

**At A Public Hearing of the Sussex County Board of Supervisors
Held in the General District Courtroom of the Sussex Judicial Center
Thursday, August 20, 2009 – 7:00 p.m.**

BOARD MEMBERS PRESENT

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

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
Andre M. Greene, Director of Planning
Shannon C. Drew, Assistant to Director of Planning
Nicole S. Scuderi, Administrative Secretary
Deborah A. Davis, Assistant to County Administrator

ITEM 1. CALL TO ORDER

The August 20, 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 CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the agenda of the August 20, 2009 public hearing meeting, as presented.

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

Voting nay: none

Absent: Supervisor Tyler

ITEM 3. PUBLIC HEARING

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Public Hearing to consider the following: (1) Ordinance Amendment #2009-02, Section 16-22(21) of the Sussex County Zoning Ordinance; (2) Ordinance Amendment #2009-03, Section 16-22(27)

of the Sussex County Zoning Ordinance; (3) Conditional Use Permit #2009-03, James Matthews and Patrick Matthews, applicants.

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

Voting nay: none

Absent: Supervisor Tyler

ORDINANCE AMENDMENT #2009-02

Ms. Shannon C. Drew, Assistant to the Director of Planning, presented the staff report to the Board.

The Zoning Ordinance currently allows a sporting clays field and a pistol range by right in the A-1, General Agricultural District. Staff is requesting that Section 16-22, § 21 be amended to require a conditional use permit for the location of any sporting clays fields and/or pistol ranges in Sussex County. The requirement of a conditional use permit will allow proposed sites to be evaluated on a case-by-case basis to ensure that they are safe for the environment, the surrounding community and range patrons.

Surrounding localities such as Prince George County, Surry County and Dinwiddie County require a Special Exception to be granted by the governing body, which is equivalent to Sussex County's Conditional Use Permit, for the location and operation of a sporting clays field and/or a pistol range.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission at their July 6, 2009 meeting voted unanimously (8-0) to send this item to the Board of Supervisors with a recommendation for approval to be read as follows:

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Sussex County:

That the Sussex County Code, Chapter 16 (Zoning), Article II (General Agricultural District), Section 16-22 (Use Regulations), § 21 is hereby amended as follows:

Add the requirement of a conditional use permit to Sec. 16-22 §21.

21. Sporting clays field and/or pistol range, with a **conditional use permit**.

ORDINANCE AMENDMENT #2009-03

Ms. Shannon C. Drew, Assistant to the Director of Planning, presented the staff report.

The Zoning Ordinance currently allows for the extraction of natural resources and the storage of salt, sand and minerals with a conditional use permit in the A-1, General Agricultural District. The applicants, James Matthews and Patrick Matthews, are requesting that Section 16-22, § 27 be amended to include the storage of gravel and lime as permitted uses with a conditional use permit.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission at their July 6, 2009 meeting voted (7-1) to send this item to the Board of Supervisors with a recommendation for approval due to the fact that lime and gravel are consistent with the other materials currently allowed to be stored in the A-1, General Agricultural District and is requesting the approval of the following Ordinance Amendment to read as follows:

ORDINANCE AMENDMENT #2009-03

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Sussex County:

That the Sussex County Code, Chapter 16 (Zoning), Article II (General Agricultural District) Section 16-22 (Use Regulations), § 27 is hereby amended as follows:

Add gravel and lime to the uses permitted in Sec. 16-22, § 27 with a conditional use permit.

27. Extraction of natural resources and storage of salt, sand, **lime, gravel** and minerals, with a conditional use permit.

CONDITIONAL USE PERMIT #2009-03, James & Patrick Matthews, applicants

In accordance with Section 16-22, § 27 of the Zoning Ordinance, as amended, the applicants, James Matthews and Patrick Matthews, seek a conditional use permit to store sand, lime and gravel on a portion of tax map 137-(A)-15 & 15A. The property is the site of the former Maverick Transportation Company and consists of approximately 4.746 acres. The affected parcel is zoned A-1, General Agricultural District.

BACKGROUND

The Planning Commission at their July 6, 2009 meeting found the request to be consistent with the surrounding land uses and they did not anticipate any negative impacts to result from the proposed use of the property in question.

Therefore, the Commission voted unanimously (8-0) to send this item to the Board of Supervisors with a recommendation that it be approved, subject to the following conditions:

1. Conditional Use Permit #2009-03 is issued to the applicants, James Matthews and Patrick Matthews, and shall not be transferable or assignable to future property owners, heirs or assigns.
2. Silt fencing or any other appropriate structural measures shall be installed around the perimeter of the storage areas to prevent runoff and erosion during periods of rain or wind.

PUBLIC COMMENT

Comments were heard from Nancy Cramer, Courthouse District.

ITEM 5. Motion To Return To Regular Session

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

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

Voting nay: none

Absent: Supervisor Tyler

ITEM 6. ACTION ON PUBLIC HEARING ITEMS

Ordinance Amendment #2009-03

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR BIRDSONG, and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Ordinance Amendment #2009-03 of the Sussex County Code, Chapter 16 (Zoning), Article II (General Agricultural District), Section 16-22 (Use Regulations), Subsection 27 is hereby amended as follows: Add gravel and lime to the uses permitted in Section 16-22, with a conditional use permit.

