

**Sussex County Board of Supervisors Meeting
General District Courtroom – Sussex Judicial Center
Thursday, April 19, 2012 – 7:30 p.m.**

Board Members Present

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

Others Present

Thomas E. Harris, County Administrator
George E. Morrison, III, Deputy County Administrator/Dir. of Economic Development
Deste Cox, Deputy Treasurer
Raymond R. Bell, Sheriff
Lyndia Person-Ramsey, Commonwealth's Attorney
Onnie L. Woodruff, Treasurer
William R. Jenkins, General Registrar
Brenda H. Drew, Housing Programs Coordinator
Ellen G. Boone, Commissioner for the Revenue
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order/Determine Quorum

The April 19, 2012 regular meeting of the Sussex County Board of Supervisors was called to order by Chairman Tyler.

Item 2. The Pledge of Allegiance/The Invocation

The Pledge of Allegiance was recited by all; the Invocation was offered by Supervisor Caple.

Item 3. Election of Vice Chairman for Calendar Year 2012

No discussion or action taken.

Item 4. Approval of Regular Agenda

Supervisor Fly asked that the Consent Agenda be amended to reflect the following additions: (1) Transfer and appropriate \$15,000 from Selective Enforcement 51100-1117-514-510 to SPOT 51100-1117-513-510; (2) Approve and appropriate \$2,536.43 for Virginia Employment Commission Unemployment Benefits.

Supervisor Fly asked that two items be added to the Regular Agenda: (1) Under New business, elimination of finance and personnel committees; (2) Under Unfinished Business, attorneys' payments."

Chairman Tyler: "I would again remind the Board members that we have ample time to get these items to the County Administrator and we want to minimize the number of items that we want to add to the agenda at our various meetings. What attorneys are you referencing?"

Supervisor Fly: "Drewry, Pandak...."

Chairman Tyler: "The ones we have discussed about four or five times?"

Supervisor Fly: "Yep."

Chairman Tyler: "We are going to add it to the agenda tonight. Any other amendments to the agenda?"

Supervisor Warren: "In the Closed Session, I'd like to add Item E, Discussion of Board appointment."

Chairman Tyler: "Would that be an item for a closed session?"

Supervisor Warren: "Yes."

Chairman Tyler: "Could you be more specific for the closed session? There are specific classifications that you have to go into closed session for."

Supervisor Warren: "It concerns the Chairman."

Chairman Tyler: "You think that's a closed session item?"

Supervisor Warren: "Absolutely."

Chairman Tyler: "I don't think that will qualify to go into closed session item, but I would let it stand there if that what the board wants. On your closed session agenda, there are personnel items relating to employment, specific employees, personnel matters regarding staff appointment, (b) matter relating the deputy county administrator (c) legal matter regarding court proceedings (d) legal matters regarding the Commonwealth's Attorney (e) Discussion regarding Board appointment of chair."

County Administrator Harris advised that the Dewberry Contract, we finished the preliminary work on the RFP and would like to get direction from the Board, add as Item #2, under unfinished Business; Item #3, Coyote Ordinance under Unfinished Business; Tax Relief For the Elderly, Item #4, under Unfinished Business.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Regular Agenda of the April 19, 2012 meeting, with the following modifications: (1) Under New business, elimination of finance and personnel committees; (2) under Unfinished Business, attorneys' payments; (3) under Unfinished Business, add Item #2, Dewberry Contract; (4) under unfinished Business; Item #3, Coyote Ordinance; (5) under Unfinished Business, Tax Relief For the Elderly, Item #4; (6) under Closed Session, add Item a, Personnel items relating to employment, specific employees, personnel matters regarding staff appointment; Item b, matter relating the deputy county administrator; Item c, legal matter regarding court proceedings; Item d, legal matters regarding the Commonwealth's Attorney; Item e, Discussion regarding Board appointment of chair.

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

Voting nay: none

Item 5. Closed Session

Chairman Tyler: "At this time the Chair will entertain a motion to go into Closed Session for the said items that we previously stipulated on our Closed Session agenda."

Supervisor Fly: "If I could explain the situation we've got. We need to go into Closed Session for one item for about fifteen minutes. We are going up to the law library, make it a quick discussion; won't be over fifteen minute and hopefully."

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors to enter Closed Session handle Item A only, then reconvene and handle the other closed session items later tonight.

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

Voting nay: none

Item 6. Return to Regular Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby return to open meeting; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the County of Sussex Board of Supervisors hereby certifies that to the best of each member's knowledge, (1) only public

business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies, and (2) only such public business matters, as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting to which this certification applies.

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

Voting nay: none

Item 7. Motion From Closed Meeting

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to sign the County Attorney's amended contract.

