

**At a Public Hearing of the Sussex County Board of Supervisors
Held on Thursday, October 18, 2012, 7:00 pm., in the
General District Courtroom – Sussex Judicial Center**

Board Members Present:

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

Staff Present:

Thomas E. Harris, County Administrator
Michael R. Packer, County Attorney
Dr. Charles H. Harris, III, Superintendent of Schools
Onnie L. Woodruff, Treasurer
Ellen G. Boone, Commissioner of the Revenue
Chequila H. Fields, Director of Social Services
Shannon D. Fennell, Assistant to the Director of Planning
Deborah A Davis, Assistant to County Administrator

Item 1. Call To Order (7:15 p.m.)

The October 18, 2012 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 Reverend Earnest Hamlette.

Item 3. Public Hearing

There was no motion to enter public hearing.

Item 4. Public Hearing Item

A. Gin Hill (Closed) Landfill, Dillard Road, Sussex County VA Assessment of Corrective Measures

Doug Fraser, EEE, PG, Senior Geologist of EEE Consulting, made a presentation regarding the Assessment of Corrective Measures. He stated that this public hearing is to give an opportunity to provide verbal and/or written comments to the Assessment of Corrective Measures Report for the Gin Hill Landfill. This report is available in the County Administrator's Office. The Public

comments can be heard until 5:00 p.m., on November 3, 2012. Gin Hill Landfill is an old landfill located between Route 640 and I-95. It was a ten acre landfill that the County had received the property from Thomas LaSalle. The landfill was in operation from approximately 1973 until 1990. Beginning in 1995, EEE began monitoring groundwater. The purpose of the Assessment of Corrective Measures is that EEE has detected groundwater constituents outside the landfill. Virginia Solid Waste Management Regulations has required the County to implement various programs and to complete the corrective measures requirements. (A complete copy of the report was provided to Board members and retained in the County Administrator's office).

(Supervisor Stringfield arrived at 7:20 p.m.).

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors shall "go into public comment."

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

Voting nay: none

Public Comments were heard from the following:

- Onnie L. Woodruff, Sussex County Treasurer
- Al Peschke, Wakefield District
- Otto Wachsmann, Stony Creek District

Due to exceeding the capacity in the General District Courtroom, the meeting was relocated to the Sussex Central High School.

Prior to the relocating, County Attorney Packer asked that the Board consider the Closed Session item while in the General District Courtroom and then continued the meeting at the high school.

Item 5. Close Public Hearing (7:36 p.m.)

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby closes the October 15, 2012 public hearing.

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

Voting nay: none

Item 6. Closed Session (7:38pm)

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session, to wit:

WHEREAS, the Board of Supervisors of Sussex County desires to enter into a Closed Session for the following matters(s): Discussing an industrial development prospect that has not yet been publicly announced.

WHEREAS, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia, as amended, such discussions may occur in Closed Session.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Sussex County hereby authorizes discussion of the aforestated matters in Closed Meeting.

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

Voting nay: none

Item 7. Reconvened at 8:16pm

The October 15, 2012 meeting of the Sussex County Board of Supervisors reconvened at 8:16 p.m., at the Sussex Central High School Auditorium.

Item 8. Amended Agenda

County Administrator Harris requested that the following items be added to the agenda:

1. Henry Technology Park, Selection of Engineering firm, add as “b” under New Business
2. Henry Technology Park, acceptance of grant and appropriation of funds, add as “c” under New Business
3. Wood Fuel Developers, appropriation of \$46,250.00 grant, add as “d” under New Business
4. Commonwealth’s Attorney Second Story Addition Renovation, add as “e” under New Business
5. County Administrator’s Newest Staff Members Introduction, add as “f” under New Business
6. Town of Wakefield’s Correspondence regarding Route 460 Bypass, add as “g” under New Business

Supervisor Fly requested that Appointment to VA’s Gateway Region Board of Directors be added as “d” under Unfinished Business.

Supervisor Fly asked that Item 6c13 under County Administrator’s Report, the Improvement Association, since that has been discussed several times, is this not dilatory?

Chairman Tyler stated that there was an official request that this item be added to the agenda.

