

**At A Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
Thursday, February 20, 2014 – 7:00 p.m.**

Board Members Present:

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

Board Member Absent:

John A. Stringfield

Staff Present:

Thomas E. Harris, County Administrator
Michael R. Packer, County Attorney
Raymond R. Bell, Sheriff
Onnie L. Woodruff, Treasurer/Interim Director of Finance
Patricia G. Baird, Secretary/Receptionist
Ellen G. Boone, Commissioner of the Revenue
John Broderick, Supervisor of Finance and Technology
Eddie T. Vick, Public Safety Coordinator
Deborah A. Davis, Assistant to County Administrator

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Item 1. Call To Order/Determine Quorum

The February 20, 2014 meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly.

Item 2. The Invocation

The Invocation was offered by Supervisor Hamlin.

Item 3. The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

Item 4. Agenda Amendments

Chairman Fly requested that Item 8b12, County Attorney's report be added to the agenda.

Item 5. Approval of Regular Agenda

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approves the February 20, 2014 Regular Meeting Agenda, with the addition of County Attorney's report.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Warren
Voting nay: none
Absent: Supervisor Stringfield

Item 7. Approval of Consent Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE to approve the Consent Agenda.

After discussion regarding payment to Oyster Point Construction, Supervisors Caple withdrew his second and Supervisor Futrell withdrew his motion to approve the Consent Agenda that included the Oyster Point Payment,

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors removes Item J, Approval of Application and Certificate for Payment #24, Oyster Point Construction, \$50,000.00 from the Consent Agenda.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Warren
Voting nay: none
Absent: Supervisor Stringfield

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Consent Agenda, to wit;

- a. Approval of Minutes of January 16, 2014 Board Meeting
- b. Approval of Minutes of January 30, 2014 Board Meeting
- c. Approve, Appropriate and Transfer: Invoice #157756, Timmons Group, Professional Services, \$1,250.00
- d. Approve, Appropriate and Transfer: Invoice #157755, Timmons Group, Professional Services, \$1,000.00
- e. Approve, Appropriate and Transfer; Timmons Group, Invoice #157753, Professional Services, \$1,750.00
- f. Approve, Appropriate and Transfer, Timmons Group, Invoice #157754, Professional Services, \$13,500.00
- g. Approve, Appropriate and Transfer, McGuireWoods, Invoice # 91619077, Services Rendered, \$540.00
- h. Appropriate and Transfer Funds, \$400.00, Clerk of Circuit Court, purchase laser printer
- i. Appropriate and Transfer Funds, \$430,0075.60, from Elementary School Capital Project Funds to Reserve Capital Project Funds for Debt Services Paid
- j. Approval of Warrants and Vouchers

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Warren
Voting nay: none
Absent: Supervisor Stringfield

Item 8. Standing Reports/Staff/Committees/Organizations

Item 8a. VDOT Update – Presentation by Joseph Lomax, Franklin Residency Administrator

Mr. Lomax corrected information that he provided to Mr. Warren in November 2013, regarding Triple Bridge Road. The Preliminary Engineering has been accelerated, but that does not tie into the construction funding yet. Therefore, there is no construction funding, perhaps 2018 but bridge funds sometimes come at a moment's notice when other states don't use their funding.

Utility cuts in the right-of-way – anytime an outside company or locality does water, sewer, etc. work, they are supposed to get a permit before the work is done. If the locality cuts into the roadway to repair water lines or sewer lines, the locality is supposed to make the needed repairs – not the Virginia Department of Transportation.

Mr. Lomax provided a Power Point Presentation of the Rural Addition program. (A paper copy is retained in the February 20, 2014 Board's packet).

General Requirements for Rural Addition:

- Be available for public to use 24 hours a day
- Have a right of way that is available to be dedicated for public use
- Wide enough (usually 40 feet) to meet minimum safety standards
- Be unencumbered by utility placements
- Serve at least three (3) occupied homes
- Be able to safely handle the traffic volume
- Connect to other roads already maintained by VDOT or a locality

Funding

- Counties are required to set aside five (5%) percent of the secondary road construction funds that are allocated in order to improve qualifying roads that are not maintained.
- Only for streets created prior to July 1, 1992

Revenue Sharing Funds

- Local match required (1:1 match for state funds)
- Projects must be started within 2 years of allocation
- Only for streets created prior to July 1, 1992

Local Funds

- County's general fund
- Special assessment of the land owners served
- Revenue derived from the sale of bonds

Additional Requirements

- The Board of Supervisors must take formal action to approve the addition of these roads to the secondary system of state highways and request VDOT to maintain them. They must also identify the source of funding that is to be used to finance any improvements that are needed.

