

**At a Public Hearing Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
On Thursday, November 19, 2009 at 7:00 p.m.**

BOARD MEMBERS PRESENT

T. Wayne Birdsong
Wayne M. Harrell

Charlie E. Caple, Jr.
Harris L. Parker

C. Eric. Fly
Rufus E. Tyler, Sr.

STAFF PRESENT

George E. Morrison, III, Deputy County Administrator
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Eddie T. Vick, Public Safety Coordinator
Andre M. Greene, Director of Planning
Shannon C. Drew, Assistant to Director of Planning
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order

The November 19, 2009 public hearing meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly.

Item 2. Adoption of Agenda

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the agenda of the November 19, 2009 public hearing meeting of the Sussex County Board of Supervisors is hereby adopted as presented.
Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler
Voting nay: none

Item 3. Motion To Enter Public Hearing

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter public hearing to consider Amendment to Conditional Use #2007-01, deletion of Condition #7.
Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler
Voting nay: none

Amendment to Conditional Use Permit #2007-01, Deletion of Condition #7

The staff report was presented by Ms. Shannon C. Drew, Assistant to Director of Planning

The applicant, Chase Boykin, is requesting the deletion of Condition #7 from his existing conditional use permit to allow Butler's Towing to operate a towing/wrecker service with inoperable vehicle storage, without the need for the permit to be renewed on an annual basis. The applicant contends that operating on a year to year basis places a hardship on the company's ability to grow and expand financially.

The property in question is located on the north line of Beaverdam Road (Route 606) approximately 1,000 feet west of the intersection of Beaverdam Road and Sussex Drive (Route 40) in the Blackwater Election District.

This item has been forwarded to the Board from the Planning Commission with a recommendation for approval. The Planning Commission at their October 5, 2009 meeting voted unanimously (8-0) to amend Conditional Use Permit #2007-01 by deleting condition #7 which states: "CUP #2007-01 shall be valid for a period of twelve (12) months and may be renewed thereafter by the Board of Supervisors for periods of up to one year following the written request of the applicant for renewal of the conditional use permit"

The Planning Commission supported a favorable recommendation for the following reasons:

1. The applicant has adhered to the conditions attached to the existing conditional use permit and no complaints have been received regarding the operation of the towing/wrecker service since the permit was renewed last year.
2. The other conditions attached to the conditional use permit will remain in place to assure that the operation does not become a public nuisance or an eyesore.

Item 4. Public Comment Period.

There were no comments from the public.

Item 5. Board Deliberation

Supervisor Harrell advised that he had received a phone call at 2:00 a.m. either last Saturday or Sunday morning regarding noise emanating from Mr. Boykin's rollback truck. He stated that the applicant needs to be reminded that no vehicles are to be loaded or unloaded between the hours of 12:00 midnight and 6:00 a.m.

Item 6. Ordinance Amendment #2009-04 – Definition of a Pistol Range

The staff report was presented by Ms. Shannon C. Drew, Assistant to Director of Planning.

At the request of the Board of Supervisors (at a previous meeting) the Planning Commission has prepared a definition of a pistol range. At their meeting on October 5, 2009, the Commission voted unanimously (8-0) to forward Ordinance Amendment #2009-04 to the Board of Supervisors for consideration and approval of the following: An ordinance amending the Sussex County Code, Chapter 16, Article 1, Section 16-1, to wit: Now therefore, be it ordained by the Board of Supervisors of Sussex County that the Sussex County Code, Chapter 16, Article

1, (General) Section 16-1 (Definitions) is hereby amended as follows: Pistol Range means any facility or grounds where a monetary fee is charged and/or membership dues are collected, utilized for the purpose of shooting at regulation targets with firearms capable of being held, aimed and fired with one hand. Shotguns and rifles (long guns) are not included in this definition.

Chairman Fly asked that everyone in attendance who is in opposition of Ordinance Amendment #2009-04 to rise. (The majority of the audience rose to their feet).

