

**At Redistricting Work Session of the Sussex County Board of Supervisors
Held on Thursday, April 21, 2011, 6:00 pm in the
General District Courtroom – Sussex Judicial Center**

BOARD MEMBERS PRESENT

Charlie E. Caple, Jr. C. Eric Fly, Sr. Wayne M. Harrell
Harris L. Parker Rufus E. Tyler, Sr.

BOARD MEMBER ABSENT

T. Wayne Birdsong

STAFF PRESENT

George E. Morrison, III, Interim County Administrator
Henry A. Thompson, Sr., County Attorney
Andre M. Greene, Director of Planning
Shannon D. Fennell, Assistant to Director of Planning
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order

The April 21, 2011 redistricting work session was called to order by County Attorney Thompson. (Mr. Morrison, The first part of the meeting was not recorded because you advised me that it was not needed. Later Mr. Thompson alluded to the meeting being recorded and I asked you and at that time, you told me to activate the recording device. So I started the initial recording at 6:30 p.m.)

Mr. Thompson instructed the Board members to consider themselves as citizens at this work session and each member of the Board of Supervisors, per Mr. Thompson's request, sat in the audience. Mr. Thompson distributed documents and maps to citizens in the audience and explained the documents provided.

Mr. Robbie F. Owen, citizen of Wakefield District: "Information that you (speaking to Mr. Thompson) have explained so far just doesn't even makes sense."

County Attorney Thompson: "Your comments (Thompson speaking to Mr. Owen) will be passed on to the Board of Supervisors; I understand, this is informational; we can give you the general framework behind the Plans, but specific comments, we are not going to respond; not out of being impolite, or anything, please understand that is should be this way or that way, but that's in the province of the Board of Supervisors. But yes sir."

Mr. Robbie F. Owen: "I have one more; I am getting older and I forget things. There is no reason in the world that this thing should be made up on the percentage like you got it made up.

When you make up, and you got some districts in the 20s and some in the 70s, that does not make any sense anywhere.”

County Attorney Thompson: “What are you referring to specifically sir?”

Mr. Robbie F. Owen: “I am talking about you got on this list here that black and whites; I am talking about that.”

County Attorney Thompson: “The scientific statistical list, after random geographical territory was added to all of the districts, you are saying, yes sir, population is, yes sir?”

Mr. Robbie F. Owen: “I am saying that there is no reason for, you got 44/56 makeup in this County; it somewhere, it should be somewhere closer than that and this is pure politics on your side, what you’re trying to do here.”

County Attorney Thompson: “Well sir, I’m not, again, I’m not trying to do anything; that would be passed on to the Board, but let me again; look at your map again sir. If you will look at your map again; the 2001 election districts, the border and boundaries, you will recall this matter was litigated and even the VA Supreme Court indicated that the Board of Supervisors did nothing wrong.”

Mr. Robbie F. Owen: “I didn’t say that did anything wrong. I am saying that it shouldn’t be that way. There is no reason for it to be that way.”

County Attorney Thompson: “Well again, they said the Board didn’t do anything wrong by Circuit Court U. S. Department of Justice and the Supreme Court that being conservative sir, you would go to the line that were the Supreme Court, Circuit Court and the Justice Department said nothing was wrong. So then, if you will look the only thing under this Plan is that it just proceed further and you proceed further; keep in mind that you going to have identifiable boundaries is you don’t just cut across fields, what you do, for instance, the Wakefield District, what you do is that you go down an identifiable boundary.”

Mr. Robbie F. Owen: “That’s what I’m telling you not doing any – you went up my driveway and you went out the farm road in the back. Is that the identifiable thing? I can change that line tomorrow morning, by plowing the road up. That’s all I’ve got to do, not the driveway, but the farm road, I can. You don’t even know what district I’m in. You can’t look at that map and tell what district I’m in.”

County Attorney Thompson: “There are more details, but yes sir I can. But more importantly sir is that your comments are greatly appreciated. And they will be sent to the Board and the Board will hear about it and, but again I can’t talk specifics, but say for instance, you need a boundary, what is that road you’re on Mr. Owen? I forgot the road.”

Mr. Robbie F. Owen: “Spring Hill Road.”

County Attorney Thompson: “You go down one street, you connect to another street, you connect to another street.”

Mr. Robbie F. Owen: “The line goes straight up my driveway like I told you.”

County Attorney Thompson: "Have you looked into?"

Mr. Robbie F. Owen: "I have so much bull out of you tonight that I never been so disappointed."

County Attorney Thompson: "Well sir, I am sorry but I can only tell what is, but your comments are greatly appreciated; you're a wise man and we only try to give you factors that could be utilized in this matter, using streets. You cannot cut; well you can, but why cut across pasture. That can be looked into sir. But all other things basically they follow as much as possible, streets so that voters –you are very concerned about voters sir. You want to always have voters to have identifiable boundaries. Do you have any additional comments sir?"

Mr. Robbie F. Owen: "No I give up it on you."

County Attorney advised that there are additional maps that the Board has made available for individuals that want to come up and look at them.

Mr. Al Peschke: "I appreciate the comment about the Board trying to save money. The Board could save money by only having five districts; five Board of Supervisors members and reunite Wakefield as one unit, because 5 into 10,000 goes 2,000, so approximately each district would have 2,000 people. And then you can put the Town of Wakefield back together appropriately. That's my comment. I hope the Board hears it because I will say it again when they are in session. Save money, let's get down to five districts; that way we will have an odd number of members on the Board and we can reunite Wakefield with no problem."

County Attorney: "You have one of the most sensitive and receptive yet very responsible Boards and I am certain that they have heard your comments that they will be sensitive as well as responsible and as well as following law."

Mr. Al Pescke: "It will save money, less government, less money, less taxes, less spending, more freedom. That's what's it all about."

County Attorney: "I will provide an overview of the elections districts of what was adopted 2001. There is less than a 10% movement of individuals over the age of 18 which is astounding. Each of the population districts are within the 10% deviation. The Board expressly stated not to include inmates. The Board felt citizens should have as much equal representation as that of the 2,352 inmates who have no connection with the County of Sussex. That was a prime mover as well as population differential, as I mentioned to you under 202 in Wakefield, over 181 in Courthouse, Blackwater being 200+ too many people. That was one of the prime motivations. The lines were full; the primary adjustments here were geographical. If you look at it and making the geographical adjustments it's best to go to a road and go down that road, as opposed to cutting across territory. As you know, some roads in Sussex County has a wide swap of fields and trees. These could have looked more compact, but would confuse voters and the Registrar is always after me and this is his responsibility. The Registrar always wants identifiable boundaries. One of his prime concerns is no citizen inconvenienced. Those were used, the community of interest, you know surprisingly and I didn't realize that the census had it and I can't recall it off the top of my head but they can tell you Parker, Jones, Harrell and a few others, they can tell you over the last 100 years, the average life span of a person with that last name. They can tell you the most common first names in Sussex County and the average life span of an

individual who has that surname or first name. They can tell you that in Blackwater Waverly there I approximately 2.5% households. They can tell you the banks that they normally use. It is amazing what they can tell you to define an area of community of interest.”

Mr. William Jenkins, General Registrar: “Is Supervisor Fly in the Blackwater District in this, I see where Birch Island Road is. Are you sure know where you are Mr. Fly?”

Supervisor Fly: “I have no clue.”

County Attorney Thompson: “Mr. Fly, initially you wanted a map putting you in Blackwater. But we came up with another map; the adjustment was made for you. If you look at Rocky Hock Road, you see the purple, this is where Mr. Fly is. That is one of the things to protect and incumbent That is one of the redistricting factors that can be used.”

Supervisor Fly: “Let me comment because you have accused me of something. My request to move my residence into the Blackwater District was a result of my request to put Wakefield back together. Information coming back from your office stating that Wakefield couldn’t back together because it would put me and Mr. Birdsong in the same district, because he lives in the Town of Wakefield. So my request that I would opt out of the Wakefield district if that would help put Wakefield back together. That was just my request to go into Blackwater, would be to facilitate putting Wakefield back together. Now, while I’m up, even though this Plan may be legal and I will leave that to the legal minds to determine whether it’s legal.”

County Attorney Thompson: “You’re an independent judge, you should let the Board get all the information and then make a determination advocating the position. It is your decision sir, but..”