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

Voting nay: none

Item 8. Approval of Consent Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Consent Agenda, inclusive of the following: (1) Minutes of March 8, 2012 meeting; (2) Minutes of the March 15, 2012 meeting; (3) Minutes of the March 19, 2012 meeting; (4) Approval of Appropriation for Application and Certificate of Payment #4 for Oyster Point Construction in the amount of \$635,662.11, Elementary School Construction; (5) Approval and Appropriation of Invoice #0008960-IN from G E T Solution in the amount of \$3,060.00, Elementary School Construction; (6) Invoice #26204 from Speight Marshall & Francis, in the amount of \$2,500.00, Elementary School Construction; (7) Invoice #26087 from Speight Marshall and Francis, in the amount of \$1,250.00, Elementary School Construction; (8) Invoice #20141 from Rancorn Wildman, in the amount of \$6,585.50, Elementary School Construction; (9) Approval and Appropriation of payment in the amount of \$2,536.43 to Virginia Employment Commission for Quarterly Reimbursable Billing; (10) Transfer and appropriation of \$15,000.00 from Selective Enforcement 51100-1117-514-510 to SPOT 51100-1117-513-510; (11) Approval of Warrants and Vouchers in the amount of \$727,730.09; (12) Approval of voided checks in the amount of \$8.55.

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

Voting nay: none

Item 9. Standing Reports: Staff/Committees/Organizations

Chairman Tyler reported that the Personnel Committee met last week and went over some personnel files and researched some personnel issues and will be returning probably next week or thereafter to further conclude the report and report back to the Board at the next meeting.

Item 10. Health Department – no report at this time.

Item 10b. County Administrator's Report

Item 10b1. Sussex County Salary Supplement Ordinance: County Administrator Harris reported that the Sussex County Board of Supervisors adopted an Ordinance for payment of Monetary Bonuses on September 15, 2011; and at its April 5, 2012 meeting, adopted a resolution to approve of the second half of the salary supplement for its county employees. The County Administrator believes and hereby states that adequate funds can be made available to provide the second half of the previously approved "*salary supplement*" for all Sussex County employees.

Recommendation: The Sussex County Board of Supervisors, in keeping with the Board's original intent, all full time non-probationary employees of the County, Superintendent and School Division Employees, Department of Social Services and Director, Registrar and staff, and Constitutional Officers and staff, shall be compensated with a five hundred dollar (\$500.00) monetary bonus and those employed in a part time employment position shall be compensated with a two hundred fifty dollar (\$250.00) monetary bonus; that these "*salary supplements*" shall be made payable in full compliance with all applicable Internal Revenue Service rules and regulations on or before the 1st day of May, 2012.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of all full time non-probationary employees of the County, Superintendent and School Division Employees, Department of Social Services and Director, Registrar and staff, and Constitutional Officers and staff, shall be compensated with a five hundred dollar (\$500.00) monetary bonus and those employed in a part time employment position shall be compensated with a two hundred fifty dollar (\$250.00) monetary bonus; that these "*salary supplements*" shall be made payable in full compliance with all applicable Internal Revenue Service rules and regulations on or before the 1st day of May, 2012.

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

Voting nay: none

Item 10b2. Community Needs Assessment Planning Grant: As reported by County Administrator Harris, the Sussex County Housing Department is committed to assisting low to moderate income (LMI) residents obtain and maintain safe, decent, sanitary, and affordable housing. As such, the County is interested in continuing its participation in the Community Development Block Grant (CDBG) program, which is tasked with providing funding to eligible units of local government projects that address critical community needs including housing, infrastructure, and economic development. From one end of Sussex County to the other, the needs of the County are overwhelming. An analysis of current community needs is required in order to prioritize and address the multitude of needs evidenced throughout this rural County.

Recommendation: To approve of the County applying for a CDBG Project Planning Grant to undertake an in-depth needs analysis and development of a project improvement plan for the top-ranked priority neighborhood. This should result in an application for Community

Improvement Grant funds to undertake a comprehensive community development (CCD) project. The County's ultimate goal is to address one hundred percent of the neighborhood needs in Sussex.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the County applying for a CDBG Project Planning Grant to undertake an in-depth needs analysis and development of a project improvement plan for the top-ranked priority neighborhood. This should result in an application for Community Improvement Grant funds to undertake a comprehensive community development (CCD) project. The County's ultimate goal is to address one hundred percent of the neighborhood needs in Sussex.

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

Voting nay: none

ITEM 10b3. Technical Assistance Grant Program Assessment: The Cameron Foundation provides grants to local nonprofits and Government Agencies in the form of Technical Assistance (TA). Specifically, this grant program is intended to support organizational development and/or effectiveness through the provision of operational or management consultation services such as fundraising, marketing assistance, financial planning, program development, strategic planning and/or staff development.

Agencies within The Cameron Foundation's service area, may request TA funds on a rolling basis with a maximum possible award of \$15,000; applicants may receive more than one TA grant per year. The Foundation's service area includes the cities of Colonial Heights, Hopewell and Petersburg as well as the surrounding counties of southern Chesterfield, Dinwiddie, Prince George, and Sussex. All applicants are required to submit a completed pre-assessment form in addition to the TA application.