A certified copy of the plat indicating street right of way, drainage easements and place of recordation and a detailed record of lot ownership, along with the required donation, shall be furnished with the submission of the resolution requesting the addition.

Rural addition funds administered by the department are reserved for construction and engineering costs only. Costs for providing a clear, unencumbered right of way (including relocation of utilities) are not eligible expenses covered by rural addition funds. Ineligible costs must be borne by others.

Rural addition to the Secondary System will be limited during any one fiscal year to not more than 1 ¼% of each County's Secondary mileage.

Speculative Interests (will require legal review)

Ownership or partnership in two or more parcels, or equivalent frontage, abutting such streets shall constitute a speculative interest.

Proposed additions that serve speculative interest property are not eligible under the Commonwealth Transportation Board's Rural Addition Policy.

Proposed additions that serve speculative interest property may qualify for addition under Section 33.1-72.1.

Speculative interests are assessed a pro rata share of the improvement costs. (This means the landowner may have to contribute for it to qualify).

Rural Addition Steps

The Board of Supervisors considers requests from citizens to add roads to the secondary system of state highways. The locality coordinates the eligibility review of proposed additions.

VDOT advises the locality of the requirements, improvement costs and other issues related to the acceptance of proposed road additions.

The Board of Supervisors formally requests VDOT to add the road to the secondary highway system for maintenance, indentifying funds for improvement and guaranteeing unencumbered rights-of- way.

VDOT accepts the maintenance responsibility for the road as part of the Secondary System.

Road is improved to appropriate standards utilizing the identified funds.

Other Projects

There is 8/10 of a mile on Murrell Lane; 8/10 of a mile on Smith Lane and 900 feet on Eugene Lane. A preliminary estimate has been done on Eugene Lane. The cost will be approximately

\$350,000.00. Currently, in the County's rural addition account under the secondary road system, there is \$232,000.00, which means there is not enough money to bring Eugene Lane up to standards. This estimate is based on 30' width (not 40') and the cost is \$350,000.00.

Chairman Fly recommended that the Murrell Lane, Smith Lane and Eugene Lane projects be placed on the March 20, 2014 agenda.

Rural Rustic Road Designation Resolution

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

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Sussex County, Virginia ("Board") desires to consider whether Route 635 (Steel Bridge Road), from: Route 610 To: Route 609 should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's Six Year Plan for improvements to the Secondary System of state highways.

NOW THEREFORE BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Local Residency Administrator for the Virginia Department of Transportation concur in the designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Local Residency Administrator for the Virginia Department of Transportation.

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

Voting nay: none
Absent: Supervisor Stringfield

Item 8b. County Administrator/s Report

Item 8b1. Courthouse Lease/Historical Society/Old Courthouse Repairs/Contract: Chairman Fly requested that a meeting be scheduled with County Administrator Harris, Board of Supervisors Chair and the Historical Society so this can be handled.

Item 8b2. Status of Finance Director: County Administrator Harris advised that the interviews have been set back a week or two because of illness, but the interviews will take place next week. So by the March 20, 2014, the part time Director of Finance will be in place.

Item 8b3. Radio Hardware and Upgrade RFP Project Update: County Administrator Harris reported that the initial funding was to look at what options we have. The consultant has provided some recommendations. Mr. Harris advised that initially he thought that staff could put together an RFP, but later realized that professional assistance is needed. The Public Safety Coordinator did some research looking at similar projects in the state and what our needs are and put together a list of costs - \$90,648.00. So because of the size of that, staff recommends that this be placed into the Capital Budget, so that there would be some understanding of what the costs are and how it would be laid out.

Public Safety Coordinator, Eddie Vick stated that it is critical that we have a radio system that works correctly. It is a very drawn out project – that if started on the process today, going through the RFP, installing the equipment, would probably take one year to complete.

Chairman Fly requested that the RFP be presented in the Board packet for the March 20, 2014 meeting.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors agree that the Request For Proposals for the Radio Hardware and Upgrade Project be placed on the March 20, 2014 agenda and have a presentation done.

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

Voting nay: none

Absent: Supervisor Stringfield

Item 8b4. Commonwealth's Attorney Building Project Update: Progress continues and at this time we are expected to be substantially completed by May 31st. The project will not exceed the budget cost.