Supervisor Fly: “My comments are that community interest should be the overlying factor of redistricting. The way to move a community forward is to put people of like minds and like interests into a common block to pull in the same direction. But what this plan does is separate those of us that have common interests. You separate the Town of Wakefield. What this Plan does, is it herds people together by their race, which I would have hoped in 2011 we would have overcome this. Wakefield needs to come together, everybody pulls together. This is what the citizens of Wakefield would like to see. They came in 2001 and requested that the Town of Wakefield be put together and I believe that they are going to come again in 2011 asking for the Town of Wakefield to be put together which it can be done. I will reserve some of my comments, but it can be done and I would hope that the Board would attempt to put the Town of Wakefield back together.”

County Attorney Thompson: “The Registrar and everyone else knew that you do not live in the Town of Wakefield, but I will move away from. You’re one of the judges sir and we will just let the Board comment so you can give an impartial decision after we hear everything.”

Female Citizen (no name given): “I have a question, it’s kind of about Blackwater and Waverly. It’s kind of hard for me to tell, in looking at this map exactly where the lines are as far as Waverly is concerned. I don’t know about the rest of it. Is it any way possible that we could have this on a computer screen so we can zoom in on it or something like a GIS System so we actually what, where the lines are on this map or could we get a larger maps?”

County Attorney Thompson: “Yes ma’am, the County has very detailed maps now – showing detailed streets and I am assuming that County Administration will be citizen orientated that they will have maps in a reasonable, if not immediate future they can feed those things on the maps for citizens.”

Female Citizen: “Can we get this online?”

County Attorney Thompson: “It’s there, all the maps, everything is there. The maps themselves, in fact we have detailed snapshots.”

George E. Morrison, III, Interim County Administrator: “No, it’s not on the website.”

County Attorney Thompson: “The Clerk of Court has the detailed maps; the Registrar has the detailed maps. They are getting as much information out to the citizens. I am sure that the County will make it available to the citizens the revised detailed snapshots so you won’t have to go to the Clerk’s Office; you won’t have to go to the Registrar’s Office who has these detailed maps. I am sure they will do that.”

Al Peschke: “I can’t wait until the Board tries to do just five districts and get Wakefield back together. Save some money.”

Mr. William Jenkins: “Just is I am clear though, this is not the plan the Board approved. They still have not voted – are they for this plan?”

County Attorney Thompson: “I don’t know what they are for. “

Mr. William Jenkins: “This is not the plan that they said was okay the other night. I know that.”

County Attorney Thompson: “And I told you 2 weeks ago. I gave you the rationale, the Georgetown Road. I told you that the Board, I told you that the Shingleton Road area, if the Board remains....”

Mr. William Jenkins: “I just want to know when it’s official. Right now, this is still not the one; they can still change and decide to adopt something else at this time. I just want to get clear on that.”

County Attorney Thompson: “That’s why you see proposed. The Board has final and ultimate authority, keep in mind in working with you Mr. Registrar, the State Board of Elections has requested that something be followed with Justice before April 29th. The Board can make its determination May 19th to adopt a new plan, not adopt a plan or anything else, but the Board has approved the filing with Justice and part of the rationale, what is happening, June 15th is the time for local candidates to file.”

Mr. William Jenkins: “The date is August 23rd. The state passed a law and changed it just for this year.”

County Attorney Thompson: “House Bill 1507 moving the primary from June to August, July 8th being the official. If a County does not follow plan, even if they change it later on, they stand the possibility of losing money – they are attempting to get money to assist the local registrar’s offices with voting changes, but they are saying April 29th, file something and also absentee

ballots, that is a big issue and they are suggesting that we ask for expedited review because Virginia is under a consent decree. They were sued because absentee ballots weren't getting there on time for service men who serve overseas. When it goes to Justice, they can approve, but we are going to request, unless the Board directs otherwise, that Justice holds this determination until after May 19th, but something has to be in there because July 8th is a key date when candidates need to file paperwork. Candidates for local election need as much time as possible to connect with citizens in their district with some certainty, so that later on down the road, they don't find out that they are somewhere else. Then they have to rush and get names. It is more convenience for candidates need as much time as possible in local elections to talk to people in their community; to have some certainty that this is the district I will be in and this gives you some certainty but not absolute certainty because one; justice can always reject the plan and two, the Board has reserved to itself exclusively and only the Board on May 19th either pass a formal redistricting ordinance. Only Section 51 of the local code really is affected. But that's primarily the main reason and the Board welcomes your comments. Less than 10% of the people make any change from election district. It will be only about 200 or 300 people that probably the Registrar would notice under this plan, subject to the Board adopting something different. Any comments, suggestions?"

Mr. Robbie F. Owen: "Let me give you a map of Sussex County so you can see where the border line is. And you can see there is no line, map, road or anything and that's where I live where that arrow is and you got a line there."

County Attorney Thompson: "All this information will be given to the Board. They are interested in the well-being of the County and complying with the law. Once the Board speaks, then listening carefully, respectfully to all citizens, but once the Board, as a whole speaks, that will be a course of action."

Mr. Robbie F. Owen: "We still would like to look at moving from Mars Hill Church to the Airport and put the town back together."

County Attorney Thompson: "Those things will be noted; in fact the board reviewed a lot of that and I am sure that they will continue to review until they reach a consensus opinion. They have one now and heir will either hold or not. They are always open to citizens' ideas."

Mr. Al Peschke: "It is common knowledge that two of the supervisors that aren't running for re-election, so there's only four that going to run for re-election possibly. So it's easy to just make five districts, because two incumbents aren't even running."

County Attorney Thompson: "I don't know what the Supervisors will say or what they will do."

Mr. Al Peschke: "Put Wakefield back together with five districts, 2,000 people per district, approximately. What citizen Raymond Warren said in the newspaper, five districts, Stony Creek, or Jarratt, Wakefield, Waverly make up the center, take up the slack. Put four towns in Sussex, put them so they are geographically together as a town."

County Attorney Thompson: "I am sure that they will look at that. Keep in mind, the majority of the County's population now is above Route 35. The population for the Henry and Stony Creek

Districts, they have a lot of open spaces, but Jarratt and Stony Creek, there's a mile radius that basically encompasses those districts. It's pretty close to what you are advocating now."

Mr. William Jenkins: "You changed the district name, the voting precinct names, Courthouse South, Courthouse North, and Progressive. Are you technically changing?" Are going to change the name of the precincts?"

County Attorney Thompson: "It's up to the Board."

Mr. William Jenkins: "If you change the name of the precincts, that means everybody in that precinct has to get another voting card."

Mr. John Stringfield: "If you speaking about changing the district, Eric you have won twice in that district; Robbie you stayed in there 20 years in that district. I don't see a problem with it. Mars Hill is on this side of 460; it is a hazard; it has gotten real, real busy. A number of people have to cross 460."

County Attorney Thompson: "Any additional questions or rehashing from the citizens of the County."

The redistricting work session concluded at 7:07 p.m.

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center at
on Thursday, April 21, 2011, 7:30 p.m.**

BOARD MEMBERS PRESENT

Charlie E. Caple, Jr.
Harris L. Parker

C. Eric Fly, Sr.
Rufus E. Tyler, Sr.

Wayne M. Harrell

BOARD MEMBER ABSENT

T. Wayne Birdsong

STAFF PRESENT

George E. Morrison, III, Interim County Administrator
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order

The April 21, 2011 regular 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 Caple.

Item 2. Approval of Regular Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Regular Agenda of the April 21, 2011 meeting of the Sussex County Board of Supervisors was approved, with the following amendment: (1) Under County Administrator's Report, add Payment In Lieu of Taxes as #8.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 3. Approval of Consent Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Consent Agenda of the April 21, 2011 meeting of the Sussex County Board of Supervisors is hereby approved subject to the following: (1) Approval of Minutes of March 15, 2011 Personnel Committee Meeting; (2) Approval of Minutes of March 17, 2011 Public Hearing and Regular Meeting; (3) Approval of Minutes of March 22, 2011 Budget Work Session; (4) Approval of Appropriation in the amount of \$44.06, payable to Virginia Employment Commission, for Unemployment Compensation for W. Walker; (5) Approval of Acceptance of and a donation in the amount of \$12,000.00 from the Millard D. Stith Sr.

Scholarship Fund and to be placed in the account with the Sussex County Treasurer's Office; (6) Approval of Warrants and Vouchers in the amount of \$266,954.47;(7) Payroll deduction checks in the amount of \$142,056.85; (8) Adoption of a Proclamation for the American Cancer Society's Relay For Life Event in Sussex County.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 4. Standing Reports

Item 4a. Health Department – absent

Item 4b. County Administrator Report

Item 4b1. Commonwealth Attorney's Courthouse Addition Presentation

George E. Morrison, III, Interim County Administrator, advised that the Building and Grounds Committee has invited the firm of Dewberry to the Board's regularly scheduled meeting to present the proposed addition to the Courthouse for office space for the Commonwealth's Attorney Office space.