Recommendation: To approve of the request for funds from the Cameron Foundation.

ON MOTION OF SUPERVISOR STRINGFIELD seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the approval of applying for a technical grant from the Cameron Foundation.

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

Voting nay: none

ITEM 10b4. Byrne Justice Assistance Grant 12-K1205LO11: The BJA Grant Program makes federal funds available to localities to help support their efforts to reduce crime and improve public safety. The Department of Criminal Justice Services has been designated to administer a portion of the Justice Assistance Grant funds reserved for Virginia and to make those funds available to local units of government. Sussex County has been awarded \$3,783.00 in federal funds. The required local cash matching funds of \$420.00, total award is \$4,203.00.

Recommendation: To accept and appropriate the BJA Grant funds in \$3,783.00 and provide a local match of \$420.00.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriate the Byrne Justice Assistance Grant 12-K1205LO11, in the amount of \$3,783.00 and provide a local match of \$420.00.

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

Voting nay: none

ITEM 10b5. Flood Forecasting In The Chowan River Basin: The Corps of Engineers, United States Geological Services, The Commonwealth of Virginia and the Weather Service have worked on and recommended stream flow gauges at strategic points up river along with rainfall gauges to better predict and forecast likely flooding events, so that our jurisdictions can better prepare for such flooding, thus trying to mitigate flood damages in our localities. The stream gauges would be installed and maintained by USFS with a 50% cost share of the \$160,000.00 coming from non-federal funds. \$80,000.00 has been approved out of the Governor's existing budget. The funds will be transferred by June 20th to the City of Franklin on behalf of the communities in the Chowan River Basin to hold until the project is fully funded by USGS.

There is a cost sharing requirement on the operations and maintenance of these gauges that approximately \$98,000 annually shared 50% by USGA and 50% among our partners, so \$48,400 will be divided by seven municipalities; each share would be \$6,915.00 (total) per year for operation and maintenance. To move forward, each municipality must be willing to sign an agreement with the USGS to provide equal shares of the operations and maintenance costs.

Recommendation: Operations and Maintenance for the gauges for flood control – Sussex will pay its fair share (\$6,915.00 annually) contingent upon all of the member jurisdictions agreeing to pay.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of funding the Operations and Maintenance for the gauges for flood control; the amount of \$6,915.00 annually, contingent upon all of the member jurisdictions agreeing to pay.

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

Voting nay: none

ITEM 10b6. Emergency Operations Plan Update: In the February 16, 2012 Board meeting packet, information was included regarding the update of the County's Emergency Operations Plan. State and federal law requires that EOPs be updated every four (4) years. The deadline was March 31, 2012.

Recommendation: To approve the update to the County's Emergency Operations Plan.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the update to the Sussex County Emergency Operations Plan.

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

Voting nay: none

ITEM 10b7. Surry Area Free Clinic Volunteer Appreciation Dinner: Included in the Board packet is correspondence from Surry Area Free Clinic, regarding the hosting of a volunteer appreciation dinner on May 1, 2012 at 6:00 p.m. at Mount Nebo Baptist Church Fellowship Hall.

Item 10b8. Scheduling of Board Retreat

Chairman Tyler reminded the Board that a retreat needs to be scheduled to formulate strategic planning, set goals, discuss budget, etc. for the County.

Supervisor Warren suggested that the Board call it a Work Session.

Chairman Tyler suggested May 8th and 9th; and asked the County Administrator to get a facilitator and secure a location.

Item 10c: Treasurer's Report

The Treasurer indicated that there was very little change from last month's report. (A copy of the report is retained in the April 19, 2012 Board packet).

Item 10d. Commissioner of the Revenue – no report

Item 10e. Sheriff's Report – no report

Item 10f. Superintendent of Schools - no report

Item 10g. Director of Social Services - no report

Item 11. Appointments

- a. **Sussex Service Authority (At-Large Member):** The Bylaws of the Sussex Service Authority states that the at-large member is appointed by the County Board of Supervisors and they cannot be a member of the Board of Supervisors. The articles and bylaws say that the County Board of Supervisors appoints two positions and their corresponding alternates. The first appointment is the "at-large" position and this person cannot be a member of the Board of Supervisors nor an elected official from any of the localities served. They must be a citizen of Sussex County and we would prefer that they be someone who is served by the Sussex Service Authority.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. William J. Collins, 12780 Old Forty Road, Waverly VA 23890 to the Sussex Service Authority Board of Directors as an at large member, term expiring December 31, 2016.

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

Voting nay: none

- b. Planning Commission:** The terms of Steve White, Terry A. Massenburg, Charles S. Owen, Jr. and Robert A. Young, Jr. will expire on April 30, 2012. On March 24th, letters were sent to each member asking if they would like to be reappointed. Mr. White and Mr. Young advised that they would like to be reappointed. Mr. Owen does not wish to be reappointed. To date, there has been no response from Ms. Massenburg.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby re-appoints Mr. Steve White, Post Office Box 641, Jarratt VA 23867; Mr. Robert Young, Jr., Post Office Box 133, Stony Creek VA 23882 and Ms. Terry A. Massenburg, Post Office Box 330, Stony Creek VA 23882, for four year terms, expiring April 30, 2016.

