

**At a Budget Work Session of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center  
on Thursday, May 20, 2010, 6:00 p.m.**

**BOARD MEMBERS PRESENT**

T. Wayne Birdsong  
Wayne M. Harrell

Charlie E. Caple, Jr.  
Harris L. Parker

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

**STAFF PRESENT**

George E. Morrison, III, Deputy County Administrator  
Henry A. Thompson, Sr., County Attorney  
Jerry L. Whitaker, Director of Finance  
Eddie T. Vick, Public Safety Coordinator  
Deborah A. Davis, Assistant to County Administrator  
Nicole L. Scuderi, Administrative Secretary  
W. Travis Luter, Building Official  
Montaque M. Gilliam, Building & Grounds Supervisor  
Brenda H. Drew, Housing Programs Coordinator

**Item 1. Call To Order**

The May 20, 2010 Budget Work Session of the Sussex County Board of Supervisors was called to order by Chairman Parker. He allowed each Board member to state their issues regarding the budget.

**Item 2. Budget Discussion**

Supervisor Tyler: "I am not sure if this is an issue that Board members might be profoundly interested in, but in looking at budget projections and at what's coming down the tube, it all indicates that next year will be tough budget time with revenue shortages at state and local levels unless other industry come in. I know that the Board is not interested in raising taxes. I'll just throw it out there and if the Board is not interested, we just keep moving. Other localities are talking about raising taxes; perhaps that is something we should consider. If we increased taxes by 3 cents, it could generate almost a quarter of a million dollars. Any of the Board members interested in raising taxes?"

Supervisor Fly: "I will say what I have always said. We are better off cutting to find that \$200,000.00 without raising taxes."

Supervisor Birdsong: "I'd like to respond to that. I agree with what Mr. Tyler is saying about next budget year, 2012 budget year. That has been brought up before this Board when we first started talking about 2011 budget. And the Board was not interested in listening to how bad the 2012 budget was going to be; they're like a mule in a field with blinders on, just want to concentrate on 2011. So we have moved forward with a budget for 2011 that, I as one, don't think it's going to work. Now we have another member of the Board that wants to raise taxes so

that in 2012, we are better prepared. When, in the 2011 budget, we have not made significant cuts in County staff to justify raising taxes in the economic conditions that this county, this state and this country is in at this point in time. I would say strongly that I would oppose a tax increase and I would not vote in favor of a tax increase.”

Supervisor Harrell: “I am not in favor of a tax increase given the state of economy at this time.”

Supervisor Fly: “I will not vote in for a tax increase. I think that we should turn and look at traditional cuts where we can. I went to Southampton County and the City of Franklin and they are preparing for 2012 by cutting their budgets and cutting them lean. I agree with Mr. Birdsong, I don’t think we cut our budgets lean enough to prepare us for 2012. I don’t think we cut it enough for 2011. Another thing that is scaring me a little bit is the fact that we have five hundred ninety thousand dollars in 2010, that if we don’t get back from the School Board, we are going to be over budget in 2010, this year. We may be over budget by six hundred thousand dollars in 2010 and we are depending on balancing the budget by getting almost six hundred thousand dollars back from the school system and we already have one legal opinion from Mr. Thompson that we can’t get the money back. I do agree with Mr. Whitaker that it seems that we should be able to the money back. Actually the money should have been sent to us. But regardless of how this shakes out, if we get the money back from the School that Dr. Harris says he’s not going to give back, if we get it back then, we balance the 2010 budget. If we don’t get it back, then it’s too late in the year to do anything as a cut in 2010 budget; we are talking about an excess of half million dollars out of reserves to get through 2010 and so we just continue to pick, pick, pick at the reserves, so I have great concern over the 2010 budget.”

Supervisor Parker: “The chapter has not been completely written for 2010; we got the landfill is picking up and I think we going to be a lot better off by the time June 30<sup>th</sup> rolls around than we initially thought we could be.”

County Attorney Thompson: “The Board of Supervisors and the state provide funds for the Schools; the School Board can spend the money, but the Board cannot ask them to return money that has been spent.”

Supervisor Tyler: “The Board of Supervisors was not proactive enough with the funding to the School Board, so it’s almost a dead point. We can’t prove that they spent the local funding first.”

Jerry L. Whitaker, Director of Finance: “This issue has been brought up by the auditors. They will provide a report at the next meeting of the Board of Supervisors. The auditor says that the money should revert to the General Fund.”

Supervisor Birdsong: “Let’s wait to the next meeting to hear what the auditors have to say.”

Supervisor Parker: “We need to review well and do what’s right. I am not opposed to a 3 cents tax increase. That could generate over \$200,000 for FY 2011. The economy is tough, but we got to get moving.”

Supervisor Tyler: “We need to be proactive. The Governor is talking about the 460 Bypass again. If this takes place and Sussex does not have interchanges, it could adversely affect the Towns of Waverly and Wakefield. We need to look at the I-95 Industrial Site in Jarratt and get

moving in that direction. We need to make efforts to generate revenue; we need to have a plan of action.”

Supervisor Fly: “I agree, we should move with the industrial parks, but we also need to look at the 460 Industrial Site because of Rolls Royce in Prince George.”

Supervisor Harrell: “Look at the industrial park in Dinwiddie County on I-85. It is paved and ready. That’s what we need to do to get ready.”

Supervisor Caple: “We have been debating long enough to know that there are several things we can do. We need to be prepared for the industrial parks, to be shovel ready. We have two good sites, but we cannot be stagnant. It will cost us a few dollars to get ready, so we need to get down to business.”

Supervisor Birdsong: “Industrial parks are a good idea and we need to do as much as we can. They are the potential for the County to move forward for development. The 460 Bypass is back on track. So we need to start lobbying the people in Richmond to work on more off ramps. If we ask for more than what we need, then maybe we will get what we want. But we need more than one off ramp.”

George E. Morrison, III, Deputy County Administrator: “I received a copy of an article from Doug Chesson, Director of the Airfield 4-H Center. The article mentions two off ramps: one in Prince George and one in Suffolk.”

Supervisor Birdsong: “The landfill will be closing in a few years and that revenue will be gone. So we need to start planning now for industry that will generate revenue.”

### **Item 3. Adjournment**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the May 20, 2010 Budget Work Session of the Sussex County Board of Supervisors is hereby adjourned.

