

**At A Budget Work Session of the Sussex County Board of Supervisors  
Held on Thursday, April 17, 2014, 4:00 p.m. in the  
General District Courtroom – Sussex Judicial Center**

**Board Members Present:**

Charlie E. Caple, Jr.  
C. Eric Fly, Sr.  
Alfred G. Futrell  
Robert E. Hamlin  
John A. Stringfield  
Raymond L. Warren

**Others Present:**

Thomas E. Harris, County Administrator  
Michael R. Packer, County Attorney  
Onnie L. Woodruff, Treasurer/Interim Director of Finance  
T. Robertson Blount, Part time Director of Finance  
Lyndia Person-Ramsey, Commonwealth's Attorney  
Raymond R. Bell, Sheriff  
Patricia G. Baird, Secretary  
Anne K. Ellis, Accounts Payable Clerk

**Item 1. Call To Order**

The April 17, 2014 Budget Work Session of the Sussex County Board of Supervisors was called to order by Chairman Fly.

**Item 2. Approval of Agenda**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the April 17, 2014 agenda of the Sussex County Board of Supervisors budget work session is hereby approved as presented.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

Chairman Fly asked County Attorney Packer to introduce the new Director of Finance.

County Attorney Packer introduced T. Robertson Blount, the new part time Director of Finance. He explained that Mr. Blount has worked in municipal finance for a number of years.

**Item 3. FY 2015 Budget Presentation**

Onnie L. Woodruff, Interim Director of Finance provided documentation to the Board members and briefed them on the draft budget.

County Administration Harris and County Attorney Packer recommended that the Board of Supervisors allow the Interim Director of Finance to maintain his employment until the end of the fiscal year, contingent upon the transition with the new part time Director of Finance.

#### **Item 4. Adjournment**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the April 17, 2014 budget work session of the Sussex County Board of Supervisors is hereby adjourned at 5:51 p.m.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**At A Public Hearing of the Sussex County Board of Supervisors  
Held on Thursday, April 17, 2014, 7:00 p.m. in the  
General District Courtroom – Sussex Judicial Center**

**Board Members Present:**

Charlie E. Caple, Jr.  
C. Eric Fly, Sr.  
Alfred G. Futrell  
Robert E. Hamlin  
John A. Stringfield  
Raymond L. Warren

**Others Present:**

Thomas E. Harris, County Administrator  
Michael R. Packer, County Attorney  
Onnie L. Woodruff, Treasurer/Interim Director of Finance  
T. Robertson Blount, Part time Director of Finance  
Lyndia Person-Ramsey, Commonwealth's Attorney  
Raymond R. Bell, Sheriff  
Patricia G. Baird, Secretary  
Anne K. Ellis, Accounts Payable Clerk

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**Item 1. Call To Order**

The April 17, 2014 regular meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly.

**Item 2. The Invocation**

The Invocation was offered by Supervisor Caple.

**Item 3. The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

**Item 4. Approval of Public Hearing Agenda**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the April 17, 2014 public hearing agenda.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**a. Noise Ordinance**

County Attorney Packer presented the draft Noise Ordinance. He explained that the declaration and the policy of the ordinance is that “it is hereby declared to be the public policy of the County to promote an environment for its citizens free from noise that jeopardizes the health and welfare or degrades the quality of life.”

Noise, generally, states that the creation of any noise between hours of 10pm and 6am, in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person or be in such a manner as to be plainly audible at a distance of 200 feet or more from its source.

The proposed ordinance prohibits loud noises, as defined therein, during certain times of the day, during certain times on Sunday, or at any time, depending on the nature of the noise; establishes exceptions to such prohibition; and prescribes that any person violating any of the provisions of the ordinance shall be deemed guilty of a civil violation and shall be subject to a fine not exceeding \$250 for the first offense and \$500 for each subsequent offense. Each day of violation of any provision of the ordinance shall be a separate offense. (A copy of the proposed ordinance is retained in the April 17, 2014 Board file).

**b. Public Comment(s)**

There were no comments from the public.

**c. Board Comment(s)**

Supervisor Caple stated that he believes the proposed ordinance will benefit everybody.

Supervisor Futrell stated that he had a constituent who had called him with concerns about the hunting at night.

