

At a Regular Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom on  
Thursday, September 20, 2012 – 7:30 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:**

Thomas E. Harris, County Administrator  
Michel R. Packer, County Attorney  
Brenda H. Dew, Housing Programs Coordinator  
Andre M. Greene, Director of Planning  
Shannon D. Fennell, Assistant to the Director of Planning  
Ellen G. Boone, Commissioner of the Revenue  
Onnie L. Woodruff, Treasurer  
Chequila H. Fields, Director of Social Services  
Gary M. Williams, Circuit Court Clerk  
Charles H. Harris, Superintendent of Schools  
Deborah A. Davis, Assistant to County Administrator

**Item 1. Call To Order/Determine Quorum** [7:37:52 PM](#)

The September 20, 2012 Call to order by Chairman Tyler.

**Item 2. Pledge of Allegiance/The Invocation**

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

**Item 3. Agenda Amendments**

Supervisor Fly stated that he noticed the agenda that was sent out on Friday, and after that agenda was printed, some Board members added items to the agenda which as was discussed last meeting would violate the Board's seven day notice requirement. He also stated that he has taken those items that were submitted after the seven day and would like to bring those to a vote, so that the Board is in compliance with their own laws. Mr. Fly stated that Mr. Warren has informed him that he (Mr. Warren) has an addition to the agenda and Mr. Fly has an addition to the agenda and he (Mr. Fly) would like to read each one of those and vote in a block, to put the items back into the agenda because they were turned in after the seven days.

Supervisor Fly read the following: Sussex County Code, Section 2.96: “Any member of the Board of Supervisors, Constitutional Officer, Department Head or the County Administrator may have an item of business included upon the calendar for consideration at the next meeting, provided that seven days have been elapsed since the inclusion of the calendar.” So those things that came in after Friday would need to be brought to a vote tonight. Those items are as follows:

1. Under Unfinished Business, 8b, Coyote Ordinance
2. Under Unfinished Business, 8c, NACo Report
3. Under Unfinished Business, 8d, Polling Location Review
4. Under New Business, 9b, Empowerment Temple Ministries Funding Request
5. Under New Business, 9c, Board Development
6. Under New Business, 9d, County Administrator’s Contract

Chairman Tyler stated that Empowerment Temple Ministries has asked that their Funding Request be deleted from this month’s agenda.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of adding the following items to the September 20, 2012 agenda: (1) Under Unfinished Business, 8b, Coyote Ordinance; (2) Under Unfinished Business, 8c, NACo Report; (3) Under Unfinished Business, 8d, Polling Location Review; (4) Under New Business, 9c, Board Development; and (5) Under New Business, 9d, County Administrator’s Contract.

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

Voting nay: none

Supervisor Fly requested that since there are a large number of citizens present at tonight’s meeting, that Citizens’ Comments take place no later than 9:00 p.m.

Chairman Tyler stated that he would hope that the Board would follow the agenda as stipulated, as there is no need for lengthy deliberation and stated that the Board should proceed as is.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Citizens’ Comments taking place at 9:00 p.m.

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

Voting nay: none

#### **Item 4. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Consent Agenda, inclusive of the following: (a) Approval of July 19, 2012 Minutes; (b) Approval of August 9, 2012 meeting notes (c) Approval of August 16, 2012 Minutes; (d) Approval of Appropriations: \$1,020.35 property damage check; (e) Approval of Appropriations: Oyster Point Construction, \$816,124,68; (f) Approval of Appropriations: Coggin Electrical Specialists, Inc., \$2,000.00; (g) Approval of Appropriations: Speight Marshall & Francis, \$2,500.00; (h) Approval

of Appropriations, Rancorn Wildman Architects, \$6,474.95; (i) Approval of Appropriation: \$1,620.76, property damage check; (j) Approval of Warrants and Vouchers in the amount of \$1,294,997.50; (k) Virginia Tobacco Indemnification and Community Revitalization Commission Special Projects Mega-Site Program Resolution; Resolution in Support of World Habitat Day Observance and September as Hunger Month Proclamation.

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

Voting nay: none

## **Item 5. Standing Report: Staff/Committees/Organization**

### **Item 5a. County Administrator's Report**

Thomas E. Harris, County Administrator, acknowledged Andre M. Greene (Director of Planning) and Shannon Fennell (Assistant to the Director of Planning) who have written grants over the past few years.

