

**At a Budget Work Session of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
On Thursday, February 18, 2010, at 5:00 p.m.**

BOARD MEMBERS PRESENT

T. Wayne Birdsong
Wayne M. Harrell

Charlie E. Caple, Jr.
Harris L. Parker

C. Eric Fly, Sr.

BOARD MEMBER ABSENT

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
Brenda H. Drew, Housing Programs Coordinator
W. Travis Luter, Building Official
Montaque M. Gilliam, Building & Grounds Supervisor
Shannon C. Drew, Assistant to Director of Planning
Tony S. Johnson, Senior Animal Control Officer
Tracy Terry, Animal Control Officer
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order

The February 18, 2010 budget work session of the Sussex County Board of Supervisors was called to order by Chairman Parker.

Jerry L. Whitaker, Director of Finance, provided information on debt restructuring. (A copy is retained in the February 18, 2010 Board packet). He also offered an overview of discussions held at the February 11, 2010 budget work session.

Supervisor Fly: "On the schools budget, the state budget is not far enough along for us to make decisions. Former Governor Kaine's budget is dead. We know we have to cut every department; we just don't have enough information and don't know how it will impact schools. Therefore, the Board really cannot make any decisions."

Supervisor Birdsong: "I agree."

Dr. Harris (School Superintendent): "Nothing has been decided yet by the General Assembly; I just left a meeting in Richmond. We may be facing a \$600,000.00 cut (for 2011) and \$300,000.00 in stimulus money. They are proposing to cut an additional \$500,000.00, so there may be a loss of \$1.8 million. We have already cut some programs."

Supervisor Fly: "We have got to look at services that we can combine. If I have to be the SOB, then I will just have to be it. The Senate conferees will meet on tomorrow and there will be deeper cuts. I suggest we ask the County Administrator to look at where we can combine services. We will talk with the constitutional officers one on one. We need to provide for the basic services, fire rescue, law enforcement. 2012 will be much worse than 2011."

Supervisor Parker: "I am personally focusing on the 2011 budget. We shouldn't get too excited about 2012. The Board needs to tell the constitutional officers and department heads what they can expect from us."

Mr. Whitaker asked the Board to review Page 23 of their budget work book.

Mr. Morrison: "Regarding the OLF, I have spoken with the Surry County Administrator and perhaps I need to schedule a meeting with Surry and Southampton Counties for further discussion. Sussex can choose to budget zero dollars and then appropriate as needed."

Supervisor Fly: "You feel comfortable with \$100,000?"

Mr. Morrison: "That may be too much."

Supervisor Parker: "Nothing else may be done with the OLF in 2010 or 2011 and we may still lose \$100,000.00. We need to look at the \$276,000.00 in overtime pay. Most of which is the Sheriff's Department. Could we eliminate most of the overtime and provide compensatory leave instead?"

Supervisor Caple: "Since we are talking about overtime, we can consider other options. Rather than eliminate all of the overtime or lay off staff, we can reduce the overtime; we can offer furloughs. If we want to balance the budget, we know we will have to make some cuts. And we know we are not going to please everyone. The only other thing we could do is to raise taxes and no one wants to do that."

Supervisor Harrell: "Since the majority of overtime is for Selective Enforcement, how much revenue will we lose by cutting the overtime budget?"

Mr. Whitaker provided figures: "2005-2006, \$771,000.00; 2006-2007, \$778,000.00; 2007-2008, \$531,000.00; 2008-2009, \$452,000.00; so far this year, \$480,000.00 were collected in forfeitures and fines."

Supervisor Parker: "Is there information broken out that shows the total figure and how they are derived? If we look at the money we appropriate for the overtime, how does it compare to extra wear and tear on vehicles, accidents, etc? The money that the County receives from tickets may not be all that beneficial, in comparison to the expenses incurred."

Supervisor Fly: "The Sheriff may need to explain this. But most of the tickets are written on I-95 and there is not a lot of wear and tear on the vehicles because they are parked most of the time."

Supervisor Parker: “We may need to really look at offering comp time and cut some of the overtime. Maybe we can ask the Sheriff to give a more detailed break out. We also need to discuss the \$47,000 for Stony Creek Rescue Squad, the \$57,000 for Waverly Rescue Squad and the \$7,000 slated for architectural and engineering services.”

Mr. Whitaker: “Crater Health District, District 19 Community Services Board, and State and Local Hospitalization are required by statute. The Board has agreements with Virginia’s Gateway Region, Crater Criminal Justice Academy, VJCCA, VPI (Cooperative Extension), Southside VA Education Center and Blackwater Regional Library.”

Supervisor Fly: “I suggest that we reduce funding to various agencies by 50%. I am talking about the agencies that we are not bound by state mandates and contracts or agreement. This overtime issue needs to be looked at again before we act on it. The VJCCA needs to be reviewed; the VPI needs to be reviewed.”

Supervisor Birdsong: “I suggest that the Director of Finance do some figuring and tell us what the savings would be if we cut some of the agencies by 50%.”

Mr. Whitaker: “If we get rid of all departments under County Administration, we would save \$1.6 million and the budget would be balanced.”

Supervisor Parker: “We still need to consider across the board cuts, reducing the schools budget, taking some funds out of the reserves and/or look at combining departments.”

Mr. Whitaker: “Possible reductions are I-95 Industrial Park, \$200,000; 460 Industrial Park reduce down to \$100,000; Renovation of Courthouse Building, eliminate \$50,000; Jarratt Senior Center, eliminate \$10,000; Waste Site Purchase, no need to commit \$25,000.”

Supervisor Birdsong: “We need to remember, part of the reserves, we cannot touch.”

