

**At a Regular Meeting of the Sussex County Board of Supervisors held in the
General District Courtroom, Sussex Judicial Center on
Thursday, May 17, 2012, 7:00 p.m.**

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
George E. Morrison, III, Deputy County Administrator/Dir. of Economic Development
Dr. Charles H. Harris, III, Superintendent of Schools
Chequila H. Fields, Director of Social Services
Lyndia Person-Ramsey: Commonwealth's Attorney
William R. Jenkins, General Registrar
Ellen G. Boone, Commissioner of the Revenue
Raymond R. Bell, Sheriff
Onnie L. Woodruff, Treasurer
Shannon D. Fennell, Assistant to the Director of Planning
Marvin J. Drew, Environmental Inspector
George A. Taylor, Environmental Inspections Supervisor
Gary M. Williams, Circuit Court Clerk
Deborah A. Davis, Assistant to the County Administrator

Item 1. Call To Order

The May 17, 2012 meeting of the Sussex County Board of Supervisors was called to order by Chairman Tyler. All Board members were present.

Item 2. The Pledge of Allegiance/The Invocation

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

Item 3. Motion to Enter Public Hearing

ON MOTION OF SUPERVISOR WARREN, seconded b y SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby enters Public Hearing to
consider the following: (a) Virginia Department Of Transportation Secondary Six Year Program
2013-2018 and (b) Route 606 Union Hill Road – Designation as Rural Rustic Road.

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

Voting nay: none

A presentation was provided by Sonya Hallums-Ponton District Program Manager -Western Region Program Investment Management, Local Programs of the Virginia Department of Transportation and Joseph Lomax, Residency Administrator.

Board Discussion

Supervisor Stringfield requested assistance with cleaning the ditches in Wakefield.

Public Comments

Comments were heard from the following

Raymond Covington, Courthouse District – questions regarding flooding situations on Loco School Road

Ronald Hicks, Stony Creek District – questions regarding Rocky Branch Road

Item 4. Close Public Hearing

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby closes its May 17, 2012 public hearing.

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

Voting nay: none

Item 5. Motion to Return to Open Meeting

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to open meeting.

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

Voting nay: none

Item 6. Action on Public Hearing Items

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the following resolution:

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Sussex County, Virginia (“Board”) desires to consider whether Route 606 Union Hill Road, from: Route 605 To: Southampton County Line should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW THEREFORE BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Local Manager for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Local Manager for the Virginia Department of Transportation.

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

Voting nay: none

Item 7. Election of Vice Chairman for Calendar Year 2012: This matter remains unresolved

Chairman Tyler stated that the Board has deliberated on this issue for quite some time and Supervisor Caple is a senior member and has been on the Board for sixteen years. Chairman Tyler nominated Supervisor Caple for Vice Chairman of the Board of Supervisors. Supervisor Caple seconded the nomination.

Supervisor Futrell nominated Supervisor Warren for Vice Chairman of the Board of Supervisors.

ON MOTION OF SUPERVISOR FLY to close nomination on said names.

Voting for Supervisor Caple for Vice Chairman: Supervisors Caple, Stringfield, Tyler

Voting for Supervisor Warren for Vice Chairman: Supervisors Fly, Futrell, Warren

Item 8. Agenda Amendments

Chairman Tyler stated that he realizes that the Board did not receive their agenda until extremely late and he would ask that Administration would give it to us in time, so that they can research the issues.

Supervisor Futrell stated that Ms. Davis had sickness in her family, took her daughter to the hospital, came back from Richmond to get the laptop and work at the hospital. You need to give consideration and get someone to help her do the work.

Chairman Tyler stated that what he is saying to Administration is to try to work a little in advance to try to get the packets ready in a timely manner.

County Administrator Harris stated that he agrees with the Chairmen. He also stated that during that time Ms. Davis made a statement to him that was very profound. She indicated that we were under staffed. The staff works extremely well together and work hard. But her statement hit me, that the day he walked into the office, her right hand person was gone. The person who she had trained to assist her to do that work was gone and the Board is in court over that very issue, because of a lack of understanding of the needs of this organization. He also stated that he takes responsibility. And further, we try to put the summaries together to make it easier for the Board, so the Board won't have to do a lot of research. Mr. Harris also stated that if staff fails, the Board speak with him privately.

