

**At a Regular Meeting of the Sussex County Board of Supervisors
Thursday, October 17, 2013 – 7:00pm
General District Courtroom – Sussex Judicial Center**

BOARD MEMBERS PRESENT

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

OTHERS PRESENT

Thomas E. Harris, County Administrator
Michael R. Packer, County Attorney
Louise R. Brucato, Payroll Clerk
Deste J. Cox, Deputy Treasurer
Anne K. Ellis, Accounts Payable Clerk
Chequila H. Fields, Director of Social Services
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order/Determine Quorum [7:20:11 PM](#)

The October 17, 2013 meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly.

Item 2. The Invocation

The Invocation was offered by Supervisor Caple.

Item 3. The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

Item 4. Agenda Amendments

Supervisor Warren requested the following agenda amendments: Under the Consent Agenda, delete Items A and B, Approval of December 3, 2013 Minutes and Approval of April 8, 2013 Minutes (tabled until next month).

Supervisor Warren requested that Item “s” under the Consent Agenda (Travel Reimbursement for Board member) be placed as Item 11a under New Business.

Supervisor Fly requested that a request by the Treasurer to add an additional \$20,000.00 appropriation to the Consent Agenda. The amount is for revenues and expenses to cover the cost associated with the upcoming land sale contracted with Attorney James W. Elliott.

County Administrator Harris requested that the Medical Transport, LLC be included in the Regular Agenda, under County Administrator's Report, as Item 7a7.

County Administrator Harris requested that the Sheriff's Department's request for a new vehicle be included on the Regular Agenda, as Item 7a8.

Supervisor Futrell requested that Traffic Warning Sign on Route 40, be placed on the regular agenda as Item 11b under New Business.

Supervisor Fly requested that State Police Investigation be added as Item 11c under New Business.

Item 5. Approval of Regular Agenda

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR WHITE and carried: RESOLVED that the regular agenda October 17, 2013 meeting of the Sussex County Board of Supervisors is hereby approved, inclusive of the following amendments:

1. Item "s" under the Consent Agenda (Travel Reimbursement for Board member) be placed as Item 11a under New Business.
2. Add Medical Transport be included on the Regular Agenda, under County Administrator's Report, as Item 7a7.
3. Add the Sheriff's Department's request for a new vehicle be included on the Regular Agenda, as Item 7a8.
4. Add Traffic Warning Sign on Route 40, be placed on the regular agenda as Item 11b under New Business.
5. Add State Police Investigation be added as Item 11c under New Business.

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

Voting nay: none

Item 6. Approval of Consent Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda, to wit:

- a. Approval of Minutes of August 29, 2013 Board Meeting

- b. Approval of Minutes of September 19, 2013 Board Meeting
- c. Approval of Minutes of September 24, 2013 Board Meeting
- d. Approval of Invoice – Stephen McBride; \$165.00; Commonwealth Attorney Building, storm water management services
- e. Approval, Appropriate, & Authorize Transfer of Funds – McGuire Woods; \$45.84; Mega Site/Peebles Tract
- f. Approve, Appropriate, & Authorize Transfer of Funds – Timmons Group; \$27,500.00
Black Swamp Waste Water Treatment Plant
- g. Approve, Appropriate, & Authorize Transfer of Funds – Timmons Group; \$8,025.00
Phase I, Wetlands Confirmation, Master Planning, Preliminary Engineering Report
- h. Approval of Invoice: Oyster Point Construction, \$154,516.72, Elementary School
- i. Approval of Invoices: CDWG Government, for uninterruptable power supplies, \$12,702.53
- j. Approval of Invoices: CDWG Government, for 4 Promethean Boards; \$19,596.00
- k. Approval of Invoices: Electronic Systems, Inc., network project funded, \$16,304.99
- l. Approval of Invoice: ABS Innovative Systems & Solutions for fiber module, \$2,459.00
- m. Resolution – Recognition of the 100th Anniversary of Plank Road Baptist Church
- n. Resolution - Virginia Tobacco Indemnification and Community Revitalization Commission Special Projects Mega-Site Grant Program – 2014
- o. Approval and Appropriation: Cameron Foundation Grant (DSS): \$13,250.00
- p. Approval, Appropriation and Transfer: Phillips Telecommunications: \$106.00
- q. Approval of Warrants and Vouchers
- r. Approval of Appropriation: \$20,000.00, for revenue and expenses to cover the cost associated with the upcoming land sale contracted with Attorney James W. Elliott

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

Voting nay: none

Item 7. Standing Reports/Staff/Committees/Organizations

The Honorable Charlie Caple has asked that representatives from Murrell Lane be allowed to address the Board regarding their needs. Staff is currently working with VDOT to determine if the road can be included in the Sussex County 6 Year Plan.

