

**At A Budget Work Session of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
Thursday, April 25, 2013 – 7pm**

Board Members Present:

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

Others present:

Onnie L. Woodruff, Treasurer/Interim Director of Finance
Dr. Arthur E. Jarratt, Assistant Superintendent of Schools
Deborah A. Davis, Assistant to County Administrator

Item 1. Call to Order

The April 25, 2013 Budget Work Session of the Sussex County Board of Supervisors was called to order by Chairman Tyler. The Pledge of Allegiance was recited by all; the Invocation was offered by Chairman Tyler.

Chairman Tyler announced that the Board has a gentlemen's agreement that the agenda will not include Citizens' Comments during budget work sessions.

Item 2. Approval of Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the agenda of the April 25, 2013 budget work session.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Chairman Tyler advised there have been several documents distributed and not all of them will require action. The Board members received something from Extension Services for consideration; they received Economic Development outline which has been requested by the Board; they received information on the number of people that are served by the Improvement Association.

Supervisor Futrell advised that he has two items for the Board for approval: (1) A request from the Extension Office 4-H for \$880.00 for three students and one adult volunteer to go to the 4-H State Congress at Virginia Tech. The funds are needed by May 1, 2013.

Chairman Tyler stated that Administration could look at it and make an administrative decision.

Item 3. Approval of April 3, 2013 Minutes

Chairman Tyler advised that County Attorney Packer made a revision to the April 3, 2013 minutes regarding the resolution for Willow Woods. The revision reads as follows:

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD that the revision to the April 3, 2013 minutes be approved as amended by the County Attorney.

Supervisor Caple withdrew his motion; Supervisor Stringfield withdrew his second.

(The Board will discuss this item later in the meeting).

Item 4. Request to Hold Annual Spring Flea Market at Courthouse Square

Mr. Morgan Thornton (owner of T. E. Thornton's General Store) contacted County Administration on Monday, April 22, 2013 to request permission from the Board of Supervisors, to use Courthouse Square for their Annual Spring Flea Market. The activity is scheduled for Saturday, May 4, 2013, beginning at 8:00 a.m. and ending at 1:00 p.m. The participants are usually various vendors from within the County selling crafts, baked goods, etc.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the request for the Annual Spring Flea Market to be held on the Courthouse Square on May 4, 2013 beginning at 8:00 a.m. and ending at 1:00 p.m.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 5. Approve and Appropriate Transfer from Reserve Capital Project Fund \$51,797.00, Moseley Group (Commonwealth's Attorney's Office)

Chairman Tyler explained that at the last Board meeting, there was an invoice from the Moseley Group that was not acted upon at the last meeting.

ON MOTION OF SUPERVISOR STRINGFIELD seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves, appropriates and transfers the amount of \$51,797.00 from the Reserve Capital Project Fund.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables action on the approval, appropriation and transfer of \$51,797.00 from the

Reserve Capital Project Fund to Moseley Group for work on the Commonwealth's Attorney Office Building.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Warren

Voting nay: Supervisor Tyler

Item 6. Approval of VACORP Line of Duty Act Trust Agreement

As part of the 2012 Appropriations Act, the Virginia General Assembly adopted budget language authorizing the creation of trust funds to finance the cost of Line of Duty Act (LODA) claims. As a result, the VACORP Supervisory Board has taken action to create the VACORP LODA Trust. The County must join the Line of Duty Trust Agreement in order for VACORP to book the liabilities associated with the claim that existed before the County opted out of the state fund. Action must be taken before June 30, 2013.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of joining the Line of Duty Trust Agreement, to wit:

VACORP Line of Duty Act Trust

The undersigned Counties, Cities, Towns, and Regional Jails of the Commonwealth of Virginia ("Grantors") being authorized and directed to so, do make this trust agreement dated June 29, 2012 with VACORP, a local government risk sharing pool, which is an instrument of the government of the Commonwealth of Virginia, as Trustee ("the Trustee"). The Trustee and any successor Trustees are all referred to herein as "the Trustee."