Supervisor Warren noted that the law has changed to allow hunting on Sunday. His concern is about hunting dogs barking.

Supervisor Fly stated that he has received comments that the ordinance was not on the website for review.

**Item 6. Close Public Hearing**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby closes the public hearing.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**Item 7. Board’s Action on Public Hearing Item**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Noise Ordinance, to wit:

**WHEREAS**, the Supreme Court of Virginia in *Tanner v. City of Virginia Beach (2009)* held that a subjective “*reasonable person*” standard is unconstitutionally vague, and therefore invalid and unenforceable as a standard for enforcing a local noise ordinance; and

**WHEREAS**, the ability of Sussex County citizens to peaceably enjoy their residences, schools, businesses and public places without the intrusion of loud, unnecessary noise is important to the overall quality of life in the county; and

**WHEREAS**, the Board of Supervisors directed the County Administrator to develop, in cooperation with the County Attorney, Sheriff, and Commonwealth’s Attorney, a noise ordinance that would be in the best interests of the citizens of Sussex County and would also comport with the requirements established by the Virginia Supreme Court; and

**WHEREAS**, the Board of Supervisors has held a public hearing to receive citizen input on this matter; and

**WHEREAS**, Senate Bill 246, sponsored by Senator John Watkins, grants localities civil penalty authority for noise ordinance violations and was enacted into law by the General Assembly on July 1, 2010, (See Va. Code Ann. Section 15.2-980).

**NOW THEREFORE BE IT ORDAINED** that the Sussex County Board of Supervisors hereby adopts a Sussex County Noise Ordinance in its entirety as follows:

**Loud Noise Prohibited.**

**Section 1. Declaration of policy**

It is hereby declared to be the public policy of the county to promote an environment for its citizens free from noise that jeopardizes their health or welfare or degrades the quality of life.

**Section 2. Definitions**

The following words, when used in this ordinance shall have the meaning assigned to them in this section:

“*Plainly Audible*” means any sound that can be heard clearly by a person using his or her unaided hearing faculties.

“*Residential*” refers to single unit, two-unit, and multi-unit dwellings, and residential areas of planned residential zoning district classifications, as set out in the zoning ordinance of Sussex County.

**Section 3. Loud Noises Prohibited**

The following acts, or the causing or permitting thereof, are declared to be unlawful loud noises, but this enumeration shall not be deemed to be exclusive:

**1. Noise generally.**

The creation of any noise between the hours of 10:00 p.m. and 6:00 a.m. (a) in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person; or (b) in such a manner as to be plainly audible at a distance of 200 feet or more from its source.

2. **Radios, television sets, musical instruments, and similar devices.** The using, operating or permitting to be played, any radio, musical instrument, record, tape, compact disc player, loudspeaker or other machine or similar device for the producing or reproducing of sound between the hours of 10:00 p.m. and 6:00 a.m.
  - a. in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person; or
  - b. in such a manner as to be plainly audible at a distance of 50 (fifty) feet or more from its source.
3. **Horns, whistles, etc..** The sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except when necessary as a warning of danger.
4. **Loudspeakers, public address systems and sound trucks.** The using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person.
5. **Explosive, fireworks and similar devices; discharge of firearms on Sundays.** Using or firing any fireworks without a fireworks permit, explosives or similar devices which create impulsive sound between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person. In addition to any other prohibitions contained in this ordinance, discharge of any firearm between the hours of 12:00 a.m. and 10:00 p.m. on any Sunday in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person or as to be plainly audible at a distance of 200 feet or more from its source. For the purposes of this ordinance, "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.
6. **Lawn Care Equipment.** Creating noise in residential areas between 10:00 p.m. and 6:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities, except for certain commercial activities set out Section 4.
7. **Large party gatherings.** Allowing noise between the hours of 10:00 p.m. and 6:00 a.m. that is audible inside the confines of the dwelling unit, house or apartment of another person or at fifty (50) or more feet from the source when the noise is generated from a gathering of ten or more people.