Patricia Stivers, citizen of the Stony Creek District, offered comments to the Board regarding her request to have Murrell Lane added to the Six Year Plan.

Item 7a. County Administrator's Report

Item 7a1. Closed Session: Chairman Fly asked that this be placed on the agenda. He has been approached by numerous citizens who have complained about the late hour of the

Board's Closed Session and have asked if anything can be done. This item was tabled from previous last month.

Chairman Fly requested that this item be removed from the agenda.

Item 7a2. Update on Communications System [7:43:10 PM](#)

County Administrator Harris reported that he and Eddie T. Vick, Public Safety Coordinator are currently drafting a bid proposal/Request For Proposal for the County Attorney's review as approved by the Board of Supervisors at the recessed September meeting.

Item 7a3. Status of Organization Review [7:43:14 PM](#)

County Administrator Harris distributed copies of the organizational chart. To date, no input has been received from members of the Board of Supervisors regarding goals, needs or objectives. Staff is still gathering information from Virginia's counties and other municipalities. County Administrator Harris distributed a proposed organizational chart for the Board's review. (A copy of the organizational chart is retained in the October 17, 2013 Board packet).

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Sussex County organizational chart as presented.

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

Voting nay: none

Item 7a4. Courthouse Lease/Historical Society/Old Courthouse Repairs/Contract Review

County Administrator Harris advised that the Historical Society is in the process of selecting a date to reschedule a meeting to discuss this issue and stated that he has been working with the Registrar to address some of his space requirements/needs.

Chairman Fly asked the County Administrator to send a letter to the Historical Society seeking a response from them and to report to the Board at the November meeting.

Item 7a5. RFPs/Contracts

- A. Clerk of the Court/Registrar Carpet: County Administrator Harris reported that as per the Board's direction, staff has completed a request for proposal and he has authorized the installation contract to be let.

Recommendation: *To approve the selection of Sherwin Williams and authorize the County Administrator to sign the proposal.*

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to sign the proposal from Sherwin Williams for the purchase and installation of carpeting in the Circuit Court's Clerk's Office and General Registrar's Office.

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

Voting nay: none

B. Fuel RFP: In cooperation with the Sussex County School Division, proposals have been received for gas and fuel oil. County Administrator Harris, John Broderick, Supervisor for Finance and Technology for Sussex County Schools and Anne Ellis, Account Payables Clerk and are now evaluating these proposals. School Administration are still reviewing and evaluating the proposals.

C. Grass Cutting at Abandoned Landfills: County Administrator Harris reported that in an effort to meet the requirements of the Department of Environmental Quality regarding the Gin Hill and Robinson Road Landfills, the County requested proposals for annual cutting and the removal of some bulk materials. Three proposals were received and he is seeking approval for the lowest bidder.

Recommendation: *To authorize the County Administrator to approve the selection of the lowest bidder.*

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to approve and select the lowest bidder for grass cutting services at the closed Gin Hill and Robinson Road landfills.

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

Voting nay: none

Item 7a6. Virginia Local Disability Program

County Administrator Harris reported that after communications, discussion and evaluation with Mr. Onnie Woodruff, Treasurer/Interim Director of Finance regarding the changes in the Virginia Retirement System Local Disability Program (VRS) they are recommending that the Board approve a Resolution of withdrawal from the VRS Program and authorize the County Administrator to execute and submit the approved Resolution for Sussex County to the VRS. (The Resolution is being drafted to meet the VRS requirements and must be adopted and submitted prior to November 1, 2013) Staff will then come back in November or December after completion of the evaluation of the VACORP and VML programs (both less than VRS) and will make our recommendation.

Louise R. Brucato, Payroll Clerk, provided an overview of the Virginia Local Disability Program.

Recommendation: *To adopt the Resolution to withdraw from the VRS Disability Program and authorize the County Administrator to execute and submit the approved Resolution for Sussex County to the VRS.*

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

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code Section 51.1 – 169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of the County of Sussex, 55191, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of Sussex irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, the County of Sussex certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

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

Voting nay: none

Item 7a7. Medical Transport

County Administrator reported that as a result of the Board’s instruction, he has signed the temporary contract with Medical Transport LLC for two additional EMTs (Paramedic or Intermediate and a Basic Life Support provider). The Contract has been reviewed and approved by the County Attorney.

