



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 18th day of December 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-261: Public Hearing

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters public hearing to consider the following: Meadowview Biological Research Station, Inc. Request for Exemption from Real Estate Taxes on Tax Parcels 12-2-2, the Elms, Cabin Point Road (97.980 acres), valued at \$157,400.00, annual assessment \$849.96 and 12-A-4 (35.490 acres) valued at \$68,800.00, annual assessment \$371.52.

A COPY TESTE:


Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-262: Return To Regular Session

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

A COPY TESTE:

Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 18th day of December 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-263: Approval of Regular Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the December 18, 2014 regular meeting agenda with the following amendments: (1) Request for Refund – James River Equipment (to be added under the County Administrator's Report); (2) County Attorney Packer requested that one item be added to the Closed Session, one item relating to the hiring of one employee and one item involving the acquisition of property; and (3) Supervisor Fly requested that Business, Professional Occupational License Tax be included under Unfinished Business as Item 10b.

A COPY TESTE:


Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-264: Approval of Consent Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent Agenda, inclusive of the following: (1) Sheriff's Department Request for Restoration of Funds \$7,431.44 and \$2,238.07; (2) Request for Appropriation - \$45,000.00, Housing Programs; and (3) Approval of Warrants and Vouchers.

A COPY TESTE:

Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 18th day of December 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

**R-14-265: Authorization to Sign Cameron Foundation
Grant Acceptance \$104,160.00**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and appropriates the \$104,160.00 grant funds approved by the Cameron Foundation; and

FURTHER RESOLVED that the Chairman of the Board of Supervisors and County Administrator are hereby authorized to sign the letter indicating the acceptance and returning same to the Cameron Foundation.

A COPY TESTE:

Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-266: Aid To Localities Reduction

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the reimbursement to the Commonwealth of Virginia for the Aid to Localities Reductions in the amount of \$50,042.00.

A COPY TESTE:


Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-267: Request to Approve Dell Contract

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of and authorizes the contract award in the amount of \$45,963.54 to Dell for the purchase of network system hardware.

A COPY TESTE:


Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
nay
aye
aye
aye
aye

R-14-268: Mobile Data Terminals

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the Mobile Data Terminals Project and to allocate funding in the amount of \$80,000.00.

A COPY TESTE:

Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye

ABSENT DURING VOTE:

C. Eric Fly, Sr.

R-14-269: Request to Schedule Public Hearing – FY Budget Amendment

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to prepare and advertise a public hearing as it relates to increasing the current budget.

A COPY TESTE:


Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-270: Request For Refund

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a tax refund for James River Equipment, 11047 Leadbetter Road, Ashland VA 23005 in the amount of \$31,757.72.

A COPY TESTE:

Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren
William J. Collins (Tie Breaker)

VOTE:

aye
nay
aye
aye
aye
nay
aye

R-14-271: Conditional Use Permit #2010-02

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HAMLIN that the Sussex County Board of Supervisors hereby approves the applicant's (Walter Tuma) request to amend his conditional use permit #2010-02 to cause the permit not to expire at the end of the three year period.

A COPY TESTE:

Deborah A. Davis, Clerk

Every contractor having a definite place of business in the county, provided that the gross receipts of the business exceed \$18,750, shall pay a license tax in the amount of sixteen cents (\$0.16) per one hundred dollars (\$100.00) of the gross receipts of the business. Every contractor who has gross receipts in excess of twenty-five thousand dollars (\$25,000.00) when there is no definite place of business in the county, but the person is a contractor subject to Virginia Code section 58.1-3715, shall pay a license tax in the amount of sixteen cents (\$0.16) per one hundred dollars (\$100.00) of the gross receipts of the business as prescribed by Virginia Code section 58.1-3715.

Section 28. - Certification of compliance with workers' compensation coverage prerequisite to issuance or reissuance of license; penalty.

- (a) No person licensable under this division shall be issued or reissued a license if he:
- (1) has not obtained or is not maintaining workers' compensation coverage for his employees; and
 - (2) at the time of application for such issuance or reissuance, is required to obtain or maintain such coverage pursuant to Chapter 8 of Title 65.2 of the Virginia Code.
- (b) Every person licensable under this division shall provide written certification at the time of any application for issuance or reissuance of a license that he is in compliance with the provisions of Chapter 8 of Title 65.2 of the Virginia Code and will remain in compliance with such provisions at all times during the license year.
- (a) The commissioner of revenue shall forward the signed certification required by subsection (b) above to the Virginia Workers' Compensation Commission, which shall conduct periodic compliance audits of selected licensees.
- (b) Any person who knowingly presents or causes to be presented with his license application a false certificate of compliance shall be guilty of a class 3 misdemeanor.