**Item 5-b-1. Voting Credentials For VACo Annual Business Meeting:** The 2012 Annual Business Meeting of the Virginia Association of Counties will be held on Tuesday, November 13, 2012. Article VI of the VACo Bylaws states that each county shall designate a representative of its Board of Supervisors to cast its vote at the Annual Business Meeting. For a county to be certified to vote, annual dues must be paid in full and either a completed Voting Credentials Form or a Proxy Statement must be submitted to VACo by November 1, 2012. There are two members of the Sussex County Board of Supervisors, as well as the County Administrator who are registered to attend the Annual VACo meeting.

**Recommendation:** *The Sussex County Board of Supervisors appoints a representative and alternate to vote on behalf of Sussex County at the Annual Business Meeting.*

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of appointing Chairman Tyler as the voting delegate and Vice Chairman Caple as the alternate to cast votes at the Virginia Association of Counties' Annual Business Meeting to be held on November 13, 2012 at the Homestead.

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

Voting nay: none

**Item 5-b-2. District 19 Community Services Board Performance Contract:** In accordance with Section 37.2-5508 of the Code of Virginia, the State Fiscal Year 2013 Performance Contract requires approval on or before September 15, 2012.

**Recommendation:** To authorize the County Administrator to execute the District 19 State Fiscal Year 2013 Performance Contract.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the District 19 Community Services Board Performance Contract for State Fiscal Year 2013.

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

## **County Administrator's Supplemental Report**

### **1. Circuit Court Clerk's Request**

County Administrator Harris reported that he has met with the Honorable Gary M. Williams, Circuit Court Clerk and support his request for \$7,000.00 to address his Loose Court Papers Project.

**Recommendation:** To approve the \$7,000.00 appropriation as requested.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Circuit Court Clerk's request for \$7,000.00 for the Loose Papers Project and appropriate same.

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

### **2. Superintendent's Invoice Request**

County Administrator Harris reported that he has spoken with the Superintendent of Schools in regards to an invoice in the amount of \$650.00 from G E T Solutions, Inc. for geo-technical and environmental inspections for the Elementary School Construction Project.

**Recommendation:** To approve the \$650.00 appropriation as requested.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Invoice #00106595-IN, from G E T Solutions, Inc., in the amount of \$650.00 and appropriate same.

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

### **3. Industrial Development Authority**

County Administrator Harris advised that the Sussex County Industrial Development Authority met on Wednesday, September 19, 2012. Mr. Eugene Brittle, Mr. Bruce C. Spencer, and Mr. Thomas E. Harris, were unanimously elected Chairman, Vice Chairman and Secretary/Treasurer respectively. Additionally, new bylaws were adopted, a resolution in opposition to the tolls on I-95 was adopted and a resolution to authorize Richard Bland College to refinance its 2006 bond was approved.. This financing has no impact or liability on the IDA.

### **4. Update on I-95**

County Administrator Harris reported that the third I-95 campaign meeting was held on Wednesday, September 19, 2012. There appears to be some movement from State Elected

Officials and more importantly Barry Steinberg has filed a response to the VDOT's filing with the Federal Highway Administration while County Attorney Michael R. Packer is preparing to file a Title VI claim on behalf of Sussex County.

## **5. Sussex County Restricted Classification Plan (RCP)**

County Administrator Harris advised that included in supplemental agenda packet is a memorandum from Mr. Andre M. Greene, Director of Planning, regarding an issue that has been discussed with the Board dating back to the development of the County's Personnel Policy and that is a way to fairly and universally address fair and equitable benefits and compensation for County Staff. This matter is critically important to the County Administrator and should be of equal concern to the Board of Supervisors as we try and move the County forward. As the Board no doubt understands this issue has been manifested by decisions to reward individual employees while ignoring the greater needs of the overall County staff. The County Administrator recommended the RCP as an effective and timely resolution to this ongoing problem.

## **6 . Strategic Planning Sessions**

County Administrator Harris publicly thanked the Honorable C. Eric Fly, Sr., Alfred G. Futrell, and Raymond L. Warren for allowing him to coordinate their town Hall Meetings so information could be gathered for developing a Recreation Plan for the County and further share information with efforts to address the tolling of I-95.

He also publicly thanked Mayor Ken Warf of the Town of Jarratt and Mayor Frank Jackson, Mayor of the Town of Stony Creek who hosted a joint meeting. He (the County Administrator) is compiling the information collected at the Town meetings to present to the community and then to the Board for consideration.

## **7. Board By-Laws**

County Administrator Harris stated that included in the supplemental Board packet are the Board bylaws as revised for the Board's consideration. Every effort was made to incorporate current Board Policy. Also included are the Board Covenant, Code of Ethics (as already approved) with the suggestion to remove "Censure" and the Standards of Conduct.

