

**At a Regular Meeting of the Sussex County Board of Supervisors  
Held on Thursday, May 15, 2014 at 7:00 p.m.  
General District Courtroom, Sussex Judicial Center, Sussex VA 23884**

**Board Members Present:**

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

**Others Present:**

Thomas E. Harris, County Administrator  
Michael R. Packer, County Attorney  
Onnie L. Woodruff, Treasurer  
T. Robertson Blount, Director of Finance  
Deste J. Cox, Deputy Treasurer  
Raymond R. Bell, Sheriff  
W. Travis Luter, Building Official  
Brenda H. Drew, Housing Program Coordinator  
Shilton A. Ricks, Permits Technician  
Benjamin Banty, Deputy  
Anne K. Ellis, Account Payables Clerk  
Arthur Jarrett, Superintendent of Schools  
Lorenzo Turner, Housing Assistant  
Marquitta Shaw, Housing Assistant  
Lewis Minga, Housing Assistant  
Deborah A. Davis, Acting Deputy County Administrator/Assistant to County  
Administrator/Deputy Clerk  
Gary M. Williams, Circuit Court Clerk  
Ellen G. Boone, Commissioner of the Revenue  
Marvin J. Drew, III, Environmental Inspector

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

The May 15, 2014 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**

The following amendments were requested:

- a. To add a discussion regarding the recently adopted Noise Ordinance
- b. Closed Session for Personnel Matter
- c. Budget Discussion

#### **Item 5. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Regular Agenda of the May 15, 2014 meeting of the Sussex County Board of Supervisors is hereby approved, including the following additions: (1) Add Discussion of Noise Ordinance as item 10c; (2) Add Personnel Matters as Item 16a; and (3) Add Budget discussion as Item 17c.

Voting aye: Supervisors Caple, Fly, Hamlin, Stringfield, Warren

Voting nay: none

Absent during vote: Supervisor Futrell

#### **Item 6. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the May 15, 2014 Consent Agenda, to wit:

- a. Approval of Minutes of April 10, 2014 Meeting
- b. Approval of Minutes of April 17, 2014 Meeting
- c. Approval of Application and Certificate for Payment #7; Kenbridge Construction Company, Commonwealth's Attorney Building Project \$176,581.25,
- d. Approve, Appropriate, and Transfer, Hurt & Proffitt; Commonwealth's Attorney Building Project; Materials Testing Services \$157.25
- e. Approve, Appropriate and Transfer, Phillips Telecommunications; \$6,680.00, Commonwealth's Attorney Building Project, Telephone Line Connection
- f. Approve, Appropriate, and Transfer, Phillips Telecommunications; \$2,470.00, Commonwealth's Attorney Building Project, Data Line Installation
- g. Approve, Appropriate, and Transfer, McGuire Woods; Mega Site, Professional Services, \$281.00.
- h. Approve, Appropriate, & Transfer; Timmons Group, Mega Site, Land Development, \$800.00
- i. Approve, Appropriate and Transfer, Timmons Group, Mega Site; Land Development, \$3,225.00
- j. Approve, Appropriate and Transfer, Timmons Group, Mega Site; Land Development, \$1,000.00
- k. Accept and Appropriate DMV Grants Funds to Sheriff's Department for Law Enforcement Supplies, \$710.00
- l. Approval of Warrants and Vouchers

m. Adoption of a Resolution recognizing Southampton Academy's Soccer Team as the 2014 VCC Soccer Champion

Voting aye: Supervisors Caple, Fly, Hamlin, Stringfield, Warren

Voting nay: none

Absent during vote: Supervisor Futrell

(Supervisor Futrell entered at 7:16 p.m.)

### **Item 7. Motion to Enter Public Hearing**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Public Hearing to consider the following: (1) VDOT's Proposed Priority List for Improvements of Secondary and Unpaved Roads/Six Year Plan; (2) Conditional Use Permit Application #2014-01, Iluka Resources, Inc, applicant; and (3) County Budget and Fixing of County Levies for FYE 2015

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

Voting nay: none

### **Item 7a. VDOT's Proposed Priority List for Improvements of Secondary and Unpaved Roads/Six Year Plan**

Mr. Joseph Lomax, Franklin Residency, Virginia Department of Transportation provided a Power Point presentation relative to the Proposed Priority List for Improvements of Secondary and Unpaved Roads/Six Year Plan. (A copy of the proposed list and presentation are retained in the May 15, 2014 Board packet).

