

**At a Regular Meeting of the Sussex County Board of Supervisors  
Held on Thursday, October 1, 2009 at 5:00 p.m., in the  
General District Courtroom, Sussex Judicial Center**

**BOARD MEMBERS PRESENT**

T. W. Birdsong  
C. Eric Fly  
Harris L. Parker

Charlie E. Caple, Jr.  
Wayne M. Harrell

**BOARD MEMBER ABSENT**

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  
Shannon C. Drew, Assistant to Director of Planning  
Deborah A. Davis, Assistant to County Administrator  
Nicole L. Scuderi, Administrative Secretary

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

The October 1, 2009 meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly; the Pledge of Allegiance was led by Supervisor Birdsong; the Invocation was offered by Supervisor Parker.

**Item 1A. Adoption of Agenda**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the agenda of the October 1, 2009 meeting, with the following amendments: (1) Add Item 12A, Monthly Board Meetings; (2) Add Item 13A, 2010 Redistricting; (3) Change Item 15 to Closed Session for Personnel and Legal Matters.

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

Voting nay: none

Absent: Supervisor Tyler

**Item 2. District 19 Community Services Board Contract**

Deputy County Administrator, George E. Morrison, III, advised the Board that at the June 18, 2009 meeting, the District 19 Community Services Board contract was presented for review and action. The Board requested that a representative from District 19 be present to answer questions and explain their request. He advised that Mr. Joseph

Hubbard, Executive Director of the District 19 Community Services Board, is present and will provide an overview to the Board.

Mr. Joseph Hubbard advised that all localities across Virginia are required to sign a contract regarding mental health services. If the Board chooses to do nothing, the contract automatically renews. (A copy of the contract is included in the October 1, 2009 Board packet).

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of District 19 Community Services Board contract; and

FURTHER RESOLVED that staff is hereby authorized to execute same.

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

Voting nay: none

Absent: Supervisor Tyler

### **Item 3. Halloween On The Square**

Deputy County Administrator, George E. Morrison, III, advised the Board that the "Halloween On The Square" festivities are scheduled for Saturday, October 31, 2009, beginning at 8:00 a.m. and ending around 1:00 p.m. The sponsors have requested permission to use the Courthouse Square for entertainment purposes and information booths. Staff recommends approval of this request.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of "Halloween On The Square" festivities scheduled for Saturday, October 31, 2009, beginning at 8:00 a.m. and ending approximately 1:00 p.m., to be held on the Courthouse Square.

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

Voting nay: none

Absent: Supervisor Tyler

### **Item 4. Conditional Use Permit #2007-01, Chase Boykin, applicant**

Assistant to the Director of Planning, Shannon C. Drew, advised the Board that staff is in receipt of a letter from Mr. Chase Boykin requesting the renewal of Conditional Use Permit #2007-01 to allow for the continued operation of a towing/wrecker service with inoperable vehicle storage at 4904 Beaverdam Road, Waverly, Virginia. On August 21, 2009, the Board of Supervisors approved an extension of Conditional Use Permit #2007-01 for a period of one (1) year.

The applicant has abided by all the conditions attached to his existing Conditional Use Permit and no complaints have been received regarding the operation of the towing/wrecker service. Therefore, staff recommends that Conditional Use Permit #2007-01 be extended by the Board.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the renewal of Conditional Use Permit #2007-01, Chase Boykin, applicant, for a period of one (1) year.

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

Voting nay: none

Absent: Supervisor Tyler

#### **Item 5. VDACS Memorandum of Agreement**

Deputy County Administrator, George E. Morrison, III, reported that included in the Board packet is a copy of the Memorandum of Agreement between the Virginia Department of Agriculture and Consumer Services (VDACS) and the County of Sussex. This is for conducting the 2009 Plastic Pesticide Container Recycling Program, which assists agricultural producers, pesticides dealers and pest control firms to recycle properly rinsed pesticide containers.

VDACS will reimburse Sussex County up to \$1,875.00 to support the costs of the program. All expenses must be directly related to the Plastic Pesticide Container Recycling Program. Staff is requesting the Board of Supervisors' approval to sign the Memorandum of Agreement for Sussex County and VDACS.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to execute the Memorandum of Agreement between Virginia Department of Agriculture and Consumer Services and Sussex County for the 2009 Plastic Pesticide Container Recycling Program.

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

Voting nay: none

Absent: Supervisor Tyler

#### **Item 6. Finance Committee Report**

Chairman Fly reported that the Finance Committee has met and discussed overages in the budget and methods of handling them. The radio system is failing and the cost estimate for Phase I is approximately \$540,000.00. Currently, only two (2) channels are operating; the power amp that the County has now is no longer made and parts are no longer available.

County Attorney Thompson: "The Board needs to seriously review the current system challenges, look at the microwave tower, digital system versus analog, etc., prior to taking action."

Supervisor Parker: "Can the Board get a consultant to review the County's needs and make a recommendation?"

