

**At a Public Hearing of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center  
On Thursday, October 21, 2010, 7:00 p.m.**

**MINUTES**

**BOARD MEMBERS PRESENT**

T. W. Birdsong  
Harris L. Parker

Charlie E. Caple, Jr.  
Rufus E. Tyler, Sr.

C. Eric Fly, Sr.

**BOARD MEMBER ABSENT**

Wayne M. Harrell

**STAFF PRESENT**

George E. Morrison, III, Interim County Administrator  
Andre M. Greene, Director of Planning  
Somerbreze M. Hall, Assistant to Building Official  
Nicole L. Scuderi, Administrative Secretary  
Erin E. Belt, Code Compliance Specialist  
Deborah A. Davis, Assistant to County Administrator

**Item 1) Call To Order**

The October 21, 2010 Public Hearing of the Sussex County Board of Supervisors was called to order by Chairman Parker.

**ITEM 2) Approval of Agenda**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the agenda of the October 21, 2010 public hearing.

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

Voting nay: none

Absent: Supervisor Harrell

**ITEM 3). Public Hearing**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors shall enter Public Hearing to consider the following: (1) Conditional Use Permit Application #2010-01, David J. Taylor, applicant; (2) Conditional Use Permit Application #2010-02, Walter Tuma, applicant; and (3)

Amendment to Conditional Use Permit #2009-03, James Matthews and Patrick Matthews, applicants.

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

Voting nay: none

Absent: Supervisor Harrell

#### **ITEM 4) Consideration of Public Hearing Items**

George E. Morrison, III, Interim County Administrator, advised that Mr. Andre M. Greene, Director of Planning, is in attendance and he would like to request that one of the items for consideration be removed from the agenda.

Mr. Greene requested that Conditional Use Permit Application #2010-02 be withdrawn and sent back to the Planning Commission for further study.

Supervisor Birdsong advised that he had no problem with the request, but he has information that he would like to share with Mr. Greene and the Board; so he would like for it to remain on the agenda so that it can be discussed.

Chairman Parker allowed the Conditional Use Permit Application #2010-02 to remain on the agenda.

#### **ITEM 4a) Conditional Use Permit Applicant #2010-01, David J. Taylor, applicant**

The Staff Report was presented by Mr. Andre M. Greene, Director of Planning.

Pursuant to Section 16-22, subsection (37) of the Zoning Ordinance, the applicant, David J. Taylor is requesting a conditional use permit to locate a kennel at 15905 Concord Sappony Road. The property in question, identified as tax map number 83(3)1-, is zoned A-1, General Agricultural District. The A-1 District allows the proposed use with a conditional use permit.

Recommendation – Approval

The Planning Commission at their January 4, 2010 meeting voted unanimously (6-0) to recommend approval of Conditional Use Permit Application #2010-01 subject to the following conditions:

1. The applicant shall obtain a kennel license from the Sussex County Treasurer's Office and present proof to that office that the dogs have been vaccinated against rabies.
2. The existing buffer of trees adjacent to the dog pens shall be maintained unless permission is granted by the Planning Office to remove these trees.
3. No more than fifty (50) dogs over six (6) months of age shall be permitted at any one time.

The Animal Control Department has indicated that they will make random inspections (at least twice a year) of the property to ensure compliance. (A copy of the complete staff report is retained in the October 21, 2010 Board file).

**Item 4aI) Public Comment**

Public comments were heard from the following:

Ms. Diana Birkett, Stony Creek District, objected to Conditional Use Permit Application #2010-01.

Mrs. Anne Joyner, Courthouse District, advised that she has some great concerns.

Mr. Ronald W. Hicks, Stony Creek District, voiced several concerns .

Mr. David Taylor (applicant) stated his case.

(Supervisor Fly left the meeting room at 7:25 p.m.).

**ITEM 4b) Conditional Use Permit Applicant #2010-02, Walter Tuma, applicant**

Supervisors Birdsong provided photos and documentation to members of the Board and to the Director of Planning.