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

Voting nay: none

**At a Public Hearing of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center  
on Thursday, May 20, 2010, 7:00 p.m.**

**BOARD MEMBERS PRESENT**

T. Wayne Birdsong  
Wayne M. Harrell

Charlie E. Caple, Jr.  
Harris L. Parker

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

**STAFF PRESENT**

George E. Morrison, III, Deputy County Administrator  
Henry A. Thompson, Sr., County Attorney  
Jerry L. Whitaker, Director of Finance  
Eddie T. Vick, Public Safety Coordinator  
Deborah A. Davis, Assistant to County Administrator  
Nicole L. Scuderi, Administrative Secretary  
W. Travis Luter, Building Official  
Montaque M. Gilliam, Building & Grounds Supervisor  
Brenda H. Drew, Housing Programs Coordinator

**Item 1. Call To Order**

The May 20, 2010 Public Hearing Meeting of the Sussex County Board of Supervisors was called to order by Chairman Parker.

**Item 2. Adoption of Agenda**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried:  
RESOLVED that the Sussex County Board of Supervisors hereby adopts the agenda of the May 20, 2010 public hearing meeting, as presented.

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

Voting nay: none

Absent during vote: Supervisor Tyler

**Item 3. Public Hearing**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried:  
RESOLVED that the Sussex County Board of Supervisors shall hereby enter public hearing to consider the Greenville-Sussex-Emporia Regional Water Supply Plan.

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

Voting nay: none

**Item 3a. Greenville-Sussex-Emporia Regional Water Supply Plan**

Mr. James Warf, Superintendent of Greenville County Water and Sewer Authority, addressed the Board and provided pertinent information.

“The Executive Summary reads as thus: This document presents the Regional Water Supply Plan (WSP) for Greensville County, Sussex County, the City of Emporia, and the Towns of Jarratt, Stony Creek, Wakefield and Waverly (these jurisdictions are abbreviated GSE). The GSE comprise the Planning Region. The Planning Region encompasses a land area of approximately 791 square miles, located in southeastern Virginia.

In 2003, the Virginia General Assembly amended the Code of Virginia to require the development of a comprehensive statewide water supply planning process. The Virginia Department of Environmental Quality (DEQ) subsequently developed Local and Regional Water Supply Planning Regulations (9 VAC 25-780) to implement the mandates of the Code. In 2006, the Planning Region entered into a cooperative agreement to prepare a WSP that meets the requirements of 9 VAC 25-780. The Letter of Intent, and approved resolution from each participating jurisdiction are provided in **Appendix A**. The planning process was funded in part by an interagency grant from DEQ, along with contributions from the participating jurisdictions.

The WSP addresses for the Planning Region the available water resources, type and quantity of water supplies, current water use, current and future water demand, deficits or surpluses, methods to attenuate demand through management techniques, drought response and contingency planning, alternatives for enhancing existing sources, or developing new sources of water.

Surface water accounts for approximately three-quarters, and ground water approximately one-quarter of the water withdrawn by public water systems in the Planning Region. The Planning Region is dissected by three rivers, including the Meherrin River, the Nottoway River and the Blackwater River. All three rivers are within the Chowan River drainage basin. Dispersed residential and agricultural users rely heavily on ground water systems. The Planning Region straddles the boundary between the Coastal Plain and the Piedmont geologic and physiographic provinces. Ground water aquifers in the Piedmont region are referred to as fractured-rock aquifers, where wells can be highly productive when they tap into an area that is highly fractured. The Coastal Plain is underlain by unconsolidated sediments (as deep as 7,000 feet in the eastern region) overlying crystalline rocks typical of the Piedmont. Large ground water supplies are typically derived from four major confined aquifers underlying the Coastal Plain in the Planning Region, including the Aquia Aquifer, and the Upper, Middle, and Lower Potomac Aquifers. The Eastern Virginia Ground Water Management Area (GWMA) includes all or a portion of thirteen counties, including all of Sussex County, and eleven cities.

Water supply planning information was collected from a variety of sources and represents varying degrees of success in presenting a comprehensive picture of the Region’s water supplies and water use. Initial data sources were the records of the Virginia Department of Health (VDH) and the DEQ. Further efforts to collect information include surveys administered to water systems operators and self-supplied users. While not required by the DEQ Water Supply Planning Regulation, the analysis included a sampling of the Water Well Completion Reports (GW-2) for individual wells throughout the Planning Region.

Community water systems are operated by the City of Emporia, the Greensville County Water and Sewer Authority, the Sussex County Service Authority, and the Towns of Wakefield and Waverly. Two community systems using surface water are the Emporia Water System and the Jarratt/Greensville County System (GCWSA). No community water system in the Planning

Region purchases water from outside of the Regional Planning Region. The Northeast Community Water System reported 30 self-supplied users (less than 300,000 gallons/month) within the service area. The other community water sources reported no small self-supplied users within the community service area. Each of the Community systems is described in a brief data sheet below (**Tables 4-1 through 4-9**), with additional data presented in **Tables 3A and 3B** in **Appendix G**.

The Planning Region population that is self-supplied by individual wells withdrawing less than 300,000 gallons per month was estimated at 8,460 persons. This estimate was determined by subtracting the population served by community water supplies in the Planning Region from the total population of the Planning Region. Nineteen (19) nonresidential (business) small self-supplied (<10,000 gals/day) sources were identified in the Planning Region from the VDH database.

Surveys were sent to large (>10,000 gals/day) self-supplied sources in the Planning Region, and follow-up phone contacts were initiated to encourage responses to the survey. Three (3) large self-supplied non-agricultural users of surface water sources, and eight (8) large self-supplied non-agricultural users of ground water sources are associated with facilities located within or near the Planning Region, but outside community service areas. Sixteen (16) agricultural operators using large water withdrawals. Water producers for the agricultural users are outside of the community water systems. Two public agricultural users included the Yarden Farm branch of the Greensville Correctional Center, which uses a surface withdrawal from the Nottoway River for irrigation purposes, and the Garland Gray Forestry Center of the Virginia Department of Forestry, which reports withdrawals from both deep wells and the Nottoway River for irrigation and non-irrigation purposes. With one exception, all of the private agricultural users rely on withdrawals from farm ponds or wells. A single user reported two intakes on the Meherrin River for irrigation purposes.

Lack of responses to the project survey prevents detailed descriptions of the remaining large self-supplied users. However, some trends were identified: the large ground water users are generally located in the I-95 corridor, or to the east of I-95. It appears that the large users are relying more on the ground water resources of the coastal plain aquifers, and less on the less reliable ground water resources of the Piedmont aquifer. A second trend is the preference of large users to rely on community systems when they are proximally available. The presence of large users on a community system would tend to be a positive development, in providing a constant stream of demand and resultant revenue for the system, thus providing system stability that would benefit small users of the community systems. In-stream beneficial uses potentially affected are summarized where available for the community sources. Definitions and discussion on designations and detailed description of in-stream beneficial uses are provided in **Section 4.2**.

