

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
On Thursday, September 16, 2010, at 7:30 p.m.**

MINUTES

BOARD MEMBERS PRESENT

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

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
Nicole L. Scuderi, Administrative Secretary
Andre M. Greene, Director of Planning
Brenda H. Drew, Housing Programs Coordinator
Shannon C. Drew, Assistant to Director of Planning
Somerbreze Hall, Assistant to Building Official

Item 1. Call To Order

The September 16, 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 Supervisor Harrell.

Item 2. Approval of Regular Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the regular agenda of the September 16, 2010 meeting, subject to the following additions: (1) Under Closed Session, add Item c, Contracts, applicable Code Section 2.2-3711(30) and (2) Delete Item #1, under Sheriff's Report (Separate Paycheck for Overtime Pay).

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

Voting nay: none

Item 3. Consent Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent Agenda, inclusive of the following: (1) Approval of the August 17, 2010 minutes with the correction so noted; (2) Approval of the August 19, 2010 minutes; (3) Approval of Appropriation for Invoice #6320, from EEE Consulting, Inc., in the amount of \$13,476.79 for routine monitoring services of Gin Hill and Robinson Road Landfills; (4) Approval of Appropriation \$575.04 received from VACORP Insurance for damages to a 2008 Ford Crown

Victoria and restored to the Sheriff's Department budget; (5) Approval of Appropriation of \$898.00 payment received from Watkins Insurance for deleting a 1994 Ford Ambulance from the County's insurance and place in line item #21500-1262-252-210; (6) Warrants and Vouchers in the amount of \$285,008.83; (6) Payroll Deduction Checks in the amount of \$147,707.98.

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

Voting nay: none

Item 4. Standing Reports

Item 4a. Health Department – absent

Item 4b. County Administrator's Report

Item 4b1. Finance Committee Report

Supervisor Tyler advised that the Personnel and Finance Committees had met on Wednesday, September 15, 2010 and they discussed several issues. He asked the Interim County Administrator, George E. Morrison, III, to provide the details of the meeting.

- Insercorp – Website Development Proposal (Managed License) - Mr. Morrison advised that included in the Board packet is information from Mr. Tim Bradshaw, Founder and CEO of Insercorp, a website development company. The following information is offered:

Minimal Recommendation

\$3,000.00 (\$1,500.00 deposit; \$1,500.00 due upon completion (onetime fee)

\$1,920.00 (Managed License/Hosting (annual fee)

\$4,920.00 Total

Optimal Recommendations

\$4,600 (\$2,300.00 deposit; \$2,300.00 due upon completion (onetime fee)

\$1,920.00 (Managed License/Hosting (annual fee)

\$6,520.00 Total

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of and authorizes staff to enter into an agreement with Insercorp, 105 First Avenue, Franklin, Virginia to set up and maintain the County's Website; and

FURTHER RESOLVED that the Board approves of the Optimal Recommendation, to wit: \$4,600 (\$2,300.00 deposit; \$2,300.00 due upon completion (onetime fee) and \$1,920.00, (Managed License/Hosting (annual fee) for a total of \$6,520.00.

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

Voting nay: none

- Outside Program Fund Requests – Mr. Morrison advised the Board that included in their packet is information regarding Outside Program and Agency application developed for Sussex County. This packet was developed per the request of the Board’s discussion during budget preparation this year, at the behest of the Chairman. There was the desire to develop an application or form which provides information regarding the entities outside the County’s purview that request financial support in any given fiscal year. (A copy of the application is retained in the September 16, 2010 Board packet).

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL, and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Outside Programs and Agency Application Funds Request; and

FURTHER RESOLVED that the Board authorize staff to provide a packet to each outside agency requesting financial support in any given year.

