

**At a Regular Meeting of the Sussex County Board of Supervisors held in the  
General District Courtroom, Sussex Judicial Center  
Thursday, August 19, 2010, 7:30 p.m.**

**MINUTES**

**BOARD MEMBERS PRESENT**

T. Wayne Birdsong  
Harris L. Parker

Charlie E. Caple, Jr.  
Rufus E. Tyler, Sr.

C. Eric Fly, Sr.

**BOARD MEMBER ABSENT**

Wayne M. Harrell

**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  
Eddie T. Vick, Public Safety Coordinator  
Michael A. McHale, Building Inspector  
W. Travis Luter, Building Official  
Nicole L. Scuderi, Administrative Secretary  
Montaque M. Gilliam, Building & Grounds Supervisor  
Andre M. Greene, Director of Planning  
Tracy Terry, Animal Control Officer

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

The August 19, 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 Fly.

**Item 2. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE, and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Regular Agenda of the August 19, 2010 meeting, inclusive of the following:  
(a) Item I-10 under County Attorney Report, Wakefield Contract, be moved to

Item 1a under County Administrator's Report; (b) Item I-2 under County Attorney's Report, Chapters One and Two, Sussex County Code of Ordinances be moved under County Administrator's Report; (c) Item 3, Remove Deborah Barfield-Williamson, VANNO and replace with Peter Huddleston, For The Record (d) 460 Grant & Industrial Park report be added as Item 12 under County Administrator's Report.

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

Voting nay: none

Absent: Supervisor Harrell

### **Item 3. Approval of July 15, 2010 Minutes**

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

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

Voting nay: none

Absent: Supervisor Harrell

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

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

**Item 4b. Highways, Streets & Roads** – absent

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

#### **Item 4c1. The Honorable Walter J. Mason, Mayor of the Town of Waverly**

George E. Morrison, III, Deputy County Administrator, advised the Board that The Honorable Walter J. Mason, Mayor of the Town of Waverly, has requested to appear before the Board of Supervisors to introduce himself.

Mayor Mason addressed the Board, introduced himself and advised that he wants to work with the County. He advised the Board that his office is always open and he encouraged members of the Board to call him, so that they can work together to get things moving.

#### **Item 4c1a. Wakefield Contract**

County Attorney Thompson provided an overview and clarification of the Wakefield Contract.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY to approve the June 18, 2010 lease agreement so that the Town of Wakefield can move forward and have grounds for children to play on.

A substitute motion was offered by Supervisor Tyler.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees that a Committee be appointed to meet with the Towns to have some dialogue regarding the recreational needs of the Towns and offer some negotiations and report to the full Board.

Voting aye: Supervisors Caple, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly

Absent: Supervisor Harrell

#### **Item 4c1b. Revisions to Sussex County Code of Ordinances**

County Attorney Thompson requested authorization to advertise, for public hearing, Revision of Chapters One through Four of the Sussex County Code of Ordinances.

Supervisor Fly requested that this item be tabled until such time a work session can be held.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to advertise for public hearing, Chapters One through Four of the Sussex County Code of Ordinances.

Voting aye: Supervisors Caple, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly

Absent: Supervisor Harrell

#### **Item 4c1c. Citizens' Comments**

Comments were heard from: Fred Turck, Blackwater District.

#### **Item 4c1d. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Consent Agenda, inclusive of the following: (1) Approval of Townes PC Invoice #1922, dated June 11, 2010, in the amount of \$13,756.25; (2) July 2010 Warrants & Vouchers in the amount of \$362,491.47; (3) July 15, 2010 Payroll Deduction Checks in the amount of \$148,265.66; (4) Approval of Dewberry Invoice # 716759, dated July 16, 2010 in the amount of \$340.00; (5) Townes PC Invoice #1952, dated July 15, 2010, in the amount of \$15,555.50; (6) Invoice dated July 16, 2010 from Virginia Employment Commission in the amount of \$1,716.42; (7) August 2010 Warrants and Vouchers in the amount of \$505,529.61; (8) August 2010 Payroll Deduction checks in the amount of \$148,115.44.

