

**At a Budget Work Session of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center  
Thursday, March 18, 2010, 5:30 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  
Eddie T. Vick, Public Safety Coordinator  
Montaque Gilliam, Building & Grounds Supervisor  
Deborah A. Davis, Assistant to County Administrator

**Item 1. Call To Order**

The March 18, 2010 budget work session was called to order by Chairman Parker.

**Item 2. Approval of Agenda**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the agenda of the March 18, 2010 budget work session, subject to the following: Add Item 2a, Citizens' Comments.

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

Voting nay: none

**Item 2a. Citizens' Comments**

Comments were heard from the following:

1. Shykey Franklin, Head Start Director, The Improvement Association, emphasized the importance of the Head Start Program and requested that the Board not reduce the Improvement Association's budget.
2. Jennifer Rhodes, Wakefield, spoke in support of the Head Start program.
3. Michael Simpson, Waverly, spoke in support of the Head Start program.
4. Minister Kevin Jones, Waverly, spoke in support of the Head Start program.
5. Ms. Joyner (first name inaudible) spoke in support of the Head Start program.
6. Pamela Coleman, spoke in support of the Head Start program.
7. Melissa M. (last name inaudible) spoke in support of the Head Start program.
8. Crystal Seymour, Jarratt, spoke in support of the Head Start program.
9. Sheila Harris, Waverly, spoke in favor of the Head Start program.

10. Jean M. (last name inaudible) spoke in support of the Head Start program.
11. Ginger Wrenn, Program Coordinator for Summer Youth Program, spoke in favor of the Head Start Program.

Jerry L. Whitaker, Director of Finance, asked that the Board refer to the handout. He reviewed the budget information.

Supervisor Fly: "The landfill tipping fees have consecutively decreased for 20 months; you see one month of increase and you changed the figures in the budget?"

Mr. Whitaker: "The trends seem to be improving. The budget is based on current \$4.5 million and should be a realistic figure to deal with."

Supervisor Tyler: "Parallel to Mr. Fly's question, in December or January, there seemed to be a change in the trend to change revenue. The April projection may be an increase, so that figure may be within range."

Mr. Whitaker: "That's the worst case scenario."

Supervisor Harrell: "Our average should be \$458,000 in order to meet the \$5.5 million. April through August are usually the best months."

Supervisor Fly: "The budget is too close using the landfill revenue. We will have to dip in the reserves to balance this budget. This is break even; we need to find money elsewhere. The Board cut a lot of things out, but I am looking at the Improvement Association's budget, to be fair, how can Mr. Whitaker put that back in?"

Mr. Whitaker: "I made an error in my report."

Supervisor Caple: "The Improvement Association advised the Board that we should keep the 20% match in the budget."

Supervisor Fly: "I am not picking on the Improvement Association, but we need to be fair. We asked Administration for an agreement, but we have not gotten it yet?"

Supervisor Tyler: "Let me explain."

Supervisor Fly: "All I need is an agreement."

Supervisor Tyler: "Years ago when the agency started, 80% of the funding came from federal dollars and there was a 25% local match. The Improvement Association provides homeless intervention, Head Start program, Project Discovery. If the Board had to fund four classrooms with a teacher and an assistant, that would cost more than \$60,000.00. The previous Board always provided support, but there is no formal agreement. Sussex could be paying \$141,000, but the Improvement Association is requesting \$60,000.00."

Supervisor Fly: “Mr. Whitaker, did you make a mistake?”

Mr. Whitaker: “I misunderstood what I was supposed to do.”

Supervisor Fly: “How does Greenville County get away with paying only \$20,000.00?”

Supervisor Tyler: “Greenville/Emporia have three classrooms. Sussex has four.”

Supervisor Fly: “How many people use the program? There needs to be a comparison done because Sussex pays more.”

Supervisor Tyler: “In Sussex, there is Project Discovery, that’s not provided in Brunswick, Greenville or Emporia. Sussex receives more services and assists more clients.”

Supervisor Birdsong: “I think that everybody agrees that the Improvement Association provides good services; they are greatly needed. But two meetings prior, the Board asked that Administration identify what we could not cut because of agreements and/or contract. When we voted to cut contributions; that included all agencies, except those that we had contracts with. We acted based on information received from Administration. When the cut was made, we did not recommend that it come from the Head Start program. Mr. Tyler himself said that the Board should make the necessary cuts and let the departments figure out how to manage. So the Improvement Association Board of Directors needs to figure it out. The Board doesn’t control that. Head Start is a vital program; we don’t want to see it cut because it makes a tremendous difference. I get the feeling that there is some misconception that the Board cut Head Start. The folks in the audience need to go to the Improvement Association’s Board of Directors meetings and tell them how they feel.”

Supervisor Tyler: “That’s real good logic. Sussex’s share is \$141,000.00, but they never gave their share. There is a mandated federal match. What happens in Sussex affects Surry, Greenville and Brunswick. If you do not support public education. Education is a direct key to economic development. Sussex has four classrooms, but you don’t want to invest \$60,000.00. So tell the people in your district that you are not supporting this and the public record should reflect that.”

Supervisor Harrell: “I have been on the Board for twelve years and I always thought we had an agreement with the Improvement Association.”

Supervisor Fly: “I ask two things from the Improvement Association. Can they make up a \$31,000.00 shortfall?”

Supervisor Tyler: “The General Assembly cut \$100,000.00. Sussex never lived up to its share of \$141,000.00.”

Supervisor Fly: “Does Greenville live up to their share?”

Supervisor Tyler: “No.”

Supervisor Fly: "Can the Improvement Association show what services will be cut if there is a \$31,000.00 reduction?"

Supervisor Tyler: "Maybe our special needs issues."

Supervisor Fly: "It's not fair to the other agencies because the Improvement Association has members that sit on the Board of Supervisors. I think that the way this issue was brought back to the Board is unethical, but we are being told by Mr. Whitaker that he made a mistake; it's sleazy and back door."

Supervisor Caple: (Directing his comments to Supervisor Fly) "It's amazing how you want the public to think. You have no concern for Sussex County residents. You claim you support education. You don't want to face the facts; you want to play politics. We are not doing what we ought to be doing as Board members. You are doing all you can not to support this budget."