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

Voting nay: none

- Sheriff’s Department’s Budget – Letter Dated May 10, 2010 – Jerry L. Whitaker, Director of Finance, advised that the Board of Supervisors erroneously approved the Sheriff’s request for the DARE Officer and Jail Nurse and should consider rescinding its resolution dated July 15, 2010. Pursuant to the Sheriff’s May 10, 2010 correspondence, he requested that the Board of Supervisors appropriate funds for a \$10,005 cut in State funds for the DARE officer and jail nurse. The other item is \$3,906 cut in State funding for the salaries of two officers. The item was referred to the Finance Committee. No action was taken on the third item which was a cut in a position by the Compensation Board. All State cuts for Constitutional Officers were absorbed using local funds and there were no cuts in the budget. More local funds are being used to fund the operations of the Sheriff’s Department. The State funding for the Sheriff’s Department actually increased by \$20,838 compared to FY 2010.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby rescinds the resolution adopted on July 15, 2010, restoring and appropriating \$10,000.00 to the Sheriff’s Department budget.

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

Voting nay: none

Item 4b2. Halloween on the Square

George E. Morrison, III, Interim County Administrator, reported that the “Halloween-On-The-Square” festivities are scheduled for Saturday, October 30, 2010 beginning at 8:00 a.m. and ending around 1:00 p.m. The sponsors have requested permission to use the Courthouse Square for entertainment purposes and information booths. Staff recommends approval of this request

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that that the Sussex County Board of Supervisors hereby approves of the “Halloween-On-The-Square festivities being held on Courthouse Square on Saturday, October 30, 2010, beginning at 8:00 a.m. and ending around 1:00 p.m.

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

Item 4b3. Update on Recording System

George E. Morrison, III, Interim County Administrator, reported that at the regularly scheduled meeting of August 19, 2010, a resolution was adopted directing staff to invite a representative of The Whitlock Group to present a demonstration of their recording equipment at the Board of Supervisors' September 16, 2010 meeting.

Ms. Deborah A. Davis, Assistant to the County Administrator, emailed her contact, Mr. Todd Daniel, Account Manger, with The Whitlock Group, who advised that their hours are 8:30 a.m. to 5:30 p.m. Staff recommends that the Board approves the purchase of the For The Record recording system/equipment as proposed by Mr. Peter Huddleston, Account Representative of Valley Office Machines, at a cost of \$6,350.00.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the purchase of the "For The Record" recording system/equipment from Valley Office Machines, at a cost not to exceed \$6350.00.

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

Item 4b4. Blackwater Regional Library – Cut in State Aid to Localities

George E. Morrison, III, Interim County Administrator, advised the Board that included in their packet is a copy of a letter from Blackwater Regional Library stating their concerns regarding recent cuts in State Aid to Localities, local public libraries included. The letter requests that the Board consider the reductions affecting the Blackwater Regional Library.

Item 4b5. Housing Department's Computer Grant

George E. Morrison, III, Interim County Administrator, advised the Board that included in their packet is a copy of a memorandum from Mrs. Brenda H. Drew, Housing Programs Coordinator, requesting that the Board approve and appropriate a \$6,000 grant award from the Virginia Housing Development Authority. Mrs. Drew submitted the recent grant request to VHDA and was awarded the grant in short order.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates an amount not to exceed \$6,000.00 for the purchase of new computers and software for the Sussex County Housing Programs Office.

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

Item 4b6. DEQ Amended Consent Order for Gin Hill and Robinson Road Landfills

George E. Morrison, III, Interim County Administrator, advised that included in the Board packet is a signed copy of the Amended Consent Order for Gin Hill and Robinson Road Sanitary Landfills, submitted by the Department of Environmental Quality. The Amended Consent Order has been forwarded to EEE Consulting and EEE Consulting confirms that for both Gin Hill and Robinson Road Landfills, the deadline required in the amended orders are on target to be met. Additionally, through negotiation, the Amended Consent Order contains no additional monetary penalties levied against the County.

Item 4b7. MACE Inc. Quarterly Report

George E, Morrison, III, Interim County Administrator, advised that included in the Board packet is the 2nd Quarter 2010 Report from MACE Incorporated.

Item 4b8. Building Official's Condemnation Update

George E. Morrison, III, Interim County Administrator, advised that at the August 19, 2010 Board meeting, the Board requested that Travis Luter, Building Office, was asked to contact each town within Sussex County to inquire about the interest in contracting with the County Building Department to enforce the County's Nuisance Ordinance for the purpose of condemnation.