Mr. Larry Hasson, Architect, with Dewberry from Danville VA, advised that Dewberry has been working with the County Administrator, Board members and the Commonwealth's Attorney Office to put in a new addition. He provided a presentation and background information to explain the proposed addition. He advised that they looked at multiple schemes and finally decided on a scheme that would be least intrusive to the people currently using the facility and to the judges themselves as they conducted court sessions. In order to do that, the most logical and easiest solution was to add a second story addition over the current sally port and the J&DR Courtroom. (Mr. Hasson displayed the floor plans). He explained that looking at the first floor plan, it shows the existing building, first floor level, which is the J&DR Courtroom and the sally port and some mechanical space. So what was decided to do is add a stairwell and some storage mechanical space on the first floor and on the second floor, provide a new Commonwealth Attorney's Office. And basically, the entrance to that space would come off the corridor on the second level coming to a small waiting room and privatize the group the rest of the facility, as they requested. The addition itself is approximately 3,900 square feet and it also includes an addition of 1,000 square feet on the first floor to add the stairwell and the mechanical storage. As part of this, Dewberry was asked to look at the disruption and things that would be caused by doing this type of addition and in order to do that, the J&DR Courtroom in Dewberry's opinion would become unusable for a period during construction. He also reported that he spoke to the Sheriff about not being able to use the sally port and the two holding cells were part of the first floor level and again collectively, it was agreed upon that there are remaining holding cells that could be utilized. The time line would probably consist of a 3 to 4 month design time and possibly 8 to 10 months of construction time. Probably 7 months out of the construction time, the area would probably be unusable. The J&DR Courtroom, would have to be dismantled as much as possible and store the benches and everything that they can. Because once they pull the roof off the first floor in order to put the second floor on, everything on that first floor will suffer

some amount of damage. The impact should be minimal. Dewberry was also asked to look at the mechanical system for the building as a whole. As the addition is constructed, there are two options: (1) provide a separate system that would service this second level addition; (2) existing boiler system is running, but probably getting close to the end of its life or splitting the building into two systems and adding a new boiler. There would be some costs associated with that. Construction costs for both the first and second floors, possibly the addition of the new boiler in the neighborhood of about \$1.25 million dollars. When all design fees, testing fees, special inspections are added, the total project cost is \$1.572 million dollars and that would be turn key to include some furnishings.

Chairman Parker advised that the Building and Grounds Committee discussed what they thought was the best way to proceed and also advised that the three (3) judges were included in a meeting. He further advised that this project has the judges' blessings.

Mr. Hasson explained that the proposed plan calls for the Commonwealth's Attorney's office, two (2) other attorney's office spaces, two (2) other additional office spaces, victim witness director's office, conference, reception/secretary space and a small waiting area.

Supervisor Fly advised that the Board needs time to work this project into the budget. He also advised that it can be done cheaper.

Chairman Parker advised that the Board needs to move forward with the project, so the project will get started before the winter months.

Supervisor Harrell advised that it needs to be worked into the budget.

Supervisor Tyler advised that the Board needs to move forward with the project to avoid construction when it gets cold.

Jerry L. Whitaker, Director of Finance, advised that the only two options are: to take part of the funding for construction out of reserves and/or finance the balance, because there are no excess revenues.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried:
RESOLVED: that the Sussex County Board of Supervisors hereby authorize the interim County Administrator to proceed with advertising for bids, the Addition to the Courthouse for Commonwealth's Attorney Office Space, to keep the project moving.

Voting aye: Supervisors Caple, Harrell, Parker, Tyler

Voting nay: Supervisors Fly

Absent: Supervisor Birdsong

Item 5. Citizens Comments (moved up on the agenda)

Chairman Parker invited citizens to share comments. Comments were heard from the following:

- Ora J. Briggs, Stony Creek District – spoke on the Fiscal Year 2011/2012 School Board Budget; she asked the Board of Supervisors to support the School Board's request.

- Fred Turck, Blackwater District – spoke about public meeting for redistricting, none of the maps posted on County’s website; last minute posted on website in January; Board newsletter should be posted on website; encouraged the Board to take advantage of technology.

Item 4b2. VDOT Secondary Six Year Road Plan

George E. Morrison, III, Interim County Administrator, reported that on Wednesday, March 9, 2011, Board of Supervisors’ Member, Mr. Charlie E. Caple, Jr. and I met with representatives from the Virginia Department of Transportation –VDOT, (Mr. Joseph E. Lomax, II, Franklin Residency Administrator, and Mrs. Sonya Hallums-Ponton, District Program Manager, Mr. Gerald W. Kee, Franklin Residency in the Hampton Roads District) regarding Sussex County’s Secondary Six-Year Road Plan.

We were informed that the top two (2) projects on the County’s Priority List are both scheduled to be completed by late spring/early summer 2011. Those projects are respectively:

- Route 699: Rocky Branch Road (From 698 to Route 630) – 2.20 miles in length; and
- Route 624: Warwick Road (From Route 602 to Prince George County Line) – 1.70 miles in length.

In the past, the Board has selected the top five (5) projects on their priority list to forward to VDOT. Those projects remaining on the priority list from 2010 are as follows:

1. Route 626: Courthouse Road (From 0.06 Mi S S Int 636 to 0.12 Mi N N Int 636) – 0.25 Mile [511 AADT]
2. Route 606: Union Hill Road (From Route 605 to Southampton County Line) – 1.80 Miles [42 AADT]
3. Route 635: Steel Bridge Road (From Route 610 to Route 609) – 3.35 Miles [42 AADT]

Other Secondary Roads that have a daily traffic count of fifty (50) or more vehicles a day are as follows:

1. Route 632: Hunting Quarter Road (From S Route 608 to Route 718) – 0.35 Mile [68 AADT]
2. Route 611: Mill Path Road (From Route 610 to N Route 609) – 1.50 Miles [66 AADT]
3. Route 640: Cabin Stick Road (From E Route 637 to Route 626) – 2.0 Miles [56 AADT]
4. Route 1107: Reesetown Road (From Route 646 to Route 1106) – 0.02 Miles [51 AADT]

The Board of Supervisors will need to propose the County’s Secondary System Six-Year Road Plan (2011/12 through 2017/18) and then advertise and conduct a Public Hearing on the proposed Secondary System Six-Year Road Plan.

Action Requested: The Board of Supervisors will need to establish a Priority List of the County’s Secondary System Six-Year Road Plan (2011/12 through 2017/18), adopt a resolution to advertise said Road Plan and conduct the Public Hearing before 31 May 2011 (this Public

Hearing can be scheduled for 19 May 2011 – The Board’s regularly scheduled meeting for May 2011).

Supervisor Tyler advised that he would like to see Reesetown Road included in the Plan

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby establishes a Priority List of the County’s Secondary System Six-Year Road Plan 2011-2012 through 2017-2018, to include the following:

<u>Route</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>Name</u>	<u>ADT</u>	<u>R/W</u>
636	N RT 626	RT 40	2.40	Longevity Road	82	30
632	S RT 608	RT 718	0.35	Hunting Quarter Rd	68	30
611	RT 610	N RT 609	2.00	Mill Path Rd	66	50
640	E RT 637	RT 626	2.00	Cabin Stick Road	56	30
1107	RT 646	RT 1106	0.02	Reesetown Road	51	50

And;

FURTHER authorize the Interim County Administrator to advertise the Sussex County Priority List of the County’s Secondary System Six-Year Plan for 2011-2101 through 2017- 2018, for public hearing scheduled at 7:00 p.n. on May 19, 2011.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 4b3. Interstate 95/Route 301 Industrial Site Update

George E. Morrison, III, Interim County Administrator, reported that on April 9, 2011, Sussex County was the successful bidder in purchasing 537.29 +/- acres at a foreclosure auction held at the County’s Courthouse. Per the Board of Supervisors’ directions, the County’s bid of \$1,075,000.00 (under the approved \$1.2 million ceiling) for all three parcels (165-A-19, 77 acres; 165-A-19B, 36.51 acres; 165-A-19, 423.63 acres).

These three tracts have frontage on Route 609 (Lebanon Church Road), Route 612 (Proctor Road) and approximately 3,148.04 feet of frontage on U. S. Route 301 with water and sewer adjacent and in close proximity to Interstate 95 – Exit 17. There is also a natural gas transmission line along the highway frontage.

These three parcels of property are far superior in location and size to the County’s current Henry Road (Route 631 industrial park property site) (200) acres roughly in the same vicinity. The recently acquired property is in a better location with direct access to Highway 301 and Interstate 95, the property already has located on site and in close proximity to water and sewer and close rail access. The soils are relatively well suited for large industrial development requiring minimum filling in a small portion of the property. The topography of the land is primarily flat. The property is covered with Plantation Pine that has approximately 23 years of growth.