Chairman Fly: "The County currently has a maintenance contract with MACE."

Supervisor Harrell: “The Board needs to receive approximately \$541,000.00 per month from landfill revenues in order to meet the \$6.5 million budget. There is a 27% to 29% reduction in landfill tipping fees, which will create a \$1.2 to \$1.4 million dollar shortfall. We may need to tap into the reserves. The Board needs to get busy and get the power plant in Sussex.”

Supervisor Birdsong: “How soon can the Director of Finance and Treasurer provide more facts and figures to the Board?”

Chairman Fly: “The Finance Committee will meet again and provide a report to the full Board. But there are two (2) items to take care of tonight. The Finance Committee has asked Mr. Eddie T. Vick, Public Safety Coordinator, to look at costs for an entire system, leasing a system versus purchase, satellite communications and report at the next meeting.”

### **Item 7. Dewberry Contract Amendment (Proposed Courthouse Addition)**

Deputy County Administrator, George E. Morrison, III, advised the Board that this item has been considered by the Finance Committee on September 18, 2009. They recommended that the Board approve the request to expend \$3,400.00 for Dewberry to complete drawings and indicate the locations and sites of the addition and the existing building.

Chairman Fly: “Since the Finance Committee met, the state had placed additional cuts and landfill revenues have decreased and I don’t think the Board should consider construction of a courthouse addition utilizing the current budget.”

Supervisor Birdsong: “If the Board is not in a position to authorize construction, then perhaps money could be spent to get the plans. I recommend the Chairman speak with Mrs. Lyndia Ramsey, (Commonwealth’s Attorney), since it is her office and staff that is being impacted. But this item could be tabled until the next Board meeting.”

Supervisor Caple: “What is the status of the former County Administration building?”

Deputy County Administrator, George E. Morrison, III: “As of right now, there is no movement toward eradicating the mold problem in the former County Administration Building or renovation to the former County Administration building. “

Supervisor Caple: “Since the building is empty, the Board needs to take action to abate the mold problem and get it ready for occupancy.”

Chairman Fly: “Mr. Morrison, can you to seek estimates on the abatement of mold?”

Supervisor Parker: “The Board needs to move forward with small projects, although the County is suffering from a budget crunch, we don’t need to delay this project much further. If we keep putting it off, the situation gets worse and we may face an issue with the Commonwealth’s Attorney carrying us to court.”

Chairman Fly: "I would like to table this item until I can speak with Mrs. Ramsey."

Supervisor Parker: "I ask that the Board will think this through, because this is a small amount in comparison to the elementary school project."

Supervisor Caple: "Why do we vacate buildings and then just let them sit there?"

Supervisor Birdsong: "When the Buildings and Grounds Committee met, we looked at both buildings. Mrs. Ramsey had no problem with either. Can we ask Dewberry to provide a rough estimate? We need to do something before we end up in court. We need to be prepared to take action at the next meeting."

Chairman Fly: "I will meet with Mrs. Ramsey."

Supervisor Harrell: "At the Gateway meeting recently, the subject of Rolls Royce (in Prince George County) was discussed. The Board needs to position themselves for any impact that Rolls Royce may have on Sussex."

Chairman Fly: "Mr. Morrison, place the Route 460 Industrial Park on the next agenda for discussion."

#### **Item 8. BB&T Resolution**

Chairman Fly advised that this item will be tabled until the next meeting. He asked staff to check on bonding from McGill Environmental Systems.

#### **Item 9. State Budget Reductions**

Director of Finance, Jerry L. Whitaker, provided an update to the Board regarding the Commonwealth of Virginia's Budget Reduction. (A copy of Mr. Whitaker's report is retained in the October 1, 2009 Board packet).

#### **Item 10. Finance Committee Recommendation**

Deputy County Administrator, George E. Morrison, III, advised the Board that the Finance Committee met on September 18, 2009 to start discussion on how to handle the budget challenges for the current year.

The Board, as of its' last meeting, has approved new appropriations of \$377,285.00 and re-appropriations of \$118,751.00 for a total of \$496,036.00. The Board did not take any action on the \$2,657.00 for additional funding for the Forest Fire Protection program.

It is the Finance Committee's recommendation to transfer up to \$500,000.00 from the budgeted line item: Reserve for Elementary Schools Project and appropriate that funding to cover the new appropriations and the re-appropriations as previously mentioned. The following is a list of expenditures that were not approved and appropriated as part of the budget:

• Animal Pound Floor	\$ 44,725
• Social Services Budget Adjustment	47,718
• Commonwealth's Attorney Budget Restoration	13,540
• Victim Witness Budget Restoration	2,565
• Unemployment Payments Estimated	4,500
• Sheriff's Budget Restoration	253,762
• Commissioner of the Revenue Budget Restoration	5,900
• Registrar's Budget Restoration	<u>4,575</u>
Total	\$ 377,285
• Rescue Vehicle Re-appropriation	\$ 113,127
• Social Services Grant Re-appropriation	<u>5,624</u>
Total	\$ 118,751

### **Item 11. 2010 Census New Construction Program**

Deputy County Administrator, George E. Morrison, III, advised the Board that included in the packet is a letter from the United States Department of Commerce (U.S. Census Bureau) requesting the County's participation in the 2010 Census New Construction Program. As stated in the letter, the new construction program provides an opportunity for officials of local governments to submit a list of city-style addresses for housing units for which basic construction began during or after March 2009 and completion is expected by Census Day, April 1, 2010. The purpose of the New Construction Program is to account for new housing built after the Bureau's field canvass was completed during the spring/summer of 2009.

