

**At a Regular Meeting of the Sussex County Board of Supervisors held in the  
General District Courtroom, Sussex Judicial Center on  
Thursday, February 16, 2012, 7:30 p.m.**

**Present:**

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

**Absent:**

**Others**

Thomas E. Harris, County Administrator  
George E. Morrison, III, Deputy County Admin./Director of Economic Development  
Raymond L. Bell, Sheriff  
Lyndia Person-Ramsey, Commonwealth's Attorney  
Onnie L. Woodruff, Treasurer  
Frances Tabb-Howell, Accounts Payable Clerk  
Stella Lee Givens, Administrative Assistant  
Deborah A. Davis, Assistant to County Administrator

**Item 1. Call To Order**

Chairman Tyler called the February 16, 2012 meeting of the Sussex County Board of Supervisors to order.

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

The Pledge of Allegiance was recited by all; the Invocation was offered by Mr. J. Lafayette Edmond.

**Item 3. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried:  
RESOLVED that the regular agenda of the February 16, 2012 meeting of the Sussex County Board of Supervisors is hereby approved with the following additions: (1) Under Unfinished Business, add County Attorney as Item 8E; (2) Under Unfinished Business, add Attorney's Fees as Item 8F; (3) Under New Business, add FOIA Request to Sussex Surry Dispatch, as Item 10c; (4) Under New Business, add Board Representative Block Grant Management Team for Wood Fuel Developers, LLC, as Item 10d.

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

Voting nay: none

**Item 4. Election of Vice Chairman for Calendar Year 2012**

Supervisor Stringfield nominated Supervisor Caple for Vice Chairman of the Sussex County Board of Supervisors for Calendar Year 2012.

Supervisor Futrell nominated Supervisor Warren as Vice Chairman of the Sussex County Board of Supervisors for Calendar Year 2012.

The Chairman declared the nominations be closed on said names.

Voting in favor of Supervisor Caple as Vice Chair for Calendar Year 2012:  
Supervisors Caple, Stringfield, Tyler

Voting in favor of Supervisor Warren for Vice Chairman for Calendar year 2012:  
Supervisors Fly, Futrell, Warren

No Vice Chairman elected due to tie vote.

**Item 5. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda of the February 16, 2012 meeting is hereby approved, to wit: (1) Minutes of the October 20, 2011, November 17, 2011, December 5, 2011, December 15, 2011, December 20, 2011, December 28, 2011, January 9, 2012, January 19, 2012 and February 7, 2012 meetings.

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

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates Invoice #863778, dated February 6, 2012, from Dewberry for services rendered for the 2<sup>nd</sup> Story Addition to Courthouse, in the amount of \$34,177.50.

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

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Vouchers in the amount of \$530,372.44; and Warrants in the amount of \$140,983.66.

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

**Item 6. Standing Reports**

**Item 6a. Health Department** - No report at this time

## **Item 6b. County Administrator's Report**

**Item 6b1. Annual Financial Report, Paul Lee, Robinson Farmer Cox Associates:** Thomas E. Harris, County Administrator, stated that Mr. Paul Lee from Robinson, Farmer and Cox (Auditors) is present to provide a summary of Fiscal Year 2012 audit. (A copy of the Annual Report for Fiscal Year Ending June 30 2011 is included with the February 16, 2012 Board packet).

Mr. Lee provided details of the Fiscal Year 2012 financial statement for Sussex County.

**Item 6b2. Cell Phone Stipends for Board Members:** Thomas E. Harris, County Administrator stated that requests for a County owned/paid cell phone has been made by supervisors elect. According to the December 21, 2006 policy set by the Board, this request is consistent with County Policy and therefore can be fulfilled. To this end, the County currently has a phone in stock and available for use.

Please note that our Policy also allows employees to be provided a \$50.00 per month stipend for use of their personal phone instead of being assigned a County owned/paid cell phone.

**Recommendation:** To ask each member of the Board of Supervisors to request in writing how they wish to be contacted – through a county owned phone or through a stipend for county use of their personal phone.

No action required by the Board.

**Item 6b3. Fee Schedule for Paper and Electronic Copies:** Thomas E. Harris advised that due to changes in technology, County Administration is developing a copying policy reflective of current standards and/or legal requirements. The policy will include costs and fees associated with requests for copies of documents as well as compact discs (CDs) recordings and/or electronic materials of Board meetings.

