

**Sussex County Board of Supervisors Meeting  
General District Courtroom, Sussex Judicial Center  
15098 Courthouse Road, Sussex VA 23884**

**January 19, 2012**

**7:30 p.m.**

**MINUTES**

**Present:**

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

**Absent:**

**Others present:**

Thomas E. Harris County Administrator  
George E. Morrison, III, Deputy County Administrator/Director of Economic Development  
Onnie L. Woodruff, Treasurer  
Lyndia Person-Ramsey, Commonwealth's Attorney  
Ellen G. Boone, Commissioner of the Revenue  
Raymond R. Bell, Sheriff  
Dr. Charles H. Harris, Superintendent of Schools  
Shannon D. Fennell, Assistant to the Director of Planning  
Deborah A. Davis, Assistant to County Administrator

**Item 1. Call To Order/Determine Quorum**

The January 1, 2012 meeting of the Sussex County Board of Supervisors was called to order by Chairman Tyler

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

The Invocation was offered by Supervisor Fly; the Pledge of Allegiance was recited by all.

Chairman Tyler welcomed everyone in attendance. He announced that the members have the January 19, 2012 agenda and asked if there were any amendments.

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

- a. 2012 Board of Supervisors' Bylaws, provided at a previous meeting, to add as 9a under Unfinished Business.

- b. Fiscal Year 2013 Budget Schedule Letter and Guiding Principles, to add as 11a under New Business.
- c. School Construction Permits, to add as 11b, under New Business.
- d. Invoice Payments (previously discussed) to add as 11c, under New Business.
- e. Vacancies and Committee Reports (to be done as part of the County Administrator's report)
- f. Board Retreat, to add as 11d, under New Business .

Supervisor Fly asked if the ratification for the Acting Chair's consent to hire attorney is on the agenda.

Chairman Tyler suggested that this issue be discussed in Closed Session under legal matters (since it involves a pending lawsuit).

Chairman Tyler stated that he would like to discuss Personnel Matters discussion of (Administration) in Closed Session, as well, Item 14a and 14b, respectively.

Chairman Tyler request to add to the agenda, Item #20, Recessed Meeting, to handle December 15, 2011 meeting agenda.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the agenda of the January 19, 2012 meeting of the Sussex County Board of Supervisors is hereby approved, subject to the following amendments: (1) 2012 Board of Supervisors' Bylaws, provided at a previous meeting, added as 9a under Unfinished Business; (2) Fiscal Year 2013 Budget Schedule Letter and Guiding Principles, added as 11a under New Business; (3) School Construction Permits, added as 11b, under New Business; (4) Invoice Payments, added as 11c, under New Business; (5) Vacancies and Committee Reports (to be done as part of the County Administrator's report); (6) Board Retreat, added as 11d, under New Business; (7) Closed Session discussion of Legal Matters (lawsuit) and Personnel Matters (Administration), added as Items 14a and 14b, respectively; (8) Add Item #20, Recessed Meeting, to handle December 15, 2011 agenda items.

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

Voting nay: none

### **Item 3. Election of Vice Chairman**

ON MOTION OF SUPERVISOR STRINGFIELD that Supervisor Caple be elected as Vice Chairman of the Sussex County Board of Supervisors for Calendar Year 2012.

ON MOTION OF SUPERVISOR FUTRELL that Supervisor Warren be elected Vice Chairman of the Sussex County Board of Supervisors for Calendar Year 2012.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE that the nomination be closed on said names.

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

Voting nay: none

Those in favor of Supervisor Caple as Vice Chairman of the Sussex County Board of Supervisors for Calendar Year 2012 were: Supervisors Caple, Stringfield, Tyler

Those in favor of Supervisor Warren Vice Chairman of the Sussex County Board of Supervisors for Calendar Year 2012 were: Supervisors Futrell, Fly, Warren

No Vice Chairman was elected, due to a tie vote.

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

##### **Appropriations:**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the following appropriations: (1) Virginia Employment Commission, \$3,499.30; and (2) General District Court Annual Conference Fee, \$70.00.