Recommendation: To approve the County Administrator completing the temporary contract as reviewed and approved by the County Attorney.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to complete the temporary contract with Medical Transport, LLC, as reviewed and approved by the County Attorney.

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

Voting nay: none

Item 7a8. Sheriff's Department Vehicle

County Administrator Harris reported that Captain Giles was involved in an accident this past week that totaled one of the department vehicles. As such, Sheriff Bell is requesting funding for a replacement vehicle. County Administrator Harris recommended that the \$16,778.00 reimbursed from the lightning strike (phones) be combined with the estimated \$7,500.00 to \$10,000.00 reimbursement for the totaled 2005 Ford SUV (to be returned to the General Fund when received) and the balance taken from the funds recently received from Forestry Department (\$37,000.00), so that there will be no impact on the existing budget.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Sheriff's request for a new vehicle, at an approximate cost of \$28,000.00.

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

Voting nay: none

County Administrator Harris provided the following updates:

- Notice has been received that the Georgia Pacific closing in Jarratt will cost this region 65 jobs
- There is a request from Virginia's Gateway Region to tour the port of Virginia on November 14th
- U.S. Route 460 Improvements – Mountain Empire Acquisitions, LLC has informed the County that Stantee Consulting has been contracted to perform right-of-way acquisition services to obtain rights-of-way easements for construction.
- Public Health – Animal Control – Based on information obtained from the State Veterinarian's Office that there is growing concerns for public safety concerning feral cats at dumpsites. As such Dr. Dale L. Cupp, D.V.M. has advised Sussex Animal Control to take more aggressive action to address this concern by posting the sites as well as the holding time.
- Leave Accruals – the Sheriff has requested that leave accruals for the Sheriff's Department be carried over until they are fully staffed.

Chairman Fly requested that the County Administrator provide the number of employees and the number of hours that are of concern and report at the November 21st Board meeting.

- Atlantic Waste Disposal has advised the County that there will be changes in operation. They are now going to enforce the content of the agreement whereby construction debris has always be exempted and allowed to be taken to the landfill at no cost. Mr. Harris will be meeting with the Senior District Manager to further discuss this issue.

Item 7b. County Attorney's Report: No report at this time.

Item 7c. Treasurer/Interim Director of Finance Report: (Report included)

Deste J. Cox, Deputy Treasurer reported the Treasurer has created three new funds for the Industrial Park Sites. They are Funds 305, 306 and 307 as Revolving Funds which will carry a negative balance until funds are reimbursed from the Tobacco Commission or any other type of grants or loans. It is suggested that if the Tobacco Commission or any other types of grant is reduced or declined, the Board will transfer local funds to make up the deficit.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Treasurer establishing Revolving Funds 305, 306 and 307 for the Industrial Park Sites which will carry a negative balance until funds are reimbursed from the Tobacco Commission or any other type of grants or loans; and

FURTHER RESOLVED that the Board of Supervisors hereby pledges that if the Tobacco Commission or any other type of grant is reduced or declined, the Board will transfer local funds to make up the deficit.

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

Voting nay: none

Item 7d. Commissioner of the Revenue Report: No report at this time.

Item 7e. Sheriff's Department Report: No report at this time.

Item 7f. Superintendent of Schools Report: No report at this time.

Item 7g. Director of Social Services Report: No report at this time.

Item 7h. General Registrar Report: No report at this time.

Item 7i. Health Department: No report at this time.

Item 8. Appointments: No appointments at this time.

Item 9. Citizens' Comments (9:00p.m.) – There were no citizens' comments.

Item 10. Unfinished Business

Item 11. New Business

Item 11a. Board Member Travel Reimbursement \$204.70

County Administrator Harris explained that this item is included in the packet because the expenditures were incurred prior to the beginning of the fiscal year and the Board is required to approve those expenditures.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the travel reimbursement for Supervisor John Stringfield in the amount of \$204.70.

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

Voting nay: none

Item 11b. Traffic Warning Sign on Route 40

Supervisor Futrell stated that he contacted the Virginia Department of Transportation and asked if a timed flashing light can be placed on Route 40 between Route 35 and the Nottoway River. There was an accident that included a log truck; there is a bus stop there and once you cross the hill, there is a blind spot.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to contact the Virginia Department of Transportation to request that a safety sign be established at that location.