Supervisor Fly: (Directing his comments to Supervisor Caple): "You voted for this."

Supervisor Caple: "No, I didn't."

Supervisor Parker: "We need to take a vote to restore the \$31,000.00 to the Improvement Association. We gave the \$500,000 back to the School Board. This is like taking a sledge hammer trying to kill a gnat."

Supervisor Tyler: "I will be happy to bring in information on what impact the cuts will be on the children in Sussex."

Supervisor Fly: "If the rest of the Board wants to be ignorant...."

Supervisor Birdsong: "Let's look at taking \$425,000 out of reserves to balance the budget. I understand what Mr. Whitaker is doing. The budget is a tool. We are making the best decisions we can make."

Supervisor Parker: "I am ready to call for the question."

Supervisor Birdsong: "You can do anything you want to; you are the Chair. The Board is not ready to act. We don't have the schools budget; we need the information from the Improvement Association."

Supervisor Fly: "Mr. Whitaker, do we know where we will end up in the 2010 budget to balance?"

Mr. Whitaker: "We will need approximately \$100,000.00 to balance."

Supervisor Fly: "We can't balance the budget until we deal with the Sheriff's budget. We have two options: move the deputies to 160 to 28 days or move to 171 hours and the deputies will work for free for 11 hours. Which way will we go?"

County Attorney Thompson: "Mr. Morrison has the updated legal opinion. The Board adopted the wage and salary plan in 2004; the 171 hours in a 28 day cycle became mandatory. The former sheriff was using 160 hours, but the Board has to follow the Fair Labor Standards Act. You can always overpay. The law has always been 171 hours in a 28 day cycle. If the Board decides to do something different, the wage and salary plan would have to be amended. Compensatory time should not be given between 160 and 171 hours."

Supervisor Fly: "I still have questions although the wage and salary plan has been adopted by this Board. That was an absolute piece of garbage. How will we handle this situation? Do we ask the deputies to work for free or cut their pay? If we raise their pay and go to 170 hours, then we have to raise everyone else's pay. How will we solve that?"

Mr. Whitaker: "The Board can determine what to pay."

Supervisor Fly: "Can we pay?"

Mr. Whitaker: "That's a legal question."

Supervisor Tyler: "Mr. Whitaker cannot answer that question. The Board approved the wage and salary plan; it's kind of ambiguous. The constitutional officers fall under our Personnel Policy. We need to honor the wage and salary plan and move on. Provide comp time when it's mandated and pay when we need to. But the Board needs to make a decision. Perhaps the Personnel Committee could analyze and make a recommendation to the Board."

Supervisor Fly: "How did we handle the last pay?"

Mr. Whitaker: "We did not process that part; we are waiting on the Board's decision."

County Attorney Thompson: "This can be discussed in Closed Session."

Supervisor Parker: "Can we go in Closed Session.?"

Supervisor Fly: "No, we don't need to be making changes without the Sheriff's knowledge or approval."

Supervisor Parker: "We need to follow the law."

Sheriff Bell: "Will we have some input?"

Supervisor Parker: "You can provide input."

Sheriff Bell: "We have been back and forth on this issue for 2 or 3 years. We have asked questions, we have written letters. We want 160 to 171 hours to be comp time. This has been a great discussion about nothing. The Board has chosen to take no action and I have been asking since 2007. Let me run my office the way I need to. I am responsible; if I can't handle it, then I don't need to be here. I am the sheriff until my term is up."

Supervisor Birdsong: “At the last meeting, we went through the same thing. We asked Sheriff Bell if he could make it all work. He said he could. All of a sudden, it’s being brought back up; it appears that someone does not want this issue settled. We got legal opinions; the sheriff says he can make it happen, so it does not have to come back to the Board. We spend too much time talking about the Sheriff’s Department payroll. If the Sheriff signs off on the payroll and sends it over, we ought to pay it. He’s bound by law; he has to run his department. We don’t need to micro manage. I thought it was settled. Makes me think I’m at Disney World.”

Supervisor Parker: “Who keeps bringing this issue up?”

Supervisor Tyler: “If we violate the Fair Labor Standards Act, who’s liable?”

County Attorney Thompson: “The Sheriff is responsible, but the monetary issue will fall back on the County.”

Supervisor Parker: “If we knowingly allow someone to violate the FLSA, the Board can be held liable.”

County Attorney Thompson: “That’s correct. Neither the Board nor Sheriff Bell has done anything wrong. Sheriff Bell has managed his office well and the Board has handled its fiscal responsibility. We can now move forward.”

Supervisor Tyler: “If we, as the Board of Supervisors, allow someone to violate the FLSA, we are not immune and can be held accountable. We never brought this issue to the Personnel Committee to review and analyze. Why didn’t we do that? I think it was unfair to bring it to the Board of Supervisors first.”

Supervisor Fly: “At our meeting, Administration keeps bringing this issue up. Ms. Katz has given a legal opinion; the Constitutional Officers can do what they want to. We can have a memorandum of agreement.”

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby refers the issue of Sheriff’s Department overtime issue to the Personnel Committee to review, analyze and report to the full Board.

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

Voting nay: none

Supervisor Fly: “I will wait until the Closed Session before I unleash all of my issues.”

Supervisor Parker: “When the Personnel Committee meets, make sure all of the players are involved, Sheriff Bell, County Attorney. Bring Mrs. Katz’s letter to the meeting. Mr. Whitaker also needs to be involved in this meeting.”

Supervisor Fly: “Have we addressed the \$5,000.00 that Mrs. Fields asked for at a previous meeting?”

Mr. Morrison: "That item is part of the 7:30 p.m. board meeting agenda."

**Item 4. Recess**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby recess until 7:00 p.m. on Wednesday, April 7, 2010.

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

Voting nay: none

The Personnel Committee will meet at 5:00 p.m. on April 7, 2010.