Chairman Tyler recommended that this item be referred to the Personnel Committee and if the Board wants to consider it at the October meeting; that will be fine.

## **Item 5c. County Attorney's Report**

### **Item 5-c-1. Lease Agreement**

County Attorney Packer advised that included in the Board's packet is a copy of a Lease Agreement between the County of Sussex and Chowan Soil and Water Conservation District.

**Recommendation:** To approve the lease for a period of three (3) years.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Lease Agreement by and between the County of Sussex and Chowan Soil and Water Conservation District for a period of three (3) years and authorize the County Administrator to execute same.  
Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren  
Voting nay: none

Supervisor Fly recommended that the Bylaws, Code of Ethic, Rules of Debate and Standard of Conduct be placed on the October agenda for discussion.

Chairman Tyler suggested that the Board hold a work session for discussion and bring to a Board meeting for action.

Supervisor Warren suggested that these items be discussed soon so that they can be placed on next month's agenda.

**Item 5-c-2. Municipal Code Corporation Proposal (Re-codification Project)**

County Attorney Packer stated that at the August 16, 2012 meeting, the Board of Supervisors requested that the County Administrator and County Attorney commence gathering information for the re-codification of the County's Code. The current code was adopted in 1991 and has had limited revision since that time. The information is included in the Board packet for review. The proposal cost is \$9,450.00.

**Recommendation:** To authorize staff to contract with the Municipal Code Corporation to re-codify the County's code at a cost not to exceed \$10,450.00.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of authorizing the approval of a contract with the Municipal Code Corporation for the re-codification of Sussex County's Code, not to exceed a cost of \$10,450.00, and to appropriate same.  
Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren  
Voting nay: none

**Item 5d. Treasurer's Report** – Report included

**Item 5e. Commissioner of the Revenue** - No report

**Item 5f. Sheriff** - No report

**Item 5g. Superintendent of Schools** - No report

**Item 5h. Director Social Services** – No report

**Item 6. Appointments**

## **A. Planning Commission Appointment and Proposed Bylaws**

An appointment is needed to replace Mr. Charles Owen, Jr., whose term expired April 30, 2012. Mr. Owen does not wish to serve again. The Board has asked that the proposed bylaws be tabled for a later date. The revisions were made in an attempt to have equal representation from each district without requiring the dismissal of sitting members.

**Recommendation:** For the Board of Supervisors to adopt the revised Planning Commission Bylaws and thereby insure equal representation on the Sussex County Planning Commission.

Chairman Tyler recommended a joint meeting with the Planning Commission to discuss the Planning Commission bylaws.

## **Item 7. Unfinished Business**

### **A. Radio System Update**

Please be advised that the first phase (Task One) of the Radio System Analysis has been completed and is included in the Board packet, with recommendation. The consultants, Federal Engineering, Inc., were requested to provide a Scope of work for Task Order Two, at the cost of \$17,600.00. The next phase is to identify tower coverage sites to maximize coverage.

**Recommendation:** To approve the proposed Tower Survey and authorize the County Administrator to sign the Task Order 2 Assignment.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Task Order 2 Assignment as submitted by Federal Engineering, Inc., 10680 Arrowhead Drive, Fairfax VA 22030, in the amount of \$17,600.00 and authorize the County Administrator to execute said assignment

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

Voting nay: none

### **B. Coyote Ordinance** [8:29:09 PM](#)

Chairman Tyler reported that this item was placed on the agenda previously and the Board did not adopt the ordinance.

The Board discussed the proposed Coyote Ordinance.

ON MOTION OF SUPERVISOR STRINGFIELD that the Sussex County Board of Supervisors reconsider approving the Coyote Ordinance and approve the \$25.00 bounty.

The motion failed due to the lack of a second.

### **C. NACo Report**

Supervisor Caple provided an oral report to the Board regarding the National Association of Counties Conference held in Pittsburgh PA in July. The conference was attended by Supervisors Caple and Stringfield. Some of the classes he attended, concerns about learning things that would enhance economic development and getting things in place for generating revenue. One of the sessions he attended had a lot of discussion and elaboration on what various localities in different states did to enhance their tax base and get revenue in the County. One of the things that they put emphasis on was education – having modern day times, technology, etc. There needs to be some partnership with colleges and universities. There was also a session discussing GIS.

