At a public hearing of the Sussex County Board of Supervisors Held in the General District Courtroom on Thursday, July 19, 2012 – 7:00 p.m.

Board Members Present:

Charlie E. Caple, Jr. C. Eric Fly, Sr. Alfred G. Futrell John A. Stringfield Rufus E. Tyler, Sr. Raymond L. Warren

Others Present:

Thomas E. Harris, County Administrator

Michael Packer, County Attorney

Brenda H. Drew, Housing Programs Coordinator

Shannon Fennell. Assistant to the Director of Planning

Gary M. Williams, Circuit Court Clerk

Onnie L. Woodruff, Treasurer

Deborah A Davis, Assistant to County Administrator

William Jenkins, General Registrar

Carolyn Matthews, Circuit Court Deputy Clerk

Raymond R. Bell, Sheriff

Lyndia Ramsey, Commonwealth's Attorney

Charles H. Harris, III, Superintendent of Schools

George Morrison, III, Deputy County Administrator/Director of Economic Development

Chequila H. Fields, Director of Social Services

Item 1. Call To Order

Chairman Tyler called the July 19, 2012 meeting to order.

Item 2. The Invocation

The Invocation was offered by Reverend Danny Tucker, Pastor of Jerusalem Baptist Church, Jarratt VA.

Item 3. The Pledge of Allegiance

The Pledge of allegiance was recited by all.

Item 4. Motion to Enter Public Hearing

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County shall enter public hearing to consider a proposed coyote ordinance.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

The County Administrator stated that the proposed coyote ordinance concerns the payment by the County of a bounty on certain coyotes killed in the County. The proposed ordinance prescribes when and where such coyotes may be hunted, how they shall be presented for payment and restrictions, with criminal penalties, on the possession of certain coyotes within the County.

Item 5. Public Comment

Comments were heard from the following:

Bill Collins, Courthouse District, disagrees with paying a bounty for killing coyotes, saying that the Board does not need to deal with the administrative burden of coyotes and bounties.

Item 6. Return To Regular Session

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to regular session.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 7. Board Discussion

Supervisor Caple stated that he believes that people will kill any coyotes if they get close enough to them. He does not believe that the Board needs to pay a bounty; give the right to kill, but not pay for it.

Supervisor Warren stated that he agrees that there is no bounty needed.

Chairman Tyler stated that there have been several people from his district who advised that coyotes have attached their livestock.

County Attorney Packer suggested that if the Board is not interested in paying a bounty; there is no need to adopt an ordinance.

Supervisor Futrell stated that he has spoken with one person in the Newville area who has had problems with coyotes.

Item 7. Action on Public Hearing Item

ON MOTION OF SUPERVISOR WARREN, seconded SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees to not adopt the coyote ordinance.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 8. Agenda Amendments

The Chairman advised of the following amendments:

Item 11. Approval of Consent Agenda

Add #10 under Appropriations: Quarterly Reimbursable Billing, \$788.08, Virginia Employment Commission, unemployment benefits

Add #11 under Appropriations: Invoice #2012-3-2733, from Federal Engineering, Inc., \$10,520.00, delivery of Communications Needs Analysis Report

Item 12b. County Administrator's Report

Add Item 12b-3 Under County Administrator's Report, Letter from VDOT referencing the Evolution of VDOT's Residency Structure and Responsibilities.

Add Item 12b-4 Under County Administrator's Report, Copy of Resolution from Town of Stony Creek in opposition of tolls on I-95 in Sussex County

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the following amendments to the July 19, 2012 agenda: (1) Add #10 under Appropriations: Quarterly Reimbursable Billing, \$788.08, Virginia Employment Commission, unemployment benefits to the Consent Agenda: (2) Add #11 under Appropriations: Invoice #2012-3-2733, from Federal Engineering, Inc., \$10,520.00, delivery of Communications Needs Analysis Report, to the Consent Agenda; (3) Add Item 12b-3 Under County Administrator's Report, Letter from VDOT referencing the Evolution of VDOT's Residency Structure and Responsibilities; and (4) Add Item 12b-4 Under County Administrator's Report, Copy of Resolution from Town of Stony Creek in opposition of tolls on I-95 in Sussex County.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren Voting nay: none

At 7:31 p.m., the Chairman announced that there are quite a few people in attendance tonight.