Supervisor Stringfield requested that Empowerment Temple Ministries request for funding be added to the agenda, as item 6c14 under the County Administrator’s Report.

Supervisor Caple requested that on the Consent Agenda, Item J, Approval of Legal Fees (unpaid attorney bills from 2011, be removed from the Consent agenda, make a separate item for consideration.

Item 9. Regular Agenda

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the October 15, 2012 regular meeting agenda, inclusive of the following: (1) Henry Technology Park, Selection of Engineering firm, add as “b” under New Business; (2) Henry Technology Park, acceptance of grant and appropriation of funds, add as “c” under New Business; (3) Wood Fuel Developers, appropriation of \$46,250.00 grant, add as “d” under New Business; (4) Commonwealth’s Attorney Second Story Addition Renovation, add as “e” under New Business; (5) County Administrator’s Newest Staff Members Introduction, add as “f” under New Business; (6) Town of Wakefield’s Correspondence regarding Route 460 Bypass, add as “g” under New Business; (7) Appointment to VA’s Gateway Region Board of Directors added as “d” under Unfinished Business; (8) Empowerment Temple Ministries request for funding as item 6c14 under the County Administrator’s Report; (9) Approval of Legal Fees, as item “e” under Unfinished Business.

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

Voting nay: none

Item 10. Approval of Consent Agenda

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the October 15, 2012 Consent Agenda, deleting Item J, Approval of Legal Fees (unpaid attorneys bills from 2011); inclusive of (1) Approval of September 20, 2012 Minutes; (2) Appropriation of Funds, \$5,320.00, reimbursement for Verizon Mapping and Structural Analysis Invoice; (3) Appropriation of Funds, \$15,000 grant from Cameron Foundation for Comprehensive Planning Grant and Housing Study; (4) \$475.00 Sheriff’s Department Appropriation Request; (5) Budget Appropriations/Transfers, \$174,705.61; Appropriation of Funds, Oyster Point Construction, \$591,919.20; (6) Appropriation of Funds, Speight Marshall & Francis, \$2,500.00; (7) Appropriation of Funds, Rancorn Wildman, \$6,511.54; (8) Approval of Warrants and Vouchers, \$1,331,960.76; (9) Resolution Approving the Second Amendment to the Crater Youth Care Commission Service Agreement.

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

Voting nay: none

Item 6. Standing Reports: Staff/Committees/Organization

Item 6-a. US Route 460 Corridor Improvement Project

Mr. Philip Rinehart and Morteza Farajian of the Virginia Department of Transportation US 460 Project provided an overview and power point presentation of the Route 460 Bypass Project.

Item 6-b. Health Department – No report

Item 6-c. County Administrator’s Report

Item 6-c-1. Sussex County Noise Ordinance

County Administrator Harris reported that the Honorable Vice Chairman Charlie Caple has asked that the County look at a Noise Ordinance. The attached ordinance was previously provided to the Board for consideration. The County Attorney and the Sheriff have reviewed the draft ordinance.

Recommendation: To authorize the County Administrator to advertise a County Noise Ordinance following the Board's review and recommendation.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to prepare the notice of public hearing for advertisement of the proposed Noise Ordinance.

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

Voting nay: none

Item 6-d-2. Emporia-Greenville Airport Navy Cargo Flight Training Touch and Go

Chairman Tyler presented a resolution provided by Joan Harrell.

Included in the Board's packet is a letter and support documentation received on October 10, 2012 from Mr. Martin Harrell, Sr., in regards to the Navy's efforts to utilize Emporia-Greenville Airport as a Navy aircraft training field. The packet includes a letter from Congressman Randy Forbes as well as a letter addressed to Admiral Harvey. Staff has contacted Southampton County to solicit a letter in opposition which has been modified for the Board's consideration. Supervisor Futrell has provided a copy of a petition for your consideration.

Recommendation: For the Board to approve a letter of support for Southampton County's opposition to the proposed Emporia-Greenville Airport Navy aircraft training field and our desire for additional data and authorize the County Administrator to provide a copy to all neighboring jurisdictions and state and federal representatives.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the resolution as presented.