Item 8b5. Building Formerly Used by County Administration: County Administrator Harris recommended that roof repair of this building be included in the FY 2015 – FY 2019 Capital Budget as a Capital expense.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the County

Administrator to prepare bids and bring cost estimates for Board approval, of the roof replacement and mold removal of the building formerly used by County Administration, for approval.

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

Voting nay: none

Absent: Supervisor Stringfield

Item 8b6. Route 626 (Beef Steak Road) Mega Site Project (Grant #2822) To be discussed in Closed Session.

Item 8b7. Fiscal Year 2015 Budget Update: County Administrator Harris reported that the Interim Director of Finance is putting the budget together and they will meet next week to do preliminary review. He has also met with Dr. Arthur Jarrett, Superintendent of Schools to coordinate our efforts and at this time we remain on schedule.

Item 8b8. Software request for Commonwealth's Attorney: Please find attached a letter from the Commonwealth's Attorney Lyndia Ramsey requesting funding for her Case Management Software (approximately \$34,000.00)

Chairman Fly requested that this item be placed in the FY 2015 budget process.

Item 8b9. Scheduling of Board Charrette: County Administrator Harris advised that several Board Members have requested that the Board meet to discuss Local Government concerns and issues. As such, he recommended a charrette that will last six (6) to eight (8) hours to be held in Sussex County for the Board to be scheduled for mid-April.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees to schedule a charrette on Saturday, March 8, 2014, beginning at 9:00 a.m., so that the Board can find a unified direction for the County.

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

Voting nay: none

Absent: Supervisor Stringfield

The County Administrator will notify the Board of the location

Item 8b10. General Assembly Update: The Honorable Chairman Eric Fly has asked that the Board discuss those issues and concerns currently being dealt with in the General Assembly to include:

Chairman Fly reported the following

- Sunday Hunting Law was passed by the General Assembly; will probably go back to the General Assembly next year.

- Payment In Lieu of Taxes – Supervisor Fly stated that he is disappointed with this issue, approximately \$417,000.00 per year that the County should be receiving from the Commonwealth of Virginia. Communications have been held with Delegates Tyler,

Morris, Cox and Jones regarding this issue and chances to have this put back are better. Delegate Morris placed the bill in, but never notified the Board when he was going to present the bill. Delegate Tyler also put in the same budget amendment, but she never communicated with the Board to let them know that she had done that. So Delegate Morris did not present his budget amendment, so it died. Delegate Tyler present her amendment without our knowledge and without any information that was put together by the County and it died.

Item 8b11. Upcoming Events:

Reminder: *Unity In Our Community* event to be held at Sussex Central High School, Monday evening, February 24, 2014, from 5:00 p.m. to 7:00 p.m. There will be exhibits, guest speakers, etc. There will also be a Youth Learning Experience coordinated by Mr. Maurice Smith, Sussex County 4-H Agent. The youth will learn about environmental issues, going green, and recycling and will be cleaning around some of the County's Convenience Center sites. Transportation is being provided by some of the area churches as well as the Housing Office and Social Services Department.

Item 8b12. County Attorney's Report

- a. County Attorney Packer updated the Board on the progress of the new County Code. Staff has received from Municipal Code Corporation, its comments on all sixteen chapters. The Paralegal Assistant has reviewed Chapters 1, 2, 3, 4, 5, 6, 12, 13 and 16. He also stated that he has begun his review and therefore is on schedule to have a conference/consultation call by the end of March with Municipal Code Corporation, at which point the Corporation will publish a draft new Code for the Board's Consideration. Because of new legislation requiring advertising, when substantive changes are made, staff will comply to make sure that the advertisement meets those requirements.
- b. County Attorney Packer also reported that he has forwarded to the County Administrator the draft Noise Ordinance was previously prepared for the Board's consideration. He stated that he will ask the Clerk to advertise so that the Board can consider adopting the Noise Ordinance at the March meeting.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the County Attorney's request that the Clerk set a public hearing date for the Noise Ordinance.

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

Voting nay: none

Absent: Supervisor Stringfield

- c. County Attorney Packer made a request that the Board of Supervisors enter into a Closed Session under Subsection 3 to discuss the acquisition and/or disposition of real property, a discussion of which in open session, could harm the negotiation abilities.

Item 8c. County Treasurer/Interim Finance Director (Report included)

Item 8d. Commissioner of the Revenue Report: *(No report at this time)*

Item 8e. Sheriff's Department Report

Sheriff Bell made an emergency request to bring a part-time deputy position to a full time status. The reason for the request is that there is one officer out due to illness and the response time is being affected. There is enough money in the Sheriff's Department budget to offset this expense through June/July, so it won't cost any additional monies.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Sheriff's request to make a part time deputy's position to a full time position to assist in staffing shortage.