8. ***Trash collection vehicles.*** The collection of trash or refuse in residential use districts between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at any residence 100 (one hundred) or more yards away.
9. ***Vehicles.*** Operating or using a motor vehicle or motorcycle in such a manner that creates a mechanical or exhaust noise that is plainly audible at a distance of two hundred (200) feet or more from the vehicle. Operating sound amplifying equipment in a motor vehicle at a volume sufficient to be plainly audible at a distance of one hundred (100) feet from the vehicle.
10. ***Schools, public buildings, places of worship, and hospitals.*** Creating any noise on the grounds of any school, court, public building, place of worship or hospital in a manner that is plainly audible within such school, court, public building, place of worship or hospital and interferes with the operation of the institution.

#### **Section 4. Exceptions.**

The provisions of this ordinance shall have no application to any sound generated by any of the following:

1. Sound which is necessary for the protection or preservation of property, including livestock and companion animals, or the health, safety, life or limb of any person.
2. Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
3. Parades, permitted fireworks displays, school related activities, and other such public special events or public activities.
4. **(a)** Hunting dogs. **(b)** Dogs responding to any person or animal on the property of the dog's owner or custodian, when such presence poses a real or perceived threat to the animal or to the occupants of the property.
5. Commercial forestry or timbering operation being conducted pursuant to a valid permit or license.
6. Commercial landscaping operations not being conducted in a residential subdivision.
7. Farming or agricultural operations.
8. Locomotives and other railroad equipment.
9. Aircraft.
10. The striking of clocks.
11. Church bells.

12. Noise generated in connection with business being performed on industrial property.
13. Noise generated by the operation or use of a sport shooting range if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range.

#### **Section 5. Noises Authorized by Permit**

The provisions of this ordinance shall not apply to any noise that is otherwise specifically authorized by a valid special exception, conditional use, or other permit approved by the county.

#### **Section 6. Penalty for violation of Ordinance; civil penalties**

(1) Any person violating any of the provisions of this Ordinance shall be deemed guilty of a civil violation and shall be subject to a fine not exceeding \$250 for the first offense and \$500 for each subsequent offense. Each day of violation of any provision of this article shall be a separate offense.

(2) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the noise source.

#### **Section 7. Enforcement.**

This ordinance shall be enforced by the Sussex County Sheriff's Office, who shall issue a written civil summons on a form approved by the court, to any person found to be in violation of the provisions contained herein.

#### **Section 8. Private remedies not affected**

Nothing in this ordinance precludes a citizen from bringing a private nuisance claim or any other similar action in court against any individual related to noise.

Be it further Ordained that this ordinance, as approved by the Board of Supervisors upon due consideration and after all required public notice and hearing, shall take effect immediately this 17<sup>th</sup> day of April, 2014.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**At A Regular Meeting of the Sussex County Board of Supervisors  
Held on Thursday, April 17, 2014, 7:00 p.m. in the  
General District Courtroom – Sussex Judicial Center**

**Board Members Present:**

Charlie E. Caple, Jr.  
C. Eric Fly, Sr.  
Alfred G. Futrell  
Robert E. Hamlin  
John A. Stringfield  
Raymond L. Warren

**Others Present:**

Thomas E. Harris, County Administrator  
Michael R. Packer, County Attorney  
Onnie L. Woodruff, Treasurer/Interim Director of Finance  
T. Robertson Blount, Part time Director of Finance  
Lyndia Person-Ramsey, Commonwealth's Attorney  
Raymond R. Bell, Sheriff  
Patricia G. Baird, Secretary  
Anne K. Ellis, Accounts Payable Clerk

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**Item 3. Agenda Amendments**

County Administrator Harris requested that the following items be added to the agenda:

- a) FY- 2014 Budget Recommendation
- b) Animal Control Truck
- c) FY-2014 Budget Recommendation
- d) FY-2014 Budget Recommendation: Commonwealth's Attorney
- e) FY-2014 Budget Recommendation: Social Services
- f) Resolution in Memory of the late Thomas Edward Felton, Jr.:
- g) Fiscal Year 2015 Budget Presentation and/or Public Hearing

Chairman Fly requested that Item 9b. County Administrator's performance, be moved to Closed Session

**Item 4. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the April 17, 2014 regular meeting agenda of the Sussex County Board of Supervisors is hereby approved with the aforementioned amendments  
Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren  
Voting nay: none