It is recommended that, to begin development of this site, the Board of Supervisors should redirect the \$100,000 budgeted for the Henry Road Industrial Site for FY 2011 to the proposed Henry Technology Park and Commerce Centre' commencing on July 1, 2011 (FY 2012). Additionally, the Board of Supervisors should consider selling the Henry Road Industrial Park Site and apply the proceeds toward the newly acquired property located on Highway 301 and Lebanon Church Road.

Staff will pursue funding from the Virginia Tobacco Commission to assist with this project under the Southside Economic Development Application Round. If the county is awarded the requested amount for the Cabin Point Road Industrial Park, there should be remaining \$193,246 for the fall 2011 application round. This proposed application allocation can be used to pay for the preliminary items such as a boundary survey, wetlands delineation and initial design development.

Administration has been in contact with Virginia's Gateway Region and they are prepared to forward this site on to the Virginia Economic Development Partnership to place on their list of potential industrial sites to market.

The County has also been contacted by some County residents interested in buying out parcels (Parcels A and B), if the County should decide to sell them. The second highest bidder verbally offered to purchase the site – dollar for dollar – or a marginal amount above the purchase price of the County is interested. Additionally, the property is presently hunted by a local hunt club and they have contacted the County about continuing to hunt the property.

The County has paid its deposit of \$107,500.00 as of Monday April 11, 2011. The remaining amount due is \$967,500.00 and is due on or before Friday, May 5, 2011. The County may request an extension; however, interest will accrue daily.

Supervisor Tyler commended staff for moving on this issue in a timely manner. He stated that he would not recommend moving so rapidly to sell the I-95 Industrial Park (Henry Road) site.

Supervisor Fly recommends that the Board put it on the market at a good price and see what we get.

Supervisor Tyler advised that he believes that the Board should sit on some things until they have more than one option.

Chairman Parker advised that he would recommend that the Board consider putting the Henry Road I-95 Industrial Site on the market.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the Interim County Administrator to "take a look at" placing the I-95 Industrial Site on the market.

Voting aye: Supervisors Caple, Fly, Harrell, Parker

Voting nay: none

Abstaining: Supervisor Tyler

Absent: Supervisor Birdsong

Item 4b4. Reappointments/Appointments to Planning Commission

George E. Morrison, III, Interim County Administrator, reported that the terms of Mr. J. Lafayette Edmond, member and Vice Chairman of the Planning Commission and Mr. Gurney B. Cowling, Jr., member of the Planning Commission, will expire on April 30, 2011. Both Mr. Edmond and Mr. Cowling have been contacted and are willing to serve another term provided they are reappointed.

Action requested: The Board of Supervisors will need to vote to Appoint/Reappoint both Mr. J. Lafayette Edmond and Mr. Gurney B. Cowling, Jr. to the Planning Commission.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. J. Lafayette Edmond, 16423 Jerusalem Plank Road, Waverly VA 23890 and Mr. Gurney Cowling, 510 Carpenter Street, Waverly VA 23890 to the Sussex County Planning Commission for a term of four years, expiring April 30, 2015.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 4b5. Reappointments/Appointments to Industrial Development Authority Board

George E. Morrison, III, Interim County Administrator, reported that the terms of Mr. D. Eugene Brittle, member and Chairman of the Industrial Development Authority Board of Directors and Mr. Martin F. Harrell, Sr., member of the Industrial Development Authority Board of Directors, will expire on May 15, 2011. Both Mr. Brittle and Mr. Harrell have been contacted and are willing to serve another term provided they are reappointed.

Action requested: The Board of Supervisors will need to vote to Appoint/Reappoint both Mr. D. Eugene Brittle and Mr. Martin F. Harrell, Sr. to the Sussex County Industrial Development Authority Board of Directors.

ON MOTION OF SUPERVISOR TYLER seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. D. Eugene Brittle, Post Office Box 481, Wakefield VA 23888 and Mr. Martin F. Harrell, Sr., 28599 Grizzard Road, Emporia VA 23847 to the Industrial Development Authority Board of Directors, for a period of 4 years, expiring May 15, 2015.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 4b6. Board of Supervisors' Countywide Newsletter

George E. Morrison, III, Interim County Administrator, reminded the Board that during the Board of Supervisors' Annual Retreat, it was discussed that the County would produce the Board's quarterly newsletter in house.

To assist in developing this publication, it is asked that Members of the Board of Supervisors begin to collect information that they would like to include in the inaugural edition. This would include events, forums, contact information for each Board Member, community events, etc. We will also include information on the positive efforts of the Board and County Staff. It is anticipated that the inaugural edition will be published and distributed by 1 July 2011. If assistance is needed in developing your articles for this publication please, do not hesitate to contact County Administration as soon as possible.

Item 4b7. Amendment to Previously Adopted Redistricting Plan

County Attorney Thompson: "The 4/12/2011 Plan, I request that the Board consider one or two adjustments. I believe that April 12, 2011 Ordinance, one, I personally checked the site, the Blackwater-Newville Precinct may be a little more than one mile from the proposed Blackwater District. Through contact with the demographer, working some of the area and then having it again reconfirmed. I am requesting that the Board consider, I believe the Board did it already, it's already done incidentally, but just specifically to consider an adoption of the 3/26/11 Revised Technical Revision Plan and the second revision to assure that there is an identifiable boundary of that may not be subject to word confusion in the Georgetown Road/Shingleton Road area. I am requesting subject to the Board's approval that the definitive boundary line for the Waverly Election District be Georgetown Road, the southern portion of Georgetown Road as opposed to Shingleton Road. The Board can, but the Board does not, and I will submit the April 12, 2011 Plan to Justice, subject to the final approval by the Board and any amendments without the revisions, but that is the request for boundary identification primarily and that Georgetown Road area. The plans, basically, no other election district would be affected. Approximately seventeen (17) individuals would be moved from the Waverly District to Blackwater District, and incidentally, as mentioned in the meeting, whether the Board amends it or does not amend, subject to the Board's final decision, the Board will be pleased to know that under the proposed plan, subject to additional comments, it will be less than 10% change in the voters from their present election district. So I am requesting that the Board consider adoption of the Revised Technical Amendment, so that it can be submitted to Justice with the final approval, of course coming from the Board at the May 19th hearing, whether they want to enact it into ordinance, into the redistricting ordinance."

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts a resolution entitled "Action to Initiate the 2011 Redistricting of the Election Districts of the Board of Supervisors and directing the County Attorney to submit the 3/26/11 Technical Revision Redistricting Plan to the U. S. Department of Justice and Request for Expedited Consideration by the U.S. Department of Justice of Sussex County 3/26/11 Technical Revision 2011 Redistricting Plan, Pursuant to 28 Code of Federal Regulations at Section 51.34(a);

WHEREAS, the Board of Supervisors does hereby now request that the U.S. Department of Justice provide expedited consideration by May 30, 2011, or as soon thereafter as practicable of this Sussex County redistricting plan, now adopted, to ensure absentee ballots can be sent to absent active duty military and overseas applicants at least 45 days before primary elections scheduled for August 23, 2011 pursuant to 2011 Va. Acts Ch. 3. Va. Code Section 24.2412 implementing the MOVE Act as well as Virginia's consent decree in US v. Cunningham, Case No. 3:08CV709 (12.14.2010) which established a forty-five (45) day standard for sending absentee ballots that cannot be achieved without expedited review; and

WHEREAS, this request for expedited review of thirty (30) days instead of sixty (60) days would greatly benefit voters, particularly absent military and overseas citizens, as well as candidates and election officials who must declare his or her Board of Supervisors or School Board candidacy for local elections on or before the close of day at the Sussex County Registrar's Office on June 15, 2011 as to which election district he or she is seeking office; and,

WHEREAS, the Virginia State Board of Elections (the "SBE") is attempting to secure funds to help localities defray the costs of the voter cards for the County, as needed, due to Sussex County redistricting of its six elections districts, for localities who seek U.S. Department of Justice approval of its final redistricting plan on or before April 29, 2011, as again and personally recommended on April 18, 2011 to Sussex County by the SBE authority representative (Martha Breshette), and the SBE is also attempting to secure funds to aid Sussex County, Virginia being the only state under the provisions of the Voter's Right Act to hold a General Election in a redistricting year, as may be needed, to ensure timely mailing of military and overseas absentee ballots; and