Voting aye: Supervisors Birdsong, Caple, Harrell, Parker

Voting nay: Supervisor Fly

Absent: Supervisor Tyler

Conditional Use Permit #2009-03 – James Matthews and Patrick Matthews, applicants

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Conditional Use Permit #2009-03, James Matthews and Patrick Matthews, applicants, subject to the following conditions;

1. Conditional Use Permit Application #2009-03 is issued to the applicants, James Matthews and Patrick Matthews, and shall not be transferable or assignable to future property owners, heirs or assigns.
2. Silt fencing or any other appropriate structural measures shall be installed around the perimeter of the storage areas runoff and erosion during periods of rain or wind.

Voting aye: Supervisors Birdsong, Caple, Harrell, Parker

Voting nay: Supervisor Fly

Absent: Supervisor Tyler

Supervisor Birdsong, with the consensus of the Board of Supervisors in agreement, obtained the Board's consensus directions that at least once, annual onsite inspections shall occur, by

appropriate county staff, with all entities and persons affected by the previously adopted Ordinance Amendment #2009-03.

Ordinance Amendment #2009-02

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby sends Ordinance Amendment #2009-02 of the Sussex County Code, Chapter 16, (Zoning) Article II (General Agricultural District), back to the Planning Commission to clearly define the terms “sporting clays fields and pistol ranges in Sussex County,” prior to the Board of Supervisors considering again said ordinance amendment.

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

Voting nay: none

Absent: Supervisor Tyler

ITEM 7. ADJOURNMENT

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the August 20, 2009 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 of the Sussex Judicial Center
Thursday, August 20, 2009 – 7:30 p.m.**

BOARD MEMBERS PRESENT

T. Wayne Birdsong	Charlie E. Caple, Jr.
C. Eric Fly	Wayne M. Harrell
Harris L. Parker	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
Andre M. Greene, Director of Planning
Shannon C. Drew, Assistant to Director of Planning
Brenda H. Drew, Housing Programs Coordinator
Eddie T. Vick, Public Safety Coordinator
Nicole L. Scuderi, Administrative Secretary
Deborah A. Davis, Assistant to County Administrator

ITEM 1. CALL TO ORDER

The Regular Meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly; the Pledge of Allegiance was recited by all that were present. The Invocation was offered by Supervisor Caple.

ITEM 2. ADOPTION OF REGULAR AGENDA

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Regular Agenda of the August 20, 2009 meeting, with following amendments: (1) Delete Approval of July 16, 2009 minutes; (2) Under County Administrator's Report, add Item 5a, EMS; (3) Under County Administrator's Report, add Item #10, The Homestead; (4) Under County Administrator's Report, add Item #11, Department Heads; (5) Remove Approval of Resolution honoring the late Clifton Owens from Consent Agenda and place as Item #12 under County Administrator's Report; (6) Move Citizens' Comments to 8:00 p.m.; and (7) Add Economic Development to the Closed Session.

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

Voting nay: none

Absent during vote: Supervisor Tyler

ITEM 3. ADOPTION OF CONSENT AGENDA

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Consent Agenda of the August 20, 2009 meeting, inclusive of the following: (1) Minutes of the July 20, 2009 and August 6, 2009 meetings; (2) Warrants and Vouchers in the amount of \$472,669.30; (3) Payroll Deductions Checks in the amount of \$142,223.32; and (4) Reappointment of Rufus E. Tyler, Sr. to the Southside Virginia Education Center Board of Directors, term expiring July 31, 2013.

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

Voting nay: none

Absent: Supervisor Tyler

ITEM 4. STANDING REPORTS

ITEM 4a). Health Department - absent

ITEM 4b). Highways, Streets & Roads

Mr. William Richardson, Assistant Residency Administrator, Waverly Residency of the Virginia Department of Transportation, reported the following:

1. VDOT crew has begun to clean the ditch in Wakefield (near the Virginia Diner).
2. The Rural Rustic Road project (Pine Tree Lane) has been paved and is now complete.
3. The state's decision to close the local office will affect the Waverly residency. Three of the staff members in the shop have received notices of separation.

Supervisor Parker asked Mr. Richardson about the disrepair in railroad tracks/crossings in Waverly, from Main Street down to New Street. Mr. Richardson advised that he would check into the matter; however, the County may need to contact the railroad which owns the racks in this area.

ITEM 4c1)(a). County Administrator's Report – Dewberry

Western Industrial Park

Deputy County Administrator, George E. Morrison, III, advised that Mr. Shannon Hair, Economic Development Manager of Dewberry, is present and will provide updates to the Board.

Mr. Hair advised the Board that the Traffic Impact Analysis and the Site Plan for the Western Industrial Park has been forwarded to the Sussex Planning and Building Departments and to the local VDOT office for review and comments.

ITEM 4c1)(b) County Administrator's Report

Dewberry – Proposed Courthouse Addition

Mr. Shannon Hair, Economic Development Manager of Dewberry, also reported that included in the Board packet is a copy of the Architectural/Engineering Design of the proposed Courthouse Addition for the Commonwealth's Attorney's Office. (A copy of the proposal is retained in the August 20, 2009 Board packet).