Item 7. Public Comments

Comments were heard from the following:

1. Phillip Van Cleave, President of Virginia Citizens Defense League, spoke in opposition of Ordinance Amendment #2009-04.
2. Doug Chesson, Director of Airfield 4-H Center, Wakefield, spoke in opposition of Ordinance Amendment #2009-04.
3. Bill Collins, (Courthouse District) citizen and former member of the Sussex County Board of Supervisors asked the Board to “leave it alone.”
4. Harold Young, (Stony Creek District) spoke in opposition of Ordinance Amendment #2009-04.
5. Raymond Covington (Henry District), spoke in opposition of Ordinance Amendment #2009-04.
6. Timothy Drewry, President of Airfield Shooting Club, spoke in opposition of Ordinance Amendment #2009-04.
7. Otto Wachsmann (Stony Creek District), advised that he came to the meeting to seek more information; thinks that there should be some regulations, but at this point he is neither for or against Ordinance Amendment #2009-04.
8. John O’Berry (resides in Southampton, family owns property in Sussex), spoke in opposition of Ordinance Amendment #2009-04.
9. Sylvia Hawkins, (Town of Stony Creek), spoke in opposition of Ordinance Amendment #2009-04).

Item 7. Board Deliberation

Supervisor Caple: “I am somewhat baffled. The Board asked staff to take this issue back to the Planning Commission to define pistol range. The Planning Commission and staff have done their job and we definitely need some restrictions, but I don’t understand what everyone is opposed to.”

Chairman Fly: “Why isn’t the information that was provided to the Board at the August 20th meeting included in this month’s Board packet?”

Director of Planning, Andre M. Greene: “For background information, there is a gentleman who resides on Bells Road who came to the Planning Office asking for information on building a pistol range. He owns fifty (50) acres of land and wanted to know the zoning classification. Staff

informed him that the property in question is currently zoned A-1, General Agricultural District and he can operate a pistol range and skeet shooting operation by right. Several days later, staff received phone calls from area residents wanting to know what they could do to prevent the operation of a pistol range because they had concerns about safety issues and noise. Staff advised the callers that the use is in compliance with the Zoning Ordinance and the County could do nothing to stop it. After the calls continued, staff contacted surrounding localities to find out their regulations. Other localities advised that their Boards had required a study of the site to determine if the site is appropriate and considered the proximity to residences.

After those tasks were completed, the Sussex County Planning Commission considered the issue and they felt that the conditional use permit process would be the appropriate route to take. All existing pistol ranges would be grandfathered.”

Supervisor Birdsong: “In 1776, a group of gentlemen who were a lot smarter than any of us in this room got together and wrote the constitution. There is a movement in this country to put an end to the second amendment. As members of the Board of Supervisors, we took an oath to defend the constitution. I will not support this ordinance.”

Supervisor Parker: “Looking at the proposed definition of a pistol range, I don’t see a violation of the second amendment. The Planning Commission is not trying to stop people from bearing arms. The Board, however, should be concerned with the safety of its citizens.”

Vice Chairman Tyler: “Let’s hear what the County Attorney has to say.”

County Attorney Thompson: “From a legal aspect, if a person wants to operate a pistol range on a one acre parcel, there are some safety concerns to consider, while a fifty acre tract may be okay. The purpose of the ordinance amendment is to bring about uniformity and more emphasis placed on safety of our citizens. There is no violation of the second amendment.

Chairman Fly: “What is more dangerous, a person without a conditional use permit or a commercial range?”

Vice Chairman Tyler: “Some Criteria needs to be established prior to the Board making a decision.”

Item 8. Return To Regular Session

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors shall return to regular session.

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

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the amendment to Conditional Use Permit #2007-01, Chase Boykin, applicant (Deletion of Condition #7); which states “CUP #2007-01 shall be valid for a period of twelve (12) months and may be renewed

thereafter by the Board of Supervisors for periods of up to one year following the written request of the applicant for renewal of the conditional use permit; and

FURTHER RESOLVED that the request is hereby approved because of the following reasons:

1. The applicant has adhered to the conditions attached to the existing conditional permit and no complaints have been received regarding the operation of the towing/wrecker service since the permit was renewed last year.
2. The other conditions attached to the conditional use permit will remain in place to assure that the operation does not become a public nuisance or an eyesore.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER that the Sussex County Board of Supervisors opposes staff's and Planning Commission's definition of a pistol range.

