

**At a Public Hearing Meeting of the Sussex County Board of Supervisors
Held on Thursday, October 15, 2009 at 7:30 p.m., in the
General District Courtroom – Sussex Judicial Center**

BOARD MEMBERS PRESENT

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

STAFF PRESENT

George E. Morrison, III, Deputy County Administrator
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Brenda H. Drew, Housing Programs Coordinator
Tony S. Johnson, Senior Animal Control Officer
Deborah A. Davis, Assistant to County Administrator
Nicole L. Scuderi, Administrative Secretary

ITEM 1. Call To Order/Pledge of Allegiance/Invocation

The October 15, 2009 meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly; the Pledge of Allegiance was led by Supervisor Birdsong; the Invocation was offered by Supervisor Caple.

Chairman Fly announced that Mr. Bill Galloway (owner of the Virginia Diner) passed away and funeral services will be held for him at Wakefield United Methodist Church on October 16, 2009.

ITEM 2. Adoption of Regular Agenda

ON MOTION OF SUPERVISOR HARELL, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Regular Agenda of the October 15, 2009 meeting, inclusive of the following: (Under County Administrator's Report, add Emergency Communications System as #5A, and Building Official as item #7.

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

Voting nay: none

ITEM 3. Adoption of Consent Agenda

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent Agenda of the October 15, 2009 meeting, inclusive of the following: (1) Warrants & Vouchers in the amount of \$309,325.51; (2) Payroll Deduction Checks in the amount of \$141,747.53; (3) Appropriation of \$100.00 to be restored in Sheriff's Department budget line item 51100-1201 512 510; and (4) Additional expenditure of \$2,657.00 payable to the Department of Forestry for the increase in forestry protective services.

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

ITEM 4. Standing Reports

ITEM 4a) Health Department – absent

ITEM 4b) Highways, Streets & Roads

Mr. William Richardson, Assistant Residency Administrator, Waverly Residency, Virginia Department of Transportation addressed the Board and reported the following: mowing on primary and secondary roads throughout the County is nearing completion; the crew will also begin litter pickup; the crew is looking to close seal dips and cover potholes on County roads; the VDOT employees in the Franklin Residency have found jobs.

Supervisor Birdsong: “How will the state funding cuts affect Sussex County?”

Mr. Richardson: “I don’t really know. The state office will let our offices know where there is something else to report.”

Supervisor Tyler: “What is the update on Smith Lane?”

Mr. Richardson: “To place a cul-de-sac at the end of the road, check on the rights-of way. I have not heard anything from Mr. Rivers lately, but I will try to get an update next week.”

ITEM 4c). County Administrator’s Report

ITEM 4c1). Livestock Claim

Deputy County Administrator, George E. Morrison, III, advised that included in the Board packet is a claim submitted by Animal Control Officer, Tracy L. Spiers, for livestock slaughtered by dogs running at large in the area of 38476 Rocky Hock Road, Wakefield VA. The value estimate of the animals slaughtered is \$700.00. (Also included is the incident report, animal intake records on dogs trapped in relation to this incident, value sheets for the livestock slaughtered and dispatch record from the Sussex County Sheriff’s Department).

Animal Control Officer Tracy Spiers addressed the Board and advised that according to the code, the maximum amount that could be paid on this claim is \$544.20.

Staff recommends that the Board approve the foregoing request and pay the claim.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisor hereby approves of the payment of \$544.20 livestock claim to Ms. Loraine Murphy, 38476 Rocky Hock Road, Wakefield VA 23888.

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

Supervisor Birdsong: “A few months ago, a man came before the Board and complained about his sheep being attacked by a neighbor’s dog. The Board took no action, what is the difference in his claim and the one we just approved?”

Senior Animal Control Officer Johnson: “That matter is currently being handled through the courts.”

Supervisor Parker: “The County needs to do a better job of enforcing animal laws; there are too many dogs running loose.”

Chairman Fly asked Deputy County Administrator, George E. Morrison, III to work with Animal Control staff on the animal problems in the Town of Waverly.

ITEM 4c2). Finance Committee Report

Chairman Fly thanked the Finance Committee for their hard work on the budget and said that he was pleased to report that the budget is being managed properly. He stated that the Finance Committee is presenting two (2) solutions at tonight’s meeting: (1) A resolution to cover the budget shortage by recommending a transfer of \$600,000.00 from the elementary school project to the County’s General Fund; (2) Transfer \$250,000 from the Schools Capital Project to the County’s General Fund.