The Board of Supervisors is asked to do several things, if they choose to participate in the program:

1. Review the enclosed information about the program
2. Designate a New Construction program liaison
3. Complete, sign and return the registration included in the packet

Staff recommends the County participate in the 2010 Census New Construction Program and appoint Mr. Andre M. Greene, Director of Planning, as the program liaison from the County and sign the registration form.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Sussex County's participation in the 2010 Census New Construction Program; and

WHEREAS, C. Eric Fly, Chairman of the Sussex County Board of Supervisors, is hereby authorized to sign the registration form; and

WHEREAS, Mr. Andre M. Greene, Sussex County Director of Planning, is hereby designated as the New Construction Program liaison.

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

Voting nay: none  
Absent: Supervisor Tyler

### **Item 12. Board of Supervisors' Retreat**

Deputy County Administrator, George E. Morrison, III, advised the Board that staff is suggesting the following dates for the Board's retreat;

- November 20 & 21
- January 8 & 9

Board member's will check their calendars and advise the staff at the October 15, 2009 meeting.

### **Item 12A. Board's Monthly Meetings**

Supervisor Birdsong stated that the Board has met twice a month for three (3) months on a trial basis. He further stated that as of right now, there is no justification for meeting semi-monthly. If there are issues that require more immediate attention, the Board can recess.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby return to the one (1) Board meeting per month schedule.

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

Voting nay: none

Absent: Supervisor Tyler

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED the Sussex County Board of Supervisors' meetings shall not pass the 12:00 midnight hour; and

FURTHER RESOLVED that if the business of Sussex County is not complete by 12:00 midnight, the Board shall recess until another meeting.

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

Voting nay: none

Absent: Supervisor Tyler

### **Item 13. County Newsletter**

Deputy County Administrator, George E. Morrison, III, provided an example of the proposed Sussex County Newsletter. Staff is hopeful that the first issue of the newsletter will be ready for publication and distribution by December or January.

The Board will need to decide on the type of distribution to its citizens, (i.e. mailings, placing the newsletter on the County's website, placing it at various locations throughout the County).

Supervisor Birdsong advised that there are a lot of citizens that do not have computers or internet service.

Supervisor Parker recommended that the Board discuss this issue during the retreat in January. He also asked that the Board discuss inoperable vehicles and uninhabitable and/or dilapidated houses in the County.

Chairman Fly asked Mr. Morrison to make the issue of dilapidated houses a priority.

Mr. Morrison suggested that the Board consider discussion of animal control issues within the towns during the retreat in January.

Supervisor Parker advised that the old, dilapidated houses need to be torn down; there may even be problems locating property owners.

County Attorney Thompson advised that he can send letters to the last owner listed on tax records and he is willing to offer assistance to the towns.

#### **Item 14. Citizens' Comments**

Ms. Kelly Donnell, Sussex Surry Dispatch, advised that County staff needs to be more open with the newspaper. She also advised that the County could save money by not publishing its own newsletter and provide the Dispatch with news articles, etc.

Supervisor Harrell asked when the Board should begin the 2010 redistricting process.

County Attorney Thompson stated that he is updating the census blocks.

Chairman Fly asked if the County has GIS software that will help with the process.

Supervisor Harrell advised that the Board needs to establish a citizens' committee and perhaps the Board could consider lowering the number of districts to five. This would help to minimize tie votes.

Chairman Fly stated that the governing body needs to be active in the 2010 redistricting process.

#### **Item 15. Closed Session**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session to discuss Real Estate Matters, Prospective Business and Personnel Matters, applicable Code Sections 23711(A)(7), 2.2-3711(A)(5) and 2.2-3711(A)(1) respectively.

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

Voting nay: none

Absent: Supervisor Tyler

**ITEM 16. Return To Open Session**

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR BIRDSONG 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

Voting nay: none

Absent: Supervisor Tyler

ON MOTION SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board hereby transfers to Mr. George E. Morrison, III, Deputy County Administrator, full responsibilities as those of the County Administrator, during her absence; and

FURTHER RESOLVED that his name be added to the signature card at the banks, thus giving authorization to sign all checks.

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

Voting nay: none

Absent: Supervisor Tyler

**Item 17. Adjournment**

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the October 1, 2009 meeting of the Sussex County Board of Supervisors is hereby adjourned.

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

Voting nay: none

Absent: Supervisor Tyler