Chairman Tyler stated that he is not saying that staff is not putting forth effort, but as a professional courtesy, if the Board could get it in a timely manner, they could review it.

Supervisor Fly asked that under the Board Report, Under Courthouse District, add Attorney General's Opinion.

Item 9. Approval of Regular Agenda

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approves of the regular agenda with one addition: Under Board Report, add Attorney General's Opinion under Courthouse District.

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

Voting nay: none

Item 10. Approval of Consent Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried:
RESOLVED that the Consent Agenda of the May 17, 2012 meeting of the Sussex County Board of Supervisors is hereby approved, inclusive of the following

a. Minutes of April 5, April 9, April 19, 2012 Board meetings

b. Approval of Appropriations

1. \$6,000 grant from the Compensation Board to cover binding in the Clerk's Office

Revenues: Shared Expenses	3 100 23070	1	\$6,000
---------------------------	-------------	---	---------

Expenses: Grant Expenses for binding	4 100 62100 1236 621 620 700	\$6,000
--------------------------------------	------------------------------	---------

2. BOS Appropriate Contributions and Expenses for Government Youth Day as follows:

Contributions:	Thomas E. Harris	\$25.00
	Deborah A Davis	37.50
	Lily of the Valley Deliverance Center	<u>100.00</u>
Appropriate Revenue	3 100 18909 3	\$162.50
Expenses	Sussex County Schools	<u>\$162.50</u>
Appropriate Expenses	4 100 21100 2120 211 210 200	162.50

3. The Housing Grant Fund #120 has a negative cash balance of \$7,221.00. Please have the BOS appropriate a transfer of funds from Program Income Fund #121 to the Housing Grant Fund #120 as follows:

Appropriate Revenue	3 120 41000 121 Trf fr Prog. Income	\$7,221.00
Appropriate Expense	4 121 93100 120 Trf to Grant fund	\$7,221.00

4. Approval and Appropriation of Invoice #879420, Dewberry, \$11,392.50
5. Approval and Appropriation of Application and Certificate for Payment from Oyster Point Construction, in the amount of \$911,652.02, Elementary School Construction
6. Approval and Appropriation of Invoice #20161, from Rancorn Wildman, in the amount of \$6,511.77, Elementary School Construction
7. Approval and Appropriation of Invoice #26311, from Speight Marshall & Francis, in the amount of \$2,500.00, Elementary School Construction
8. Approval and Appropriation of Invoice #0009203-IN, in the amount of \$5,735.00, Elementary School Construction
9. Approval and Appropriation of Invoice #2491, from Townes PC, in the amount of \$4,875.00, Mega-site Project Number 20100227.
10. Gary M. Williams, Clerk of the Sussex County Circuit Court has made a request to appear before the Board to request authorization that \$1,183.00 be paid out of the Law Library Fund to cover the cost of the installation of the above retired Honorable Samuel E. Campbell portrait in the Circuit Courtroom. The fund currently has a balance of \$2,178.25.

c. Approval of Warrants and Vouchers

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

Item 11. Standing Report: Staff/Committees/Organization

Item 11a. Health Department: *No report at this time*

Item 11b. County Administrator's Report

- 1. RFP – Mega-site Engineering proposals:** The Request for Proposal (RFP) process for the County Mega-site is now completed and all five (5) responding firms have been interviewed. Once the initial interviews were completed, I met with the review committee: (*Mr. Mike Kearns, Sussex Service Authority, Mr. George E. Morrison, III, Director of Economic Development for Sussex and Mr. Andre M. Greene, Planning Director for Sussex*) and discussed the strengths and weaknesses of each firm. As such the engineering firm with the highest scored average and recommendation from the Committee was Timmons Group with a total score of 315.5.