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

Voting nay: none

Item 6-c-3. Status of Microphone in Courtroom

County Administrator Harris advised the Board that due to the litany of more pressing issues, this item has been put on hold. He stated that he is currently looking for technical assistance to begin comparing costs and types of microphone systems and will try to have a recommendation and costs for the November Board meeting.

Item 6-c-4. List of County Properties (tabled from September 2, 2012 meeting).

At the September 20, 2012 meeting of the Board of Supervisors, Supervisor Fly requested that the Board discuss and determine if the County should sell unused property and/or property that no longer fit into the County's Economic or Community Development Plan.

Furthermore, as this item is discussed, it would be appropriate to direct the County Administrator to begin the process of developing an Economic Development Plan for Sussex County so that our future efforts – including land purchases – will be done in a systematic, focused and cost effective manner.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN to authorize the County Administrator to begin the development of an Economic Development Plan.

Chairman Tyler asked Supervisor Fly to modify his motion.
Supervisor Warren withdrew his second.

Supervisor Fly withdrew his motion.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD to authorize the County Administrator to start developing an Economic Development Plan which will include an outline of how this will take place and present the Plan to the Board of Supervisors.

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

Voting nay: none

Item 6-c-5. Update of Mold Test for Former Office Space Used by County Administration

At the September 20, 2012 Board meeting, the Board directed the County Administrator to schedule a mold test of the building and get an estimate of replacing the current roof of the building formerly used by County Administration. To date, two companies have been contacted and a third company will be contacted to help minimize the costs for service.

Item 6-c-6. Vacated School Property – tabled until November 15, 2012.

Item 6-c-7. Elementary School Property – tabled and asked the Treasurer to send report.

Item 6-c-8 Waverly Recreation – tabled until November 15, 2012.

Item 6-c-9. Update of Water/Dam Issue at 9197 Avenue Jattatt VA

County Administrator Harris advised that he has met with family and VDOT to work on a solution to this issue.

Item 6-c-10. Senior Citizens of Eastern Sussex County

Supervisor Futrell asked the Board to reconsider programs for the senior citizens of eastern Sussex County, as it relates to the services being cut by the Crater District Area Agency on Aging, closing of the Jarratt Site, transportation issues, change in staff, etc.

Chairman Tyler requested that the County Administrator contact the Executive Director (David Sadowski) of the Crater District Area Agency on Aging to attend the November 15, 2012, to provide additional information.

County Administrator Harris advised that Mr. Sadowski has not answered the questions that staff has asked.

Item 6-c-11. Crater District Area Agency on Aging/Jarratt Senior Citizens Center Update

Brenda Burgess, member of the Crater District Area Agency on Aging Board of Directors, stated that there have been some problems with the programs that are being offered to Sussex. Seniors are upset about the closing of the site in Jarratt; the County was not notified, Mrs. Burgess was not notified, nor were the seniors notified. The site was opened back up, but here will probably be additional cuts.

According to the Agency's bylaws, the Director should have contacted Mrs. Burgess or the Board of Supervisors and given 30 days notice prior to closing the site.

Supervisor Fly stated that the Board needs to do something with this issue. The Board has provided funding to the Crater District Area Agency on Aging; they have closed the site but the Board has paid for services.

Mrs. Magdalene Turner stated that in the past, the seniors were paying \$6.00 per person - \$4.00 for transportation and \$2.00 for meals.

Chairman Tyler asked the County Administrator to invite David L. Sadowski to attend the November 15, 2012 Board meeting.

Supervisor Warren stated that he attended the CDAAA Board meeting two weeks ago. Those Board members have received a budget and therefore has no idea what they are working with, how much money, where it goes. The Board of Directors for the CDAAA has never seen a budget.

Supervisor Futrell stated that at the first meeting he attended, Mr. Sadowski invited Mrs. Ann Key; and Mrs. Key carried Mrs. Burgess, Mr. Harris, Mr. Futrell and Mrs. Fields.

Mrs. Turner asked if the Seniors could have a site on the eastern side of Sussex.

Chairman Tyler stated that may be something that can be explored.

Item 6-c-12. VACo Conference

Supervisor Futrell asked if one of members of the Board of Supervisors who plan to attend the VACo Conference at the Homestead, would be willing to give their room/reservations to County Administrator Harris.