Supervisor Birdsong recommended that the Board amend the current contract with Dewberry to include this proposal.

County Attorney Thompson suggested that the Board allow him to draft a contract and present it at the September 3, 2009 meeting.

CITIZENS' COMMENTS

Chairman Fly called for citizens' comments by districts:

- Henry District – none
- Stony Creek District – none
- Courthouse District – Keith Blowe commented that he would like to see the Citizens' Comment period moved to 8:30 p.m., because there has not been enough business transacted by 8:00 p.m.).
- Blackwater District - none
- Waverly District – none
- Wakefield District – Al Peschke – commented on the disposition of surplus vehicles; says staff and Board have been working on this for over 2 years. He asked if he could borrow a copy of the Fiscal Years 2009 and 2010. Supervisor Birdsong loaned him a copy of the FY 2010 budget and asked him to stop by his (Supervisor Birdsong) home on Saturday afternoon and he will provide him with the copy of Fiscal Year 2009 budget.

In response to Mr. Peschke's question regarding the disposition of surplus vehicles, Deputy County Administrator Morrison advised that staff has been considering contracting with Gov Deals, a firm that will provide services to sell the County's surplus items online. Staff has sent an email regarding fees and is awaiting their reply.

Supervisor Parker asked if the County could hold a public auction.

Vice Chairman Tyler suggested that the County consider donating the surplus vehicles to various agencies (such as Social Services, to assist families in need of transportation).

Chairman Fly asked staff to check into donating and/or auctioning the surplus vehicles and equipment.

ITEM 4c)2. County Administrator's Report - Fiscal Year 2009 Appropriation Requests

Director of Finance, Jerry L. Whitaker, provided a list to the Board of Supervisors, of the departments that exceeded their approved and appropriated budgets for fiscal year ending June

30, 2009. Therefore, additional appropriations are necessary to avoid any audit calling into question these budget overages.

Mr. Whitaker stated that historically, the Board has approved the budget overage as a formality without many questions. However, this year, departments have been asked to justify their budget overages before the Board and formally request additional appropriations.

Mr. Whitaker advised that at a previous meeting, Supervisor Parker asked questions about consequences when departments overspend their approved budgets. Historically, there have been no consequences, but policies and procedures are being developed to address this issue. The consequences for Administrative Departments may be disciplinary actions. The consequences for Constitutional Officers may be to hold them personally liable in accordance with the Policy and Procedures of the Compensation Board.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Board of Supervisors hereby ordains that prior to any county department or constitutional officer receiving local funding from county funds, expending monies and requesting the processing of checks for payments, if the same would create a deficit in that county department or constitutional officer's appropriated budget, that county department head or constitutional officer shall appear before the Board of Supervisors and request an additional appropriation, when any budget deficit occurs in any such budget.

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

Voting nay: none

Supervisor Parker encouraged the Finance Committee to take a more proactive role in reviewing departmental line items and to red flag any department that is approaching its appropriated budget spending limits. That appropriate staff should keep the Board of Supervisors aware of any such budgetary situation and that the department heads also must keep a closer watch over its appropriated budget. That prior to spending, without Board review and authorization and creating an unauthorized deficit in its budget, departments and constitutional officers must come back before the Board of Supervisors with justification and documentation as to the need and reason, should it request additional appropriations.

Chairman Fly asked who manages the VJCCCA (the Virginia Juvenile Community Crime Control Act's) budget. Staff will investigate and report at the September 3, 2009 meeting.

Director of Finance, Jerry L. Whitaker, provided documentation and an oral economic presentation regarding the Virginia Public Assistance (VPA) and Comprehensive Services Act (CSA) overages. He advised that he had met with the Director Social Services, Ms. Chequila H. Fields on July 23, 2009 to review and compare Sussex County Social fiscal reports to those of County Administration. The following increases/expenditures were identified:

- ✓ The initial budget from the Virginia Department of Social Services as of June 2008, was \$2,145,147.00. The County approved budget amount was \$2,098,671.00 – a difference of \$46,476.00.

- ✓ Throughout the year, the demand for direct client services increased; thereby requiring additional funding from federal and state, which subsequently required additional local funds.

Social Services' budget year is June 1 through May 31. Sussex County's budget year is July 1 through June 30, thus creating the month of June with no formal local match. The Director of Finance and Director of Social Services will determine the monthly appropriation by dividing the county's monetary allocation on a twelve month cycle and shall jointly review and implement other fiscal cost identifying and bookkeeping measures to assure, keeping in mind that federal and state appropriations cannot always be definitely determined, to assure greater accuracy.

The Director of Finance will request Social Services re-allocation and appropriation from the Board of Supervisors once the Virginia Department of Social Services budget allocation is received (no later than July 1st).

Corrective Action: The Director of Sussex Social Services will report an increase in total budget from the Board of Supervisors, when additional funds are allocated by the Virginia Department of Social Services. The Director of Sussex Social Services will also advise members of the Board of Supervisors if and when there is a required local match and the amount.

The Sussex County Finance Department will provide Sussex Social Services with monthly invoices prior to VPA debits. Also, the Sussex County Finance Department will review the cost allocation related to direct payments.

