**At a Public Hearing of the Sussex County Board of Supervisors**

**Held in the General District Courtroom at Sussex Judicial Center**

**15098 Courthouse Road, Sussex VA on**

**Thursday, June 18, 2009 at 7:00 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**

Mary E. Jones, County Administrator

Henry A. Thompson, Sr., County Attorney

George E. Morrison, III, Deputy County Administrator

Jerry L. Whitaker, Director of Finance

Deborah A. Davis, Assistant to County Administrator

**ITEM 1 - CALL TO ORDER**

The June 18, 2009 public hearing meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly; the Pledge of Allegiance was recited by all; the Invocation was offered by Vice Chairman Tyler.

**ITEM 2 - ADOPTION OF AGENDA**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the agenda of the June 18, 2009 public hearing meeting of the Sussex County Board of Supervisors is hereby adopted as presented.

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

Voting nay: none

**ITEM 3 - PUBLIC HEARING**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters public hearing to consider the following: (1) Proposed Elimination of County Decal/Re-Enacted Vehicle Registration Licensing Fee Ordinance and (2) Transient Occupancy Tax.

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

Voting nay: none

Page 2: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

1. Proposed Elimination of County Decal/Re-enacted Vehicle Registration Licensing Fee Ordinance

County Administrator Jones advised the Board that included in the Board packet is a proposed ordinance repealing Chapter 14 at Article VI, Sections 14-141-14-170 (Local Vehicle License), and re-enacting the amended and revised Chapter 14, Article VI, Sections 14-141-170, (Local Vehicle Tax) of the Code of Sussex providing for the elimination of the County Decal and establishing a vehicle license registration fee.

Chairman Fly called for Citizens’ Comment, by district:

* Blackwater District – comments were heard from Debbie Turck
* Waverly District – no comments
* Wakefield District – no comments
* Courthouse District – no comments
* Henry District – no comments
* Stony Creek District – no comments
1. Transient Occupancy Tax

County Administrator Jones advised the Board that included in the Board packet is a proposed ordinance for inclusion in Chapter 14 of the Code of Sussex County enacting and adding Article IX entitled Transient Occupancy Tax.

Chairman Fly called for Citizens’ Comment, by district:

* Blackwater District – comments were heard from Debbie Turck
* Waverly District – no comments
* Wakefield District – no comments
* Courthouse District – no comments
* Henry District – no comments
* Stony Creek District – no comments

**ITEM 5 - RETURN TO PUBLIC HEARING**

ON MOTION OF SUPERVISOR TYLER, 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, Tyler

Voting nay: none

Page 3: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

**BOARD ACTION ON THE ELIMINATION OF COUNTY DECAL/RE-ENACTED VEHICLE REGISTRATION LICENSING FEE ORDINANCE**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts an ordinance pursuant to Titles 46.2 and 58.1 of the Code of Virginia, 1950, for the administration of County Vehicle License under Chapter 14, Article VI, Sections 14-141 and 14-170, and

WHEREAS, Title 46.2-752 (G) provides that the County is not required to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle, if the County’s Ordinance does not require display of a decal or other evidence, of payment; and

WHEREAS, the local governing body may adopt a local Ordinance to accommodate the enabling legislation; and,

WHEREAS, after due notice and public hearing, the Board of Supervisors has determined that these changes are to the benefit of the citizens of Sussex County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Sussex County this 18th day of June, 2009, that effective the 1st day of July, 2009 and retroactive to January 1, 2009, that Chapter 14, Article VI, at Sections 14-141–14-170 (Local Vehicle License) be and is hereby repealed; and that Chapter 14, Article VI, at Sections 14-141–14-170 (Local Vehicle Tax) be and is hereby re-enacted as attached hereto and, by reference, incorporated herein as if the same had been textually stated verbatim in this Resolution, after the appropriate Public Hearing as called for by applicable law.

ARTICLE VI. Motor Vehicle License Tax

State law references: County vehicle licenses, Code of Virginia, §§ 46.2-752, 46.2­-755; registration and licensing of motor vehicles generally, Code of Virginia, § 46.2-600 et seq.

Sec. 14-141. Levy of License Tax

1. Subject to the limitations provided in state law, specifically Virginia Code §§ 46.2-752 and 46.2-755, as amended, there is hereby imposed an annual license tax on each motor vehicle, including, but not limited to automobiles, trucks,

Page 4: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

motorcycles and motor homes, as defined in Virginia Code §46.2-100, within the County, owned by a resident of the County, regularly housed or stored in the County and used or intended to be regularly operated upon the public streets or highways in the County except as herein otherwise specifically provided.