Supervisor Stringfield reported that discussions were held regarding students who are juniors and seniors be taught some type of trade, so that when they come out of high school, they can go to work.

#### **D. Polling Locations Review**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the Sussex County Board of Supervisors instruct the Electoral Board to develop a plan that would remove polling places in Sussex County out of churches where possible.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield

Abstaining: Supervisor Tyler

#### **Item 8. Citizens' Comment** [9:03:56 PM](#)

Comments were heard from the following:

- Ms Giles questioned Improvement Association's denial and guidelines.
- Royal Jones, speaking on behalf of his mother who lives at 9197 Marion Avenue, Jarratt; in August his mom's neighbor put a dam to block water, which has created problems for his mother; water backing up in yard; concerned about flooding, erosion, etc.
- Fred Turck, Blackwater District, appreciate the thought of moving the public comment section earlier in the meeting; but there are a lot of things on the agenda for the Board to discuss, then public comment; commend County Administrator Harris, Ms. Davis and Mrs. Drew for facilitating the four community meetings that were held around the County.
- Debbie Turck, Blackwater District, the 4 year old program is needed; a tie breaker for the Board is needed.
- Sylvia Jackson, Stony Creek Town Council, stressed that citizens sign the petition opposing I-95 tolls.
- Sharon Hale, cook for Sussex County Jail, requested that the Board consider putting air conditioning in the jail.
- Dale Cupp, Blackwater District, congratulate County Administrator and his staff for outstanding town hall meetings; recommended considering the Board tie breaker; pay the attorneys' fees.
- Anne Joyner, Wakefield District, reminded the Board to get back to work on Route 460 bypass issue.

- Horace Lee Brittle, opposing tolls on I-95; he supports a gas tax; the fire house can be used for a voting precinct.
- Retha Kitchen, Courthouse District, is there any possibility that there could be microphones for Board members so citizens can hear what Board members say?
- Kevin Bracey, Courthouse District, thanked Supervisors Fly, Futrell and Warren for town hall meetings; got 460 and I-95 to worry about; Board needs to do something with industrial sites because landfill revenue will not last forever; Board needs to stop the three to three vote; Board needs to do the right thing and pay the attorneys; advised the Chairman that as a professional he needs to respect the employees in the County.

[9:39:54 PM](#) 5 minute recess.

[9:51:29 PM](#) Reconvene

Chairman Tyler spoke to the issue of the dam issue at 9197 Marion Avenue and asked the County Attorney and County Administrator research and advise.

County Attorney Packer advised that staff has brought issue to him and he is reviewing the issue.

Chairman Tyler asked if staff could explore the placement of microphones in the Courtroom and asked the County Administrator to report at the next meeting.

Chairman Tyler suggested that the Board could discuss air conditioning for the jail during the budgetary sessions.

## **Item 9. New Business**

### **A. Public Education:**

Based on the numerous comments and expressions of concern made by citizens throughout the four Strategic Planning Sessions and across the County, the Honorable C. Eric Fly, Sr., Alfred G. Futrell and Raymond L. Warren have requested that the Board discuss the advantages/disadvantages of a Four Year Old Program for Sussex County Schools.

Supervisor Fly stated that issue came out the town hall meetings.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors directs the County Administrator to begin talks with the Superintendent of Schools about the feasibility and to cost of a 4 year old program in the Sussex County School System.

Dr. Charles Harris, Superintendent of Schools stated that in the previous years, there have not been adequate facilities to have a four year old program. The School Board is ready to request funding. There may be only twenty to thirty students that are not being served at this time.

After a brief discussion, Supervisor Futrell withdrew his second. Supervisor Fly withdrew his motion.

## **B. Board Development**

Chairman Tyler suggested that this item be placed on the agenda. The purpose would be to enhance supervisors in implementing their roles and responsibilities and that the County develop an annual Board development/training plan.

The Board, by general consensus agreed to develop a training calendar.

Chairman Tyler volunteered to work on the training calendar.

County Attorney Packer agreed to provide some of the training.

## **C. County Administrator Contract**

The Chairman requested that this item be placed on the agenda. The purpose is to review this document to clarify roles and responsibilities and/or compliance.

Chairman Tyler advised that the County Administrator's contract stipulates that an evaluation of the County Administrator needs to be done and that may be something that the Personnel Committee needs to consider. He also stated that the Personnel Committee needs to meet to develop criteria on how the Board can fairly evaluate the County Administrator.

County Administrator Harris stated that there is a provision in the contract that says the Board and the County Administrator will develop criteria, not the Personnel Committee.