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

Voting nay: none

Absent: Supervisor Harrell

#### **Item 4c2. Big Woods State Forest, Mr. Gary Heiser, Department of Forestry**

George E. Morrison, III, Deputy County Administrator, advised the Board that on June 28, 2010, he and Chairman Parker met with representatives from the Virginia Department of Forestry to share information about the Big Woods State Forest located in Sussex County.

Mr. Gary Heiser introduced himself and presented an overview to the Board. As of July 2, 2010, The Department of Forestry acquired 2,200 acres; the property is identified as Big Woods and is managed jointly with the Department of Game and Inland Fisheries. The State forestry is self supporting and they receive no tax funds for operations, but earn revenue through timber production and hunting permits. A management plan will be developed with the Department of Game and Inland Fisheries which will be completed early in 2011. Twenty-five percent of the Department of Forestry's income is paid to the County.

#### **Item 4c3. For The Record, Peter Huddleston**

George E. Morrison, III, Deputy County Administrator advised that at the last meeting, the Board requested that the two companies being considered for the purchase of recording equipment, be invited to attend a meeting and conduct a demo of their equipment. To that end, Mr. Peter Huddleston, a representative with Valley Office Machines, has been invited and will provide a brief presentation.

Mr. Huddleston provided information on the "For The Record" recording system. George E. Morrison, III, Deputy County Administrator, advised that the other company, the Whitlock Group, was not able to make this meeting. However, they offered a proposal for a system at a cost of \$10,786.30.

Supervisor Birdsong advised that he would like to see a demonstration from The Whitlock Group if they are available for September's meeting. He further stated that if they choose not to attend, then we can proceed with the company that attended tonight.

Supervisor Tyler advised that he concurred with Supervisor Birdsong.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs staff to invite a representative of The Whitlock Group to the September 16<sup>th</sup> Board meeting and request that they offer a demonstration of the equipment that they offer.

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

Voting nay: none

Absent: Supervisor Harrell

(George E. Morrison, III, Deputy County Administrator, advised that the Sheriff requested his issue be removed from the agenda, because he had to leave early).

#### **Item 4c4. 2010 Four-For-Life Funding**

Eddie T. Vick, Public Safety Coordinator, advised that Sussex County has received the Fiscal Year 2010 For-Four-Life Funding, in the amount of \$9,509.13. He requested that it be accepted and appropriated.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors accept and appropriate the Fiscal Year 2010 Four-For-Life Funding in the amount of \$9,509.13.

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

Voting nay: none

Absent: Supervisor Harrell

#### **Item 4c5. Disaster Declaration Resolution**

Kelvin Wells, Agricultural Natural Resources Agent, Sussex Cooperative Extension Services, advised the Board that due to extreme hot temperatures and low rainfall this summer, there are severe crop losses throughout the County. Wheat crop has been reduced by 40%, corn crop by 80% and hay for livestock by 50%. He requested that the Board adopt a resolution declaring Sussex County a disaster.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby acknowledges an emergency situation and issues a disaster declaration, because of drought conditions in Sussex County, due to the lack of rainfall during the summer of 2010; and

FURTHER RESOLVED that these drought conditions have had a negative impact on the agricultural community, particularly livestock producers and farmers who grow grain crops, peanuts and cotton; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to The Honorable Bob McDonnell, Governor of Virginia, Mr. Kelvin O. Wells, Agricultural Natural Resource Agent, Sussex County Cooperative Extension Services and other State and Federal agencies as needed.