* 1. The provisions of this article shall apply to those persons required to pay a state license tax under the provisions of Virginia law and shall not apply to persons exempt under provisions of the statutes of this state from payment of a license tax upon motor vehicles, and also shall not apply to any person who does not actually reside in the County in the conduct of his business, occupation or profession, or who is exempt from the payment of such license tax under Virginia Code § 46.2-755.
	2. The provisions of this article shall apply to owners of vehicles which are regularly parked, garaged, and used in the conduct of business, occupation or profession in the County, though the owner thereof resides or is domiciled outside the County. The word "reside," as used in this section, shall be construed to mean having a place of abode in the County, irrespective of the intention of any person to return to some residence outside of the County at some future time.

State law references: “Domicile” defined, Code of Virginia, § 46.2-341.4.

1. Every owner or operator of a motor vehicle and/or motorcycle owned on January 1, of each year, commencing on January 1, 2009, and on the 1st of January of each year thereafter, that is registered and licensed by the Division of Motor Vehicles, shall pay the license tax required herein upon said motor vehicle(s). The county treasurer shall mail the taxpayer a bill for the said tax. The license tax shall be listed as a separate item on each year’s annual personal property tax bill, which shall be due and payable on or before December 5th of each year commencing with the year of 2009 and each year thereafter.

(a) License Tax Amount. There is hereby levied and imposed, upon every vehicle required to be licensed under this article, an annual license tax as follows:

(1) Motor vehicles (excluding motorcycles): Twenty-five dollars ($25.00)

(2) Motorcycle: Fifteen dollars ($15.00).

Page 5: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

 (b) Late fee

(1) If any license tax imposed by this article is not paid by the due date indicated on the tax bill of any license year, there shall be added to such license tax a delinquent penalty and interest charge, in the same manner and amount of the personal property tax ordinance, to be paid along with the license fee as part thereof.

 (c) Proration and refunds of license tax.

(1) There shall be no proration of license tax for vehicles acquired or sold after January 1 of each year. All vehicles registered in the county on January 1st of each year shall be charged the applicable full license tax amount. There shall be no refund of any license tax paid for any vehicle disposed of or moved out of the county after January 1st of each year.

(2) There shall be no transfer of the license tax from the vehicle for which it was paid to any other vehicle of a different type or owned by a person other than the person to whom the license tax was paid.

State law references: Authority for county tax on vehicles, Code of Virginia, §46.2-752.

Cross Reference: Sussex County Code Sections. 14-1 and 14-2.

Sec. 14-142. License Tax Year

The motor vehicle license tax year shall commence on January 1st of each year and end on December 31st of each year commencing with the year 2009. The required tax hereunder shall be paid on or before December 5th of each year commencing with the year 2009 and thereafter. The license tax bill shall be included with the personal property tax bill and shown as a separate item.

 (a) Expiration

Every license tax paid under this article shall expire on December 5th of the license year for which it was issued.

State law reference: Authority to establish due dates, Code of Virginia §46.2-752A.

Page 6: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

Sec. 14-143. License Tax Agent

The Treasurer of the county is hereby designated as the license agent.

1. Records. The county treasurer shall keep a record of each such license tax paid to the treasurer, showing the person to whom it was issued, the make, model, and identification number of the vehicle for which such license tax was paid, and the state license number of such vehicle.
2. Every person whose duty it is to comply with the provisions of this Article, upon payment of the required tax and upon specific request, shall be issued as evidence a receipt showing payment of the applicable license tax.

Sec. 14-144. Payment of Delinquent License Taxes Prerequisite to Issuance

Any motor vehicle license tax, paid pursuant to this Article, shall first be applied to all delinquent past due license tax monetary amounts and any accrued interest and late fees or other collection costs allowable by law. Further, pursuant to this Article, the county treasurer shall have no duty to issue a current receipt for payment of the license tax to any person, unless and until such person has presented to the county treasurer satisfactory evidence that:

1. All personal property taxes upon such vehicle have been paid;
2. Any delinquent vehicle personal property taxes, which have been properly assessed or are assessable by the county against the applicant, have been paid; and
3. All tangible personal property taxes properly assessed or assessable by the county on any tangible personal property used or usable as a dwelling titled by the state Department of Motor Vehicles and owned by the taxpayer have been paid.

State law references: Authority for above section, Code of Virginia, § 46.2-752(C). Virginia Code § 46.2-752(J).Cross Reference: Sussex Code of Ordinances at section 14-1;

Page 7: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

Sec. 14-145. Assessment of License Tax

The vehicle license tax shall be assessed by the Commissioner of the Revenue on all licensed motor vehicles as of January 1st of each year, commencing with the year 2009 and each year thereafter, unless otherwise exempted.

