

November 15, 2012

To: Honorable Members of the Sussex County Board of Supervisors
From: Thomas E. Harris, County Administrator
Subject: Sussex County Board of Supervisors November 15, 2012 Meeting
Regular Meeting – 7:30 p.m.
General District Court Room – Sussex Judicial Center

AGENDA

Item 1: 7:30 p.m. CALL TO ORDER/DETERMINE QUORUM

Item 2: THE INVOCATION/PLEDGE OF ALLEGIANCE

Item 3: AGENDA AMENDMENTS: *(none at this time)*

Item 4: APPROVAL OF REGULAR AGENDA

Recommendation: *Move to approve the Sussex County Board of Supervisors November 15, 2012 Regular Meeting Agenda, as presented (or with any amendments).*

Item 5: APPROVAL OF CONSENT AGENDA

- a. Approval of October 15 and October 18, 2012 Minutes
 - b. Budget Appropriations/ Transfers of Funds, \$ 743,589.94
 - c. Appropriation of Funds – Oyster Point Construction, \$ 539,498.35
 - d. Appropriation of Funds – Rancorn Wildman, \$ 6,642.70
 - e. Appropriation of Funds – Speight Marshall & Francis - \$ 2,500.00
 - f. Approval of Warrants and Vouchers
 - g. Resolution of Support the Application of the Southside Regional Medical Center to
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Establish an Open Heart Surgery Program

Item 6: STANDING REPORTS: STAFF/COMMITTEES/ORGANIZATIONS

Item 6-a: HEALTH DEPARTMENT: *No report at this time*

Item 6-b: COUNTY ADMINISTRATOR'S REPORT

Item 6-b-1: STATUS OF MICROPHONE(S) IN COURTROOM

The County Administrator has scheduled a site visit by Simplex Grinnell to evaluate and then recommend improvements to the Courthouse Sound System.

Item 6-b-2: UPDATE OF MOLD TEST FOR FORMER OFFICE SPACE USED BY COUNTY ADMINISTRATION

The preliminary mold tests have been completed and we are currently waiting for recommended work and estimated costs.

Item 6-b-3: VACATED SCHOOL PROPERTY

As previously shared the County will be receiving three vacated School Sites (2014) once the new Elementary School is completed and school equipment has been removed.

Item 6-b-4: CRATER DISTRICT AREA AGENCY ON AGING UPDATE BY DAVID SADOWSKI, EXECUTIVE DIRECTOR

I sent Mr. Sadowski a follow-up email to determine when the County could expect answers to the list of questions I previously sent on behalf of Mrs. Burgess.

Item 6-b-5: Report of Hurricane Sandy

Sussex County was very much blessed during Hurricane Sandy as the County was virtually unscathed. Sussex County closed its Emergency Operations Center October 30, 2012 after three days of monitoring the massive storm. While Hurricane Sandy laid waste to a large swath of the Eastern seaboard – Sussex County received virtually no damage or significant problems.

I would like to personally thank our staff in general and our EOC staff in particular for their quick and timely response to this crisis and further to acknowledge Mr. Vick, Mayor Britt, Mayor Mason, Mayor Franklin, Mayor Warf, Sheriff Bell, Dr. Harris and Chequila Fields for their communications and assistance ... it was most appreciated.

I would also like to thank the Honorable A.G. Futrell who not only weathered the storm with us at the EOC but proved to be very helpful in our operations.

We all realize and count our blessings that Sussex County was fortunate to not have to open an Emergency Shelter but let me assure you that Mr. Vick and school and county staff had three sites ready to open if the need arose.

As I previously emailed to the Board ... I signed an Emergency Declaration on Friday October 26th to insure that all eligible expenditures would be eligible for reimbursements from FEMA. As such the Board will need to approve it.

Recommendation: *To retroactively approve and sign the Sussex County Hurricane Sandy Emergency Declaration.*

Item 6-b-6: Entry Portal Signs

Please find attached two (2) items for your consideration. First is an Article I wrote a couple of weeks ago for the Sussex/Surry Dispatch where I am asking that the revenue collected from our newly instituted Clothes Recycling Program be placed in a separate line item for beautification projects ... including my pet project to install welcome signs to Sussex County.

Ironically the send is a request from Prince George County to install a Prince George Welcome Sign just inside the County line (in Sussex). It has already been approved by VDOT and they are merely asking permission from the County to install it on the property/VDOT right-a-way where the Tower is located.