Chairman Tyler stated that the Personnel Committee will develop criteria and that criteria will be brought back to the Board for the Board to sanction and review. Then, that criteria will be utilized as an evaluation instrument, to evaluate the County Administrator.

Supervisor Warren stated that if this is a Personnel matter, it needs to be discussed in a Personnel Committee meeting or in a Closed Session.

Supervisor Fly stated that when the Personnel Committee and Finance Committee were formed some years ago, there was never any policy, procedure or guidance document developed for either committee. He asked the Board to sit down with the County Administrator and discuss criteria.

Supervisor Fly stated that it is unethical for a committee that has no guidance documents, that has no criteria on how its is supposed to function to then turn around and develop a criteria on how someone else is supposed to function. He suggested that the entire Board meet with the County Administrator.

Chairman Tyler requested that this item be tabled until the next month's meeting.

County Administrator Harris advised that the Board needs to adhere to the Personnel Policy.

**E. Recreation** [10:29:58 PM](#)

The Honorable C. C. Eric Fly, Sr., requested that the Board discuss a youth basketball league sponsored by the County beginning in December 2012, which will necessitate access to the School property after hours.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors give him permission to work with neighboring counties and the Sussex County School Board to develop a youth basketball program in Sussex County.

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

Voting nay: none

Chairman Tyler will serve on that Committee to gather information on forming a basketball league and report findings to the Board.

**F. Board Tie Breaker**

Based on the numerous comments and expressions of concern made by citizens throughout the four Strategic Planning Sessions and across the County, the Honorable C. Eric Fly, Sr., Alfred G. Futrell and Raymond L. Warren have requested that this item be placed on the Board agenda to discuss options for appointment or election of an “at large member of the Sussex County Board of Supervisors to serve in the case of a tie vote.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the County Attorney to research all of the options for appointing/electing a tie breaker for the Board of Supervisors and report at the October Board meeting.

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

Voting nay: Supervisor Stringfield

**G. Improvement Association Funding**

The Honorable C. Eric Fly, Sr., and Alfred G. Futrell based on comments made at a September 10, 2012 in Jarratt have requested this item to be included on the agenda to determine if Sussex County’s annual allocation to the Improvement Association is being used to help churches fund projects.

Chairman Tyler stated that he works for and is the CEO for the Improvement Association and he earns over \$10,000.00 a year. He believes that he can deliberate on this issue in a fair and equitable way to serve the citizens of Sussex County.

County Attorney Packer stated that he heard the Chairman's declaration, but he did not hear him say that he is more than one of two people that would be personally affected by the transaction and asked that the Chairman to make that statement.

Chairman Tyler stated that he is one of two people on the Board of Supervisors and that he is one of the two individuals that would be affected by this issue.

The Board held a discussion regarding the Improvement Association's programs, budget, funding, etc.

**H. Unpaid Attorney Fees** [11:05:26 PM](#)

Supervisor Warren requested that this issue be placed on the agenda.

ON MOTION OF SUPERVISOR WARREN to pay attorneys – Sharon Pandak., Michael Drewry and Phyllis Katz in the amounts of \$4,347.55, \$ 2,933.50, \$3,811.50 respectively.

Chairman Tyler ruled the motion as dilatory and out of order.

Supervisor Fly called for a point of order and challenged the Chairman's dilatory ruling. He asked why not pay the attorneys?

Chairman Tyler stated that this issue has been discussed from January until now in several meetings and that's why he rules it as dilatory.

Chairman Tyler stated that he (Supervisor Fly) has challenged the ruling.

Chairman Tyler states that all in agreement that the motion is dilatory, raise their hands.

County Attorney Packer stated that he does not understand the motion that the Board is voting on now. If you vote yes, you are affirming the challenge; if you vote no, you are against the challenge.

Supervisor Fly stated that if the vote is yes, then the Board agrees with the Chairman's dilatory ruling; if the vote is no, then the Chairman's dilatory declaration is dismissed.

Chairman Tyler stated that those who voting yes, upholds the dilatory motion.

County Attorney Packer stated that yes supports the decision of the Chair.

Motion was seconded by Supervisor Warren.

Chairman Tyler asked that all in favor of the motion to challenge the Chairman (not a dilatory motion), raise their hands.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisor Caple, Stringfield, Tyler

### **I. Former Director of Economic Development's Economic Development Plan**

Supervisor Fly stated that Supervisors Alfred G. Futrell and Raymond L. Warren have requested that a copy of the former Economic Director's Economic Development Plans. He is asking the Board to request from George E. Morrison, III, (by letter) a copy of the Economic Development Plan (what plan he was following).

