

**At a Special Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom on  
Monday, March 7, 2016 at 7 pm**

**BOARD MEMBERS PRESENT**

Keith C. Blowe  
C. Eric Fly, Sr.  
Alfred G. Futrell  
Susan B. Seward  
John A. Stringfield  
Rufus E. Tyler, Sr.

**STAFF PRESENT:**

Deborah A. Davis, County Administrator  
Vandy V. Jones, III, Deputy County Administrator  
Michael F. Kaestner, County Attorney  
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk to the Board  
Deste J. Cox, Deputy Treasurer

**1. Commencement**

**1.01 Call to Order/Determine Quorum**

The March 7, 2016 Special Meeting of the Sussex County Board of Supervisors was called to order by Chairman Blowe.

**1.02 The Invocation**

The Invocation was offered by Supervisor Tyler.

**1.03 The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

**1.03A Agenda Amendments**

Chairman Blowe offered to add the following amendments: (1) Economic Development, (2) Personnel Matter and (3) Resolution for a Local Business under Number 3. Closed Session as numbers 3.05, 3.06 and 3.07, respectively, as items to be discussed in Open Session.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the agenda amendments to add Economic Development, Personnel Matter and Resolution for Recognition of a Local Business, under Number 3. Closed Session as numbers 3.05, 3.06 and 3.07, respectively, as items to be discussed in Open Session.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler  
Voting nay: none

### 1.05 Approval of Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the March 7, 2016 agenda with the amendments as approved.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler  
Voting nay: none

## **2. Action Items**

### 2.01 Resolution Confirming of Declaration of Local Emergency

County Administrator Davis reported that on Wednesday, February 24, 2016, severe storms and confirmed tornadic activity caused significant property damage, physical injury, and the loss of three lives of citizens of Sussex County and the Town of Waverly.

As authorized by law, at approximately 3:45pm on February 24th, the Public Safety Coordinator and County Administrator declared a local emergency. This allowed the County to activate the Emergency Operations Center and Emergency Operations Plan so that the County would be prepared to respond to, mitigate, and recover from the effects of this severe storm.

Virginia Code § 44-146.21(A) requires that the Board of Supervisors confirm the existence of a local emergency at its next scheduled meeting. A declaration of a local emergency authorizes furnishing aid and assistance to the locality. Virginia Code § 44-146.21(A) also requires that the Board “take appropriate action to end the emergency” when the Board determines that “all emergency actions have been taken.”

County Administrator Davis read into record the resolution titled “Confirmation of Declaration of Local Emergency” of the March 7, 2016 Special Meeting minutes.

### 2.02 Motion to Adopt Resolution

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that Sussex County Board of Supervisors hereby adopts the following Resolution titled “Confirmation of Declaration of Local Emergency” that follows in connection with other local, state, and federal resources; and

FURTHER RESOLVED that the County will continue to provide and coordinate mitigation and recovery support to citizens as needed:

**WHEREAS**, a severe weather event occurred in Sussex County on February 24, 2016; and

**WHEREAS**, the severe weather included the occurrence of a tornado that was confirmed by the National Weather Service;

**WHEREAS**, the severe weather caused severe property damage, personal injuries, and the loss of three lives;

**WHEREAS**, the Declaration of a Local Emergency was declared by the Public Safety Coordinator in his capacity as the Local Director of Emergency Management on February 24, 2016 at 3:45 p.m.; and

**WHEREAS**, pursuant to § 44-146.21(A) of the Code of Virginia, this Declaration of a Local Emergency is subject to confirmation by the Board of Supervisors;

**NOW, THEREFORE, BE IT RESOLVED** by the Sussex County Board of Supervisors on this 7th day of March 2016 that (1) the Board of Supervisors hereby confirms the act of the Local Director of Emergency Management of declaring a local emergency as well as all actions taken pursuant to such declaration; (2) during the existence of said emergency the power, functions and duties of the Local Director of Emergency Management shall be those prescribed by state law and ordinances, resolutions and approved plans of the County of Sussex in order to mitigate the effects of said emergency; and (3) that once all emergency actions pursuant to the declaration of a local emergency have been taken, as determined by the Local Director of Emergency Management, the declared emergency shall be ended without further action of this Board of Supervisors.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

### **3. Convene into Closed Session**

#### 3.01 Motion to Convene into Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: **RESOLVED** that the Sussex County Board of Supervisors hereby enters Closed Session regarding the interview of candidates to serve as County Attorney, applicable Code Section 2.2-3711(A)(1).

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

#### 3.02 Reconvene to Open Session

ON MOTION SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: **RESOLVED** that the Sussex County Board of Supervisors hereby returns to Open Session.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

#### 3.03 Certification

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby certifies that:

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.