Chairman Tyler asked Supervisors Stringfield if he wanted to give up his room.

Supervisor Stringfield stated that attending the VACo Conference is the only opportunity that the Board has for training and he thinks it is a necessity and each Board member should be able to attend.

Chairman Tyler stated that something could be worked out so that the County Administrator could attend the conference.

Item 6-c-13. The Improvement Association

Reports and comments were heard from the following persons, speaking on behalf of the Improvement Association:

Ginger Wrenn, Youth Service Program Coordinator, Improvement Association
Edward Garner, former Improvement Association participant, 2009 graduate of
Virginia State University
Randi Fajna, Certified Housing Counselor, Intake Worker, Improvement Association
Shikee Franklin, Head Start Director, Improvement Association
Barbie Roundtree, Program Technician, Improvement Association
Antionette Jones, citizen
Reverend Carroll Robb, Pastor Hunting Quarter Baptist Church
Warren Clarke, lives in Hopewell VA, daughter attends Head Start
Mary Barraclough, Finance Officer, Improvement Association

Chairman Tyler thanked everyone for their comments.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE that the Sussex County Board of Supervisors re-appropriate the \$15,000.00 that has been taken away from the Improvement Association's budget.

Chairman Tyler's declaration: "The Sussex Board of Supervisors is considering an additional action regarding the funding of the Improvement Association, with offices located in Waverly and Emporia. I am employed with the Association. I receive an annual salary that exceeds \$10,000.00. I am a member of a group of more than two employees, as a matter of fact, we have 54 employees who may be affected by voting to fund the Association. I feel as if I am able to participate in the consideration and vote on this funding matter fairly, objectively and in the best interest of all of the people in Sussex County."

Supervisor Fly asked the Chairman if he will enter into the debate.

Chairman Tyler stated that he will enter into the debate.

Supervisor Fly asked that Chairman Tyler relinquish the chair to Vice Chairman Caple.

Chairman Tyler relinquished the chair to Vice Chairman Caple.

Chairman Tyler shared his comments and after some discussion, he carried the vote.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

The motion fails due to tie vote.

Item 6c-14. Empowerment Temple Ministries Funding Request

Elder Terrance Greene, Pastor of Empowerment Temple Ministries, 219 North County Drive, Waverly VA 23890, requested \$15,000.00 to complete a recreational project to provide a safe environment for area youth. (Pastor Greene provided a report to the Board).

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD that the Sussex County Board of Supervisors approve of the \$15,000.00 funding request by the Temple Empowerment Ministries to assist with their recreation project.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

The motion fails due to tie vote.

Item 6-d. County Attorney's Report

Item 6d-1. Toll Project Update

County Attorney Packer reported that he has provided a copy of the complaint filed with the federal highway department relating to this project. (A copy is included in the October 18, 2012 Board packet).

Item 6-d-2 Update of Board of Supervisors' Tie Breaker

County Attorney Packer reported that included in the Board packet is information regarding tie breaker for the Board of Supervisors.

The Board tabled the Tie Breaker issue until next meeting.

Item 6-d-3. Training For Board Members

County Attorney Packer advised that he has prepared Power Point Presentations regarding Board training and development in the past he is willing to provide any presentation that the Board desires, giving him the subject matter to be discussed.

Chairman Tyler suggested that the Board needs development and training and he and the County Attorney are supposed to work on a training calendar.

Item 6-c4. Closed Session Item

County Attorney Packer reported that as a result of information provided to the Board in Closed Session, County Administration would request that the Board consider a motion to authorize the County Administrator to sign a confidentiality and non disclosure agreement with Timber Stream, LLC, a Virginia limited liability company, relating to trade secrets and other business information regarding that company and that also the County Administrator be authorized to issue a letter to that corporation, so that it might accomplish due diligence and exclusivity, as it relates to that due diligence on property located at Route 602 (Cabin Point Road).

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to sign a confidentiality and non disclosure agreement with Timber Stream, LLC, a Virginia limited liability company, relating to trade secrets and other business information regarding that company and that also the County Administrator be authorized to issue a letter to that corporation, so that it might accomplish due diligence and exclusivity, as it relates to that due diligence on property located at Route 602 (Cabin Point Road).