WHEREAS, subject to the preclearance of the state of Virginia state and federal redistricting plans, state primary elections have been moved, pursuant to state HB1507 (now Acts of the Virginia Assembly Chapter 3), from June 14, 2011, to August 14, 2011, while also preserving a full forty-five (45) days window for the transmission of overseas absentee ballots for both the primary and general elections and thus requiring absentee ballots to be sent out by July 08, 2011; and

WHEREAS, should a local primary be held in Sussex County, Virginia, timely disposition of these absentee ballots in compliance with Virginia state statutory deadlines makes it imperative that local redistricting plans be submitted without delay on or before April 29, 2011;

WHEREAS, the Board of Supervisors on April 12, 2011 did preliminarily adopt a final redistricting plan and has scheduled several citizens comments meetings on April 21, 2011, April 28, 2011 and May 05, 2011 with a final public hearing, to codify, in ordinance, the redistricting plan herein on May 19, 2011, after this submission to the U.S. Department of Justice and shall make said citizens recorded comments available as a supplement to its submission to the U.S. Department of Justice after its submission of its redistricting plan to the U.S. Department of Justice and has provided true copies of its redistricting plan to the Sussex County Registrar, the Clerk of the Sussex County Circuit Court, prior to the date of this Resolution seeking expedited approval of the County's redistricting plan, as amended and referred to as 3/26/11 Technical Revision final redistricting plan for ongoing citizens comments and to seek U.S. Department of

Justice preclearance of the County's redistricting plan prior to such statutory codification, if then warranted at the May 19, 2011 formal ordinance adoption public hearing; and

WHEREAS, the self same redistricting plan that has been amended, attached hereto and expressly incorporated herein as if the same had been stated pictorially and textually verbatim herein, and is herein referred to as the 3/26/11 Technical Revision final redistricting plan in that the Georgetown Road area of the County (at the Waverly and Blackwater election district boundaries) and the Newville Road and Beef Steak Road area (at the Wakefield and Blackwater election district boundaries) of the County as follows to:

1. Ensure that the Georgetown Road area of the County shall have a clearly identifiable election boundary between the Waverly and Blackwater election districts in said geographical area of the County without affecting the population, geographical boundaries or population composition of any other of the six election districts; and,
2. To ensure the continued usage of all precincts of each of the six election districts as approved by the U.S. Department of Justice (Sussex County Submission Number 2001-4077) in the Sussex County 2001 Redistricting Plan as codified in Code of Sussex County at Sections 2-46 through 2-51 with a reservation of Sections 2-52-2-70, census blocks with no population was added to the Blackwater Election District at the Newville Road and Beef Steak Road area of the County from the Wakefield Election District to ensure that the Newville voting precinct would remain within one mile of the Blackwater Election District boundary to ensure its continued usage as in the 2001 county approved redistricting plan; and,

WHEREAS, the County did utilize the following factors in formulating and drafting its now adopted 3/26/11 Technical Revision Redistricting plan, to-wit:

I. MANDATORY REDISTRICTING CRITERIA

1. Equal Representation: The ideal election district numerical number, given the 2010 census Sussex County population total population of 9,729 persons is approximately one thousand six hundred and twenty and one-half person (1,620.5), excluding the inmate prison population, per election district.
 - A. Equal population: Election districts need not be equal in population. However, the population of each of the six election districts must have no more than a ten per cent population deviation from any other election district as permitted by law.
2. Compactness
 - A. Legal Definition: The compactness requirement applies only to the shape of a district and not to the content of the district. The combination of different communities of interest (such as part of a town and agrarian sparsely populated area) in a district is a policy matter and not a factor to be weighed in applying compactness requirements.
 - (1) Districts shall be reasonably compact. Irregular district shapes may be justified because the district line follows a political subdivision boundary

or significant geographic feature, to prevent retrogression, to protect incumbents or other legally acceptable rationale basis as determined by the Board of Supervisors and the law.

3. Contiguity

A. Districts shall be composed of contiguous territory. The contiguity requirement means that any of the six (6) county election districts cannot be composed of two separate and unattached parts of land and must be composed of one geographic land area. A crossing of a river, lake or other body of water or wetlands will not call into question lack of contiguity.

4. Voting Rights Act, §§ 2 and 5.

A. District plans shall not dilute minority voting strength and shall comply with

§§ 2 and 5 of the Voting Rights Act. [42 U.S.C. §§ 1971(a)(1)(g)].

(1) Minority Representation

The 2001 Sussex County Redistricting Plan as codified in the Sussex County ordinances and as approved by the U.S. Department of Justice in 2001, had four minority-majority county election districts with each having a voting age black population (VABP) of at or over sixty three per cent of that total election district’s population. To-wit:

Population Summary Report For 2001 Redistricting Ordinance
Approved By U.S. Department of Justice
12/17/2001 and Baseline Considered by
U.S. Department of Justice

Name	Population	% Deviation	% Deviation	Black	% Black	18+_Pop	NH18+ DOJ_Bl	%NH18+ DOJ_Bl	8+_Blk	% 18+_Blk
Blackwater	1716	31	1.81%	582	33.9%	1386	460	33.19%	461	33.26%
Waverly	1710	25	1.45%	1287	75.3%	1230	910	73.98%	913	74.23%
Wakefield	1631	-55	-3.23%	1120	68.7%	1152	750	65.10%	750	65.10%
Courthouse	1717	32	1.87%	500	29.1%	1328	387	29.14%	389	29.29%
Henry	1676	-10	-0.56%	1128	67.3%	1268	833	65.69%	837	66.01%
Stony Creek	1669	-17	-0.98%	1075	64.4%	1299	827	63.66%	824	63.43%
	10119			5692	56.3%	7663	4167	54.40%	4174	54.50%

Deviation 8.31%

Note: Population figures exclude prison population

Prison	2385			2077	87.1%	2384	2076	87.08%	2076	87.08%
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B. Preclearance standard–retrogression: The legal standard to show compliance with § 5 is proof that the plan or change “does not have the purpose and will not have

the effect of denying or abridging the right to vote on account of race or retrogression has occurred will compare any 2011 redistricting plans with the redistricting plan. However, all mandatory and non-mandatory redistricting factors have been used and none predominates.

II. NON-MANDATORY REDISTRICTING POLICY CONSIDERATIONS

The degree in which these non-legally binding and non-mandatory redistricting criteria are used is based on the extent that such usage would have a reasonable probability of precluding or lessening a mandatory redistricting criterion.

1. Political Subdivisions: District plans may be drawn so as to avoid splitting counties and towns to the extent practicable. In the 1990's, the Town of Waverly was split between the Blackwater election district and the Waverly election district. During the 2000-2001 redistricting, the Town of Waverly remained split between the two election districts of Blackwater and Waverly, respectively, and the Town of Wakefield was split between the Wakefield and Courthouse election districts. The U.S. Department of Justice and the Sussex County Circuit Court and the Virginia Supreme Court, on an incidental ruling, and the U.S. Department of Justice each upheld and/or was not called upon with a valid legal challenge. The majority population base of the County is north of Route 460.
2. Communities of Interest: In drawing district plans, consideration was given to preserving communities of interest. However, the sparse population distribution of the County was taken into account.
 - Area 493 sq mi (1,277 km²)
 - Total 493 sq mi (1,277 km²)
 - Land 491 sq mi (1,272 km²)
 - Water 2 sq mi (5 km²), 0.43% Population
 - Density (has increased since 2000 census numbers as county lost population) 12,215 (2000 census number) 26/sq mi (10/km²)
http://en.wikipedia.org/wiki/Sussex_County_Virginia

The County, as a whole, except for the Towns of Waverly, Wakefield and to a lesser extent Stony Creek and Jarratt, is sparsely populated in relationship to the County's total approximate land mass.