At a Regular Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center  
On Thursday, March 18, 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 MEMBERS PRESENT**

George E. Morrison, III, Deputy County Administrator  
Henry A. Thompson, Sr., County Attorney  
Jerry L. Whitaker, Director of Finance  
Montaque M. Gilliam, Building & Grounds Supervisor  
Eddie T. Vick, Public Safety Coordinator  
Brenda H. Drew, Housing Programs Coordinator  
Tony S. Johnson, Senior Animal Control Officer  
Deborah A. Davis, Assistant to County Administrator

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

The March 18, 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 Harrell.

**Item 2. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR TYLER, seconded By SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Regular Agenda of the March 18, 2010 meeting, subject to the following amendments: (1) Under County Administrator's Report, add Commonwealth's Attorney Office Mold Test Follow-up; (2) Under County Administrator's Report, add Regional Jail Committee Update; (3) Under County Administrator's Report, add Veterinary Services Contract; (4) Under County Administrator's Report, add Condemnation of Houses in Wakefield; (5) Under County Administrator's Report, add Gibbs Lumber Company Update; (5) Under Closed Session, add Economic Development discussion and Rental Agreement; (6) Removal of Virginia's Gateway Region (staff is unable to attend the meeting).

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

Voting nay: none

**Item 3. Approval of Consent Agenda**

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

Agenda of the March 18, 2010 meeting, inclusive of the following (1) Warrants and Vouchers in the amount of \$202,569.21; (2) Payroll Deduction checks in the amount of \$144,361.08 and (3) Appointment of Ms. Charlene Pope, 8593 Harrell Mill Road, Waverly VA 23890 to the Blackwater Regional Library Board of Trustees for a term of four years, expiring June 30, 2014.  
Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler  
Voting nay: none

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

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

#### **Item 4b. Highways Streets and Roads**

Mr. William Richardson, Assistant Residency Administrator, provided the Board with a map and draft resolution and reported the following changes in the Secondary System of State Highways for Sussex County:

#### **Project/Subdivision 0639-090-p66, N501**

**Type Change to the Secondary System of State Highways:**      **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change:                      **VDOT Project**

Pursuant to Code of Virginia Statute: **§33.1-229**

#### **Street Name and/or Route Number**

##### **▶ Warrens Quarter Road, State Route Number 639**

Old Route Number: 639

- From: Rte 460  
To: Surry County Line, a distance of: 0.06 miles.

Right of Way width (feet) = 50 ft

**Type Change to the Secondary System of State Highways:**      **Discontinuance**

The Virginia Department of Transportation is requested to discontinue the following portions of the Secondary System of State Highways:

Reason for Change:                      **VDOT Project**

Pursuant to Code of Virginia Statute: **§33.1-150**

**Street Name and/or Route Number**

► **Warrens Quarter Road, State Route Number 639**

Old Route Number: 639

- From: Rte 460  
To: Surry County Line, a distance of: 0.10 miles.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Virginia Department of Transportation has provided this Board with a sketch depicting the additions, discontinuances, abandonments and data corrections required in the Secondary System of state highways as a result of Project 0639-090-P66, N501 (UPC 55912), which sketch is hereby incorporated herein by reference,

WHEREAS, the new road serves the same citizens as those portions of old road identified to be discontinued and those segments no longer serve a public need;

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the Secondary System of state highways those portions of road identified by the sketch to be added, pursuant to 33.1-229, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board discontinues as a part of the Secondary System of state highways those portions of road identified by the sketch to be discontinued, pursuant to 33.1-155, Code of Virginia:

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Department of Transportation.

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

Voting nay: none

Supervisor Caple asked Mr. Richardson if he had an opportunity to look at Halifax Road in Stony Creek that runs alongside the creek. At a previous meeting, Supervisor Caple voiced concerns that citizens spoke of the danger in sliding into the creek when there is ice and snow on the street. He had asked Mr. Richardson to check on the installation of a guardrail.

Mr. Richardson advised that someone has been out to look at it, but he has not received a report yet.

Supervisor Harrell advised that he would like for VDOT to provide another vehicular traffic count on Warwick Road.

Mr. Richardson stated that the last vehicle count was done in 2008.

Supervisor Birdsong asked if there are funds left over from last year for the Longevity Road project.

Mr. Richardson advised that the project was overfunded; they are waiting on the design phase; this project may be completed by 2012.

Supervisor Fly advised that the area on Johnson Avenue; that he talked to Mr. Richardson about, the Town of Wakefield will get the land.

Supervisor Tyler reported that there is a home on Carver Avenue in Jarratt where there's a wide ditch that's very close to a resident's foundation. He asked Mr. Richardson to check on that.

Mr. Richardson advised that he would check on that issue.

Supervisor Birdsong advised that there is a big ditch on Brittle's Mill Road in Wakefield and wanted to know if guardrails could be installed at that location.

Mr. Richardson advised that he would check on that issue.

Mr. Richardson asked the Board if they would consider rescinding a resolution adopted by the Board on December 20, 2007 restricting truck traffic on Route 610 (Harrell Mill Road).

Supervisor Tyler asked that this request be tabled until the April 15, 2010 meeting.

Supervisor Parker asked Mr. Richardson if he still had crews working on potholes.

Mr. Richardson replied that they are still working on the potholes in the County.

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

##### **Item 4c1. Employee Recognition – Administrator's Award**

George E. Morrison, III, Deputy County Administrator: "Recognizing staff for a job well done or for exceeding their daily job duties for the good of the citizens of Sussex County is essential. Sussex County has an outstanding staff and they should be recognized when their performance warrants such acknowledgment.

This award is given quarterly to a fellow employee for outstanding jobs performed and/or for going above and beyond their daily job duties to provide Team Sussex and its citizens outstanding service.

The third quarterly recipient of the Administrator's Award for Fiscal Year 2010 is Mrs. Rhonda Whitby. Rhonda was nominated by her Supervisor Mr. Jerry L. Whitaker, Director of Finance. In Mr. Whitaker's nomination of Mrs. Whitby he states, "Rhonda has gone beyond her daily payroll tasks and has assumed many of the duties related to human resources. She willingly and cheerfully performs these duties which include new employee packets, assisting employees with retirement information and coordination of other employee benefits." Rhonda has further demonstrated her commitment to team effort by assisting accounts payables with printing and other issues. She has provided these extra efforts outside of her regular duties while maintaining

the high level of proficiency that is expected in the Finance Department. Mrs. Whitby has improved her job performance by automating the payment and filing of all taxes related to payroll withholdings. She has taken the initiative to suggest paying employees one business day early on 25 November instead of the thirtieth in an effort to increase employee morale. These aforementioned qualities, just to enumerate a few, are why it is only fitting that she be the next recipient of the Administrator's Award. "

Mrs. Whitby was unable to attend the meeting for the presentation of her award. Chairman Parker requested that Mrs. Whitby attend the next regularly scheduled meeting of the Board of Supervisors in April.