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

Voting nay: none

Item 6e. Treasurer's Report

Onnie L. Woodruff, Treasurer's advised that the statement and letters included in his report has been provided to the Board in their agenda packet.

Item 6f. Commissioner of the Revenue – No report

Item 6g. Sheriff's Report – No Report

Item 6h. School Superintendent of Schools – No Report

Item 6i. Director of Social Services – No Report

Item 7. Appointments

- A. Planning Commission Appointment and Proposed Bylaws:** As previously discussed an appointment is needed to replace Mr. Charles S. Owen, Jr., whose term expired April 30, 2012. Mr. Owen does not wish to serve again. Please be advised that the Board had previously asked that the proposed Bylaws be tabled for a later date and met on October 15, 2012 to further discuss this matter. The revisions to the By-laws were made in an attempt to have equal representation from each district without requiring the dismissal of sitting members and after review by the Commission for approval.

Recommendation: To approve the proposed Sussex County By-Laws and make equal appointments as modified by the Board and Planning Commission on October 15, 2012.

Supervisors Futrell stated that he has one recommendation for appointment to the Planning Commission and asked to table the other recommendation until he gets the necessary information.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Horace Lee Brittle, 7414 Coppahaunk Road, Waverly, VA 23890 to the Sussex County Planning Commission.

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

Voting nay: none

Supervisor Fly tabled the Planning Commission appointment for his district.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Richard L. Johnson, 20070 Cabin Point Road Carson, VA 23830 to the Sussex County Planning Commission.

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

Voting nay: none

B. Appointment to John Tyler Community College Board of Directors

Recommendation: The Board needs to appoint a representative to the John Tyler Community College Board of Directors. This appointment is not made by district.

Chairman Tyler stated the Board has previously appointed Ann Key to that Board and he stated that he does not know where the confusion was behind that.

County Administrator Harris stated that it was not done.

Supervisor Futrell nominated Dr. Mary Wilson, who holds a doctorate degree in education.

Chairman Tyler advised that Mrs. Key works at the Sussex Resource Center and works with the Senior Citizens, works with GED Program. He stated that there are two nominations on the floor, Mrs. Ann Key and Dr. Mary W. Wilson.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Dr. Mary W. Wilson, 13386 Shands Road, Stony Creek VA 23882 to the John Tyler Community College Board of Directors, term expiring June 30, 2016.

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

Voting nay: Supervisor Tyler

Chairman Tyler stated that he voted against the motion because he had previously nominated Ann Key.

County Attorney Packer stated that when the Board amended the bylaws to increase the number of members on the Planning Commission, the Board also suggested staggered terms. That action was not accomplished with the persons just appointed, so Mr. Packer suggested that be placed on the next meeting's agenda to determine the terms of the appointees.

Item 8. Unfinished Business

- a. **Restricted Classification Plan:** County Administrator Harris stated that the presentation was made at the last meeting. The proposed plan was designed to separate the merit increases from the cost of living and provides specific guidelines for evaluating employees.

Recommendation: To approve the Sussex County Restricted Classification Plan and allow the County Administrator to initiate a market analysis of County positions.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL that the Sussex County Board of Supervisors approve the Restricted Classification Plan.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisor Caple, Stringfield, Tyler

The motion fails due to tie vote.

- b. **Board of Supervisors Bylaws:** The County Administrator (January 2012) and with the County Attorney (September 2012) previously provided the attached DRAFT Board By-Laws. This is an action that is done annually at the January Organizational Meeting but due to concerns was not completed. Additionally in an effort to help the Chairman lead the Board to consensus, the By-Laws include sections on the Boards Code of Ethics; a Covenant Between the Board of Supervisors and the County Administrative Team; the Board of Supervisors Standards of Conduct; the Board of Supervisors Rules of Debate and finally a Board/Committee/Commissions Nomination Form.

Recommendation: To approve the aforementioned policies and begin to follow them as modified by the Board of Supervisors.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN to adopt the Board of Supervisors bylaws as presented.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisor Caple, Stringfield, Tyler

The motion fails due to tie vote.