**Recommendation:** To direct the County Administrator to determine the cost for copies in compliance with the Commonwealth of Virginia **Freedom of Information Act** as FOIA does not allow for the addition of "administrative fees" (something that has been done in Sussex for some time) to the actual cost of duplicating records. (*VA Code 2.2-3704*).

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the County Administrator to determine the cost for copies in compliance with the Commonwealth of Virginia Freedom of Information Act.

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

Voting nay: none

**Item 6b4: Sussex County Personnel Policy and Grievance Policy:** Thomas E. Harris, County Administrator asked that the Board of Supervisors approve the following clarifications to the Sussex County Personnel Policy. Staff has addressed all clerical items and has added a signature page for the Grievance Policy. Please be further advised that, following communication with Local Government Attorneys two items have been modified:

- 1. Emergency Overtime (added policy):** Following discussions with FEMA, Sheriff Raymond Bell, Emergency Coordinator Eddie Vick and neighboring jurisdictions, I have added a policy that would authorize “overtime” payment for all County Employees if the County declared a state of emergency, opened the EOC and employees were duly scheduled, worked on emergency issues and submitted their time.
- 2. At-Will Employment (clarified):** All “contractual” employees (County Administrator, Deputy County Administrator and County Attorney) have been removed from access to the County Grievance Policy as it has been determined/recommended that this item should be addressed through an approved contract (if the Board wishes to grant access to an appointed employee) and thereby maintain the Board’s commitment to “at-will” employment status.
- 3. Grievance Policy (added signature page):** State Code requires that a Local Government Policy to be legal must be certified by the County Attorney or Commonwealth’s Attorney (with Board authorization), signed by the County Administrator and filed with the Clerk of the Court. To this end, we have made all of the policies in the Sussex County Personnel Policies and Procedures “stand-alone” policies that can be changed without affecting the rest of the Manual ... and I am asking for the authority to have our current attorney certify so that the Grievance Policy can be filed with the Clerk of the Court.

**Recommendation:** That the Policy clarifications, clerical corrections and the Emergency Overtime provision/policy be adopted as revised. And finally, the County Administrator be authorized to have the revised Personnel/Grievance Policies certified, signed off on as Chief Administrative Officer and directed to file them with the Clerk of the Court in compliance with State Law.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves that the Personnel Policy clarifications, clerical corrections and the Emergency Overtime provision/policy be adopted as revised. And finally, the County Administrator be authorized to have the revised Personnel/Grievance Policies certified, signed off on as Chief Administrative Officer and directed to file them with the Clerk of the Court in compliance with State Law.

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

**Item 6b5. Credit Card Fraud:** Thomas E. Harris, County Administrator advised that Mrs. Francis Tabb-Howell (Accounts Payable Clerk) detected some irregularities with the County's Credit Card (memo attached) and quickly canceled the card. Needless to say we are all most appreciative as this had the potential of being a real problem. As such, he publicly thanked and acknowledged Ms. Howell for her timely and professional work.

**Item 6b6. Sussex County's First Annual Black History Month Celebration:** Thomas E. Harris, County Administrator reported that included in the Board packet is a flyer for the County's First Annual Black History Event. I would like to thank all of our sponsors for their support and contributions. I would especially like to acknowledge the work of Ms. Brenda H. Drew who has served as "lead agent" on this project, Ms. Deborah A. Davis who has provided much needed assistance and support throughout the development and to Ms. Adrienne Wallace of the Sussex/Surry Dispatch for both their sponsorship and free advertisement. The event is scheduled for 5:30 p.m. on Thursday February 23, 2012 and the Sussex County Community is cordially invited.

**Item 6c. Treasurer's Report**

Onnie L. Woodruff, Treasurer, advised that the audit report just given by Mr. Paul Lee is a good report. He also provided details of his monthly report, a copy of which is included in the Board packet.

The Statement of money in the banks to the credit of Sussex County, at the close of business January 31, 2012 was \$26,251,266.27.

**Item 6d. Commissioner of the Revenue:** No report at this time.

**Item 6e. Sheriff's Department:** No report at this time.

**Item 6f. Superintendent of Schools:** Dr. Charles H. Harris, III, Superintendent of Schools presented four (4) invoices for payment for the Elementary School Construction project.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried:  
RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the following:

<b><u>Vendor</u></b>	<b><u>Invoice #/Description</u></b>	<b><u>Amount</u></b>
Oyster Point Construction	Application & Certificate For Payment #2 For work and supplies	\$485,468.05
Speight Marshall & Francis	25831, Special inspections	1,250.00

Verizon	8P0A0AL-8777, Move existing copper cable to school maintenance building to facilitate construction of new elementary school	11,641.62
Rancorn Wildman, Invoice	20112, Administrative services	6,738.63

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

**Item 6g. Director of Social Services:** Thomas E. Harris, County Administrator advised that the Director of Social Services is absent. However, he thanked Social Services for their work with the VIEW Program and reported that a proclamation acknowledging benefits programs specialists will be presented to the Board at a later date.