**Item 4c2. Virginia's Gateway Region** (removed from the agenda because of Gateway's staff inability to attend)

**Item 4c3. Stony Creek Convenience Center Update**

George E. Morrison, III, Deputy County Administrator: "This is an update to inform the Board of Supervisors that the 1.5 acres for the Reed Road Convenience Center has been purchased as of today. Mr. Rich Nolan, Senior District Manager with Waste Management, has been forwarded a copy of the plat and has informed the County that he will have his folks out on the property as soon as possible to begin the initial phase of siting the exact location of the convenience center. As work progresses, I will keep the Board informed."

**Item c4. Sheriff's Request for Re-appropriation of Funds**

George E. Morrison, III, Deputy County Administrator: "Included in the Board's packet is correspondence from Sheriff Bell requesting that the Board make available by appropriation or re-allocation, the funds necessary to cover expenditures in food and medical expenses until the end of the fiscal year. In conversation with the Sheriff and his staff, they have requested that \$25,000.00 from the Vehicle Purchase Line Item (1261-510) be re-allocated to cover the Confinement of Inmates Food Supplies Line Item (1246-510).

There is concern by the Sheriff's Department, as expressed in his correspondence (attached) that Inmate Medical expenses will need additional allocations as well, however, at this time, the specific amount is unknown and they may need to wait until close to the end of the year to address the overage in this line item.

Action requested: It is recommended that the Board re-appropriate \$25,000.00 from the Vehicle Purchase Line Item (12651-510) to Confinement of Inmates – Food Supplies Line Item (1261-510)."

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of transferring \$25,000.00 from the Sheriff's Department Vehicle Line Item 1261-510 to Confinement of Inmates Food Supplies Line item 1246-510.

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

Voting nay: none

George E. Morrison, III, Deputy County Administrator: “Included in the Board packet is correspondence from Sheriff Bell requesting that a \$50.00 reimbursement be returned to Line Item 51500-1299-551-510.”

Action requested: It is recommended that the Board of Supervisors restore \$50.00 to Line Item 51500-1299-551-510.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the restoration of a \$50.00 reimbursement from William Elder, to Line Item 51500-1299-551-510.

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

Voting nay: none

#### **Item 4c5. Local Government Challenge Grant**

George E. Morrison, III, Deputy County Administrator: “Included in the Board’s packet is information regarding the Local Government Challenge Grant offered by the VA Commission for the Arts. The application and supporting documentation, as required by the Commission have been completed by staff and will be forwarded to them.

Action requested: It is recommended that the Board of Supervisors authorize staff to apply for the 2010-2011 Local Government Challenge Grant on behalf of the Miles B. Carpenter Museum and The Wakefield Foundation.”

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to apply for the 2010-2011 Local Government Challenge Grant on behalf of The Miles B. Carpenter Museum and The Wakefield Foundation, to fund both entities in equal amounts of \$5,000.00.

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

Voting nay: none

Absent during vote: Supervisor Fly

#### **Item 4c6. Last Chance Hunt Club**

This item will be discussed in Closed Session.

#### **Item 4c7. February 12, 2010 Animal Pound Update**

George E. Morrison, III, Deputy County Administrator: “Included in the Board’s packet is a copy of the latest report from State Veterinarian, Dr. Daniel Kovich.”

(A copy of the report is retained in the March 18, 2010 Board packet).

Supervisor Birdsong: “I commend Mr. Morrison and the Animal Control staff for the good report. However, the veterinarian’s name on the report is Dr. Cupp. Didn’t we sign a contract with Dr. Sekut to provide veterinary services?”

Mr. Morrison: “Dr. Sekut has not yet signed the contract.”

Supervisor Birdsong: “Now is the appropriate time to advertise for a new veterinarian.”

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors deems it necessary for the health, safety and welfare of its citizens to provide necessary and quality veterinarian services for the Sussex County Animal Pound; and

WHEREAS, the Request For Proposals shall be advertised for such veterinarian services to commence on or after July 01, 2010, as the Sussex County Animal Pound now utilizes several veterinarians to provide necessary and quality veterinarian services for the Sussex Animal Pound during this interim period until said July 1, 2010 date;

NOW THEREFORE BE IT RESOLVED by the Sussex County Board of Supervisors on this 18<sup>th</sup> day of March 2010, that the Deputy County Administrator be, and he hereby is authorized to solicit proposals for veterinarian services for the County and the Sussex County Animal Pound.

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

Voting nay: none

Abstaining: Supervisor Tyler

#### **Item 4c8. Crater Youth Care Commission**

George E. Morrison, III, Deputy County Administrator: “Included in your packet is the first amendment to the Crater Youth Care Commission Service Agreement along with a three year average usage and cost data spreadsheet. The Board of Supervisors is reminded that they received the Service Agreement at their March 4, 2010 Budget Work Session. The member jurisdictions of the Cities of Petersburg, Emporia, Hopewell and the Counties of Dinwiddie, Prince George, Surry and Sussex entered into a service agreement in 2002. Pursuant to this agreement, the member jurisdiction agreed to adjust per diem amounts through the fiscal year to reflect current enrollment numbers.

Like most regional service agreements, amendments and modifications have to be adopted with unanimous approval by all the member jurisdictions governing bodies. Presently, the city of Hopewell, City of Petersburg, City of Emporia and the counties of Prince George, Dinwiddie and Surry have approved the amendment.

Action requested: Staff recommends approval of the amendment to the service agreement and the approval of the resolution as presented.”