Mr. Whitaker: “The Board needs to focus on Page 15.”

Supervisor Birdsong: “We need Mr. Whitaker to give us answers so we can make a decision. We cannot make a decision until we get the answers. We still need to look at combining services and see what can be saved.”

Supervisor Parker: “I am not one for delaying decisions. It causes a ripple effect in the process. We need to make some hard choices. If we have to balance 2010 and dip into the reserves to meet expenditures, then we might have to do just that.”

Mr. Whitaker: “If nothing else, we need to focus on Page 15.”

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees that contributions to those agencies that are not governed by state mandates and that the County has a contractual agreement with, be reduced by 50%.

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

Voting nay: none
Absent: Supervisor Tyler

Supervisor Caple: "We received a document from the Schools that says they are returning \$195,032.00 for 2010."

Supervisor Fly: "I still want the County Administrator to look at combining services. We have had one building inspector for years. Now we have four people in Building Inspections. That seems to be a waste of money to me."

Supervisor Parker: "Administration is operating at a bare minimum now."

Supervisor Caple: "We cannot expect to grow if we cut too many services."

Supervisor Parker: "I agree."

Mr. Whitaker: "Environmental Inspections is the only one of the County's departments that is fully funded."

Supervisor Fly: "We should review combining services; have we finished contract negotiations regarding the housing programs? Those other localities should be paying Sussex."

Mr. Morrison: "Greensville County has not placed anything in their budget for housing."

Supervisor Parker: "Mrs. Drew is Housing Coordinator and is here, let her explain."

Mrs. Drew: "The County receives funds from the Virginia Housing Development Authority to administer housing program services in Greensville County, Surry County and the City of Emporia. Ms. Jones and I have met with those localities and discussed their financial assistance. Thus far, Surry is the only locality that has indicated a willingness to assist."

Supervisor Parker: "We don't need to string the departments along; they need to start planning now and we, the Board, need to make some decisions on March 4th."

Supervisor Birdsong: "On this year's budget, we just received info from Dr. Harris. We will need to discuss this on March 4th also."

Supervisor Parker: "We need better procedures for the budget process next year."

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby recess the February 18, 2010 budget work session until 7:00 p.m. on Thursday, March 4, 2010.

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

Voting nay: none

Absent: Supervisor Tyler

**At a Public Hearing of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
On Thursday, February 18, 2010, at 7:00 p.m.**

BOARD MEMBERS PRESENT

T. Wayne Birdsong
Wayne M. Harrell

Charlie S. Caple, Jr.
Harris L. Parker

C. Eric Fly, Sr.

BOARD MEMBER ABSENT

Rufus E. Tyler, Sr.

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Shannon C. Drew, Assistant to Director of Planning
Tony S. Johnson, Senior Animal Control Officer
Tracy Terry, Animal Control Officer
Deborah A. Davis, Assistant to County Administrator

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

The February 18, 2010 public hearing 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 Supervisor Harrell.

Item 2. Adoption of Agenda

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the agenda of the February 18, 2010 public hearing is hereby adopted as presented.

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

Voting nay: none

Absent: Supervisor Tyler

Item 3. Public Hearing

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter public

hearing to consider the following: (1) Conditional Use Permit #2009-04, Herbert and Nancy Phillingane, applicants; and (2) Drought Management Ordinance.

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

Voting nay: none

Absent: Supervisor Tyler

Item 3a. Conditional Use Permit #2009-04

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

Subject: Pursuant to Section 16-140(36) of the Zoning Ordinance, the applicants, Herbert and Nancy Phillingane, are requesting a conditional use permit to construct mini storage units on Tax Map numbers 49-(A)-27, 28 and 29. The properties in question are currently zoned B-2, General Business District, which allows the proposed use with a conditional use permit.

Background: The affected site totals approximately three (3) acres with approximately 700 feet of public road frontage along U. S. Route 301 (Blue Star Highway). The subject parcels are located on the west line of U. S. Route 301 approximately 3,600 feet north of the intersection of U. S. Route 301 and Route 670 (Setzer Road) in the Stony Creek Election District.

According to the latest Flood Insurance Rate Map (FIRM), the site in question is located in the 100 year floodplain. The Floodplain Ordinance of Sussex County permits development within the limits of the 100 year as long as the finished floor of buildings are located at an elevation of at least one (1) foot above the 100 year flood elevation.

There is an abandoned store located on the subject property which will be demolished to facilitate the construction of the mini storage units. The preliminary site plan submitted to the Planning Office shows ten (10) buildings planned for construction on the three (3) acre site providing a total of 356 storage spaces (units). 320 of the storage units will be 10' x 10' and 36 will be 5' x 10'. Office space will also be provided in one of the proposed buildings. The applicants have stated that construction will be phased. Two (2) buildings will be built at a time depending on demand. Total capital investment is estimated at \$937,000.00.

Surrounding land uses include an automotive shop (Woody's Inc.), a truck repair business (Virginia L. P. Trucks, Inc.), an abandoned store, U. S. Route 301, Interstate 95 and trees.

Concern: There has been concern expressed by a resident of the County that the proposed mini storage units are not needed because there is no demand in the area to support their construction. The nearest mini storage facility (301 Self Storage) is located approximately 10 miles south of the subject property just outside of the corporate limits of the Town of Jarratt. The applicant has not had a marketing study prepared to ascertain the demand for mini storage facilities in the Stony Creek area. However, the applicants have stated that construction will be phased over time to accommodate demand and they feel secure about investing their personal finances into development of the project.

Recommendation/Approval: There are several criteria by which an application or a conditional use permit may be evaluated. These criteria state that a proposed conditional use should be:

1. In accordance with adopted plans and policies;
2. Compatible with the neighborhood;
3. Compatible with existing uses; and
4. Compatible with development permitted by right in the area.