The name of this trust agreement is the "VACORP LODA TRUST dated June 29, 2012" ("Trust") and is effective July 1, 2012.

ARTICLE 1 - TRUST PROVISIONS

- A. Transfer of Assets and Liabilities. Contemporaneously with the execution of this trust, Grantors (hereinafter "Members") do transfer to the Trustee of the Trust all liabilities appertaining to any claim which they may have prior to June 30, 2012 under the Line of Duty Act pursuant to §9.1-400 et seq. of the 1950 Code of Virginia, as amended ("Act") and do promise to timely pay for said liabilities.
- B. Line of Duty Act Trust Fund. By entering into this Trust, each Member Acknowledges that they have opted out of the Commonwealth of Virginia Line of Duty Act Trust Fund.
- C. Eligibility of Members. Each member shall purchase liability insurance from Trustee covering claims under the Act. Likewise each member shall timely pay to the Trustee all premiums for said insurance and monies for

claims prior to June 30, 2012. In the event a Member purchases insurance from other than the Trustee, the Trustee and this Trust shall have no liability or obligation to such Member.

- D. Administration of Claims. During the existence of this Trust, the Trustee shall administer all pre-June 30, 2012 claims of its members under this Trust, shall provide the administration of all claims and shall provide insurance to insure against claims under the Act to all Members after July 1, 2012.
- E. Insurance & Payments by Members. Each Member is obligated to purchase liability insurance for claims under the Act from the Trustee and pay the Trustee those payments for insurance and claims as provided for under the Act, which payments must be timely made. If a payment is overdue by thirty (30) days, or if an insurance premium payment is not made within thirty (30) days of the invoice date, then the Trustee shall not provide claims administration, insurance or payment to claimants, until payments are brought current and all insurance coverage is purchased from the Trustee.

ARTICLE II - TRUSTEE PROVISIONS

- A. Trustee's Management Powers. The Trustee shall have the powers granted by law and the powers in Sections 64.2-105, 64.2-777 and 64.2-778 of the 1950 Code of Virginia, as amended, as in effect on the date of the signing of this agreement. These sections are incorporated in this agreement by this reference.
- B. Trustee's Compensation. The Trustee, or any successor Trustee, shall receive compensation for services rendered. The corporate Trustee, or any successor corporate Trustee, shall receive compensation for services rendered according to their list of fees published from time to time.
- C. Resignation of Trustee. The Trustee may resign as Trustee by notice to the Members. The resignation shall take effect upon the effective appointment of a successor Trustee.
- D. Successor Trustee. The Trustee shall have the right to designate a successor Trustee who shall be any natural person or corporation having trust powers, which shall be effective upon the resignation or termination of corporate existence of the Trustee. Such designation shall be made while such Trustee is serving as Trustee by an instrument executed by the Trustee during and by the successor Trustee. In the event that the Trustee does not appoint a successor Trustee or a successor Trustee does not appoint its successor Trustee, which it shall have the privilege to do hereunder, the Members shall have the right to appoint a Trustee.

- E. Actions of Prior Trustee. No Trustee serving under this agreement shall be responsible for or required to inquire into any acts or omissions of a prior Trustee.

ARTICLE III - RIGHTS RESERVED BY MEMBERS

- A. Revocation and Amendment. Members reserve the right to opt out of this Trust by a writing signed by the Member and delivered to the Trustee. All obligations of Member to the Trust shall be paid by Member prior to opting out. Any amendment that changes the duties or compensation of the Trustee shall require the consent of the Trustee.
- B. New Members. Members agree that new members as defined by the Act may become Members if the Trustee accepts them.