Recommendation: After reference checks and further discussions with the Committee members, I am pleased to say that I concur with the Committee's recommendation and therefore recommend that the Timmons Group (Mr. Joe Hines, Project Director) be awarded the site work at the Sussex County Mega-site. Furthermore, I would recommend that the County Administrator be directed to complete the contractual arrangements and have the County Attorney review for final signatures.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of awarding the contract to the Timmons Group for the mega-site engineering services, based on the total scores of their proposal.

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

Voting nay: none

- 2. Requested purchase/sale of County owned General Residential property – Wakefield (deed map attached):** Sussex County has been approached by Mr. Anthony Gray about the purchase of three lots at the corner of Branch Street and Higgins in Wakefield. These Branch Street properties are 45,300 square feet large and are assessed at \$23,300.00.

Additionally, the Board of Supervisors may be aware of the fact that our Housing Department and Habitat for Humanity have expressed interest in using these parcels for the construction of affordable housing here in Sussex.

Chairman Tyler requested that the County Attorney perform a title search on the property and report at the June 21, 2012 Board meeting.

County Administrator Harris introduced Jason Wiedel, Sussex-Surry Habitat For Housing Project Manager.

Mr. Wiedel shared information about Habitat For Humanity programs.

3. County Resolutions:

- a. **Resolution Recognizing Sussex Central High School 2012 Graduating Class:** Each year, the Board of Supervisors adopts a resolution in recognition of the high school graduates of Sussex Central High School, who have maintained a 3.00 GPA or higher.

ON MOTION OF SUPERVISOR CAPLE, SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the following resolution:

WHEREAS, on June 8, 2012 at 7:00 p.m., Sussex Central High School will hold its fifty first (51st) commencement exercises; and,

WHEREAS, the ninety-four (94) graduates of the Class of 2012 are to be acknowledged and congratulated for their outstanding achievements; and

WHEREAS, the Sussex County Board of Supervisors and County Employees are proud to urge each graduating Senior to continue along the path of academic progression, professional development and lifelong success; and,

WHEREAS, a special recognition is given to the twenty-two (22) students who have maintained an overall grade point average of 3.0 or better and will for that reason graduate as Honor Students; and

WHEREAS, these outstanding and talented members of the Sussex County family have exhibited extraordinary academic and social skills to be so honored; and

WHEREAS, each parent, grandparent, family and community member who have helped raise the Sussex Central High School Class of 2013 are to also be acknowledged for their contributions and support.

THEREFORE BE IT RESOLVED that **ROBERT-LEE ROGERS** is encouraged to continue the pursuit of excellence and high achievement; and

BE IT FURTHER RESOLVED that this resolution shall be spread upon the Minutes Book of the Sussex County Board of Supervisors May 17, 2012 meeting and presented to said graduate.

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

Voting nay: none

- b. **June is Homeownership Month Resolution:** Please find attached a Homeownership Resolution as June is National Homeownership Month.

Recommendation: To approve the National Homeownership Month Resolution as presented and further to acknowledge the extraordinary work of Mrs. Brenda Drew, Director and her Staff.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the following resolution:

WHEREAS, the month of June has been proclaimed **National Homeownership Month** in an effort to focus on benefits of homeownership and to increase homeownership; and

WHEREAS, the County of Sussex recognizes homeownership as an important part of strong and viable communities; and

WHEREAS, owning a home allows people the best opportunity to build wealth through asset appreciation and provide a stable living environment for their families; and

WHEREAS, the Sussex County Board of Supervisors has established the Sussex County Housing Department to support fair housing, housing opportunities, affordable housing and home ownership in our county; and

WHEREAS, Sussex County is supporting homeownership for those working families desiring to purchase their first home by providing homebuyer counseling, supporting Homebuyer Clubs, and providing direct financial homebuyer assistance; and

WHEREAS, The County of Sussex has partnered with Habitat for Humanity to further promote and help home in home ownership.

NOW, THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors does hereby adopt this resolution and recognizes the significance of June as Homeownership Month in Sussex County, Virginia.