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

Voting nay: none

##### **Warrants and Vouchers:**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Warrants in the amount of \$645,873.19 and Payroll Deductions Checks/Warrants in the amount of \$142,215.04.

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

Voting nay: none

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the following appropriations: (1) Invoice #20071, from Rancorn Wildman Architects, in the amount of \$29,097.00, for Sussex Elementary School for professional services through November 30, 2011.

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

Voting nay: none

#### **Item 5. Standing Reports/Staff/ Committees**

**Item 5a. Health Department** – no report at this time

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

**Item 5b1. VACORP/ Jason Davis:** Thomas E. Harris, County Administrator reported that included in the Board packet is a copy of a notice from VACORP (the County's insurance company) indicating that they have received correspondence from a law firm indicating

that they represent Jason Davis. Mr. Davis was involved in an accident that occurred on December 7, 2011 which also involved a Sussex County Deputy.

**Item 5b2. Phillips Telecommunications, Inc.:** Thomas E. Harris, County Administrator, reported that included in the Board packet is a copy of the quote from Phillips Telecommunications in the amount of \$14,674.00. The major line through County Complex was cut during some work and instead of allowing it to deteriorate, it needs to be repaired.

**Recommendation:** To approve Phillips Telecommunications quote and authorize them to proceed with repairing the lines.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Phillips Telecommunications quote to identify and locate the severed underground feeder cable between the Magistrates' Office and Newsome Human Services Building, to excavate, splice, test and re-bury the cable for a total cost to the County of \$14,674.00.

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

Voting nay: none

**Item 5b3. Request From Jarratt Volunteer Fire Department:** Thomas E. Harris, County Administrator reported that included in the Board packet is a copy of correspondence from Chief Timothy Moseley requesting (on behalf of the Jarratt Volunteer Fire Department), a four wheel drive SUV support vehicle. Mr. Harris stated that he would like to provide correspondence to the Jarratt Volunteer Fire Department advising that staff is researching this issue and ask him to submit an application for this year's capital fund and communicate with Eddie T. Vick, Sussex County Public Safety Coordinator to find out if funds were set aside for this project.

Supervisor Fly stated that there were no funds set aside for this.

Chairman Tyler recommended that the County Administrator meet with the Public Safety Coordinator for further discussion and report at the February 16, 2012 meeting.

The County Administrator suggested that the Board set a standard policy to process capital expenses, operating expenses, and this could be part of the annual budget process.

**Item 5b4. Hazard Mitigation Plan Adoption:** Thomas E. Harris, County Administrator reported that included in the Board packet is a copy of information relating to the Hazard Mitigation Plan revision.

**Recommendation:** To approve the plan as presented.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the revision of the Hazard Mitigation Plan; to wit:

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that local governments, develop, adopt, and update natural hazard mitigation plans in order to receive certain federal assistance, and

**WHEREAS**, a Mitigation Advisory Committee (“MAC”) comprised of representatives from the Cities of Colonial Heights, Emporia, Hopewell, Petersburg, and Richmond; the Counties of Charles City, Chesterfield, Dinwiddie, Goochland, Greensville, Hanover, Henrico, New Kent, Powhatan, Prince George, Surry, Sussex; and the Towns of Ashland, Claremont, Dendron, Jarratt, McKenney, Stony Creek, Surry, Wakefield, and Waverly; was convened in order to study the Richmond-Crater risks from and vulnerabilities to natural hazards, and to make recommendations for mitigating the effects of such hazards on the Richmond-Crater Region; and

**WHEREAS**, a request for proposals was issued to hire an experienced consulting firm to work with the MAC to update a comprehensive hazard mitigation plan for the Richmond-Crater region; and

**WHEREAS**, the efforts of the MAC members and the consulting firm of Dewberry, in consultation with members of the Region’s public, private and non-profit sectors, have resulted in an update of the Richmond-Crater Multi-Regional Hazard Mitigation Plan including the County of Sussex.

**NOW THEREFORE, BE IT RESOLVED** by the Sussex County Board of Supervisors that the Richmond-Crater Multi-Regional Hazard Mitigation Plan dated January 19, 2012 is hereby approved and adopted for the County of Sussex.

