



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-065: Approval of Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the April 17, 2014 agenda of the Sussex County Board of Supervisors budget work session is hereby approved as presented.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-066: Adjournment

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the April 17, 2014 budget work session of the Sussex County Board of Supervisors is hereby adjourned at 5:51 p.m.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-067: Approval of Public Hearing Agenda

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the April 17, 2014 public hearing agenda.

A COPY TESTE:


Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-068: Close Public Hearing

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

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-069: Board's Action on Public Hearing Item

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Noise Ordinance, to wit:

WHEREAS, the Supreme Court of Virginia in *Tanner v. City of Virginia Beach (2009)* held that a subjective “*reasonable person*” standard is unconstitutionally vague, and therefore invalid and unenforceable as a standard for enforcing a local noise ordinance; and

WHEREAS, the ability of Sussex County citizens to peaceably enjoy their residences, schools, businesses and public places without the intrusion of loud, unnecessary noise is important to the overall quality of life in the county; and

WHEREAS, the Board of Supervisors directed the County Administrator to develop, in cooperation with the County Attorney, Sheriff, and Commonwealth’s Attorney, a noise ordinance that would be in the best interests of the citizens of Sussex County and would also comport with the requirements established by the Virginia Supreme Court; and

WHEREAS, the Board of Supervisors has held a public hearing to receive citizen input on this matter; and

WHEREAS, Senate Bill 246, sponsored by Senator John Watkins, grants localities civil penalty authority for noise ordinance violations and was enacted into law by the General Assembly on July 1, 2010, (See Va. Code Ann. Section 15.2-980).

NOW THEREFORE BE IT ORDAINED that the Sussex County Board of Supervisors hereby adopts a Sussex County Noise Ordinance in its entirety as follows:

Loud Noise Prohibited.

Section 1. Declaration of policy

It is hereby declared to be the public policy of the county to promote an environment for its citizens free from noise that jeopardizes their health or welfare or degrades the quality of life.

Section 2. Definitions

The following words, when used in this ordinance shall have the meaning assigned to them in this section:

"Plainly Audible" means any sound that can be heard clearly by a person using his or her unaided hearing faculties.

"Residential" refers to single unit, two-unit, and multi-unit dwellings, and residential areas of planned residential zoning district classifications, as set out in the zoning ordinance of Sussex County.

Section 3. Loud Noises Prohibited

The following acts, or the causing or permitting thereof, are declared to be unlawful loud noises, but this enumeration shall not be deemed to be exclusive:

1. Noise generally.

The creation of any noise between the hours of 10:00 p.m. and 6:00 a.m. (a) in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person; or (b) in such a manner as to be plainly audible at a distance of 200 feet or more from its source.

2. Radios, television sets, musical instruments, and similar devices. The using, operating or permitting to be played, any radio, musical instrument, record, tape, compact disc player, loudspeaker or other machine or similar device for the producing or reproducing of sound between the hours of 10:00 p.m. and 6:00 a.m.

a. in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person; or

b. in such a manner as to be plainly audible at a distance of 50 (fifty) feet or more from its source.

3. ***Horns, whistles, etc.*** The sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except when necessary as a warning of danger.
4. ***Loudspeakers, public address systems and sound trucks.*** The using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person.
5. ***Explosive, fireworks and similar devices; discharge of firearms on Sundays.*** Using or firing any fireworks without a fireworks permit, explosives or similar devices which create impulsive sound between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person. In addition to any other prohibitions contained in this ordinance, discharge of any firearm between the hours of 12:00 a.m. and 10:00 p.m. on any Sunday in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person or as to be plainly audible at a distance of 200 feet or more from its source. For the purposes of this ordinance, "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.
6. ***Lawn Care Equipment.*** Creating noise in residential areas between 10:00 p.m. and 6:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities, except for certain commercial activities set out Section 4.
7. ***Large party gatherings.*** Allowing noise between the hours of 10:00 p.m. and 6:00 a.m. that is audible inside the confines of the dwelling unit, house or apartment of another person or at fifty (50) or more feet from the source when the noise is generated from a gathering of ten or more people.
8. ***Trash collection vehicles.*** The collection of trash or refuse in residential use districts between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at any residence 100 (one hundred) or more yards away.
9. ***Vehicles.*** Operating or using a motor vehicle or motorcycle in such a manner that creates a mechanical or exhaust noise that is plainly audible at a distance of two hundred (200) feet or more from the vehicle. Operating sound amplifying equipment in a motor vehicle at a volume sufficient to be plainly audible at a distance of one hundred (100) feet from the vehicle.