Sec. 14-146. Disposition of Revenue and Fines

All taxes and fees collected by the license agent under any provision of this article and all fines collected from any person violating or failing to comply with any provision of this article shall be credited to the general fund of the County.

Sec. 14-147. County and Other Exemptions From Payment of License Tax

The vehicle license tax imposed by this section shall not apply to:

1. Any antique vehicle having a permanent state registration. For the purpose of this article, “antique vehicle" shall mean every motor vehicle that has been properly registered and licensed as an antique motor vehicle under Virginia Code § 46.2-730, as amended, issued an antique tag and is owned solely as a collector's item, and not regularly operated upon the public streets or highways in the County.
2. Members in good standing of the volunteer fire department and rescue squads in Sussex County who reside in Sussex County, shall be exempt from the license tax on one vehicle upon written application to the Commissioner of the Revenue for such licenses by members of volunteer rescue squads and volunteer fire departments which shall be accompanied by written evidence, in a form acceptable to the Commissioner of Revenue, of their active membership.
3. This section will not apply to the following vehicles exempted from license taxation by the county pursuant to Code of Virginia, § 46.2-752 or any other law of the state:

(1) Disabled veterans, as defined by Code of Virginia, § 46.2-100, upon receipt of an application, accompanied by written confirmation from one of the Armed Forces that the applicant is an honorably discharged veteran who suffered such disability while in active service (if not currently a member of the Armed Forces).

Page 8: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

(2) Former prisoners of war, upon receipt of an application, accompanied by written confirmation from one of the Armed Forces that the applicant was a prisoner of war and was honorably discharged (if not currently a member of the Armed Forces).

(3) Any vehicle being used for governmental activities or held or stored by or at the direction of any governmental authority, or any vehicle owned by a member of the armed forces on active duty or to any vehicle regularly stored within an enclosed building. Operable vehicles used for businesses conducted on the premises where the vehicles are stored are also exempt.

Sec. 14-148. Applicability to Residents of Incorporated Towns Within the County

All persons required by this article to pay a vehicle license tax, who are also required by any town within the county to pay a town vehicle license fee or pay a vehicle license tax, upon payment of the town vehicle license fee or tax, a credit will be granted for the full amount paid to the town in connection with the amount of the county license tax imposed by this Article. Upon presentation of a paid receipt for the town motor vehicle license fee or license tax then no additional county license tax payment shall be required. When so paid, the town shall be reimbursed by the county treasurer to the extent of one-half the license fee less a 1.5% administrative fee.

Sec. 14-149. Operation Without Payment of License Tax Prohibited

No person shall operate and no owner shall permit to be operated a motor vehicle, as defined in this Article, upon the highways of the County or within incorporated towns within the County without first paying, when due, the license tax required by this article. The finding of any motor vehicle on any of the highways of the County or incorporated towns within the County shall be prima facie evidence that such motor vehicle was operated in the County by the owner thereof.

Sec. 14-150. Violations

It shall be unlawful for any owner or operator of a motor vehicle, to fail to obtain a county vehicle license tax required by this division. A violation of this division shall constitute a class 4 misdemeanor. The sheriff, deputy sheriffs and police officers, and other state and local law enforcement officers in the County are authorized to issue citations, summons, parking tickets or uniform traffic summonses for violations of

Page 9: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

this Article. A violation of this Article by the registered owner of the vehicle shall not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license tax has been obtained.

Sec. 14-151-14-170. Reserved

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

Voting nay: none

**BOARD ACTION ON TRANSIENT OCCUPANY TAX**

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors, pursuant to Section 58.1-3819 of the Code of Virginia, authorizes counties to impose a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds and other facilities renting guest rooms for continuous occupancy of, or fewer than, thirty (30) consecutive days; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the health, safety, and welfare of the citizens of Sussex County to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Sussex County Board of Supervisors this 18th day of June 2009, that Chapter 14 (“Taxation”) of the Code of Sussex County be, and is hereby, amended to include Article IX, entitled "Sussex County Occupancy Tax," and all its component sub parts are added and enacted therein, with imposition of said tax commencing July 1, 2009, which section(s) shall read as follows:

ARTICLE IX, SUSSEX COUNTY OCCUPANCY TAX

Section 14-208-14-210.  Reserved.

Section 14-211 Definitions.