Vice Chairman Tyler offered a substitute motion.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER that the Sussex County Board of Supervisors request that staff review the definition of a pistol range, set criteria, provide the criteria to the Planning Commission and allow the Planning Commission to provide another recommendation to the Board of Supervisors.

Voting aye: Supervisors Caple, Parker, Tyler

Voting nay: Supervisors Birdsong, Fly, Harrell

The vote on the initial motion by Supervisor Birdsong to disapprove of the definition of a pistol range is as follows:

Voting aye: Supervisors Birdsong, Fly, Harrell

Voting nay: Supervisors Caple, Tyler

Abstaining: Supervisor Parker

Item 8. Adjournment

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby adjourns the November 19, 2009 public hearing meeting.

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

Voting nay: none

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
On Thursday, November 19, 2009 at 7:30 p.m.**

BOARD MEMBERS PRESENT

T. Wayne Birdsong
Wayne M. Harrell

Charlie E. Caple, Jr.
Harris L. Parker

C. E. Fly
Rufus E. Tyler, Sr.

STAFF PRESENT

George E. Morrison, III, Deputy County Administrator
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Eddie T. Vick, Public Safety Coordinator
Andre M. Greene, Director of Planning
Shannon C. Drew, Assistant to Director of Planning
Deborah A. Davis, Assistant to County Administrator

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

The November 19, 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 Tyler.

Item 2). Adoption of Regular Agenda

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the regular agenda of the November 19, 2009 meeting, inclusive of the following: (1) Under County Administrator's Report, add Item 10A, NACo Update; (2) Under County Administrator's Report, add Item 12A, Animal Control Update; (3) Under County Administrator's Report, add Item 12B, Proposed Drought Ordinance; (4) Under County Administrator's Report, add Item 12C, County Vehicles; (5) Under County Administrator's Report, add Item 12D, Department of Quality; (6) Under County Administrator's Report, add Item 12E, Animal Control Issues in Town of Waverly; (7) Under County Administrator's Report, add Item 12F, Abandoned Houses in Town of Wakefield; (8) Under Closed Session, add Item C, Personnel Matters; (9) Under County Administrator's Report, Change Item 2, Radio System Update to Mace Quarterly Report (10) Under County Administrator's Report, delete Item 11, Board Confidentiality; (11) Under County Attorney's Report, add Item 2, 2010 Redistricting.

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

Voting nay: none

Item 3). Adoption of Consent Agenda

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the consent agenda of the November 19, 2009 meeting, inclusive of the following: (1) Warrants and Vouchers in the amount of \$345,257.54; (2) Payroll Deduction checks in the amount of \$141,671.89; (3) Request for Appropriation for payment of Invoice #5399, dated 06/17/2009 from EEE Consulting, Inc., in the amount of \$9,154.37 for 2008-2009 Project #07-704 solid waste services; (4) Request for Appropriation for payment of Invoice #5483, dated 07/17/2009, from EEE Consulting, Inc., in the amount of \$13,587.77 for Project 07-704 2008-09 solid waste services; (5) Request for Appropriation for payment of Invoice #1695, dated 11/07/2009, from Townes PC, in the amount of \$36,000.00 for topographic surveying Route 460 Industrial Park; (6) Request for Appropriation for payment of Invoice #646856, dated 11/09/2009, from Dewberry, in the amount of \$7,850.00 for I-95 Western Industrial Park site master planning; and (7) Request for Appropriation for payment to Virginia Employment Commission, dated 10/16/09 in the amount of \$1,589.61 for unemployment claim for D. J. Spain.

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

Voting nay: none

Item 4). Standing Reports

Item 4)a. Health Department – absent

Item 4)b. Highways, Streets & Roads

William Richardson, Assistant Residency Administrator, Virginia Department of Transportation, Waverly Residency was present and addressed the Board. He advised that he had no formal report, but was pleased to report that there was very little damage done as a result of the storm last week.

Supervisor Parker reminded Mr. Richardson that Bank Street and New Street in Waverly are still in dire need of repairs.

Item 4)c. County Administrator's Report

Item 4)c1. Finance Committee Report

Chairman Fly: "There were no decisions made as a result of today's Finance Committee meeting. There will be a \$1.3 million shortfall in this and next years' budget.