- c. **Contract Projects:** County Administrator Harris advised that staff is currently working on two contract projects and waiting for recommendations and background checks. This “in case” the information is available so that we will not have to wait another month for final disposition if the Governing Body chooses to move the projects forward.
 1. Engineering Services for the Henry Technology Park: Interviews have been performed and the Committee (Andre M. Greene, Travis Luter, Mike Kearns) are recommending the Timmons Group as the engineering firm for this project.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the recommendation of Timmons Group to provide engineering services for the Henry Technology Park and authorize the County Administrator to complete all necessary paperwork.

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

Voting nay: none

2. Henry Technology Park Appropriation: After selection of the engineering firm for the Henry Technology Park. The recommendation is to accept and appropriate the \$135,000 Tobacco Commission Grant and the \$15,000 (from the Contingency Fund) of Local Match for a total of \$150,000 for the engineering services at the Henry Technology Park.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and appropriates the \$135,000 Tobacco Commission Grant and the \$15,000 (from the Contingency Fund) of Local Match for a total of \$150,000 for the engineering services at the Henry Technology Park.

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

Voting nay: none

3. **Wood Fuel Developers:** The County Administrator informed the Board that staff has scheduled the closeout of Wood Fuel Developers Grant for the end of October. Therefore staff is recommending that the Board authorize and appropriate the remaining grant amount of \$46,250.00.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes and appropriates the remaining grant amount of \$46,250.00 for Wood Fuel Developers.

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

Voting nay: none

4. Courthouse Addition: County Administrator Harris advised that the consultant (Dewberry) has made a recommendation.

Chairman Tyler stated that the Board could table this item.

Item 8d. VA’s Gateway Appointment

Supervisor Fly stated that this is an item that he requested to be placed on the agenda. Some months ago Chairman Tyler suggested someone to the Gateway Board and Supervisor Fly stated that he was against that recommendation because the gentleman did not live in the County. However, subsequently, he has met with the gentlemen, and found that he invests over \$10,000,000 in the County, in various businesses. He is extremely connected with Sussex County and would serve the County well as an appointee to the Gateway Board. Supervisor Fly asked that the Board supports Chairman Tyler's recommendation to appoint Mr. Rex Davis to the Gateway Board. Supervisor Fly asked that because of a conflict that he has, he prefers that someone else make the motion.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE to appoint Mr. Rex Davis to the VA's Gateway Region Board of Directors.

County Administrator Harris stated that the Board appointed Mr. Raymond Warren and no other appointment is needed at this time.

Chairman Tyler advised that he serves on the Gateway Board and so does Raymond Warren.

Item 8e. Payment of Attorney's Fees (Removed from Consent Agenda)

Supervisor Caple advised that as he reviewed the vouchers, he noticed that some vouchers that the Board had voted not to pay were included for payment. He stated that because he was confused, he did not approve for payment.

Supervisor Fly asked if the Board received a letter from the County Attorney concerning that.

County Attorney Packer advised that after researching the issue, he provided a letter to the Board on September 19, 2012 concerning legal fees for outside legal counsel. In that memorandum, he explained that he had researched the item that the County Administrator had authority to contract for such services that he had in fact contracted for such services; that the services were rendered and that he had the authority then to issue the warrant and pay the bills. And it is his understanding that that has occurred.

Chairman Tyler stated that the only problem he has if that from January to present, the Board had deliberated on the issue of legal fees; the Board voted consistently not to pay them. He stated that he read the County Attorney's response and he understands where the Attorney had made his determination. It has been nine months saying not to pay attorneys fees, back and forth. Then there is a policy which is the Administrative Efficiency Policy which was approved back in October. Chairman Tyler stated that he made the motion to approve the Policy and Supervisor Fly seconded the motion, to authorize the County Administrator to incur costs (he requested \$50,000.00 and the Board reduced it to \$15,000.00), in the absence of the Board between meetings. When this policy was presented, the Board talked about Hurricanes and things of that nature – that was what the Board anticipated that the policy would apply to. He stated that he does not see the legal fees as a routine business item nor does he see it as an emergency. He further stated that he understands the County Attorney's determination, but Chairman Tyler said

that he thinks that this policy has been pulled to justify the expenditure. His opinion is that it was not the intent when he made the motion to approve it back in October. Now it's done, the bills have been paid – that cannot be retracted. Chairman Tyler stated that he wants it to go on record to say, that we should not set a precedent of paying expenses without the Board's approval or we need to go back and revisit this policy and amend it, if it will be utilize for a particular situation.