3. Precincts: Precincts, from the 2001 redistricting plan as approved by the U.S. Department of Justice and codified in Sussex county Ordinance at Sections 2-51-2- and Sections 2-72, respectively, served as the basic building blocks for districts when it is necessary to split any county or town. Sufficient zero to minimal population census population blocks are available for continual use of existing precincts under the 3/26/11 Technical Revision Sussex County 2011 redistricting plan.
4. Existing Districts; Incumbency: Existing districts and incumbency if not in violation of any mandatory redistricting criteria was considered; and

WHEREAS, the Board of Supervisors, in applying the mandatory and non-mandatory redistricting criteria to the present codified county election district ordinances (Amended Modified Plan B previously approved by the U.S. Department of Justice) found, when using the 2010 census population count population change in present six election districts boundaries as adopted in 2001 by Board of Supervisors requiring a redistricting, to-wit:

2001 Six (6) Election District Population:

Individual District Population Deviation: From .074% to 13.08%

Total Six (6) Election District Combined Population Deviation: 25.54%

- A. Equal Representation (Maximum ten per cent population deviation legally allowed): This plan is in violation of this mandatory redistricting criterion. The present Wakefield election district is under populated by approximately two hundred and two (202) persons and has an approximate minus 12.46% population deviation from the ideal 1621 election district. The present Blackwater election district is over populated by approximately two hundred and twelve (212) persons and has an approximate plus 13.08% population deviation from the ideal 1621 election district. The present Courthouse election district is over populated by approximately one hundred and eighty-one (181) persons and has an approximate plus 11.17% population deviation from the ideal 1621 election district.
- B. Equal population: The present county Redistricting ordinance has a population deviation of approximately 25.54%. This is well above the legally permissible 10.00% population deviation; and

WHEREAS, the Board of Supervisors has disseminated information regarding the need to redistrict to county citizens and shall continue to accept ongoing comments from its citizens and in balancing the legal mandates of the laws of Sussex County and the Commonwealth of Virginia as previously stated herein, has determined that the 3/26/11 Technical Revision plan should be filed seeking the approval of the U.S. Department of Justice and the Board of Supervisors shall continue to seek and listen to comments of its citizens and encourage them to also directly contact the U.S. Department of Justice regarding the county redistricting plan and submission, as authorized by this Resolution, for expedited review and decision pursuant to the Voting Rights Act of

1965, as amended, 42 U.S.C. 1973, and 28 C.F.R. Part 51, and all other amended or applicable regulations and/or statute; and

WHEREAS, a complete copy of the Voting Rights Act Submission shall be, upon filing, available for inspection, review and copying in the office of the Sussex County Administrator's Office, located at 20135 Princeton Drive, Sussex, Virginia 23884-0397, where such complete duplicate copy is available to the public during office hours from 9:00 a.m. until 5:00 p.m., Monday through Friday; and

WHEREAS, in addition to the County prior to its May 19, 2011 public hearing, the general public is invited to make comments to the Attorney General of the United States regarding such Voting Rights Act Submission by Sussex County, in writing addressed to:

Chief, Voting Section
Civil Rights Division
Room 7254-NWB
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

And;

WHEREAS, in applying the mandatory and non-mandatory redistricting criteria, the Board of Supervisors has authorized the County Attorney to submit the 3/26/11 TECHNICAL REVISION REDISTRICTING PLAN to the U.S. Department of Justice, after careful review and citizens comments with an ongoing review of additional citizens comments, for expedited approval prior to the enactment of its redistricting ordinance to seek a determination as to whether the U.S. Department of Justice shall approve the County's redistricting plan, although the May 19, 2011 public hearing for passage of a redistricting ordinance, subject to public comments, shall proceed and has determined that the 3/26/11 Technical Revision Redistricting plan provides for:

Individual District Population Deviation: From -4.81 % to 4.38 %

Total Six (6) Election District Combined Population Deviation: 9.19 %

III. MANDATORY REDISTRICTING CRITERIA

1. Equal Representation (Maximum ten per cent population deviation legally allowed): The 2011 3/26/11 Technical Revision Redistricting Plan legally satisfies this mandatory redistricting criterion.
 - A. Equal population: The legally permissible total election districts 10.00% population deviation has been met as this plan has a total of six (6) election district population deviation of 9.19%.
2. Compactness: This plan meets the compactness requirement. Due to the significant population loss of the present Henry and Wakefield Election District, population was shifted primarily from the Blackwater and Courthouse Election District primarily to these two election districts.
3. Contiguity: All land areas are connected within any of the six (6) election districts.
4. Voting Rights Act, §§ 2 and 5: The higher minority percentage in the Wakefield Election District reduces overall retrogression. The Henry and Stony Creek

Election Districts to increase either of these still minority-majority districts would result in a contiguity, compactness and community of interest points being negatively impacted without any significant increase in the minority-majority election district population base.

The elected Board of Supervisors and School Board members of Sussex County, Virginia, by election district, are presently:

NAME	POSITION	ELECTION DISTRICT	RACE
Harris L. Parker	Board of Supervisors	Waverly	Black
Doris Hamlin	School Board	Waverly	Black
C. Eric Fly, Sr.	Board of Supervisors	Wakefield	White
Gloria Holloman	School Board	Wakefield	Black
T. Wayne Birdsong	Board of Supervisors	Courthouse	White
M.E. Morris, Jr.	School Board	Courthouse	White
Rufus E. Tyler, Sr.	Board of Supervisors	Henry	Black
Lisa H. Winfield	School Board	Henry	Black
Charlie E. Caple, Jr.	Board of Supervisors	Stony Creek	Black
Phyllis M. Massenburg	School Board	Stony Creek	Black
Wayne M. Harrell	Board of Supervisors	Blackwater	White
James A. Thorpe, Jr.	School Board	Blackwater	White
NAME	POSITION	ELECTION DISTRICT	RACE
Ellen Boone	Commissioner of Revenue	Countywide	Black
Onnie Woodruff	Treasurer	Countywide	White
Gary Williams	Clerk of Circuit Court	Countywide	White
Lyndia Person-Ramsey	Commonwealth's Attorney	Countywide	Black
Raymond Bell	County Sheriff	Countywide	Black

IV. NON-MANDATORY REDISTRICTING POLICY CONSIDERATIONS

1. Political Subdivisions: Historical and legal precedent support Board of Supervisors decision to split towns of Wakefield and Waverly among several county election districts. And equal population, in compliance with mandatory redistricting factors support political subdivision of Wakefield and Waverly.
2. Communities of Interest: The 1991 and 2001 redistricting plan have established continuing historical and legal precedent, given the decreasing population level of the County as a whole, and the many census blocks with zero or minimal population, to comply with all redistricting factors encompass significant geographical areas.
3. Precincts: All presently existing precincts under the 2001 redistricting ordinance may be used under the 3/26/11 Technical Revision Redistricting Plan. Existing precinct lines were the basic building blocks for the 2011 3/26/11 Technical Revision Redistricting plan adopted by the Board of Supervisors.

The total number of people of voting age shifted countywide is about 720, of whom 323 are African American. Less than 10% of the voting age population in the county is shifted into a new district or precinct. Little Mill would have the fewest persons of voting age -- 325. Not counting single-precinct Waverly, Mars Hill and Stony Creek would have the most 18+ -- just under 900 for each.

4. Existing Districts; Incumbency: Incumbents are given the option to seek reelection in his or her present election district or any other election district. All incumbent school board members remaining in their present election district if all other mandatory redistricting requirements are met.

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Board of Supervisors hereby certifies that it has adopted, after amending the 3/26/11 Redistricting Plan, as stated in this Resolution, the 3/26/11 Technical Revision Redistricting Plan as the redistricting plan for Sussex County, Virginia and the County Attorney is directed to do all that is necessary and lawful, including the inclusion of necessary exhibits, documents and other actions as deemed necessary or required by the U.S. Department of Justice regarding said submission.

BE IT FURTHER RESOLVED THAT after having received additional citizens comments, either directly or otherwise, regarding the 3/26/11 Technical Revision Redistricting Plan, that a public hearing to enact and codify the same, absent any amendment shall be held on May 19, 2011. Should any amendment occur on May 19, 2011, after the formal public hearing, the U.S. Department of Justice shall be forthwith notified of the same by supplement, as necessary. The County Attorney is further authorized to do all that is lawful, necessary and appropriate to provide the U.S. Department of Justice with any and all supplemental information as may be necessary for the consideration of an adoption of the Sussex County Board of Supervisors County Election Districts Redistricting Plan.

Voting aye: Supervisors Caple, Harrell, Parker, Tyler

Voting nay: Supervisor Fly

Absent: Supervisor Birdsong

Item b8. Department of Health Department Agreement

George E. Morrison, III, Interim County Administrator, advised that included in the supplemental agenda packet is a letter and amendment received from Ms. Sandra Peterson, Acting Business Manager with Crater Health District. She is requesting, on behalf of the Health Department, the adoption of an amendment to the Local Government Agreement between the County and the Health Department. As stated in her letter this amendment updates the FY04 appropriation figures to the current year, FY 2011.

Also find attached is the Fiscal Year 2004 Local Government Agreement between the County and the Health Department. This information was requested last year per request of the Board of Supervisors. Prior to approval last year, the Board of Supervisors also requested the Business Manager’s attendance to answer any questions. This year, I have invited Ms. Peterson to attend your April 21, 2011 meeting but regrettably, she has a scheduling conflict and can’t be in attendance.