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the transfer of \$600,000.00 from the elementary school(s) construction project to the General Fund.
Voting aye: Supervisors Caple, Fly, Harrell, Parker, Tyler
Voting nay: Supervisor Birdsong

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR CAPLE and RESOLVED that the Sussex County Board of Supervisors hereby approves of the transfer of \$250,000.00 from the Schools Capital Project Fund to the County’s General Fund.
Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler
Voting nay: none

ITEM 4c3). Richmond-Crater Regional Hazard Mitigation Plan Letter of Intent

Deputy County Administrator, George E. Morrison, III reported that he attended Crater Planning District Commission’s meeting on October 8, 2009. Mr. Jim McClure (Crater Planning Staff) requested that all City Managers and County Administrators in attendance request approval from their respective Councils and Boards of Supervisors to participate in the Richmond-Crater Regional Hazard Mitigation Plan. By signing the Letter of Intent, Sussex County would commit to participating in the revision of the Crater Regional Hazard Mitigation Plan to be prepared by the Richmond Regional District Commission and the Crater Planning (Subcontractor) in accordance with the requirements outlined in the Code of Federal Regulations, Title 44, Part 201.6, and guidance provided by the Virginia Department of Emergency Management.

Sussex County would voluntarily enter into the agreement and would commit to participating fully in the plan revisions, acknowledging that such participation shall include, but not limited to local attendance/representation at upcoming planning and public meetings, responses to detailed

inquiries and data requests and fulfillment of the local match requirement by providing and tracking in-kind services and materials associated with those activities described above.

Staff recommends the Board's approval for Sussex County to participate in the Richmond Crater Regional Hazard Mitigation Plan as well as provide County Administration permission to sign the Letter of Intent on behalf of the County.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that that the Sussex County Board of Supervisors hereby approves of participating in the Richmond-Crater Regional Hazard Mitigation Plan and grants County Administration permission to sign the Letter of Intent on behalf of the County.

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

Voting nay: Birdsong

ITEM 4c4). BB&T/McGill Renewal of Letter of Credit

Deputy County Administrator, George E. Morrison, III, advised that included in the Board's packet is a memorandum from Mr. Jerry L. Whitaker, Director of Finance, requesting the Board's adoption of the BB&T Bank Resolution for the McGill Environmental Project. The letter of credit is between Sussex County (Grant Recipient) and BB&T. McGill is the sub-recipient and has not met the employment requirements of the grant as of today.

The conditions of the grant require McGill to fill ten (10) full time jobs. As of today's date, nine full-time positions and one (1) part-time position have been filled. McGill-Leprechaun indicated to the Director of Finance that they will be advertising for one or two full-time positions within the next month.

Also, included in the Board's packet is the Application for Amendment to "Irrevocable Standby Letter of Credit. The application fee is \$350.00 plus \$16.00 for good standing search. This cost will be absorbed in Administration's budget.

Staff recommends adoption of the Bank Resolution and appropriation of the application and good standing search fees totaling \$366.00.

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Branch Bank and Trust Resolution and appropriates \$366.00 for the application and good standing search fees for the renewal of the letter of credit for the McGill Environmental Project.

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

Voting nay: none

ITEM 4c5. Dewberry Proposed Courthouse Addition

Deputy County Administrator, George E. Morrison, III advised the Board that included in the Board's packet is a copy of the proposal from Dewberry as it relates to the proposed addition for the Commonwealth's Attorney's Office. The Board has discussed this matter at several meetings, but no action has been taken.

By general consensus, the Board decided to discuss this matter in Closed Session.

ITEM 4c5a). Emergency Services – Radio System Update

Chairman Fly advised that the Finance Committee has discussed the need for a radio system update in previous meetings. The current system is inadequate and the County is unsure of what type of system to purchase that will accommodate its needs and be cost effective.

Deputy County Administrator, George E. Morrison, III, reported that included in the Board's packet is a copy of a memorandum dated October 2, 2009, from Mr. Eddie T. Vick, Public Safety Coordinator. Mr. Vick's recommendation is to hire a communications consultant (via Request For Proposal process) to make an assessment and evaluate the current system.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the recommendation of the Finance Committee to authorize the Public Safety Coordinator to prepare a request for proposal to contract with a consultant to assist with the County's radio system update.

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

Voting nay: none

ITEM 4c) 6). Director of Finance Report

Director of Finance, Jerry L. Whitaker reported on the 1st Quarter Report for the period ending September 30, 2009. (A copy of the report is retained in the October 15, 2009 Board packet).

ITEM 4c7). Building Official

Supervisors Parker and Birdsong voiced their concerns about dilapidated houses in the Towns of Waverly and Wakefield. They asked if the Building Official could send letters to owners advising them of the building codes as it relates to dilapidated houses.