Staff finds the proposal to be compatible and consistent with surrounding and adjacent commercial land uses and staff does not anticipate any negative impacts to result from the proposed use of the property in question. The Comprehensive Plan has the subject property in question designated for future commercial use.

The Planning Commission at their January 4, 2010 meeting voted unanimously (7-0) to recommend approval of Conditional Use Permit Application #2009-04 subject to the following conditions:

- 1) A site plan, erosion and sediment control plan, and a stormwater management plan must be prepared by a licensed professional and submitted to the Planning Department for review and approval prior to the issuance of any building permits.
- 2) Elevations, prepared by a licensed professional, showing the finished floor of buildings located at least one (1) foot higher than the determined base 100 year flood elevation, must be submitted to the Planning Department prior to the issuance of any building permits.

The Chairman called for public comment. There was no public comment.

Item 3b. Drought Management Ordinance

The Drought Management Ordinance was presented by George E. Morrison, III, Deputy County Administrator.

Virginia law requires all localities in the Commonwealth to adopt a Drought Management Ordinance, in addition to the Regional Water Supply Study Plan the County has been working on.

The ordinance (Sussex County Code, Article IV, Drought Management, Sections 15-81 through 15-92 if enacted) gives supervisors the authority, and/or the county administrator, to declare a potential shortage of water and impose water conservation measures.

The County Administrator and/or Board of Supervisors is/are authorized to take special measures of prudent management to prevent a critical water shortage when a potential shortage and/or emergency condition exists in the water systems, and to declare Drought Management Watch, Drought Management Warning or Drought Management Emergency conditions within the County.

Drought Management Emergency conditions may also be declared by the County in the event of equipment failure, contamination or other non-drought related event that prevents short-term provision of adequate water supplies.

The Drought Management Contingency and Response Plan, included in the Greenville-Sussex-Emporia Regional Water Supply Plan, provides guidance for evaluating the potential for, or existence of, drought conditions and implementation of response and contingency activities.

Drought Management Watch stage targets increased monitoring of drought conditions and increased public awareness of incipient drought conditions.

Required actions under the Watch include notifying the public of incipient drought via the newspapers, public service announcements, notices with water bills, and to request voluntary reduction in non-essential water use.

The target of the Drought Management Warning is to increase public awareness, and reduce water withdrawals by 10% through voluntary water conservation.

Required actions include notifying the public of the Drought Management Warning, and requesting a voluntary reduction in the non-essential water use such as water to wash automobiles, flowers, refill swimming pools, sidewalks, walkways, driveways, parking lots, hard surfaced areas, buildings, and structures, except as required for safety concerns.

Residents would also be encouraged to refrain from outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m. and the implementation of alternate-day use schedules based on the last digit of a residential or commercial address.

The Drought Management Warning stage would implement higher water rates for excess use above normal water rates. Normal rates are increased by 15% for consumption up to 12,000 gallons per billing cycle. Normal rates are increased by 30% for consumption above 12,000 gallons per billing cycle.

The target of a Drought Management Emergency is to increase public awareness and reduce water withdrawals by 15 percent. Required actions include notifying the public of the Drought Management Emergency, and implementing mandatory reductions in non-essential water uses.

Violations of this ordinance when a Drought Management Emergency is declared may result in penalties being assessed to the customer such as First Offense, written warning; Second offense, \$50 fine; Third Offense, \$100 fine; and Fourth offense, \$250 fine and water suspension.

If a Drought Management Emergency is declared, the County Administrator and/or Board of Supervisors will appoint an appeals board consisting of three representatives from the jurisdiction administration and utilities offices. The County Attorney will serve as legal counsel for the appeals board.

The Chairman called for public comment. There were none.

Item 4. Return to Regular Session

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

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

Voting nay: none

Absent: Supervisor Tyler

Item 5. Action on Public Hearing Items

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Conditional Use Permit Application #2009-04, Herbert and Nancy Phillingane, applicants, subject to the following:

- 1) A site plan, erosion and sediment control plan, and a stormwater management plan must be prepared by a licensed professional and submitted to the Planning Department for review and approval prior to the issuance of any building permits.
- 2) Elevations, prepared by a licensed professional, showing the finished floor of buildings located at least one (1) foot higher than the determined base 100 year flood elevation, must be submitted to the Planning Department prior to the issuance of any building permits.

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

Voting nay: none

Absent: Supervisor Tyler

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby acknowledges that the Commonwealth of Virginia, the Richmond Metropolitan Area and the County of Sussex has experienced an extended period of drought and the level of surface water impoundments, rivers, underground aquifers, and other drinking water sources have declined substantially; and

WHEREAS, on August 30, 2002, the then Governor of Virginia issued Executive Order 33 (2002) which prohibits many uses of surface water and groundwater, including but not limited to, watering lawns, washing vehicles, filling swimming pools, irrigating golf courses (with certain limited exceptions for each); and said Executive Order remains in full force and effect; and

WHEREAS, the Governor's Executive Order 33 (2002) authorizes localities to "establish, collect and retain fines for violation of these restrictions"; and

WHEREAS, pursuant to Virginia Code Section 44-146.21, the Board of Supervisors of Sussex County, Virginia, on November 19, 2009, declared a local state of emergency by virtue of the drought, and pursuant to Code of Virginia Section 44-146.19 adopted an emergency ordinance, Ord. No. 2009-1118, to regulate the use of resource systems following the declaration of a state of emergency by the Governor; and

WHEREAS, Virginia Code Section 15.2-1427 authorizes local governing bodies to adopt emergency ordinances effective for a period not to exceed sixty (60) days without public advertising, and this Board desires to reenact the water emergency ordinance following public advertisement so that the ordinance will continue in effect beyond such sixty (60) day period.