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors acknowledges that the Crater

Youth Care Commission has voted to recommend to the Member Jurisdictions that the Service Agreement dated July 1, 2002 be amended to reflect that the usage portion of the charge to the Member Jurisdictions for operating the Commission be based on a three year calendar average of juveniles committed to the Detention Center from each jurisdiction, rather than on the basis of a per diem charge for each juvenile committed during the current fiscal year; and

**WHEREAS**, this amendment, if adopted, will prevent a Member Jurisdiction from having to pay an increased usage charge from that originally budgeted due to an increase in juveniles committed from that Member Jurisdiction during the fiscal year; and

**WHEREAS**, the amendment, in order to be adopted, must be approved by each of the seven governing bodies of the Member Jurisdictions.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Sussex County that the First Amendment to the Crater Youth Care Commission Service Agreement is hereby agreed to by the Board of Supervisors and the County Administrator is authorized to execute the document on behalf of the County.

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

Voting nay: none

#### **Item 4c9. Crater Health Department Local Government Service Agreement**

George E. Morrison, III, Deputy County Administrator: “Included in the Board’s packet is a letter and amendment received from Mr. Allen McKeown, Business Manager with Crater Health District. He is requesting, on behalf of the Health Department, the adoption of an amendment to the Local Government Agreement between the County and the Health Department. As stated in his letter, this amendment updated the FY 04 appropriations figures to the current year, FY 2010. Mr. McKeown states in his letter that the terms of the agreement remain the same as in FY 04, however, the figures are updated.

Action requested: Staff recommends adopting this amendment and permit the Deputy County Administrator to execute the aforementioned agreement.”

Supervisor Birdsong: “How does this affect our budget?”

Mr. Morrison: “I don’t have the original contract with me this evening.”

Supervisor Birdsong: “Bring a copy of the original contract to the next Board meeting.”

#### **Item 4c10. Commonwealth’s Attorney Office Space – Mold Testing**

George E. Morrison, III, Deputy County Administrator: “At the Board of Supervisors regularly scheduled meeting of 17 December 2009, the Board of Supervisors instructed County Administration to get back in touch with Mr. Robert Grose, President of PuroClean, and ask him to provide a more simplified version of his report, in essence a report in layman’s terms. As instructed, County Administration immediately contacted Mr. Grose, however, he was out on his

holiday break. Mr. Grose contacted Administration the first part of January and the Board's request was relayed to him. Additionally, a copy of the 2008 Mold Test report was forwarded to him as an example of the Board's request for information.

After several conversations and efforts to rework the report, Mr. Grose reported that he felt he had provided the Board of Supervisors the least complicated format to report the lab results in his findings. Administration had asked Mr. Grose to appear before the Board of Supervisors on the 18 March 2010 meeting, however his schedule did not permit. In telephonic conversation, Mr. Grose covered with me the report he provided for the Board on 17 December 2009.

In Mr. Grose's explanation, he asked that I reprint the copy of the mold test analysis and cover with the Board the analysis and results of his findings.

On page 3 of the attached report you will find "SanAir Technologies Laboratory, Inc" - Air Cassette Analysis Chart. On this chart there are four (4) columns of information relating to the Analysis used, and the three locations tested in and around the Commonwealth's Attorney's office: 1) Outside; 2) CWAO (Commonwealth's Attorney's Office); and 3) Main Office.

Under each column for each testing site location there are sub columns entitled "Raw Count", Count/M<sup>3</sup>, and %. The Raw Count numbers (is the number of spores for that fungal type detected on the trace) indicated are defined on page 6 of the test analysis. The numbers under Raw Count may range anywhere between 1 (Insignificant) to 4 (Overloaded). The Count/M<sup>3</sup> (is the count per cubic meter which is the raw count converted based on the total volume pulled for that sample – it represents the number of spores that should be expected in a cubic meter of air from the location in question *if* the spores were distributed evenly throughout the air). The "%" sub column on the right of each column shows the percentage for which each spore type comprised the total spore count.

In the first column entitled "Outside" the Raw Counts indicated are 1, 2, and 4 for a total of 7. Thus, the total score for the "Outside" is comprised of a total of 7 for Fungi identified for this analysis area. So they range from a 1 (Insignificant) to a 4 (Overloaded). In the Count/M<sup>3</sup> sub column you will see a 13, 27, and 53. The 13 is a representative number which is an expected count in a cubic meter of air. The numbers 27 and 53 are low to moderate and overloaded in a cubic meter of air. The percentage columns indicate that of the three molds detected – of a 100% sampling – they are 14%, 29%, and 53% of the sample.

I ask that the Board of Supervisors re-look at the analysis provided and prepare for discussion at the next regularly scheduled meeting. If it is the Board's desire, I will again request that Mr. Grose be in attendance to participate in the discussion. As Mr. Grose has indicated, the mold "contamination" within the environs of the Commonwealth's Attorney's office is "insignificant" per the lab analysis by SanAir Technologies Laboratory, Inc. The Board can take action at the next meeting."

#### **Item 4c11. MACE Quarterly Update**

Eddie T. Vick, Public Safety Coordinator: "A copy of the 4<sup>th</sup> Quarter 2009 Report from MACE Incorporated is included in the Board packet. The test power amplifier was moved to another site and continues to perform well. Replacement amplifiers for the Sheriff frequencies have been ordered and are expected February 2010. The still operational Tait amplifiers will be used as spares for Fire/Rescue repeaters as long as they last. There have been no additional problems with the consoles in Dispatch. Please keep in mind that there is no expansion room in these consoles. They were originally ordered and installed at full capacity.

There has been one complaint of poor communications at Arthur Court in Waverly on portables, but later tests were reported loud and clear by Dispatch. Microwave has had two module failures this quarter which were and are not serious in nature. These were quickly repaired and put back in service. The Microwave is "Hot Standby" which means there are actually two units at each site and the "Standby" kicks in, in the event the primary fails with little or no downtime. Preventative maintenance was performed at all sites on transmitters, receivers and microwave and all systems check good.

We received one emergency call from Dispatch for voter fail at the Jarratt site for both Sheriff and Fire/Rescue. This was determined to be a loss of path on the microwave. The system was rebooted and came back up. No additional problems were reported."