**Item 7. Unfinished Business**

**Item 7a. County Attorney:** A motion was made by SUPERVISOR FLY that the two Board members whose names appeared as references on one of the applications for County Attorney, not be allowed to vote on the hiring of the new County Attorney, due to a conflict of interest.

Chairman Tyler ruled that motion is out of order.

Supervisor Fly asked the Chairman to define out of order.

Chairman Tyler stated that because an applicant lists a Board member as a reference, that's not a conflict of interest and further stated that he rules the motion out of order because that's not a conflict of interest.

Supervisor Fly stated that according to Robert's Rules of Order, for a motion to be considered out of order, it must be outrageous and intended to distract the group from resolving legitimate business.

Chairman Tyler stated that the motion is outrageous. He asked Supervisor Fly to state the Code Section that shows it is a conflict of interest.

ON MOTION OF SUPERVISOR FLY that Supervisor John Stringfield has no rights to vote in the process of selecting a County Attorney, as one of the applicants for County Attorney is currently his active attorney.

Chairman Tyler stated that he would rule that a Closed Session item. He ruled that motion out of order.

**Item 7b. Payment of Attorney's Fees:**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the Sussex County Board of Supervisors pay the money owed for attorney's fees for Sharon Pandak and Michael Drewry, since we have now hired Michael Drewry to facilitate the exact same thing was brought up on December 5, 2011

Chairman Tyler stated that the Board has voted on that twice before.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

**Item 7c. Bylaws Rules and Planning Commission:** Chairman Tyler asked that the Board discuss this issue at the February 21 & 22, 2012 Retreat.

**ITEM 7d. Communications Request For Proposal (RFP) Report:** Chairman Tyler stated that included in the Board packet is the Communication Needs Analysis. This is a critically important matter as we continue to have grave concerns about the County's communication system and our ability to keep the system fully functional. Therefore, based on the responses and evaluation by the Review Committee

**Recommendation:** To approve the selection of the lowest responsible bidder and authorize the County Administrator to precede with this much needed and critically important work.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the selection of the lowest responsible bidder and authorize the County Administrator to precede with this much needed and critically important work.

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

Voting nay: none

**Item 7e. Jarratt Volunteer Fire Department Request:** Included in the Board packet is a copy of correspondence from Chief Timothy Moseley requesting (on behalf of the fire department), a four wheel drive SUV support vehicle. At the January 19, 2012 meeting, the Board directed the County Administrator to meet with the Public Safety Coordinator and report at the February 16, 2012 meeting. To this end please be advised that the County Administrator will be meeting with the Fire Departments on February 29, 2012 and will discuss this issue as well as trying to seek assistance for a standardized vehicle and equipment replacement schedule based on industry guidelines and to make vehicle/equipment replacement part of our Annual Capital Improvement Plan and/or Annual Budget process.

**Recommendation:** To direct the County Administrator to meet with the Fire Association and develop a vehicle and equipment replacement program based on industry (fire) standards and report to the Board.

Chairman Tyler asked that the County Administrator report to the Board after his February 29, 2012 meeting with the Fire and Rescue Association.

**Item 7f. Jarratt Recreation Association Request:** Chairman Tyler stated that a letter c has been received from the Jarratt Recreation Association requesting that the Board reinstate the \$3,000.00 that they were receiving in the past before their budget was cut.

The Board, by general consensus, decided to place this request in the upcoming budget.

### **Item 8. Appointments**

**Item 8a. Appointment to the Planning Commission:** It is necessary to appoint a member of the Board of Supervisors to the Planning Commission. The late Honorable Harris L. Parker was the Board's appointee.

**Recommendation:** To be prepared to make appointment in January. Term runs concurrently with the term of the elected office).

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Alfred G. Futrell, 524 Moore Street, Waverly VA 23890 to the Sussex County Planning Commission;

FURTHER RESOLVED that Supervisor Futrell is the Planning Commission appointee representing the Board of Supervisors and the term shall run concurrently with the term of office, expiring December 31, 2015.