- 10. *Schools, public buildings, places of worship, and hospitals.*** Creating any noise on the grounds of any school, court, public building, place of worship or hospital in a manner that is plainly audible within such school, court, public building, place of worship or hospital and interferes with the operation of the institution.

Section 4. Exceptions.

The provisions of this ordinance shall have no application to any sound generated by any of the following:

1. Sound which is necessary for the protection or preservation of property, including livestock and companion animals, or the health, safety, life or limb of any person.
2. Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
3. Parades, permitted fireworks displays, school related activities, and other such public special events or public activities.
4. (a) Hunting dogs. (b) Dogs responding to any person or animal on the property of the dog's owner or custodian, when such presence poses a real or perceived threat to the animal or to the occupants of the property.
5. Commercial forestry or timbering operation being conducted pursuant to a valid permit or license.
6. Commercial landscaping operations not being conducted in a residential subdivision.
7. Farming or agricultural operations.
8. Locomotives and other railroad equipment.
9. Aircraft.
10. The striking of clocks.
11. Church bells.
12. Noise generated in connection with business being performed on industrial property.

13. Noise generated by the operation or use of a sport shooting range if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range.

Section 5. Noises Authorized by Permit

The provisions of this ordinance shall not apply to any noise that is otherwise specifically authorized by a valid special exception, conditional use, or other permit approved by the county.

Section 6. Penalty for violation of Ordinance; civil penalties

(1) Any person violating any of the provisions of this Ordinance shall be deemed guilty of a civil violation and shall be subject to a fine not exceeding \$250 for the first offense and \$500 for each subsequent offense. Each day of violation of any provision of this article shall be a separate offense.

(2) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the noise source.

Section 7. Enforcement.

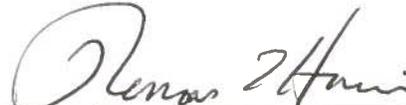
This ordinance shall be enforced by the Sussex County Sheriff's Office, who shall issue a written civil summons on a form approved by the court, to any person found to be in violation of the provisions contained herein.

Section 8. Private remedies not affected

Nothing in this ordinance precludes a citizen from bringing a private nuisance claim or any other similar action in court against any individual related to noise.

Be it further Ordained that this ordinance, as approved by the Board of Supervisors upon due consideration and after all required public notice and hearing, shall take effect immediately this 17th day of April, 2014.

A COPY TESTE:


Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

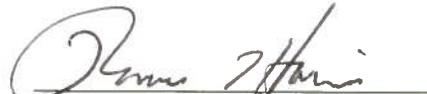
VOTE:

aye
aye
aye
aye
aye
aye

R-14-070: Approval of Regular Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the April 17, 2014 regular meeting agenda of the Sussex County Board of Supervisors is hereby approved with the aforementioned amendments

A COPY TESTE:


Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-071: Approval of Consent Agenda

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the April 17, 2014 Consent Agenda of the Sussex County Board of Supervisors is hereby approved, to wit:

- a. Approval of Minutes of March 20, 2014 meeting
- b. Sheriff's Department's Request for Appropriation from E911-SPOT, \$550.32
- c. Sheriff's Department's Restoration of Funds, \$2,339.28, VACo Insurance Claim
- d. Commonwealth's Attorney's Request for Line Item Transfer: from Part Time Salaries to Other Professional Services, Pender & Coward Invoice, (\$1,404.75), Transfer from: 63100-1118-631-630 Part Time Salaries, Transfer to: 63100-1229-631-630 Other Professional Services
- e. Approve, Appropriate, and Transfer; Timmons Group; \$753.48; Megasite; Property Acquisition Study
- f. Approve, Appropriate, and Transfer; Timmons Group; \$1,250.00; Megasite; Master Planning and Preliminary Engineering Report
- g. Approve, Appropriate, and Transfer; McGuire Woods; \$33.00; Megasite; Professional Services
- h. Approve, Appropriate and Transfer, Dominion Virginia Power, \$6,644.63, Commonwealth's Attorney's Building
- i. Approval of Application and Certificate for Payment #6, Kenbridge Construction Company, \$143,823.83, Commonwealth's Attorney's Building

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

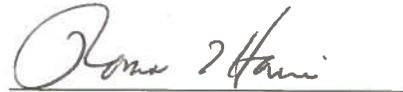
VOTE:

aye
aye
aye
aye
aye
aye

R-14-072: Appointment to John Tyler Alcohol Safety Action Program

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried:
RESOLVED that the Sussex County Board of Supervisors hereby tables the appointment to the John Tyler Alcohol Safety Action Program Board until the May 15, 2014 meeting.