Future water demand projections were prepared for community water sources and small self-suppliers in the Planning Region. No data were available for future water demand projections for large self-supplied agricultural and non-agricultural users. The method used to project water demands for community water sources was based on projections of future population trends in the GSE localities through 2037 (planning period) (see AWWA methodology). Population trend data were taken from the Virginia Employment Commission (VEC), through the Weldon Cooper Center for Public Service website. A general assumption was made that water use practices would not vary in the projected period (e.g., the per-capita amount of water used by each

individual or organization would not change significantly, merely the number of people and organizations in the Planning Region). A second assumption, when commercial water use was given for a water system, was that the growth of commercial industries in the area would follow the same pattern as the population growth. Disaggregated water demand projects for Community sources are summarized in **Tables 6-4 through 6-12**. An aggregate water demand projection for small self-supplied sources was evaluated based on similar methodology followed for the community systems, and summarized at the end of this section.

Water demand management reduces or re-schedules average or peak withdrawals from surface or ground water sources to meet increased demand by increasing. Demand management programs promote changes in consumer behavior and reduce waste from water loss. Public education and increasing resource use efficiency remains the key strategy for water conservation. **Table 7-4** presents the input data and results of the revised water demand projections to year 2037, accounting for population change, implementation of demand management practices (see above), and unaccounted losses. Revised community water demand incorporated 5% unaccounted loss (reported by community suppliers in GSE) and demand management strategies to reduce per-capita water use by 24 gallons per day. **Table 7-4** also compares future water demand to permitted withdrawal for each community system. Water demand management practices can be applied to self-supplied sources as well. However, due to a lack of data provided by large self-supplied sources, quantitative demand management results cannot be identified in this WSP.

The total population of the Planning Region is expected to increase by 21% by 2037 (**Table 7-5**). This includes a population increase of 20% served by the community systems, translating to 0.33 mgd increase in water demand (**Table 7-5**). Additionally, a 60% increase in population is projected for those that use private self-supplied sources (e.g., domestic water wells) (**Table 7-5**). These projections do not account for the potential that some percentage of private well users will accept service from expanded community systems in the future.

With the exceptions of the City of Emporia and Jackson-Feild Homes, water demand will increase throughout the Planning Region through 2037. Emporia is projected to experience a population decrease, with an assumed result being a decrease in water demand. The Jackson-Feild Homes system is projected to have no increase in water demand. When compared to permitted withdrawal, the demands in 2037 for Waverly, Stony Creek and Birch Island Apartments will exceed approximately 75% of the current permitted capacity. **Table 7-6** summarizes disaggregated water demand for residential, commercial and unaccounted categories, for community water sources, and small self-supplied suppliers.

Considering the increased community demand, certain community systems will exceed approximately 75% of the permitted withdrawal to meet average demand, and may likely not be able to meet peak demands. A related effect under this scenario is that communities may not be able to react to unforeseen major demographic changes, and may not be able to demonstrate sufficient water supply to support economic development. Another long-term potential stress to community systems involves possible conversion of private self-supplied domestic sources. Water demand from private domestic sources (e.g., private water wells) is projected to increase by 0.13 mgd from 0.43 to 0.56 mgd (**Table 7-5**). The majority (approximately 70%) of community demand is supplied by two sources: the Nottoway River and Meherrin River. Severe drought conditions have reduced flows in both rivers to a point where downstream uses could experience severe pressure if normal withdrawals were to continue.

The large self-supplied water sources for industrial and agricultural practices within the Planning Region have not provided a sufficient amount of data with which to investigate water supply trends. Industries and agriculture, constituting the major self-supplied water users, should find it economically beneficial to recycle water, and use lower quality water, wherever possible to reduce fresh water volumes (ground water or surface water).

A Drought Response and Contingency Plan (DRCP) provided in Appendix K of the WSP focused on identifying drought conditions and implementing appropriate response in order to maintain adequate water supplies in the Planning Region. Implementation of the DRCP largely depends upon public education and involvement. The DRCP includes voluntary and mandatory water reduction strategies (**Table 8-2**). Water Supply Regulation 9 VAC 25-780-120 established a goal of 5-10% reduction in water use by voluntary reduction (Drought Watch, Drought Warning) and 10-15% reduction by mandatory reduction (Drought Emergency). Non-climate related emergencies (contamination of water source, equipment failure) may result in declaration of a Drought Emergency stage by any individual water supply, or if the impact is on a regional basis, the LDMC.

The WSP evaluated the adequacy of existing water sources to meet current and projected community water demands, and outlines alternatives to meet specified water demand(s) in the region, as per Water Supply Regulations 9 VAC 25-780-130. The current and projected status of community water supplies in the Planning Region are summarized in **Table 10-1**. The water demand projections account for water use savings (both community and private domestic wells) induced by application of current demand management practices in the Planning Region (e.g. adoption and enforcement of the USBC). While no current or projected water supply deficits were identified for community sources, specific community suppliers warranted a statement of need, and evaluation of alternatives listed in **Table 10-1**, and summarized briefly as follows.

The Greenville/Jarratt community water supply is categorized as inadequate within the Statement of Need of the WSP. The potential for future growth of GaPac's manufacturing operation would result in a renegotiation of the contracted water allocation, rendering this community water supply vulnerable to uncertainty. While the contractual agreement between Greenville County and GaPac is currently working well and mutually beneficial, it is critical for long-term stability in the Planning Region that community water supplies maintain the capacity to respond to both domestic demands and economic development potential. Three alternative surface water sources were considered in this analysis: direct river withdrawal; in-stream reservoir; and pumped-storage or side-stream reservoir.

Demand on the Waverly and Birch Island Apartment community ground water supplies should be evaluated at the time of water withdrawal permit renewal. Projected demand for these sources is likely to reach 80% of the permit capacity within the planning period. The permitted withdrawal capacity may need to be increased in order to meet peak demands, or if significant development occurs and provides additional stress on these water sources. If additional water withdrawal capacity is required for these community supplies, two primary options will be evaluated. First, new water wells may be developed to supplement or replace the existing wells. Secondly, it may be possible to make the existing water wells more efficient (well rehabilitation, deepening) to support a larger withdrawal capacity without increasing localized ground water drawdown.

The City of Emporia reservoir (supplied by the Meherrin River) is losing storage volume due to siltation. It is recommended that the City of Emporia conduct at least 5-year assessments of the Emporia Reservoir storage volume due to siltation. If the reservoir storage capacity reduces to 500 acre-feet, the City should prepare for dredging and refurbishment of the Emporia Reservoir. This alternative is desirable in that it reduces the development footprint by not requiring a new reservoir to be sited and constructed. Providing for a temporary alternative water source during these activities would be required. Appropriate permits for disturbance and construction will also be required. The City may also take advantage of this activity to enhance the reservoir intake, dam and banks to optimize sediment reduction, water storage and reduce nutrient loading. If refurbishment is not feasible, the City may then consider development of a pumped-storage or side-stream reservoir.