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

Voting nay: none

Absent: Supervisor Harrell

#### **Item 4c6. Finance Committee Report**

Chairman Parker provided an overview of the Finance Committee meeting held on Tuesday, August 17, 2010. A recommendation was made to provide appropriations as part of the end of the year process for departments that are over budget. The funds have already accounted for in the \$500,000 excess revenue over expenditures for FY 2010.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates the amount as follows:

Board of Supervisors	\$ 990.24
Fire & Rescue	\$ 30,640.89
Ambulance & Rescue	\$ 45,514.47
Animal Control	\$ 44,137.62
Circuit Court	\$ 18,036.79

General District Court	\$ 7,878.18
Juvenile & Domestic Court	\$ 181.00
Clerk of Courts	\$ 319.44
VJCCCA	\$ 20,912.00
Total	\$168,610.63

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

Voting nay: none

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby de-appropriates revenues in the following amounts, which will be offset against reserve funds:

Commonwealth's Attorney	\$14,225
Sheriff's Department	\$29,691
Commissioner of the Revenue	\$14,338
Treasurer	\$19,628
Clerk of Courts	\$ 8,829
Registrar	\$ 4,100
Jail Share Cost	\$56,306
Total	\$147,117

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

Voting nay: none

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby de-appropriates funding in the amount of \$2,534.48, for the Crater Criminal Justice Training Academy to reflect the actual cost of the invoice.

Voting aye: Supervisors Caple, Parker, Tyler

Voting nay: Birdsong, Fly

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby de-appropriates funding in the amount of \$2,350.00, for the State Local Hospitalization Program, as this program was discontinued.

Voting aye: Supervisors Birdsong, Caple, Parker, Tyler

Voting nay: Supervisor Fly

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates funding in the amount of \$12,720.00 for the addition of two Board members being added to the County's health insurance plan.

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

Voting nay: none

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates funding in the amount of \$25,000.00 for EMS Contract Services where last year's budget was cut.

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

Voting nay: none

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates funding in the amount of \$3,942.00 for Fire and \$3,942.00 for Rescue/Ambulance and correction to the allocation.

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

Voting nay: none

Absent: Supervisor Harrell

#### **Item 4c7. Building & Grounds Committee Report**

Supervisor Birdsong advised that the Building & Grounds Committee met and discussed office space for the Commonwealth's Attorney. The Committee also received a request from the Historical Society. The Historical Society has secured a quote in the amount of \$1,200.00, from Row-Mic Roofing for roof repairs to the Historic Courthouse. They request permission from the Board to contract with Row-Mic to repair the roof and advised that the Society will pay for the costs.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby grants permission to the Sussex County Historical Society to contract with Row-Mic Construction to repair the roof of the Historic Courthouse building; and

FURTHER RESOLVED that Row-Mic's proposal states that they will furnish labor, materials and equipment to patch and repair leaks at the bell tower and other areas at the Historic Courthouse, at a cost of \$1,200.00.

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

Voting nay: none

Absent: Supervisor Harrell

Supervisor Birdsong also reported that the Building & Grounds Committee met with Mrs. Lyndia Person-Ramsey, Commonwealth's Attorney, George E. Morrison, III, Deputy County Administrator, Montaque M. Gilliam, Building & Grounds Supervisors and a representative of Dewberry. Discussions were held with regard to renovations of the former Administration Building and potential addition to the existing Courts building. Contact needs to be made with one of the judges in order to proceed.

The Board, by general consensus, tabled this issue until the September 16, 2010 meeting.

#### **Item 4c8. County Department Annual Updates**

Annual updates were provided by various departments under the County Administrator's leadership. (A copy of the written reports are retained in the August 19, 2010 Board packet).

#### **Item 4c9. Director of Finance Report** – no report

#### **Item 4c10. Tobacco Commission Grant**

George E. Morrison, III, Deputy County Administrator, reported the following:

"Per the direction of the Board of Supervisors, at its regularly scheduled meeting of July 15, 2010, Sussex County Administrative Staff has submitted to the Virginia Tobacco Indemnification and Community Revitalization Commission (Economic Development Program), a grant requesting funding to establish an Industrial Park at the County's Highway 460/Route 602 (Cabin Point Road) Industrial Park property.

The County's Industrial Park is slated to be phased in with the completion of Phase I expected within three (3) years or sooner, of grant approval. The estimated cost is \$1,266,000.00. The application requests Sussex County's allotment of \$795,500.00 from the Tobacco Commission and \$25,000.00 from the Virginia Department of Transportation for road design and construction of the access road. It is anticipated that the County will utilize \$220,500.00 over the next three (3) years for engineering, site preparation and water and wastewater

utilities. The completion of Phase I will develop Sussex County's Industrial Park as marketable and open for business.