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

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the April 17, 2014 Consent Agenda of the Sussex County Board of Supervisors is hereby approved, to wit:

- a. Approval of Minutes of March 20, 2014 meeting
- b. Sheriff's Department's Request for Appropriation from E911-SPOT, \$550.32
- c. Sheriff's Department's Restoration of Funds, \$2,339.28, VACo Insurance Claim
- d. Commonwealth's Attorney's Request for Line Item Transfer: from Part Time Salaries to Other Professional Services, Pender & Coward Invoice, \$1,404.75), Transfer from: 63100-1118-631-630 Part Time Salaries, Transfer to: 63100-1229-631-630 Other Professional Services
- e. Approve, Appropriate, and Transfer; Timmons Group; \$753.48; Megasite; Property Acquisition Study
- f. Approve, Appropriate, and Transfer; Timmons Group; \$1,250.00; Megasite; Master Planning and Preliminary Engineering Report
- g. Approve, Appropriate, and Transfer; McGuire Woods; \$33.00; Megasite; Professional Services
- h. Approve, Appropriate and Transfer, Dominion Virginia Power, \$6,644.63, Commonwealth's Attorney's Building
- i. Approval of Application and Certificate for Payment #6, Kenbridge Construction Company, \$143,823.83, Commonwealth's Attorney's Building

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 5. Appointments**

**Item 5a. Appointment to John Tyler Alcohol Safety Action Program:** (tabled from last month).

Last year, Mr. Ron Atkins was appointed by the Sussex County Board of Supervisors to the John Tyler Alcohol Safety Action Program. Mr. Atkins has advised that he can no longer serve due to circumstances beyond his control. Therefore a replacement is required. Please be advised that there are no District requirements.

***Recommendation:*** That the Board appoint someone to fill the unexpired term on the John Tyler Alcohol Safety Action Program Board, expiring January 31, 2016.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the appointment to the John Tyler Alcohol Safety Action Program Board until the May 15, 2014 meeting.  
Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren  
Voting nay: none

#### **Item 5b. Appointments to Industrial Development Authority Board of Directors**

The terms of Mr. Emmett Drewry and Mr. Mel Davis will expire May 15, 2014. Both members have been contacted and neither wishes to serve again. New appointees will serve a four year term expiring May 15, 2018. Please be advised that there are no District requirements.

*Recommendation: That the Board appoints two new appointees to serve four year terms.*

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the appointments to the Industrial Development Authority Board of Directors until the May 15, 2014 meeting.  
Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren  
Voting nay: none

#### **Item 6. Standing Reports/Staff/Committees/Organizations**

##### **Item 6a. County Administrator's Report**

##### **Item 6a1. Valley Development Corporation Memorandum of Understanding (7:37pm)**

The Valley Development Association has requested to make a presentation to the Board regarding their proposal for the use of the former Annie B. Jackson Elementary School. Please be reminded that the County Administrator has been tasked for looking at possible uses for the three vacated elementary schools.

Also included in the Board packet is a proposed Memorandum of Understanding and other information from Valley Development Association regarding the use of the former Annie B. Jackson Elementary School.

*Recommendation: To honor the existing School Agreement until the Board determines final disposition regarding Annie B. Jackson Elementary School site.*

Mr. Marvin J. Drew, III, Director of Valley Development Association gave a presentation of the association. He explained that the mission of the association is to facilitate programming aimed at breaking the cycle of generational poverty by improving the marketability of members of this community to enhance their quality of life.

Prior to acting on Valley Development Association's request, the County Administrator brought several items to the Board's attention.

##### **Item 6a2. FY- 2014 Budget Recommendation: Animal Control Truck**

County Administrator Harris advised that the recent Surplus Vehicle Sale netted the County \$33,355.24 (*profit*). He recommended that these funds be utilized to address the vehicle needs of the Sussex County Animal Control Department.

*Recommendation:* To amend the Agenda to include both a Budget amendment and appropriation in the amount of the \$33,355.24 to be used for the purchase of a \$30,485.00 Animal Control Truck.

Chairman Fly suggested that this item be placed on the next budget meeting agenda.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a budget amendment and appropriation in the amount of \$30,485.00 for the purchase of a truck for Animal Control.