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

Voting nay: none

The vacancy created by Mr. Charles Owens decision not be reappointed will be placed on the May 17, 2012 Board agenda.

- c. John Tyler Board Appointment:** The late Harris L. Parker would have concluded his second four year term as a representative of Sussex County on the John Tyler Community College Board as of June 30, 2012. Pursuant to the Virginia Community College System Policy Manual, Section IX.D.3.c, the following criteria must be used when considering individuals for appointment:

Chairman Tyler nominated Sandra Turner, former Sussex County educator.

Supervisor Caple seconded the nomination.

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

Voting nay: none

Chairman Tyler stated that he hopes she will be willing to serve.

Item 12. UNFINISHED BUSINESS

Item 12a. Attorneys' Payments

Chairman Tyler stated that this item has been discussed several times before and asked the Board what was their pleasure.

Supervisor Futrell said to pay them.

ON SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL that the Sussex County Board of Supervisors hereby pay the attorneys' fees that has been owed since last November and December.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion dies due to tie vote.

Item 12b. Dewberry Contract

County Administrator Harris requested that the Board adopt a resolution authorizing the County Administrator to move forward with an RFP.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to move forward with the RFP; and

FURTHER RESOLVED that Dewberry will develop, and advertise the RFP and provide the responses to the Board of Supervisors for review.

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

Voting nay: none

Item 12c. Coyote Ordinance

Chairman Tyler advised that there have been complaints about coyotes attacks. The County Administrator has contacted other localities regarding same. The Chairman stated that it is his belief that the Board needs to develop an ordinance to deal with this issues.

County Administrator Harris recommended that the Board needs to determine and amount of the bounty and what is the maximum amount.

Chairman Tyler suggested that an ordinance be drafted, bring to the Board for consideration. \$25 to \$50 per capture and \$2,500.00 cap in the budget.

Item 12d. Tax Relief For Elderly

Supervisor Stringfield advised that he had spoken to the County Administrator concerning tax relief for the elderly.

County Administrator Harris advised that he has gotten a couple of ordinances and will have to determine at what level the Board want to offer.

Once additional information is received, the Board will review it and proceed.

Item 13. NEW BUSINESS

Item 13a. Elimination of Personnel and Finance Committees

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL that the Sussex County Board of Supervisors hereby eliminate the Personnel and Finance Committee for Sussex County.

Supervisor Fly: "The reason I bring this up, the way we've got the two committees set right now, we've got four members of the Personnel Committee and we've got four members of the Finance Committee. And to me, it seems a little silly and very inefficient to have four members of the Board of Supervisors spend hours studying an issue to come back and tell the two other members what they came up with. If four is on each committee, then just do away with the committee, all six of us get together and we'll discuss it. To have four people meet and come back and tell two others what they talked about, that's not an effective way to run. If we are going to have these meeting, personnel meetings or whatever, the whole board needs to get together; let's discuss it and that way we can just move forward. We are just slowing down the process of doing the citizens business by sending it over to the committees and let it languish over there and actually, if we are honest with ourselves, the committees have become a way of taking care of things off of the agenda and hiding them over there and let them sit. But really, my issue is four people sitting on a committee to come back and tell two others what they talked about is not efficient. So I would ask that we eliminate these committees."

Supervisor Warren: "I would like very much to echo those words. I've only been here four months but I have seen very little efficiency in those two committees. I, like Mr. Fly, why not take the other two members and go on and do the job? You've got to come back and explain it to two people; that's kind of silly. I'd be in favor of this motion."

Supervisor Fly: "If I could add one other thing, the way we have got it set up, it is more work for our staff. Because they have to get all of this paperwork together for four people and then they have to get all of this paperwork again when meet as a Board. We eliminate this, this helps save money, helps alleviate some of this work on our staff and it's going to make things more efficient. We will get things done quicker and we can move on with the business of the County. I hope everybody would vote for it."

Supervisor Caple: "Are you then suggesting that some of these things that confidential, we have to go into closed session?"

Supervisor Stringfield: "I think we should table this and discuss this before we make this decision tonight."

Chairman Tyler: "If you have four members and there is time or staff time to pull together data for four members, it increase it to six members, there is additional paperwork that has to be pulled together to give to Board members. Additionally, if you would look at anybody whether there Congress, whether it's General Assembly, any

business that's operating, I don't know of any locality around that doesn't have committees. The purpose of committees is to utilize the expertise of members on the board and/or to have them to work on issues which will not encompass a lot of time for the total board and if we did that, this would be something that I think would be a step backwards in Sussex, by not having committees. I don't know of any assembly that doesn't have working committees. And I think that would be a step backwards and we don't want to move back, we want to move forward, in terms of having committees to work."