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

Voting nay: none

Absent: Supervisor Stringfield

Item 8f. Superintendent of Schools Report

Item 8f1. Acceptance of Three (3) Vacant School Buildings from School Board (please see attached report).

County Attorney Packer advised that under state law, once the School Board turns property to be surplus, it become the property of the County. The Board can accept for the record, but it is not necessary.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the following properties from the School Board: Annie B. Jackson Elementary School Building located at 408 School Street, Waverly VA 23890; Jefferson Elementary School Building located at 9436 Mayes Street, Jarratt VA 23867 and Ellen W. Chambliss Elementary School Building located at 10415 Higgins Street, Wakefield VA 23888.

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

Voting nay: none

Absent: Supervisor Stringfield

Item 8g. Director of Social Services Report

Chequila H. Fields, Director of Social Services reported that she has submitted her budget to the Interim Director of Finance and made a request for two (2) vehicles. There are four (4) vehicles that will be sold as surplus. A dealership within Sussex County is offering a price lower than the state listing. Does she still need to get three (3) bids?

County Attorney Packer responded that under the Virginia Procurement Law, it can be taken off the state bid or it can be bid separately, a purchase cannot be made because it's lower than the state contract.

Item 8h. General Registrar Report: *(No report at this time)*

Item 8i. Health Department: *(No report at this time)*

Item 9. Appointments

Item 9a. Crater District Area Agency on Aging - Mrs. Brenda Burgess' term as a member of the Crater District Area Agency on Aging Board of Directors expired on December 31, 2013. She has been contacted and stated that she would like to continue to serve, if reappointed.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mrs. Brenda Burgess to the Crater District Area Agency on Aging for a term of two years, expiring December 31, 2015.

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

Voting nay: none

Absent: Supervisor Stringfield

Item 10. Citizens' Comments (9:00 p.m.)

Comments were heard from the following citizens:

Kevin Bracy, Courthouse District

Bill Collins, Courthouse District

Item 11. Unfinished Business (none)

Item 12. New Business

Item 12a. Request for Approval to Apply for Local Government Challenge Grant: Each year, Sussex County applies for the Local Government Challenge Grant, in the amount of \$5,000.00 (matching) on behalf of the Miles B. Carpenter Folk Art Museum and the Wakefield Foundation. We are requesting the Board's permission to apply for the grant again this year.

Recommendation: To authorize staff to complete a grant application to the Virginia Commission For The Arts for the 2014-2015 Local Government Challenge Grant in the amount of \$5,000.00 on behalf of the Miles B. Carpenter Folk Art Museum and the Wakefield Foundation.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to complete a grant application to the Virginia Commission For The Arts for the 2014-2015 Local Government Challenge Grant in the amount of \$5,000.00 on behalf of the Miles B. Carpenter Folk Art Museum and the Wakefield Foundation; and

BE IT FURTHER RESOLVED that subject to grant approval, both agencies will be funded in equal amounts of \$10,000.00.

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

Voting nay: none
Absent: Supervisor Stringfield

Item 13. Board Members' Reports/Comments

- a. **Blackwater District** – no report
- b. **Courthouse District** – no report
- c. **Henry District** –no report
- d. **Stony Creek District** – no report
- e. **Wakefield District** - absent
- f. **Waverly District** – Supervisor Futrell spoke about the railroad track on New Street – there are two places on the track that have caved in. Will do some checking and see what can be done to repair them.

Item 14. Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session, under Section 2.2-3711(A)(3) to discuss to the disposition and acquisition of property and two items under Section 2.2-3711(A)(7), Pending Litigation and Consultation with Legal Counsel
Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Warren
Voting nay: none
Absent: Supervisor Stringfield

Item 15. Return To Open Session/Certification

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

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

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

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard discussed or considered.

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

Voting nay: none
Absent: Supervisor Stringfield

Item 16. Action Taken on Closed Session Items

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby accepts the Grant #2822 from the Virginia Tobacco Commission, in the amount of \$836,375.00 to purchase a certain property adjacent to the Mega-Site Industrial Site in Sussex County.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Warren
Voting nay: none
Absent: Supervisor Stringfield

Item 17. Recess/Adjournment

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HAMLIN and carried:
RESOLVED that the February 20, 2014 meeting of the Sussex County Board of Supervisors is hereby adjourned at 9:33pm.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Warren
Voting nay: none
Absent: Supervisor Stringfield