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

Voting nay: none

Item 11c. State Police Investigation [8:36:36 PM](#)

Chairman Fly stated that he included this on the agenda to bring an end to this issue. There was an allegation made by Mr. Rufus E. Tyler, Sr. (former member of the Board of Supervisors) to the Commonwealth's Attorney that the County Administrator Harris has embezzled money from the County. This issue was not brought to the Board's attention after it was taken to the Commonwealth's Attorney. The Commonwealth's Attorney deemed that there was enough evidence to turn it over to the judge; the judge appointed a special prosecutor from Hopewell. This is disturbing in that if we have some misdeeds with our finances, the Board needs to know about and take action to stop that. The Treasurer/Interim Director of Finance was not aware of this issue. Chairman Fly stated that it is his understanding that the State Police have completed their investigation and they found no merit to the allegations in which Mr. Tyler made. However, the Board does not have an official document from the Courts advising that the investigation is over. Chairman Fly stated that he is told that Supervisor Caple has a letter.

Chairman Fly read the letter from Richard Newman, Commonwealth's Attorney for the City of Hopewell.

Dear Mrs. Ramsey:

The Virginia State Police investigate the complainant's file by Mr. Rufus Tyler against the above named individual, which is Tom Harris. After reviewing their investigation with them, I have come to the conclusion there was no misappropriation of County funds. The first allegation that he received benefits compensated beyond what his contract authorizes is erroneous. His contract was poorly written, but it was agreed that his daughter's insurance would be completely covered up to \$500.00. The second allegation of him having an employee paid, who had no leave time is true. However, I find no intent to defraud. At the time, the employee was needing to take leave, Mr. Harris was attempting to put a leave bank together and I think he felt that it would be in place by the time the employee needed to leave. The employee was denied his application for leave by the leave bank. However, Mr. Harris personally donated leave, as did several other County employees. The employee, in paying what little leave that he owes at a rate of 2 hours per every pay period. In summary, I find no criminal intent or conduct on the behalf and thus I am declining to prosecute this matter.

If you have any questions, please do not hesitate to contact me.

Chairman Fly asked for a motion to have a copy of this letter placed in Mr. Harris's personnel file.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a copy of the letter from Richard Newman, Hopewell Commonwealth's Attorney addressed to Lyndia Person-Ramsey, Sussex County Commonwealth's Attorney, be placed in the personnel file of Thomas E. Harris, County Administrator.

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

Voting nay: Supervisor Stringfield

County Administrator Harris thanked the Board.

Supervisor Warren asked Supervisor Caple for a copy of the aforementioned letter.

Item 12. Board Members' Reports/Comments

a) Blackwater District

- b) Supervisor Warren commended employees Louise R. Brucato and Anne K. Ellis on costs savings to the County. He also acknowledged that property is being looked on at Route 35 regarding a proposed convenient site.

c) Courthouse District:

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

Administrator to create a resolution in recognition of the 80th Birthday of Delegate Ray Ashworth.

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

Voting nay: none

- d) **Henry District:** Supervisor White encouraged the Board to be mindful of the technology needs when considering Economic Development initiatives (Broadband, Wi-Fi, etc).
- e) **Stony Creek District:** no report
- f) **Wakefield District:** Supervisor Stringfield thanked Chairman Fly for contacting the Army Corps of Engineers regarding cutting the grass at the Pocahontas Park. He asked the County Administrator to arrange for the cutting of the entire lot.
- g) **Waverly District:** Supervisor Futrell thanked the entire staff of the County Administrator's for their work and the way they conduct business. He also noted that there is a Community Day scheduled for November 9th and will be held at the High School. Supervisor Futrell and Anne Ellis are currently putting together information for a Sussex Central Booster Club.

Item 13. Other Matters

Deborah A. Davis, Assistant to the County Administrator, thanked the Board for their diligence and support and provided each of them with a small token in recognition of Boss' Day, which was October 16th.

County Administrator Harris asked the Chairman to request a copy of the letter from Hopewell Commonwealth's Attorney to be provided to the Deputy Clerk.

Supervisor Caple advised that he would get a copy to Ms. Davis.

Item 14. Recess/Adjourn [8:58:57 PM](#)

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the October 17, 2013 meeting of the Sussex County Board of Supervisors is hereby adjourned at 8:59 p.m.

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

Voting nay: none