NOW, THEREFORE, BE IT ORDAINED by the Sussex County Board of Supervisors this the 18th day February 2010, that the following water usage restrictions, and all sub sections therein, are hereby enacted, as follows:

Section 15-70—15-80. Reserved.

ARTICLE IV. DROUGHT MANAGEMENT

Section 15-81. Short title

This Article shall be known and may be cited as the Drought Management Ordinance. (Ord. adopted February 18, 2010).

Section 15-82. Declaration of emergency affecting water supply.

Due to the decreased level of above ground and underground water supplies affecting the public water systems serving County residents and the anticipated demand for water in the immediate future, and due to the Governor's Executive Order 33 (2002), the Board of Supervisors of Sussex County hereby declares and finds pursuant to Code of Virginia Sections 15.2-924 and 44-146.21 that a water supply emergency exists amounting to a local emergency which necessitates the adoption of this Ordinance mandating restriction on the use of water in the County under the terms and condition set forth herein.

Section 15-83. Definitions

The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them below, except in those instances where the context clearly indicates a different meaning:

Assessment date: The date of the notice imposing the fine for a violation of this Ordinance.

Lawn: Grass areas of any property, including residential, commercial or industrial areas, but excluding agricultural fields and athletic fields.

New or refurbished lawn or fairway: a new lawn or fairway under construction or an existing lawn or fairway area which has been over-seeded or resodded.

Person: Any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

Vehicle: A motor vehicle or semi-trailer as defined in Virginia Code Section 46.2-100, which requires titling and registration pursuant to Virginia Code Section 46.2-600 et. seq.

Section 15-84. When restrictions go into effect

The water use restrictions set forth in this Ordinance shall take effect immediately. The water use restrictions shall remain in effect so long as the Executive Order remains in full force and effect.

Section 15-85. Authority to declare a potential shortage of water and to impose water conservation measures

The County Administrator is authorized to take special measures of prudent management to prevent a critical water shortage when a potential shortage and/or emergency condition exists in the water system(s), and to declare Drought Management Watch, Drought Management Warning or Drought Management Emergency conditions within the jurisdiction. Drought Management Emergency conditions may also be declared by the jurisdiction in the event of equipment failure, contamination or other non-drought related event that prevents short-term provision of adequate water supplies.

Section 15-86. Authority granted to local jurisdictions by the Code of Virginia

Section 15.2-924 of the Code of Virginia states that localities have the power to declare water supply emergency, and to restrict citizens' water use for the prevention of or the duration of a water supply emergency. When such restrictions are put into place, any local water supply system may apply to the State Water Control Board for assistance if they are able to provide evidence that they have exhausted their available means. Water can be bought from one water supplier for the benefit of another to alleviate local water shortages; in such cases, water will be paid for at the established rate of the supplier.

Section 15-87. Conditions for the declaration of potential shortage of water

The Drought Management Contingency and Response Plan, included in the Greenville-Sussex-Emporia Regional Water Supply Plan (WSP), provides guidance for evaluating the potential for, or existence of, drought conditions and implementation of response and contingency activities.

Upon a determination by the County Administrator of the existence of the following conditions, the County Administrator shall take the following actions:

(a) Drought Management Watch

Drought Management Watch stage targets increased monitoring of drought conditions and increased public awareness of incipient drought conditions. Required actions under the Drought Management Watch include notifying the public of incipient drought via newspaper, public service announcement, notices with water bills, and to request voluntary reduction in non-essential water use.

(b) Drought Management Warning

Drought Management Warning target is to increase public awareness, and reduce water withdrawals by 10% through voluntary water conservation. Required actions include notifying

public of the Drought Management Warning, and requesting voluntary reduction in the following non-essential water use:

(1) Water to wash down streets, sidewalks, walkways, driveways, parking lots, service station aprons, tennis courts, other hard surfaced areas, buildings, and structures, except as required for safety concerns;

(2) Water to wash automobiles, trucks, trailers, and any other types of mobile equipment, except where required, to meet air quality standards;

(3) Watering of shrubbery, trees, lawns, grass, plants, and other vegetation;

(4) Water from fire hydrants for construction purposes or any purpose other than fire suppression or other public emergency;

(5) Water to fill or refill swimming pools;

(6) Customer not served drinking water in restaurant unless requested.

(7) Urge customers to refrain from outdoor watering with sprinklers or irrigation systems between 10 am and 6 pm;

(8) Implement alternate-day use schedules based on last digit of residential or commercial address: odd-number addresses - Tuesday, Thursday and Saturday; even-number addresses - Wednesday, Friday and Sunday; watering by hand (with cans, wands, hand held hoses) is allowed any day of the week.

(9) The Drought Management Warning stage implements higher water rates for excess use. Normal water rates apply for consumption up to 12,000 gallons per billing cycle. Rates are increased by 15% for consumption above 12,000 gallons per billing cycle.

(c) Drought Management Emergency

Drought Management Emergency target is to increase public awareness and reduce water withdrawals by 15%. Required actions include notifying public of the Drought Management Emergency, and implementing mandatory reduction in the following non-essential water uses:

(1) Water to wash down streets, sidewalks, walkways, driveways, parking lots, service station aprons, tennis courts, other hard surfaced areas, buildings, and structures, except as required for safety concerns;

(2) Water to wash automobiles, trucks, trailers, and any other type of mobile equipment, except where required, to meet air quality standards;

(3) Watering of shrubbery, trees, lawns, grass, plants, and other vegetation (exception: customers may water first-year foundations, trees and shrubs up to two hours a day by a hand-held or

soaker hose, and new planting of grass within the first 30 days up to one hour a day by any means; restrictions do not apply to locations using treated wastewater effluent for irrigation);

(4) Water from fire hydrants for construction purposes or any purpose other than fire suppression or other public emergency;

(5) Water to fill or refill swimming pools;

(6) Customer not served drinking water in restaurant unless requested.