AND BE IT FURTHER RESOLVED that the Chairman, Board and Staff do hereby welcome and encourage eligible families and residents to seek opportunities for home ownership in the County of Sussex.

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

Voting nay: none

- c. **USDA Housing Preservation Grant Resolution:** This is a resolution authorizing the County of Sussex to submit a Housing Preservation Grant pre-application from the Sussex County Housing Department.

Recommendation: To approve the USDA Housing Preservation Resolution as presented and authorize the County Administrator and Director of Housing to submit the grant application on behalf of Sussex County.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FLY and carried: **RESOLVED** that the Sussex County Board of Supervisors hereby adopts the following resolution:

WHEREAS, the United States Department of Agriculture/Rural Development is now accepting pre-applications for its 2012, Section 533 Housing Preservation Grant Program; and

WHEREAS, it is the policy of the United States Department of Agriculture/Rural Development to provide Housing Preservation Grants to eligible applicants to operate a program which finances repair and rehabilitation of single-family housing for low-income homeowners; and

WHEREAS, the County of Sussex supports the efforts to improve the living conditions of its residents; and

WHEREAS, the residents have expressed an interest in the county applying for a Housing Preservation Grant to help rehabilitate houses in their communities;

NOW, THEREFORE, BE IT RESOLVED that the County of Sussex Board of Supervisors does hereby endorse and approve the submission of a *Housing Preservation Grant pre-application* from the County of Sussex Department of Housing Programs Office.

AND BE IT FURTHER RESOLVED that the County Administrator and Director of Housing Programs are hereby authorized to sign all necessary documents and materials and further to complete and submit the pre-application for the County of Sussex.

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

Voting nay: none

- d. Port of Virginia Economic and Infrastructure Development Zone Resolution:** The Honorable Chairman Rufus E. Tyler, Sr. has requested that the Board consider approval of the attached Resolution regarding the Governor McDonnell's efforts to create the Port of Virginia Economic and Infrastructure Development Zone. As drafted, Sussex County would be included and should be able to benefit from our proximity to the Port and 460.

Recommendation: To approve the Port of Virginia Economic and Infrastructure Development Zone Resolution as presented, authorize the Chairman to sign the Resolution and direct the County Administrator to submit the Resolution to the Governor and our economic development partners on behalf of Sussex County.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE that the Sussex County Board of Supervisors hereby adopts the following resolution:

WHEREAS, the Port of Virginia – sustaining 343,000 jobs and generating over \$41 billion in revenues, \$13 billion in payroll, and \$1.2 billion in tax revenue – is one of the Commonwealth's greatest economic assets; and

WHEREAS, the Port of Virginia, despite its recent challenges brought on by the economic recession, is projected to undergo significant growth in the coming years with completion of the Panama Canal Extension Project; and

WHEREAS, the Port of Virginia cannot achieve this growth without the development of the distribution, intermodal, manufacturing, warehousing, and other supply chain facilities necessary to support port operations; and

WHEREAS, driving the development of these facilities to specific areas can help reduce congestion in the Hampton Roads region; and

WHEREAS, Governor McDonnell is proposing to create the Port of Virginia Economic and Infrastructure Development Zone, which will incentivize companies involved in maritime commerce and that import and export goods through the Port of Virginia to locate in Virginia; and

WHEREAS, creation of this zone is estimated to have an economic impact of \$7.3 billion, sustaining 14,120 jobs in the Route 460 Corridor and \$5.7 billion, sustaining 11,255 in the Hampton Roads area; and

WHEREAS, creation of this zone will bring much needed jobs and economic development to our community; and

NOW, THEREFORE BE IT RESOLVED by the Sussex County Board of Supervisors that we support the establishment of the Port of Virginia Economic and Infrastructure Development Zone and respectfully request the House of Delegates and Senate of Virginia to approve Governor McDonnell's proposed amendments to HB 1183 and SB 578 establishing this zone.