Voting aye: Supervisors Caple, Futrell, Hamlin, Stringfield, Warren

Voting nay: Supervisor Fly

### **Item 6a3. FY-2014 Budget Recommendation**

County Administrator Harris advised that the Honorable Alfred G. Futrell requested that the Board approve a contribution for the Sussex Relay for Life Team, “**Because We Care.**” They have requested a contribution in the amount of \$1,000.00. The Sussex Relay for Life Event will be held on May 17, 2014 at the Waverly Ruritan Ball Park from 12:00 p.m. – 9:00 p.m.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a budget amendment and appropriation in the amount of \$1,000.00 be donated to Sussex Relay for Life Team, “Because We Care.”

Voting aye: Supervisors Caple, Futrell, Hamlin, Stringfield, Warren

Voting nay: Supervisor Fly

**Item 6a4. FY-2014 Budget Recommendation: Commonwealth’s Attorney:** County Administrator Harris advised that the Honorable Alfred G. Futrell is requesting that the Board address the computer hardware/software needs of the Commonwealth’s Attorney’s Office at the cost of \$34,000.00. Please note that the Commonwealth’s Attorney has agreed to take funds in the amount of \$5,000.00 from forfeiture funds to offset the cost of the software.

**Recommendation:** *To approve a Budget amendment and appropriation in the amount of \$34,000.00 to be used for the purchase of computer hardware/software for the Commonwealth Attorney’s Office.*

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment and appropriation in the amount of \$34,000.00 to be used for the purchase of computer hardware/software for the Commonwealth’s Attorney’s Office.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**Item 6a5. FY-2014 Budget Recommendation: Social Services:** County Administrator Harris advised that the Honorable Alfred G. Futrell is requesting that the Board address the transportation needs of Social Services through the purchase of new vehicle(s) in the amount of \$40,000.00.

**Recommendation:** *To amend the Agenda to include both a Budget amendment and appropriation in the amount of \$40,000.00 to be used for the purchase of new vehicle(s).*

ON MOTION OF SUPERVISOR FUTRELL, and seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment and appropriation in the amount of \$40,000.00 be used for the purchase of two (2) new vehicle for the Department of Social Services.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**Item 6a6. Resolution in Memory of the late Thomas Edward Felton, Jr.:** The wife and family of Mr. Felton, a Sussex County Deputy who died in the line of duty 25 years ago has asked through the Honorable Vice-Chairman Robert Hamlin that the Board of Supervisors adopt the attached resolution.

**Recommendation:** *To amend the Agenda to include the enclosed Resolution for the Board's review and disposition.*

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the following resolution:

**WHEREAS**, Thomas "Tom" Edward Felton, Jr., was born July 17, 1965, in Petersburg, Virginia, to Thomas Edward Felton, Sr., and Elaine Williams Felton; and

**WHEREAS**, Tom Felton began his law enforcement career in 1986 when he joined the Colonial Heights Police Department where he served as a patrol and K-9 officer; and

**WHEREAS**, Tom Felton later served the citizens of Sussex County when he joined the Sussex County Sheriff's Department as a patrol deputy in January, 1988; and

**WHEREAS**, Tom Felton also served the citizens of Sussex as a volunteer fireman with the Jarratt Volunteer Fire Department, was admired in his community and was also known to go beyond the call of duty to help those in need of assistance; and

**WHEREAS**, Deputy Felton died in the line of duty on April 29, 1989; and

**WHEREAS**, Deputy Felton is survived by his wife of two years, Sharon Felton Story, mother, Elaine Felton Lane, and brother, Virginia State Trooper Michael S. Felton;

**NOW THEREFORE BE IT RESOLVED** that the Sussex County Board of Supervisors does hereby approve this resolution in recognition of the 25<sup>th</sup> Anniversary of Deputy Felton's ultimate sacrifice:

**Section 1:** The Board of Supervisors honors the life and service of Deputy Tom Felton, Jr., and expresses its appreciation for his service as a law enforcement officer and to the citizens of Sussex County.

**Section 2:** The Board of Supervisors extends its deepest sympathy to the family of Tom Felton for the loss of a beloved family member; and

**BE IT FURTHER RESOLVED,** that the Chairman is hereby authorized to execute this Resolution and the County Administrator is directed to provide a copy to the family of Thomas “Tom” Edward Felton, Jr.