The following words and phrases, when used in this Article shall, for the purposes of this Article, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Commissioner means Commissioner of the Revenue of Sussex County, or any duly authorized deputies or agents of the Commissioner.

 Page 10: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

County means the County of Sussex, Virginia.

Hotel means any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, boarding house, motel, rooming house, transient campgrounds, or other lodging or guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days.

Person means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

Room Rental means the total charge made by any such hotel for lodging and/or space furnished for any such transient.  If the charge made by such hotel to such transient includes any charge for services or accommodations in addition to that of lodging and/or the use of space, then such portion of the total charge as represents only room and/or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

Transient means any person who, for any period of not more than thirty (30) consecutive days either at his own expense or at the expense of another, obtains lodging or the use of any space in any hotel as hereinabove defined, for which lodging or use of space a charge is made.

Treasurer means the Treasurer of Sussex County or any duly authorized deputies or agents of the Treasurer.

Section 14-212.  Levy; amount of tax.

In addition to all other taxes of every kind now and hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to two percent (2%) of the total amount paid for room rental by or for any such transient to any hotel.

Section 14-213.  Exemptions.

The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms.

Page 11: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

No tax shall be payable hereunder on room rental paid to any hospital, medical clinic, convalescent home or home for the aged.

No tax shall be payable on the amount a hotel charges transients for the rental of banquet facilities to accommodate events of limited duration.

Any county license tax imposed pursuant to this chapter shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege. If the governing body of any town within this county, however, provides that a county license tax shall apply within the limits of such town, then such license tax may be imposed within such towns.

Reference: Opinion of the Attorney General 2004 Va. AG 195, 197, 04-063, \_\_\_ (2004)

State Law Reference: Virginia Code § 58.1-3711

Section 14-214. Advertising payment or absorption tax prohibited.

No person shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of a tax imposed under this article will be paid or absorbed by that person or by anyone else, or that the person or anyone else will relieve any transient of the payment of all or any part of the tax.

Section 14-215.  Collection of tax.

Every person receiving any payment for room rental with respect to which a tax is levied under this Article shall collect the amount of tax hereby imposed from the transient on whom the same is levied or from the person paying for such room rental, at the time payment for such room rental is made. The taxes required to be collected under this section shall be deemed to be held in trust by the person required to collect such taxes until remitted as required in this article.

Section 14 -216.  Report and remittance of tax.

(a) Reports: The person collecting any such tax shall make out a report on such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of room rental charges collected, and the tax required to be collected, and shall sign and deliver the same to the Commissioner with a remittance of such tax.

Page 12: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

(b) Reporting period: The report and the payment of the tax required to be collected shall be made on a monthly basis unless it appears to the Commissioner of the Revenue that the estimated amount of tax required to be collected will not exceed an average of one hundred dollars ($100.00) per month, in which event, the Commissioner of the Revenue may authorize the filing of the report and the payment of the taxes required by this section on a quarterly calendar basis. If, however, at any time thereafter, it appears to the Commissioner of the Revenue based upon the reports filed, or such other information as he deems pertinent, that the tax required to be collected by the person exceeds an average of one hundred dollars ($100.00) per month, he shall require such person to file such reports and pay the taxes required to be collected on a monthly basis.

(c) Due date: The reports required by this section shall be delivered to the Commissioner of the Revenue on or before the twentieth day of the calendar month following the period being reported. Each report shall be accompanied by a remittance made payable to the Treasurer, Sussex County, of the amount of tax for the report period and all remittances received hereunder by the Commissioner shall be promptly delivered to the Treasurer.

Section 14-217.  Interest and penalties upon failure or refusal to remit tax.

If any person shall fail or refuse to remit the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, there shall be added to such tax by the Treasurer a penalty of ten percent (10%), and if the tax shall remain delinquent and unpaid for a period of one month from the date the same is due and payable, interest shall be charged on the unpaid balance at the interest rate of ten percent (10%). Such interest shall accrue from the date on which the tax was due and payable.

Section 14-218.  When the Commissioner to determine the amount of tax due.

If any person required to collect and remit the tax imposed by this Article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed, the Commissioner may proceed to determine the amount due to the County. The Commissioner shall provide notice and opportunity to be heard to any person who may become liable for the amount owing prior to any determination by the Commissioner.

Section 14-219.  Tax immediately due and payable upon cessation of business.

Page 13: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

Whenever any person required to collect and pay to the County a tax under Section 15-6 shall quit or otherwise dispose of his business, any tax payable under the provisions of this Article to the County shall become immediately due and payable, and such person shall immediately make a report and pay the tax due.