Voting aye: Supervisors Stringfield, Tyler

Voting nay: Supervisors Caple, Fly, Futrell, Warren

4. **Blackwater River Flooding Issue**: The Honorable James Council, III, Mayor of the City of Franklin addressed the Board and thanked them for their support of the resolution adopted last month regarding the Blackwater River Flooding Issue.

Item 11b1. Virginia's Gateway Region Status Report

Mrs. Renee Wyatt-Chapline provided the Virginia's Gateway Region annual status report to the Board.

Item 11b2. Sussex County Fiscal Year 2013 Annual Budget

County Administrator Harris presented the Sussex County Fiscal Year 2013 Annual Budget.

Item 11b3. Virginia Retirement Systems Employer Contribution Rate

County Administrator Harris advised that recent legislation passed by the General Assembly calls for localities to make certain decisions before July 1, 2012 regarding employer and member retirement contributions which must be neutralized with an equivalent raise up to 5%. The Governor subsequently determined that Local Governments and School Boards can factor these

rates in over a five year period or can be done at one time. Based on the financial impact I would recommend that we

Recommendation: To approve the full employee rate (11.78%) and direct the County Administrator to complete all documentation and correspondence as needed.

By general consensus, the Board tabled this to the June 21, 2012 meeting.

Item 11b3. Irrevocable Election Not To Participate in Line of Duty Act Fund

The Board by general consensus, to table this issue until the June 21, 2012 meeting.

Item 11b4. Line of Duty Addendum to Member Agreement/VACo Group Self Insurance Risk Pool

The Board by general consensus, to table this issue until the June 21, 2012 meeting.

Item 11c. Treasurer's Report - *report included*

Item 11d. Commissioner of the Revenue – *no report at this time*

Item 11e. Sheriff's Department – *no report at this time*

Item 11f. Superintendent of School – *no report at this time*

Item 11g. Director of Social Services – *no report at this time*

Item 11h. Circuit Court Clerk – *no report at this time*

Item 12. Appointments

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

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Elizabeth Crocker, 10230 Branch Street, Wakefield VA 23888 to the Sussex Service Authority, as an alternate at-large member, term expiring June 30, 2016.

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

Voting nay: none

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried RESOLVED that the Sussex County Board of Supervisors hereby appoints Bruce C.

Spencer, Post Office Box 581, Waverly VA 23890, to the Sussex Service Authority Board, as an alternate for the Board of Supervisors, term expiring June 30, 2012.

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

Voting nay: none

- b. Appointment to Planning Commission:** 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.

By general consensus, the Board tabled this issue until the June 21, 2012 Board meeting.

Item 13. Unfinished Business

- a. Board and Chairman's Authorities, duties and responsibilities:** Due to what appears at times to be conflicting directives and/or understanding by Board members and County Staff, the Board needs to determine the respective authority, duties and responsibilities of the Chairman and the Board itself.

Supervisor Fly stated that he bring this before the Board to have some ground rules. He stated that he has gotten feedback from staff members advising that Board members are directing staff to do certain things. He expressed that individual Board members can't tell individual staff members things to do. They need to be done through the County Administrator and that no one Board member has anymore authority than the others to direct staff.

ON MOTION OF SUPERVISOR FLY, seconded by that all requests of staff from Board members be made through the County Administrator and that any request that the Chairman may have for staff would have to be approved by the Board.

Chairman Tyler stated that he sees some problems with that request. This may be a good item to discuss at the retreat; need a clear policy to implement.

Supervisor Fly amended his motion.

ON MOTION OF SUPERVISOR FLY, SUPERVISOR WARREN and carried: **RESOLVED** that the Board of Supervisors make contact with the County Administrator for items necessary for the functioning of the county except in emergency situations.

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

Voting nay: Supervisor Stringfield

- b. Regional Jail:** As is reflected above, issues such as the County's involvement in a Regional Jail becomes very difficult as staff time is usurped without any clear consensus that the Board is even interested in the final product (Regional Jail in this case).