Supervisor Fly: "Do we still have a microwave problem?"

Mr. Vick: "We should be in good shape for the moment."

#### **Item 4c11. Request For EMS Coverage at South Park Motor Cross Track**

Eddie T. Vick, Public Safety Coordinator: "This year, the South Park Motocross Track located in the northwestern portion of Sussex County (Baxter Road) has contracted with an EMS company (Emergency Training Systems, Inc.) to provide Emergency Medical Services (EMS) during their weekend races at the track. The company will provide EMS coverage at the track during the races with assistance from the Waverly Rescue Squad. Captain Joe Green with the Waverly Rescue Squad met with the company and discussed several issues to ensure a workable plan for EMS coverage at the track. This is a welcome solution over the past years because these races sometimes generate numerous EMS calls at the track and take out of service, our "contracted staff" from the Waverly Rescue Squad. The company also wants permission to have our radio frequencies programmed into their communication equipment, and have the ability to talk directly to our dispatch center and the incoming EMS staff from Waverly Rescue Squad. The radio permission can be issued to them by my office by written permission, which outlines our policies and affected dates.

**Action requested:** That the Board of Supervisors authorize Emergency Training Systems, Inc., to operate an EMS agency in Sussex County, in accordance with *Section 32.1-111.14 of the Code of Virginia*. (This resolution will be valid be for the 2010 year race schedule only, to provide EMS coverage to the citizens at the South Park Motocross Park during race events)."

County Attorney Thompson: “The Board can send this issue to the Planning Commission for their consideration. Also, the Health Department may need to be involved. I can draft an appropriate resolution and provide whatever is sufficient for the cause. “

Supervisor Harrell: “I think we ought to consider a county wide business license.”

Mr. Vick: “Mr. Thompson will draft a resolution.”

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors is cognizant of its legal responsibilities to assure that the health, welfare and safety of its citizens are protected and seeks always to provide and/or allow services which accomplish or assist the Board in meeting its responsibilities to the county citizens and those persons within the County; and

WHEREAS, the South Park Motorcross Track is located in Sussex County, Virginia and situated in the northwestern portion of Sussex County (Baxter Road), contracted with Emergency Training Systems, Incorporated (an emergency medical services company), at times hereinafter called the “Company” to provide emergency medical services only during and at the weekend races at the track and said company seeks to provide emergency medical services coverage at the track during the races with assistance from the Waverly Rescue Squad and the Public Safety coordinator has documented that over the past years, because these races generate numerous emergency services calls at the track and take out of service, at times, the county paid “contracted staff” from the Waverly Rescue Squad and may decrease available emergency medical services for some residents of the county; and

WHEREAS, the County’s Public Safety Coordinator recommends this Board action and has met with Captain Joe Green of the Waverly Rescue Squad and with the company and discussed several issues to ensure a workable plan for emergency medical services coverage at the track; and

WHEREAS, upon any and all necessary approval by the Virginia State Department of Health and any other necessary governmental approval by Sussex County, by and through its authorization of its Public Safety Coordinator to do the same, is granting Emergency Training Systems, Incorporated, permission to use the County’s dispatch channel (F/R/ 1) and fire ground (1 and 2) frequencies for the purpose of interoperability with the County’s fire service and emergency medical services personnel and hereby requires that the use of the listed frequencies shall only be used during an emergency response and not for “day to day operations” since these frequencies are shared with other County agencies and departments and when the South Park Motorcross Track contract expires, if not sooner terminated by the Sussex County Public Safety Coordinator on behalf of Sussex County, said company shall, within a time period as specified by the County’s Public Safety Coordinator, remove the radio frequencies from its radios and notify the Office of Public Safety when the same is done and shall follow all of Sussex County’s radio procedures that are outlined in the County’s, which shall have sole and exclusive interpretative authority of the same, Standards Operating Policy (“SOP”): and

WHEREAS, to operate in Sussex County, in accordance with the code of Virginia, Section 32.1-111.14 and to provide emergency medical service coverage to the citizens and non-citizens at the South Park Motorcross Track during race events, the Board of Supervisors must authorize the same and as legally may be required, and the further authorization as necessary, shall be obtained by Emergency Training Systems, Incorporated from the Virginia Department of Health and any other necessary state agency; and

WHEREAS, the Board of Supervisors expressly states and agrees, that as inducement for and material part of this resolution is that all affected parties, who are not agents or employees of Sussex County, Virginia, including but not limited to the Emergency Training Systems, Incorporated, which is an independent contractor, and the South Park Motorcross Track all agree to save and hold harmless and indemnify the County's and its agents and employees, including the payment of the County's Attorney's fees, in any and all administrative, court or other legal proceedings of any kind as a result of Emergency Training Systems, Incorporated operations and acts and non-acts of any kind and description directly or indirectly related to the providing of emergency medical services, by contract with the South Park Motorcross Track.

NOW THEREFORE, the Sussex County Board of Supervisors hereby resolved as follows:

- 1) The Board of Supervisors does hereby, by reference, expressly incorporate all provisions of the preamble of this resolution into this authorization and passes and authorizes the same, and hereby authorizes Emergency Training Systems, Incorporated within the requirements and scope as specified in the preamble of this resolution and as stated herein and hereafter, to provide emergency medical services only during and at the weekend races at the South Park Motorcross Track, reserving unto the County, the right to terminate this authorization upon thirty (30) days written notice to Emergency Training Systems, Incorporated and to the South Park Motorcross Track.
- 2) That the Emergency Training Systems, Incorporated and to the South Park Motorcross Track shall forward a copy of the contract between the two named parties to the Deputy County Administrator on or before April 30, 2010.
- 3) The authorization given pursuant to this resolution, unless sooner terminated, shall terminate at 12:00 midnight on December 31, 2010.
- 4) That each provision of this resolution is independent and severable, in whole and part from the other.
- 5) The Board of Supervisors refers this matter to the Sussex County Planning Commission to review and discuss and recommend to the Board, with the advice and consultation with the Public Safety Coordinator, what effect, if any, will the present and possible future granting of a temporary authorization to an emergency medical services provider, not physically located in the County, may have on the County's Comprehensive Plan and the needs of the County regarding the providing of additional emergency medical services to ensure the orderly development of areas of the County.