Mr. Lomax explained that the amount of funding for Sussex County for Unpaved Roads for FY 2015 through FY 2020 is \$710,096.00; the amount of funding for Sussex County for TeleFee for FY 2015 through FY 2020 is \$213,942.00. The Board of Supervisors will need to decide which roads will be placed in the Plan.

He also reported the following:

Courthouse Road project is complete.

Union Hill Road is under construction

Steel Bridge Road is will begin summer of this year

### **Item 7b. Conditional Use Permit Application #2014-01, Iluka Resources, Inc, applicant**

The staff report for Conditional Use Permit Application #2014-01 was provided by Shilton A. Ricks, Permits Technician.

### **STATEMENT OF REQUEST**

Pursuant to Section 16-22§27 of the Zoning Ordinance, the applicant, Iluka Resources Inc., seeks a conditional use permit to allow the excavation and mining of mineral sands

on tax map numbers 101-A-38 (consisting of 187 acres). The parcels in question, owned by Christopher Lance Everett and Lee Randolph Everett, are zoned A-1, General Agricultural District which allows the proposed use with a conditional use permit. The affected properties are located on the south line of Route 616 (Stewart Road) in the Henry Election District.

### **FINDINGS**

The applicant is proposing to continue the mining and reclamation for mineral sands in Sussex County on one (1) additional parcel encompassing approximately 187 acres. Iluka Resources, Inc. plans to lease the properties in question and to restore the land after the completion of mining activities.

The applicant, and its predecessor in the United States, RGC Mineral Sands (RGC), has conducted mining and reclamation activities in Sussex County since the mid 1990's. Iluka has received three (3) prior Conditional Use Permits (CUP #95-04, CUP #2013-01, CUP #2013-02) to conduct mining on other parcels of land in the surrounding areas. Iluka has met all of the requirements of the Sussex County Zoning Ordinance. Furthermore, staff has not received any documents of non-compliance from any applicable state and/or federal regulatory agencies. Also, over the years, the Planning Department has not received any complaints from the public relative to Iluka's mineral mining operation.

According to information submitted by the applicant, no environmentally sensitive areas (i.e. wetlands or floodplains) will be disturbed during mining activities. The applicant also indicated that there will not be any increase in truck traffic associated with the mining of the one (1) additional property in question. The affected areas are rural and agricultural in nature. Surrounding land uses consist of Iluka's existing mining operations, open farmland, woodlands, and a rural single-family residential development in the form of single-family dwellings and manufactured homes.

### **PLANNING COMMISSION'S RECOMMENDATION – APPROVAL**

After discussion with the representatives from Iluka Resources, the Planning Commission did not anticipate any negative impacts to result from the proposed use of the properties in question. To date, the Office of Community Development has not received any opposition relative to the applicant's request.

**The Planning Commission voted (9 to 0 with 1 abstention) to approve Conditional Use Permit Application #2014-01 at a public hearing held on April 7, 2014 subject to the following conditions:**

1. All required local, state (Virginia Department of Mines, Minerals and Energy, Virginia Department of Environmental Quality and Virginia Department of Transportation) and/or Federal permits governing this operation shall be obtained and provided to the County.
2. The applicant shall coordinate with VDOT and Sussex County as a continuous effort to preclude and/or correct any road problems arising from this operation.

3. The applicant shall maintain consultation with Virginia Tech in order to address any issues related to soil productivity and soil stabilization.
4. Appropriate setbacks from road right-of-ways, property lines and residences shall be maintained in accordance with the provisions of Sussex County Zoning Ordinance and the Virginia Department of Mines, Minerals and Energy criteria.