Mr. Andre M. Greene, Director of Planning, recommended that the Board of Supervisors return this conditional use permit application back to the Planning Commission.

**Item 4bI)Public Comment**

Mrs. Anne Joyner – advised that she is pleased to know that this item will be returned to the Planning Commission.

**Item 4c) Amendment to Conditional Use Permit #2009-03, James Matthews and Patrick Matthews, applicants**

Staff report presented by Mr. Andre M. Greene, Director of Planning

The applicants, James Matthews and Patrick Matthews, are requesting an amendment to Conditional Use Permit #2009-03 to permit the outdoor storage of salt on portions of tax map numbers 137-(A)-15 and 15A. The properties in question are zoned A-1 General Agricultural District, which allows the storage of salt with a conditional use permit.

The site in question totals 4.76 acres and is located on the west line of Blue Star Highway (U.S. Route 301) at 21330 Blue Star Highway in the Henry Election District.

Conditional Use Permit #2009-03 currently allows for the bulk storage of sand, lime and gravel on the subject property. The proposed amendment would allow the outdoor bulk storage of salt. The salt is intended to be used on roadways during inclement weather.

The Planning Commission found that the outdoor storage of salt would be consistent and comparable with existing and surrounding land uses and the Commission does not anticipate any negative impacts from the proposed use of the property for the storage of salt.

Therefore, at their August 30, 2010 meeting, the Planning Commission voted unanimously (6-0) to recommend approval of the requested amendment, subject to the conditions currently attached to Conditional Use Permit #2009-03.

**Item 4c1) Public Comment**

No public comment.

**ITEM 5) RETURN TO REGULAR SESSION**

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

Voting aye: Supervisors Birdsong, Caple, Parker, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

Absent: Supervisor Harrell

(Supervisor Fly re-entered the meeting room at 7:35 p.m.).

**Item 6) Action on Conditional Use Permit #2010-01**

ON MOTION OF SUPERVISOR CAPLE to approve Conditional Use Permit Application #2010-01, David J. Taylor, applicant.

No second, motion fails.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees to table Conditional Use Permit Application #2010-01, David J. Taylor, applicant, until such time that the Treasurer's Office, Planning and Zoning Office and staff have an opportunity review the ordinances.

Voting aye: Supervisors Birdsong, Fly, Parker

Voting nay: Supervisor Caple

Abstaining: Supervisor Tyler

Absent: Supervisor Harrell

**Item 7) Action on Conditional Use Permit #2010-02**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables Conditional Use Permit Application #2010-02, Walter Tuma, applicant; and

FURTHER RESOLVED that the application be forwarded back to the Planning Commission for further review.

Voting aye: Supervisors Caple, Fly, Parker, Tyler

Voting nay: Supervisor Birdsong

Absent: Supervisor Harrell

**Item 8) Action on Amendment to Conditional Use Permit #2009-03**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Amendment to Conditional Use Permit #2009-03, James Matthews and Patrick Matthews, applicants, to permit the outdoor storage of salt on portions of tax map numbers 137-(A)-15 & 15A, subject to the conditions currently attached thereto.

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

Voting nay: none

Absent: Supervisor Harrell

**Item 9) Adjournment**

The Chairman announced that the public hearing was adjourned.

**At a Regular Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center on  
Thursday, October 21, 2010, 7:30 p.m.**

**MINUTES**

**BOARD MEMBERS PRESENT**

T. W. Birdsong  
Harris L. Parker

Charlie E. Caple, Jr.  
Rufus E. Tyler, Sr.