**AND FINALLY, BE IT RESOLVED** that this resolution be placed in the Public Minutes so that future generations will know and understand the high regard, esteem and deep respect that The Chairman, Board, Citizens and Employees of Sussex County held the late Thomas Edward Felton, Jr.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**Item 6a7. FY 2015 Budget Presentation and/or Public Hearing: (8:28pm)**

County Administrator Harris advised that if the Board so wishes, it can set a date for the FY 2015 Budget Public Hearing. Statutorily, the Board (under normal circumstances) would need to pass the School Division Budget by May 1<sup>st</sup> and we need one week to advertise and the budget cannot be approved until one week (7 days) after the Public Hearing.

However, there is one exception that allows local governments 30 days from the time the State Budget is passed, which is the dilemma Virginia is currently faced with. None-the-less in deference to the needs of Dr. Jarrett and the School Division, Mr. Harris stated that he hopes that the Board would be committed to approving the budget no later than May 15<sup>th</sup> (unless of course the State continues to delay approving it’s Budget – then we may have to make some recommended changes for the protection of the County and the School Division).

To this end, if the Board can determine what parameters the Budget will be built (*taxes, fees or charges?*) and what the priorities are, Mr. Blount and Mr. Harris will be able to meet with Department Heads and Constitutional Officers and put a recommended Budget together in a week.

*Suggested Dates for the Public Hearing – May 1, 2014 or May 8, 2014. Either would give the Board time to pass the Budget on the 15<sup>th</sup>.*

The Board decided to discuss this later in the meeting.

**Item 6a8. Sheriff’s Department Line Item Transfer:**

County Administrator advised that he has authorized a line item transfer for the Sheriff’s Department in compliance with County Policy and after consultation and review by the Director of Finance.

### **Item 6a9. It's Our Future-Strategic Planning Sessions**

County Administrator Harris advised that please find attached a flyer for the next round of Public Meetings to solicit input from the Citizens and Businesses of Sussex regarding the County's future. He hopes that once the Community sees again the value of working together and in collaboration, we will continue to use public forums to not only insure governmental transparency but to improve the collective efforts of our governing bodies.

### **Item 6a10. Our House of Hope**

County Administrator Harris advised that the Zoning Administrator and County Attorney are finalizing the County's position on a business/non-profit request. Additionally, staff has received a number of complaints regarding this matter and at this time would remind the Board that there is no action to be taken.

### **Item 6a11. U. S. Route 460 Corridor Update**

County Administrator Harris advised that enclosed in the Board packet is a copy of the Virginia Department of Transportation U.S. Route 460 update. VDOT is currently developing a Supplemental Environmental Impact Statements (SEIS) as part of the U.S. Route 460 Corridor Improvement Projects. Please be further advised that there are now five possible routes.

### **Item 6a12. Local Choice Renewal**

County Administrator advised that the County's Health Insurance is up for renewal. This includes the renewal of our health, dental, and vision plans with The Local Choice Program. The Board of Supervisors will need to decide whether the County is going to continue to pay single coverage for employees. The renewal single coverage premium is \$595.00 per month per employee.

*Recommendation:* To approve and authorize the County Administrator to notify Local Choice that Sussex County will continue to pay single coverage for employees.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that Sussex County Board of Supervisors will continue to pay single coverage for County employees of \$595.00 per month per employee for the Local Choice Health Care Insurance coverage.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

### **Item 6a13. Byrne Justice Assistance (JAG) Grant #14-M1205LO13**

County Administrator Harris advised that included in the Board packet is a copy of the above referenced grant. The Department of Criminal Justice Services has been designated to administer a portion of the JAG grant funds reserved for Virginia and make those funds available to local units of government. These funds help localities support their efforts to reduce and improve public safety.