Parallel to these alternatives, the implementation of further water demand management practices in the Planning Region can improve water sustainability in both short and long-term scales. Localities in the Planning Region may also benefit from applying to the State Revolving Fund Program (SRF), which is administered by the Environmental Protection Agency (EPA). The SRF focuses on better management, water efficiency, water planning with a watershed approach, full cost pricing, new investment in research, and new strategies for education and knowledge management.

#### **Item 4. Public Comments on Regional Water Supply Plan**

There were no public comments or Board members.

#### **Item 5. Return To Regular Session**

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors shall return to regular session.

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

Voting nay: none

Supervisor Tyler asked if the Sussex Service Authority has seen this plan.

Mr. Warf advised that the Sussex Service Authority has documentation.

Supervisor Birdsong advised that the Town of Wakefield has discussed and approved the plan.

Supervisor Tyler asked Mr. Morrison if he had previously briefed the Board on this issue.

Mr. Morrison advised that this was initially included at the October 2009 meeting.

#### **Item 6. Action on Public Hearing Item**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Greenville-Sussex-Emporia Regional Water Supply Plan, to wit:

**WHEREAS**, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

**WHEREAS**, the County of Sussex is a participant in the Greensville-Sussex-Emporia Regional Water Supply Planning Group, as adopted by approved ordinance included in Appendix A of the Water Supply Plan; and

**WHEREAS**, on May 20, 2010, the County of Sussex held a public hearing to accept public comment on the Greensville-Sussex-Emporia Regional Water Supply Plan; and

**WHEREAS**, the adopted Greensville-Sussex-Emporia Regional Water Supply Plan will be submitted to the DEQ in 2010.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County of Sussex hereby adopts the Greensville-Sussex-Emporia Regional Water Supply Plan. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not necessarily indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The County of Sussex reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan.

**BE IT FURTHER RESOLVED** that the Board of Supervisors of the County of Sussex contends that the Greensville-Sussex-Emporia Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

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

Voting nay: none

Abstaining: Supervisor Tyler

#### **Item 6. Adjournment**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the May 20, 2010 public hearing of the Sussex County Board of Supervisors is hereby adjourned.

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

Voting nay: none

**At a Regular Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center  
on Thursday, May 20, 2010, 7:30 p.m.**

**BOARD MEMBERS PRESENT**

T. Wayne Birdsong  
Wayne M. Harrell

Charlie E. Caple, Jr.  
Harris L. Parker

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

**STAFF PRESENT**

George E. Morrison, III, Deputy County Administrator  
Henry A. Thompson, Sr., County Attorney  
Jerry L. Whitaker, Director of Finance  
Eddie T. Vick, Public Safety Coordinator  
Deborah A. Davis, Assistant to County Administrator  
Nicole L. Scuderi, Administrative Secretary  
W. Travis Luter, Building Official  
Montaque M. Gilliam, Building & Grounds Supervisor  
Brenda H. Drew, Housing Programs Coordinator

**Item 1. Call To Order**

The May 20, 2010 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 Chairman Parker.

**Item 2. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR FLY and carried: RESOLVED that the Regular Agenda of the May 20, 2010 meeting of the Sussex County Board of Supervisors is hereby adopted with the following additions: (1) Under Consent Agenda, add Tidewater Academy Resolutions; (2) Remove minutes from Consent Agenda and place as the first item under County Administrator's Report; (3) Under County Administrator's Report, add Item #8, Furlough Day for Constitutional Officers; (4) Under County Administrator's Report, add Item #9, Wakefield Contract for Recreation; (5) Under County Administrator's Report, add Item #10, County Attorney; (6) Under County Administrator's Report, add Item #11, Executive Employees; (7) Under County Administrator's Report, add Item #12, Condemned Properties in Town of Wakefield; (8) Under Sheriff's Department, table Item #1, Compensation Board Budget Issues.

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

Voting nay: none

**Item 3. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Consent Agenda of the May 20, 2010 meeting of the Sussex

County Board of Supervisors is hereby adopted inclusive of the following: (1) Appropriation of \$20.00 in cash which represents a partial reimbursement to the County of Sussex from William Elder for his participation in the Brunswick HEM Program, restoring to 51500-1299-551-510; (2) Appropriation of \$50.00 in cash which represents a partial reimbursement to the County of Sussex from William Elder for his participation in the Brunswick HEM Program, restoring to 51500-1299-510; (3) Appropriation of \$4,524.00 payable to Virginia Employment Commission for unemployment benefits for Nathaniel Givens; (4) Appropriation of \$1,882.50, payable to Townes PC for Invoice #1897 for services rendered for the Mega Site and 460 Industrial Park; (5) Approval of Warrants & Vouchers in the amount of \$484,963.28 and Payroll Deduction Checks in the amount of \$141,480.30, and (6) Resolutions Recognizing Tidewater Academy's Varsity Softball and Basketball Victories.

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

Voting nay: none

### **Tidewater Academy Varsity Softball**

The resolution reads as follows:

Whereas, the Sussex County Board of Supervisors has many weighted responsibilities entrusted unto it by the citizens of Sussex County, this Board sees no greater responsibility than the education and the development of the young people of this great County.

Let it be understood that this Board knows nothing more valuable to our County, our State and our Nation than the pursuit of excellence and the accomplishment of victory by the young women of this County.

Therefore, when the young women of this County accomplish victory through the pursuit of excellence, we take great joy and join with them in the celebration of their accomplishments.

Therefore, let it be known to all of the citizens of this County and to all who will forever read this resolution that on May 14, 2010, the women of Tidewater Academy's 2010 Women's Varsity Softball Team successfully defended their title as the VISAA Division III State Champions by winning the 2010 VISAA Division State Championship game.

Therefore, we recognize and honor the women of Tidewater Academy's 2010 Women's Varsity Softball Team as the new State Women's Softball Champions.

We further recognize that Tidewater Academy, due to the dedication of its players, coaches and parents are becoming a dominating force in women's softball and advise all other schools outside of Sussex County to beware.

We, the Board of Supervisors of Sussex County, congratulate the young women of Tidewater Academy in their great victory of which we are all proud.

Therefore, by my pen, I order that this resolution be spread upon the records of Sussex County that forever generations will know and acknowledge your accomplishments and forever honor you as champions.

## **Tidewater Academy Varsity Basketball**

The resolution reads as follows:

Whereas, the Sussex County Board of Supervisors has many weighted responsibilities entrusted unto it by the citizens of Sussex County, this Board sees no greater responsibility than the education and the development of the young people of this great County.