The Director of Finance requests that the Sussex County Board of Supervisors approve and appropriate funding as follows:

- 1) Initial local budget adjustment of \$46,476 (\$30,462 State and \$16,014 Local)
- 2) Additional State revenues of \$143,091 and Local revenues of \$82,474
- 3) Additional expenditures of \$272,041

Staff requests that the Board approve and appropriate the amounts provided in the foregoing reports and requests.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$46,476.00 to Sussex County Department of Social Services for the Virginia Public Assistance, (\$30,462 State funds and \$16,014.00 Local funds), for fiscal year ending June 30, 2009; and

FURTHER RESOLVED to approve and appropriate additional state revenues of \$143,091.00 and local revenues of \$82,474.00 and additional expenditures of \$272,041.00, for fiscal year ending June 30, 2009.

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

Voting nay: Supervisor Birdsong

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount \$8,955.00 in state revenue shortfall, \$7,148.00 additional local revenue; and an additional appropriation of \$7,148.00 in expenditures for the Comprehensive Services Act, for fiscal year ending June 30, 2009.

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

Voting nay: Supervisor Birdsong

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$202.00 to the General Registrar, for fiscal year ending June 30, 2009.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$302.00 to the General District Court, for fiscal year ending June 30, 2009.

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

Voting nay: none

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$171.00 to the Commonwealth's Attorney's Office, for fiscal year ending June 30, 2009.

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

Voting nay: none

Abstaining: Supervisor Tyler

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$5,803.00 to the Building and Grounds Department, for fiscal year ending June 30, 2009.

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

Voting nay: none

Abstaining: Supervisor Tyler

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$61,388.00 to the Animal Control Department, for fiscal year ending June 30, 2009.

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

Voting nay: none

Abstaining: Supervisor Tyler

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$14,083.00 to the Refuse Disposal Division, for fiscal year ending June 30, 2009.

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

Voting nay: none

Abstaining: Supervisor Tyler

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$6,920.00 to the Circuit Court Clerk's Office, for fiscal year ending June 30, 2009.

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

Voting nay: none

Abstaining: Supervisor Tyler

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$64,774.00 to the Clerk of Court, for fiscal year ending June 30, 2009.

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

Voting nay: none

Abstaining: Supervisor Tyler

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$19,492.00 to the Virginia Juvenile Community Crime Control Program (VJCCCA), for fiscal year ending June 30, 2009.

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

Voting nay: none

Abstaining: Supervisor Tyler

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$282,396.00 to the Sussex County Sheriff's Department, for fiscal year ending June 30, 2009, as follows:

Courtroom Security	\$ 55,510.00
Field Operations	\$ 26,806.00
Spot Operations	\$ 779.00
Special Operations	(\$64,922.00)
Wakefield Operations	(\$4,605.00)
E911 Operations	\$ 9,215.00
School Resource Officer #1	(\$8,899.00)
School Resource Officer #2	\$ 5,799.00
Jail Operations	\$262,714.00

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

Voting nay: none

ITEM 4c(3). County Administrator's Report - Social Services FY 2010 Budget Adjustment

Director of Finance, Jerry L. Whitaker, advised the Board that included in the August 20, 2009 Board packet is information regarding additional appropriations for Social Services Fund 105.

The original (Social Services) budget as approved by the Board was an estimate. The final budget as approved by the State was not available at the time the County's Fiscal Year 2010 budget was advertised. The budget that was approved by the Board of Supervisors was \$2,098,671 (\$381,782 local funding and \$1,716,889 state funding). The Fiscal Year 2010 budget allocation approved by the State is \$2,268,754 (\$429,500 local and \$1,839,254 state). (A copy of the final state budget is included in the August 20, 2009 Board packet).

Staff requests that the Board appropriate an additional \$170,083.00 in revenues and expenditures. The additional state revenues funding is \$122,365.00 and the additional local funding is \$47,718.00.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a budget adjustment and appropriates the amount of \$170,083.00 (\$122,365.00 in state revenues and \$47,718.00 in local revenues) to the Sussex County Social Services Department's Fund 105 for Fiscal Year 2010.

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

Voting nay: Supervisor Birdsong

ITEM 4c(4). County Administrator's Report - FY 2010 Budget Restoration Requests

Commonwealth's Attorney/Victim Witness Program

Deputy County Administrator George E. Morrison, III, reported that County Administration requests restoration of the Commonwealth's Attorney's and Victim Witness's budgets back to the FY 2009 funding levels. These two departments were identified as departments that could not endure a 3% reduction without resulting in a major impact on operations.

Outside of salaries, benefits and employee development for the Commonwealth's Attorney's operating budget is \$350.00 for the entire year. The total restoration would be \$13,540. Outside of salaries, benefits and employee development, the Victim Witness operating budget is \$133.00 for the entire year. The total restoration would be \$2,565.00.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$13,540.00 to be restored to the Commonwealth's Attorney's budget for Fiscal Year 2010.

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

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$2,565.00 to be restored to the Victim Witness Program budget for Fiscal Year 2010.

