

February 16, 2012

To: Honorable Members of the County of Sussex Board of Supervisors

From: Thomas E. Harris, County Administrator

Subject: Sussex County Board of Supervisors Public Hearing
Thursday, February 16, 2012 – 7:30 p.m.
General District Courtroom – Sussex Judicial Center

REGULAR MEETING AGENDA

ITEM 1. 7:30 p.m. CALL TO ORDER/DETERMINE QUORUM – Chairman

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE

ITEM 3. ELECTION OF VICE CHAIRMAN FOR CALENDAR YEAR 2012

ITEM 4. AMENDED AGENDA

ITEM 5. APPROVAL OF REGULAR AGENDA

Recommendation: *Move to approve the Sussex County Board of Supervisors February 16, 2012 Regular Meeting Agenda, as presented (or as amended)*

ITEM 6. APPROVAL OF FEBRUARY 16, 2012 CONSENT AGENDA

ITEM 6a. Approval of Minutes (as corrected)

1. Approval of October 20, 2011 Minutes (December 15th)
2. Approval of November 17, 2011 Public Hearing (December 15th)
3. Approval of November 17, 2011 Minutes (December 15th)
4. Approval of December 5, 2011 Minutes
5. Approval of December 15, 2011 Minutes
6. Approval of December 20, 2011 Minutes
7. Approval of December 28, 2011 Minutes
8. Approval of January 9, 2012 Minutes
9. Approval of January 19, 2012 Minutes
10. Approval of February 7, 2012 Minutes

ITEM 6b. Approval of Appropriation

1. Dewberry, Invoice #863778, \$34,177.50

ITEM 6c. Approval of Warrants and Vouchers

1. Expenditures Summary Report for January 2012
2. Bills having been paid for January 2012
3. January 2012 Payroll/Warrants
4. January 2012 Voided Checks

Recommendation: Motion to approve the February 16, 2012 Consent Agenda (Minutes/ Appropriations/Warrants/Vouchers) as submitted and herein described

ITEM 7. STANDING REPORTS: STAFF/COMMITTEES/ORGANIZATIONS

ITEM 7a. HEALTH DEPARTMENT REPORT: *No report at this time*

ITEM 7b. COUNTY ADMINISTRATOR'S REPORT

ITEM 7b1. Presentation of Annual Financial Statement, Robinson, Farmer Cox

Representatives from Robinson, Farmer and Cox (Auditors) will be here to provide you a summary of FY 2012. (A copy of the Annual Report for Fiscal Year Ending June 30 2011 is included with the Board packet.

ITEM 7b2. Cell Phone Stipends for Board Members (*New*): A request for a County owned/paid cell phone has been made by a supervisor-elect. According to the December 21,

2006 policy set by the Board, this request is consistent with County Policy and therefore can be fulfilled. To this end, the County currently has a phone in stock and available for use. (December 15th)

Please note that our Policy also allows employees to be provided a \$50.00 per month stipend for use of their personal phone instead of being assigned a County owned/paid cell phone. (See attached policy).

Recommendation: To ask each Board of Supervisor to request in writing how they wish to be contacted – through a county owned phone or through a stipend for county use of their personal phone.

ITEM 7b3. Fee Schedule for Paper and Electronic Copies (December 15th): Please be advised that due to changes in technology, County Administration is developing a copying policy reflective of current standards and/or legal requirements. The policy will include costs and fees associated with requests for copies of documents as well as compact discs (CDs) recordings and/or electronic materials of Board meetings.

Recommendation: To direct the County Administrator to determine the cost for copies in compliance with the Commonwealth of Virginia Freedom of Information Act as FOIA does not allow for the addition of "administrative fees" (something that has been done in Sussex for some time) to the actual cost of duplicating records. (*VA Code 2.2-3704*)

ITEM 7b4: Sussex County Personnel Policy and Grievance Policy (December 15th): Pursuant to State Code I would ask that the Board of Supervisors approve the following clarifications to the Sussex County Personnel Policy. We have addressed all clerical items and have added a signature page for the Grievance Policy. Please be further advised that, following communication with Local Government Attorneys two items have been modified:

- 1. Emergency Overtime (added policy):** Following discussions with FEMA, Sheriff Raymond Bell, Emergency Coordinator Eddie Vick and neighboring jurisdictions, I have added a policy that would authorize "overtime" payment for all County Employees if the County declared a state of emergency, opened the EOC and employees were duly scheduled, worked on emergency issues and submitted their time.
- 2. At-Will Employment (clarified):** All "contractual" employees (County Administrator, Deputy County Administrator and County Attorney) have been removed from access to the County Grievance Policy as it has been determined/recommended that this item should be addressed through an approved

contract (if the Board wishes to grant access to an appointed employee) and thereby maintain the Board's commitment to "at-will" employment status.