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

Voting nay: none

#### **ITEM 5b5. INFORMATIONAL ITEMS**

The following items were presented by Thomas E. Harris, County Administrator:

- A. **Warwick Road (State Route 624):** At the request of former Board member, Wayne M. Harrell, the Virginia Department of Transportation (VDOT) has been contacted to determine the status of Warwick Road and confirmed that due to the urgency surrounding Hurricane Irene and its aftermath, this project was moved, (due to the cold weather) to a Spring 2012 project, even though part of the work had begun in late summer 2011.
- B. **CDBG Grant:** Sussex County has received a \$700,000.00 grant in support of Wood Fuel Developers, LLC, Waverly Wood Pellet Plant. A meeting has been scheduled with VDOT to discuss concerns about road conditions in and out of plant.
- C. **Green Box (Dumpster Request):** The County has received a request for the placement of a dumpster at or near Ward Griffin’s Store.

D. **Governor's Proposed Budget:** There are at least two items that the Board may want to address with the General Assembly:

1. Department of Corrections payment in lieu of taxes – this non-payment will cost the County of Sussex approximately \$400,000.00 in lost revenues.

Chairman Tyler suggested that the Board hire a lobbyist to represent Sussex County's interest in the restoration the Department of Corrections payment in lieu of taxes.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors will explore the hiring of a lobbyist to assist with the Department of Corrections' payment in lieu of taxes at a cost not to exceed \$15,000.00.

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

Abstaining: Supervisor Fly

Voting nay: none

Thomas E. Harris, County Administrator reminded that the Board that we need to follow procurement laws and that it might be in the Board's and staff's best interest to talk to K. David Whittington, Greenville County Administrator, to find out if we can work through some of the lobbyists that are already under contract, to minimize the cost.

Chairman Tyler advised that Greenville County has developed a formula to justify their request for reimbursement and asked Sussex County Administration to do likewise.

2. VRS payments for Teachers – The Governor has proposed an increase of almost 100% to be borne by local governments.

Thomas E. Harris, County Administrator suggested that the Board set a legislative agenda to effectively discuss the challenging issues.

#### **ITEM 5c: TREASURER'S REPORT**

Onnie L. Woodruff, Treasurer, provided an overview of his monthly report. (A copy of the Treasurer's report is retained in the January 19, 2012 Board packet).

The statement of money in the banks to the credit of Sussex County as of the close of business December 31, 2011 was \$26,877,812.03.

**ITEM 5d. COMMISSIONER OF THE REVENUE:** *No report at this time*

**ITEM 5e. SHERIFF'S DEPARTMENTN:** *No report at this time*

#### **ITEM 5f. SUPERINTENDENT OF SCHOOLS**

Dr. Charles H. Harris, Superintendent of Schools reported that he will be presenting the School Board's budget at their meeting in February. He advised that they are facing a significant budget gap of approximately \$1.1 million dollars, which is a combination of some revenue loss because of the decline in enrollment and decline of the composite index which lowers the amount of money that the state funds to the school system, along with the loss of stimulus money. But the largest impact is the Governor's proposed budget for the VRS rate, which will cost the schools approximately \$500,000.00. He also reported that he will try to present the schools' budget to the Board of Supervisors at its March 2012 meeting.

a. Approval of \$68,690.70 Payment to Oyster Point Construction

Dr. Harris, Superintendent of Schools presented a request for payment to Oyster Point Construction. This invoice is for the payment of \$68,690.70 for contract surety bonds and license, for the Sussex Elementary School Construction Project. The request was reviewed and approved by Rancorn Wildman Architects.

Recommendation: Approve payment to Oyster Point Construction in the amount of \$68,690.70.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the payment of Application and Certificate For Payment #1, in the amount of \$68,690.70 to Oyster Point Construction, for the Sussex Elementary School Project.

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

Voting nay: none

b. Approval of \$11,478.52 Payment to Rancorn Wildman Architects

Dr. Harris presented a request for payment to Rancorn Wildman Architects, for professional services in the amount of \$11,478.52 for the construction administration and reimbursable expenses for the Sussex Elementary School Construction Project.