I have provided a copy of the County's application to the Virginia Tobacco Indemnification and Community Revitalization Commission for your edification. I will keep you updated as to the application's progress. I wish to commend County staff; Mr. Andre M. Greene, Director of Planning; Jerry L. Whitaker, Director of Finance; Ms. Deborah A. Davis, Assistant to County Administrator, and Miss Shannon C. Drew, Assistant to Planning Director, for all their hard work and dedication in assisting with the preparation of the application. I also would like to thank Mr. Charles C. Townes, III, P. E. L.S., President Townes, P.C. for his assistance as well."

**Item 4c11. VA Tobacco Indemnification and Community Revitalization Commission Grant (460 Industrial Park) Clarification**

George E. Morrison, III, Deputy County Administrator, advised the Board on the background relative to the County's initial and subsequent grants received for the formerly "conceived" – 460 Industrial Park.

"I felt it sufficient to cover the events of the first and second grant applications back in 2003 and 2004 for the "460 Industrial Park". Apparently, it was neither clear nor succinct enough to simplify the erroneous and arbitrary suppositions.

Again, here are the details (with a more exacting explanation) surrounding the unused grant award for Sussex County from the Tobacco Commission back in 2004. Be mindful there are two (2) separate and distinct projects entitled "460 Industrial Park".

Originally, a grant from the "Tobacco Commission" was proposed and awarded to Sussex County in 2003 for \$55,000.00 (\$45,000.00 from the Commission and a \$10,000.00 contribution from the County of Sussex). This grant award and County contribution was utilized to prepare detailed design and construction plans for Phase I of "an industrial park consisting of 167 acres owned by the Town of Waverly on Highway 460". The plans included aerial topography, off-site sanitary sewer, off-site water, on-site sanitary sewer and storm sewer, erosion control plan, grading plan, roadway plan profiles, and entrance design. This money was spent by Sussex County and reimbursed by the Tobacco Commission – thus, Grant #488 has been closed out and the County met the stipulations of the grant award.

Subsequently, Sussex County, the Town of Waverly and the Sussex Service Authority, along with the assistance of Crater Planning District Commission, agreed to a second submission to the Tobacco Commission in the amount of \$249,720.00 for completion of construction documents and construction activities for the industrial park. At that time, the Town of Waverly agreed to deed the property to the County's Industrial Development Authority "...for marketing and sale purposes." The initial contributions proposal to the development was broken down by percentages per entity – the County of Sussex, the Town of Waverly, and the Sussex Service Authority. Those percentages were as follows:

• Sussex County	\$ 140,280.00	14%
• Town of Waverly	\$ 435,000.00	42%
• <u>Sussex Service Authority</u>	<u>\$ 448,700.00</u>	<u>44%</u>
<b>TOTAL</b>	<b>\$1,023,980.00</b>	<b>100%</b>

The percentages were derived from an agreement between the three entities. An appraisal of the Town of Waverly's property was conducted then and the property was given a value of \$435,000.00. This amount was to be the Town's contribution to the overall cost of the proposed industrial park. With the use of the Tobacco Commission Funds, the total Project cost in 2004 would have been \$1,273,700.00.

At that time, a Revenue Sharing Rate (derived from the same percentages as the initial contributions percentages) was developed. The Revenue Sharing Rate of return would consist of land sales, rental and lease of the industrial park lots. This concept was agreed upon after review of the other agreements provided by Mr. Neal Barber, Manager of Community Resources of the Virginia Economic Development Partnership.

The draft Revenue Sharing Agreement had been prepared and circulated by the County Attorney, Mr. Henry A. Thompson, Sr., in September 2003 and circulated to the subcommittee. "However, Hurricane Isabel occurred and this activity has been delayed." Thus, the first extension was requested and granted in 2004. The second extension was granted by the Commission so that they could clean up several of the long standing grant awards in the Tobacco Commission region.

