

**At a Regular Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom at Sussex Judicial Center  
15098 Courthouse Road, Sussex VA 23884 on July 16, 2009 @ 7:30 p.m.**

**BOARD MEMBERS PRESENT**

T. Wayne Birdsong  
C. Eric Fly  
Harris L. Parker

Charlie E. Caple, Jr.  
Wayne M. Harrell  
Rufus E. Tyler, Sr.

**STAFF PRESENT**

Mary E. Jones, County Administrator  
Henry A. Thompson, Sr., County Attorney  
George E. Morrison, III, Deputy County Administrator  
Jerry L. Whitaker, Director of Finance  
Eddie T. Vick, Public Safety Coordinator  
W. Travis Luter, Building Official  
Deborah A. Davis, Assistant to County Administrator  
Nicole L. Scuderi, Administrative Secretary

**ITEM 1 - CALL TO ORDER**

The July 16, 2009 meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly; the Pledge of Allegiance was recited by all; the Invocation was offered by Supervisor Parker.

**ITEM 2 - ADOPTION OF REGULAR AGENDA**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that that the Regular Agenda of the July 16, 2009 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 – ADOPTION OF CONSENT AGENDA**

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Consent Agenda of the July 16, 2009 meeting of the Sussex County Board of Supervisors is hereby adopted as presented, inclusive of the following: (1) Minutes of the June 18, 2009 meeting; (2) Warrants and Vouchers in the amount of \$636,140.43; and (3) Payroll Deduction Checks in the amount of \$140,981.12.

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**

Mr. William Richardson, Assistant Residency Administrator, Waverly Residency of the Virginia Department of Transportation addressed the Board and provided the following report:

- The second round of grass cutting will begin soon; Route 460 is the only primary road that is slated for mowing.
- Pine Tree Road paving will be extended another three tenths of a mile for a new residence that was built.
- The Waverly Residency Office may receive information on the possibility of the office closing in December; if this happens the Waverly Residency will close in March.

**ITEM 4(c) – County Administrator’s Report**

**ITEM 4(c) 1 – Census 2010**

County Administrator Jones advised the Board that Ms. Patricia Knight, Partnership Representative with U S Census is present and will address the Board.

Ms. Knight presented information on the 2010 Census project. (A copy of the report is retained in the July 16, 2009 Board packet).

**ITEM 4(c)2 – Animal Control Update**

County Administrator Jones advised that staff interviewed two veterinarians who responded to the Request For Proposals for veterinary services. Those interviewed were Kim Eaton, DVM and Les Sekut, DVM.

Also, staff received information from contractors regarding the flooring for the Animal Pound. This information is being reviewed and a full report will be provided next month.

The Standard Operating Procedures (“SOP”) for the Animal Pound are still being prepared.

**ITEM 4(c)3 – Sussex County Code, Chapter 2, Article II**

County Administrator Jones advised the Board that at the June regular meeting, the Board adopted a resolution to meet twice monthly on a temporary basis. However, after the County Administrator’s consultation with the County Attorney, it was determined that some uncertainty exists as to whether the Sussex County Code has codified Division 4, Section 2-98 (a) which states that “The regular meeting of the Board of Supervisors shall be on the third Thursday of each month at 7:30 p.m. at the County Courthouse,” and the meeting schedule is part of the ordinance or a Board By-Law rule which can be changed without a public hearing which is required for any ordinance amendment.

The County Administrator further advised that the County Attorney, and staff, were reviewing and updating the entire Code of Sussex County to clear up ambiguities and to assure that the County codes are in accord with present law. Until Chapter II, in its entirety is updated and reviewed and presented to the Board of supervisors for appropriate action, the County Administrator suggested that the Board recess any regular meeting to another date as the Board requires or deems necessary for the conduct of county business.

Also, discussed was the imposition of rules of discourse and time allotment when citizens appear before the Board for comment.

A review was made by staff of the Sussex County Code as it pertains to the Board meeting. After the June of 2009 regular meeting month, there have been comments from the general public regarding the second meeting and the starting time of 5:00 p.m. The majority of the comments have not been favorable for the Board of Supervisors having two regularly scheduled monthly meetings. Other considerations are the courts’ schedule. Many times court is not over until 4:30 p.m. or later. This requires overtime for Buildings and Grounds staff to prepare the meeting room.

**ITEM 4(c)4 – Fiscal Year 2009 Year End Summary**

Director of Finance Jerry Whitaker addressed the Board and provided the Fiscal Year 2009 Year End Summary to the Board. (A complete copy of the report is retained in the July 16, 2009 Board packet).