County Attorney Packer stated he would agree that if the Board wishes to rescind the delegation of authority that it made last October to the County Administrator to award contracts for less than \$15,000.00 and to pay warrants that the Board would need to amend the authorization. Otherwise state law has authorize the Board to delegate that authority and this Board of Supervisors has delegated that authority until such time as that authority is rescinded, the County Administrator has to authority to so act.

County Attorney Packer read the following: "Paragraph B of the Administrative Efficiency also authorizes the County Administrator to approve such warrants authorize the timely payment of invoices or bills for services rendered to the County. Such authorization is contingent upon available appropriated funds, the services having been received and warrants and payments provided the Board at the next regular meeting and placed on the Consent Agenda for ratification." All of the requirements of the policy have been met. The State Code is what allows the delegation of this authority. The Board does not have to delegate this authority, but once it is delegated, then it is available until such time the Board rescinds it.

Item 8f. Certification of Closed Session

County Attorney Packer stated that the Board did not do its certification for the Closed Session earlier in this meeting; and requested that they do so.

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

WHEREAS, the County of Sussex Board of Supervisors has convened in 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 8g. Route 460 Project

Supervisor Fly suggested that the Board discuss the Route 460 Project. The Board adopted a resolution several years ago to stop the 460 bypass project, but nothing else has been done since then. After the discussion, a motion was offered.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby allocates \$20,000.00 to give the County Attorney the authority to seek out a legal way to stop the Route 460 Bypass or to hire an attorney to seek out a way to stop the Route 460 Bypass.

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

Item 9. Halloween on the Square

a. Halloween On The Square

Mr. Morgan Thornton has requested permission to use the Courthouse lawn for the 15th Annual Halloween-On-The-Square festivities. The festivities will take place on Saturday, October 27, 2012, beginning at 8:00 a.m. and ending at 1:00 p.m.

Recommendation: *To approve the request to use the Courthouse lawn for the Halloween-On-The-Square festivities scheduled for Saturday, October 27, 2012.*

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the request by Mr. Morgan Thornton to use the Courthouse lawn for the 15th Annual Halloween-On-The-Square festivities to be held on Saturday, October 27, 2012, 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 10. Citizens' Comment

Comments were heard from the following citizens:

- Al Peschke, Wakefield District, thanked Administration for holding the Strategic Planning Sessions; his Supervisor John Stringfield did not meet with his constituents; he does not return phone calls promptly; he does not answer his email and he wastes taxpayers by calling for special meeting in August, one week before a regular meeting; he read editorial in Sussex Surry Dispatch last week – said consistently, honesty, following the law should be the basis for Board decisions.

- Ora Briggs, Stony Creek District, shared her disappointment that the Board did not restore the \$15,000.00 to the Improvement Association; her main reason for the disappointment is that the Board has the opportunity to use funds that have been provided from the federal government and the state.
- Elizabeth Norris, has a question for Mr. Stringfield and Mr. Caple – if money was owed to them like the money they refused to pay to the attorneys, what would they do? Then she asked Chairman Tyler the same question.
- Debbie Turck, Blackwater District, the thing about the time that has been involved, whether the Improvement Association is a good function or not, that's a moot point; the fact that however many hours have been spent and allowed for that organization to come before this Board, evidenced by tonight of an hour and twenty five minutes presentation – in front of this Board to prove their worthiness, which should have been a presentation during the budget process – is a waste of taxpayers' time in the County to be subjected to hour after hour after hour or presentation from once specific organization when the Chairman allows it because the Chairman has a direct connection to that organization and allows and doesn't rule that a dilatory type activity. That is ridiculous.

Item 11. Recess

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby recesses the October 18, 2012 meeting until Thursday, November 15, 2012, at 6:00 p.m., for a meeting of the Personnel Committee.

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

Voting nay: none