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

Voting nay: none

### **Item 8b. Nomination For Appointment to Board of Zoning Appeals**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby nominates Mr. George C. Powell, Post Office Box 139, Waverly VA 23890, for appointment to the Sussex County Board of Zoning Appeals; and;

FURTHER RESOLVED that the County Administrator is hereby directed to submit this nomination to the Circuit Court Judge for final disposition.

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

Voting nay: none

**Item 8c. Appointments to South Centre Corridor Resource and Development Council:** In researching records, the County Administrator has been previously appointed by the Board of Supervisors to serve on the South Centre' Corridor RC&D Council. On November 18, 2010, George E. Morrison, III (former Interim County Administrator) was appointed to fill the unexpired term of Mary E. Jones, expiration December 31, 2012. Ms.

Deborah A. Davis, Assistant to the County Administrator, would attend the meetings when Mr. Morrison was unable to do so.

**Recommendation:** That the County Administrator be appointed to the South Centre RC&D Council to fill the unexpired term, ending December 31, 2012 and provide a letter to the South Centre' Corridor RC&D Council.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Thomas E. Harris, County Administrator to serve on the South Centre Corridors Resource and Development Council

FURTHER RESOLVED that the County Administrator shall fill the unexpired term, expiring December 31, 2012.

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

Voting nay: none

**Item 8d: Appointments to Virginia's Gateway Region Board of Directors:**Included in the Board packet is a letter from Mrs. C. Renee Chapline, Executive Director of Virginia's Gateway Region. The terms of Mr. Sanday Gandhi and Mr. Wayne Harrell as members of their Board of Directors will expire December 31, 2011. There must be one appointee from the business sector and one member of the Board of Supervisors. Mr. Gandhi has stated that he is willing to serve again, if reappointed.

**Recommendation:** To appoint a Board Member and a Business Member.

Chairman Tyler advised that he would like to nominate Mr. Martin Harrell to serve on the Virginia's Gateway Region Board of Directors and he (Chairman Tyler) would like to serve as well.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Rufus E. Tyler, Sr., 25359 Blue Star Highway, Jarratt, VA 23867 and Martin F. Harrell, 28599 Grizzard Road, Emporia VA 23847 to serve on the Virginia's Gateway Region Board of Directors, term expiring December 31, 2012

Voting aye: Supervisor Caple, Futrell, Stringfield, Tyler

Voting nay: Supervisors Fly, Warren

**Item 8e. Equalization Board Appointment Information:**

Ellen G. Boone, Commissioner of the Revenue has forwarded correspondence stating that preparation needs to begin for the Equalization Board, which is usually comprised of 3 to 5 members.

The Board, by general consensus, tabled this issue until the March 15, 2012 meeting.

### **Item 8f. Committee Appointments:**

At the January 19<sup>th</sup> meeting, Chairman Tyler asked the County Administrator for a listing of the various Boards and Commissions to make needed appointments. He appointed the following:

**Finance Committee:** Supervisors Fly, Futrell, Caple

**Personnel Committee:** Supervisors Caple, Stringfield, Warren

A listing of the various Committees/Boards is included in the Board packet for review.

**Recommendation:** To draft for the Board's review and consideration a summary for the *Sussex County Boards and Commissions Appointment Manual* that delineates the duties and responsibilities of each committee.

Chairman Tyler suggested that the Board develop job descriptions for certain Boards and Committees.

### **Item 8g. Regional Jail Committee**

Chairman Tyler volunteered to serve on the Regional Jail Committee.

### **Item 8h. Appointment to Social Services Board**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that Charlie E. Caple, Jr., 12038 Palestine Road, Stony Creek VA is hereby reappointed to the Social Service Board for a term that runs concurrently with his elected term of office.

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

Voting nay: none

Other Boards and Committees will be acted upon later.

### **Item 9. New Business**

**Item 9a. 2014 Stormwater Management Regulations:** Included in the Board packet is information from Andre M. Greene, Director of Planning and Erin Ervin Belt, Code Compliance Specialists regarding the 2014 Stormwater Management Regulations, which are required to be enforced by July 2014.

Funds have been set aside to assist those communities who "commit early" to this program voluntarily.

**Recommendation:** To retain all authority locally through the adoption and implementation (locally) of the proposed 2014 Storm water Management Regulations.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of retaining all authority locally through the adoption and implementation (locally) of the proposed 2014 Storm water Management Regulations.