Mr. Whitaker advised the Board that all departments that exceeded their budgets in Fiscal Year 2009 have been requested to come before the Board at the August 6, 2009 meeting to justify the overages and, if any department seeks full or partial restoration of its Fiscal Year 2009 budget, to make presentations, at this August 06, 2009 meeting, to the Board of Supervisors.

**ITEM 4(c)5 – Outlying Landing Field**

County Administrator Jones advised the Board that included in their packet is a sample of the survey form used in Surry County to collect information from individuals living in and near the proposed outlying landing field. The same form will be used with some changes tailored for Sussex County.

**ITEM 4(d) Treasurer’s Report**

As reported by Ms. Deste Cox, Deputy Treasurer, the statement of money in the banks to the credit of Sussex County at the close of business June 30, 2009 was \$23,013,892.24. (A copy of the Treasurer’s report is retained in the July 16, 2009 Board packet).

The Deputy Treasurer also asked the Board to adopt a resolution to relieve the Treasurer of advertising the delinquent tax list.

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that Onnie L. Woodruff, the Treasurer of Sussex County has submitted the delinquent tax list, including the 2004-2008 personal property taxes and 1989-2008 real estate taxes, in compliance with Section 58.1-3024 of the Code of Virginia.

BE IT RESOLVED that the Treasurer is hereby relieved of the responsibility of advertising the delinquent tax list and is also directed to continue collecting delinquent taxes.

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

Voting nay: none

Deputy Treasurer Cox also advised commencing on or around July 20, 2009 until September of 2009, the Treasurer’s Office hour will be 9:00 a.m. to 5:00 p.m. as a cost cutting measure given the reduction in its Fiscal Year 2009 budget.

**ITEM 4(e) – Commissioner of the Revenue Report** – no report

**ITEM 4(f) – Sheriff's Report**

Sheriff Bell spoke regarding budget cuts and advised the Board that is not a good practice to rely completely on Compensation Board allocations. Historically, his department has always complied and reduced its budget as the Board of Supervisors requested. He further stated that the Sheriff's Department cannot continue to cut its budget and still be expected to provide law enforcement and public safety services at its best.

Supervisor Birdsong asked County Attorney Thompson if the state code requires the Board of Supervisors to give each constitutional officer an adequate budget to operate their department.

County Attorney Thompson advised that the state code requires Boards of Supervisors approve and appropriate funding for each constitutional office.

Supervisor Tyler stated that the Board of Supervisors should not approve a budget and allow departments to overspend. There should be internal controls with regard to budgeting and expenditures. That all county departments, who make a presentation to the Board with supportive justification, would be reviewed at on an individual basis as to whether more monies should then be appropriated to it if justified and the County's entire financial situation, once reviewed, allows such additional appropriations.

Chairman Fly stated that the Board of Supervisors created the budgetary problems in cutting some of the department's budget and the problem needs to be corrected. He asked that this item be placed on the August 6<sup>th</sup> agenda.

**ITEM 4(g) – Superintendent of Schools**

Dr. Charles H. Harris, III, Division Superintendent of Schools, provided a report to the Board as part of its supplemental agenda packet. In the report, it stated that the Sussex County Board of Supervisors held a work session on June 18, 2009 to review the options for facilities for the elementary program. The School Board heard a report from the architect regarding the cost of the construction options for building schools and the impact of size on the projects. Following discussion with the architect, the Board further heard reports from the staff regarding the impact of one or two schools on the educational school program and operation of schools.

The School Board considered the reports from the work session and voted on July 9, 2009 to build one elementary school. The Sussex County School Board is requesting that the Board of Supervisors fund \$18,000,000.00 for the construction of an elementary school.

There will be a joint meeting of the Sussex County School Board and Board of Supervisors on Monday, July 20, 2009 at 6:30 p.m., at the Sussex Middle School to further discuss the elementary school construction project.

**ITEM 4(h) – Director of Social Services** – no report

**ITEM 4(i) – County Attorney** – no report

**ITEM 4(j) - Building and Grounds Committee**

Supervisor Birdsong advised that the Building and Grounds Committee and the County Administrator will meet with Mrs. Lyndia Person-Ramsey, Commonwealth's Attorney, on Monday, July 20, 2009 at 3:30 p.m., to discuss space needs for her office. He further advised that there have been no funds appropriated for architectural review or services. He requested that the Board appropriate \$25,000 to hire an architect to provide services for design of space needs for the Commonwealth's Attorney's office and for County Administration.