Item 4)c2. Mace Quarterly Report

Public Safety Coordinator, Eddie T. Vick, addressed the Board with regard to the MACE Quarterly Report. He advised that things with the radio system are getting better and he is ready to proceed with the request for proposals for a consultant to review the County's existing radio

system, report findings and make a recommendation to the Board of Supervisors. (A copy of the MACE Quarterly Report is retained in the November 19, 2009 Board packet).

Item 4)c3. Byrne Memorial Justice Assistance Grant Local Solicitation

Deputy County Administrator, George E. Morrison, III advised the Board that they accepted Byrne Memorial Justice Assistance Grant #2009-SB-B9-2550 in the amount of \$20,801 at a previous meeting. Staff requests approval and appropriation of the grant funds.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriate the Byrne Memorial Justice Grant #2009-SB-B9-2550 in the amount of \$20,801.00.

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

Voting nay: none

Item 4)c4. DCJS Law Enforcement Block Grant

Deputy County Administrator, George E. Morrison, III, advised that the Board that they accepted the Department of Criminal Justice Services Grant #09-H1205LO08 in the amount of \$2,390.00 at a previous meeting. Staff request approval and appropriation of the grant funds.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the Department of Criminal Justice Services Grant #09-H1205LO08, in the amount of \$2,390.00.

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

Voting nay: none

Item 4)c5. Telephone Maintenance Contract

Deputy County Administrator, George E. Morrison, III, advised the Board that included in their packet is a copy of a proposed telephone maintenance contract from Verizon. The contract was presented to the Finance Committee last month and has the potential to save the County thousands of dollars in repairs. Staff request that the Board approve the contract and authorize the Deputy County Administrator to execute said contract.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Verizon Maintenance one year contract in the amount of \$4,054.76; and

FURTHER RESOLVED that the Deputy County Administrator is hereby authorized to execute said contract.

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

Voting nay: none

Item 4)c6. Housing Planning Grant

Deputy County Administrator, George E. Morrison, III, advised the Board that included in the Board packet is information received from the Department of Housing and Community Development notifying that the County has received \$25,000.00 for the Housing Planning Grant. Staff is requesting that the Board appropriate \$25,000.00 for the Housing Planning Grant.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates \$25,000.00 for the 2009 Community Development Block Housing Planning Grant.

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

Voting nay: none

Item4)c7. Director of Finance Update

Jerry L. Whitaker, Director of Finance, provided the County's financial update to the Board. (A copy of the report is retained in the November 19, 2009 Board packet).

Item 4)c8. I-95 Industrial Site

Deputy County Administrator, George E. Morrison, III reported that included in the Board packet is a copy of correspondence received from Mr. Shannon L. Hair, Economic Development Manager of Dewberry & Davis. Mr. Hair is requesting guidance in the subsequent steps in the Civil Design Plans (i.e. industrial access road) submitted to the Sussex County Planning Department and the Virginia Department of Transportation

Mr. Hair is requesting guidance from the County; shall he proceed with requesting final VDOT approval? What is the priority of the Industrial Park with the Board of Supervisors? When should construction be accomplished?

This item was tabled until the December 17, 2009 meeting.

Item 4)c9. 460 Industrial Park (Timber Harvesting Update)

Deputy County Administrator, George E. Morrison, III reported to the Board that at a prior meeting of the Board, there was a question raised regarding the timbering of the County's Highway 460 Industrial Park. In research, it was identified that the contract with Mr. John M. Robertson, Consulting Forester, had been completed, however at that time, the rate for the hardwoods and pine located on the property was minimal and did not seem to be profitable for the County to proceed; the contract was not let. Staff has proceeded to let the contract with Mr. Robertson and timbering can proceed as soon as Mr. Robertson has signed and returned the contract.

Item 4)c10). Virginia Association of Counties Annual Meeting Update

Supervisor Parker: “I attended the VACo Annual Meeting at the Homestead in Hot Springs VA. One of the things we were told is that there will be more reductions in the Governor’s budget and that local governing bodies need to be aware of the expected decreases.”

Supervisor Caple: “I attended several workshops at VACo Annual Meeting. The majority of the discussion items were: (1) Local governments were encouraged to consider going to regional concepts and cost sharing whenever possible; (2) state budget reductions; (3) Reporting statement of economic interests and conflict of interests.”