Let it be understood that this Board knows nothing more valuable to our County, our State and our Nation than the pursuit of excellence and the accomplishment of victory by the young men and women of this County,

Therefore, when the youth of this County accomplish victory through the pursuit of excellence, we take great joy in joining with them in the celebration of their accomplishments.

Therefore, let it be known to all that shall hear and to all that will read this resolution that on March 6, 2010 at Virginia State University, the men of Tidewater Academy's 2010 Varsity Basketball team under the direction of Mr. Walter Westbrook, earned victory over Isle of Wight Academy in the finals of the VISAA Division III championship game and earned the distinguished title of the New VISAA Men's State Basketball Champions.

We, the Board of Supervisors of Sussex County, congratulate the young men of Tidewater Academy in your great victory of which we are all proud.

We further acknowledge that your great victory could not have been accomplished without the hard work and extreme dedication of your parents, coaches and staff of Tidewater Academy.

Therefore, by my pen, I order that this resolution be spread upon the records of Sussex County that forever all generations of men will know and acknowledge your accomplishment and forever honor you as champions.

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

**Item 4a. Health Department** – not in attendance

**Item 4b. Highways, Streets and Roads** – not in attendance

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

#### **Item 4c1. Minutes**

Supervisor Fly: "I ask that the minutes of the February 11, February 18, March 4, March 18, April 7 and April 15, 2010 meetings be tabled until the next regular meeting. I would like to have more time to review them."

Supervisor Birdsong: "I did not receive my Board packet until this week and have not had enough time to review them. I think Ms. Davis is doing a good job, but I need more time."

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the approval of the minutes of the February 11, February 18, March 4, March 18, April 7, and April 15, 2010 meeting of the Sussex County Board of Supervisors until the June 17, 2010 meeting.

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

Voting nay: none

Supervisor Fly: "Why was the County Attorney's version of the minutes not included in this Board packet?"

Supervisor Birdsong: "At the last regular meeting, we asked the Clerk to not include them in the Board packet."

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG that the Clerk is hereby directed to include both sets of minutes in the Board's packet for the next regular meeting.

Voting aye: Supervisors Birdsong, Fly, Harrell

Voting nay: Supervisors Caple, Parker, Tyler

The motion failed.

#### **Item 4c2. Resolution Recognizing Sussex Central High School Honor Graduates**

George E. Morrison, III, Deputy County Administrator, advised the Board that included in their packet is a resolution recognizing Sussex Central High School Honor graduates. Staff recommends that the Board adopts a resolution recognizing the following students: (1) Canisha Turner (2) Domonique Richardson (3) Katelyn Gregory (4) Ambria Stringfield (5) Taylor Wyatt (6) Courtney Kidd (7) David Shaw and (8) Kiawanna Drew.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors adopts the following resolution, to wit:

**WHEREAS**, on June 11, 2010 at 7:00 p.m., Sussex Central High School will hold its forty-ninth (49<sup>th</sup>) commencement exercises; and,

**WHEREAS**, the eighty-nine (89) students of the Class of 2010 are to be congratulated for their achievements and are urged to continue along the path of academic progression and professional development; and,

**WHEREAS**, a special recognition is given to eight (8) students who have maintained an overall grade point average of 3.0 or better and will graduate as Honor Students.

**THEREFORE, BE IT RESOLVED** that *NAME OF STUDENT* is encouraged to continue the pursuit of excellence and high achievement; and

**BE IT FURTHER RESOLVED** that this resolution shall be spread upon the Minutes Book of the Sussex County Board of Supervisors May 20, 2010 meeting and presented to said graduate.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler  
Voting nay: none

**Item 4c3. Appointments to Various Boards**

George E. Morrison, III, Deputy County Administrator, advised the Board that included in their packet is information regarding appointments to various boards. Appointments and/or reappointments are needed for the following:

<b><u>Board</u></b>	<b><u>Current Appointee</u></b>	<b><u>Term Expiration</u></b>
District 19 CSB (3 year term)	Brenda Burgess (does not wish to be reappointed)	June 30, 2010
Planning Commission (4 year term)	Herbert H. Wright (would like to serve again)	June 30, 2010
Planning Commission (4 year term)	W. T. Gay, Sr. (would like to serve again)	June 30, 2010
IDA Board of Directors (4 year term)	Cynthia Pegram (does not wish to be reappointed)	May 15, 2010
IDA Board of Directors (4 year term)	Emmett Drewry (would like to serve again)	May 15, 2010
Social Services Board (4 year term)	Will Massenburg, Jr. (would like to serve again)	June 30, 2010
Bldg. Code Appeals Board (3 year term)	Keith Cox (would like to serve again)	June 30, 2010
Crater District Health Advisory Board (3 year term)	Tisha Dillard-Wyatt (would like to serve again)	June 30, 2010

Staff recommends reappointing those persons (who wish to serve again) to the terms as stated. In addition, staff would ask that a separate motion be made for each Board and/or Commission appointment.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. Herbert H. Wright, Post Office Box 187, Stony Creek VA 23882 and Mr. W. T. Gay, Sr., 10113 Birch Island Road, Wakefield VA 23888 to the Sussex County Planning Commission for a term of four (4) years, expiring June 30, 2014.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler  
Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Emmett Drewry, Post Office Box 506, Waverly VA 23890, to the Sussex County Industrial Development Authority Board of Directors for a period of four (4) years, expiring May 15, 2014.

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

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Will Massenburg, Jr., 15777 Cabin Stick Road, Stony Creek VA 23882, to the Sussex County Social Services Board for a term of four (4) years, expiring June 20, 2014.

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

Voting nay: none

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. Keith Cox, 35360 Shingleton Road, Waverly VA 23890, to the Sussex County Building Code Appeals Board for a term of three (3) years, expiring June 30, 2013.

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

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Tisha Dillard-Wyatt, 12227 Flowers Road, Stony Creek VA 23882 to the Crater District Health Advisory Board for a term of three (3) years, expiring June 30, 2013.

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

Voting nay: none

#### **Item 4c4. Appropriation for Environmental Inspections' Vehicle**

George E. Morrison, III, Deputy County Administrator, advised the Board that pursuant to the request of the Finance Committee, included in the Board's packet is information regarding the appropriation for a new vehicle for the Environmental Inspections' Department. As previously discussed at the Board of Supervisors scheduled public hearing on Thursday, May 13, 2010, the total reimbursement amount from Atlantic Waste Disposal for Environmental Inspections expenses for the period of June 1, 2009 through May 21, 2010 is \$200,000.00. The total expenses projected for this period are \$174,000.00 for a difference of \$26,000.00. The cost of the vehicle is \$20,761.14. Therefore staff recommends that the Board appropriate \$20,761.14 for a new truck for Environmental Inspections for Fiscal Year 2010.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates \$20,761.14 for the purchase of a new vehicle for Environmental Inspections Department.