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

Voting nay: none

**Item 9b. General Assembly:** Included in the Board packet are letters that have been distributed on behalf of Sussex County and eight other counties that house Department of Corrections (DOC) Facilities in support of the reinstatement of Payment in Lieu of Taxes.

Chairman Tyler thanked the members of the Board of Supervisors who have kept a presence in Richmond through letter, emails and on Monday February 6, 2012 Chairman Tyler, Supervisor Caple, Supervisor Futrell and Supervisor Stringfield made personal visits (in groups of two) to address House and Senate members on our concerns.

Furthermore Supervisor Fly has been in Richmond for several days addressing this issue with General Assembly members and Supervisor Warren has used phone and electronic contacts to support our efforts. As such I hope the public realizes the dedication of these elected officials and not only Sussex's but Rural Virginia's attempt to correct a serious injustice in the proposed State Budget.

In addition, Chairman Tyler stated the he would like to thank Delegate Roslyn Tyler as (House patron), Delegate Rick Morris (House co-patron) and Senator Louise Lucas (Senate patron) for submitting of Budget Amendments to reinstate these funds into the FY 2013 State Budget.

#### **Item 9c. Items from Sussex Surry Dispatch**

Supervisor Fly stated that a large amount of information was turned over to the Sussex Surry Dispatch under a Freedom of Information Request and in that information was a letter from Mr. Morrison to the Honorable Harris Parker. It is a letter dated June 17, 2011. Supervisor Fly stated that the Board had held discussions through the fall about leave time and who approves leave time and advised that he requested several times to know the dates (while he was acting Chairman after the death of Chairman Parker). He stated that his question is: "where did the letter come from?" From September until now, we asked for letters and who approved all these times, and there was nothing. But now he finds it a little disturbing to that the Board gets the information after the newspaper.

Supervisor Fly stated that there are three sets of time sheets that don't match. He also stated that the late Harris Parker's signature does not appear on any time sheets.

Chairman Tyler suggested that this item be referred to the Personnel Committee. He further stated that he will not allow Board members to bring personnel issues; there is a month to ask the Administrator, to go to the employees to ask questions. He stated that the Board should be doing business and not "shucking and jiving" with frivolous things. Chairman Tyler stated that we have better things to do than to deal with time sheets.

**Item 9d. Management Team Representative for the Wood Fuel Development Grant Program**

Supervisor Fly stated that typically, the Board representative to a team such as this is usually decided by the district that the project is located in. Wood Fuel Developers is located in Supervisor Futrell's district.

Chairman Tyler announced that he will appoint Supervisors Futrell and Stringfield to the Management Team for Wood Fuel Developers Grant Program.

**ITEM 10. REPORTS FROM DEPARTMENTS/STAFF/COMMISSIONS, ETC.**

**Item 10A. Animal Control:** *Included in the supplemental agenda packet.*

**Item 10B. Building Department:** (Included in the Board packet)

**Item 10C. Building and Grounds:** *(No report at this time)*

**Item 10D. Deputy County Administrator/Director of Economic Development:** *In the supplemental packet*

**Item 10E. Environmental Inspections:** (Included in Board packet)

**Item 10F. Housing Programs:** (Included in Board packet)

**Item 10G. Planning & Zoning:** *(No report at this time)*

**Item 10H. Public Safety:** (Included in Board packet)

The Board had no questions regarding department reports.

**ITEM 11. BOARD MEMBERS/COMMISSION REPORTS**

Blackwater District - No report at this time

Courthouse District – No report at this time

Stony Creek District – Supervisors questions the status of Reed Road Convenient Center (The County Administrator advised that the permits have been issues, but containers have not been placed on site).

Wakefield District - No report at time

Waverly District - No report at this time

Henry District – Complaint of coyotes in the county attacking the animals. Have a letter from Melvin Harrell regarding coyotes attacking livestock. He asked the County Administrator to come up with a policy regarding that we can implement, similar to other localities and bring back to next Board meeting

### **ITEM 12 CITIZENS' COMMENTS**

Comments were heard from the following:

1. Jacqueline Parker – asked the Board to reappoint Henry Thompson back to position of county attorney, because he is already familiar with county business.
2. Magdalene Turner – asked for tax exemption consideration for the elderly.
3. Name inaudible – asked that the Board reappoint Henry Thompson; that his application be reconsidered; and asked that the Board pay the attorney that have been previously engaged; stated that Mr. Thompson very competent.
4. Dennis Mason, Town of Wakefield – spoke on behalf of Henry Thompson; said that Mr. Thompson has been fair and honest and try to do things the right way; stated that the removal of County Attorney should have taken place in Closed Session; asked what was the reason for dismissal; asked Board to reconsider hiring Henry Thompson back.
5. Fred Turck, Blackwater District – stated that he is appalled about past legal bills; Board can't seem to work things out; never seemed to come to an agreement; Board needs to appoint a Vice Chairman and move on need; stated that Supervisors Fly and Tyler are bulls; asked when was the last time they read the Code of Ethics.
6. Lafayette Edmond – Courthouse District - spoke on behalf of Henry Thompson, don't see anything wrong with Henry Thompson.
7. Q. King - stated that he is familiar with parliamentary procedures; what is missing is respect; stated that is seems like while Supervisors Fly and Tyler were debating , the other Board members are too quiet; wants Board to reconsider hiring Henry Thompson; stated that Mr. Thompson brings consistency to the table.
8. Glover W Pegram, Stony Creek District – in support of Henry Thompson; has done a good job; did not think the spur of the moment firing was right.
9. Herbert Wright, Stony Creek District – in favor of the performance of Henry Thompson as legal advisor of this County; would like for the Board to reappoint him.

10. C. R. Austin, Waverly - would like to see Henry Thompson reappointed because he was wrongly dismissed; would like to see the Board pay legal fees.
11. Raymond Bell, Henry District – speaking not as Sheriff, but as citizen of the Henry District; said it’s appalling and its getting old; stated that the foolishness of yelling back and forth needs to stop; the Board needs to conduct business; time for the foolishness to stop; need to pay the attorneys bills; his department raises \$1.7 million last year in Selective Enforcement, the money to pay the bills can be taken out of the \$1.7 million; said Jarratt Recreation need their \$3,000.00 this year; rushing about regional jail, get priorities straight; the last wind almost blew the radio system out; the communications system is a priority.
12. Debbie Turck, Blackwater District – to tag on to Sheriff Bell’s comments; the radio system was discussed a year ago; this Board has a history of Board of dragging feet.
13. Sonda Parham, Waverly District - stated that we all make mistakes; Board represents collective body, decision should be not made based on personal; very appalled the back and forth debates; need to pay bills; don’t air out so much dirty laundry; personnel issues should be handled in Closed Session; asked the Board to continue to support the youth; in support of re-hiring Mr. Thompson

Chairman Tyler offered a response to the citizens’ comments. He asked Mr. Fly to apologize, in reference to the legal bills that were incurred.

Supervisor Fly stated that he is not going to apologize, because he didn’t do anything wrong.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors to approve and appropriate \$3,000.00 for Jarratt Recreation Center

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

Voting nay: none

### **Item 13. Closed Session (9:36 p.m.)**

Mr. Harris I was not in the room when the motion was made to enter Closed Session. Did you log that?

### **Item 14. Return To Open Meeting**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisor 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 15. MOTION(S) FROM CLOSED MEETING ITEM(S)**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE that the Sussex County Board of Supervisors approves of the hiring of Henry A. Thompson as County Attorney.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

The motion failed due to tie vote.

ON MOTION ON SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the Sussex County Board of Supervisors approves of the hiring of Michael Packer as County Attorney.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD that the Sussex County Board of Supervisors hereby approves of hiring both Henry A. Thompson and Michael Packer Chairman Tyler as part time County Attorneys for Sussex County and the Board will divide the hours between the two applicants.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

The motion failed due tie vote.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the Sussex County Board of Supervisors hereby approves of hiring Del Mauhrine Brown as County Attorney for Sussex County.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD that the Sussex County Board of Supervisors hire Mr. Michael Packer part time and to hire Henry Thompson part time as County Attorneys.

Supervisors Fly stated that Supervisor Tyler having been on the non prevailing side, then Supervisor Tyler cannot make that motion.

Chairman Tyler stated that because the motion died, there is no prevailing side.

Supervisor Fly offered a substitute motion that we allow the County Administrator to negotiate with the Commonwealth's Attorney for legal services for Sussex County.

Chairman Tyler stated that violates the organizational structure of the County.

The motion was seconded by Supervisor Warren.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to a tie vote.

Chairman Tyler carried the previous motion to hire Mr. Packer and Mr. Thompson on a part time basis.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

The motion failed due to tie vote.

### **Item 16. Adjournment**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the February 16, 2012 meeting of the Sussex County Board of Supervisors is hereby adjourns at 11:05 p.m.

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

Voting nay: none