Recommendation: *To approve the use of Clothes Recycling funds to do beautification projects – as funding permits, and to approve the Prince George sign as requested, and direct the County Administrator to complete all necessary correspondence.*

Item 6-b-7: Board Member Travel Reimbursements

Please find attached a summary of recent reimbursement requests. I have discussed these matters with both our Attorney and Auditor and therefore as County Administrator I am hereby asking for clarification and direction.

Item 6-b-8: I-95 and US 460 Bypass Projects (*Being Smarter*)

The Honorable Eric Fly asked that this item be placed on the Agenda. With regards to the County Administrator’s efforts to date please be advised that I have now met with the Governor’s Policy Staff, Secretary of Transportation Sean Connaughton and the Associate Director of the Federal Highway Administration

Please find attached a November 14, 2012 notice for a US 460 Public Meeting to be held by VDOT at the Surry County High School. The public is invited.

Item 6-b-9: Mega-site/Grant Budget

I have been asked to clarify where we are with regards to the County’s Mega-site ... especially as it pertains to finances. As such – please be advised that on October 31, 2012 Sussex County completed the purchase of the first 600 acres of the Mega-site utilizing the \$4.392 million dollars awarded to the County by the Tobacco Commission. It is my understanding that the Board was not aware that this award was for 90% of the land cost for the property under option at the time of the application. As such the County was required to pay the additional 10% as well as the full amount of the \$250,000.00 option on the “Peebles” Tract. (It is our intent to reimburse the County once the properties are timbered – thus reducing the County’s taxpayer contribution).

Furthermore, Sussex also submitted a new Grant application for additional land at the Mega-site and was required to have optioned land. I am pleased to say that through the efforts of Mr. Packer, we now have two parcels under option and further that the costs of these options are both included in the grant and will be deducted from the cost of the property at the time of settlement (if we receive grant approval in December).

And finally, I want to acknowledge the extraordinary work done by Mr. Andre Greene in drafting the Grant (as he did for the first grant); Mrs. Shannon Fennell of his staff for typing and

collating the Grant and of course Mr. Mike Packer for his legal and negotiating work ... and as County Administrator, I want to take this opportunity to publicly acknowledge and thank each of them for a job well done!

I hope this makes it clear, who has worked so hard on our Grants, what we actually received from the Commission and the cost that the County is paying as match to the Tobacco Commission awards. Thank you and if you have any questions I am available at your convenience.

Item 6-b-10: Unpaid Lobbyist for Sussex County

The Honorable C. Eric Fly, Sr. has asked that this be placed on the agenda as it has become somewhat confusing to officials in Richmond if he is speaking as a lobbyist representing clients or speaking as a member of the Board of Supervisors of Sussex County on the issue of the I-95 tolls. As he is afforded certain privileges, as small as they maybe, as an elected official, he does not wish any confusion surrounding his name or his motives. And quite frankly, he sometimes confuses himself over who he's speaking for.

Therefore, he would like to ask that this item be placed on the agenda so that the Sussex County Board of Supervisors can designate him as an unpaid lobbyist for Sussex County. This will allow him to file the proper paper work declaring his ability to represent, without pay, Sussex County on this matter. Making Sussex County both his native county and client and taking away any advantages some may claim I have as an elected official.

“However, let me be clear. There has been no report to me or to any official that regulates me of any conflict. I do this to simply stay as far away from even the appearance of impropriety as possible.”

Item 6-b-11: Noise Ordinance

Please be advised that the Noise Ordinance will be advertised for the December meeting. If you have any questions or need clarification please let me know.

Item 6-b-12: Crater Planning District Planning Commission

Please find attached a letter from Mr. Dennis Morris requesting that the Crater Planning District members support a continuation of the existing Planning District Boundaries. As you may be aware, the State evaluates these boundaries following every census to determine if changes may be required based on the new demographics. As County Administrator, I concur with Denny's position and would recommend a letter of support for retaining the current boundaries as well as our desire and intent to remain in the Crater Planning District.

Recommendation: *To authorize and direct the County Administrator to send a letter clarifying the County's position and providing our support for the existing planning district boundaries.*

Item 6-b-13: Please be advised that I need to apologize to the Board and especially the Honorable Raymond Warren because in my efforts to finish the Agenda earlier today I missed an email from Mr. Warren (Thursday November 8, 2012) that asked for several items to be included in the Board Agenda. As such I am taking the liberty of revising the Agenda. Once again, my apologies for any confusion this may have caused.

- a. Reintroduce last year's Resolution to leave a Board Meeting by 12 midnight.
- b. Reintroduce Citizen's Comments before 9:00 p.m.
- c. Remodel old County Administration Office for Commonwealth's Attorney.
- d. Ask the Chairman to step down.