Sheriff Bell announced that the attendance has exceeded the capacity for the General District Courtroom and that the meeting may need to be moved to the High School.

The Chairman asked for a motion to recess the meeting and move to the high school.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby recesses the July 19, 2012 meeting at 7:32 p.m., to reconvene at the Sussex Central High School.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 9. Reconvene – 8:16 p.m.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL that the July 19, 2012 meeting of the Sussex County Board of Supervisors is hereby reconvened at 8:16 p.m., in the cafeteria of the Sussex Central High School.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 10. Approval of Consent Agenda

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Consent Agenda of the July 19, 2012 meeting, inclusive of the following items:

- a) Minutes of May 17th, May 24th, May 31st, June 11th Minutes
- **b)** Approval of Appropriation: Aid To Localities Funding in the amount of \$26,452.00 (\$23,559.00 current and \$2,893.00 carryover amount from 2011)
- c) Approval of Appropriation: 2012 Four For Life Funding in the amount of \$9,845.16 and distribution of \$3,281.72 equally to Waverly Rescue Squad, Stony Creek Rescue and Jarratt Fire Department
- **d)** Approval of Appropriation: \$4,786.06, Sheriff's Department insurance payment
- e) Approval of Schools Amended FY 2013 Budget: \$18,923,076.00
- **f**) Approval of Appropriation: Invoice #20190, Rancorn Wildman Architects, \$6,482.95, Elementary School Construction
- g) Approval of Appropriation: Application and Certificate for Payment #7, Oyster Point Construction, \$465,672.78, Elementary School Construction Project
- **h)** Approval of Appropriations , Invoice #0009763-IN, GET Solutions, Inc., \$2,872.50, Elementary School Construction
- i) Approval of Appropriations: Invoice #26630, Speight Marshall & Francis, \$3,000.00, Elementary School Construction
- **j**) Add #10 under Appropriations: Quarterly Reimbursable Billing, \$788.08, Virginia Employment Commission, unemployment benefits
- **k**) Add #11 under Appropriations: Invoice #2012-3-2733, from Federal Engineering, Inc., \$10,520.00, delivery of Communications Needs Analysis Report
- 1) Resolution in opposition of tolls on I-95 in Sussex County

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 11. Standing Reports: Staff/Committees/Organization

Item 11b. County Administrator's Report

Item12b-1. Acceptance and Appropriation of Victim Witness Grant: Included in the Board packet is a copy of Department of Criminal Justice Services Grant #13-P9574VG12 in the amount of \$55,246.00, in State General Funds, which has been approved by DCJS.

Recommendation: To accept Grant #13-P9574VG12 in the amount of \$55,246.00 and to appropriate same.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and appropriates Department of Criminal Justice Services Grant #13-P9574VG12 in the amount of \$55,246.00, in State General Funds.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 12b-2. Virginia Department of Transportation Correspondence

County Administrator Harris advised that included in the Board's packet is a letter from VDOT Residency Administrator, Joseph Lomax regarding road requests from Sussex County. A letter had previously been sent as an update of those projects as reflected. In the letter from Mr. Lomax, he suggests that the Board follow a protocol where complaints are sent to the Administrator, compiled and formally sent to him.

Item 12c. County Attorney's Report

Item 12d. Treasurer's Report: Included in the Board packet

Item 12e. Commissioner of the Revenue – No Report

Item 12f. Sheriff's Department – No Report

Item 12g. Superintendent of Schools – No Report

Item 12h. Director of Social Services – No Report

Item 13. Appointments

a. Appointment to Planning Commission: An appointment is needed to replace Mr. Charles S. Owen, Jr., whose term expired April 30, 2012. Mr. Owen does not wish to serve again.

Please be advised that the Board had previously asked that the proposed By-Laws be tabled for a later date. The revisions were made in an attempt to have equal representation from each District without requiring the dismissal on sitting members and after review by the Commission was recommended for approval.

At this time no action has been taken and therefore there still is no equal representation on the Planning Commission.

Furthermore, in an effort to maintain accuracy and to assist Ms. Davis in her duties, please find enclosed a Sussex County Board Bank form. This form will be utilized for applicants for future use of board appointed committees and to assist staff in stream lining the process.

Recommendation: To determine if the Board would choose to approve the new Planning Commission By-Laws before making an appointment to the Planning Commission to replace Mr. Charles S. Owen, Jr.