- 3. Grievance Policy (added signature page):** As you now know, State Code requires that a Local Government Policy to be legal must be certified by the County Attorney or Commonwealth's Attorney (with Board authorization), signed by the County Administrator and filed with the Clerk of the Court. To this end, we have made all of the policies in the Sussex County Personnel Policies and Procedures "stand-alone" policies that can be changed without affecting the rest of the Manual ... and I am asking for the authority to have our current attorney certify so that the Grievance Policy can be filed with the Clerk of the Court.

Recommendation: That the Policy clarifications, clerical corrections and the Emergency Overtime provision/policy be adopted as revised. And finally, the County Administrator be authorized to have the revised Personnel/Grievance Policies certified, signed off on as Chief Administrative Officer and directed to file them with the Clerk of the Court in compliance with State Law.

ITEM 7b5. Credit Card Fraud: Please be advised that Ms. Francis Howell (Accounts Payable Clerk) detected some irregularities with the County's Credit Card (memo attached) and quickly canceled the card. Needless to say we are all most appreciative as this had the potential of being a real problem. As such I would like to publicly thank and acknowledge Ms. Howell for her timely and professional work.

ITEM 7b6. Sussex County's First Annual Black History Month Celebration: Please find attached a flyer for the County's first Annual Event. I would like to thank all of our sponsors for their support and contributions. I would especially like to acknowledge the work of Ms. Brenda Drew who has served as "lead agent" on this project, Ms. Deborah Davis who has provided much needed assistance and support throughout the development and to Ms. Adrienne Wallace of the Sussex/Surry Dispatch for both their sponsorship and free advertisement. The event is scheduled for 5:30 p.m. on Thursday February 23, 2012 and the Sussex County Community is cordially invited.

ITEM 7c: TREASURER'S REPORT (see enclosed)

Page 1	Bank Reconciliation
Pages 2-5	Treasurer's Accountability – Balance Sheet

Page 6-9	General Fund Revenue Summary By Major Source
Pages 10-12	General Fund Expenditure Summary by Department
Pages 13-14	Capital Projects Fund – Revenue/Expense Summary
Pages 15-16	Elementary School CPF – Revenue/Expense Summary
Pages 17-18	Landfill Tipping Fees Report

ITEM 7d. COMMISSIONER OF THE REVENUE: *(See Equalization Board information under New Business).*

ITEM 7e. SHERIFF’S DEPARTMENT: *No Report at this time*

ITEM 7f. SUPERINTENDENT OF SCHOOLS: Dr. Charles H. Harris, III, Superintendent of Schools will be present to request payments for the following invoices:

<u>Vendor</u>	<u>Invoice #/Description</u>	<u>Amount</u>
Oyster Point Construction	Application & Certificate For Payment #2 For work and supplies	\$485,468.05
Speight Marshall & Francis	25831, Special inspections	1,250.00
Verizon	8P0A0AL-8777, Move existing copper cable to school maintenance building to facilitate construction of new elementary school	11,641.62
Rancorn Wildman, Invoice	20112, Administrative services	6,738.63

Recommendation: To approve payment of above reference invoices.

ITEM 7g. DIRECTOR OF SOCIAL SERVICES:

Please find attached a joint (**DRAFT**) letter from Ms. Chequila Fields, Director of Social Services, and myself in regards to the Department of Social Services VIEW Program. As County Administrator, I am a great supporter of this program and would like to thank Ms. Fields and Ms. Arlene Woodley (VIEW Self Sufficiency Case Specialist) for providing such an essential program and opportunity in Sussex County.

ITEM 8. UNFINISHED BUSINESS

ITEM 8A. By-Laws and Rules of Procedure for Planning Commission (December 15th): Included in the Board packet are the proposed By-laws and Rules of Procedure for the Planning Commission. I am currently working on a Board Directory to include the Planning Commission. Upon approval the Board will need to make the necessary appointments by unfilled District representation to insure equal representation in all Voting Districts.