*Recommendation:* To accept and appropriate the Byrne Justice Assistance (JAG) Grant #14-M1205LO13 in the amount of \$2,311.00 in federal funds and \$257.00 in local cash matching funds for a total award of \$2,568.00.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accept and appropriate the Byrne Justice Assistance (JAG) Grant #14-M1205LO13 in the amount of \$2,311.00 in federal funds and \$257.00 in local cash matching funds for a total award of \$2,568.00.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 6a14. Update of Eugene Lane and Murrell Lane**

County Administrator Harris advised that included in the Board packet is a copy of a letter dated March 1, 2014 from Matt Lillis, P.E., Area Land Use Engineer for the Virginia Department of Transportation, regarding Eugene and Murrell Lanes.

#### **Item 6a6. Update of Director of Part Time Finance**

County Administrator Harris advised that he is pleased to inform the Board of Supervisors that T. Robertson Blount has accepted the position of Part Time Finance Director for Sussex County. Rob who owns an Antique Business comes to the County with a background in both private and governmental accounting and served for 38 years in the City of Petersburg and the last twenty as Finance Director. Mr. Blount has agreed to become the newest member of Team Sussex. His first day was Monday April 14<sup>th</sup>.

#### **Item 6a7. Hiring and Dismissal Oversight Policies**

County Administrator Harris advised that in the Board packet are proposed amendments to the County's Personnel Policy and Procedures Manual that require the County Administrator, prior to hiring or dismissing a full-time or part-time permanent employee, to notify the Board of Supervisors, in closed session, of the County Administrator's intended action.

If the Board believes that the action needs additional processing or investigation, the Board, by motion, can direct the County Administrator, accordingly. If the Board takes no action to direct the County Administrator, the County Administrator can go forward with the hiring or dismissal of the employee. This process allows the Board of Supervisors the opportunity to review employment actions prior to implementation to satisfy itself that its policies relating to fairness, consistency, and objectivity have been followed.

*Recommendation:* Approval as submitted.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the following amendments to Sussex County's Personnel Policy and Procedures Manual:

#### Section 5.7 Selection and Notification of Offer

If the County Administrator concurs with the department director's selection, the County Administrator shall notify the Board of Supervisors of the pending selection. Such notice shall be given in a closed meeting of the Board of Supervisors. At that meeting, the County Administrator shall inform the Board of the name of the finalist, his/her pertinent qualifications, the selection process used and information concerning other qualified applicants and their respective qualifications. If the Board of Supervisors is unsatisfied with the selection process, the Board, upon reconvening from its closed meeting, shall, in open session, by motion made and majority vote adopting that motion, direct the County Administrator to take additional actions relative to its particular concerns relating to the selection process. Upon completion of such additional actions, the County Administrator shall repeat the notification process to the Board of Supervisors as specified above. If, upon reconvening from a closed meeting at which it receives notice of a pending selection, the Board takes no action relating to the selection, the County Administration may appoint the finalist and notify the appointee accordingly.

#### Section 29.7 Disciplinary Action

The County Administrator shall notify the Board of Supervisors of any pending dismissal. Such notice shall be given in a closed meeting of the Board of Supervisors held after the employee is afforded the opportunity to meet with the County Administrator and respond to the allegation(s) against him/her. At the closed meeting of the Board of Supervisors, the County Administrator shall inform the Board of the name of the employee, the investigative process utilized, the reasons for dismissal and the evidence that substantiates those reasons. If the Board of Supervisors is unsatisfied with any aspect of the dismissal process, upon reconvening from its closed meeting shall, in open session, by motion made and majority vote adopting that motion, direct the County Administrator to take additional actions relative to its particular concerns relating to the dismissal process. Upon completion of such additional actions, the County Administrator, shall, if he/she believes such to be warranted, repeat the dismissal notification process to the Board of Supervisors as specified above. If, upon reconvening from a closed meeting at which it receives notice of a pending dismissal, the Board takes no action relating to the dismissal, the County Administrator may dismiss the employee and notify the employee of such action and his/her grievance rights in that regard.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 6a8. Sixth Judicial Circuit Judge's Request for Telephone Stipend**

County Administrator Harris advised that the Chief Judge of the Sixth Judicial Circuit (*The Honorable Stephen D. Bloom*) is requesting that the County increase his annual reimbursement from \$50.00 to \$85.00 per month toward the payment for cell phone service (*an increase from \$600.00 to \$1,020.00*). He also asked that this be retroactive to January 2013.