Recommendation: Approve payment to Rancorn Wildman in the amount of \$11,478.52.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the payment of Invoice #20090, in the amount of \$11,478.52 to Rancorn Wildman Architects, for the construction administration and reimbursable expenses for the Sussex Elementary School Construction Project.

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

Voting nay: none

c. Proposed Capital Improvement Plan for Sussex County Schools

Dr. Harris reported that an updated Capital Improvement Plan was approved by the Sussex County School Board at its December 8, 2011 meeting. The Plan is being proposed for review and consideration. It details the major building and maintenance needs of the school system. After, the School Administration asks for directions from the Board of Supervisors on how to proceed with the school facility needs. With the approval of funding for the construction of the new elementary school project, the replacement of the high school track moves as the next priority in the plan. Beyond that, the school division will need to focus on major maintenance needs, upgrading technology and the completion of the administrative office.

**ITEM 5g. Director of Social Services:** *No report at this time*

#### **ITEM 6. DEPARTMENTAL REPORTS**

- a. Animal Control – report in Board packet (no oral report given)
- b. Building Department – report in Board packet (no oral report given)
- c. Buildings and Grounds – no report at this time
- d. Deputy County Administrator/Director of Economic Development – Mr. Morrison advised that he provided his report to each Board member upon arrival. Chairman Tyler, announced that as of Tuesday, the Tobacco Commission awarded Sussex County \$4.3 million for a mega site.
- e. Environmental Inspections – report in Board packet (no oral report given)
- f. Housing Programs – report in Board packet (no oral report given)
- g. Planning and Zoning – report in Board packet (no oral report given)
- h. Public Safety – no report at this time

#### **ITEM 6. HEARING OF CITIZENS' COMMENTS**

Comments were heard from the following citizens:

- ✓ The Honorable Walter Mason, Mayor, Town of Waverly, looking forward to working with the Board; congratulated Waverly's Parks and Recreation Committee and will ask the Board of Supervisors again this year for funding for the park; will run for re-election and asking for the Board's support.
- ✓ Mr. Todd Dix, Henry District – asked who authorized the posting of the property (Henry Technology site)? Did the County receive any rent for the hunting rights? Why was it not put up for bid? Supervisor Tyler responded by advising that normally the Board receives citizens' question and they respond in writing, but he would answer Mr. Dix's question. He advised that the Board, last year received letters from the hunt club asking if they could rent the property for hunting and the Board approved the request. Mr. Dix asked if he could get a copy of the bid proposals for hunting on the Henry Road Technology site.
- ✓ Bill Collins, Courthouse District – suggested to the Board that they think carefully prior to placing a dumpster at or near Ward Griffin's store.

- ✓ Dr. C. R. Alston, Waverly District – requested funds for Sussex Youth and Adult Recreation.
- ✓ Michael Drewry, 501 Strawberry Lane, Wakefield VA, had pleasure to assist the County Administrator with some legal matters during the month of December. Did not do this to take someone’s job, but offered his assistance. He is concerned because he sees a county without needed procedures that are very typical in other counties; he sees a county not always following Virginia Code. He advised that he does see a glimmer of hope. He urged Board members to support the County Administrator and to be unified to take Sussex County in the right direction.
- ✓ Debbie Turck, Blackwater District - She stated that she is glad to see all members present. Because she attended three meetings in December, for which there was no quorum. She said that she felt that was very irresponsible actions by members of this Board. She said that they get paid each month to represent this county. She advised Mr. Caple and Mr. Tyler they each owe the County \$600.00. She advised that she drove to the Courthouse for each meeting (31 miles round trip), so they owe her \$48.60 in gas. She said they wasted her time, the public’s time who came out for the meetings that were scheduled. (Chairman Tyler told her that her check is in the mail).
- ✓ Fred Turck, Blackwater District – says Chair gave 2 or 3 minutes, but thinks he is owed 9 minutes for showing up to meeting where he (the Chair) was absent. The website is not updated, the last minutes posted on the website were May 4<sup>th</sup>, the last agenda that was posted was July 21<sup>st</sup>. Tried to place comments through the website, but have not gotten a response through that process; have heard nothing about the radio system update – what is the status? Hiring a lobbyist for the County, we have elected officials to do their jobs. If the members cannot work together as a Board, it won’t do the citizens any good. He started a blog: [sussexcountyva.blogspot](http://sussexcountyva.blogspot); will start posting things from Board meetings.