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

Voting nay: none

#### **Item 4c5. Director of Finance Report**

Jerry L. Whitaker, Director of Finance, provided the report for period ending April 30, 2010, a copy of which is included in the May 20, 2010 Board packet.

**Item 4c6. Laying of the Levy**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Levy for Fiscal Year 2011 was properly advertised for public hearing; and

WHEREAS, the Sussex County Board of Supervisors held its public hearing on Thursday, May 13, 2010 at 7:00 p.m.;

THEREFORE, BE IT RESOLVED that the Sussex County Board of Supervisors hereby adopts the Sussex County levies for Fiscal Year 2011, as follows:

Public Service	R. E. \$0.54/\$100	P. P. \$4.85/\$100
Real Estate @	\$0.54/\$100	Mobile Home @ \$0.54/\$100
Machinery & Tools	\$2.43/\$100	Merchants Capital @ \$1.00/\$100
Personal Property @	\$4.85/\$100	Fire and Rescue @ \$2.43/\$100
Personal Property Tax Relief Rate (PPTRA) 70%		

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

Voting nay: none

**Item 4c7. Adoption of Fiscal Year 2011 Budget**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts and appropriates Fiscal Year 2011 Budget, in the amount of thirty three million, eight hundred seventy-eight thousand, three hundred, forty-four dollars (\$33,878,344.00), effective July 1, 2010.

Supervisor Fly: "I still have problems with this budget; it's not in line; there is too much money coming out of the reserves. We need to move the janitorial services for the courts building back to County Administration. The Sheriff's Department has been cleaning the courts buildings for a while. But there is enough Building and Grounds staff to take care of this."

Supervisor Caple: "This is not a one man show. We will not have a perfect budget, but the staff is doing a good job and we have been doing this since January."

Supervisor Birdsong: "The Board acts based upon recommendation by its members."

Supervisor Harrell: "We have not acted yet, it's just a suggestion."

Mr. Morrison: "Sheriff Bell wants to talk with the judge about Building & Grounds Department providing the janitorial services."

Supervisor Fly: "I recommend that the Animal Control Department be moved to the Sheriff's Department. Other counties do it this way. Sheriff Bell is in favor of this move. The Officers would be placed under the Sheriff's Department, but not the pound."

Supervisor Tyler: "The Personnel Committee was supposed to talk about this issue, but we never did. We need to discuss the impact."

Supervisor Birdsong: "This item was supposed to come before the Personnel committee, but we did not get to this item when we had the last meeting and we have not scheduled another meeting yet."

Supervisor Fly: "We have been in Finance Committee and budget meetings and I have no problem waiting to discuss further."

Supervisor Parker: "Those in favor of approving the motion to adopt the Fiscal Year 2011 budget, please say aye."

Voting aye: Supervisors Caple, Harrell, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly

#### **Item 4c7. Furlough Day For Constitutional Officers and Their Employees**

Supervisor Fly: "At the May 13, 2010 meeting, the Board voted to approve the furlough day for the constitutional officers and their employees and I would like to re-open this issue for discussion. Some constitutional officers have employees whose positions are fully funded by local dollars and this will create an inequitable situation."

There was a brief discussion regarding the state mandated furlough day.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby rescinds the resolution adopted at the May 13, 2010 meeting approving of the state mandated furlough day for Constitutional Officers and their employees.

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

Voting nay: none

#### **Item 4c8. Wakefield Contract For Recreation**

Supervisor Fly advised that the Mayor of Wakefield has approached him regarding the lease of property to the Town. The attorney for the Town of Wakefield has found a part in the lease agreement regarding parking and recreation that needs to be changed. He asked the Board to consider approving the change, subject to the County Attorney's review.

County Attorney Thompson advised that the lease agreement that he prepared was for the convenience site, not a contract for recreation.

Supervisor Fly advised that the County has leased eleven (11) acres and would like to correct the portion of the agreement that needs it.

County Attorney Thompson asked the Board to allow him time to review the document and report back.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables action regarding the Wakefield Recreation Contract, until the June 17, 2010 meeting.

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

Voting nay: none

#### **Item 4c9. County Attorney**

The Board discussed the issues regarding the County Attorney's employment.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the Personnel Committee to review employment issues as they relate to the County Attorney; whether he is full time, part time, contract negotiations, provision of office supplies, etc.

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

Voting nay: none

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

Comments were heard from the following:

Al Peschke: "Good evening. I am going to make my comments. The first comment is the definition about corruption. According to Merriam-Webster dictionary, corruption is the impairment of integrity, virtue or moral principle; inducement to wrong or improper or unlawful means, a departure from the original or from what is pure or correct. The second definition is on collusion, secret agreement for cooperation especially for illegal or deceptive purposes. From what I read and what I hear, I don't think you treat your county employees equal, even this discussion tonight. Such as taking sick leave. There has been one county employee off for a long time and I have not heard from my representative if medical documentation has been provided to this Board and I think that's wrong. You're setting a wrong precedence there for that county employee. And then I read the proposed budget in the newspaper and it says authorized by Mary E. Jones. Did she authorize this? Is she working? Then how can she authorize the proposed budget? Is this true or not true? This is what the citizens, the taxpayers have to look at. Something's not right and all I've got to say the boils down to leadership and accountability. I read 2 definitions. If the shoe fits, you're wearing it and you better get it off."

Kevin Bracy: "First I would like to make one positive comment tonight. The experience that I have had with the dealings with Sussex County in the last 8 or 9 months, has probably been most positive in the Administration Office than I have seen in the last 4 ½ years. Mr Morrison has been very up front and very professional; and I must say, a lot more professional than a lot of y'all on this Board listening to y'all tonight. Talked about show respect, y'all need to show respect to the citizens the way y'all carry on. Mr. Tyler had a blow up about 8 or 9 months ago. Really did not look good; but you sit here and argue back and forth. Then the Board's vote, you got 3 over here voting one way and 3 voting the other; looks like a black and white, democrat and republican. Ain't none of you doing nothing for the County people. It's all about your own

agenda. You argue about the minutes. You know how to solve that? Simple, put a recorder in here; keep a copy of them, there is no ands and buts. Y'all want to waste citizens' time coming up here trying to get something done. And your own time arguing back and forth. You talked about Mr. Thompson's contract; you talked about the dog pound. That dog pound has been going on since I moved here 5 years ago and you would think this Board, this Board, could do one thing and settle that issue. But you can't, because can't none of you agree. Now, a lot of people don't like to see me walk through the door, that's fine but, it is public. All I ask, that you, sit up and pray that we do the right thing. Then let's do the right thing, quit all this bickering and get on with an economy that so bad; the County needs money. I don't think you done nothing to cut the budget. You got way too many people working with the economy the way it is. That's my personal opinion from running businesses for over 20 some years. I don't understand why you got to come here every month and bicker, bicker and bicker. If you could watch yourself on TV screen, y'all would really be surprised. And I know you think I am saying this being sarcastic, but I pray for every one of y'all every night that y'all could do a better job than you do right now. You think this is funny, don't you Mr. Tyler? Sitting there grinning. That fine, but I hope when it comes to election time, it will take care of most of you. I will do my part."