Action requested: Staff recommends adopting this amendment and permit Administration to sign and execute the aforementioned agreement.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Amendment to the Statement of Agreement between the Virginia Department of Health and Sussex County Board of Supervisors dated October 15, 2003, for term beginning July 1, 2003; and

FURTHER ESOLVED that the Interim County Administrator is authorized to execute same.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 4b9. Director of Finance Report

Jerry L. Whitaker, Director of Finance, provided the monthly report for the period ending March 31, 2011.

Revenues

- Landfill tipping fees, based on current projections, are estimated to be \$6,309,621 at year end. This projection is based on revenues being consistent with FY 2010 amounts for the remaining 3 months. The adjusted budgeted amount is \$6.2 million.
- March fees (\$586,694) have been entered based on a phone conversation with Atlantic Waste Disposal, Inc.
- Most revenue lines appeared to be in line with the budget, with several lines exceeding the budget amounts.

Expenditures

- The benchmark for percentage of remaining unexpended appropriated funds is 25%.
- Almost all departments are in line with this benchmark.
- Additional funding appropriated above the current year budget is \$236,356.
- It is estimated that the use of reserve will be approximately \$173,079 based on actions taken by the Board as of March 17, 2011.

Supervisor Tyler advised that it is his understanding that the Department of Corrections Payment in Lieu of Taxes has been restored and funding should be forthcoming. If the Board should receive the \$415,000 from the state, that would have a positive effect on the County's budget. Mr. Whitaker advised that the County will have to re-invoice them for the payment.

Fiscal Year 2012 Budget: Mr. Whitaker advised that based on the workshops that the Board has had to date, he distributed the proposed summarized budget summarizing all of the changes from all the actions taken by the Board, to date. He further advised that the Board is running out of time as it relates to the School Board as to how much is going to be funded; the deadline is May 1st. He stated that the packet that he distributes is the final summarized budget ready for advertising if the Board so approves, but there are a couple of new items that have surfaced at this meeting as it relates to the funding of the Commonwealth's Attorney's Office space and a couple of other items. But if those items are paid out of the reserve funds, it will not have an impact on this particular budget. He asked the Board to authorize advertising on April 27th and May 4th, hold public hearing on May 12th and adopt on May 19th.

Supervisor Fly recommends that the Finance Committee schedule another budget workshop to go over the figures and further discuss the Schools' budget.

Supervisor Tyler asked if the Board could delay the advertising of the budget until after the Board has heard from the Superintendent of Schools at tonight's meeting.

Supervisor Fly reminded the Board that the construction costs for the addition to the Commonwealth's Attorney's Office space has to be entered into the budget also. We also need a report from the Housing Department regarding the services provided to the City of Emporia and the Counties of Greensville and Surry.

Chairman Parker asked Dr. Charles H. Harris, III, Superintendent of Schools to speak. Dr. Harris advised that he is in attendance to ask the Board questions also. He stated that in March, the School Board submitted a budget to the Board of Supervisors that had been approved by the School Board in the amount of \$19.4 million dollars. He advised that the School Board balanced its' budget by closing a \$500,000 reduction from the state. They had approximately \$1.1 million dollar gap in the Schools' budget because not only did they lose \$500,000, but they had an increase in expenses for VRS, insurance, fuel costs. They had to close the \$1.1 million dollar gap in order to submit a budget to the Board of Supervisors, with no increase in local funds. He also reminded the Board that they have not asked for an increase in local funds in four or five years.

Supervisor Tyler asked the Board not to reduce the Schools' budget by \$500,000 because he believes it will have a devastating effect on education.

Supervisor Fly requested again that another budget meeting be held to further discuss the unresolved issues. He suggested scheduling a Finance Committee meeting for next Tuesday.

Supervisor Harrell agreed that the Finance Committee could proceed to schedule a meeting for next Tuesday and still have time by the first of May to notify the School Board.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE that the Sussex County Board of Supervisors hereby restore the \$500,000 to the School Division and advertise the budget.

Supervisor Fly offered a substitute motion.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the Finance Committee to conduct a budget workshop on Tuesday, April 26, 2011, at 6:00 p.m., to be held in the Law Library, Sussex Judicial Center, to work on the budget as it relates to the overall County budget, which includes the School Board's budget.

Voting aye: Supervisors Fly, Harrell, Parker

Voting nay: Supervisors Caple, Tyler

Absent: Supervisor Birdsong

Item 4c. Treasurer's Report

Onnie L. Woodruff, Treasurer, advised that six (6) years ago, this Board used to serve as the Finance Committee. Quarterly, the Treasurer and the Finance Committee certified the bank account balances with certifications of all investments and bank letters for secured public deposit acts. This Board changed that. He provided the bank reconciliation and is on records. The auditors (federal, state and local) audit every year. All adjustments are documented and recorded in the Treasurer's Office including all outstanding deposits, all the outstanding checks.

He reported that the statement of money on the banks to the credit of Sussex County as shown by the Treasurer's books at the close of business March 31, 2011 was \$27,117,363.54. (A copy of the Treasurer's Report is retained in the April 21, 2011 Board packet).

Mr. Woodruff also recommended that if the Board is going to build office space for the Commonwealth's Attorney's Office, it needs to be budgeted and there is a way to do it. The Finance Committee and this Board will have to face some challenges with the schools, lands; put all the issues on the table; decide what will be done for industrial development and put a package together to find out what it will cost.

Mr. Woodruff distributed another document to the Board and stated the following: "At the last meeting, I was very disturbed and somewhat disappointed to find out some of the conversations and remarks that came from this Board and some of your staff. You know, I have been, my years

of service here, I try resolve issues and try to move this County forward. When the School Board and County Board met, Finance Committee, I try to be there to mediate. We are going to build a schools, it may not be what everyone wants. Building an elementary school, both Boards are winners in his sight. May not be doing what you want to, but what we can afford to do right now? The figures and facts presented to you that the elementary school will pay for itself with the resource savings in what we are confronted with economic conditions. Some of the other things, Mr. Chairman, this Board adopted an ethics policy a few months. I would certainly that some of the remarks and you were sitting here, those types of remarks should not be allowed at a public meeting coming this board or staff members, If one of my staff members were here and made that type of slanderous remark against an official that has been here for 31 years, it's just ridiculous that whether a Board member or whoever made it, it ridiculous that something like that would happen and I am disappointed that this has gone on and somewhere along the line it wasn't put a stop to it. We can learn from this and we can go on and be better stewards. You can be better Board members. All we look for is communication and reciprocation. We try to provide your Administration, and we try to provide you with the best financial information that we can give you to make your decisions. In return, we would like to have you to communicate with us so we can help you and reciprocate in letting us talk back and for and letting us know what's going on. Now if you don't do that, it means that you are not good managers and are not showing good leadership for this County, if you don't do that."

Supervisor Tyler: "I just want to set the record straight. If you bring it up we need to put it on the table."

Treasurer Woodruff: "No, I am not going to put it on the table."

Supervisor Tyler: "I think if you bring it up, you should put it on the table."

Treasurer Woodruff: "I am not going to put it on the table. I am bringing up issues that have been said."

Supervisor Tyler: "No, I disagree. If you bring it up at the meeting now."

Chairman Parker: "Order, let me resolve this."

Supervisor Tyler: "Let me finish. If a Board member comes by (and I will use the word) lie to the Treasurer about what you said to the Chair and what I said to the Chair and it's not accurate, then you should call me out on the carpet. And the issue was made in regards to the fiscal officer and you made the comment and I made the comment in terms of the qualifications of the Director of Finance. And we said and Mr. Fly suggested to put the Director of Finance under the supervision of the Treasurer. Am I right or wrong?"

Chairman Parker: "You're right."

Supervisor Tyler: "We said and I will say it again. Somebody brought you something inaccurate and I want to make the record straight and the Board can correct. The Board said the Chair said and I said that it's not a good idea to put the Director of Finance under the supervision of the Treasurer, right or wrong?"

Chairman Parker: "That's right."

Supervisor Tyler: “We said because even though you might have many years experience, the Treasurer does not have a constitutional qualification, except a registered voter. A high school person could come out of high school and run for Treasurer and win, that does not necessarily mean they are qualified to be Treasurer. That’s what we said. What someone else came and told you, is inaccurate and what I told you in your office, what I will tell you person to person and I will say it openly and that’s exactly what was said on this Board. What came to you was inaccurate; that’s your business. But I think if a Board member brings you a bone, they better bring the right bone.”

Treasurer Woodruff: “I had four people to come to me.”

Chairman Parker: “The Board was talking and the question came up. I take responsibility for the issue getting to where it did get and when I finally called a stop to it, it may have gone a little too far. But the issue started when one of our Board members....” (Supervisor Tyler interjected).

Supervisor Tyler: “Mr. Fly.”