## **ITEM 7. UNFINISHED BUSINESS**

### **a. 2012 Board of Supervisors Bylaws**

Thomas E. Harris, County Administrator, reported that he has previously provided a copy of “Draft” Bylaws and Rules of Procedure for the governing Body. The Board has made some of the adjustments already, setting time, dates and location of meetings. He encouraged the members to look through them. Some of the concerns are Robert’s Rules of Order, Code of Ethics/Standards of Conduct, Rules of Debate. He also encouraged the Board to remove censuring from the Bylaws.

**Recommendation:** To review and adopt the Sussex County Board of Supervisors Bylaws as amended by the Board.

Chairman Tyler advised that the Board will review the bylaws, schedule a retreat of the Board to dissect and adopt at a later date.

b. Fiscal Year Budget Schedule, Letter and Guiding Principles

Thomas E. Harris, County Administrator reported that he has provided a copy of Administrator's Budget Letter, a recommended Budget Schedule and Guiding principles for the FY 2013 Budget to each Board member. It is his intent to send the letter and to begin to put the Budget together for review and disposition for March 22, 2012.

**Recommendation:** To adopt the FY 2013 budget schedule as presented and direct the County Administrator and Treasurer to proceed with the development of the FY 2013 Budget.

**ITEM 8. APPOINTMENTS**

Chairman Tyler advised that he has asked the County Administrator for a listing of the various Boards and Commissions to make needed appointments. He further stated that he would not deal with all of the Boards and Commissions tonight, but would like to make some appointments so that the Board can function, the Personnel Committee, the Finance Committee.

He appointed the following:

Finance Committee: Supervisors Fly, Futrell, Caple  
Personnel Committee: Supervisors Caple, Stringfield, Warren

**ITEM 9 . NEW BUSINESS**

a. Fiscal Year 2013 Budget

Chairman Tyler asked the County Administrator to provide a timeline for the budget process.

Thomas E. Harris, County Administrator, advised that it is his recommendation that the Board deal with a balanced budget as presented by the professional staff. He stated that he would like to move forward with a budget letter. He would like a commitment from the Board of Supervisors stating that if the department and agencies can save money, that there would be some honorable and honest attempt to allow those funds to be carried over to fill gaps that may be existing in next year's budget. It gives staff incentives to save money and it allows us to meet the needs. The other thing that Mr. Harris asked is that the Board begin to set priorities. He asked that the Board allow him to send a budget letter with the budget request and ask that they be returned by February 10<sup>th</sup>. He would like to present the budget to the Board on March 22<sup>nd</sup>, which gives him time to work with Dr. Charles Harris, Superintendent of Schools.

Chairman Tyler suggested that the Board meets prior to the School Board adopting its budget. The Board set the dates for the retreat for February 20<sup>th</sup> and 21<sup>st</sup>.

b. School Construction Permits

Thomas E. Harris, County Administrator recommended that all permits be paid for by the contractor and if it turns out that they were not included in the bid packet and therefore the contractors are losing some of their bid money, then Mr. Harris will ask the Board to reimburse those permit fees.

Dr. Harris advised that they (School Board/School Administration) will take care of the payment if it has not been covered in the contract.

c. Invoices For Dewberry

Thomas E. Harris, County Administrator, reported that the Board previously approved a \$249,000 contract for the Commonwealth's Attorney's Office space. There are two bills that have come in for that project (\$61,447.40 and \$56,962.50) and requested payment for same.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriate the payments for Invoice #848176 from Dewberry, in the amount of \$56,962.50, for construction documents/cona phases and Invoice #85546 from Dewberry, in the amount of \$61,447.50, for geotechnical services.