Section 29. - Exhibition of license, etc., upon application for permit or award of contract.

Every contractor who proposes to do work in the county, for which a permit must be obtained from, or contract let by, a department, bureau or officer of the county, shall, upon making application for such permit or upon the award of such contract, exhibit to the proper county official the permit or upon the award of such contract, exhibit to the proper county official the county license authorizing him to engage in the business for the year in which the permit is applied for or in which such contract is awarded and shall furnish to that official a list of his subcontractors and, if any or all of such subcontracts have not been closed or awarded at the time of applying for such permit or award of such contract, he shall furnish such list in writing immediately upon awarding the subcontract of contracts, and he shall not allow the work under any subcontract to proceed until the subcontractor has exhibited to him his county license to do such business in the county for the current year.

Section 30. - Application of ordinance when tax paid in another jurisdiction.

(a) When a contractor has paid any local license tax required by the city, town or county in which his principal office or branch office or offices may be located, he shall be exempt from the payment of additional license tax to this county for conducting any such business within the confines of this county, except where the amount of business done by such person in this county exceeds the sum of twenty-five thousand dollars (\$25,000.00) in any year, in which event such person shall be liable for the license tax imposed by this ordinance and shall file an application, and when the gross receipts are more than sum of twenty-five thousand dollars (\$25,000.00) shall be subject to the other provisions of this ordinance.

(b) The Commissioner of Revenue shall have the power to require such periodic reports as he may deem necessary of all persons claiming exemption under this section. The exemption mentioned in this section shall not affect in any other way the requirements of this ordinance. In computing the license tax of a contractor whose principal office or branch office or offices are located in the county, there shall be exempt from the basis of taxation the amount of business done in any other city, town or county upon which a local license tax has been assessed as provided in Virginia Code section 58.1-3715.

Section 31. – Further exceptions.

Retailers and retail merchants, wholesalers and wholesale merchants are excepted from the license taxes prescribed by this ordinance. Retailer and retail merchant mean any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users. Wholesale and wholesale merchant mean any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial, government and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

Section 32. - License fee.

Every person or business

- (1) providing financial, real estate, and professional services;
- (2) repair, personal and business services, and all other businesses and occupations not specifically listed or excepted in this ordinance; and
- (3) contractors, having a definite place of business in the county, and not having gross receipts in excess of those imposing license taxes as specified in this ordinance, shall be assessed and required to pay annually a license fee in the amount of \$30.00. All provisions of this ordinance relating to the license taxes, shall apply, likewise, to license fees.

A COPY TESTE:


Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-273: Green Machine Request

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the funding request from the Waverly Youth Association, in the amount of \$1,320.00, to be taken from the Recreation Fund.

A COPY TESTE:

Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-274: Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session to consider the following:

- a. Personnel Matters, to discuss overtime, employment and disciplinary issues (applicable Code Section 2.2-3711(A)(1))
- b. Consultation with legal counsel, briefing staff members (applicable Code Section 2.2-3711(A)(7))
- c. Acquisition of real property, applicable Code Section 2.2-3711(A)(5)

A COPY TESTE:

Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-275: Return To Open Session

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session; and,

WHEREAS, that the Sussex County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the 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 as were identified in the motion convening the Closed Meeting were heard discussed or considered.

A COPY TESTE:

Deborah A. Davis, Clerk



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PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-276: Appointment of Interim Assistant County Attorney

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Michael Kaestner as Interim Assistant County Attorney, at an annual salary \$60,000.00 with all benefits available to all full time employees, for a period ending March 31, 2015.

A COPY TESTE:


Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 18th day of December 2014.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
Robert E. Hamlin
John A. Stringfield
Raymond L. Warren

VOTE:

aye
aye
aye
aye
aye
aye

R-14-277: Adjournment

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the December 18, 2014 meeting of the Sussex County Board of Supervisors is hereby adjourned at 11:46 p.m.

A COPY TESTE:


Deborah A. Davis, Clerk