Supervisor Tyler: “I also attended several workshops at the VACo Annual Meeting. Items discussed were (1) Regional concepts; (2) Conflict of Interests Filing; (3) Code of Ethics and Conducts for members for Boards of Supervisors.”

Supervisor Parker: “The Regional Jail Committee is continuing to meet and reviewing options.”

Supervisor Tyler: “Southampton County now has a juvenile detention building that was converted from a building previously used by the Department of Corrections. Perhaps Sussex Board and staff need to talk with Dinwiddie, Brunswick and Mecklenburg Counties.”

Item 4)c11). Board Confidentiality

Deputy County Administrator. George E. Morrison, III, advised that Vice Chairman Tyler had requested that this item be placed on the agenda for discussion by the Board. Included in the Board’s packet are pages 50 and 51 from the Virginia Association of Counties’ (VACo’s) Supervisor’s Manual. Mr. Morrison also advised the County Attorney Thompson has drafted a document which is included in the late agenda packet.

Supervisor Tyler: “There have been issues discussed by this Board in Closed Sessions, then later on been shared with the public. The Board needs to be mindful that it is against the law to report closed session items to the media; this needs to cease because we can be sued.”

Supervisor Caple: “We, as a Board need to review the proposed Code of Conduct.”

County Attorney Thompson: “The Board has no formal Code of Conduct or Standards.”

Supervisor Fly: “Do we have Code of Ethics book; can County Administration staff look for the book? This can be tabled until the next meeting.”

Item 4c12). Stony Creek Convenience Center Site Update

Deputy County Administrator, George E. Morrison, III, reported that he had received a call from Mr. Rich Nolan, Senior District Manager with Atlantic Waste Disposal, Inc., announcing their (AWD, Inc.) plans to proceed on the renovation of the Stony Creek Convenience Center site off

of Palestine Road. Mr. Nolan stated that the modification to the convenience center will make this facility more user friendly for County citizens.

Supervisor Harrell advised that property on Route 602 was being considered for exchange. The Board needs to proceed.

Item 4c12a). Animal Control

Deputy County Administrator, George E. Morrison, III advised that included in the Board's late agenda packet is a draft agreement for animal control services between Sussex County and the Town of Wakefield. It is anticipated that a similar ordinance will be drafted for presentation to the Town of Waverly as well.

The agreement was drafted by County Attorney Henry A. Thompson, Sr., and reviewed by Administration and Animal Control. As a reminder to the Board, this agreement was drafted to address the issues raised by the citizens of both Wakefield and Waverly regarding animal control ordinances adopted in each respective locality and granting Animal Control the authority to enforce said ordinance. Staff requests that the Board approve the agreement and have it presented to each locality for adoption as well as granting authority to Administration to execute the agreement.

Supervisor Birdsong: "Take out the fees."

Supervisor Tyler: "Will this agreement require additional staff?"

Supervisor Birdsong: "The citizens are already paying for services."

Supervisor Fly: "We can do it with current staff."

Supervisor Caple: "We should be able to partner with the Towns and have some rules and regulations."

Supervisor Fly: "We can handle this the same way we handle building inspections services for the Towns."

Supervisor Birdsong: "We need a uniform set of laws."

County Attorney Thompson: "If the Towns adopt the County's ordinance, the County will ultimately have control; it is not so much uniformity of law for the Towns, but the County needs a resolution from the Towns and then an agreement with detailed responsibilities.

Supervisor Fly: "We need to have some dialogue with the Towns in the interim, so that our animal control officers can enforce the laws within the Towns."

Item 4)c12b. Drought Ordinance

Deputy County Administrator, George E. Morrison, III, reported that included in the Board's late agenda packet is a copy of the Emergency Drought Ordinance and the Sussex County Drought Management Ordinance drafted by County Attorney Thompson. These ordinances are prepared in response to the Regional Water Supply Plan for Greensville County, Sussex County and the City of Emporia. As a reminder, this project was funded by Greensville County, Sussex County, the City of Emporia and the Virginia Department of Environmental Quality, Grant #12964 (FY 2007). A public hearing was held on October 21, 2009 in the Town of Waverly at 6:00 p.m. on the Water Supply Plan. The adoption of the Emergency Drought Ordinance and ultimately the Drought Management Ordinance will complete the process for the adoption of the Regional Water Supply Plan.

