

**At a Meeting of the Sussex County Board of Supervisors
Held on Thursday, August 29, 2013, 7pm
General District Courtroom, Sussex Judicial Center**

Board Members Present:

C. Eric Fly, Sr.
Alfred G. Futrell
Raymond L. Warren

Board Members Absent:

Charlie E. Caple, Jr.
John A. Stringfield

Staff Present:

Thomas E. Harris, County Administrator
Michael R. Packer, County Attorney
Deborah A. Davis, Assistant to County Administrator

Item 1. Call to Order/Determine Quorum ([7:13:08 PM](#))

The August 29, 2013 special meeting of the Sussex County Board of Supervisors was called to order by Chairman Fly.

Item 2. Approval of Agenda

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the August 29, 2013 agenda of the Sussex County Board of Supervisors was approved as presented.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: none

Absent: Supervisors Caple, Stringfield

Item 3. Suspension of Roll Call Vote

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby suspends the Board's normal Roll Call Vote and adopts for this meeting the following voting procedure to allow the Board member to vote simultaneously with his peers: (1) the vote will be completed by ballot (2) nominations will be taken from the Board; (3) nominations will be voted on individually; (4) votes will be taken in reverse alphabetical order (5) Ballots are printed for each Board member with a place to write in the individual nominee. The ballots also include a place to check yes or no, per individual nominee); (6) the first candidate to receive a majority vote of the Board will assume his position as the newly appointed Tie Breaker for the Sussex County Board of Supervisors, upon qualification; and (7) once our selection is made, the governing body then approves the nomination by acclamation.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: none

Absent: Supervisors Caple, Stringfield

Item 4. Appointment of Tie Breaker

Supervisor Futrell nominated Mr. William Collins, 12780 Old Forty Road, Waverly VA 23890 to serve as the Tie Breaker for the Sussex County Board of Supervisors.

Votes were cast by ballot and Supervisors Fly, Futrell and Warren voted to appoint Mr. William Collins as Sussex County's tie breaker

County Attorney Packer stated that under Virginia law, tie breakers are selected by the citizens through the election process. The Board has created the tie breaker position and of course it's a new position, so it was vacant. The Board has just filled that vacancy on an interim basis, until such time as the court sets a special election countywide for the tie breaker position. The only requirement that the Constitution of Virginia requires to run in that election is that one has to be eighteen years of age or older, one has to be a resident of the County and one has to have the right to vote within the County. So anyone so desiring, can run. It is too late for this election to occur in November 2013 under Virginia law, but the law requires the election to occur promptly.

Item 5. Approval of Voting Locations

County Attorney Packer provided a Power Point Presentation to explain the proposed changes to the voting locations.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the voting location changes, to wit: (1) Waverly Precinct is to be relocated to the County Office Building, 233 L South County Drive, Waverly VA 23890; (2) West Wakefield Precinct is to be relocated to the County Office Building, 233 L South County Drive, Waverly VA 23890; (3) Blackwater Precinct is to be relocated to the County Office Building, 233 L South County Drive, Waverly VA 23890; (4) Mars Hill Precinct is to be relocated to the Wakefield Fire House, 11940 Brittle's Mill Road, Wakefield VA 23888. Because prior establishment of or subsequent changes to the establishment of these locations may have been accomplished by ordinance, or because the enactment of an ordinance to effectuate such changes may now be required by controlling law, the changes resulting from the action taken herein are hereby enacted by ordinance. The herein-enacted changes to polling places shall become effective on and after November 15, 2013, and shall have no effect on the November, 2013, general election.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: none

Absent: Supervisors Caple, Stringfield

Item 6. Closed Session ([7:35:49 PM](#))

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby enter Closed Session to interview the candidates for the appointment of the Member of the Board of Supervisors to represent the Henry District, applicable Code Section 2.2-3711(A)(1).

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: none

Absent: Supervisors Caple, Stringfield

Item 7. Certification of Closed Meeting [7:54:55 PM](#)

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors reconvened in Open Meeting; and

WHEREAS the Board of Supervisors of Sussex County, Virginia convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard discussed or considered.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: none

Absent: Supervisors Caple, Stringfield

Item 8. Appointment to the Board of Supervisors to Represent the Henry District

Chairman Fly stated the following: (1) The vote will be completed by ballot; (2) The Board has three nominations; (3) Nominations will be voted on individually; (4) Votes will be taken in reverse alphabetical order.

The first candidate is Mr. Steve White.

County Administrator Harris read the ballots as follows: Supervisor Warren voted yes for Mr. Steve White; Supervisor Fly voted yes for Mr. Steve White; Supervisor Futrell did not vote for Mr. Steve White.

County Attorney Packer stated that Section 24.2-228 of the Code of Virginia which indicates that “if a majority of the remaining members of the body of the Board cannot agree or do not act, the judges of the Circuit Court shall select. He stated that that language tells him that it requires three members of the Board to appoint the vacancy.

Chairman Fly asked Supervisor Futrell to cast his vote for Mr. White.

Supervisor Futrell then cast his vote for Mr. White.

County Attorney Packer announced that Mr. White was the first candidate to be voted upon because his is the last in alphabetical order. Each Board member cast a positive vote for him and for that reason, he has been appointed.

Chairman Fly explained to the citizens that three individuals had completed application for consideration of the Henry District Supervisor position – Robert Hamlin, Clinton Holloway and Steve White. After their applications came in, two of those candidates (Mr. Hamlin and Mr. Holloway) certified to run in the election; Mr. White did not certify to run. The reason for the vote tonight is that the Board of Supervisors did not feel that it was proper for them to influence the election. They felt that by appointing either of the other two candidates that are running in the November election, it would give them an endorsement and an advantage or it could give them an endorsement and an advantage or it could hurt that candidate. So the Board appointed the third person who is not running in November; therefore Mr. Hamlin and Mr. Holloway are free to run their campaigns as they wish and the citizens of the Henry District will choose who they want.

Item 9. Public Comments

Chairman Fly allowed time for citizens’ comments.

There were no citizens’ comments.

Item 10. Adjournment

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WARREN and carried: RESOLVED that the August 29, 2012 Special Meeting of the Sussex County Board of Supervisors is hereby adjourned at 8:03 p.m.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: none

Absent: Supervisors Caple, Stringfield