Section 14-220. Preservation of records.

It shall be the duty of every person liable for collection and remittance of the taxes imposed by this article to preserve for a period of two (2) years records showing the total daily purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The Commissioner of the Revenue shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article and to make transcripts of all or any parts thereof.

Section 14-221.  Powers and duties of the Commissioner and Treasurer generally; rules and regulations.

The Commissioner shall ascertain the name of every person operating a hotel in the County liable for the collection of the tax levied by this Article.  The Treasurer shall have the power to adopt rules and regulations not inconsistent with the provisions of this Article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations shall be on file and available for public examination in the Treasurer's office during regular office hours.  Failure or refusal to comply with any rules and regulations promulgated under this Section shall be a violation of this Article.

Section 14-222. Penalty for violation of Article.

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be fined not more than three hundred dollars ($300.00), or may be imprisoned in the County jail for a period not exceeding thirty (30) days, or may be punished by both such fine and imprisonment.  Each such violation or failure shall constitute a separate offense.  Such conviction shall not relieve any such person from the payment, collection or remittance of such tax penalties and interests, as provided in this Section.

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

Voting nay: none

Page 14: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

**ADJOURNMENT**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adjourns the June 18, 2009 public hearing meeting.

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

Voting nay: none

**At a Regular Meeting of the Sussex County Board of Supervisors**

**Held in the General District Courtroom at Sussex Judicial Center**

**15098 Courthouse Road, Sussex VA on**

**Thursday, June 18, 2009 at 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**

Mary E. Jones, County Administrator

Henry A. Thompson, Sr., County Attorney

George E. Morrison, III, Deputy County Administrator

Jerry L. Whitaker, Director of Finance

W. Travis Luter, Building Official

Andre M. Greene, Director of Planning

Eddie T. Vick, Public Safety Coordinator

Brenda H. Drew, Housing Programs Coordinator

Deborah A. Davis, Assistant to County Administrator

**ITEM 1 - CALL TO ORDER**

The June 18, 2009 Regular Meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly.

**ITEM 2 - ADOPTION OF REGULAR AGENDA**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Regular Agenda of the June 18, 2009 meeting of the Sussex County Board of Supervisors is hereby adopted, with the following changes: (1) Move Appointment to Blackwater Regional Library Board of Trustees under Unfinished Business as Item c; (2) Under County Administrator’s Report, add Item #10, Fiscal Year 2010 Budget; and (3) Under County Administrator’s Report, add Item #11, Power Plant Letter.

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

Voting nay: none

**ITEM 3 - ADOPTION OF CONSENT AGENDA**

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Consent Agenda of the June 18, 2009 meeting of the Sussex County Board of Supervisors is hereby adopted, inclusive of the following: (1)

Page 2: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

Minutes of the May 21, 2009, May 28, 2009, and June 4, 2009 Board meetings; (2) Warrants and Vouchers in the amount of $379,178.00 and Payroll Deductions Checks in the amount of $140,521.17; (3) Appropriations: City of Chesapeake, $1602.00 for impounding fee for dogs; Invoice #812 from Animal Clinic of Eagle Harbor, $64.20; Dinwiddie Animal Control, $120.00; Invoice #07-08-101 from Crater Planning District Commission in the amount of $3,500.00 for cost incurred for the Sussex County Community Economic Development Project for the period July 1, 2007 through June 30, 2008.

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

Voting nay: none

**ITEM 4 - STANDING REPORTS**

**ITEM 4(a) – Health Department** - absent

**ITEM 4(b) – Highways Streets and Roads**

Mr. William Richardson, Assistant Residency Administrator, reported the following:

* The VDOT contractors have performed one cut of grass along the roadways throughout the County. Due to excessive rain, there has been some delay in mowing. They will try to mow at least two more times this season.
* Route 460, from Wakefield to Ivor is currently being paved.
* In regards to the proposed Waverly Residency – if the Residency closes, nine employees will lose their jobs and administrators’ positions in the maintenance shops will be eliminated.

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

**ITEM 4(c)1 - CONGRATULATIONS**

County Administrator Jones advised the Board of the following accomplishments:

* Mrs. Brenda H. Drew and her employees were recognized at the recent Virginia Housing Development Authority annual meeting with an excellent in performance rating and contribution of $1,000.00 for 2008. The award was for administering the Housing Voucher Program formerly known as Section 8. The funds are to go to the Housing Program.