(7) Require customers to refrain from outdoor watering with sprinklers or irrigation systems between 10 am and 6 pm;

(8) Implement alternate-day use schedules based on last digit of residential or commercial address: odd-number addresses - Tuesday, Thursday and Saturday; even-number addresses - Wednesday, Friday and Sunday; watering by hand (with cans, wands, hand held hoses) is allowed any day of the week.

(9) The Drought Management Emergency stage implements higher water rates for excess use. Normal rates are increased by 15% for consumption up to 12,000 gallons per billing cycle. Normal rates are increased by 30% for consumption above 12,000 gallons per billing cycle.

Section 15-88. Violation

It shall be a violation of this Ordinance for any person to use water, or allow or cause the use of water, in violation of the provisions of this Ordinance.

Section 15-89. Penalties

(1) Any person who violates any provision of this Ordinance shall be subject to the following fines:

- (a) For the first offense, violators shall receive a written warning.
- (b) For the second offense, violators shall be fined \$50.00.
- (c) For the third offense, violators shall be fined \$100.00.
- (d) For the fourth offense and subsequent offense, violators shall be fined \$250.00.
- (e) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

(2) The County, or its designee, shall serve the written warning or assessment of fine by either:

- (a) Hand delivering the document to the violator or other adult occupying or employed by a business on the property where the violation occurred; or
- (b) Posting the document on the front door of the primary structure and mailing, by first class U. S. mail, a copy of the document to the owner of record at the

current mailing address contained in the County's Real Estate Assessment records for the property where the violation occurred.

(3) Persons who have been assessed a fine shall have the right to challenge the assessment by providing a written notice to the County Administrator within ten (10) days of the date of the assessment of the penalty. The County Administrator or his designee shall determine whether the fine was properly assessed and notify the complaining person in writing of his determination. Should the County Administrator or his designee determine that the fine was properly assessed; the person may challenge that determination within ten (10) calendar days of receiving the notice of determination by filing an action in court.

(4) The County Administrator or his designee may waive the penalty if he determines that the violation occurred due to no fault of the person.

Section 15-90. Appeals and Exceptions

Upon implementation of a Drought Management Emergency stage (above), the County Administrator shall appoint an appeals board consisting of three (3) representatives from the jurisdiction administration and utilities offices. The County Attorney shall serve as legal counsel to the appeals board.

The appeals board shall be empowered to review customer applications for exemptions from the provisions of the mandatory conservation on a case-by-case basis and, if warranted, to make equitable adjustments to such provisions. The board shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply as set forth. The board shall, in deciding applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of exemptions. Individual applications shall be decided by the board within two (2) weeks of receipt of an application in proper form and containing all necessary information.

(a) *Rescinding orders.* Nothing in this section shall be construed to prohibit the County Administrator from rescinding any orders issued hereunder when the conditions creating the need for such orders have abated.

Section 15-91. Severability

The provisions of this Ordinance are severable, and the invalidity of any provision in the Ordinance, as determined by a court of competent jurisdiction, shall not affect the validity of any other provision in the Ordinance.

Section 15-92. Effective Date

This Ordinance shall take effect immediately.

Voting aye: Supervisors Birdsong, Caple, Fly, Parker

Voting nay: none

Absent: Supervisor Tyler

Item 6. Adjournment

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the February 18, 2010 public hearing meeting of the Sussex County Board of Supervisors is hereby adjourned.

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

Voting nay: none

Absent: Supervisor Tyler

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
On Thursday, February 18, 2010, at 7:30 p.m.**

BOARD MEMBERS PRESENT

T. Wayne Birdsong
Wayne M. Harrell

Charlie S. Caple, Jr.
Harris L. Parker

C. Eric Fly, Sr.

BOARD MEMBER ABSENT

Rufus E. Tyler, Sr.

STAFF PRESENT

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Shannon C. Drew, Assistant to Director of Planning
Tony S. Johnson, Senior Animal Control Officer
Tracy Terry, Animal Control Officer
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order

The Regular Meeting of the Sussex County Board of Supervisors meeting was called to order by Chairman Parker.

Item 2. Adoption of Regular Agenda

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Regular Agenda of the February 18, 2010 meeting of the Sussex County Board of Supervisors is hereby adopted with the following additions: (1) Under County Administrator's Report, add Item #6, Wakefield Building Condemnations; (2) Under County Administrator's Report, add Item #7, Meeting with the Sheriff; (3) Under Closed Session, add Item b, Economic Development; (4) Under County Administrator's Report, Animal Pound update, add Veterinary Services Contract as Item 4a; and (5) Under New Business, add Item a, Sussex Service Authority Request.

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

Voting nay: none

Absent: Supervisor Tyler

Item 3. Election of Vice Chairman

Supervisor Birdsong nominated Supervisor Fly as Vice Chairman for Calendar Year 2010.

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby closes on said nomination and elects C. Eric Fly, Sr., as Vice Chairman for Calendar Year 2010.

