

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom, Sussex Judicial Center
Thursday, March 21, 2013, 7:00 p.m.**

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:

Michael R. Packer, County Attorney
Onnie L. Woodruff, Treasurer/Interim Director of Finance
W. Travis Luter, Building Official
Ellen G. Boone, Commissioner of the Revenue
Charles H. Harris, III, Superintendent of Schools
Eddie T. Vick, Public Safety Coordinator
Arthur Jarrett, Assistant Superintendent of Schools
Deborah A. Davis, Assistant to County Administrator
Raymond R. Bell, Sheriff

Item 1. Call To Order – Determine Quorum [7:03:00 PM](#)

The March 21, 2013 meeting of the Sussex County Board of Supervisors was called to order by Chairman Tyler.

Item 2. The Invocation and Pledge of Allegiance

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

Item 3. Election of Chairman for Calendar Year 2013 [7:05:19 PM](#)

Item 4. Election of Vice Chairman for Calendar Year 2013

The Board decided to hold the Public Hearing prior to the Election of Chairman and Vice Chairman for Calendar Year 2013.

Item 5. Amended Agenda

No action taken on the Amended Agenda.

Item 6. Approval of Regular Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD that the Board of Supervisors hereby approves of the March 21, 2013 regular agenda.

Supervisor Futrell requested that tonight's meeting ends no later than 10:00 p.m. due to the County Attorney needing to leave early, and resume the meeting on Monday or Wednesday of next week.

Supervisor Fly requested the following: (1) Under the Consent Agenda, remove 7c, Approval of Appropriation, Moseley Architects, \$8,090.00 and place it as Item 10a4 under the Chairman's Report; (2) Item 12d Compensation Requests be removed from the agenda, since it's under litigation.

Chairman Tyler stated that Item 12d is Compensation Requests from staff.

Supervisor Futrell requested that his item (Reorganization/ Appointments), from last month's agenda, be added to this agenda; move it to Unfinished Business (last month it was 13c under New Business).

Chairman Tyler stated that the Board members had seven (7) days to add those items to the agenda, as stated in the Bylaws.

Supervisor Fly stated that there was a motion made at the previous meeting that all of the items that the Board did not consider at last month's meeting, be automatically be rolled over to the March agenda, but for some reason they are not on the agenda. He asked the Board to place Mr. Futrell's request on the agenda, as Item 13c under New Business. He further stated that he has four (4) items that did not make it on the agenda, but he will not request that they be put on the agenda tonight.

Chairman Tyler stated that the Board passed the bylaws at the last meeting, and that any item to be added to the agenda must be submitted seven (7) days prior to the Board meeting.

Supervisor Warren requested that Item 10a3, Appointment – Sussex Service Authority Alternate – Wakefield, be stricken from the agenda. The reason being is that the Board of Supervisors has nothing to do with the Town of Wakefield's appointment.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL that Item 10a3, Appointment – Sussex Service Authority Alternate, be removed from the agenda because an appointment is needed from the Wakefield Town Council, not the Board of Supervisors.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FLY that Item 12f, Approval of December 3, 2012 minutes, be removed from the agenda.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

Chairman Tyler again reiterated that all items for the agenda must be given to Administration seven (7) days prior to the meeting. He stated that if it is in the minutes, he would honor it, but it's not in the minutes.

Supervisor Fly asked the Chairman to turn to Page 33 of the February 21, 2013 minutes; "ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables all New Business items not considered tonight be placed on the next meeting agenda." Supervisor Fly stated that he would contend that Mr. Futrell's item be placed on tonight's agenda.

Chairman Tyler states that he does not think it means that Mr. Futrell's request should go on tonight's agenda.

Supervisor Warren asked for a ruling from the County Attorney.

County Attorney Packer's statement: "In looking at your new bylaws, it is my opinion that the request for those items be placed on the agenda tonight, however was done at the previous meeting and was not included on agenda. I believe that the only way at this point to resolve the matter is to look at Item D in your bylaws that states 'nothing herein prohibits the Board from adding items to the agenda, provided that such a request is in the form of a motion, and voted upon by a majority of the Board.' So the items should have been put on the agenda in accordance with the new bylaws, but they were not placed on the agenda. So they do not appear yet on the agenda and I think that the way to cause them to be placed on agenda would be by a majority vote."

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that Mr. Futrell's item be placed on the agenda.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The Chairman carried the previous motion to approve the March 21, 2013 regular agenda.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

Chairman Tyler stated that if the agenda is not approved, the Board can leave and go home.