Mr. Luter has spoken with Mayor C. Winston Britt, Town of Wakefield and Mr. Tim Drewry, Wakefield Town Attorney. Each of them conveyed to Mr. Luter that the Town of Wakefield has postponed action with Sussex County at this time. The Town of Wakefield will be exploring the use of a Third Party Inspector to enforce the Town of Wakefield's Nuisance Ordinance.

Mr. Luter also spoke with Mayor Walter Mason, Town of Waverly, who advised that the Town of Waverly will be conducting business as usual and will not be entering into a contract with Sussex County.

Mr. Luter has attempted to contact the Town of Stony Creek several times; left messages but has received not a response to his messages.

County Attorney Thompson advised that The Town of Waverly adopted a resolution last night to utilize the services of the County.

Item 5. Citizens' Comments

Comments were heard from the following individuals:

- Ronald Atkins, Waverly District – spoke in favor of building one elementary school
- Teresa Finch, Stony Creek District – requested that the Board provide some relief regarding vicious dogs
- Jacqueline Fagan, Blackwater District – asked for explanation about her court case
- Elliott Shands, Stony Creek District, spoke in favor of building one elementary school

- Donald Faulcon, introduced himself as the Manager of Virginia Carolina Cyberlink, located on Route 460, Waverly

Item 4b9. County Attorney's Contract (moved to Closed Session)

Item 4b10. Appointment of Board of Supervisors' Recreation Committee

George E. Morrison, III, Interim County Administrator, advised the Board that at the August 19, 2010 regularly scheduled meeting, a vote was taken and approved to form a Recreation Committee to meet with the Towns to begin the process of having dialogue regarding the recreational needs throughout the County as well as begin negotiations. It is requested that the Board of Supervisors appoint members of the governing body to form the Recreation Committee of the Board of Supervisors.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Wayne M. Harrell, C. Eric Fly, Sr., Rufus E. Tyler, Sr., and Charlie E. Caple, Jr. to serve on the Recreation Committee. Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler
Voting nay: none

Item 4b11. Wakefield Football Field

George E. Morrison, III, Interim County Administrator, advised that included in the Board packet is a copy of an email from Supervisor Fly requesting that the County Attorney prepare a lease for the Town of Wakefield. With the purpose of the lease being to lease to the Town of Wakefield, eleven (11) acres owned by Sussex County (located next to the ball fields in Wakefield) for the purpose of the town to construct a football/soccer field and additional parking.

Supervisor Fly has requested that the lease should be prepared and ready to be presented and voted on at this Board meeting. Additionally, he requested that this email be forwarded to each member of the Board.

A copy of this email was sent to every member of the Board of Supervisors via the weekly mailings on Fridays as well as to County Attorney Thompson. Mr. Morrison further stated that he did not request that the County Attorney prepare a Lease Agreement, as this request is contrary to the approved motion of the Board of Supervisors on August 19, 2010. The action approved by the Board states that a "Committee be appointed to meet with the Towns to have some dialogue regarding the recreational needs and offer some negotiations and report to the full Board.

It is requested that the Board of Supervisors provide the County Attorney instruction to develop the aforementioned lease agreement for the Town of Wakefield.

Item 4b12. Director of Finance Report

Jerry L. Whitaker, Director of Finance, provided the following report to the Board:

Landfill Revenues

- ❖ Based on current projections, the estimated revenues will be \$5,928,374, if revenues are consistent with FY 2010 amounts for the remaining 10 months. The budgeted amount is \$5.5 million.
- ❖ Yearend projections will be approximately \$3 million less than the peak years of FY 2006, FY 2007 and FY 2008.
- ❖ August fees (\$503,372) have been entered based on a phone conversation with Atlantic Waste.

Expenditures

- ❖ The benchmark for percentage of remaining unexpended appropriated funds is 83.33%.
- ❖ Almost all departments are in line with this benchmark.
- ❖ All departments have been encouraged to reduce spending where possible.

Item 4c. Treasurer's Report

Item 4c1.

Onnie L. Woodruff, Treasurer, advised the Board that they had all received a copy of his monthly report.