Post the circulation of the Revenue Sharing Agreement, it is my understanding that at that point, there was some disagreement between the County and the Town of Waverly that the municipality was not content with their share of the

revenue preliminarily agreed upon and thusly, the Town withdrew their support in favor of developing their own industrial park.

In efforts of "Shuttle Diplomacy," the County Administrator did not send a request to the Tobacco Commission to de-obligate the funds, however, she continued to make every attempt to have the Town of Waverly return to the table and be a part of the "460 Industrial Park". For further explanation, the \$249,720.00 grant award from the Tobacco Commission was specifically earmarked for the "460 Industrial Park" and contrary to popular belief and rumor, these funds could not be switched from the "460 Industrial Park" to the Highway 460/Route 602 Cabin Point Road Industrial Park site subsequently purchased by the County.

The County would have had to make a separate application for consideration of the Route 602 (Cabin Point Road) Industrial Park, which has been done. The current Tobacco Commission Economic Development Grant application – submitted 16 August 2010 – requests \$795,500.00 of Sussex County's Tobacco Commission allotment which includes the County's previously applied for (2004) and de-obligated amount of \$249,720.00. The current application to the Tobacco Commission also seeks to utilize \$250,000.00 in funds from VDOT to assist in developing the entrance and roads in the industrial park and \$220,500.00 from the County (over the next three years – if the grant is funded). In the County's 2011 Budget for the Highway 460/Route 602 (Cabin Point Road) Industrial Park, \$100,000.00 is earmarked towards this project with the Board of Supervisors agreeing to additional appropriations from reserves if needed.

For the record, Sussex County did not have to return "nearly a quarter of a million dollars..." The funds were never expended on an industrial park site the County did not own. A drawdown of funds was never submitted. In summation – the County never, and I repeat, never utilized its \$249,720.00 Tobacco Commission funds on an industrial site it did not own (460 Industrial Park).

Due to inactivity on the County of Sussex/Town of Waverly/Sussex Service Authority's Second Grant, #494: in the amount of \$249,720.00, the County Administrator received correspondence that this grant was being closed out. It is my supposition that the County Administrator's laborious diplomatic efforts to bring all parties back to the table and reach some consensus as to an "equitable" Revenue Sharing Agreement were unsuccessful – thus the close out of Grant - #494. I hope this information assists in clearing up any misinformation being spread."

#### **Item 4d. Treasurer's Report**

As provided by Onnie L. Woodruff, Treasurer, 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 July 31, 2010 is \$23,033,951.34. (A copy of the Treasurer's Report is retained in the August 19, 2010 Board packet).

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

**Item 4f. Sheriff's Department** – absent

#### **Item 4g. Superintendent of Schools**

Dr. Charles H. Harris, III, Division Superintendent, addressed the Board and requested funding of Elementary Construction Program. He advised that the Sussex County School Board discussed and reviewed its request from July 2009 for the elementary school construction program at its August 2010 School Board meeting. After a brief discussion, all Board members present agreed the request should be submitted for \$18,000,000.00 for the construction of an elementary school on the central school site. School construction costs continue to appear to be below the high cost of where school construction was several years ago.

The Sussex County School Board is requesting from the Sussex County Board of Supervisors, \$18,000,000.00, for the construction of an elementary school on the central school site.

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

##### **Item 4h1. Request For Allocation and Appropriation**

Chequila H. Fields, Director of Social Services, requested allocations and appropriations for Fiscal Year 2011. The purpose of the allocations and appropriations are direct results of grant fund balances.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby allocates and appropriates the following grant fund balances: (1) 2006 John Randolph Foundation Grant, \$142.00; (2) 2007 BB&T Grant, \$1,455.00; (3) 2010 Cameron Foundation Grant, \$57.57; (4) 2010 Cameron Foundation Grant, \$6,415.75; and (5) 2010 John Randolph Foundation Grant, \$15,000, for the Sussex County Department of Social Services.

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

Voting nay: none

Absent: Supervisor Harrell

## **Item 5. Unfinished Business**

### **Item 5a. Approval of April 7, 2010 Minutes**

George E. Morrison, III, Deputy County Administrator, advised the Board that included in their packet are minutes of the April 7, 2010 meeting. The Assistant to the County Administrator reported that they were omitted from the July 15, 2010 Board packet. Staff is requesting that the Board approve the minutes of the April 7, 2010 meeting.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the minutes of the April 7, 2010 meeting.