[7:26:06 PM](#) County Attorney Packer suggested that before the Board adjourns, that the Board has advertised for a public hearing tonight; that there has been an expense in that regard and would need to be advertised again. The Board needs to make the appropriation for the public hearing item and several other items on the agenda that are time sensitive and he respectfully requested that the Board reconsider so that the Board can conduct the public's business.

Chairman Tyler asked if the Board would reconsider the motion to approve the agenda.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by CAPLE to approve the March 21, 2013 regular agenda.

Supervisor Fly stated that the Board needs to hold the public hearing and do the County's business and offered a substitute motion.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN to place the appointments on the regular agenda as Item 13c.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

Chairman Tyler carried the vote on the original motion.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

The motion failed due to tie vote.

Chairman Tyler announced that this concludes the meeting.

County Attorney Packer asked the Board if they would consider amending the agenda to allow for the public hearing.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN to table all agenda items on the March 21, 2013 Board of Supervisors' meeting, except Item 8, Public Hearing, 8a, 8b, 8c, 8d, 8e.

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

Voting nay: Supervisor Stringfield

Item 8. Public Hearing

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters public hearing to consider the FY 2013 Proposed Budget Amendment.

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

Voting nay: none

a) FY 2013 Proposed Budget Amendment

[7:35:14 PM](#) County Attorney Packer stated that the Board is holding a public hearing for the purpose of hearing from the public relating to the amendment of the budget and the appropriation of \$3,940,200.00. This is the amount that will be received from the Tobacco Commission; the County has a 10% match on that amount. It is for the purpose of acquiring additional land for the mega-site off of Beefsteak Road and doing associated work to prepare that land for industrial development. Under Virginia law, the size of this appropriation is such that the Board does not have authority to appropriate the funds without a public hearing.

b) Public Comment(s)

Comments were heard from the following:

- Bill Collins, Courthouse District
- Otto Wachsmann, Stony Creek District
- Onnie Woodruff, Courthouse District
- Jannette Green, Blackwater District

c) Close Public Hearing/Return to Regular Session

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to regular session.

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

Voting nay: none

d) Board Members Questions/Comments – There were none

e) Action on Public Hearing Item

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriate \$3,940,200.00 for the Beefsteak Road Mega-Site.

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

Voting nay: none

County Attorney Packer asked the Board members if they had any concerns about the Consent Agenda items.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL to now place all previously tabled items back on the March 21, 2013 regular agenda and include Appointments under Item 13c.

Chairman Tyler ruled the motion out of order.

Supervisor Fly challenged the Chairman and asked for a ruling from the County Attorney.

Chairman Tyler stated that the omission from the agenda was not an error. It was simply made clear at the last Board meeting - anything to be added to the agenda, must be given to Administration seven (7) days before the meeting.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Tyler, Stringfield

The motion failed due to tie vote.

[7:53:19 PM](#) County Attorney Packer suggested that the Board consider the Consent Agenda items, so that the bills can be paid; all items under #7.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Consent Agenda, to wit:

- a) Approval of Minutes of February 21, 2013 Meeting
- b) Approval of Appropriation: McQuireWoods, LLP: \$210.00
- c) Approval of Appropriation: Moseley Architects: \$8,090.00
- d) Approval of Appropriation: Timmons Group: \$2,375.00
- e) Approval of Appropriation: Kutak Rock, LLP: \$5,902.94
- f) Approval of Invoice: Oyster Point Construction, \$538,928.72
- g) Approval of Invoice: Rancorn Wildman Architects, \$6,204.89
- h) Budget Appropriations: Transfers \$178,075.00; Expenses: \$195,219.94
- i) Approval of Warrants and Vouchers

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

Voting nay: none

[7:54:38 PM](#) Mr. Woodruff recommended that the Board schedule budget work sessions. He stated that it shouldn't take any more than three (3) meetings.

Item 9. Recess

[7:58:05 PM](#) ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby recess the March 21, 2013 meeting until April 3, 2013 at 7pm.

Supervisor Fly asked what items will be put on the meeting agenda.

Chairman Tyler stated that just the items on this agenda will be on the April 3rd agenda.

County Attorney Packer suggested that since there are more than seven (7) days between today and that meeting day, that any Board member wishes additional items, if they meet the seven (7) day requirement, then it can be placed on the agenda.

(The Chairman did not carry the vote for the motion to recess).

[8:00:52 PM](#) The meeting ended.