A COPY TESTE:


Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-073: Appointments to Industrial Development Authority Board of Directors

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried:
RESOLVED that the Sussex County Board of Supervisors hereby tables the appointments to the Industrial Development Authority Board of Directors until the May 15, 2014 meeting.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
nay
aye
aye
aye
aye

R-14-074: FY- 2014 Budget Recommendation: Animal Control Truck

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approves of a budget amendment and appropriation in the amount of \$30,485.00 for the purchase of a truck for Animal Control.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
nay
aye
aye
aye
aye

R-14-075: FY-2014 Budget Recommendation

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of a budget amendment and appropriation in the amount of \$1,000.00 be donated to Sussex Relay for Life Team, "Because We Care."

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-076: FY-2014 Budget Recommendation: Commonwealth's Attorney

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment and appropriation in the amount of \$34,000.00 to be used for the purchase of computer hardware/software for the Commonwealth's Attorney's Office.

A COPY TESTE:


Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-077: FY-2014 Budget Recommendation: Social Services

ON MOTION OF SUPERVISOR FUTRELL, and seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a budget amendment and appropriation in the amount of \$40,000.00 be used for the purchase of two (2) new vehicle for the Department of Social Services.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

<u>PRESENT:</u>	<u>VOTE:</u>
Charlie E. Caple, Jr.	aye
C. Eric Fly, Sr.	aye
Alfred G. Futrell	aye
Robert E. Hamlin	aye
John A. Stringfield	aye
Raymond L. Warren	aye

R-14-078: Resolution in Memory of the late Thomas Edward Felton, Jr.

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

WHEREAS, Thomas “Tom” Edward Felton, Jr., was born July 17, 1965, in Petersburg, Virginia, to Thomas Edward Felton, Sr., and Elaine Williams Felton; and

WHEREAS, Tom Felton began his law enforcement career in 1986 when he joined the Colonial Heights Police Department where he served as a patrol and K-9 officer; and

WHEREAS, Tom Felton later served the citizens of Sussex County when he joined the Sussex County Sheriff’s Department as a patrol deputy in January, 1988; and

WHEREAS, Tom Felton also served the citizens of Sussex as a volunteer fireman with the Jarratt Volunteer Fire Department, was admired in his community and was also known to go beyond the call of duty to help those in need of assistance; and

WHEREAS, Deputy Felton died in the line of duty on April 29, 1989; and

WHEREAS, Deputy Felton is survived by his wife of two years, Sharon Felton Story, mother, Elaine Felton Lane, and brother, Virginia State Trooper Michael S. Felton;

NOW THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors does hereby approve this resolution in recognition of the 25th Anniversary of Deputy Felton’s ultimate sacrifice:

Page 2: R-14-078: Resolution in Memory of the late Thomas Edward Felton, Jr., adopted by Sussex County Board of Supervisors, April 17, 2014

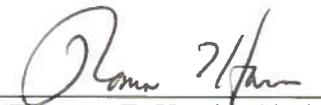
Section 1: The Board of Supervisors honors the life and service of Deputy Tom Felton, Jr., and expresses its appreciation for his service as a law enforcement officer and to the citizens of Sussex County.

Section 2: The Board of Supervisors extends its deepest sympathy to the family of Tom Felton for the loss of a beloved family member; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to execute this Resolution and the County Administrator is directed to provide a copy to the family of Thomas "Tom" Edward Felton, Jr.

AND FINALLY, BE IT RESOLVED that this resolution be placed in the Public Minutes so that future generations will know and understand the high regard, esteem and deep respect that The Chairman, Board, Citizens and Employees of Sussex County held the late Thomas Edward Felton, Jr.

A COPY TESTE:


Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

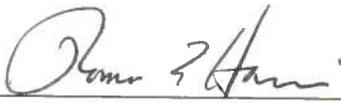
VOTE:

aye
aye
aye
aye
aye
aye

R-14-079: Local Choice Renewal

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that Sussex County Board of Supervisors will continue to pay single coverage for County employees of \$595.00 per month per employee for the Local Choice Health Care Insurance coverage.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

<u>PRESENT:</u>	<u>VOTE:</u>
Charlie E. Caple, Jr.	aye
C. Eric Fly, Sr.	aye
Alfred G. Futrell	aye
Robert E. Hamlin	aye
John A. Stringfield	aye
Raymond L. Warren	aye

R-14-080: Byrne Justice Assistance (JAG) Grant #14-M1205LO13

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accept and appropriate the Byrne Justice Assistance (JAG) Grant #14-M1205LO13 in the amount of \$2,311.00 in federal funds and \$257.00 in local cash matching funds for a total award of \$2,568.00.