Supervisor Fly stated that there has been a lot of talk among Board members about regional jail and he has been opposed to the regional jail. He has seen no documentation to show where a regional jail will benefit Sussex. He stated that is recommendation is that before the

Board goes down a path and spend a lot of staff time, (which we are short on staff), we should take a vote and he will make a motion.

After a brief discussion, by general consensus, the Board decided to discuss this issue at the retreat.

- c. **Board Retreat/Work Session:** County Administrator advised the Board that he has been working on a means of moving the County forward for some time and a Retreat (now work session) has been suggested and dates (May 21st and 22nd) were actually agreed to. However since that time it has been revealed that the Chamber of Commerce is holding its Annual Business Appreciation Luncheon and no less than three Board Members have indicated that they will be attending the event. Furthermore, three Board members have indicated that before the Board meets to discuss a Strategic Plan and/or develop a County Vision for the Future, time should be taken to get input from the community, residents and businesses. As such a recommendation has been made and the Honorable C. Eric Fly, Sr. has asked that this matter be discussed at the Board meeting before more staff time is wasted.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN, that the Sussex County Board of Supervisors retreat be formulated into four separate meetings, to be held in each town throughout the summer, in Sussex County and that the Board of Supervisors, the IDA, VA's Gateway Region and the Chamber of Commerce all coordinate and attend these meetings as listening sessions to the citizens of Sussex County;

Further, take the input from the citizens and the business leaders in our county from those four visits and take that information and accumulate into a work session in September.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion fails due to tie vote.

Chairman Tyler asked the County Attorney if the Board could hold a retreat to plan without a quorum.

County Attorney Packer advised that the Virginia Code speaks of meetings for local governing bodies including County Boards of Supervisors as two types, regular meetings and special meetings. Regular meetings are scheduled at your organizational meeting at the beginning of each year. Special meetings can be called either by the chairman or by two members of the Board and the specific purposes of the special meeting have to be stated when they are called. State law also says that in order to have either type of meeting, a quorum must be present. If a quorum is not present, the only thing that can be done at the meeting is to adjourn to the next meeting. Nothing else can occur at that time. So without a quorum, you do not have a meeting of the Board of Supervisors.

Chairman Tyler stated that if three members are saying that they will not attend the scheduled retreat for May 21 & 22, 2012, then the retreat is canceled.

Supervisor Fly asked the Board to reconsider his motion.

County Attorney Packer advised that anyone who voted on the prevailing side can bring the item up for reconsideration at this time. The prevailing side would be any of the three individuals who voted no.

- d. Attorneys' Payments:** The Board has discussed this matter on several occasions and in light of the outspoken public opinion in support of paying these legal fees, it has been requested that the Board once again reconsider this matter.

The Board held a discussion regarding this issue.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN that the Sussex County Board of Supervisors authorize the payment of the fees to the three attorneys.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

- e. Tax Relief For The Elderly:** County Administrator Harris stated that he has not been able to work on this issue due to other more pressing matters.

Item 14. New Business

ON MOTION OF SUPERVISOR FLY that the Board of Supervisors hear citizens' comments, due to the lateness of the hour.

Chairman Tyler called the motion out of order, because the Board is going by the agenda.

Item 15. Reports from Departments/Staff/Commissions

A. Animal Control: (Report included)

B. Building Department: (Report included)

C. Building and Grounds: The Building and Grounds staff continue to work on yard maintenance and the upgrade of failing heating and air conditioning in the Department of Social Services, the Commissioner of the Revenue, Treasurer's Office and the Court Building. As County Administrator, I would like to take the time to acknowledge Mr. Montague M. Gilliam and his staff for the extraordinary work they do to keep the County Offices open and functional – especially during Government Workers Appreciation month. Congratulations and thanks for a job well done.

D. Deputy County Administrator/Director of Economic Development: (Report included) George E. Morrison, III, provided an update to the Board reporting that on May 15, 2012, he attended the VA Tobacco Commission and Southside Economic Committee meeting in South Boston. There was a staff recommendation which was approved unanimously by members in attendance that Sussex County be awarded \$135,000 for due diligence on

Henry Technology Park and Commerce Center. And the full Commission will vote on their recommendation on the May 24, 2012.