Page 3: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

* Building Official Travis Luter, Building Inspector Mike McHale and Permits Technician Somerbreze Hall, for the high ranking achieved in the Building Code Enforcement Evaluation performed by ISO Properties. “ISO is an independent statistical rating and advisory organization that serves the property/casualty insurance industry. ISO collects information on a community’s building codes adoption and enforcement services, analyzes the data, and then assigns a Building Code Effectiveness Classification from 1 to 10. Class 1 represents exemplary commitment to building code enforcement. Municipalities with well-enforced, up-to-date codes demonstrate better loss experience and their citizens’ insurance rates can reflect that. The survey conducted has resulted in a BCEGS class of 3 for 1 and 2 Family dwellings and a class 4 for all other construction. The areas evaluated included: (a) Administration of Codes, (b) Plan Review Division, and (c) Field Inspection. The information was collected through a combination of on-site interviews and completed questionnaires.
* Director of Planning Andre M. Greene, for successfully completing certification requirements for Program Administrator, Erosion and Sediment Control Program; Building Official Travis Luter, for successfully completing certification requirements for Combined Administrator, Erosion and Sediment Control Program. The certification program is administrated by the Department of Conservation and Recreation.
* Building Official Travis Luter, for successfully completing the first part of the building official’s certification program.
* Environmental Inspectors George Taylor, Ernest Freeman and Nathaniel Givens, along with AWD/WM employees identified and prevented medical waste (not licensed) from being disposed of in the landfill.
* Mr. Eddie T. Vick, Public Safety Coordinator and Mrs. Nicole Scuderi, Administrative Secretary, for coordinating and completing the second CERT class at the Sussex Central High School.

**ITEM 4(c)2 – Homeless Prevention and Rapid Re-Housing Grant**

County Administrator Jones advised the Board that included in their packet is information from the Improvement Association regarding the Homeless Prevention and Rapid Re-Housing Grant. The Improvement Association is requesting the Board’s

Page 4: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

endorsement to apply for and accept funds from the Homeless Prevention and Rapid Re-Housing Program (HPRP) to serve low income residents in Sussex County. The program is designed to fill gaps currently not met by current housing resources for families who are homeless or need rental assistance.

There is a two-year waiting list for the Housing Choice Voucher Program (Section 8). The only other resource for rental assistance in Sussex County is the Homeless Intervention Program (HIP) administered by The Improvement Association. Appointments through June have been booked for several months.

With business closings and cut-backs, there has been a tremendous increase in demand for housing assistance. In addition to decreased income, housing costs have increased. Fair market rent for two-bedroom housing in Sussex County is $925, up from $870 in 2008. An income of $37,000 is needed to afford this rent with consideration for utilities. However, the median renter income in Sussex is only $27,500, which is less than $31,200 (the 50% average median income limit for a family of three). Many of our applicants have an income that is even less than $27,000.

If awarded, this grant will be totally administered by The Improvement Association. The proposed service areas include Sussex, Surry and Greensville Counties and the City of Emporia. There is no match required; however, the Improvement Association needs the endorsement of the local governments of the localities we propose to serve.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL, and carried: RESOLVED that the Sussex County Board of Supervisors hereby recognizes that the Commonwealth of Virginia, Department of Housing and Community Development, has issued a competitive application and requested applications under the Homeless Intervention Program; and,

WHEREAS, assistance is needed to effectively and adequately address the housing needs of low-income and homeless persons served by Sussex County; and,

WHEREAS, a Homeless Prevention and Rapid Re-Housing Program application for a grant under this Program has been prepared; and,

WHEREAS, the Sussex County Board of Supervisors authorizes the County Administrator to act on behalf of Sussex County and will sign all necessary documents required to complete the grant transaction.

Page 5: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Board of Supervisors authorizes The Improvement Association to apply for and accept the grant and enter into a grant agreement with the Department of Housing and Community Development and perform any and all actions and responsibilities in relation to such Agreement.

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

Voting nay: none

**ITEM 4(c) 3 – Semi-Monthly Meetings/Board Retreat**

County Administrator Jones recommends that if the Board makes a decision to meet semi-monthly, that the additional meeting be designated for work sessions with reports from committees, consultants and departments (for in-depth discussion and further research). It would be helpful to staff if the Board members would let staff know of particular items to be added to the agenda. This would allow research of the topic before the meeting.

Staff also recommends the following for Citizen Comment (a) Limit comments 2 or 3 minutes per person; (b) Limit to one representative the number of persons from any group or organizations unless separate or different topics are addressed; and (c) Place the Citizen Comment at the beginning of the agenda after the adoption of the agenda and consent agenda, but before Standing Reports.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby agrees, on a trial basis, to hold semi-monthly meetings (first and third Thursdays), beginning August 2009; and,

FURTHER RESOLVED that the meeting held on the first Thursday shall commence at 5:00 p.m. and the meeting on the third Thursday shall commence at 7:30 p.m.