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

Voting nay: Supervisor Warren

**ITEM 10. BOARD MEMBERS COMMENTS/REPORTS**

**Blackwater District:** Supervisor Warren brought to the Board's attention, the result of the redistricting process. He advised that there are a lot of people upset over where they had to vote. He believes that the Board did a poor job with the redistricting process and suggested that each Board member select two citizens from his district to serve on a committee and be chaired by the General Registrar.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FLY that the Sussex County Board of Supervisors hereby approves of each member selecting two constituents from their district to serve on a Committee to review the redistricting project, redraw the lines; and

FURTHER RESOLVED that William Jenkins, General Registrar, serve as the Committee chair.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion died due to tie vote.

Chairman Tyler recommended that the Board table this issue and invite the General Registrar to be included in the discussion.

**Courthouse District:** Supervisor Fly advised that he needs clarification. On January 9<sup>th</sup> meeting, the Board took an opinion that the Chairman or Acting Chairman of the Board could not gain a consensus from the Board members to handle special needs that come up in the County between meetings. It appeared that the opinion of the Board that the Vice Chairman acting as Chairman did not have authority to gain consensus to handle special needs that came up between meetings. Then this past week, the Chairman sought consensus from the Board for two separate incidents of special needs. He asked the Board to clarify for him – is it okay for the Chairman to gain a consensus for special need items in between meeting or is it not okay.

Chairman Tyler stated that when this issue was discussed at a prior meeting, at the last meeting you (speaking to Supervisor Fly) had incurred \$4,347.55, \$3,811.50 and \$2,812.50 legal bills from three different attorneys, without the Board's approval. The Board also asked for the professional opinion of the Commonwealth's Attorney, who said that the Board would have to ratify what was done. The Board has concerns because you (Supervisor Fly) got three attorneys and incurred cost without the Board's approval. Chairman Tyler also stated that the Board looked at the policies and bylaws and it said that the action would need to be ratified by the Board. So the cost that was incurred without getting prior approval from the Board must have the ratification of this Board. And this involves prior Board members and not the current Board. You (Supervisor Fly) and two other previous Board members agreed to incur the cost, but two others did not consent.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN to approve of payments of legal fees as follows, \$4,347.55 to Sharon Pandak; \$3,811.50 to Sands, Anderson, Marks & Miller and \$2,812.50 to Michael Drewry.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

**Stony Creek District:** No report at this time.

**Wakefield District:** No report at this time.

**Waverly District:** No report at this time.

**Henry District:** Chairman Tyler made the following reports: (1) Citizens asked about a hill on Old Halifax Road in Jarratt. The hill blocks the view of oncoming traffic and he requests that staff asks VDOT to review that area and report; (2) In the past, a lot of information that has gone out to the press, some is accurate and some is inaccurate, the County needs to do its own news letter to put the facts out there. He asked the staff to (by next meeting) have a newsletter which can be disseminated to advise of what's happening in Sussex County; (3) the Board needs to review the regional jail concept and have some dialogue

with the appropriate entities; (4) The legal item that was going to be discussed in Closed Session, has been resolved in the open meeting.

#### **ITEM 11. CLOSED SESSION**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The purpose of the Closed Meeting is to discuss the subject matters identified as: Personnel Matters, for discussion of interview of applicants, assignments, appointment, promotion, performance, salaries, discipline or resignation of specific officers, appointees or employees, applicable Code Section and 2.2-3711(A)(1), of the Code of Virginia, 1950, as amended.

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

Voting nay: none

#### **ITEM 12. RETURN TO OPEN SESSION**

**Recommendation:** To move to return to Open Meeting.

#### **ITEM 16. CERTIFICATION OF CLOSED MEETING**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED 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 13. MOTIONS FROM CLOSED MEETING**

After a brief discussion, Supervisor Caple agreed to review and sign invoices the month of February.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL that the invoices for legal fees incurred shall be paid.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

Chairman Tyler suggested that the Board discuss this issue at next month's meeting.

**ITEM 14. ADJOURMENT**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the January 19, 2012 meeting of the Sussex County Board of Supervisors is hereby adjourned.

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

Voting nay: none