ARTICLE IV - MISCELLANEOUS PROVISIONS

- A. Protection from Claims. To the extent permitted by law, the principal and income of any trust shall not be liable for the debts of any beneficiary or subject to alienation or anticipation by a beneficiary, except as otherwise provided.
- B. Governing Law. This agreement shall be governed by the laws of Virginia.
- C. Signatures. This trust may be executed in counterparts and electronically.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren
Voting nay: none

Item 7. Lawn Mower Purchase (\$6,639.00)

Included in the Board packet is one estimate for the cost of a new lawn mower. The cost of the selected 152 Pro Turn 100XDZ Series lawn mower is \$6,639.00. Administration recommends the purchase said mower.

Supervisor Warren asked if the dealers in the County given a chance to bid on the lawn mower.

By general consensus, this item was tabled until the May 16, 2013.

Item 8. Resolution in Recognition of Captain Kevin G. Diggs

Captain Diggs has served on the Sussex County Sheriff's Department since 1988, but due to illness, has recently retired. Administration recommended adopted of a resolution in recognition of Captain Diggs.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the following resolution is hereby adopted: to wit:

WHEREAS, *Kevin Gerard Diggs* is a faithful and dedicated employee of the County of Sussex Sheriff's Department; having served with distinction as a Correctional Officer commencing June 10, 1988; subsequently promoted to Patrol Officer on August 1, 1993; to Sergeant on April 1, 2000 and to Chief Deputy/Captain on February 1, 2008; and,

WHEREAS, *Kevin* has provided exceptional and professional leadership, guidance, devoted service and outstanding contributions as a law enforcement officer during his tenure; and

WHEREAS, *Kevin*, through his active, personal involvement with the County of Sussex, both in official and unofficial capacities, had a profound impact on the lives of many residents in our community; and

WHEREAS, it is with great pleasure that we take this opportunity to express our utmost appreciation and heartfelt thanks to *Kevin* for his many years of insight and commitment to Sussex County.

THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors do hereby commend *Kevin Gerard Diggs* and express our sincere gratitude for his many accomplishments and we remain thankful for his dedication, his wisdom and his love for the citizens of Sussex County.

NOW BE IT FURTHER RESOLVED that this resolution shall be spread upon the Minutes Book of the Sussex County Board of Supervisors April 25, 2013 meeting and presented to *Kevin Gerard Diggs*.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 9. Wood Fuel Developer's Tax Abatement [7:38:41 PM](#)

This issue was discussed in a previous meeting.

This item was tabled until the May 16, 2013 meeting.

Item 3. April 3, 2013 Minutes (continued)

Supervisor Fly reviewed the amendment to the April 3, 2013 resolution pertaining to Willow Woods.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Attorney to settle a lawsuit presently pending with Willow Woods as it relates to its rezoning, that settlement including language that will contain additional conditions to: (1) further buffer the land; (2) require a phased process approval from the Planning Commission; (3) cause the property not to be developed by the present owners; and, accordingly, this Board hereby rezones, pursuant to the Willow Woods application dated October 27, 2011, with any applicable amendments thereto, approximately 146.79 acres of Tax Map Number 13-(A)-5 from A-1, General Agricultural District and B-2, General Business to PUD, Planned Unit Development subject to the conditions proffered by the applicant and the additional enumerated conditions of settlement contained in this resolution.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Warren

Voting nay: none

Abstaining: Supervisor Tyler

Item 10. Budget Overview/Discussion

The budget overview was presented by Interim Director of Finance, Onnie L. Woodruff and the Board held a discussion regarding same.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL that the Sussex County Board of Supervisors hereby authorizes staff to advertise the Fiscal Year Budget 2014 budget as presented with level funding for the School System and no tax increase.

Voting aye: Supervisors Caple, Fly, Futrell, Warren

Voting nay: Supervisor Stringfield

Abstaining: Supervisor Tyler

Item 11. Adjourn (8:45:53 PM)

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the April 25, 2013 meeting of the Sussex County Board of Supervisors is hereby adjourned at 8:45 p.m.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none