County's Animal Control Supervisor found the kennel facility to be clean and no violations were found.

Recommendation: That Conditional Use Permit Application #2010-02 be renewed by the Board of Supervisors for a period of three (3) years as a conditional use permit can be revoked by the Board of Supervisors at any time if any violations are noted in the future.

Item 6-c. County Attorney's Report – *No report at this time*

Item 6-d. Treasurer's Report – *Monthly financial report and bank reconciliation included in the Board packet.*

Item 6-e. Commissioner of the Revenue – *No report at this time*

Item 6-f. Sheriff's Department – *No report at this time*

Item 6-g. Superintendent of School

Item 6-h. Director of Social Services – *No report at this time*

Item 7. Appointments

- A. Appointment to Planning Commission:** An appointment is needed to replace Mr. Charles S. Owen, Jr., whose term expired April 30, 2012. Mr. Owen does not wish to serve again.

Please be advised that the Board had previously asked that the proposed By-Laws be tabled for a later date. The revisions were made in an attempt to have equal representation from each District without requiring the dismissal on sitting members and after review by the Commission was recommended for approval.

At this time no action has been taken and therefore there still is no equal representation on the Planning Commission.

Furthermore, in an effort to maintain accuracy and to assist Ms. Davis in her duties, please find enclosed a Sussex County Board Bank form. This form will be utilized for applicants for future use of board appointed committees and to assist staff in stream lining the process.

Recommendation: To determine if the Board would choose to approve the new Planning Commission By-Laws before making an appointment to the Planning Commission to replace Mr. Charles S. Owen, Jr.

B. Sussex County Service Authority: Please be advised that the Board will need to appoint a new Board Alternate to the Service Authority and a new citizen Alternate based on the attached correspondence from Executive Director Frank Irving.

1. Raymond Warren (Board of Supervisors Member) - Need to appoint someone from the Sussex County Board of Supervisors as an alternate.
2. Bill Collins (At-Large Member) - Bruce Spencer appointment as an alternate is valid until December 31, 2012.

Recommendation: To appoint an Alternate for The Honorable Raymond Warren (a current Board of Supervisors Member) and to appoint a Citizen Alternate.

Item 7C. County Code Pertaining to Board Policies and Procedures Update: Supervisor Fly requested that this item be added to the agenda.

The County Code was last revised in 1991 and needs to be reviewed and updated as it includes our Special Meeting Policy for example.

Item 7D. Definition of and Limitation of Chairman's Responsibility: Supervisor Fly requested that this item be added to the agenda.

Item 7E. Violation of State Law: Supervisor Fly requested this item be added to the agenda.

Item 7F. Personnel Committee: Role and Responsibility

Item 7G. Definition of and creation of Board Policy on Called, Special and Emergency Meetings: Supervisor Fly requested this item be added to the agenda.

There appears to be a lack of understanding regarding the State FOIA Meeting requirements three days (3) and the 1991 County Policy which requires five (5) days Notice. Clarification/ Direction are needed.

Item 8. Unfinished Business: *None at this time*

Item 9. New Business: *None at this time.*

Item 10. Reports from Departments/Staff/Commissions

A. Animal Control: *Report included*

B. Building Department: *Report included*

C. Building and Grounds: *No report at this time*

D. Economic Development Report: *To be provided*

E. Environmental Inspections: *Report included*

F. Housing Program: *Report included*

G. Planning and Zoning: *Report Included*

H. Public Safety: *Report included*

Item 11. Board Members Comments/Reports

Blackwater District:

Courthouse:

Henry District:

Stony Creek District:

Wakefield District:

Waverly District:

Item 12. Hearing of Citizens Comments

Item 13. Closed Session: Personnel Matters regarding Staff Appointments

To move into a Closed Session the Chairman will need a motion stating the specific paragraph. The motion shall read:

WHEREAS, the Board of Supervisors of Sussex County desires to enter into a Closed Session for the following matter:

- a. Recommendation/actions taken by the County Administrator to suspend/terminate the Assistant County Administrator/Director of Economic Development from employment with Sussex County.
- b. County Administrator’s Contract
Assistant County Administrator/Director of Economic Development’s Contract

WHEREAS, pursuant to §2.2-3711(A)(1), 2.2-3711(A)(30) VA Code as Amended, such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Sussex County does hereby authorize discussion of the aforesated matters in Closed Meeting.

Item 14. RETURN TO OPEN MEETING

Upon return from the closed meeting, the Chairman will need a motion to return to the open meeting.

Item 15. CERTIFICATION OF CLOSED MEETING

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

WHEREAS, 2.2-3711 of the Code of Virginia, 1950, as amended, requires a certification by the County of Sussex Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the County of Sussex Board of Supervisors hereby certifies that to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies, and (2) only such public business matters, as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting to which this certification applies.

- *Vote is to be made by roll call*

Item 16. MOTIONS FROM CLOSED MEETING

Once the Closed Meeting is certified, the Board may proceed, if necessary, with any action resulting from the closed meeting.

Item 17. RETURN TO CLOSED SESSION (IF NEEDED)

Item 18. MOTION TO CONTINUE OR ADJOURN MEETING

A motion will be necessary to continue or to adjourn the meeting.