County Attorney Thompson advised that he would contact the Building Official for further review and discussion.

ITEM 4d). Treasurer's Report

As reported by the Treasurer, Onnie L. Woodruff, the statement of money in the banks to the credit of Sussex County, at the close of business September 30, 2009 was \$20,701,217.69. (A copy of the Treasurer's Report is retained in the October 15, 2009 Board packet).

ITEM 4e). Commissioner of the Revenue – no report

ITEM 4f). Sheriff's Department Report

ITEM 4f1). LLEBG Grant #09-H1205LO08

Deputy County Administrator, George E. Morrison, III, reported that included in the Board's late agenda packet is information received from Sheriff Raymond R. Bell. The grant is for federal funds in the amount of \$2,390.00 and local matching funds in the amount of \$266.00 for a total

grant award of \$2,656.00. These funds will be used to purchase new hand held radios and accessories for use in the courthouse. This will enhance communications between the officer working in the courthouse and the E-911 center at the Sheriff's Office.

With the increase in the volume of cases being heard in Sussex Courthouse, clear and dependable communication not only increases officer safety, but the safety of the public who enters the facility.

Sheriff Bell advised the Board that the grant was previously accepted, but the Board now needs to appropriate the local match.

Sheriff Bell also asked the Board to correct overtime and holiday pay for the deputies.

ITEM 4g). Superintendent of Schools – absent

ITEM 4h). Director of Social Services – absent

ITEM 4i). County Attorney's Report – no report

ITEM 4j). Building and Grounds Committee – no report

ITEM 4k). Animal Care Advisory Committee – no report

ITEM 5). CITIZENS' COMMENTS

Comments were heard from the following:

Mr. Fred Turck (Blackwater District): "Sussex County Animal Pound Aides (SCAPA) is pleased to provide to the board its third newsletter. It includes information on safety tips for pets for Halloween, Awareness Day, Wakefield Homecoming. When will the animal control volunteer manual be completed? I visited the pound recently and things are improving and looking good."

Mr. Kevin Bracey (Waverly District): "I don't understand why it is taking so long to finish the animal control volunteer manual. The County staff has been working on it for well over a year."

ITEM 6). UNFINISHED BUSINESS – none

ITEM 7). NEW BUSINESS

Supervisor Birdsong: "Lots of citizens ask questions during the Citizens' Comment" period and never receive answers. I would like for Administration to take note of the questions and provide answers to the citizens.

ITEM 8). CLOSED SESSION

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter a Closed Meeting under the provisions of Section 2.2-3711(A), to discuss Legal Matters and Prospective Business, applicable Code Sections 2.2-3711(A)(7) and 2.1-3711(A)(5).

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

ITEM 9). RETURN TO OPEN SESSION

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR TYLER 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, Tyler
Voting nay: none

ITEM 10). Other Matters

July 16, 2009 Minutes

Deputy County Administrator, George E. Morrison, III, asked the Board advise him of the status of the July 16, 2009 minutes. Supervisors Birdsong has indicated that they were incomplete, but without explanation.

Animal Control Issues Within The Towns

Supervisor Harrell stated that the Board needs to discuss the issue surrounding dog biting incidents in Waverly. Currently Sussex County Animal Control cannot enforce these issues in the Town of Waverly.

Vice Chairman Tyler recommended that the Board should review and address the issue of animal control services within the towns, confer with the County Attorney and then act upon it.

County Attorney Thompson advised that he will draft a resolution and present it to the Board.

Supervisor Harrell stated that the Board needs to find out if the Towns will agree to the County enforcing animal control issues within their jurisdiction.

Dewberry – Proposed Courthouse Addition

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the sum of \$3,400.00 for architectural design and drawing of plans to be completed

by Dewberry for the proposed addition/office space to be occupied by the Commonwealth's Attorney Office; and

FURTHER RESOLVED that staff is authorized to request two (2) sets of plans from Dewberry.

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

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to arrange for the re-testing for mold, etc., in the Commonwealth's Attorney's Office and the office space formerly occupied by County Administration.

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

Voting nay: none

Letter to Mrs. Anne Joyner

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that a letter be sent to Mrs. Anne Joyner, regarding her resignation as county representatives to the Animal Advisory Committee.

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

Voting nay: none

ITEM 11. RECESS

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the October 15, 2009 meeting of the Sussex County Board of Supervisors meeting is hereby recessed until 5:00 pm, Thursday, November 19, 2009, for Finance Committee meeting.

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

Voting nay: none