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

Voting nay: none

Absent during vote: Supervisor Fly

**Item 4c12. Director of Finance Report**

Jerry L. Whitaker, Director of Finance: “The monthly report for the period ending February 28, 2010 is as follows:

#### Landfill Revenues:

- February fees (\$419,355) have been entered based on a phone conversation with Atlantic Waste Disposal, Incorporated
- February fees are 1% more than February last year
- Based on current projections at a 25% reduction in fees from FY 2009 for the remainder of the year, the estimated revenue shortage will be \$966,521
- FY 2010 year end revenue is projected to be 32% less than FY 2008 and 20.8% less than FY 2009.

#### Revenues

- Overall total revenues are in line with the budget

#### Expenditures

- The benchmark for percentage (%) of remaining unexpended appropriated funds is 33.3%
- Almost all departments are in line with this benchmark
- Animal Control is projected to be over budget by \$32,000
- Circuit Court is projected to be over budget by \$11,000
- General District Court is projected to be over by \$5,000
- All departments will be encouraged to reduce spending where possible

#### FY 2011 Budget

- Still waiting on final state funding cuts
- Landfill tonnage volume is expected to remain at \$5 million for next fiscal year
- The estimated deficit is projected to be \$1.9 million

The Director of Finance advised that he would provide line item details at the next meeting.

#### **Item 4c13. Regional Jail Committee Update**

George E. Morrison, III, Deputy County Administrator: “Members of the Sussex Regional Jail Committee met with Greensville County Administrator, K. David Whittington, Lance Forsythe, Superintendent of Southside Regional Jail and Mike Ferguson, member of the Greensville County Board of Supervisors on March 17, 2010 at the Greensville County Government Center. Mr. Whittington and Mr. Forsythe will provide additional information to staff at a later date.

Another meeting has been scheduled with representatives of Brunswick, Mecklenburg and Dinwiddie Counties on Wednesday, March 24, 2010 at 1:30 p.m. The meeting will be held in the Newsome Human Services Building.”

**Item 4d. Treasurer’s Report** (no report)

(A copy of the County’s Financial Statements for the period ending February 28, 2010 is retained in the March 18, 2020 Board packet).

**Item 4e. Commissioner of the Revenue Report** – no report

**Item 4f. Sheriff’s Department** – no report

**Item 4g. Superintendent of Schools** – no report

**Item 4h. Director of Social Services**

**Item 4h1. Mid Year Budget Review**

Chequila H. Fields, Director of Social Services: “The following information represents the budget changes (both increases and decreases) of the Sussex County Department of Social Services:

- \$2,283,702 = Total DSS budget as of July 2009
- \$12,354 = Additional State allocation, no match required
- \$4,247 = Reduction of State funding in program budget lines
- \$21,000 = Additional State allocation during mid-year review
- (5,298) = Local share increase upon additional state allocation
- \$4,729 = Reduction from State funding in administration budget line
- \$2,308,080 =Total budget as of January 2010

Action requested: We request that this governing body approve the current budget and appropriate the local match of \$5,298.00 as stated above.”

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Sussex County Department of Social Services budget in the amount of \$2,308,080.00; and

FURTHER RESOLVED that the local match in the amount of \$5,298.00 is hereby appropriated.

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

Voting nay: none

Absent during vote: Supervisor Fly

**Item 4h2. Cameron Foundation Grant**

Chequila H. Fields, Director of Social Services: “On February 18, 2010, the Board of Directors of the Cameron Foundation approved a grant in the amount of \$35,000 to Sussex County Department of Social Services, for the Resource and Technology Center.

The grant funds must be used exclusively for the purpose described in the agency's proposal submitted to the Foundation; provided that DSS determines that a material variance in use is required or desirable. DSS must submit to the Foundation, both a post grant evaluation report and a post grant financial report with respect to the activities funded by the grant.

Action requested: That the Board of Supervisor accepts the grant and appropriates the funding."

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts a grant in the amount of \$35,000.00 from the Cameron Foundation, to be used for the Sussex County Resource and Technology Center.

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

Voting nay: none

Absent during vote: Supervisor Fly

**Item 4i. County Attorney** – no report

### **Item 5. Citizens' Comments**

Comments were heard from the following:

- Al Peschke: "I am not clear on the process of minutes. How do they get approved? They are not current on the County's website. You all need to look at a different mechanism. The last minutes on the website are December 2009. What is the status of the elementary school? I think we should build one school like the School Board recommended. What's the problem?"
- Lynn Thornton: "I live one mile outside of the County line. I have a deep concern for animals. I would like to assist at the Pound under staff's supervision." (Chairman Parker asked Ms. Thornton to contact the Deputy County Administrator).

### **Item 6. Unfinished Business**

#### **Item 6a. Sussex Service Authority's Representation on Planning Commission**

Supervisor Harrell asked about the status of a member of the Sussex Service Authority Board being appointed to the Planning Commission.

County Attorney Thompson: "This issue has come before the Board at previous meetings. The Board of Supervisors can do whatever it chooses. There may be some conflict for vendors that may provide any type of infrastructure for projects that will have to be considered by the Planning Commission."

Supervisor Harrell: "The Service Authority should be made aware of any type of projects that are being planned for location in the County."

Supervisor Tyler: "What is the rationale?"

Supervisor Birdsong: “If the Sussex Service Authority had a representative on the Planning Commission, and when businesses decide to come to Sussex County, the Authority will get information in the beginning.”

Supervisor Tyler: “If a business plans to locate in Sussex County, they should do a feasibility study to gather all of the facts. I don’t see why the Service Authority wants to be on the Planning Commission.”

Supervisor Harrell: “What would you think about a non-voting member?”

Supervisor Tyler: “I have concerns because Henry District is the only district that does not have an appointee on the Service Authority’s board.”

Supervisor Harrell: “Henry District is the only district that the Service Authority doesn’t serve.”

Supervisor Birdsong: “I’d like to point out, the Board has appointed one person to represent the citizens at large.”

