



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 20th day of August 2015.

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-15-149: Approval of Regular Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the August 20, 2015 regular agenda of the Sussex County Board of Supervisors meeting is hereby approved to include the following amendments: (1) under the Consent Agenda, add Item 6d, Request for Funds – Sheriff’s Department \$2,003.00; (2) under the Consent Agenda, add Item 6e, Request of Funds – Public Safety \$2,107.70; (3) under the Consent Agenda, add Item 6f, National Suicide Prevention Month Proclamation (Requested by District 19 Community Service Board); (4) under the Consent Agenda, add Item 6g, Request to Accept and Appropriate DMV Highway Safety Grant, Sheriff Department \$7,999.00; (5) under the County Administrator’s Report, delete Item 2, Iluka Update; (6) under the County Administrator’s Report, add Animal Control Update as Item 2.; (7) under the County Administrator’s Report, delete Item 3, Request for Qualifications, Community Improvement Grant for the Pocahontas; (8) under the County Administrator’s Report, add “Draft” Special Events Regulations as Item 3; (9) under the County Administrator’s Report, add Item 6, Letter from Town of Wakefield; (10) under the County Administrator’s Report, Supervisor Fly requested to delete Item 4, Information Requested by Board member (tabled from July 16, 2015); (11) under the County Administrator’s Report, Supervisor Fly requested to add the Budget as Item 4; and, (12) under the County Attorney’s Report, add Request for Approval to Codify the Noise Ordinance as Item 1.

A COPY TESTE

Deborah A. Davis, Clerk



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

VOTE:

aye
aye
aye
aye
aye
aye

R-15-149A: Approval of Amendment to July 16, 2015 Minutes

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approves the amendment of the July 16, 2015 Board of Supervisor minutes to accept and appropriate the Tobacco Commission Grant #3008 in the amount of \$829,350.00.

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 20th day of August 2015.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-15-150: Approval of Amendment to July 16, 2015 Minutes
Bill Collins' District

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby amends the July 16, 2015 minutes to reflect the change of Bill Collins from the Blackwater District to the Courthouse District.

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-15-151: Approval of Consent Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) amended Minutes of July 16, 2015 Meeting; (b) Warrants and Vouchers; (c) Acceptance and Appropriation of Department of Criminal Justice Services Victim Witness Grant #16-S9574VG15, \$56,903.00; (d) Request for Funds – Sheriff’s Department \$2,003.00; (e) Request of Funds – Public Safety \$2,107.70; (f) National Suicide Prevention Month Proclamation (Requested by District 19 Community Services Board); and, (g) Accept and Appropriate DMV Highway Safety Grant, Sheriff Department \$7,999.00.

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 20th day of August 2015.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-15-152: Motion to Enter Public Hearing

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters into Public Hearing to consider Ordinance Amendment #2015-02, Solar Energy Ordinance..

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 20th day of August 2015.

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-15-153: Return to Regular Session

ON MOTION OF SUPERVISOR WARREN, 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 20th day of August 2015.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-15-154: Action on Ordinance Amendment #2015-02, Solar Energy

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns Ordinance Amendment #2015-02, Solar Energy, to the Planning Commission for further consideration ; and

WHEREAS the Planning Commission is to invite farmers to the Planning Commission meeting to address concerns and then bring Ordinance Amendment #2015-02, Solar Energy, back to the Board of Supervisors.

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 20th day of August 2015.

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-15-155: Appointment to Social Services Board (Courthouse District)

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby appoints Lou Savedge, 27463 Sussex Drive, Waverly, VA 23890 to the Social Services Board for the Courthouse District for a term expiring June 30, 2016.

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-15-156: Change Order Amendment with Jeff Robinson & Associates

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorize the County Administrator to execute a Change Order Agreement with Jeff Robinson & Associates in a form substantially similar to that presented at tonight's meeting and subject to approval by the County Attorney, to-wit:

This Change Order Agreement ("Agreement") is made this 21st day of August 2015, by and between **JEFF ROBINSON & ASSOCIATES, P.C.**, a Virginia corporation, ("Contractor"), and the **COUNTY OF SUSSEX, VIRGINIA**, a political subdivision of the Commonwealth of Virginia ("County").

WHEREAS, the County previously awarded a contract to Contractor for Architectural and Engineering Services;

WHEREAS, pursuant to such contract the Contractor has provided architectural and engineering services to the County pertaining to the design of a covered brick arcade to connect two existing buildings at the County courthouse complex (the "Project");

WHEREAS, the County has paid all invoices for amounts owed to the Contractor for his work related to the Project;

WHEREAS, pursuant to the Virginia Public Procurement Act (Title 2.2, Chapter 42 of the Code of Virginia)("VPPA"), § 2.2-4360(B), an award has been made and performance has begun, and the County has determined that it is not in the best interest of the public to void that prior contract; and

**Page 2: Change Order Agreement with Jeff Robinson and Associates
Adopted by the Sussex County Board of Supervisor, August 20, 2015**

WHEREAS, through this Agreement, the County expressly ratifies the prior contract.