C. Eric Fly, Sr.

**BOARD MEMBER ABSENT**

Wayne M. Harrell

**STAFF PRESENT**

George E. Morrison, III, Interim County Administrator  
Jerry L. Whitaker, Director of Finance  
Andre M. Greene, Director of Planning  
Somerbreze M. Hall, Assistant to Building Official  
Nicole L. Scuderi, Administrative Secretary  
Erin E. Belt, Code Compliance Specialist  
Eddie T. Vick, Public Safety Coordinator  
Brenda H. Drew, Housing Programs Coordinator  
Deborah A. Davis, Assistant to County Administrator

**Item 1) Call To Order/Pledge of Allegiance/Invocation**

The October 21, 2010 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 Chairman Parker.

**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 October 21, 2010, meeting, including the following additions: (1) Under County Administrator's Report, Add #7, Regional Jail Status Report; and (2) Under Closed Session, add c, Prospective Business, Applicable Code Section 2.2-3711(A)(5).

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

Voting nay: none

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of discussion of Improper Closed Session as a Closed Session item on the regular agenda.

Voting aye: Supervisors Caple, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly

Absent: Supervisor Harrell

### **Item 3) Consent Agenda**

ON MOTION OF SUPERVISOR FLY, 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 Appropriation in the amount of \$884.61 payable to the VA Employment Commission for unemployment benefits; (2) Approval of Appropriation in the amount of \$400.00 for National Association of Counties Membership Dues for January 1, 2011 through December 31, 2011; (3) Approval of Warrants and Vouchers in the amount of \$306,364.47 and (4) Approval of Payroll Deduction Checks in the amount of \$146,491.68.

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

Voting nay: none

Absent: Supervisor Harrell

Supervisor Fly asked that the September 16, 2010 minutes be removed from the Consent Agenda and be placed as Item 3d.

### **Item 3d) Approval of Minutes of September 15, 16, 23, 2010 Board Meeting**

Supervisor Fly distributed a document to members of the Board of Supervisors, Interim County Administrator and the County Attorney. He made reference to Page 16, Item 8, Closed Session of the minutes of September 16, 2010. He stated that the section which he referenced is incorrect as it stands in the minutes and asked that the information (which is verbatim) in the document that he distributed be inserted in the September 16, 2010 minutes.

County Attorney Thompson asked that the Board join in Supervisor Fly's comments regarding same. He advised that the minutes need to be amplified and the subject matter regarding the Interim County Administrator at the September 15<sup>th</sup> meeting was done in open session.

ON MOTION OF SUPERVISOR FLY that the Item #8 on Page 16 of the September 16, 2010 minutes be amended per the document provided by Supervisor Fly.

After some discussion, Supervisor Tyler seconded Supervisor Fly's motion that the Board accept this amendment.

County Attorney Thompson recommended that the Board not accept this amendment.

Chairman Parker stated that the Board can table this, listen to the recording and make a decision at a later date.

Supervisor Tyler withdrew his second and proceeded to make a substitute motion.

Supervisor Birdsong then seconded Supervisor Fly's motion to amend the minutes.

Supervisor Tyler offered a substitute motion.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorize the County Administrator, Mr. Fly and the person who takes the minutes to review the tape and come back with exactly with what's on the tape and incorporate it in the minutes.

Voting aye: Supervisors Caple, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the minutes of the September 15, and September 23, 2010 meetings.

Voting aye: Supervisors Caple, Fly, Parker, Tyler

Voting nay: Supervisors Birdsong

Absent: Supervisor Harrell

**Item 4a) Health Department** – no report

Supervisor Fly recommended that Citizens' Comments be heard at this time. The Board, by general consensus, continued the meeting with the County Administrator's Report.

**Item 4b) County Administrator's Report**

**Item 4b1) Celebration of Halloween**

George E. Morrison, III, Interim County Administrator, advised that it had been brought to his attention of County Administration that the towns within the County are celebrating Halloween on Saturday, October 30, 2010, since the actual day of Halloween falls on a Sunday. A request has been made and permission is sought for Sussex County to observe Halloween on the same day, Saturday, October 30, 2010. The time suggested is 6:00 p.m. to 8:00 p.m.