Supervisor Warren: "I respect your opinion on that, but I would ask you, you are the only one on this board that's on both of these committees, would that have any bearing on your reason for not supporting this?"

Chairman Tyler: "No, absolutely not. I think, again, and that's one of the things we can go to a retreat and look at. What is the purpose of the committee? How effective can you utilize committees? That's extremely important, because a lot of legwork...for example, if you have even something for the building committee and we have a building committee to work on the courthouse complex. I would personally not want the whole board to meet to be on a committee to work on that particular project. You want a couple of persons or person, individuals to work on committees to do those types of things. And that's the purpose of committees, to work outside of the board and report back to the board what their findings are and help facilitate business."

Supervisor Warren: "Again, I would want all of us there because we all answer to our constituents. And it's double work, it's double time and I remind you, Personnel Committee ; how many people do we have working for us?"

Chairman Tyler: "Do you mean in the County or what?"

Supervisor Warren: "Two that answers to this board. Does it require a committee to handle that? Two employees, County Administrator and County Attorney. Why do we need a committee? When the Board has to turn around and do the voting; has to approve everything that's done?"

Chairman Tyler: "Exactly."

Supervisor Warren: "And let the Board know up front what's going on."

Chairman Tyler: "You can ask the General Assembly why do they have a conferees committee. Why would they have a transportation committee? Ask Congress. My point to you is the reason why they have those committees because they work on the outside of the normal assembly, to facilitate your business. That's the purpose. Any other discussion?"

Supervisor Fly: "I would like to hear Mr. Harris' comments if he has any."

Supervisor Caple: “Since it’s so much debate on that, I think it would be advantageous to talk about this in a retreat so maybe we can debate enough get some clear understanding of whether or not we want it or we don’t want it or we need to stream it down or whatever we need to do with it. We need to work that out. So let’s add that as an item that we discuss at our retreat. To find out whether or not we want to eliminate committees.”

County Administrator Harris: “You made the reference by changing, somehow we are going to be moving backwards. Yet I think the general consensus in the country, certainly in the state is that each of those organizations that you mentioned are inefficient and ineffective as anything that we have ever seen. The General Assembly can’t get a budget; Congress can’t even meet. So I think it’s a poor example; that’s number one. Number two, the issue before you is how this board sets policy, not how you manage the operations. You hire an administrator to do that; you hire an attorney to handle your legal affairs. Your efforts need to be focused on the policies that are required to manage these resources on behalf of the people and how well the individuals you entrust with managing those for you, do their jobs. We cannot continue to operate in a vacuum, where three are over here or four are over there; we have personnel policies that need to be implemented and need to be followed. That’s not a Personnel Committee. Now the promise I made Mr. Packer, who shared with you earlier this evening that he wouldn’t have more than twenty hours of work to do, was predicated on one simple fact – that we were going to be efficient about how we manage our resources. And it seems to me, this is just me speaking, I hope no one gets offended by this, that we make every effort to make everything political and no effort to make it administrative, when in fact it’s my responsibility to, or at least I hope I conveyed the message, that I want to do my job, I want to do it within the confines of the Commonwealth of Virginia, because I want to do it make this community.....the statement that I made when I interviewed, the most efficient operation in the state of Virginia. We cannot do if we continue to do what we’re doing. Albert Einstein said the definition of insanity is trying to do the same thing over and over again and thinking that each time you do it, the outcome will be different. It’s never going to be different.”

Chairman Tyler: “I will ask the question, look at the other counties that are rather progressive – they have committees; they all have committees.”

County Administrator Harris: “We are not talking about committees in general, we are talking about two committees.”

Supervisor Tyler: “Well, I’m talking about committees and despite what they are called, they are functional committees. I think, again, that the Board will be moving backwards to abolish the Personnel and Finance Committees, in this county; and that’s my opinion and we can have some discussion on it and we will move on.”

Supervisor Fly: “The Personnel Committee, let’s discuss that one first may have had a purpose when the County was operating under our 2009 Personnel Policy. Because under the 2009 Personnel Policy, the Board actually hired and fired. That was the mandate in the 2009 Personnel Policy – it said that we did the hiring and we did the firing. Now we