Supervisor Fly requested that this item be placed on next month's agenda.

County Administrator Harris suggested that the Board consider the recommendations for the new bylaws for the Planning Commission to have equal representation. He encouraged the Board to review those before a decision is made.

Item 14. Unfinished Business

a. Conditional Rezoning Application #2012-01, Willow Woods, LLC, applicant: (Tabled from June 21, 2012 public hearing meeting). The applicant seeks to rezone approximately 146.79 acres, part of tax map number 13-(A)-5 from A-1, General Agricultural District and B-2, General Business District to Planned Unit Development (PUD). Consistent with the Comprehensive Plan's future land use designation the rezoning of the aforementioned property will allow for the construction of a mixed use development, consisting of approximately 175 single-family units, 296 multi-family units, 400 senior housing units, recreational amenities, commercial development, and a fire station, which are to be completed in (4) phases over a (20) year period. The applicant has voluntarily proffered several conditions to be attached to the zoning request, if approved. The property in question is located at the intersection of Route 602 (Cabin Point Road) and Route 625 (Newville Road) in the Courthouse Election District.

Recommendation: The Sussex County Planning Commission approved the application and recommended that it be approved as submitted by the Governing Body.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE that the Sussex County Board of Supervisors hereby approves Conditional Rezoning Application 2012-01, Willow Woods, LLC, applicant.

County Attorney Packer suggested that prior to the vote, to state for the record that it's important that the Board limits its determination based upon land use principles and not other issues.

Voting aye: Supervisors Caple, Stringfield Voting nay: Supervisors Fly, Warren Abstaining: Supervisor Futrell, Tyler

The motion fails.

b. Payment of Attorneys

Chairman Tyler explained that during the preparation of the agenda he and the County Administrator did not know exactly what this issue involved.

Supervisor Futrell requested that payment of the attorneys be approved.

Supervisor Caple called for point of order stating that the Board does this every month and it was said that the Board would not do this again because it's frivolous and it comes to a dead end.

Chairman Tyler explained that at previous meetings, he ruled the motion to pay the attorneys a dilatory motion, but his ruling could be challenged.

Supervisor Fly explained that this item was placed on the agenda in advance; the Chairman voted to approve the agenda, therefore the item must be heard.

Chairman Tyler stated that the County Administrator said he did not know if this is the same item that has been placed on previous agenda. He also stated that because the Board has voted on this issue so many times, he ruled that the motion is out of order and if the members want to challenge the Chair, at this time they can.

Supervisor Fly stated that to show its relevance before the Chair is challenged, this money that the Board got a consensus from the Board to hire these attorneys, the attorneys were used, we are continuing to use the work that they produced; we needed them. One of the attorneys, in fact, that we used, after Supervisor Tyler became Chair; Chairman Tyler sent a letter hiring the same attorney to do the exact same thing that the Board did in December.

The Chair ruled that the motion is improper.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN to challenge the Chairman's ruling, that is it improper.

Voting aye: Supervisors Fly, Futrell, Warren Voting nay: Supervisors Caple, Stringfield, Tyler

c. The Improvement Association Presentation/Funding Request: The Improvement Association has requested to appear before the Board to make a presentation.

Presentations were made by Ginger Wrenn, Shikee Franklin and and Mary Barraclough, the Board members and citizens asked questions.

Item 15. New Business

Item 16. Reports from Departments/Staff/Commissions

A. Animal Control: Report included

B. Building Department: Report included

C. Building and Grounds: No report at this time

D. Deputy County Administrator/Director of Economic Development: Report included

E. Environmental Inspections: Report included

F. Housing Program: Report included

G. Planning and Zoning: Report included

H. Public Safety: Report included

Item 17. Board Members Comments/Reports

No Board reports.

Item 18. Hearing of Citizens Comments

Comments were heard from the following:

- ➤ Millard "Pete" Stith coyotes are hard to deal with; thanked the Board for all they have done. Board members need to relax; need to give a little in order to get a little; Board continues to provide money for Virginia State University to educate students; built a wonderful state of the art high school; an elementary school construction underway; provide funding to schools; provide the Sheriff's Department with adequate resources to protect the citizens; thanked the Board for their support of the Improvement Association. Asked the Board to reconsider and restore the \$15,000.00 to the Improvement Association's budget.
- ➤ Ronnie Jackson, concerned about abandoned properties in Stony Creek area; have made phone calls; have gone to one property owner, but to no avail.