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

Voting nay: none

Absent: Supervisor Tyler

Item 4. Adoption of Consent Agenda

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Consent Agenda, inclusive of the following: (1) Minutes of the January 8th and 9th Board Retreat; (2) Minutes of the January 21st Community Meeting; (3) Minutes of the January 21st Regular Meeting; (4) Minutes of the January 27th Budget Work Session; (5) Minutes of the February 4th Budget Work Session; (6) Appropriation in the amount of \$457.79 payable to Virginia Employment Commission for Unemployment Compensation for Camille Royal; (7) Appropriation in the amount of \$1,485.21 payable to VA Employment Commission unemployment compensation for A. M. Bennett and D. J. Spain; (8) Appropriation in the amount of \$3,661.86 for monies received from VACo Risk Management to be placed in the Sheriff's Department, line item 51100 1261 512 510; (9) Appropriation in the amount of \$12,001.50, payable to Townes PC, for Invoice #1770 for professional engineering services provided for the Route 460 Industrial Park project; (10) Warrants and Vouchers in the amount of \$528,007.62; (11) Payroll Deduction Checks in the amount of \$210,844.96; and (12) Approval of recommendation to the Circuit Court Judge for appointments to the Board of Zoning Appeals, George O'N. Urquhart, William B. Savedge, Raymond L. Warren, Robert Pegram and Keith C. Blowe.

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

Voting nay: none

Absent: Supervisor Tyler

Item 5. Standing Reports

Item 5a. Health Department – absent

Item 5b. Highways, Streets & Roads

William Richardson, Assistant Resident Administrator, Waverly Residency, Virginia Department of Transportation, reported that their office gave salt to Culpeper during the recent snow storm. This helped in two ways: (1) Because they could provide assistance to another locality in need and; (2) this gives them the opportunity to replenish their stock with a fresher batch of salt.

He also reported that his staff will be focusing on the many potholes in the County as a result of the recent snow storm. He also explained that the Board made good decisions in the past to complete the rural rustic road projects, thus minimizing the number of dirt roads.

Supervisor Caple asked Mr. Richardson if VDOT could place guard rails on Hartley Street in Stony Creek. The street runs parallel to the creek and when the road is icy as it was during the snow storm, it is quite slippery. Vehicles traveling on that road could possibly slide into the creek.

Mr. Richardson advised that he will check to find out if there is funding for guard rail placement.

Mr. Richardson also asked the Board if a decision has been made with regard to a resolution that was adopted by the Board regarding no through truck traffic on Harrell Mill Road.

The Board, by general consensus, decided to defer action on this item until the March 18, 2010 meeting so that Supervisor Tyler would be involved in deliberations.

Item 5c. County Administrator's Report

Item 5c1. Actuarial Valuation Results

George E. Morrison, III, Deputy County Administrator, introduced Mr. Lane B. West, Senior Vice President/Consulting Actuary of the firm, Stanley, Hunt, Dupree & Rhine, Inc., who will make a presentation to the Board.

Mr. West advised that a report has been provided to the Board that serves as the valuation report for fiscal year beginning July 1, 2008. (A copy of the report is retained in the February 18, 2010 Board packet).

Item 5c2. Annual Financial Report – Robinson, Farmer, Cox Associates

Mr. Jerry L. Whitaker, Director of Finance, introduced Ms. Ann Walls, of Robinson, Farmer, Cox Associates.

Ms. Walls provided an overview of the County's Annual Financial Statement for fiscal year ending June 30, 2009. (A copy of the report is retained in the February 18, 2010 Board packet).

Item 5c3. Bracy & Company, LLL Proposal – Scrap Metal Recycling

George E. Morrison, III, Deputy County Administrator, introduced Mr. Kevin Bracy.

Mr. Bracy advised that Bracy & Company is offering a proposal to Sussex County concerning recycling scrap metal for the County of Sussex. Bracy & Company, LLC, initially agrees to put two 30 yard containers at two sites that Sussex County recommends for collection of scrap metals. Location of containers will be agreed on and understood by George E. Morrison, III, Deputy County Administrator, and Kevin Bracy.

Bracy & Company, LLC, agrees to pay the County .03 cents per pound for scrap collected. All copies of the certified weight tickets will be issued the 10th of the month with a check paying Sussex County for the transactions. This price could vary at the first of each month. According to

the current market prices, the amount paid to Sussex County could increase or decrease. This information will be so noted on the checks issued.

Scrap metals will also include stoves, washers, dryers, freezers and refrigerators. Any and all other trash other than scrap metals will be the responsibility of the County of Sussex.

Supervisor Caple: "IF the Board so agrees to this, will Bracy & Company provide the boxes?"

Mr. Bracy: "Yes, but more discussions would be held with the Board and staff."

Supervisor Fly: "What if someone places household waste in the boxes reserved for scrap metals?"

Mr. Bracy: "It would be the County's responsibility to remove the trash."

Supervisor Fly: "I like the idea, but we need to do more research."

Supervisor Birdsong: "I like the idea, but I agree with Mr. Fly, we need more information."

Mr. Bracy: "I will get with Mr. Morrison, provide more information and come back to the Board."

Mr. Morrison: "We need to include the County Attorney in discussions."

Mr. Thompson: "I have some concerns that will require additional discussion."

Supervisor Parker: "Let's discuss this in more detail at the March 18th meeting."

Item 5c4. Animal Pound Update

County Attorney Thompson recommended that the Board discuss this issue in Closed Session.

Supervisor Fly: "Mr. Morrison, was this letter discussed with the County Attorney before it was put out?"

Mr. Morrison: "No, it was not."

County Attorney Thompson: "Some of the items contained in this memorandum should be discussed in Closed Session."

Mr. Morrison: "The washer and dryer that were donated to the Animal Pound have been returned to the donor. "

Supervisor Fly: "Were the washer and dryer ever hooked up?"

Mr. Morrison: "Yes, but the hose on the washer was leaking; the electrical cord on the dryer has the wrong receptacle."