#### 3.04 Action Resulting from Closed Session

*County Attorney Kaestner clarified that if the firm is not interested in entertaining negotiations, the County Administrator still has the authority, if the Board is still interested, to retain them at their proposed rates.*

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the proposal of Woodley and Flynn and grant the County Administrator the authority to negotiate costs.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Abstained: Supervisor Tyler

#### 3.05 Economic Development

County Administrator Davis reported on the County's process of economic development projects. County Administrator Davis stated that in the previous years when there have been prospects interested in doing business with the County, the County has been contacted via the Virginia's Gateway Region and/or Virginia Economic Development Partnership. Virginia's Gateway Region and Virginia Economic Development Partnership have always asked staff to keep this information confidential, even from Board of Supervisors members. County Administrator Davis stated that in the past, staff has been asked to sign non-disclosure forms to keep information confidential until such time, prospects are ready to present information to the Board.

Deputy County Administrator Jones stated that in the process of going through a general economic development project, staff has to deal with partners who are also a part of the

project. Staff has to discuss with these partners what the project is in which the partners are under the same confidentiality as everyone else involved.

It was discussed by some of the Board to look into a reasonable process to give some information without divulging confidentiality.

Deputy County Administrator Jones explained that any projects staff is working on with a prospect, staff is required to come before Board for approval prior to the project's finish.

### 3.06 Personnel Matters

County Attorney Kaestner reported on the County's personnel policy regarding the probationary period for an employee hired or promoted to a position.

County Attorney Kaestner stated that the County's personnel policy includes language that every employee hired or promoted to a position, begin their employment or position in a mandatory probationary period that is a least a six-month period that may be extended if needed.

Once an employee completes the probationary period, the employee has the right to grieve a matter. However, the right to grieve does not apply to an employee that separates employment during the probationary period.

The Board adopted a resolution several years ago that if the County Administrator intends to hire or terminate an employee, the County Administrator must present a process to do such to the Board so that the Board may review the County Administrator's conduct to ensure that the County Administrator complied with the personnel policy.

### 3.07 Resolution to Recognize a Local Business

County Administrator Davis reported that the resolution is for recognition of Davis Oil Company. County Administrator Davis read the resolution into record.

Chairman Blowe will attend an event on Sunday, March 13, 2016 to present to the resolutions to Messrs. Melvin and Rex Davis.

ON MOTION OF SUPERVISOR TYLER, seconded SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the resolution in recognition of Davis Oil Company, to-wit:

**WHEREAS**, Melvin Davis, Jr. and Rex Davis are the proud owners and operators of Melvin L. Davis Oil Company, Incorporated, headquartered in Stony Creek, Virginia; and

**WHEREAS**, under the Davis Oil Company umbrella, they own the following: Davis Travel Center, Stony Creek, Virginia; Davis Travel Center, Warfield Virginia; Denny's, Stony Creek, Virginia; Circle D Mart, Prince George, Virginia; Starbucks #75783, Stony Creek Virginia; three Subway Restaurants – Stony Creek, Virginia, Warfield, Virginia and

Prince George Virginia; Dunkin Donuts, Warfield, Virginia; The Nottoway Motel, Warfield, Virginia and most recently, Popeye's, Stony Creek, Virginia; and

**WHEREAS**, Melvin L. Davis Oil Company, Inc. affects the lives in our community by offering employment and career opportunities; exemplifies successful business in action and contributes significantly to the local economy by supporting charitable, social, civic and cultural organizations with no recognition expected; and

**WHEREAS**, Melvin L. Davis Oil Company, Inc. is an integral component and has developed a positive partnership with the Sussex County Public Schools; and

**WHEREAS**, Melvin L. Davis Oil Company provides the foundation for a strong diversified economic base and we are proud of their leadership.

**NOW, THEREFORE** the Sussex County Board of Supervisors approves this resolution recognizing and honoring Melvin L. Davis, Jr. and Rex Davis, t/a Melvin L. Davis Oil Company, Incorporated.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Abstained: Supervisor Fly (*Melvin Davis, Jr. & Rex Davis are his clients.*)

*(Supervisor Futrell made the motion, Supervisor Seward seconded the motion to adjourn. However, the Board did not vote on motion.)*

### 3.08 Retaining County Attorney on a Part-Time, Hourly Base

County Attorney Kaestner stated that he had spoken with Chairman Blowe regarding a smooth transition from him to next county attorney being his last day is Thursday, March 10, 2016.

County Attorney Kaestner suggested to the Board that he be hired on a part-time, hourly base up to, but not to exceed, 80 hours through April 30, 2016 at a rate of \$50/hr. solely for transitional purposes.

**ON MOTION OF SUPERVISOR FLY**, seconded by **SUPERVISOR SEWARD** and carried: **RESOLVED** that the Sussex County Board of Supervisors hereby authorizes the county administrator to hire Michael F. Kaestner on a part-time, hourly base up to, but not to exceed, 80 hours through April 30, 2016 at a rate of \$50/hr. solely for transitional purposes.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

## **4. Adjournment**

### 4.01 Motion to Adjourn

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the March 7, 2016 Special Meeting of the Sussex Board of Supervisors is hereby adjourned at 9: 20 pm.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

#### 4.02 Next Meeting

The next Board of Supervisors will be Thursday, March 17, 2016 at 7 pm in the General District Courtroom.