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

Voting nay: none

Board Retreat: Staff recommends holding a retreat in August.

**ITEM 4(c)4 Animal Control – Veterinary Services**

County Administrator Jones advised that the request for proposal requesting veterinary services will be advertised this weekend. Responses are due July 8th.

Page 6: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

Mr. George E. Morrison, III, Deputy County Administrator, has completed the Animal Control Protocol (draft). The protocols are currently under review by staff. The document will be sent to the State Vet for review and comment after completion by staff.

**ITEM 4(c )5 – Surplus Property**

County Administrator Jones advised that staff is compiling a list of the County’s surplus vehicles, equipment and other supplies. A contract with “govdeals.com” is being considered as a method of disposing of surplus equipment. County Attorney Thompson prepared the contract and it has been forwarded to the representative at govdeals.com for review and consideration.

**ITEM 4(c)6 – Temporary Administration Office Building**

County Administrator Jones advised the Board that staff will move into the temporary office on July 17 – 18, 2009. All items on the punch line for the interior have been completed. The exterior items are completed except for the installation of additional vents. While installing the electrical line, the company cut the fiber optics line. The line had been marked. Dominion Virginia Power will pay for the repair.

Ms. Deborah A. Davis, Assistant to County Administrator, contacted seven moving companies for estimates. The results are as follows:

1. Franklin Moving Company, (no written estimate) 3 staff persons, rate $120 per hour.
2. Professional Movers (no written estimate) 3 staff persons, rate $95 per hour, plus a travel fee of $95; made two appointments with Ms. Davis, missed both appointments.
3. Contacted All My Sons Moving Company twice, left messages, no response.
4. Tanner Van Lines – Sussex County is not in the company’s service area.
5. Coven Worldwide Moving, Inc. $6,000.00 (on-site visit)
6. Reads Moving Systems $5,085.00 (on-site visit)
7. Quality Moving Services $4,774.00 (on-site visit)

Page 7: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

Staff recommends employing Quality Moving Services.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR PARKER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to proceed with the relocation to the temporary office building; and,

FURTHER RESOLVED that staff is authorized to contract with Quality Moving Services, Post Office Box 331, Chesterfield VA 23832 for an amount not to exceed $4,774.00, payable, in full, on July 18, 2009.

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

Voting nay: none

**ITEM 4(c)7 – Commonwealth Transportation Board Meeting**

County Administrator Jones advised the Board that she attended the Commonwealth Transportation Board meeting in Richmond earlier today. She expressed to the officials, the County’s position on the potential closing of the Virginia Department of Transportation’s Waverly Residency. Delegate Roslyn Tyler appeared before the board on June 17, 2009. Senator Lucas was not able to attend because of a conflict.

**ITEM 4(c)8 – Legislation – Proffers**

County Administrator Jones advised the Board that subcommittees at the General Assembly are reviewing proffer program legislation. Developers are currently working aggressively to change the program.

**ITEM 4(c)9 - District 19 Community Services Board Performance Contract**

County Administrator Jones advised the Board that included in their packet is a copy of the District 19 Community Services Board Performance Contract for Fiscal Year 2010. Staff recommends approval.

The Board tabled this request until the July 16, 2009 Board meeting.

**ITEM 4(c) - 10 Fiscal Year 2010 Budget**

Director of Finance, Jerry L. Whitaker, addressed the Board and distributed a copy of the Fiscal Year 2010 Budget.

Page 8: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

**ITEM 4(c) 11 – Power Plant Letter**

County Administrator Jones advised that the letter to the Army Corps of Engineers is provided as a late agenda item. This letter was requested by Supervisor Harrell after attending meetings in Surry and Sussex regarding the Power Plants. If it meets the Board approval, she requested that each member sign and return to staff for mailing. The letter reads as follows:

Ms. Melissa Nash

Norfolk District Corps of Engineers, Regulatory Office

803 Front Street

Norfolk VA 23210

Dear Ms. Nash:

I represent the Wakefield Election District and wish to advise you that on July 8, 2002, the Sussex County Board of Supervisors unanimously approved the rezoning of approximately 1,065 acres (identified as tax map numbers 6-A-6, 8, 9, 12 and 15-A-1 & 2) from A-1, General Agricultural District to I-2, General Industrial District for the construction of a coal-fired electrical generation plant and its associated accessory uses. The I-2, General Industrial District also requires a conditional use permit for a coal-fired electrical generation plant and its associated accessory uses.