Traditionally, the County has reimbursed Judge Bloom in one payment for the calendar year, January – December. We have not yet processed the payment for the 2013 calendar year, and he is requesting that the increase be retroactive for the 2013 calendar year.

Please be further advised that in FY 2013 (*last fiscal year*), the General District Court budget had a surplus of \$9,420.00, therefore we do not believe that by approving the increase for the cell phone stipend it will overspend the budget category.

*Recommendation:* To approve Judge Bloom's request and direct the County Administrator to approve a reimbursement payment for 2013 and further to include such reimbursement in the FY 2015 Budget.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors approves Judge Stephen Bloom's request to increase the payment for cell phone service from \$50.00 per month to \$85.00 per month, to approve the reimbursement payment for 2013 and further include such reimbursement in the FY 2015 budget.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 6a9. Stormwater Management Act**

County Administrator Harris advised that included in the Board packet is a summary regarding Stormwater Management Act. The County previously had determined that this was an item that could be handled in house. However after the amendments have been incorporated virtually every small jurisdiction, has determined that it would be better to "opt out."

*Recommendation:* To approve opting out of the act and turning these duties over to the state.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors agrees to opt out of the Stormwater Management Program and allow the Department of Environmental Quality to continue to administer the Virginia Stormwater Management Program.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 6b. Treasurer's Report**

Onnie Woodruff, Treasurer provided his report to the Board (a copy of the report is retained in the April 17, 2014 Board packet).

#### **Item 6c. Commissioner of the Revenue**

Commissioner of the Revenue, Ellen G. Boone, requesting to receive some assistance in getting the Commissioner of the Revenue Website updated. She explained that she has spoken with Eric Danuser, the IT staff contracted by the Schools and he advised that he cannot "do" her website update.

#### **Item 7. Citizens' Comments (9:05pm)**

Comments were heard from:

Ryland Holmes, Vice President of Our House of Hope

Hector Cruz, President of House of Hope

Bill Kenney

Kevin Bracey, Courthouse District

Bill Collins, Courthouse District

Otto Wachsmann, Courthouse District

**Item 6d. Sheriff's Department** *(No report at this time)*

**Item 6e. Superintendent of Schools** *(No report at this time)*

**Item 6f. Director of Social Services** *(No report at this time)*

**Item 6g. General Registrar's Report** *(No report at this time)*

**Item 6h. Health Department** *(No report at this time)*

**Item 6i. County Attorney's Report** *(No report at this time)*

**Item 7.. New Business**

**Item 8. Unfinished Business**

**Item 9. Board Members' Comments**

- a. Blackwater District – Mr. Warren stated that he has received citizens' complaints about the County's website not working properly.
- b. Courthouse District – Mr. Fly stated that has had multiple calls about the County's website not working properly as well.
- c. Henry District – no report
- d. Stony Creek District - Supervisor Caple commended the citizens for their positive comments regarding the Board of Supervisors.
- e. Wakefield District – no report
- f. Waverly District – no report

**Item 10. Departmental Reports** (included in the Board packet)

**Item 11. Closed Session** (9:30pm)

ON MOTION OF SUPERVISOR FUTRELL, and seconded by SUPERVISOR WARREN, and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for the following: a) Discussion or consideration of the condition, acquisition or use of real property, applicable Code Section 2.2-3711(A)(3); b) Consultation with legal counsel with regard to construction project, applicable Code Section 2.2- 3711(7); c) County Administrator's Performance, applicable Code Section 2.2-3711(A)(1).

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**Item 12. Return To Open Session/Certification (10:26pm)**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session; and

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

WHEREAS, Section 2.2-3712 of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted inconformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the 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 as were identified in the motion convening the Closed Meeting were heard discussed or considered.

Voting aye: Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**Item 13. Action Taken on Closed Session Items**

MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HAMLIN, and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Application and Certificate for Payment #24, from Oyster Point Construction in the amount of \$50,000, for the Sussex Elementary School Construction Project.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**Item 14. Recess/Adjournment (10:30pm)**

ON MOTION OF SUPERVISOR WARREN, and seconded by SUPERVISOR FUTRELL, and carried: RESOLVED the April 17, 2014 meeting of the Sussex County Board of Supervisors is hereby adjourned at 10:30 p.m.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none