NOW THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

1. **Incorporation By Reference:** The County of Dinwiddie, Virginia, issued a Request For Proposals in February 2010 (RFP-10-020710)(“RFP”) seeking proposals for architectural and engineering services. The RFP expressly provided that the procurement was being conducted under the provisions of VPPA § 2.2-4304 and that “the resultant contract may be extended to any public body within the Commonwealth of Virginia to purchase at contract prices in accordance with contract terms.” Unless modified herein, whether expressly or impliedly, all terms of the RFP are incorporated into this Agreement by reference. As applicable, all terms relating to Dinwiddie County shall be substituted to relate to Sussex County.
2. **Term of Agreement:** Unless otherwise terminated, the term of this Agreement shall terminate upon the completion of construction of the Project, or two years from the date of this Agreement, whichever is sooner.
3. **Costs:** Contractor agrees to perform all work pursuant to this Agreement according to the fee schedule submitted to Dinwiddie County, which is set forth below:
 - **Engineer: \$80 / hour**
 - **Draftsman: \$50 / hour**
 - **Clerical: \$45 / hour**

Payment(s) shall be made to Contractor within thirty (30) days after receipt of complete and accurate invoice(s).

4. **Scope of Change Order:** To date, Contractor has prepared drawings for the Project and revised such drawings to accommodate the location of where underground infrastructure is believed to be located. In addition, Contractor has also prepared an advertisement for the County to use when it advertises an invitation to bid for construction contractors to construct the Project.

The County may also wish for Contractor to further revise the drawings of the Project to include canopy lighting. In addition, the County may wish for Contractor (i) to prepare the detailed specifications that will be necessary to include with the invitation to bid the County intends to prepare, (ii) to be available while the invitation to bid is open to prepare any addenda necessary for the procurement or to answer bidders' questions, and (iii) to provide copies of drawings to prospective bidders for a reasonable fee. If the bid for the Project the County selects is beyond the County's available resources, the County may request

**Page 3: Change Order Agreement with Jeff Robinson and Associates
Adopted by the Sussex County Board of Supervisor, August 20, 2015**

Contractor to assist with redesign of the Project to accommodate a reduced cost. Last, once construction of the Project commences, the County may wish for Contractor to be available should conditions require any redesign, such as the need to modify the location of footings to accommodate underground infrastructure.

All requests for Contractor's services within the scope of this Agreement will be made in writing (e-mail is sufficient) by the county administrator or county attorney. ***Contractor shall not undertake any work prior to receiving a written request from the county administrator or county attorney.***

5. **Notices:** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U.S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

If to the County:
County Administrator
P.O. Box 1397
Sussex, Virginia 23884

If to the Contractor:
Jeff Robinson & Associates, P.C.
P.O. Box 66
Emporia, Virginia 23847

6. **General Terms and Conditions:** During the term of this Agreement, Contractor agrees to possess an active, valid license issued by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, pursuant to Title 54.1, Chapter 4 of the Code of Virginia. Failure to maintain such active, valid license will be sufficient grounds for immediate termination of this Agreement. During the term of this Agreement, Contractor agrees to maintain insurance which meets all of the requirements set forth in the RFP. Failure to maintain such insurance and to provide evidence upon request will be sufficient grounds for immediate termination of this Agreement.
7. **Miscellaneous:** This Agreement shall be governed by the laws of the Commonwealth of Virginia. Venue for any action arising out of the performance of this Agreement shall be with a state court in Sussex County. Headings or titles in this Agreement are only for convenience and shall have no meaning or effect upon the interpretation of this Agreement. This Agreement is the entire agreement between the parties and may not be amended or modified, except by writing, signed by each party. If any provision of this Agreement is determined to be unenforceable, then the remaining provisions of this Agreement shall be interpreted as in effect as if such unenforceable provision were not included herein.

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-15-157: Re-appropriation of Funds for Textbook Purchases

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approves the re-appropriation of the \$47,142.79 from the 2014-15 to the 2015-16 budget to be used for textbook purchases.

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-15-158: Noise Ordinance Resolution

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopted the following resolution, to wit:

WHEREAS, the Sussex County Board of Supervisors adopted a Noise Ordinance at its regular meeting held June 19, 2014;

WHEREAS, such Noise Ordinance was not codified at a particular chapter in the Sussex County Code of Ordinances; and

WHEREAS, this resolution in no way affects the substance of the Noise Ordinance.

NOW THEREFORE, BE IT RESOLVED that pursuant to the authority granted by § 15.2-1433 of the *Code of Virginia*, the Sussex County Board of Supervisors hereby codifies the Sussex County Noise Ordinance at Chapter 11 of the Sussex County Code.

BE IT FURTHER RESOLVED that the Clerk to the Board of Supervisors is authorized to designate section numbers to the various sections of the Noise Ordinance.

Page 2: Noise Ordinance Resolution

Adopted by the Sussex County Board of Supervisors, August 20, 2015

BE IT FINALLY RESOLVED that the Clerk to the Board of Supervisors is hereby directed to distribute a copy of this resolution and a copy of the codified Noise Ordinance to the Sheriff, Commonwealth's Attorney and County Attorney.

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-15-159: Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for the discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, applicable Code Section 2.2-3711(A)(3).

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-15-160: Return to Open Session

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby returns to Open 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 20th day of August 2015.

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-15-161: Certification

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

WHEREAS the Board of Supervisors of Sussex County, Virginia 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-15-162: Action on Closed Session Item
Town of Wakefield's Offer on Property

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the Town of Wakefield's offer on the said property Tax Map Number 61A-2-A6 on buying the property less the dumpsite for the amount of \$20,700.00.

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-15-163: Adjournment

ON MOTION OF SUPERVISOR WARREN seconded by SUPERVISOR FUTRELL and carried:
RESOLVED that the August 20, 2015 Sussex County Board of Supervisor Meeting is hereby adjourned at 10:34 p.m.

A COPY TESTE


Deborah A. Davis, Clerk