The Board of Supervisors is asked to adopt the Emergency Drought Ordinance effective for ninety (90) days. Also, the Board will need to officially approve a public hearing for the December 17, 2009 regularly scheduled meeting to address the adoption of the Drought Management Ordinance.

Supervisor Birdsong: "I have no problem with the wording. But there is no problem now, can we keep it on the shelf."

Deputy County Administrator, George E. Morrison, III: "This is part of the County's Regional Water Supply Plan. Other localities have adopted the ordinance as their last step in the process. This Sussex County's last step."

Supervisor Fly: "I say we table this ordinance, because I don't understand all of it."

(A copy of the proposed Emergency Drought Ordinance is retained in the November 19, 2009 Board packet).

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Emergency Drought Ordinance.

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

Voting nay: none

Item 4)c12c). County Surplus Vehicles

Supervisor Fly asked the status of the County's surplus vehicles being placed on GovDeals.com website for bidding.

Deputy County Administrator, George E. Morrison, III, advised that GovDeals staff has been on site to photograph all surplus vehicles and is in the process of uploading them onto their website. They should be complete with that process in approximately one (1) week.

Item 4)c12d). Departmental Environmental Quality

Supervisor Fly reported that the Department of Environmental Quality (DEQ) will hold public meetings on Wednesday, December 2, 2009 from 2:00pm to 4:00pm and from 6:00pm to 8:00pm at the Newsome Human Services Building. DEQ and the Department of Conservation and Recreation (DCR) are announcing a study to restore water quality for portions of Assamoosick Swamp, Seacorrie and unnamed tributary to Seacorrie Swamp, Black Swamp and German Swamp within Sussex and Southampton Counties. The notice also announces the first public meetings and a public comment opportunity.

Item 4)c12e). Abandoned /Dilapidated Houses in Town of Wakefield

Deputy County Administrator, George E. Morrison, III, reported that an agreement has been drafted by the County Attorney.

County Attorney Thompson: “There has never been a formal agreement in place. The Town of Wakefield has contacted the Building Official’s Office in the past and given some direction on what needs to be done, but the Board of Supervisors has not put any formal agreement in place.

Supervisor Fly: “A deal was negotiated seven (7) years ago, but it was a bad deal. The county used our employees to condemn the houses; the Town of Wakefield demolishes the house, sells the land and keeps the money.”

County Attorney Thompson: “But the Board of Supervisors as a whole never approved a formal agreement.

Supervisor Fly: “I am almost positive it was done. Staff needs to go back and look for the paperwork.”

Supervisor Birdsong: “When I was mayor, I met with Ms. Mary E. Jones, County Administrator, the County Attorney and the Building Official. At that time, I was told that the town needed to adopt a code to enforce these issues; the Town adopted a code, maybe seven (7) to ten (10) years ago, we made a list and nothing was ever done.”

Supervisor Fly: “I ask that County Administration staff research files and advise the Board. There are houses in my district that has rats in them.”

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs County Administration to schedule meetings with the Towns to discuss the issue of dilapidated houses, condemnation, etc.

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

Voting nay: none

Item 4)c12f. Minutes

July 16, 2009 Minutes: Supervisor Birdsong provided an insert to Deputy County Administrator, George E. Morrison, III, that he felt should be included in the July 16, 2009 minutes.

Supervisor Tyler requested that if the members of the Board of Supervisors have questions, corrections, etc., regarding the minutes, the Board members should contact staff and make them aware of the issue, prior to the Board meetings.

By general consensus, the minutes of the September 3, 2009, September 17, October 1, 2009 and October 15, 2009 meetings were approved as presented.

Item 4)d. Treasurer's Report

The Sussex County Treasurer, Mr. Onnie L. Woodruff, was present, but had no formal report. (A copy of the written report is retained in the November 19, 2009 Board packet).

Item 4)e. Commissioner of the Revenue – absent

Item 4)f. Sheriff's Department – absent

Item 4)g. Superintendent of Schools

Dr. Charles H. Harris, III, Division Superintendent of Schools addressed the Board. He advised that the schools are expecting more reductions in state funding. They will have more information in late December or early January.