Action Requested: Staff recommends that the Board approves the observation of Halloween within the County on Saturday, October 30, 2010 from 6:00 p.m. to 8:00 p.m.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the observation of Halloween within the County on Saturday, October 30, 2010, from 6:00 p.m. to 8:00 p.m.

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

Voting nay: none

Absent: Supervisor Harrell

#### **Item 4b2) The Allen W. Gibson Community Park Request Letter – Town of Waverly**

George E. Morrison, III, Interim County Administrator, advised the Board that included in their packet is a copy of a letter from the Honorable Walter J. Mason, Mayor, Town of Waverly requesting assistance in building the town's proposed Allen W. Gibson Community Park. Staff recommends that the Board forward this request to the Finance Committee for discussion and recommendation to the Board of Supervisors.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG, and carried: RESOLVED that the Sussex County Board of Supervisors hereby forwards the request from Waverly Mayor, The Honorable Walter J. Mason, regarding the proposed Allen W. Gibson Community Park, to the Finance Committee, for further review and discussion.

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

Voting nay: none

Absent: Supervisor Harrell

#### **Item 4b3) Mid Atlantic Broadband – Hub Site Easement Request**

George E. Morrison, III, Interim County Administrator, advised that included in the Board's packet is an easement agreement requested by Mid-Atlantic Broadband. Also is a plat indicating the desired location for their job hub site. Mr. Gary Ramsey and Mr. Hunter Ford are in attendance to answer any questions.

Mr. Ford addressed the Board regarding the Stony Creek Hub Site. He advised that the project was funded by grant dollars. They are looking for an easement in Stony Creek and in Waverly.

**There was no action taken by the Board.**

#### **Item 4b4) First Quarter – Employee Recognition**

George E. Morrison, III, Interim County Administrator, stated that recognizing staff for a job well done or for exceeding their daily job duties for the good of the citizens of Sussex County is essential. Sussex County has an outstanding staff and they should be recognized when their performance warrants such acknowledgement.

This award is given quarterly to a fellow employee for outstanding job performance and/or for going above and beyond their daily duties to provide Team Sussex and its citizens, outstanding service.

The first quarterly recipient of the Administrator's Award for Fiscal Year 2011 is Ms. Deborah A. Davis. Ms. Davis is nominated by her Supervisor, the Interim County Administrator. In his nomination of Ms. Davis, Mr. Morrison recognized her willingness to take on any task at hand and stay with it until the job is thoroughly completed with the utmost professionalism. She has taken on, at her Supervisor's request and without hesitation, numerous projects and responsibilities as he filled in for the County Administrator, as well as maintained his position as Deputy County Administrator. No task seems too large or mundane for her to address.

She continues to seek innovative ways to more efficiently and effectively maintain Administration. As one example, and there are many, she was ahead of the Board and Administration in seeking a recording system to maintain the Board of Supervisors' meeting as well as develop accurate minutes of these proceedings. She further seeks and suggests more innovative ways to aid Sussex County government. She currently is researching a more manageable agenda format to aid in expediting the procedures during Board meetings to shorten the meeting length. These aforementioned qualities, just to enumerate a few, are why it is only fitting that she be the next recipient of the 2011 Fiscal Year Administrator's Award.

Chairman Parker presented the award to Ms. Davis.

#### **Item 4b5) Fiscal Year 2009-2010 Four For Life Funding**

George E. Morrison, III, Interim County Administrator, advised the Board that included in their packet is a memorandum received from Mr. Eddie T. Vick, Public Safety Coordinator, indicating that the Stony Creek Rescue Squad did not receive their Four For Life funding in Fiscal Year 2009-2010. Mr. Vick requests and staff recommends re-appropriation of \$3,198.43 from line item 21500-2110-252-210-522 in Fiscal Year 2009-2010 to the Fiscal Year 2010-2011 budget.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and re-appropriates the amount of \$3,198.43 from line item #21500-2110-252-210-522 in Fiscal Year 2009-2010 budget to line item #21500-2110-252-210-522 in Fiscal Year 2010-2011 budget.