- Magdalene Turner, Waverly District, realizes the economy, asked the Board members to give a donation so they can get a van for the senior citizens; glad to know that the Improvement Association will assist the elderly.
- ➤ Phyllis Tolliver, Blackwater District, Willow Woods Subdivision, appreciates the motion regarding Willow Woods dying due to tonight's vote; has the same issues as in 2008; husband provided a book at the last Board meeting regarding concerns about the developers
- ➤ Otto Wachsmann, Stony Creek District, judging from the number of people that are here, it is difficult for him to believe that it would not have been anticipated that we would not have known that we would overfilled the regular meeting space for the Board of Supervisors. That caused a delay in coming from the Courthouse to this building, about an hour of wasted time for a lot of people. The second point that he noticed is whenever the meeting is moved, there is never sound equipment. He cannot imagine that a portable wireless lecturn would weigh a lot or cost the county a lot of money; he suggested that this should be something that the Board may want to invest in.
- Ruth Hanks, asked the Board to have VDOT work on Smith's Lane; there are two family cemeteries on the road; there are senior citizens there; there are five families on that lane; in the winter, the road is really bad.
- Martha Burrow, asked that the Board reinstate funds to Improvement Association; took adult education classes years ago
- Anne Joyner, Wakefield District, provided an update on the 460 bypass project
- ➤ Norma Marshburn, Manager of Waverly Village Apartments, spoke on behalf of the Improvement Association
- ➤ Phillip Perry, President of Sussex County Young Men Athletic Club, asked for funds to assist in their recreational projects
- ➤ Olanda Tolliver, Courthouse District, asked the board to keep in mind that if you have any issue, the board can only fix the issued that you present to them. If you don't present the issues, they won't know and they can't fix it. You have to voice your concerns.
- ➤ Barbie Roundtree, Stony Creek District, and an employee of Sussex County; asked the Board to restore the funds.
- ➤ VCU Student (did not identify herself), stated that she is not a product of the Improvement Association; has volunteered at the Association; asked that the Board reconsider restoring the funds to the Improvement Association.
- ➤ Phyllis Smallwood, Courthouse District, member of the Board of Directors for the Improvement Association; they have exceptional staff, records are carefully

reviewed; there are no compliance issues and asked the Board to restore the funds to the Improvement Association.

- ➤ Al Peschke, Wakefield District, can't hear when people speak that could have been prevented if our Chairman of the Board would have given proper notice that there would probably be more than normal attendance, since he put out a memorandum on July 11th; was a surprise to everybody. It boils down to leadership and he also see Rufus Tyler is the Executive Director of the Improvement Association. If he knew what was going on down there, you all wouldn't be here. He couldn't answer the questions. That's poor leadership, in two areas.
- ➤ Cielene Montgomery, Vice President of Improvement Association Board of Directors; the board supports the leadership and the staff of the Improvement Association and the work that they are doing. She has been on the Board for six years; she represents Brunswick County and asked that the Board restore the \$15,000 to the Improvement Association.
- ➤ Elton Brodnax, employee of Improvement Association, works with families and children every day and asked that the Board reconsider restoration of the \$15,000.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED Chairman Tyler asked that the Board authorize County Administrator and the County Attorney to move forward to begin the process doing research on the property (Smith's Lane) and make a request to VDOT to include in the Rural Addition Program and state maintenance system.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Supervisor Stringfield stated that Wakefield Fire Department Chief Bowden would like to address the Board.

Chief Bowden asked that the Board of Supervisors fund the entire cost of the fire truck that is needed. The Board, in the budget this year, funded half of the cost of a new fire truck.

County Administrator Harris stated that the Board had to take money from the unrestricted fund to balance this year's budget. For the \$230,000.00 that was set aside, the intent that as the Board begin to evaluate the budget over the six months, that \$230,000.00 could be paid out of this year's budget and \$230,000.00 out of next year's budget, which would allow the purchase of the truck in next July time frame.

Chairman Tyler asked that this issue be referred back to Administration and bring information back to next meeting.

Item 19. Closed Session

Recommendation: To move into Closed Session to discuss:

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried RESOLVED that the Sussex County Board of Supervisors shall enter Closed Session to discuss the following: (1) Personnel Assignment, applicable Code Section 2.2-3711(A)(1) and (2) Contractual Services, applicable Code Section 2.2-3711(A)(30).