County Attorney Packer stated that the former Director of Economic Development does not have access to his records at this time and would not have the ability to respond to this motion.

County Administrator Harris stated that there is no Economic Development Plan, which is part of the problem.

Supervisor Fly withdrew his motion.

### **J. List of County Properties**

Supervisor Fly stated that he would like for the Board to discuss and determine if the County should sell unused property and/or property that no longer fits into the County's Economic or Community Development Plan. He asked the Board to table this item until the October meeting.

### **K. Fuel Assistance**

Supervisor Futrell raised questions regarding the Fuel Assistance program. Ms. Chequila Fields, Director of Social Services explained the Fuel Assistance program.

### **L. Elementary School Budget Impacts – tabled until next month**

### **M. Public Expenditures and Planning Needs**

1. Former County Administrative Offices: Supervisor Fly has requested a discussion regarding the repair and uses of old County Administrative Offices. County Administrator Harris suggested that a contractor be hired to check mold in the building. If repairs are done, an A-frame roof should be put on the building; then move storage and maintenance in current Administrator's modular unit.

ON MOTION OF SUPERVISOR FLY seconded by SUPERVISOR WARREN that the Sussex County Board of Supervisors hereby directs the County Administrator to get a mold test in the former County Administration Building and get an estimate on roof repairs and an A frame roof, and bring the cost back to the Board.

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

Voting nay: none

2. Vacated School Property – table until next month

3. County GIS Program – Supervisors Fly suggested that we need to utilize our GIS equipment; tabled until November meeting.
4. Waverly Recreation Contribution – table until October

**Item 10. Report from Departments**

- A. Animal Control – report included
- B. Building Department – report included
- C. Building and Grounds – no report
- D. Economic Development – no report
- E. E. Environmental Inspections – report included
- F. Housing Programs – report included
- G. Planning and Zoning – report included
- H. Public Safety – report included

**Item 10. Board Members Comments/Report**

Blackwater District - no report

Stony Creek District – no report

Wakfield District - no report

Waverly District –no report

Courthouse District– no report

Henry District – no report

**Item 11. Closed Session** [11:33:48 PM](#)

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby desires to enter into a Closed Session for the following matter(s):

**WHEREAS**, pursuant to §2.2-3711(A)(1) of the Code of Virginia, as Amended, such discussion may occur in Closed Meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Sussex County does hereby authorize discussion of the aforesated matters in Closed Meeting.

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

Voting nay: none

**Item 12. Return To Open Session** [12:02:09 AM](#)

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN 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 13. MOTIONS FROM CLOSED MEETING**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the Sussex County Board of Supervisors accepts the County Administrator's recommendation of July 20, 2012 to terminate the employment of Mr. George E. Morrison, III.

Supervisor Caple stated that the Board entered Closed Session to discuss Mr. Morrison's insurance and that's the only thing that the Board can vote on.

Supervisor Fly stated that terminating him would do away with his benefits.

Supervisor Caple stated that is not what the motion stated, so we just need to deal with the insurance.

Chairman Tyler asked the County Attorney for clarification.

County Attorney Packer stated that was the only thing that was discussed in the Closed Session. The Board is back in regular session and can take action on any business that comes before it.

Chairman Tyler asked the County Attorney if the Board needs 2/3 vote to add the termination of the Deputy County Administrator to the agenda.

County Attorney Packer stated that he is not aware of any 2/3 vote requirement. He also stated that it is his opinion that the motion meets the rules of the law. Under the Virginia FOIA, it is allowed for the Board to take action based upon discussions that occurred in the Closed Session.

It is his opinion that the motion on the table is related to what was discussed in Closed Session and it is his opinion and therefore the motion is in conformity with the rules of the law in Virginia.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL that the Board of Supervisors, in an attempt to save the taxpayers of Sussex County further expense, terminate the health insurance benefits of the Deputy County Administrator, Mr. George E. Morrison, III.

Chairman Tyler offered a substitute motion: that the County Administrator uses his judgment and discretion as to how he wants to deal with the situation.

The Chairman withdrew his motion.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

#### **Item 14. RECESS**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the September 20, 2012 meeting of the Sussex County Board of Supervisors is hereby recessed until Monday, October 15, 2012 at 6:00 p.m, for a Joint Meeting with the Planning Commission and a meeting with the Personnel Committee immediately following.

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

Voting nay: none