Supervisor Birdsong: “If the items were not hooked up, the person donating the items has a right to ask that they be returned. Chase Boykins, a local citizen volunteered several months ago to have the washer and dryer hooked up, but that never happened. That’s the County Administrator’s and Animal Control staff’s fault.

Supervisor Fly: “Is there a need for a washer and dryer?”

Mr. Morrison: “The staff did not request a washer or dryer and when the state vet came for a visit, he questioned why it was there and voiced concerns.”

Supervisor Fly: “Mr. Morrison’s letter in its entirety is dangerous to the County.”

County Attorney Thompson: “The Board of Supervisors should not make an assertion as to what is a liability to the County.”

Supervisor Fly: “It is public record, it’s reckless and I think I know where Mr. Morrison was headed.”

Item 5c4a. Veterinary Services Contract

Supervisor Birdsong: “During a discussion in August 2009, we had a document in hand regarding “our veterinarian” that came from the Board of Veterinary Medicine, dated August 19, 2009. It involved a case against “our veterinarian” that we contracted with that was heard in Henrico County Court. “Our veterinarian” violated certain laws in Virginia and upon consideration of evidence, it was founded that “our veterinarian” failed to diagnose a urinary obstruction. As a result, “our veterinarian” was ordered to complete five continuing education units in examination, ultrasound and radiology. He was ordered to pay a \$50 penalty. And this Board of Supervisors voted to enter into a contract with this man.”

(Supervisor Birdsong then flung the document to his right (in the direction where Chairman Parker was seated and towards Mr. Morrison).

(Supervisor Birdsong did not provide a copy of the document to the Deputy Clerk to the Board, therefore no copy is retained in the February 18, 2010 Board packet).

Mr. Morrison: “This was reported to the Board when it first happened. Staff spoke to Dr. Kovich at the State Vet’s Office for clarification. And it took from August 2009 to January 2010 to finalize the contract.”

Supervisor Fly: “During the RFP process, we were told that there were only two vets that had responded. The Board was told that Dr. Cupp was not interested. Why didn’t we try to work with and support Dr. Cupp; after all, he is the only veterinarian in Sussex County. I have a copy of the proposal from Dr. Cupp, why was that not provided to the Board?”

Mr. Morrison: “What you just reported is not true. Staff has a letter in the file from Dr. Cupp indicating that he was interested in working with the County, but did not submit a response to the

RFP. Dr. Cupp has provided services for the County and has assisted with the rabies clinics. A new contract can be let on July 1st.”

Supervisor Fly: “I would like the Board to instruct the Deputy County Administrator to talk with Dr. Cupp.”

County Attorney Thompson: “This is a lot of “he said, she said.” There was an RFP advertised; the Board can’t just give it to someone who does business in the County. Two veterinarians replied, but Dr. Cupp was not one of them who responded to the RFP.”

Supervisor Fly: “I have a copy of the RFP that Dr. Cupp sent in. It’s on my desk in Richmond.”

Supervisor Caple: “There are a couple of things going on here. There are too many people giving instructions and too many avenues being used to do business. All Board members should be privy to the same information and everything should come before the full Board. We are not following protocol.”

Supervisor Fly: “I think I just got accused of something. Dr. Cupp sent his proposal to the County Administrator and that information was not provided to the Board.”

Supervisor Parker: “We can get out of the contract with 30 days’ notice.”

County Attorney Thompson: “Anything that goes to a Board member should be shared with all Board members so that everyone has an opportunity to review the same information before the meetings.”

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Attorney to review all documents pertaining to the veterinary services contract and report to the Board at the March 18, 2010 meeting.

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

Voting nay: none

Absent: Supervisor Tyler

Item 5c5. Code of Ethics

George E. Morrison, III, Deputy County Administrator, advised the Board that included in their packet is information regarding the proposed Code of Ethics.

Supervisor Fly: “Mr. Morrison, I asked you in my letter of November 20th who authorized Mr. Thompson to draft this document.”

Supervisor Caple: “After I attended the National Association of Counties conference in July, I advised the Board that Code of Ethics and Standards were discussed in one of the workshops. I believe that all Boards should have a Code of Ethics because it is needed.”

Supervisor Fly: “What was the Board’s vote?”

Supervisor Caple: “This item was also discussed at the Retreat in January. You don’t think we need a Code of Conduct? You can’t do what you want to do all of the time.”

Supervisor Birdsong: “I have no problem with a Code of Ethics, but the Board should discuss it.”

Supervisor Harrell: “I don’t have a problem with adopting a Code of Ethics.”

Supervisor Parker: “Maybe the Personnel Committee should review the Code of Ethics.”

Supervisor Caple: “The entire Board needs to discuss this issue. What is it that you don’t want? What’s so complicated?”

Supervisor Parker: “We need to hold or fold.”

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby recommends that the Personnel Committee review the proposed Code of Ethics and report to the full Board.

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

Voting nay: none

Absent: Supervisor Tyler

Item 5c6. Wakefield Buildings Condemnation

Supervisor Fly: “Is there any update on this issue?”

Mr. Morrison: “Yes, staff received a response from Mayor Britt. County Attorney Thompson drafted a policy and it has been forwarded to the Town of Wakefield.”

Supervisor Fly: “Has Mr. Luter gone out yet?”

Mr. Morrison: “No.”

County Attorney Thompson: “There should be a formal resolution adopted by the Town prior to Mr. Luter going out.”

Supervisor Birdsong: “They passed a resolution at their last meeting.”

Mr. Luter: “Enforcing the statewide uniform building code is separate from enforcing the ordinance you are speaking of.”

Supervisor Fly: “State code, contract, ordinance; it’s been seven years, that’s a bunch of bull crap.”