have changed our personnel policy since, which transfers all of the authority to hiring of staff over to the county administrator. So the Board has been relieved of its personnel responsibilities, which is the way it should be. Sussex has slid into a situation where the Board was too involved with the day to day personnel issues that were going on and it caused some problems. So we corrected that and I think we passed the new policy unanimously and so now we're not involved with the hiring and firing. So there is really no need for the personnel committee at this point. As Mr. Warren said, we only have two employees and we don't need a committee for that. We are operating very inefficiently at this point, by shoving things into the committees. If we are planning a Personnel Committee or Finance Committee at the end of meeting, we would recess this meeting into a personnel committee or a finance committee, which is an open public meeting that anybody can come to. So to me, it makes more sense that if we have to a work session, we don't call it Personnel Committee, we don't call it Finance Committee. If have some county business that needs to be conducted before our next monthly meeting, then we simply recess until a work session and all six of us get together and we work on this issue. The way we do it now, is that we recess, four of us go over and talk about what's going to go on and bring the information back to two of us. And that's extremely inefficient and I remind the Board that under the old system, or under the system we are currently under with the Personnel Committee, it took us four months to develop Mr. Morrison's contract. That is not efficient gentlemen; not at all and I would hope the Board...I don't think we need to discuss it a lot. I understand what Mr. Caple said the reality is, the way we're operating is inefficient, it chews up a lot of time; it chews up a lot of staff time. Ms. Davis has to come into these meetings; it chews an awful lot of staff time. If we just condensed this whole thing down and instead of personnel looking at something and bringing it back to the board, decisions can be made there; it's a public meeting, it's an open meeting and we can move through agenda items much quicker, if we eliminate these committees and you will see that when we get into budget."

Supervisor Caple: "That's why we have retreats to make plans of what's going to work and what's not going to work. That's why I say we need to debate that pro and con in a retreat and then we come away from there, knowing we will eliminate it or we're not going to eliminate it, after it has been done in the retreat or work session. So I think we owe that to each board member to have an opportunity to debate it and then determine rather or not, rather than do in five minutes."

Chairman Tyler: "There's a motion on the floor, there as second. Ready for the question, all those of favor of eliminating the finance and personnel committees, let it be known by raising your hand."

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisor Caple, Stringfield, Tyler

The motion died due to tie vote.

Item 14. Reports From Departments/Staff/Commissions, etc.

A. Animal Control: (Included in Board packet)

B. Building Department: (No report at this time)

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

D. Deputy County Administrator/Director of Economic Development: (Included in Board packet).

George E. Morrison, III, Deputy County Administrator/Director of Economic Development, advised that there is one item that was not included in the Board's packet. The Wood Pellet Plant, Wood Fuel Developers in Waverly – the grand opening and ribbon cutting is being planned. He stated that he just received word today that they are looking at the end of May to conduct that, so the Board will be notified, somewhere around May 25th is the date that they are looking at. Everyone will be invited and there will be an invitation in the newspaper. The second item – the Bacon's Rebellion, (reference and attached article) Virginia's next economic boom, was written in reference to the new 460 bypass and it will affect the rural localities from Petersburg to Suffolk. The blog is <http://www.baconsrebellion.com/article2012>.

E. Environmental Inspections: (Included in Board packet)

F. Housing Programs: (No report at this time)

G. Planning & Zoning: (Included in Board packet)

H. Public Safety: (No report at this time)

Item 13. Board Members Comments

Blackwater District: Supervisor Warren advised that he has a note from members of the Little Mount Baptist Church pertaining to Highway 35. In the last three years, there have been at least three accidents approximately in front of the church, with fatalities. The pastor and members of Little Mount Baptist Church are requesting a study to be conducted, if possible and solutions offered to make Highway 35, especially at the entrance to the church, less dangerous.

County Administrator Harris stated that information has been sent over to VDOT, but no response has been given yet.

Supervisor Warren's second issue is that some of his constituents have made it known that some of the road signs are missing. He will find out which signs are missing and report to the County Administrator.

Courthouse District:

Supervisor Fly stated that at the last month, the Board approved overtime for two departments. During the last storm, we had the Sheriff's Department and Social Services Department work a lot of overtime and under our old county policy, we didn't pay that overtime, but under our new county policy, we do pay for that overtime. And we approved the overtime for Sheriff's Department and approved the overtime for Social Services, but we failed to approve the overtime for the County Administrator. Because he worked a tremendous amount of hours during that storm also and would like to see the Board of Supervisors approve or make a motion that to approve the County Administrator's overtime of \$2,400.00 that he incurred during that storm.

Supervisor Caple: "Everybody else has been paid but him? "

Chairman Tyler: "Will this affect the status of exempt employees' salaries. Let's get a second on that motion."

Supervisor Futrell: "I second."

Chairman Tyler: "Discussion on the motion."

County Administrator Harris: "Let me say this before you all even get into it, first off, you're right, exempt employees should not be paid. No place where I have ever worked have I gotten paid; have any other department heads gotten paid, any assistant county administrators or whatever, have been paid. Unfortunately or fortunately, as the case may be that's been a real bonus here. We treat our exempt employees as if they are non exempt employees. The policy, in fact, does change that. So, what I would ask the Board to do is ignore that, and I do appreciate the motion, but take that money and let's help pay the bonuses for the rest of the staff, that work so hard."