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

Voting nay: none

Commissioner of the Revenue

Included in the Board packet is a copy of the Fiscal Year 2010 Budget Restoration Request from the Commissioner of the Revenue, who requests the following:

Line Item #1241-310 - Office Supplies and Expenses, needed in order to maintain the operation of the office;

Line Item 1225-310 – Management Consulting Services, needed to continue to assess new construction for revenue to the County and other field work that needs to be addressed during the tax year. Pearson’s Appraisal Services is contracted to assist with field work and computer assistance with work that involves real estate appraisal maintenance. This item is essential in the maintenance of accuracy as it relates to appraisals of real estate in Sussex County.

Line Item 1231-310 – Postage

Line Item 1254-310 – Equipment Maintenance, needed to maintain the operation of the computers that are used daily in performing assessments for personal property and real estate.

Line Item 1117-310 – Overtime, needed with the additional workload that has been placed upon the Commissioner’s Office, with the initiation of the elimination of County decals, the structure of assessing personal property had to be changed. This has resulted in current staff having to put in additional hours. In order for the Treasurer’s Office to print tax bills and be mailed to the taxpayers on time, the assessing of personal property and real estate has to be completed on time.

This item was tabled until the September 3, 2009 meeting.

Sheriff’s Department

Chairman Fly asked why the information from the Sheriff regarding budget restoration was not included in the Board packet. He also stated that Sheriff Bell advised that the information was given to County Administration to be included on the August 6, 2009 for the Board’s consideration.

It was determined that the Sheriff’s Department did not have, at this meeting, documentation necessary for the Board of Supervisors to act on the Sheriff’s Department’s request for restoration of earlier funding cuts which the Board had made across the board to all departments and constitutional officers.

Vice Chairman requested that the Sheriff's request for additional monetary appropriations be tabled until the full Board has an opportunity to receive and review the documentation and justification for such a request, collectively. That the Board of Supervisors must have a uniform policy that all departments and constitutional officer seeking a restoration of local funds, in its budget, provide the Board with sufficient information and documentation to allow the Board to fairly and intelligently act on such request.

Deputy County Administrator George E. Morrison, III advised that he will provide this information at the next meeting.

ITEM 4c)5. County Administrator's Report - Radio System Upgrade

Mr. James (Tad) Hedgepeth, MACE Incorporated, provided a review of the County's current radio system. The system was installed in 2001/2002. MACE Inc. assumed maintenance responsibility for the system in January 2006. Shortly after MACE took over the system, it was learned that the "backbone" (repeaters and related site equipment) was no longer manufactured and spares were no longer available. This meant that in the event of a component failure, there would be no available spare, hence all or part of the radio system would be out of operation until that component was returned to the manufacturer for repair. In addition to the lack of spare/replacement parts for the radio system, there is also the situation with the microwave that connects the primary (Waverly, Jarratt, Courthouse) sites together to provide the simulcast communications for the County. The current microwave antenna placement at Waverly and Jarratt is based on best tower space. This in itself may be acceptable if there was an additional antenna height at the Courthouse site. At the current antenna locations, MACE is unable to "see" from the Courthouse to either Waverly or Jarratt.

While the tower located at the courthouse provides additional height, which may accommodate moving the antennas, the physical structure is not suitable. The tower is "angle steel" instead of "pipe steel" and lacks the stability necessary to support microwave dishes at a higher level. There have been several instances where high winds have caused the tower to twist, which resulted in the loss of microwave path and within a week, the tower resettles, which again requires realigning the microwave dishes. There are no records available to MACE on the engineering studies, path analysis, recommended dish placements or any other information from the firm who designed the microwave paths. The initial RSL (Receive Signal Level) for the microwave when installed was 65-70. Harris Stratex recommends a RSL of no less than 45 (lower the number, the stronger the signal) that provides margin for loss of power, changing weather conditions and antenna movement.

It is the recommendation of MACE Incorporated that these upgrades be done in three (3) phases:

Phase I – will be an upgrade of all existing Sheriff's Department mobiles and portables for the new P25 Digital equipment and Dispatch Console upgrade. Some of the existing Sheriff's equipment will be kept for spares/additional requirements, the remaining equipment to be sold on "ebay" or local counties needing additional analog equipment. Also, add a required microwave hop between Jarratt and Courthouse.

Phase II – to be implemented over a period of 2+ years as “Grant/Stimulus” funds come available. This would include a budget annual purchase of mobile/portable P25 Digital equipment to replace existing analog equipment.

Phase III – will replace the Fire/EMS and base stations. Also, add a required microwave hop between Waverly and Courthouse, if unable to find a suitable alternate site.

Sussex County Existing Radio System

The current system consists of three *Analog*, two channel simulcast (connected by microwave) transmitter sites and two receive only sites and one single site Admin repeater located at the Courthouse.