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

Voting nay: none

Absent: Supervisor Harrell

#### **Item 4b6) 2010 and 2011 Aid to Locality Funding**

George E. Morrison, III, Interim County Administrator, advised the Board that included in their packet is a memorandum received from Mr. Eddie T. Vick, Public Safety Coordinator, indicating that Sussex County has received the Fiscal Years 2010 and 2011 Aid To Locality funding in the amount of \$46,704.00 (\$24,234.00 for Fiscal Year 2010 and \$22,470.00 for Fiscal Year 2011). Mr. Vick requests and staff recommends that the Board of Supervisors accept and appropriate this funding to be used by the fire departments.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the Aid to Locality Funding in the amount of \$24,234.00 for Fiscal Year 2010 and \$22,470.00 for Fiscal Year 2011.

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

Voting nay: none

Absent: Supervisor Harrell

#### **Item 4b7) Regional Jail Status Report**

George E. Morrison, III, Interim County Administrator, advised that he has received a proposal from Southside Regional Jail for Sussex County to opt into the regional jail system. Staff is in the process of getting a third party/outside source to review the proposal. Once that information is received from the third party, a meeting will be scheduled with the Regional Jail Study Committee for further discussion.

#### **Item 4b8. Director of Finance Report**

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

##### Landfill Revenues

- Based on current projections, the estimated revenues will be \$5,973,633, if revenues are consistent with FY 2010 amounts for the remaining nine 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.
- September fees (\$545,971) have been entered based on a phone conversation with Atlantic Waste Disposal, Inc.

##### Expenditures

- The benchmark for percentage remaining unexpended appropriated funds is 75%.
- Almost all departments are in line with this benchmark.
- All departments have been encouraged to reduce spending where possible.

##### Financial Statements – June 30, 2010

- The external auditor was on site from September 27– 30 conducting fieldwork.
- Financial statements should be available December 31, 2010.

(A complete copy of the Financial Report is retained in the October 21, 2010 Board packet).

#### **Item 4b9) Separate Check For Overtime Pay**

Supervisor Fly requested that this issue be discussed in the Finance Committee, since the Sheriff is absent.

#### **Item 4c) Treasurer's Report**

Onnie L. Woodruff, Treasurer, distributed a document to the Board (not provided to the Deputy Clerk to the Board). He reported that the tax bills have been mailed and there have been some corrections to some of the assessments. (A copy of the Treasurer's Report is retained in the October 21, 2010 Board packet).

Mr. Woodruff advised that he will need to meet with the Finance Committee regarding the upgrade to the AS400.

**Item 4d) Commissioner of the Revenue** – no report

**Item 4e) Sheriff's Report** – absent

**Item 4f) Superintendent of Schools**

Dr. Charles H. Harris, III, Division Superintendent of Schools, requested funding of the Elementary Construction Program. He advised that the Sussex County School Board is resubmitting its request from the August 20, 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 costs continue to appear to be below the high cost of where school construction was several years ago.

Supervisor Fly asked if this issue could be sent to the Finance Committee.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE that the Board of Supervisors accept the School Board's recommendation to build a centralized school and refer this item to the Finance Committee.

Supervisor Birdsong advised that there has already been a motion to approve and unless you were on the winning side, you cannot bring it back up.

The motion was not carried by the Chairman.

**Item 4g) County Attorney** – no report

**Item 4g) Director of Social Services** – no report

**Item 5) Citizens' Comment**

Comments were heard by the following citizens:

- Kevin Bracy, Courthouse District, stated that Board is always pointing out County employees and that's great and wonderful; he has lived in County over five years and sees Mrs. Ellen Boone working after office hours and he believes that she should be applauded. He also stated that he would like to see a copy of the records that the County is keeping of the numbers of loads going through the landfill and who is checking because he does not believe the County is getting the money it is due because there is no proper checks and balances. And the bidding process in this County is a joke. Have spoken to Mr. Thompson about this repeatedly and have received no response from him.
- Raquel Hill and her daughter, Stony Creek; daughter read a statement asking for one new school. Ms. Hill stated that she was concerned and puzzled, first meeting she is attending and doesn't know what the hesitation is about getting a new elementary school. She asked for clarification as to why we don't have one. Where do we go to get these things answered?