Stony Creek District:

Supervisor Caple stated that a couple of his constituents have notified him that they are having a problem with water on their property; it's not drinkable in two or three houses that they can't even use the water. One resident had to get a special system put in so they could get the water to a point where they could use it, but not drink it. He wants some assistance from the Board of Supervisors to get help with Sussex Service Authority bringing the water from Stony Creek just past the rescue squad building, three or four house, just before the VDOT building.

County Administrator Harris asked Supervisor Caple to give him all the information and he will set a meeting with the director of the Sussex Service Authority to discuss what can be done.

Wakefield District:

Supervisor Stringfield stated that Mr. Brown of 222 Savedge Avenue, Wakefield VA was having problems with water backing up on his property. Maybe we can contact VDOT

and have them to look into it and see if VDOT can handle the matter (it's in the Town limits). He asked the County Administrator to look into the situation.

Waverly District:

Supervisor Futrell stated that he had given the Board a packet. He has three proposals, one is from Waverly Parks and Recreation grant request; the Senior Citizens of Eastern Sussex County and Waverly Swimming Pool for Youth and Adults. These are budget requests for the Board's review.

Henry District:

Chairman Tyler stated that earlier during the year, there was fatal accident on Route 619 and he asked if VDOT could explore reducing the mileage on that road (Walker's Mill Road). There was also a petition brought in by senior citizens on that road to reduce the speed limit. He asked if that was referred to VDOT.

County Administrator Harris advised that he will follow up with the County's VDOT representative.

Chairman Tyler also advised that there is a gentleman from Smith Lane; he explained that the County had talked about widening and paving that road; all of the easements are done. Even when the rescue squad has difficulty getting to the homes. There is also a cemetery on that road. The Board needs to request VDOT to look at improving Smith's Lane.

ITEM 15. Hearing of Citizens Comments

- A. Evelyn Birdsong, Wakefield District: "I am very disappointed that you all did not take care of Item 3, Vice Chairman, and I am very disappointed in our representative from Wakefield. He does not come to the meeting and voting on things that people from Wakefield are not very happy with. Not paying the past attorneys that took care of county business, I think it's totally wrong for you all to do this to these people. We are going to wind up with three lawsuits against this county which is totally unnecessary. The people did the work, pay the people, quit fooling around on this board. This is ridiculous. We are not here to represent you all; you all are here to represents us. Do you ever come and ask us our opinion about? I don't think very many of us get that from you all. And I am very disappointed in him for not speaking and not taking care of business, because it's county business; it was done and we need to get it done. Please do your job. I am sorry I have to come up and do this."

- B. Anne Joyner, Wakefield District: "I first was going to speak also on what's been happening at the last several meetings, which does appall me and also the person that is supposed to be representing Wakefield District, I am very disappointed in him, but my main concern tonight that really changed me - when I heard Mr.

Morrison talked about VDOT and this wonderful website for this wonderful 460 bypass that coming through Wakefield. He praised it, like it's the best thing that's coming through here. Did he even think about the people that it's going to affect here in this county? That's already invading people's property? And they are coming on your property and they don't even tell you where they are going on your property? And can't tell you where the road is going to go through your property? I am just appalled that you all would push and accept that kind of letter."

- C. Bill Collins, Courthouse District: "In 2000, I had the privilege of serving with the Chairman, Mr. Caple, Mr. Stringfield and Mr. Fly as a member of your board. And one of the things that we did was in reference to Mr. Warren's earlier about comment about the road signs. Each of us at that time, agreed that in our particular districts, we would identify the road signs that were missing and report it back to the County Administrator's workforce, so that they could order them and replace them. And that was a job that each of us just volunteered to do because got around the district where represented the folks. Those things can be done by the supervisors."
- D. Michelle Burns, 211 Coppahaunk Avenue, Waverly: "We hope many of you saw the photos that were in the entrance to the courthouse. We would like to call the Board's attention and the citizens of Sussex County to a residence which is our neighbor at 207 Coppahaunk Avenue owned by Rufus and Roslyn Tyler. For many years, the Town of Waverly and the residents of Coppahaunk Avenue have fought a losing battle trying to get the homeowners to care for their property. When approached before, the bare minimum has been done by the Tylers in efforts to keep complaints at bay. But no longer can we sit back and hope the work will be done, as our community has been put at risk in several ways. The property has been abandoned for many years and it has been sitting in disrepair. It has broken windows, trash, debris and fallen structures, which not only an eyesore but also effect the property values in our area. Health issues are a concern with the amount of wildlife including rats, mice, snakes and forest animals that take up residence in the piles of trash and debris and wander onto our property. Our safety has been compromised as homeless persons tend to seek shelter in the home, not only violating our personal safety, but also cause concern for fire. Today, we ask in front of the Board of Supervisors and our community that the owners of the property clean up and maintain the residence. From my understanding, having them in the area allows the Tylers to participate in and be elected to positions within our community, when they do not actually reside within it. As community elected officials, we the taxpayers and neighbors ask them to do the right thing and attend to this ongoing problem. Furthermore since we have spoke before (speaking directly to Mr. Tyler) and promises have been made, they haven't been followed through on, we asked that a deadline for cleanup be established and adhered to and that consideration be given to a privacy fence be put up around the property to keep safety risks at a minimum once this process is completed."