Courthouse Transmitter Site Currently has one channel for Sheriff, one channel for Fire/EMS and one channel for admin (Courthouse site only)

Jarratt Transmitter Site Currently has one channel for Sheriff and one channel for Fire/EMS

Stony Creek Receiver Only Site Currently has one receiver for Sheriff and one Receiver for Fire/EMS. Connected to Courthouse By Telephone leased lines

Waverly Transmitter Site Currently has one channel for Sheriff and one channel for Fire/EMS

Wakefield Receiver Only Site Currently has one channel for Sheriff and one channel for Fire/EMS. Connected to Courthouse By wireless link (no monthly line charges)

The current system is comprised of all *Analog* equipment and is compatible with several of the local jurisdictions. However, due to the current state of the existing system and the need to make major necessary changes, the following issues need to be addressed. The new State radio system is all *Digital* equipment and any future plans to have complete compatibility with state agencies will require Sussex to have *Digital* equipment. In addition, all Homeland Security Grants and Stimulus funding require the funds be spent on *Digital* equipment.

Sussex County Radio System Upgrade

Courthouse Dispatch Center Upgrade of existing Dispatch Consoles to a computer based system. Current console has no capacity for expansion.

Courthouse Transmitter Site One Digital channel for Sheriff, (Phase II) one Digital channel for Fire/EMS and one *Analog* channel for Fire/EMS Paging, County Wide Backup and Admin.

Jarratt Transmitter Site One Digital channel for Sheriff, (Phase II) one Digital channel for Fire/EMS and one *Analog* channel for Fire/EMS Paging, County Wide Backup and Admin.

Stony Creek Receiver Only Site **Optional: Digital receiver for Sheriff**

Digital receiver for Fire/EMS

Existing: Receiver for CountyWide Backup

Connected to Courthouse By Telephone leased lines

Waverly Transmitter Site One Digital channel for Sheriff, (Phase II) one Digital channel for Fire/EMS and one *Analog* channel for Fire/EMS Paging, County Wide Backup and Admin.

Wakefield Receiver Only Site **Optional: Digital receiver for Sheriff**

Digital receiver for Fire/EMS

Existing: Receiver for CountyWide Backup. Connected to Courthouse by wireless link (no monthly line charges)

Radio Equipment

The upgrade system will have three full channels at each of the three transmitter sites. Due to continued need for alerting Fire/EMS, we would maintain the existing analog Fire/EMS repeater and use it for paging, County Wide Backup and Admin. County Wide Backup will be a channel for both Fire/EMS and Sheriff to use in the event of an equipment failure and also provide an additional voice channel for emergencies. The existing Sheriff analog “Backbone” equipment will be maintained as spares for the “County Wide Backup” channel. The Sheriff and Fire/EMS will both receive new P25 Digital “Backbone” equipment as well as new P25 Digital mobiles and portables. I would encourage using some of the existing analog mobiles and portables for any of the other departments that may need equipment and allowing them to operate on the “County Wide Backup” channel. MACE Incorporated will make provisions to dispose of any excess used equipment and all funds will be given to Sussex County. Receiver only sites show as optional Digital Receivers for Sheriff and Fire/EMS. MACE Incorporated owns one of the few Digital VHF radio systems for commercial use in existence. As such we are aware of the difference in performance of the equipment and suggest that the system upgrade be performed and Digital receive site be installed only after system testing determines they are required. Optional pricing is being provided for your review.

Microwave Equipment

As explained there is nothing to be done at the existing sites to improve the “RSL” (Receive Signal Level) on the microwave. We did have an evaluation done for the County tower at the Courthouse in November of '08. We were informed at that time the tower is “too shaky for a reliable dish installation”. At present we are looking at several options to improve the

microwave signal; First-relocate the Waverly site to a site that offers a higher dish placement. Second – Install an additional hop between Waverly and Courthouse and Jarratt and Courthouse. Both of these options will require the expense of Path Studies by a certified engineering firm to determine optimum elevation for a reliable path and perform load studies on existing towers to allow for relocation of existing microwave dishes. In addition there may be monthly rental if there are no provisions for the county to have space on existing towers.

As mentioned earlier this must have been done for the original information is not available.

Dispatch Consoles

This is a computer based console with 19” LCD Display. This is a software based radio dispatch console with provisions to control 6 radio base stations;

- Sussex Sheriff New
- Sussex Fire/EMS
- Sussex Emergency County Wide Back Up
- SIRS
- Additional County (Southampton)?
- Additional County/Town (Waverly)?

In addition there will be 4 incoming phone lines in the console (more if needed).

The console has multiple signaling capabilities to support Emergency, Group, Individual and Status calls.

There is also a self-contained (IRR) Instant Recall Recorder for immediate access to the last three minutes of both select and unselect audio. Being CRT based there are multiple Information Windows for;

- Per Line Call History
- Active Emergency
- Emergency History
- Manual Call List
- Status Windows

Multiple paging formats as well as being able to set up various paging groups such as Haz-Mat, Fuel Spill Response, Cardio, etc. All of these are programmable and easily changed as situations/personnel change.

System Pricing

Phase I

Sheriff Department 3 site/Single Channel P25 Digital Simulcast	\$ 243,122.00
Sheriff Department P25 Digital Mobile (\$1658 ea/24 units)	\$ 39,792.00
Sheriff Department P25 Digital Portable (\$1750 ea/12 units)	\$ 21,000.00

Microwave Jarratt to Courthouse \$ 161,000.00

Dispatch Consoles \$ 46,993.00

Phase II

Fire/EMS P25 Digital Mobile (\$1658 ea/73 units) \$ 121,034.00

Fire/EMS P25 Digital Portable (\$1750 ea/82 units) \$ 143,500.00

Phase III

Fire/EMS 3 site/Single Channel P25 Digital Simulcast \$243, 122.00

To Be Determined

Microwave Waverly to Courthouse \$ 161,000.00

Receiver Option \$ 71,000.00

Miscellaneous

Microwave Path, coordination, FCC License \$ 15,000.00

Installation \$ 39,000.00

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby request that the Radio System Upgrade as proposed by MACE Incorporated, be referred to the Finance Committee for further review and recommendation.