Recommendation: To approve the By-Laws as recommended and adopt the Planning Department Section of the *Sussex County Boards and Commissions Appointment Manual* and finally to determine appointments to the Planning Commission to insure equal representation by Voting District.

ITEM B. Communications Request For Proposal (RFP) Report (December 15th): Included in the Board packet is the Communication Needs Analysis. Please note that this is a critically important matter as we continue to have grave concerns about our communication system and our ability to keep the system fully functional. Therefore, based on the responses and evaluation by the Review Committee I would recommend the lowest responsible bidder to conduct the communication needs analysis for Sussex County.

Recommendation: To approve the selection of the lowest responsible bidder and authorize the County Administrator to precede with this much needed and critically important work.

ITEM 8C. Jarratt Volunteer Fire Department Request (December 15th): Included in the Board packet is a copy of correspondence from Chief Timothy Moseley requesting (on behalf of the fire department), a four wheel drive SUV support vehicle. At the January 19, 2012 meeting, the Board directed the County Administrator to meet with the Public Safety Coordinator and report at the February 16, 2012 meeting. To this end please be advised that the County Administrator will be meeting with the Fire Departments on February 29, 2012 and will discuss this issue as well as trying to seek assistance for a standardized vehicle and equipment replacement schedule based on industry guidelines and to make vehicle/equipment replacement part of our Annual Capital Improvement Plan and/or Annual Budget process.

Recommendation: To direct the County Administrator to meet with the Fire Association and develop a vehicle and equipment replacement program based on industry (fire) standards.

ITEM 8D. Jarratt Recreation Association Request: Correspondence has been received from the Jarratt Recreation Association (attached) requesting that the Board reinstate the \$3,000.00 that they were receiving in the past before their budget was cut.

ITEM 8E. Informational Items

ITEM 9. APPOINTMENTS

ITEM 9A. Appointment to the Planning Commission (December 15th): It is necessary to appoint a member of the Board of Supervisors to the Planning Commission. The late Honorable Harris L. Parker was the Board's appointee.

Recommendation: To be prepared to make appointment in January. Term runs concurrently with the term of the elected office).

ITEM 9B. Board of Zoning Appeals (December 15th): Mr. Raymond L. Warren currently serves on the Sussex County Board of Zoning Appeals and has been elected to the Sussex County Board of Supervisors. Section 15.2-2308 of the Code of Virginia, as amended, states ***"Members of the Board (Zoning Appeals) shall hold no other public office in the locality except that one may be a member of the local Planning Commission."*** (See enclosed). Therefore, it is necessary for the Board of Supervisors to submit a nomination to the Circuit Court Judge. (December 15th)

Recommendation: To nominate an individual and direct the County Administrator, upon approval, to submit the nominee to the Circuit Court Judge for appointment. (The unexpired term is January 31, 2013).

ITEM 9C. Appointment to South Centre Corridor Resource and Development Council (December 15th): In researching records, the County Administrator has been previously appointed by the Board of Supervisors to serve on the South Centre' Corridor RC&D Council. On November 18, 2010, George E. Morrison, III (formerly Interim County Administrator) was appointed to fill the unexpired term of Mary E. Jones, expiration December 31, 2012. Ms. Deborah A. Davis, Assistant to the County Administrator, would attend the meetings when Mr. Morrison was unable to do so. (See enclosed).

Recommendation: That the County Administrator be appointed to the South Centre RC&D Council to fill the unexpired term, ending December 31, 2012 and provide a letter to the South Centre' Corridor RC&D Council.

ITEM 9D: Appointments to Virginia’s Gateway Region Board of Directors: Included in the Board packet is a letter from Mrs. C. Renee Chapline, Executive Director of Virginia’s Gateway Region. The terms of Mr. Sanday Gandhi and Mr. Wayne Harrell as members of their Board of Directors will expire December 31, 2011. There must be one appointee from the business sector and one member of the Board of Supervisors. Mr. Gandhi has stated that he is willing to serve again, if reappointed.

Recommendation: To appoint a Board Member and a Business Member.

ITEM 9E. Equalization Board Appointment Information: Ellen G. Boone, Commissioner of the Revenue has forwarded correspondence preparations need to begin for the Equalization Board, which is usually comprised of 3 to 5 members.