Chairman Tyler: "Thank you very much"

Michelle Burns: "Would it reasonable to ask for a deadline."

Chairman Tyler: "Not tonight. No."

Michelle Burns: "When would be a reasonable time to ask for that?"

Chairman Tyler: "I think your time is up. Thank you very much; we'll take a look at it."

E. Jannette Green: 24114 Cabin Point Road, Blackwater District; "I stand here tonight concerning the payment to the attorneys as well. I don't think it's right for the county supervisors to penalize the attorneys that were not aware that they had no consensus to do the work. So my position is, they did the work and the county owes them their money. I think it's not right of the county supervisors to not adhere to their responsibility, to participate in all meetings for the county, unless they have a reasonable cause for not being there and county business needs to be conducted, and then everybody for all of you to get together to do what you need to do. I think you all need to do the right thing and preserve our reputation and pay what's rightfully due those attorneys."

F. Fred Turck, Blackwater District: I am not going to re-echo the comments made by several citizens tonight, but hopefully you heard them loud and clear. I do want to commend the Board for making some progress tonight. I think that's a step forward. I know County Administrator Harris made mentioned about the beginning of team Sussex. I do want you to reconsider Mr. Fly and Warren's motion about the Boards – standing back here it really does seem pretty ludicrous two committees that re made up of four people to come back and tell two people what you did. That sounds really inefficient use of time. If anything, have a three person board to come back and tell the other three what to do or combine them or something. Think out of the box a little bit. I really don't think that your time is well spent in that venture. And then there was some discussion saying that you didn't want to spend the time discussing it now, you want to take it back and discuss in your work session; the County has meeting rooms that you all could go to. Consider going and doing a work session and not a retreat."

ITEM 14. Closed Session (9:49pm)

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session to consider the following: (a) Personnel items relating to employment, specific employees, personnel matters regarding staff appointment; (b) matter relating the deputy county administrator; (c) legal matter regarding court proceedings; (d) legal matters regarding the Commonwealth's Attorney; (e) Discussion regarding Board appointment of

chair, applicable Code Sections 2.2-3711(A)(1), Personnel matters, 2.2-3711(A)(7), Legal matters.

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

Voting nay: none

ITEM 16. Return To Open Meeting (11:37pm)

Recommendation: To move to return to Open Meeting.

County Attorney Packer stated that the Board has convened a closed session under Section 2.2-3711 of the Code of Virginia as necessary for the Board to pass a resolution. That resolution shall indicate that their number one purpose of the meeting was the one mentioned and number two, they are allowable.

Chairman Tyler called the roll.

County Attorney Packer asked if they voting on coming out of closed session.

Supervisor Stringfield: yes

Supervisor Fly: yes

Supervisor Warren: yes

Supervisor Futrell: yes

Supervisor Caple: yes

Chairman Tyler: aye

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

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

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

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

Voting nay: none

ITEM 17. Motion(s) From Closed Session

Supervisor Warren: "I would like to make a motion. Be it resolved the Board of Supervisors of Sussex County respectfully in full recognition of its past and future

contribution to Sussex County, do hereby remove Mr Rufus Tyler from position as chairman of the Board of Supervisors of Sussex County for the year 2012, for the following reasons: Disclosure of confidential information concerning an ongoing court case involving Sussex County after having been informed in closed session by the attorney representing the County of the possible damage to the county, if such information was disclosed, that was April 9, 2012, Personnel Committee Meeting, Closed Session; disclosure of confidential information concerning an ongoing court case involving Sussex County after having been informed in closed session by the attorney representing the county, that she could not represent the county if said closed session information was disclosed to anyone other than the Sussex County Board of Supervisors and its County Administrator. That was April 9, 2012, Personnel Closed Session. Number three, violation of the Sussex County Code of Ethics adopted July 15, 2010, page two line two and that states ‘put loyalty to the highest moral principles and to the County as a whole above loyalty to individuals or particular groups. Mr. Chairman, I move that this resolution be accepted.’”

Chairman Tyler: “There’s a motion on the floor, is there a second?”

Supervisor Futrell: “Second”

Chairman Tyler: “Properly moved and seconded, you’ve heard the resolution, all those in favor, say aye.”

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion dies due to tie vote.

Supervisor Stringfield: “What proof, what findings do you have?”

Chairman Tyler: “Don’t worry about that?”

Chairman Tyler asked to modify the date of the retreat to May 21-22, 2012 to coincide with our attorney’s schedule. He asked the County Administrator reserve a place and get a facilitator.

ITEM 18. MOTION TO CONTINUE or ADJOURN

ON MOTION OF SUPERVISOR CAPLE that the April 19, 2012 meeting of the Sussex County Board of Supervisors is hereby adjourned.

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

Voting nay: none