County Attorney Thompson: “The Town of Wakefield has appointed Mr. Luter as their building official.”

Supervisor Birdsong: “Seven years ago, Wakefield adopted the County’s ordinance. Ms. Jones and Mr. Thompson assured us that the Building Official would then go to work. The Town constantly wrote letters to the County Administrator, but nothing was ever done. The citizens already pay for these services. A demolition permit has to be issued; there has to be three trips done by the Building Official. It makes no sense that this has taken this long.”

Supervisor Parker: “Once the property is cleaned, who reaps the benefits from the sale of the property?”

Supervisor Fly: “The Town does; they are taking the responsibility of tearing down the structure and selling the property.”

Supervisor Parker: “Let’s settle this tonight. Let the staff check with the other Towns also.”

Supervisor Fly: “Waverly has no clue.”

Supervisor Parker: “Yes they do. I told Waverly what to do; we want it done right.”

Item 5c6. Meeting with the Sheriff

The Sheriff requested that this item be discussed in Closed Session.

Item 5d. Treasurer’s Report

Mr. Onnie L. Woodruff, County Treasurer, reported that the statement of money in the banks to the credit of Sussex County at the close of business January 31, 2010 was \$26,343,995.17. (A copy of the Treasurer’s Report is retained in the February 18, 2010 Board packet).

The Treasurer also noted that there is a Rabies Clinic scheduled for February 20, 2010.

Item 5e. Commissioner of the Revenue - no report

Item 5f. Sheriff’s Department – will discuss his issues in Closed Session.

Item 5g. Superintendent of Schools – absent

Item 5h. Director of Social Services

Director of Social Services, Chequila Fields, reminded the Board that at the last meeting, she would be coming before them requesting additional funding. The local share increase is \$5,298.00. She advised that she would be requesting approval and appropriation of additional funding.

Supervisor Parker requested that she provide a written request for inclusion in the March 18th Board packet.

Item 5i. County Attorney – no report

Item 6. Citizens' Comments

Comments were heard from the following:

- Al Peschke, Wakefield District, commented on the Sussex Surry Dispatch's recent article entitled "Who's Running The County?"
- Fred Turck, Blackwater District, advised that he appreciates citizens' comments; the Board needs to look into the recycling proposal before taking action; if County employees have a code of conduct, why not use that, don't reinvent the wheel.
- Debbie Turck, Blackwater District, the code of conduct was mentioned after Board members attended the NACo meeting; the Board asked Mr. Morrison to check for an existing code of conduct, there was no other directive; the Board needs a recording device at all meetings because no one person can scribe everything; that will help with follow up from one meeting to another; the Board needs to spend a few dollars and invest in new technology; a school employee that resigned is now back as a contractual employee.

Supervisor Parker advised that the last issue mentioned by Mrs. Turck is an issue that needs to be directed to the School Board, not the Board of Supervisors.

Item 7. Unfinished Business – none

Item 8. New Business

Item 8a. Sussex Service Authority Request

Supervisor Harrell advised that the Sussex Service Authority wants a representative on the Sussex County Planning Commission.

Supervisor Parker asked County Attorney Thompson to research this and report at March 18th meeting.

Supervisor Birdsong advised that this issue has been brought before the Board before.

Item 9. Closed Session

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session for Personnel Matters and Economic Development (Prospective Business), applicable Code Sections 2.2-3711(A)(1), and 2.2-3711(5), respectively.

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

Voting nay: none

Absent: Supervisor Tyler

Item 10. Return To Open Session

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY 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

Absent: Supervisor Tyler

Mr. Whitaker: "I would like a point of clarification from the Board. Am I to process payroll from the Sheriff as he submits it without question?"

Supervisor Fly: "If your conscious won't let you process the Sheriff's payroll as submitted, then let the Treasurer do it."

Supervisor Harrell: "Did the Sheriff not understand FLSA? He asked what it was."

Supervisor Fly: "According to Ms. Katz's letter, if the Sheriff signs off on payroll, he's responsible."

Supervisor Parker: "Mr. Thompson, would you please obtain a copy of the Sheriff's documentation? The Sheriff's Department is a separate entity."

County Attorney: "Mr. Whitaker is talking about two things."

Mr. Whitaker: "I'm talking about one thing."

Supervisor Parker: "Mr. Whitaker is a CPA and he is asking a fair question."

County Attorney Thompson: "Mr. Whitaker is a County official, so he is shielded in his actions, except gross negligence. The Sheriff has already said that after March 1, 2010, he will cut overtime."

Mr. Whitaker: "When the Sheriff submits his payroll, am I to process what he submits without question?"

Supervisor Parker: "You are to process it according to the law."

County Attorney: "If Mr. Whitaker notices that the Sheriff pays overtime to someone that works 171 hours, Mr. Whitaker can submit it to the Board."

Mr. Whitaker: "What do I do if the Sheriff submits something that is not in compliance, do I pay it?"

Supervisor Parker: "Process it with stipulation, but bring it to the attention of the Board."

County Attorney Thompson: "I don't suggest that the Board tells him to pay it."

Supervisor Fly: "Process the payroll that the Sheriff sends, if it's in compliance."

County Attorney: "There is no liability at all, if Mr. Whitaker relies on the County Attorney's opinion."

Mr. Whitaker: "So I am to process payroll as long as there's no gross negligence."

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors authorizes the Deputy County Administrator to notify the Sheriff in writing, confirmation of the Board of Supervisors' position regarding his compliance with the November 18, 2009 correspondence from Attorney Phyllis Katz, as it relates to the processing of payroll for the Sheriff's Department's payroll.

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

Voting nay: none

Absent: Supervisor Tyler