Item 4c2. Vicious Dogs Ordinance

Onnie L. Woodruff, Treasurer, stated that the Vicious dogs Ordinance that was adopted by the Board needs a clearer definition.

Item 4d. Commissioner of the Revenue – absent

Item 4e. Sheriff's Report

Item 4f. Superintendent of Schools

Item 4f1. 2010 -2011 Budget Amendment – Sussex School Division

John Broderick, Supervisor of Finance and Technology, Sussex County Schools, addressed the Board and requested that the Board of Supervisors amend the 2010-2011 School Budget by \$1,370,201.00. Several grants have been awarded to the school division through federal guidelines along with the award for stimulus funds that the school systems have met the requirements to receive. Chambliss Elementary School has been awarded \$400,000.00 and Sussex Middle School has been awarded \$529,167.00 through school improvement grants. The School System has met requirements to receive federal stimulus funds in the amount of \$242,388.00. In addition, Sussex Central Middle School was awarded a 21st Century Community Grant in the amount of \$198,646.00 toward after school programs.

Recommendation: Amend and appropriate the additional \$1,370,201.00 to the 2010-2011 school division budget for a total budget of \$20,500,779.00.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the sum of \$1,370,201.00 to the 2010-2011 school division budget for a total budget of \$20,500,779.00.

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

Voting nay: none

Item 4f2. Request For Funding of Elementary Construction Program

John Broderick, Supervisor of Finance and Technology, advised that the School Board is resubmitting its request from the August 2010 Board of Supervisors meeting for the elementary school construction program. Again, the School Board is requesting \$18,000,000.00 for the construction of an elementary school on the central school site. School construction cost continue to appear to be below the high cost of where school construction was several years ago.

Supervisor Fly advised that he is willing to compromise to have one school constructed, if it is centrally located in the Town of Waverly.

Item 4g. Director of Social Services – no report

Item 4h. County Attorney's Report

Item 4h1. Personnel Policy Update

County Attorney Thompson distributed the draft of the Sussex County Personnel Policy.

Item 4h1. Employee Residency Update

County Attorney Thompson advised that the Board of Supervisors could require Sussex County department heads live within Sussex County.

Item 5. Unfinished Business – none

Item 6. New Business – none

Item 7. Closed Session

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

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

Voting nay: none

Item 8. 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

Item 9. Action on Items Discussed In Closed Session

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the Interim County Administrator to pursue options on three (3) pieces of property for VEDP Mega Project Application.

FURTHER RESOLVED that the Interim County Administrator is also authorized to negotiate the price for said property.

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

Voting nay: none

A discussion ensued pertaining to the salary of the Interim County Administrator.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE that the Sussex County Board of Supervisors, based on the dialogue, approves of compensating George E. Morrison, III, \$2,458.00 salary less per month, than the former County Administrator, for serving as Interim County Administrator (setting the salary 10% less than the current annual salary being paid to the previously retired County Administrator).

Voting aye: Supervisors Caple, Parker, Tyler

Voting nay: Supervisor Birdsong, Fly, Harrell

The motion failed.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR PARKER that the Sussex County Board of Supervisors hereby approves of compensating George E. Morrison, III, an additional 25% above his currently salary, for serving as Interim County Administrator.

Voting aye: Supervisors Harrell, Parker, Tyler

Voting nay: Supervisor Birdsong, Caple, Fly

The motion failed.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER that the Sussex County Board of Supervisors hereby approves of compensating George E. Morrison, III, for serving as Interim County Administrator by providing an additional 27% of his current annual salary of \$60,848.83, to \$77,278.01.

Voting aye: Supervisors Caple, Harrell, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly

The Board, by general consensus agreed to make the increase in salary for Mr. Morrison retroactive to September 1, 2010 to honor the resolution adopted on August 19, 2010.

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 sign the Veterinary Services Contract, subject to being drafted by the County Attorney and reviewed by the Board of Supervisors.

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

Voting nay: none

Item 10. Recess

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR FLY and carried: RESOLVED that the September 16, 2010 meeting of the Sussex County Board of Supervisors is hereby recessed until 4:30 p.m., Thursday, September 23, 2010.

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

Voting nay: none