- Terry Massenburg, Henry District, She stated that she heard \$18 million, 2 schools (one on the east and one on the west), that is not acceptable. Children are the future. Other localities are ahead of us, children need to be put first. She advised the Board that they have no right to deny the children.
- William Ivy, Henry District, a 1976 graduate of Sussex Central High School, wants one centralized school. Everyone needs to come together and be on one accord for our young people.
- Marsha Bishop, Stony Creek, she has a first grader and a third grader at Jefferson Elementary. She noted that she does not know what the controversy of one school versus two schools is. She advised that she has googled a few addresses in the County, one being the last address on Route 460 down below Wakefield. It is 22.3 miles from that site to the middle and high schools. And then she googled far southwest last address on Route 301 south and that is 22.1 miles. There are kids that live not far from where we are not that ride the bus to Jarratt. There are kids on Railroad Bed Road, they have to ride the bus to Jarratt and that is 19.9 miles. There are kids that live on Baxter Road who ride the bus to Wakefield; that is 22.7 miles. So what is the difference? Just putting it in perspective. Operational costs with old schools are high. If all resources are put together and build one school, we could save money in the long run.
- Tameka Massenburg Williams, Henry District, advised Supervisor Tyler that she voted for him. Was educated in the Sussex County School System. If we want people to stay in the County we need to offer them a decent school. She advised the Board that if they cannot make a change, the citizens will put people there that can.
- Rodney Garrett, Henry District, gone about this for several and Board has heard several comments. Because of the constitution of the Board, it is not conducive to getting things done; you have six members that sit on the Board, with a 3-3 vote, how can you ever have a majority? Things will stay stagnated forever. There is no reason for this to be talked about for five or six years. Elect an at-large seat, so we can move on. Children deserve a little more than that, let's get it done for them.
- Elliott Shands, Stony Creek District, advised he has been to most of these meetings. Some Board members came on with an agenda, to stop school construction. All kinds of jokes, but the joke is on the kids and the taxpayers. It's time to stop the joke, the schools are outdated and cost a lot to operate. All because of the irresponsible way that this Board is disrespecting the School Board and the children. He also stated that he wondered that if the majority of the children were white, would you do anything differently? If the majority of the Board was white, would you do anything differently? If the majority of the children were white, would you do anything differently?
- Ora Briggs, Stony Creek District, advised that she is making her usual request. She asked the Board to let her share her observations of tonight's meeting, which is typical of the Board's monthly meeting. She sees on one hand a spoiled brat who cannot have his way, who tantrums over nothing of significance. She advised that she sees a wife of a supervisor responding to motions tonight, and she's not even an elected official on the Board. (Chairman Parker asked her to not make her comments personal). She asked him to please note that she has called no names. She has seen a lot of confrontation over nothing that will benefit Sussex County and the citizens of Sussex County. She sees the filtered down stressed syndrome of the employees who are paid to do a job and the Board refuses to let them do their jobs. She sees off the wall strategies to make sure that you are

unproductive in serving the citizens of this County. The Board has been playing games for over six years in building schools for the girls and boys of Sussex County. She asked the Board to reconsider their decision and build one elementary school for \$18 million.