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

Voting nay: none

Absent: Supervisor Harrell

### **Item 5b. Ordinance Amendment #2009-002**

Andre M. Greene, Director of Planning, addressed the Board. He reported that the Planning Commission, at a work session held on July 12, 2010, voted unanimously (7-0) to re-forward Ordinance Amendment #2009-02 back to the Board of Supervisors with a recommendation that the item be approved:

The Planning Commission is recommending that Section 16-22, Subsection 21 of the Zoning Ordinance, be amended to require a Conditional Use Permit for the location of any new sporting clay fields or pistol ranges in areas of the County zoned A-1, General Agricultural. The reasons for the Commission's recommendation for approval are the following:

1. The operation of sporting clay fields and pistol ranges potential safety concerns are due to the fact that firearms are being discharged and these uses both produce noise that could be a potential nuisance to residents located in the vicinity of such operations.
2. The requirement of a Conditional Use Permit would allow proposed sites for sporting clay fields and pistol ranges to be evaluated on a

case-by-case basis to ensure that they are safe and to minimize the risk of these uses becoming a public nuisance.

3. Many localities throughout the State regulate shooting/firing ranges by requiring either a Conditional Use Permit or a Special Exception for their operation.

County Attorney Thompson recommended that the Board advertise for and conduct a public hearing to reconsider this matter.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors send Ordinance Amendment #2009-02 back to the Planning Commission to develop standards, safety precautions, certifications, acreage requirements, distance between residences and any other matters pertaining to such Ordinance.

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

Voting nay: none

Absent: Supervisor Harrell

**Item 6. New Business** – none

**Item 7. Closed Session**

ON MOTION OF SUPERVISOR FLY, 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) Contracts, Applicable Code Section 2.2-3711(30); and (c) Prospective Business, Applicable Code Section 2.2-3711(A)(5).

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

Voting nay: none

Absent: Supervisor Harrell

**Item 8. 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, Parker, Tyler

Voting nay: none

Absent: Supervisor Harrell

### **Item 9. Action on Closed Session Item**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of retiring Ms. Mary E. Jones, County Administrator, on August 31, 2010; and

FURTHER RESOLVED that the Board of Supervisors shall approve a service package of providing payment for the maximum amount of annual leave allowable by the County's Personnel Policy, an amount not to exceed \$20,563.00.

Voting aye: Supervisors Birdsong, Caple, Fly, Parker

Voting nay: none

Abstaining: Supervisor Tyler

Absent: Supervisor Harrell

### **Item 10. Search For County Administrator**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY that the Sussex County Board of Supervisors hereby authorizes staff to prepare and advertise for a nationwide search for a new County Administrator.

After a brief discussion, Supervisor Fly withdrew his second and Supervisor Birdsong withdrew his motion.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Personnel Committee shall meet prior to the September 16, 2010 Board of Supervisors meeting, to discuss and decide on the salary range, and to review and update the job description for the position of County Administrator.

Voting aye: Supervisors Birdsong, Fly, Parker, Tyler

Voting nay: Supervisor Caple  
Absent: Supervisor Harrell

**Item 11. Appointment of Interim County Administrator**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints George E. Morrison, III, as Interim County Administrator, effective September 1, 2010, to serve until such time a County Administrator is hired.

Voting aye: Supervisors Birdsong, Caple, Parker, Tyler

Voting nay: Supervisor Fly

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Finance Committee meet to discuss the salary of the Interim County Administrator and upon approval, make it retroactive to September 1, 2010.

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

Voting nay: none

Absent: Supervisor Harrell

**Item 12. Recess**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the August 19, 2010 meeting Sussex County Board of Supervisors is hereby recessed until 4:15 p.m., on Wednesday, September 15, 2010 for a meeting of the Personnel and Finance Committees, in the conference room of the County Administration Building.

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

Voting nay: none

Absent: Supervisor Harrell