On July 8, 2002, the Sussex County Board of Supervisors unanimously approved conditional use permits to allow the construction of a coal-fired electrical generation plant, the construction of electrical transmission lines to serve the affected electrical generation plant and the installation of water and water pipelines necessary for operation of the proposed electrical generation plant. However, these conditional use permits expired on July 8, 2007 and will have to be re-issued by the Board of Supervisors.

The County, in 2002, also employed the firm of Charles C. Townes and Associates to prepare an Economic and Environmental Assessment to determine the impacts of the proposed project on the community. Given the fact that there have been no significant changes in site conditions and the surrounding area has remained rural and undeveloped, I foresee no reason why the Sussex County Board of Supervisors would not approve new conditional use permits to allow the location and operation of a coal fired electrical generation plant on the site in question on Route 602 (Cabin Point Road).

Page 9: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

Thank you for the opportunity to comment on this very important project to Sussex County.

Yours truly,

The Board of Supervisors, by general consensus, asked staff to forward the letter to Ms. Nash and send a courtesy copy to Ms. Susan Seward at Old Dominion Electric, 212 Spring Branch Road, Waverly VA, 23890.

**ITEM 4(d) - Treasurer’s Report**

As reported by Sussex County Treasurer, Onnie L. Woodruff, the statement of money in the banks to the credit of Sussex County as shown by the Treasurer’s books at the close of business May 31, 2009 is $24,699,690.45. (A copy of the Treasurer’s Report is retained in the June 18, 2009 Board packet).

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

**ITEM 4(f) – Sheriff’s Department** - absent

**ITEM 4(g) – Superintendent of Schools** – no report

**ITEM 4(h) – Director of Social Services** – absent (called, but no report)

**ITEM 4(i) – County Attorney’s Report** – no report

**ITEM 5 – CITIZENS’ COMMENTS**

Comments were heard from the following:

* Mr. Fred Turck, Blackwater District – advised that he is not in agreement with two (2) meetings per month; especially scheduling them earlier than they are presently; Mr. Turck also suggested using inmates to relocate office staff to the new temporary building which could save the County $4,774.00.
* Mr. Johnny Wiggins, Blackwater District – disagrees with the Board of Super-visors’ decision to construct two elementary schools.
* Ms. Nancy Kramer, Courthouse District – spoke about the adoption of “Snoopy” on April 20, 2009; she stated that the Sussex Animal Pound is clean and current staff is doing a good job and they need to be recognized for their

Page 10: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

* efforts. Ms. Kramer also stated that members of her family join her in volunteering at the pound on weekends.
* Mrs. Ora Briggs, Stony Creek District – asked the Board to appropriate the funding for the construction of elementary school.
* Mrs. Eileen McAfee (not a resident of Sussex County) – expressed her displeasure regarding the Sussex County Animal Pound.

I**TEM 6 – UNFINISHED BUSINESS**

**ITEM 6(a) – Building and Grounds Committee**

Supervisor Birdsong advised that he has spoken with Mrs. Lyndia Person-Ramsey, Sussex County Commonwealth’s Attorney. Mrs. Ramsey advised that she is willing to meet with the Building and Grounds Committee and architect after the July 4th holiday.

**ITEM 6(b) – Animal Pound Advisory Committee**

Mrs. Anne Joyner, President of Sussex County Animal Pound Advisory Committee, addressed the Board. She wanted to know why the beds that were purchased are not being used; she displayed photos.

Deputy County Administrator, George E. Morrison, III, advised that some of the beds are too large to set up, but staff will work diligently to get them set up properly as soon as possible.

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

County Administrator Jones reminded the Board that Mr. Richard C. Moore, Jr., has resigned his position as a member of the Blackwater Regional Library Board of Trustees. Mr. Moore’s term will expire on June 30, 2010. The Board, at a previous meeting, tabled this item until the June 18th. Two names were suggested: Mr. William J. Collins, Jr. and Mrs. Kitty Nettles. Supervisor Birdsong advised that he has spoken with Mr. Collins and he advised that he would not have the time to devote to serving on the Library’s Board of Trustees.

Mrs. Nettles has not been contacted; therefore, the Board tabled this issue until the July 16, 2009 meeting.

**ITEM 7 – NEW BUSINESS** - none

Page 11: Minutes of the June 18, 2009 meeting of the Sussex County Board

 Of Supervisors

**ITEM 8 – ADJOURNMENT**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby adjourns the June 18, 2009 meeting.

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

Voting nay: none