

**At a Recessed Meeting of the Sussex County Board of Supervisors held in the
General District Courtroom, Sussex Judicial Center on
Monday, March 19, 2012, 7:30 p.m.**

Present:

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

Absent:

Others Present:

Thomas E. Harris, County Administrator
Raymond R. Bell, Sheriff
Vincent B. Givens, Lieutenant, Sheriff's Department
Gary M Williams, Circuit Court Clerk
Deste Cox, Deputy Treasurer
Deborah A Davis, Assistant to County Administrator
Frances M. Fountain, Clerk of Combined Courts
Tammy Sheffield, Deputy Clerk of Combined Court
George M. Morrison, III, Deputy County Administrator/Dir. Of Economic Development
George A. Taylor, Environmental Inspections Supervisor

Item 1. Call To Order

The March 19, 2012 recessed meeting of the Sussex County Board of Supervisors was called to order by Chairman Tyler; the Pledge of Allegiance was recited by all.

Chairman Tyler explained that this meeting is a continuation from last Thursday's meeting which was recessed until tonight to continue the business of the County and asked for a motion to enter Closed Session for the personnel items as listed on the previous agenda

1. Legal matters regarding land acquisition
2. Legal matters regarding court proceeding update on administrative personnel
3. Personnel matters regarding appointments

Supervisor Fly stated that he distributed agenda additions that he would like to add before the Board enters Closed Session

1. Requirements for County Attorney
2. Hiring of County Attorney
3. Payment of Attorneys
4. Citizens Comments
5. County Administrator Action Control by State Law

6. Deputy County Administrator Time Sheets, hiring and firing of employees

Chairman Tyler stated that this meeting is a continuation, recessed from the previous meeting and the agenda that was passed out the last time is what the Board recessed to continue.

Supervisor Fly stated that the Board has some unfinished business that needs to be attended to and he asked that these items be added to the agenda. Can be included at item 16a, 16b, etc.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the following items be added to the agenda, under Closed Session Requirements for County Attorney: (1) Requirements of County Attorney; (2) Hiring of County Attorney; (3) Payment of Attorneys; (4) Citizens Comments; (5) County Administrator Action Control by State Law and (6) Deputy County Administrator Time Sheets, hiring and firing of employees.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

Motion fails due to tie vote.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD that the Board of Supervisors enter into Closed Session to discuss the items as stipulated on the March 15th agenda; (1) Legal matters regarding land acquisition; (2) Legal matters regarding court proceeding update on administrative personnel; (3) Personnel matters regarding appointments.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the Sussex County Board of Supervisors that the Board pick up where they left off, at the March 15th meeting, which was with Item 16a.

Supervisor Warren asked if the Chairman's excuse is that the Board cannot discuss Item 16a because they have already discussed it.

Chairman Tyler stated that Item 16a has already been completed.

Supervisor Warren stated that the Board had not completed it because the next item is Closed Session and the Board did not go into Closed Session.

Supervisor Fly stated that the Chairman suggested that his motion is frivolous. There only three things that the Chair can call him out of order on: (1) if the motion is deliberately made to confuse the issue and the issue is the agenda, so obviously the motion did not confuse the issue; (2) that the item did not pertain to the item at hand; (3) that the motion is ridiculous that it cannot be applied in any way to the business that is duly to be conducted by the body. He stated that his motion does not fit either of those categories.

Supervisor Fly stated that his motion on the floor is to go back to Item 16a for completion.

At 8:22 p.m., Chairman Tyler asked for a motion to adjourn the meeting the next regular meeting in April, unless there is a special called meeting to deal with the critical items.

Supervisor Futrell stated that there is a citizen present that could solve one of the issues regarding land.

Thomas E. Harris, County Administrator stated that a lot of the confusion has to do with not just how we conduct business or rules and regulations we try to apply to conduct our business. For example, the County Code adopted in 1991 states that "all matters not covered by the Commonwealth of Virginia, we use Robert's Rules of Order Revised." In 1876 when Robert's Rules of Order was first published, there were two versions published in 1876, the second one was the revised version. Since that time, there have been ten revised versions, the latest in 2011. So when we say revised, then the questions becomes, what are we talking about? We have not bothered to change our Code since 1991. Our Code is still predicated on 15.1, which changed in 1997 in the state of Virginia to 15.2. We have not made the fundamental changes that will allow this Board and this community to move forward in a contemporary fashion in compliance with state law. The role of the Chair is to rule impartially to make sure that the pros and cons are done and debated and the public has an opportunity to understand the nature of the debate, the quality of the debate and the ultimate decision from the debate.

At 8:27 p.m., Chairman Tyler asked for a motion to adjourn.

Supervisor Fly stated that since the Board did not want to adopt his suggested additions to the agenda, he would make a motion that the only thing to be placed on the agenda tonight is number 3, Payment of Attorneys and number 4, Citizens Comments, given 3 minutes each and then enter into Closed Session.

Supervisor Warren seconded the motion.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

Motion fails due to tie vote.

Citizen, Carla Lilley approached the podium and stated that she would like to speak. She stated that she thinks this is a travesty. She stated that the Chairman is taking us back to the days before segregation.

Sheriff Bell asked Ms. Lilley to return to her seat.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and that the Board of Supervisors add Item 4, Citizens' Comments with the allotment of three minutes be added to the agenda, after which the Board enter into Closed Session.

Supervisor Caple stated that the Board needs to take care of what needs to be done tonight.

Supervisor Fly stated that the citizens after this meeting recall every Board member. But the Board needs to allow the citizens comments to speak their minds.

Chairman Tyler stated that was not on the agenda and there is no attorney in the room.

Item 2. Adjournment

At 8:34 p.m., Sheriff Bell closed the meeting.