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 20. Return To Open Session

Recommendation: To move to return to Open Meeting.

Item 21. Certification of Closed Meeting

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

WHEREAS, 2.2-3711 of the <u>Code of Virginia</u>, 1950, as amended, requires a certification by the County of Sussex Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the County of Sussex Board of Supervisors hereby certifies that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies, and (2) only such public business matters, as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting to which this certification applies.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 22. Motion(s) from Closed Meeting

Item 22a. Agreement By and Between The County of Sussex and Treasurer

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

WHEREAS, because of position vacancies in the County's administrative staff in the present and immediately past fiscal years, the County Treasurer has provided professional services to include work in financial management, accounting, and budget preparation, these services which are in addition to those duties required of the treasurer by applicable law; and

WHEREAS, the Board of Supervisors of Sussex County deems it appropriate to compensate the Treasurer for such additional work having been performed by him, to

enumerate those functions that the Board desires the Treasurer to perform in fiscal year 2012-2013 in addition to those required of the Treasurer by law, and to establish the additional compensation to be paid to the Treasurer and one member of his staff for the provision of such additional services; and

WHEREAS, the decision of the Board in this regard in predicated upon the recommendation of the County Administrator, and the Board's determination that the Treasurer has demonstrated his exemplary skills, ability, and commitment to provide these services; and

WHEREAS, the cost of employing a finance director to perform these functions would far exceed the amount of additional compensation to the Treasurer and his staff as established herein, thereby freeing up funds to provide other necessary services to the citizens of the County;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Sussex County that, in accordance with Section 15.2-1608 of the 1950 Code of Virginia, as amended, it authorizes the following:

- 1. That Onnie L. Woodruff, Treasurer of Sussex County, is to be compensated for work provided to the County in excess of those duties required by law in the amount of \$6,068 for the months of November and December, 2011, and January and February, 2012; in the amount of \$12,284 for the months of March, April, and May, 2012; at the rate of \$56.22 per actual hours worked on additional services for the month of June, 2012; and in the amount of \$1,500.00 per month for each of the twelve months of fiscal year 2012-2013.
- 2. That, for the compensation as enumerated in paragraph 1 above for fiscal year 2012-2013, the Treasurer is requested to provide, under the direct supervision of the County Administrator, the following professional services:
 - a) Continuing to maintain, on a daily, monthly, and annual basis for internal controls, the County's Central Accounting System's General Ledger.
 - b) Restructuring the Chart of Expenditure Accounts for the County as they were prior to 2008.
 - c) Assisting in preparing and adopting the annual budget for fiscal year 2013-2014.
 - d) Monitoring Accounts Payable and Payroll in a more detailed level for internal controls.
 - e) Maintaining and posting all additional expenditure appropriations made by the Board of Supervisors and verifying that these amounts are in addition to the regular budget.

- f) Assisting County departments with budget issues and explanations of certain accounts.
- g) Posting and balancing all accruals at the end of the fiscal year to be in compliance with GASB.
- h) Assisting with the training of the payroll clerk and supervising backup when necessary.
- 3. That the County Administrator shall proceed to fill the position of payroll clerk, who shall be supervised directly by him and trained to perform the payroll function and additional finance duties as the payroll clerk's skills and abilities allow and time permits.
- 4. That one employee of the Treasurer receive additional compensation in the amount of \$300 a month for each of the twelve months of fiscal year 2012-1213, such employee to be trained and available to assist and provide backup to the payroll clerk when necessary.
- 5. That the authorization contained herein is contingent upon acceptance by the Treasurer and is with the understanding that such may be amended from time to time upon the mutual agreement of the Board of Supervisors and the Treasurer and, for services not yet rendered, terminated in its entirety by either party by giving one full calendar month's prior notice, one to the other, of its/his desire to terminate.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 22b. Sheriff's Department Request For Additional Funding

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors approves of and appropriates the additional funding of \$20,000.00 for the Sheriff's Department Spot Operations.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 23. Motion to Continue or Adjourn

ON MOTION OF SUPERVISOR STRINGFIELD seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the July 19, 2012 meeting of the Sussex County Board of Supervisors is hereby adjourned at 12:09 a.m.