Recommendation:

ITEM 9F. Committee Appointments: At the January 19th meeting, Chairman Tyler asked the County Administrator for a listing of the various Boards and Commissions to make needed appointments. He appointed the following:

Finance Committee: Supervisors Fly, Futrell, Caple

Personnel Committee: Supervisors Caple, Stringfield, Warren

A listing of the various Committees/Boards is included in the Board packet for your review. Furthermore I would strongly urge the Board to not establish committees and/or to make committee appointments without first determining and defining duties, responsibilities, authority, budget, goals and objectives of the appointed Committee or Board ... and to have the County Administrator to assign someone to staff the Committee.

Recommendation: To draft for the Board’s review and consideration a summary for the *Sussex County Boards and Commissions Appointment Manual* that delineates the duties and responsibilities of each committee.

ITEM 10. NEW BUSINESS

ITEM 10A. 2014 Stormwater Management Regulations: Included in the Board packet is information from Andre M. Greene, Director of Planning and Erin Ervin Belt, Code Compliance Specialists regarding the 2014 Stormwater Management Regulations, which are required to be enforced by July 2014. I had the opportunity to meet with Mr. Greene and Ms. Belt and firmly believe that not only should all authority reside in the local jurisdiction whenever possible (especially those that can be financially advantageous to the jurisdiction) but in this case because our staff is so strong it makes the recommendation that much easier.

(Please note that funds have been set aside to assist those communities who “commit early” to this program voluntarily)

Recommendation: To retain all authority locally through the adoption and implementation (locally) of the proposed 2014 Storm water Management Regulations.

ITEM 10B. General Assembly (New): Please find attached a copy of the letters that have been distributed on behalf of Sussex County and eight other counties that house Department of Corrections (DOC) Facilities in support of the reinstatement of Payment in Lieu of Taxes. Additionally I have provided a summary of the PILT collected in Sussex and have determined the number of jobs for County residents and water use at Sussex I and II.

I would also like to acknowledge the exceptional work being done by Chairman Tyler and the Board of Supervisors who have kept a presence in Richmond through letter, emails and on Monday February 6, 2012 Chairman Tyler, Supervisor Caple, Supervisor Futrell and Supervisor Stringfield made personal visits (in groups of two) to address House and Senate members on our concerns.

Furthermore Supervisor Fly has been in Richmond for several days addressing this issue with General Assembly members and Supervisor Warren has used phone and electronic contacts to support our efforts. As such I hope the public realizes the dedication of these elected officials and not only Sussex’s but Rural Virginia’s attempt to correct a serious injustice in the proposed State Budget.

And finally we need to thank Delegate Roslyn Tyler as (House patron), Delegate Rick Morris (House co-patron) and Senator Louise Lucas (Senate patron) for the submittal of Budget Amendments to reinstate these funds into the FY 2013 State Budget.

ITEM 11. REPORTS FROM DEPARTMENTS/STAFF/COMMISSIONS, ETC.

ITEM 11A. Animal Control: *(No report at this time)*

ITEM 11B. Building Department: (Included in the Board packet)

ITEM 11C. Building and Grounds: *(No report at this time)*

ITEM 11D. Deputy County Administrator/Director of Economic Development: *(No report at this time)*

ITEM 11E. Environmental Inspections: (Included in Board packet)

ITEM 11F. Housing Programs: (Included in Board packet)

ITEM 11G. Planning & Zoning: *(No report at this time)*

ITEM 11H. Public Safety: (Included in Board packet)

ITEM 12. BOARD MEMBERS COMMENTS/REPORTS

Blackwater District:

Courthouse District:

Henry District

Stony Creek District:

Wakefield District:

Waverly District:

ITEM 13. HEARING OF CITIZENS' COMMENTS

ITEM 14. CLOSED MEETING

Recommendation: To move into a Closed Session to discuss:

- 1.
- 2.

Applicable Code Sections 2.2-3711_____

ITEM 15. RETURN TO OPEN MEETING

Recommendation: To move to return to Open Meeting.

ITEM 16. CERTIFICATION OF CLOSED MEETING

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

WHEREAS, 2.2-3711 of the Code of Virginia, 1950, as amended, requires a certification by the County of Sussex Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the County of Sussex Board of Supervisors hereby certifies that to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies, and (2) only such public business matters, as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting to which this certification applies.

ITEM 17. MOTION(S) FROM CLOSED MEETING ITEM(S)

ITEM 18. MOTION TO CONTINUE or ADJOURN

Recommendation: Motion to continue or to adjourn the February 19, 2012 meeting.