Chairman Parker stated that the chair will respond to some of the comments after all citizens' make their comments.

Fred Turck: "Just to follow up, several months ago, I talked about Code of Ethics, Code of Conduct... is there one? Is there not one? The question is still out there. You talked about respect and you asked gentleman earlier to take his hat off to respect the Board and respect the building he's, even when he explained that he had a medical reason for needing the cap. I don't think you have respect among yourselves. Because you don't, the bickering back and forth. I think if you all went through the process to develop a Code of Conduct and Code of Ethic, I think it would do wonders for your working relationships as a Board. Again, I am asking you all time to take some time in your retreat to work amongst yourselves to develop a Code of Conduct and Code of Ethics and I think you would be amazed at the working relationship."

Supervisor Tyler: "The gentleman is right that six months ago I got very agitated here. I got agitated because we are here playing on the School's budget, building schools. We are playing with the kids lives and I take it personally. And let me tell you why. When you don't educate them, they end up locked up in prisons, in jail; they end up selling drugs. My issue is prevention. And yes I got aggravated and I can't tell you now that I am still complacent because I am not. When you fail to educate people. We sit here and talk about economic development, industry looks for a well educated workforce. And when you can't produce they will not locate in your area and I take it personally and I think every person on this Board should. And let me tell you about elections, people vote their conscience. I don't make a living up here. I came here to be honest and take a position and I will never tell you (this is the first time I have responded to a citizens in public like this), but I will never tell you that if an issue comes up again, that I won't get frustrated. I got frustrated several years ago when I wanted water and sewer in Jarratt, because people were using outside toilets, senior citizens. And this is the second time since I've been on the Board. And I smile at you because I remember six months ago and here we are and still have not done anything with schools. If you remember that, I am glad you do and I hope the taxpayers remember. Yes, I do have emotions and I don't mind carrying them. That's my position."

Kevin Bracy: “You all are still disrespectful Mr. Tyler.”

Supervisor Parker: “We are not going to get into the he said, she said. Let me talk about the bickering because that’s not exactly what we do up here. Every one of the Board members were elected. And they have a right to have their say. Every governing body can have their say. We don’t get things don’t get done by snapping our fingers. We have to abide by rules and laws. We are elected by the citizens and each member has a right to vote and to have their say. We debate, we disagree, but it’s healthy to debate. I hope the citizens don’t get discouraged. We could get a lot more things done if we had more money. We are doing things and things are getting accomplished, but we are trying to manage without raising taxes.

#### **Item 4c9. Executive Employees**

Supervisor Fly advised that under FLSA, executive employees and administrative employees, those who hire and fire people are not necessarily eligible to earn comp time. This could be a cost savings measure for the county. He asked that the Personnel Committee look at this issue.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby refers to the Personnel Committee, the issue of executive and/or administrative employees who have the ability to hire and fire, to determine whether or not they are eligible to earn and accumulate compensatory leave.

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

Voting nay: none

#### **Item 4c10. Condemnation of Buildings in Town of Wakefield**

Supervisor Fly requested an update on the Condemnation of Buildings in the Town of Wakefield.

George E. Morrison, III, Deputy County Administrator, advised that Mr. Luter (Sussex County Building Official) has made inspections and has forwarded documentation to the County Attorney and the Town of Wakefield. To date, we have not heard from the Town.

Supervisor Fly stated that the Town says they don’t have anything. He asked Mr. Morrison to contact the Town and check on the status.

Mr. Luter advised that there were two or three houses condemned, out of thirteen or fourteen.

Supervisor Birdsong suggested that Mr. Morrison send another copy of the documentation to the Town of Wakefield, via certified mail.

#### **Item 4d. Treasurer’s Report**

The statement of money in the banks to the credit of Sussex County, at the close of business April 30, 2010 was \$25,727,872.04. (A copy of the Treasurer’s Report is retained in the May 20, 2010 Board packet).

**Item 4e. Commissioner of the Revenue**

General Reassessment activities have begun. The Board will be updated as the process continues.

**Item 4f. Sheriff's Department** - absent (left early due to illness)

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

**Item 4h. Director of Social Services** – none

**Item 4i. County Attorney**

The County Attorney reported that his office is assisting with the General Reassessment activities and continuing to update and re-codify the County's ordinances (a cost savings).

**Item 4i1. Recommendation to Circuit Court Judge – Staggered Terms of BZA Members**

County Attorney Thompson advised that included in the Board packet is information regarding staggered terms of the Board of Zoning Appeals. Circuit Court Judge Allen Sharrett requested that the County Attorney's office prepare an order to effectuate, upon documented written agreement by the present Board of Zoning Appeals members, to accept staggered terms (upon review of applicable law, the Board of Supervisors should again nominate the Board of Zoning Appeals members), the Court's appointing of the five present members to staggered terms would bring such appointments into compliance with applicable law and preclude four BZA members terms from all expiring at the same time.

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

WHEREAS, Sussex County, Virginia (the "County") has enacted zoning ordinances pursuant to Chapter 22, Planning and Subdivision of Land and Zoning, Section 15.2-2200-15.2-2329, of the Code of Virginia, as amended; and

WHEREAS, Virginia Code Section 15.2-2308 provides that the heretofore established Board of Zoning Appeals of the County shall consist of either five or seven residents of the County, appointed by the Circuit Court for the County, to terms of office of five years each except that original appointments shall be made for such terms that the term of one member shall expire each year; and

WHEREAS, over the course of years of nominations by the Board of Supervisors, nomination irregularities have occurred, which caused the terms of four Board of Zoning Appeals members to expire simultaneously on January 31, 2010; and

WHEREAS, the Board of Supervisors, with the consent of the affected four Board of Zoning Appeals members wishes to correct, subject to Circuit Court's review and approval, and bring into conformity with applicable law, the terms of the Board of Zoning Appeals members to that of staggered terms of which the term of one member henceforth expiring each year.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SUSSEX hereby resolves as follows: that the county residents be and are hereby nominated and recommended for appointment, by the Sussex County Board of Supervisors, to the Board of Zoning appeals for the following terms of office, to wit:

George O’N. Urquhart  
7201 Newville Road  
Waverly VA 23890  
Term ending: 01/31/2012

Keith C. Blowe  
Post Office Box 1306  
Sussex VA 23884  
Term ending: 01/31/2015

Robert Pegram  
Post Office Box 34  
Jarratt VA 23867  
Term ending: 01/31/2014

Raymond L. Warren  
33507 Walnut Hill Road  
Waverly VA 23890  
Term ending: 01/31/2013

William B. Savedge  
Post Office Box 67  
Courtland VA 23837  
Term ending: 01/31/2011

FURTHER RESOLVED that the County Attorney shall prepare the necessary Order of Appointment recommendations by the Board of Supervisors for submission to the Sussex Circuit Court for consideration and action along with a certified copy of this Resolution.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler  
Voting nay: none

**Item 4i2. Animal Control Enforcement in Corporate Towns of Sussex County**

County Attorney Thompson reported that included in the Board packet is a draft agreement and resolution regarding Animal Control Enforcement within the corporate Towns of Sussex County. The agreement provides for and allocates specific and detailed responsibilities of the County and the Town of Wakefield.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the draft agreement regarding Animal Control Enforcement with the corporate towns, until such time that the Towns have an opportunity to receive notification and review the document.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler  
Voting nay: none

**Unfinished Business**

Supervisor Parker: “We need a Code of Ethics.”

Supervisor Birdsong: “We have it in our Personnel Policy. I think we should just follow that.”

Supervisor Fly: “Sounds good to me.”

Supervisor Tyler: “The Code of Ethics and Standards of Conduct are two different things.”

Supervisor Caple: “The Code of Ethics for the Board of Supervisors is a little different than employees. They are held on a higher standard; some things may be the same.”

Supervisor Birdsong: (cited an excerpt from Personnel policy)

Supervisor Parker: “It should be slightly different from employees because it encompasses more. We have talked about this for three months.”

County Attorney Thompson: “I forwarded a draft of the Code of Ethics to the Board.”

Supervisor Tyler: “I don’t remember it.”

County Attorney Thompson: “I will resend it to each member.”

Supervisor Parker: “The Personnel Committee needs to review it and advise.”

Mr. Morrison: “Can the Personnel Committee set a date to meet?”

**Item 6. Unfinished Business** – none

**Item 7. New Business** – none

### **Closed Session**

ON MOTION OF SUPERVISOR BIRDSONG seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session for the following: (a) Personnel Matters, Applicable Code Section 2.2.3711(A)(1); (b) Contracts, Applicable Code Section 2-2.3711(A)(30) and (c) Prospective Business, Applicable Code Section 2.2-3711(A)(5).

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

Voting nay: none

### **Item 9. Return To Open Session**

ON MOTION OF SUPERVISOR HARRELL 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, Tyler  
Voting nay: none

Supervisor Tyler left the Board meeting at 11:10 p.m.

**Item 10. Action on Items Discussed in Closed Session**

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

WHEREAS, on or about December 21, 2009, pursuant to lawful authority, the Sussex County Animal Control Officers (the "Officers"), with appropriate assistance from Sussex County deputies, did remove from the residence commonly designated as 7585 Jerusalem Plank Road, Sussex County, Virginia, twenty three dogs, more or less (the "Dogs in Need of Care"), owned by Jacqueline Fagan ("Ms. Fagan") and said Dogs In Need of Care, did need adequate medical shelter and other care as defined pursuant to Virginia Code Section 3.26560, at the time of said Dogs in Need of Care removal, as later confirmed as legally appropriate by a Judge of the Sussex County General District Court at a hearing on or about March 17, 2010; and,

WHEREAS, said General District Court did award the County a civil judgment in the monetary amount of \$8,852.62 ("Contingent Monetary Judgment") against Ms. Fagan for the County's cost incurred in the feeding, sheltering and providing of veterinarian and medical services to the Dogs in Need of Care; and,

WHEREAS, Ms. Fagan did appeal the General District Court's determination to the Sussex County Circuit Court for a trial de nova; and,

WHEREAS, after appealing the General District Court's determination, the said Ms. Fagan did, on her own volition approach representatives of the County seeking to settle this matter and have, subject to the County Attorney's final review and Court approval, the now pending Circuit Court appeal withdrawn and the now contingent monetary judgment not being pursued to actualization, said request being joined in by the Crater District Area Agency on Aging and the said Ms. Fagan has documented that she is approximately 74 years old and that her only source of income is a fixed social security check received monthly and Ms. Fagan has offered to settle the monetary aspect of this matter regarding the now contingent monetary judgment upon her paying the monetary sum of \$1,352.42 to the County for the County's cost incurred in the feeding, sheltering and the providing of veterinarian and medical services to the Dogs In Need of Care which were all costs incurred by the County in the prosecution of this matter.

NOW THEREFORE BE IT RESOLVED by the Sussex County Board of Supervisors on this 20<sup>th</sup> day of May 2010, that the Deputy County Administrator, subject to the Release to be prepared by the County Attorney, be and he hereby is authorized to settle the previously specified County's monetary claim against Ms. Jacqueline Fagan for \$1,352.42 and that, the County Attorney is hereby authorized, should further review of this matter lead to his concluding the same and the Circuit Court agreeing to the same, to withdraw and/or dismiss the now pending case from the docket of the Sussex Circuit Court.

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

Voting nay: none

Absent during vote: Supervisor Tyler

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Option 2 offered by John H. Robertson, Consulting Forester, 4608 Foxwood Road, Chester VA 23831, in regards to the 460 Industrial Park Site; and

WHEREAS, Option 2 would be a designed plan of action or harvest where 50 to 70% of the trees are removed in such a way that the entire topography is revealed; and

WHEREAS, the specification of such a harvest may be that the timber harvester would leave only 50 to 100 more or less per acre; and

WHEREAS, a discussion could be held between staff, the forester and/or members of the Board of Supervisors relative to leaving hardwood stems or pine when presented with the choice or if the County wants to clear cut 25+ acres for a potential site.

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

Voting nay: none

Absent during vote: Supervisor Tyler

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY to suspend Animal Control Officer, Tony Johnson, for a period of thirty (30) days without pay.

The Chairman did not carry the vote.

Supervisors Fly and Birdsong left the meeting.

The remaining Board members, by general consensus decided to table the above referenced action until all written statements are provided to the Chairman of the Board or Deputy County Administrator.

### **Item 11. Adjournment**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the May 20, 2010 meeting of the Sussex County Board of Supervisors is hereby adjourned.

Voting aye: Supervisors Caple, Harrell, Parker

Voting nay: none

Absent during vote: Supervisors Birdsong, Fly, Tyler