E. Environmental Inspections: (Report included)

F. Housing Program: (Report included)

G. Planning and Zoning: (Report included)

H. Public Safety: (Report included)

Item 16. Board Members Comments/Reports

Blackwater District: Supervisor Warren stated that he wants to publicly thank Supervisor Futrell for the actions he taken in the last two or three days in Waverly, going from business to business promoting the Annual Business Appreciation Luncheon being sponsored by the Chamber of Commerce. He took it upon himself and called on about 15 or 20 businesses and was favorably accepted.

Courthouse District: Supervisor Fly stated that the County did receive an Attorney General's opinion on whether the actions of the Board of November 17, 2011 in releasing the County Attorney was legal; it was legal.

Stony Creek District: No report

Wakefield District: Supervisor Stringfield stated that there were concerns about drugs, gangs, wine, liquor being over on Chambliss Elementary School property. He stated that he called the principal of the school and he thinks she may be afraid to call the police. He asked the Sheriff to patrol that area a little more.

Sheriff Bell stated that some residents wanted to have a block party in Wakefield last week, at the corner of Branch Street and Railroad Avenue and he was told that Supervisor Stringfield had given them permission to hold the party. Sheriff Bell stated that he advised the residents that for the safety of everyone, he would not allow a block party to be held.

Supervisor Stringfield stated that he did not give anyone permission to have any type of party or recreation on the corner. He stated that he told them that they had to do what the Sheriff says and that he (Stringfield) was not going to get involved with that.

Dr. Charles H. Harris, III, School Superintendent stated that they do not allow trespassing on school grounds on school days. So they have not had any gangs or anybody shooting or any gambling during the school day when students were present. He stated that site has always been a problem after school hours and the Sheriff has his permission to lock anybody up that on the grounds doing anything illegal.

Waverly District: Supervisor Futrell commented on what the Sheriff said because on Monday, that person approached him in Waverly to tell me that Mr. Stringfield said that they could have it there and he couldn't see why the Sheriff would not let them have it.

Henry District: Chairman Tyler stated at the last meeting, in the minutes on Page 64, the Board asked for an ordinance for coyotes to be developed and asked what the status is on that issue.

County Administrator Harris advised that the County Attorney just returned today.

Chairman Tyler asked that this be done.

Item 17. Hearing of Citizens Comments

Comments were heard from the following:

Debbie Turck, Blackwater District
Bill Collins, Courthouse District
Fred Turck, Blackwater District
Dominic Fennell, Waverly District
Elliott Shands, Stony Creek District
James Gay, Blackwater District
Dale Cupp, Waverly District
Marian Goode, Courthouse District
Ora Briggs, Stony Creek District
Steve Warren, Blackwater District
Al Peschke, Courthouse District

Item 18. Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried:
RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session, pursuant Virginia Code Session 2.2-3711(A)(1), to discuss the following:

- 1. Personnel Committee Report** - At the April 19, 2012 Board meeting, Chairman Tyler indicated that the Personnel Committee would have a report at the May 17th meeting to discuss a series of concerns that had been turned over to the Personnel Committee.
- 2. Personnel** - Dismissal of Deputy County Administrator/Director of Economic Development

- 3. Personnel** - County Administrator/Deputy County Administrator Contracts

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

Voting nay: none

Item 19. Return To Open Session

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that that the Sussex County Board of Supervisors shall hereby return to regular 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 20. Motion to Continue or Adjourn

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby recess until Thursday, May 24, 2012 at 3:00 p.m., for a budget workshop, in the Conference Room of the County Administration Building.

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

Voting nay: none

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL that the Sussex County Board of Supervisors hereby authorizes staff to advertise the public hearing for May 31, 2012 at 7:00 p.m., to consider the Fiscal Year 2013 Budget; and

FURTHER RESOLVED that the Board will meet on June 11, 2012 at 7:00 p.m. to adopt the budget.

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

Voting nay: none