Supervisor Tyler: “Basically, the Board has the authority to appoint anyone to the Planning Commission, so why earmark someone specifically from the Service Authority?”

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby adopt the following resolution:

WHEREAS, in accordance with Virginia Code Section 15.2-2210, Sussex County has created a County Planning Commission in order to promote the orderly development of the county and its environs with said Planning Commission serving primarily in an advisory capacity to the Board of Supervisors; and

WHEREAS, the County Planning Commission was organized to assist the Board in the improvement of the public health, safety, convenience and welfare of the county citizens and businesses and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational and recreational facilities; that the need for mineral resources and the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surroundings for family life, that agricultural forestall land be preserved and that the growth of the community be consonant with the efficient and economical use of public funds; and

WHEREAS as all members of the County’s Planning Commission are required by Virginia Code Section 15.2-2212 to be residents of Sussex County and at least one-half of the members so appointed shall be owners of real property in Sussex County; and

WHEREAS, the Board desires to expand the Planning Commission’s expertise and knowledge to make decisions on questions of community growth and development and the added expertise and

knowledge of the Executive Director of the Sussex Service Authority, as an official observer/participant and non-voting member of the Sussex County Local Planning Commission would be in furtherance of these previously stated goals;

NOW, THEREFORE BE IT RESOLVED by the Sussex County Board of Supervisors this 18<sup>th</sup> day of March, 2010 that the individual who shall occupy the position as Executive Director of the Sussex Service Authority, located at 4385 Beefsteak Road, Waverly VA, be and is hereby appointed as a non-voting observer/participant of the Sussex County Planning Commission for a term commencing immediately and expiring on December 31, 2011, and renewable thereafter as the Board of Supervisors may then determine.

BE IT FURTHER RESOLVED that the Director of Planning shall henceforth provide said observer/participant with all notices of any County Planning Commission meeting and provide all information, materials, items and other documents provided to members of the County Planning Commission also to the Executive Director of the Sussex Service Authority.

BE IT FURTHER RESOLVED that the chairman and/or the members of the County Planning Commission shall determine whether said observer/participant shall be allowed to observe and/or participate in any Executive of Closed Sessions of the County's Planning Commission.

BE IT FURTHER RESOLVED that the clerk of the Sussex County Board of Supervisors shall forward a copy of this resolution to the Sussex County Director of Planning, the Chairman and all members of the Sussex County Planning Commission and to the Executive Director of the Sussex Service Authority.

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

Voting nay: none

Abstaining: Supervisor Tyler

County Attorney: "I will check on whether a non-voting member is allowed to participate in Closed Sessions. We don't want to do anything illegal and then be sued. I will also draft a resolution."

#### **Item 6b. Condemnation of Houses in Wakefield**

George E. Morrison, III, Deputy County Administrator: "Inspections have been made by the Building Official and information has been forwarded to the County Attorney and will be provided to the Town of Wakefield. I have been invited to meet with the Town of Stony Creek to discuss condemnation of dilapidated houses and Chairman Parker has been invited to meet with the Town of Waverly for a similar discussion."

County Attorney Thompson: "I have the reports and will personally deliver them to the Town office, if agreeable with the Board of Supervisors."

#### **Item 6c. Gibbs Lumber Company Update**

George E. Morrison, III, Deputy County Administrator: “This item needs to be discussed in Closed Session.”

County Attorney Thompson: “No big issue, but I defer to the Deputy County Administrator’s request.”

#### **Item 6d. Other Matters**

Supervisor Parker: “Where are we on the Bright System?”

George E. Morrison, III, Deputy County Administrator: “I have received information on another system, but still researching.

Onnie Woodruff Treasurer: “You all should contact the Treasurer’s and Commissioner of the Revenue offices and discuss with us first. I don’t mind you checking into other systems, but I am pleased with Bright; 82 localities in the state use Bright.”

George E. Morrison, III, Deputy County Administrator: “Administration is just researching; we are not making any decisions yet.”

Supervisor Fly: “I don’t remember the Board asking County Administration to look into this.”

Supervisor Parker: “Right now, I am just asking for information; it doesn’t mean we will change anything. My main focus is to stop people from having to walk documents over to another building.”

#### **Item 7. New Business** – none

#### **Item 8. Closed Session**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session for Personnel Matters, Economic Development (Prospective Business) and Contracts, applicable Code Sections 2.2-3711(A)(1), 2.2-3711(5), 2.23711(A)(30), 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 TYLER 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

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that pursuant to the provisions of the Virginia Public Procurement Act Section 2.2-4300-2.2-4377, of the Code of Virginia, as amended, competitive bids were advertised for the general reassessment of real estate in Sussex County; and

WHEREAS, there was only one respondent to wit: Pearson Appraisal Services, Incorporated, who is hereby deemed the most responsive, responsible and lowest bidder by the Board.

NOW THEREFORE, BE IT RESOLVED that the Sussex County Board of Supervisors hereby authorizes the Deputy County Administrator, with the advice and assistance of the County Attorney, to engage in competitive negotiations with Pearson Appraisal Services, Incorporated toward the goal of bringing back before the Board a proposed contract, with this vendor, for review, discussion and, if then deemed advisable by the Board, its approval by the Board of Supervisors.

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 County Administrator and County Attorney research the contract with the Lessee and pursue payment of delinquent rental fees as well as research future payments to the Lessee from Farm Services.

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

Voting nay: none

Supervisor Fly: "So, Mr. Morrison, you do not have a copy of the grand jury report, correct?"

Mr. Morrison: "That's correct however, (Mr. Morrison read directly from the Possible Merger of Positions document – Director of Finance and County Treasurer); 'It very well may be some cost savings combining the two departments however, the Board of Supervisors are reminded of a Grand Jury investigation that recommended the creation of the Director of Finance's position and the removal of these responsibilities from the County's Treasurer'"

Mr. Morrison reminded the Board of the upcoming VACo/VML meeting hosted by Surry County and scheduled for Friday, April 16, 2010 at 6:30 p.m., at the Airfield 4-H Center.

### **Item 10. Recess**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby recess until Wednesday, April 7, 2010 at 7:00 p.m.

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

Voting nay: none