A COPY TESTE:


Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

<u>PRESENT:</u>	<u>VOTE:</u>
Charlie E. Caple, Jr.	aye
C. Eric Fly, Sr.	aye
Alfred G. Futrell	aye
Robert E. Hamlin	aye
John A. Stringfield	aye
Raymond L. Warren	aye

R-14-081: Hiring and Dismissal Oversight Policies

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the following amendments to Sussex County's Personnel Policy and Procedures Manual:

Section 5.7 Selection and Notification of Offer

If the County Administrator concurs with the department director's selection, the County Administrator shall notify the Board of Supervisors of the pending selection. Such notice shall be given in a closed meeting of the Board of Supervisors. At that meeting, the County Administrator shall inform the Board of the name of the finalist, his/her pertinent qualifications, the selection process used and information concerning other qualified applicants and their respective qualifications. If the Board of Supervisors is unsatisfied with the selection process, the Board, upon reconvening from its closed meeting, shall, in open session, by motion made and majority vote adopting that motion, direct the County Administrator to take additional actions relative to its particular concerns relating to the selection process. Upon completion of such additional actions, the County Administrator shall repeat the notification process to the Board of Supervisors as specified above. If, upon reconvening from a closed meeting at which it receives notice of a pending selection, the Board takes no action relating to the selection, the County Administration may appoint the finalist and notify the appointee accordingly.

Section 29.7 Disciplinary Action

The County Administrator shall notify the Board of Supervisors of any pending dismissal. Such notice shall be given in a closed meeting of the Board of Supervisors held after the employee is afforded the opportunity to meet with the County Administrator and respond to the allegation(s) against him/her. At the closed meeting of the Board of Supervisors, the County Administrator

shall inform the Board of the name of the employee, the investigative process utilized, the reasons for dismissal and the evidence that substantiates those reasons. If the Board of Supervisors is unsatisfied with any aspect of the dismissal process, upon reconvening from its closed meeting shall, in open session, by motion made and majority vote adopting that motion, direct the County Administrator to take additional actions relative to its particular concerns relating to the dismissal process. Upon completion of such additional actions, the County Administrator, shall, if he/she believes such to be warranted, repeat the dismissal notification process to the Board of Supervisors as specified above. If, upon reconvening from a closed meeting at which it receives notice of a pending dismissal, the Board takes no action relating to the dismissal, the County Administrator may dismiss the employee and notify the employee of such action and his/her grievance rights in that regard.

A COPY TESTE:


Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-082: Sixth Judicial Circuit Judge's Request for Telephone Stipend

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors approves Judge Stephen Bloom's request to increase the payment for cell phone service from \$50.00 per month to \$85.00 per month, to approve the reimbursement payment for 2013 and further include such reimbursement in the FY 2015 budget.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-083: Stormwater Management Act

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried:
RESOLVED that the Sussex County Board of Supervisors agrees to opt out of the Stormwater Management Program and allow the Department of Environmental Quality to continue to administer the Virginia Stormwater Management Program.

A COPY TESTE:



Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-084: Closed Session

ON MOTION OF SUPERVISOR FUTRELL, and seconded by SUPERVISOR WARREN, and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for the following: a) Discussion or consideration of the condition, acquisition or use of real property, applicable Code Section 2.2-3711(A)(3); b) Consultation with legal counsel with regard to construction project, applicable Code Section 2.2- 3711(7); c) County Administrator's Performance, applicable Code Section 2.2-3711(A)(1).

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-085: Return To Open Session/Certification

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried:
RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session; 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.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-086: Application and Certificate For Payment #24 – Oyster Point Construction

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approves of remitting payment for Application and Certificate for Payment #24, from Oyster Point Construction, in the amount of \$50,000.00.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-087: Action Taken on Closed Session Items

MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HAMLIN, and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approves of Application and Certificate for Payment #24, from Oyster Point Construction in the amount of \$50,000, for the Sussex Elementary School Construction Project.

A COPY TESTE:

Thomas E. Harris, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of April 2014.

PRESENT:

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

VOTE:

aye
aye
aye
aye
aye
aye

R-14-088: Recess/Adjournment

ON MOTION OF SUPERVISOR WARREN, and seconded by SUPERVISOR FUTRELL, and carried: RESOLVED the April 17, 2014 meeting of the Sussex County Board of Supervisors is hereby adjourned at 10:30 p.m.

A COPY TESTE:

Thomas E. Harris, Clerk