Supervisor Tyler advised that an analysis needs to be done prior to appropriating funds.

Chairman Fly advised that the Board will need to advertise for a request for proposal and go through the required process prior to contracting with an architect.

**ITEM 4(k) – Animal Care Advisory Committee** – no report

**ITEM 5 – CITIZENS' COMMENTS**

Chairman Fly called for citizens comments.

Comments were heard from the following:

- Al Peschke, Wakefield District – stated that the surplus vehicles are still parked at the Animal Pound site. He also stated that the Board discussed selling surplus item using govdeals.com in December 2007, but nothing has

- been done. He suggested that the Board use video recording device at their meetings; recommended that a copy of the County's budget be placed at the public library. He said he would be back at the Board meeting next month.

County Administrator Jones advised that the "GovDeals" contract is under review.

- Debbie Turck, Blackwater District – stated that she does not understand the County's accounting process nor budget appropriations. The Sussex County Animal Pound Aides (SCAPA) has purchased and delivered two resuscitation masks for the Waverly and Stony Creek Volunteer Fire Departments. SCAPA has a meeting scheduled with Mr. George E. Morrison, III, Deputy County Administrator, on July 31, 2009.
- Nancy Kramer, Courthouse District – advised that she has been a volunteer since May 2009. The Pound is being cleaned and the animals are being taken care of. She also advised that she is concerned with the negative comments being made about the current animal control staff.

Supervisor Birdsong advised that he encourages citizens' comments, however wanted to remind volunteers that there is a Board appointed committee that provides monthly reports. Mrs. Anne Joyner is the chairperson of that committee. He asked the County Attorney if the Sussex County Animal Care Advisory Committee report could be the designated committee to make reports to the Board.

County Attorney Thompson advised that all citizens, subject to Board of Supervisors reasonable rules reading the time, place and manner of such conduct, may responsibly make comments to the Board at its meetings. He suggested that the Sussex County Animal Care Advisory Committee be given to staff and for review and, if additional clarifications or research is not necessary for the Board to be fully informed, then to the Board. However, the Board can designate a spokesperson for any committee it creates.

Supervisor Birdsong stated that it takes a great deal of time to listen to two or three reports, especially regarding the same issue.

**ITEM 6 – UNFINISHED BUSINESS**

**ITEM 6(a) – Appointment to Blackwater Regional Library Board of Trustees**

County Administrator Jones advised the Board that included in their Board packet is information regarding the vacancy on the Blackwater Regional Library Board of Trustees. This vacancy was created by the resignation of Mr. Richard C. Moore. Ms. Charlene Pope has been nominated.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Ms. Charlene Pope, 8593 Harrell Mill Road, Waverly VA 23890, to the Blackwater Regional Library Board of Trustees, term expiring June 30, 2010.

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

Voting nay: none

**ITEM 7 – NEW BUSINESS** - none

**ITEM 8 – CLOSED SESSION**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby enter Closed Session to discuss Legal Matters and Real Estate Acquisition, applicable Code Sections 2.2-3711(A)(7) and 2.2-3711(A)3, respectively.

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

Abstaining: Supervisor Fly

Voting nay: none

**ITEM 9 – RETURN TO OPEN SESSION**

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG 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, Harrell, Parker, Tyler

Abstaining: Supervisor Fly

Voting nay: none

Chairman Fly requested that the following statement of disclosure and disqualification be included for the record that he is a paid consultant for Waverly Particleboard and he is currently representing the company in a matter before Sussex County Board of Supervisors and after his presentation, he will not remain in Closed Session nor speak or vote on the matter, if brought to open or regular session.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors return to Closed Session to discuss legal matters and real estate matters, applicable Code Section 2.2-3711(A)(7) and 2.2-3711(A)(3), respectively.

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

Abstaining: Supervisor Fly

Voting nay: none

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG 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, Harrell, Parker, Tyler

Abstaining: Supervisor Fly

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby gives authority to the County Administrator to move forward with exploring and reviewing an option to purchase with the Waverly Particleboard Company, LLC. and other business entities as may be appropriate.

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

Abstaining: Supervisor Fly

Voting nay: none

**RECESS**

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors recess until Monday, July 20, 2009 at 6:30 p.m., Sussex Middle School for a joint meeting with the Sussex County School Board.

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

Abstaining: Supervisor Fly

Voting nay: none