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

Voting nay: none

ITEM 4c)6. County Administrator's Report - Public Safety Re-appropriation Request

Eddie T. Vick, Public Safety Coordinator, reported that staff completed the Request For Proposal for the ambulances that were awarded to the EMS agencies. The EMS Committee and Sussex Fire and Rescue Association are recommending a ten year contract be awarded to Select Custom Apparatus, Inc. (Wheeled Coach). This long term contract will be used for the next ten (10) years to purchase all ambulances for Sussex County. Each year, the vendor will be allowed to update the information (changes in manufacturing, regulation changes, local, state and federal changes and price changes). Each year, the Board of Supervisors must approve the contract for the following year for the period of ten (10) years.

As before, the County of Sussex will order and pay for both ambulances. Once the EMS agencies receive their funding from the program (state), they will give back that funding. Staff is requesting that the Board of Supervisors re-appropriate \$256,145.00 for the purchase of the two ambulances. The cost is as follows: The ambulance for the eastern side of the County is \$125,941.00 and the ambulance for the western side of the County is \$130,204.00. There was \$150,000.00 (local funds) in the Fiscal Year 2009 budget for ambulances. Once the process is complete, the County of Sussex will receive the amount of \$143,018.20 from the EMS agencies.

The local amount to be spent for both ambulances is \$113,127.00. (A copy of Mr. Vick's report is retained in the August 20, 2009 Board packet).

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the proposal from Select Custom Apparatus (Wheeled Coach) for the purchase of two (2) ambulances; and

FURTHER RESOLVED to approve and re-appropriate the amount of \$256,145.00 to the Fiscal Year 2009 budget, for the purchase of (2) two ambulances.

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

Voting nay: none

ITEM 4c)7. County Administrator's Report - Homeland Security Grant

Eddie T. Vick, Public Safety Coordinator, advised the Board that included in their Board packet is information regarding a grant announced by the Department of Health's Office of Emergency Services. Sussex County has been awarded funding from the Department of Homeland Security (DHS), State Homeland Security Program (SHSP). The amount of \$21,900.00 has been awarded to Sussex to purchase the Panasonic ToughBook 19 and receive reimbursement for the purchase of this equipment.

Once Sussex has purchased the awarded equipment, proof of payment must be submitted to the Virginia Department of Emergency Management (VDEM) in order to be reimbursed for the award. Proof of payment is considered purchase orders and/or invoices from vendors and payment records that show the invoices have been paid by the locality. (A copy of the Memorandum of Agreement For Services is retained in the August 20, 2009 Board file).

Staff requests that the Board of Supervisors adopt a resolution of acceptance and appropriation.

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Board of Supervisors of the County of Sussex, that Mary E. Jones, County Administrator is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia; and

FURTHER RESOLVED to approve and appropriate a grant in the amount of \$21,900.00 that was awarded by the Office of Emergency Medical Services from the Department of Homeland Security to purchase six (6) units of the Panasonic ToughBook 19.

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

Voting nay: none

ITEM 4c)8. County Administrator's Report - Victim Witness Grant #10-M9574VG09

Deputy County Administrator George E. Morrison, III advised the Board that included in their packet is information regarding the Department of Criminal Justice's Victim Witness Grant

#10—M9574VG09. The grant has been approved in the amount of \$54,163.00 in State General Funds.

Staff requests that the Board accepts and appropriates this grant.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and appropriates the Department of Criminal Justice’s Victim Witness Grant #10-M9574VG09, in the amount of \$54,163.00.

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

Voting nay: none

ITEM 4c)9(a). County Administrator’s Report - Veterinary Services

Deputy County Administrator George E. Morrison, III provided the results of Request For Proposals for Veterinary Services. He advised that proposals were received from Dr. Kim Eaton and Dr. Les Sekut.

Staff request permission to proceed with contract negotiations with Dr. Sekut.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Attorney to prepare a draft contract and County Administrator or Deputy County Administrator, to enter negotiations with Dr. Les Sekut to provide veterinary services to the Sussex County Animal Pound.

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

Voting nay: Supervisor Birdsong

ITEM 4c)9(b). County Administrator’s Report - Flooring for Animal Pound

Deputy County Administrator George E. Morrison, III advised that included in the Board packet are three (3) proposals received for the repair to the chipping and flaking of the coating of the floor at Sussex County’s Animal Pound. The proposals are as follows:

<u>Company</u>	<u>Proposal Amount</u>
Lewis Brothers Industrial Floors, Inc.	\$44,725.00
Line – X of Suffolk	\$36,630.00
Artistic Concrete Finishes, LLC	\$35,565.00

Both Line-X and Artistic Concrete Finishes recommend removing the current finish and replacing the finish. Lewis Brothers’ proposal included the sloping of the floors prior to coating, which would also aid in natural drainage for waste and cleaning. Staff recommends acceptance of Lewis Brothers Industrial Floors, Inc., at a bid price not to exceed \$55,725.00.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the proposal from Lewis Brothers Industrial Floors, Inc., 3030 Goolsby Avenue, Richmond VA 23234, to furnish labor, material, equipment and the necessary supervision with respect to epoxy flooring for Sussex County Animal Pound, at a price not to exceed \$44,725.00.