Chairman Fly advised that the Finance Committee will provide information to the superintendent of schools earlier this year so that the School Board may begin work on the school's budget sooner.

Item 4)h. Director of Social Services – no report

Item 4)i. County Attorney's Report

County Attorney Thompson reported that he prepared the proposed revision of Chapter 2, Administration of the Code of Sussex. Copies have been provided to the County Administration and members of the Board of Supervisors.

Item 4)j. Building & Grounds Committee Report

Deputy County Administrator, George E. Morrison, III, reported that included in the Board's late agenda packet is a copy of correspondence regarding Mold and Mildew Test and Remediation in the former County Administration Building and the Commonwealth's Attorney Office space.

Mr. Morrison also reported that Mr. Robert Grose, Jr., with PuroClean Property Restoration was selected to perform the mold and mildew removal. Mr. Grose's email states that for the remediation of the mold in the former County Administration building, the cost is estimated at \$6,608.88. Mr. Grose also highly recommended replacing the roof on this structure, as it seems

to be the source for the mold and mildew contamination. The Commonwealth's Attorney Office cleaning and testing is estimated to cost \$474.00 and can be completed in a couple of weeks.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors here approves and appropriates the amount of \$475.00 for the office cleaning and testing in the Commonwealth's Attorney Office, to be performed by PuroClean Property Restoration, 16420 Jefferson Davis Highway, Colonial Heights VA 23834.

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

Voting nay: none

The Board, by general consensus, tabled proceeding with the roof replacement on the former County Administration building.

Item 5. Citizens' Comments

Comments were heard from the following citizens:

1. Ora Briggs, Stony Creek District: "I would like to know why the Opinion Relating to Board Transfer of Funds From School Capital Project was moved to Closed Session. Also, why did the County pay for a registration fee for the annual meeting in VACo and the Board member did not attend?"

Supervisor Fly: "I advised that I would pay my own way to the VACo conference, but somehow it was paid by the County. I do not know where the mix up came in. I did not attend the meeting, but I have written a letter to VACo and to the Homestead requesting that they we be reimbursed.

2. Debbie Turck, Blackwater District: "I don't understand why the County's Animal Control Officers cannot enforce laws in the Towns. I pay my dog license fees and service to the Towns should be provided."
3. Fred Turck, Blackwater: "Citizens pay dog license fees, County taxes, but we still have problems with animal issues. There has been some confusion regarding Sussex County Animal Pound Aides (SCAPA) and the Sussex County Advisory Board. I would like to know about the status of the animal control volunteer program. The Board needs to be more responsive to citizens. I will continue to be an advocate for animal rights."
4. Dr. Tolliver, Blackwater District: "I would like to speak to the Board tonight regard K & T Enterprises. I purchased a home in the Willow Woods Subdivision built by K & T Enterprises, the home is incomplete. The electric is not hooked up properly; the fireplace is not complete, the back deck is not finished. I have reported these items to the builder and made left several messages. I have mailed certified letters, but they are returned undeliverable. I don't know what else to do, that's why I came before the Board."

County Attorney Thompson suggested that she handle the matter through the civil process.

It was also suggested that Dr. Tolliver get with the County Administration to discuss other possible options.

Item 6. Unfinished Business – item tabled

Item 7. New Business – none

Item 8. Closed Session

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Meeting under the provisions of Section 2.2-3711(A), to discuss Real Estate Matters and Prospective Business, applicable Code Sections 2.2-3711(A)(3) and 2.1-3711(A)(5), respectively.

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

Voting nay: none

ITEM 9). RETURN TO OPEN SESSION

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER 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

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a letter of support for Virginia's Gateway project be PREPARED BY Administration and forwarded to Virginia's Gateway Region.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and that the Sussex County Board of Supervisors hire William J. Collins for the next sixteen weeks to act as interim county administrator and to provide assistance in economic development issues.

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

Supervisor Tyler advised that he voted against the foregoing motion because he feels that the Deputy County Administrator can handle the job.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to pursue an option of the aforementioned Virginia's Gateway Region's Project.

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

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the November 19, 2009 meeting of the Sussex County Board of Supervisors hereby recessed until 5:00 p.m., Thursday, December 17, 2009, General District Courtroom, Sussex Judicial Center., for a Finance Committee meeting.

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