- Al Peschke, Wakefield District, is in support of one school; he advised that he supports the superintendent and the School Board. The Board members need to listen to the people because all Board members will be replaced in a couple of years.
- David Riley, Blackwater District, advised that we need new schools, they are outdated, the money is there, we need to build them. It is a School Board decision, but he is in favor of 2 schools. He also advised that he is disappointed that nothing has been done. The worst decision is no decision. Everybody is tired of waiting. The closer it is to the elementary school for parents, the better it is. A 5 minute drive is better than a 25 minute drive. Parents cannot make it to a central complex as easy as they can make it to a school in their neighborhood.
- Linda Garner, Councilwoman, Town of Waverly, advised that she supports the \$18 million for one school. The Board of Supervisors needs to be on one accord. It makes it better for the schools to be in one location, people are more bonded, principals are closer. When you put the village together, it will grow. It is important that the Board needs to be on one accord – when you bring unity to the table, the citizens will support it and the children will grow up to be on one accord.
- Brenda Burgess, Blackwater District, wants what is best for the children, what's best for the community. She advised that when she came before the Board a few years ago, she suggested that the Board request that the Department of Education come in to review our system again and look at the County to see what would benefit the children and the community as a whole. We got a report from the superintendent, and she is not convinced that the report is beneficial. She is asking the Board to ask the Department of Education to look at Sussex's situation again.

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#### **Item 6. Unfinished Business** – none

#### **Item 7. New Business**

George E. Morrison, III, Interim County Administrator, advised that a meeting of the Personnel Committee and Finance Committee needs to be scheduled.

The Board, by general consensus, scheduled a Finance Committee meeting for Monday, October 25, 2010 at 2:00 p.m., and a Personnel Committee Meeting for Monday, October 25, 2010 at 4:00 p.m. Both meetings were scheduled to be held in the Conference Room of the County Office Building in Waverly.

Mrs. Magdalene Turner asked the Board to please consider tax exemption for the elderly.

#### **Item 8) Closed Session**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session for the following: (a) Acquisition of Real Property, Applicable Code Section 2.2-3711(A)(5); (b)

Prospective Business or Industry, Applicable Code Section 2.2-3711(A)(5); and (c) Legal Matters, Applicable Code Section 2.2-3711(A)(7).

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

Voting nay: none

Absent: Supervisor Harrell

### **Item 9) Return To Open Session**

ON MOTION OF SUPERVISOR BIRDSONG, 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, Parker, Tyler

Voting nay: none

Absent: Supervisor Harrell

### **Item 10) Action on Closed Session Items**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to move forward with the purchase of property discussed in the Closed Session.

County Attorney Thompson requested that the aforementioned motion and second be withdrawn so that it can be properly stated.

Supervisor Caple withdrew his second Supervisor Birdsong withdrew his motion.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to enter into the option to purchase the property discussed in Closed Session.

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

Voting nay: none

Absent: Supervisor Harrell

### **Item 11) Recess**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby recesses until Monday, October 25, 2010 at 2:00 p.m., Conference Room, County Office Building, 233 L, South County Drive, Waverly Virginia.

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

Voting nay: none

Absent: Supervisor Harrell

**Appendix A to October 21, 2010 Minutes**

The Interim County Administrator, on querying the Board of Supervisors members after the October 21, 2010 Board meeting, obtained general consensus that the Board of Supervisors shall adopt the attached resolution to supplement and amplify the following resolution adopted at the October 21, 2010 meeting to wit:

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to enter into the option to purchase the property discussed in Closed Session.

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

Voting nay: none

Absent: Supervisor Harrell

Resolution to be adopted at the Board of Supervisors meeting on November 18, 2010, to wit:

ON MOTION OF SUPERVISOR \_\_\_\_\_, seconded by SUPERVISOR \_\_\_\_\_ and carried: RESOLVED that the Sussex County Board of Supervisors authorizes the submission of Fiscal Year Tobacco Commission Economic Development Special Projects Megasite Grant Application for the development of the Route 626 (Beefsteak) Megasite; and

FURTHER RESOLVED that George E. Morrison, III, Sussex County Interim County Administrator, is authorized to sign and submit the Fiscal 2010 Tobacco Commission Economic Development Special Projects Megasite Grant Application and will be responsible for the accuracy of the application and for the appropriate use of funds, should they be granted.