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

Voting nay: none

ITEM 4c)9(c) – County Administrator’s Report - Standard Operating Procedures

Deputy County Administrator George E. Morrison, III advised the Board that a draft copy of the Standard Operating Procedures for the Animal Pound was sent to the State Veterinarian’s Office two weeks ago. Staff is making final changes and will forward to the County’s veterinarian for review. (A copy of the SOPs are retained in the August 20, 2009 Board packet).

ITEM 4d). Treasurer’s Report – no oral report

(A copy of the Treasurer’s written report is retained in the August 20, 2009 Board packet).

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

ITEM 4f). Sheriff’s Department - absent

ITEM 4g). Superintendent of School – no report

ITEM 4h). Director of Social Services

Ms. Chequila H. Fields, Director of Social Services, addressed the Board and requested revisions to the Social Services Fiscal Year 2010 budget. (A copy of supporting documentation is retained in the August 20, 2009 Board file).

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates an increase of additional state funds in the amount of \$27,302.32 to the Sussex County Social Services for Fiscal Year 2010 revenues and expenditures.

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

Voting nay: none

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the Sussex County Department of Social Services Cameron Foundation grant in the amount of \$5,623.54 for Fiscal Year 2010.

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

Voting nay: none

ITEM 4i). County Attorney’s Report

County Attorney Henry Thompson, reported that the Circuit Court Judge has signed the necessary documents and the meals tax referendum will appear on the ballot for the November 2009 general election.

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

ITEM 4k). Animal Care Advisory Committee Report

Mrs. Anne Joyner, Chairperson of the Sussex Animal Care Advisory Committee reported that she has visited the Sussex Animal Pound recently and the cat room still needs ventilation and the cat cages have not been fixed. She also stated that the isolation room needs a window and everyone who needs to have a key to the facility, should have a key.

Mrs. Joyner also provided a report by Sussex County Animal Pound Aides (SCAPA). They had a meeting with George E. Morrison, III Deputy County Administrator and the Henry A. Thompson, County Attorney on July 31, 2009. Nothing was accomplished. They were told that they (SCAPA) could take pictures, but when they attempted, they were then told they could not. The volunteers have voiced concerns about the April 24, 2009 issue and want to know what County Administration and the Board of Supervisors plans to do.

ITEM 6. UNFINISHED BUSINESS

ITEM 6a – Occupancy Tax

Deputy County Administrator George E. Morrison, III advised that included in the Board packet is a memo from Ellen G. Boone, Commissioner of the Revenue. Mrs. Boone requested that the Board allow for the filing of the occupancy tax to commence on August 1, 2009 instead of July 1, 2009. This will allow the motel and hotel owners ample time to implement this cost along with their existing room rental charges.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby grants a thirty (30) day grace period and exception of the reporting and collection of monetary proceeds required by the occupancy tax, by the affected businesses and the reporting period shall commence on August 1, 2009 and the collections shall commence on September 1, 2009 BY THE Commissioner of the Revenue.

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 PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session

to discuss Legal Matters and Real Estate Matters, applicable Code Sections 23711(A)(7) and 2.2-3711(A)(3), respectively.

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

Voting nay: none

Chairman Fly excused himself from the Closed Session, due to a conflict of interest.

ITEM 9. RETURN TO OPEN SESSION

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE 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, Parker, Tyler

Voting nay: none

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the negotiation of an agreement, within the parameters set by the Board, for further consideration by the Board of Supervisors, with Lang Investment and the Waverly Particleboard business concerns; and

BE IT FURTHER RESOLVED that the County Attorney is authorized to enter into negotiations with the attorney for the previously stated business concerns to review and develop wording that are specific and clear and encompasses the best interest of the County as reviewed and discussed with the Board of Supervisors and within the to said contract and report to the Board at the September 3, 2009 meeting.

ITEM 10. CLOSED SESSION

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session to discuss Personnel Matters, applicable Code Section 2.2-3711(A)(1).

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

Voting nay: none

ITEM 11. RETURN TO OPEN SESSION

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR CAPLE 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, Parker, Tyler

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the employment of an employment consultant and/or an attorney specializing in employment practices as it relates to Fair Labor Standards Act and overtime issues.

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

Voting nay: none

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of making the current part time animal pound attendant's position a full time position, at Grade 3, Step 1.

Voting aye: Supervisors Caple, Parker, Tyler

Voting nay: Supervisor Birdsong, Fly, Harrell

ITEM 10 – RECESS/ADJOURNMENT

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the August 20, 2009 meeting of the Sussex County Board of Supervisors is recessed until 6:00 p.m. on August 24, 2009, at the Airfield 4-H Center, Wakefield VA.

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

Voting nay: none