Treasurer Woodruff: “Look, let’s don’t be calling names and slandering other members.”

Supervisor Tyler: “I don’t mind calling names. It’s accuracy. If someone brings you something and you approach someone with it, you should be sure it’s accurate. That’s what I am saying. I don’t like Board members going back passing false information in the community.”

Chairman Parker: “Listen to this. I heard one of our Board members, you notice what I said in this meeting, when we start talking, we don’t need to call a whole bunch of names and I am the one to put a stop to that. So I said when one of our Board members talked about combining the two offices, that is the Treasurer and the Finance Director, and for the Finance Director to work under the supervision of the Treasurer and I listened to the debate go back and to across the Board. Then I, as the Chairman said that there are no qualifications that I know of on the political side of the issue in the Code of Virginia, it tells you what a Treasurer should be. But the Finance Director, when we hired him had to have certain qualifications and I said that I would be opposed to allowing the Finance Director to work under the control of the Treasurer for that reason and I let it stop there and then it got into some other conversations and I think the Finance Director spoke up and when he spoke up, I put a stop to it.”

Treasurer Woodruff: “If I may insert, you have never heard it come from me that he would serve under me. It’s not going to happen because the checks and balances are in place. I think your Director of Finance will agree to that; but I want this Board in the future and open up a line of communication. I mean, what are you afraid of? Let’s communicate, let’s get some activity going and find out what I’m doing; I need to find out and that way or whether the Commissioner of the Revenue or the Sheriff or whatever, you have better governance.”

Chairman Parker: “I admit it got a little too far, before I finally put a stop to it.”

Supervisor Fly: “My discussion that I asked for and I got, and I appreciate it, was not to move the Director of Finance under the Treasurer, was to eliminate the position of the Director of Finance because of the budget shortfall.”

Supervisor Tyler: “No that not whatthat’s inaccurate.”

Supervisor Fly: "That's exactly what I said."

Treasurer Woodruff: "Needless to say, we don't have a tape, so we don't know. I heard Mr. Morrison tonight, this is another issue that I want clarified. That the website is going to be up and running in three weeks. When are you going to bring us in on it? When are you going to tell us when can post these pages on the website? That we can tell people about dog tags? That we can tell people about taxes? And if we want to put a newsletter or brief statement in there?"

Chairman Parker: "I am sure that you can deal with Administration on that and if not, you can come back to us."

Treasurer Woodruff: "We would like to get involved on that and whoever does that..."

Chairman Parker: "All the staff at the complex have access to that website. So coordinate whatever you want to coordinate through the County Administrator's Office."

Treasurer Woodruff: "Am I assured that within three weeks that this thing will be complete. Because if it is, I'm going to start working. It takes a lot of work for us; setting up bank account, test them."

Chairman Parker: "I am sure that County Administration will work with you, but I can't promise you two weeks or three weeks but that the wishes of the Board is for the County Administration to work with the Constitutional Officers and all of the staff to see if they can get all of the information into the system. I hate procrastinating."

Item 4d. Commissioner of the Revenue

Item 4d1. Refund Request – Susquehanna Commercial Finance, Inc.

George E. Morrison, III, Interim County Administrator, advised that included in their packet is information from Mrs. Ellen G. Boone, Commissioner of the Revenue. The information states that Engel Farms, Inc., located at 11079 Courthouse Road, Waverly VA, leased farm equipment from Susquehanna Commercial Finance, Inc., during the tax year 2010. Farm equipment in Sussex County is tax exempt. A copy of the Farm Machinery Exemption Ordinance dated July 17, 2003 is included in the Board packet for reference.

Action requested: Refund the Susquehanna Commercial Finance, Inc. in the amount of \$4,922.27.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of refunding Susquehanna Commercial Finance, Inc., in the amount of \$4,922.27 for Engel Farms, Inc. equipment, located at 11079 Courthouse Road, Waverly VA 23890.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 4e. Sheriff's Report

George E. Morrison, III, Interim County Administrator, advised that included in the Board packet is information from Sheriff Bell regarding the Byrne Justice Assistance Grant. The Sheriff is requesting that the Board accept this grant for Community Policing in the amount of \$4,521.00 with a required local match of \$502.00 that will be taken from the current budget. This will give us a total award of \$5,023.00. This money will be used for the purchase of new department equipment.

ON MOTION OF SUPERVISOR FLY seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the Byrne Justice Assistance Grant in the amount of \$4,521.00 with a required local match of \$502.00; and

FURTHER RESOLVED that the funds shall be used to purchase new department equipment.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 4f. Superintendent of Schools – no report

Item 4g. Director of Social Services – no report

Item 4h. County Attorney

Item 4h1. Redistricting Program

County Attorney Thompson advised the Board that a motion that has been incorporated into the minutes regarding the amendment to the redistricting plan; the Board has authorized it. He advised that he will be preparing the paperwork to be sent to the Department of Justice and he is doing everything else necessary for a fair overview by the Department of Justice.

Item 4h2. Personnel Policy

County Attorney Thompson advised that if the Board will move forward with its action; there is a personnel policy; there are about five things taken on, if the Board will defer because of the lateness of the hour or if the Board wishes, he can go. The policy has been adopted in total and there may be two or three things, the Constitutional Officer and their relationship wage scale plan. He advised that he has given the Board four alternatives. He will present a final copy to the Board for review at the May 19, 2011 meeting.

Chairman Parker stated that the Board needs to resolve the issue of the Personnel Manual. He advised Mr. Thompson not to give the Board too many options, it needs to be narrowed down.

Supervisor Tyler stated as Chair of the Personnel Committee, they have been dealing with the Personnel policy too long. He also asked why the County Attorney can't draft a policy parallel with the existing policy, making sure that it complies with the law, give to the Board of Supervisors for review, modification and action. It needs to be consolidated.

Item 5. Citizens' Comments - none at this point in the meeting

Item 6. Unfinished Business

Item 6a. Planning Commission Vacancy

George E. Morrison, III, Interim County Administrator, advised that Mr. Walter T. Gay, Sr., a member of the Sussex County Planning Commission, resigned effective January 19, 2011. Mr. Gay's resignation leaves a vacancy on the Planning Commission from the Wakefield District. His term expires June 30, 2014. A nomination will need to be made by the Honorable C. Eric Fly, Sr., Wakefield District Board of Supervisors representative, to make a recommendation for appointment to the Board of Supervisors.

Supervisor Fly advised that he has interviewed two people for the vacancy on the Planning Commission and they have turned him down. He has interviewed two more and is waiting to hear from them, but will yield to the Chairman.

Supervisor Tyler advised that he has spoke to Mr. Dennis Mason from Wakefield District, who says he would love to serve on the Planning Commission.

Supervisor Fly advised that he would like to talk with him.

Chairman Parker advised that he will allow Supervisor Fly the opportunity to speak with Mr. Mason and report to the Board at the May 19th meeting.

Item 6b. Mega Site Project Update

George E. Morrison, III, Interim County Administrator, reminded the Board that they had tasked County Administration with seeking an extension of the option for the 610 acre Mega Site. An eighteen (18) month extension was requested and has been agreed upon and staff will proceed to make application with the Tobacco Commission for funding in the fall that will pay for the purchase of this particular piece of property.

Item 7. New Business

County Attorney Thompson advised that he is preparing to draft the deed conveying the property to the school which the Board has previously authorized. He stated that he will get it done tomorrow and give the deed to Mr. Morrison for his signature.

Item 8. Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors shall enter Closed Session to enter closed Session for the following: (1) Personnel Matters, discussion of the acceptance of staff's letter of resignation, applicable Code Section 2.2-3711(A)(1).

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

Voting nay: none

Absent: Supervisor Birdsong

Item 9. Return To Open Session

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR HARRELL 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 2.1-3712 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 identified in the motion convening the Closed Meeting were heard, discussed or considered by the Sussex County Board of Supervisors.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 10: Action Taken on Items Discussion In Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accept the letter of resignation from the Director of Finance.

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

Voting nay: none

Absent: Supervisor Birdsong

George E. Morrison, III, Interim County Administrator asked if the Personnel Committee needs to meet to discuss advertising the Director of Finance position.

No meeting was set.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorize the Interim County Administrator to advertise the position of Director of Finance, subject to review of the job description.

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

Voting nay: none

Absent: Supervisor Birdsong

Item 11. Recess/Adjournment

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the April 21, 2011 meeting of the Sussex County Board of Supervisors is hereby recessed until 6:00 p.m., on Tuesday, April 26, 2011, for a Finance Committee, Meeting, to be held in the Law Library, Sussex Judicial Center.

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

Voting nay: none

Absent: Supervisor Birdsong