Item 6-c. County Attorney's Report

Item 6-c-1: Tie Breaker Issue

Mr. Packer previously provided the Board with a legal summary and will need Board direction.

Item 6-c-2: Board Training

Mr. Packer previously provided the Board with a legal summary and will need Board direction.

Item 6-d: Treasurer's Report – Monthly financial report and bank reconciliation included in the Board packet.

Item 6-e: Commissioner of the Revenue – No report at this time

Item 6-f: Sheriff's Department – No report at this time

Item 6-g: Superintendent of School – No report at this time

Item 6-h: Director of Social Services – No report at this time

Item 7: Appointments

Please be advised that as we reach the end of 2012 there are several appointments that will need to be made:

A. Planning Commission Appointments: Appointments are still needed from Waverly and Courthouse Districts.

B. Appointment VA's Gateway Region Board of Directors: Both terms appointment of Mr. Raymond Warren and Mr. Rufus Tyler will expire on December 31, 2012.

C. Sussex County Board of Zoning Appeals: Mr. George C. Powell, Post Office Box 139, Waverly VA 23890 was appointed by Circuit Court Judge W. Allan Sharrett on April 4, 2012, to fill the unexpired term of Mr. Raymond L. Warren. His term will expire on January 31, 2013.

Item 8: Unfinished Business:

Item 8-a: Restricted Classification Plan: The Board has now had a copy of the draft RFP for several weeks following a Power Point presentation. As you are aware, one of the major concerns I have as County Administrator, is the lack of support for staff – especially those employees who consistently go above and beyond the call of duty because there is no fair and equitable way of addressing a staff that has seen several employees leave for higher paying positions in local government. The Sussex County RCP addresses those concerns and needs by establishing an easy and effective way to address these concerns.

Recommendation: *To adopt the RCP and allow the County Administrator to implement and evaluate County positions.*

Item 8-b: Board By-laws: As we have previously discussed, Board’s By-laws and/or Rules of Procedure are adopted at the organizational meeting. Unfortunately this has yet to be done so the Board has continued to review them for the past 11 months. As County Administrator, I will remind the Chairman and Board that the City of Lynchburg Rules of Procedure were used as the template for these By-laws and they have been reviewed and recommended by both the County Attorney and the County Administrator.

Recommendation: *To adopt the Sussex County By-Laws (Rules of Procedure) as drafted and modified.*

Item 8-c: Courthouse Addition (*tabled from October meeting*): This matter has been tabled and needs to be determined as the bid submittal cannot be honored indefinitely.

Item 8-d: The Improvement Association (Poverty Review): The Honorable Eric Fly asked that this item be included for discussion.

Item 9: Hearing of Citizens Comments

Item 10: New Business:

Item 10-a: Boy Scout Presentation and Funding Request: The Honorable C. Eric Fly, Sr., Scoutmaster asked that this item be added to the Agenda.

Item 11: 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. Economic Development Report: *No report at this time (see Mega-site information)*

E. Environmental Inspections: *No report at this time*

F. Housing Program: *No report at this time*

G. Planning and Zoning: *Report included*

H. Public Safety: *No Report t this time.*

Item 12: Board Members Comments/Reports

Blackwater District: _____

Courthouse District: _____

Henry District: _____

Stony Creek District: _____

Wakefield District: _____

Waverly District: _____

Item 13: Closed Session:

- a. Applicable Code Section 2.2-3711(A)

To move into a Closed Session the Chairman will need a motion stating the specific paragraph. The motion shall read:

WHEREAS, the Board of Supervisors of Sussex County desires to enter into a Closed Session for the following matter(s):

WHEREAS, pursuant to §2.2-3711 VA Code as Amended, such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Sussex County does hereby authorize discussion of the aforestated matters in Closed Meeting.

Item 14: RETURN TO OPEN MEETING

Upon return from the closed meeting, the Chairman will need a motion to return to the open meeting.

Item 15: CERTIFICATION OF CLOSED MEETING

WHEREAS, the County of Sussex Board of Supervisors has convened in 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 Code of Virginia, 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.

- *Vote is to be made by roll call*

Item 16: MOTIONS FROM CLOSED MEETING

Once the Closed Meeting is certified, the Board may proceed, if necessary, with any action resulting from the closed meeting.

Item 17: RETURN TO CLOSED SESSION (IF NEEDED)

Item 18: MOTION TO CONTINUE OR ADJOURN MEETING

A motion will be necessary to continue or to adjourn the meeting.