**Item 7c. Comments on VDOT Public Hearing**

**Public Comment** – there were no comments from the public.

**Board Comment** – there were no comments from the Board members.

**Item 7d. Action on Six Year Plan**

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

WHEREAS, Section 33.1-23 and 33.1-23.4 of the Code of Virginia, 1950, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures and participated in a public hearing on the Proposed Plan (FY 2014 through FY 2019) on May 15, 2014 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Mr. Joseph Lomax, Franklin Residency Administrator, Virginia Department of Transportation appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads and the Construction Priority List for Sussex County; and

NOW THEREFORE BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System, said Secondary Six Year Plan is hereby approved as presented at the public hearing.

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

Voting nay: none

The Priority List for Improvements of Secondary and Unpaved Roads/Six Year Plan are:

Beef Steak Road, from Route 651 to Route 602  
Route 735, from Route 660 to Route 631  
Route 610, from Route 609 to the Southampton County line  
Unpaved: Longevity Road, from Route 626 to Route 40  
Unpaved Road: From Route 606 from Route 605 to the County line

**Item 7e. Comments on Conditional Use Permit Application #2014-01**

**Public Comment** - there were no public comments.

**Board Comment** – there were no comments from the Board members.

**Item 7f. Action on Conditional Use Permit Application #2014-01**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Conditional Use Permit Application #2014-01, subject to the following conditions:

1. All required local, state (Virginia Department of Mines, minerals and Energy, Virginia Department of environmental Quality and Virginia Department of Transportation) and/or federal permits governing this operation shall be obtained and provided to the County.
2. The applicant shall coordinate with VDOT and Sussex County as a continuous effort to preclude and/or correct any road problems arising from this operation.
3. The applicant shall maintain consultation with Virginia Tech in order to address any issues related to soil productivity and soil stabilization.
4. Appropriate setbacks from road right-of-ways, property lines and residences shall be maintained in accordance with the provisions of Sussex County Zoning Ordinance and the Virginia Department of Mines, Minerals and Energy criteria

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

Voting nay: none

**Item 7g. County Budget and Fixing of County Levies for FYE 2015**

County Administrator Harris provided a Power Point presentation of the proposed FY 2015 budget. He recommended that \$88,000.00 be taken out of the Reserve Funds to set up four year old program. Some of the reductions are: the reassignment of two County employees at a savings of approximately \$87,000.00; the Sheriff will delay the hiring of three employees until August 1<sup>st</sup>; also to hire Assistant County Administrator to be hired after August.; two programs that have not been used for a while will not be used this year (there is no funding for IPR Program, so that was deleted from operations.

**Public Comment**

Comments were heard from the following:

Otto Wachsmann, Stony Creek District  
Kevin Bracy, Courthouse District

**Board Comment**

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

schedule a meeting on May 22, 2014, beginning at 7:00 p.m. to lay the levy for Fiscal Year 2015 and approve and appropriate the budget for Fiscal Year 2015.

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

Voting nay: none

## **Item 10. Appointments**

### **Item 10a.**

Appointment to John Tyler Alcohol Safety Action Program (*tabled from last month*). Last year, Mr. Ron Atkins was appointed by the Sussex County Board of Supervisors to the John Tyler Alcohol Safety Action Program. Mr. Atkins has advised that he can no longer serve due to circumstances beyond his control. Therefore a replacement is required. Please be advised that there are no District requirements.

*Recommendation: That the Board appoint someone to fill the unexpired term on the John Tyler ASAP Board, expiring January 31, 2016.*

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Tom Davin, 12889 Jerusalem Plank Road, Waverly VA 23890 to the John Tyler Alcohol Safety Action Program, to fill an unexpired term, expiring January 31, 2016.

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

Voting nay: none

### **Item 10b. Appointments to Industrial Development Authority Board of Directors**

Appointment to the Industrial Development Authority (*tabled from last month*). The terms of Mr. Emmett Drewry and Mr. Mel Davis will expire May 15, 2014. Both members have been contacted and neither wishes to serve again. New appointees will serve a four year term expiring May 15, 2018. Please be advised that there are no District requirements.

*Recommendation: That the Board appoints two new appointees to serve four year terms.*

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Clyde Johnson, 427 Jasper Lane, Waverly VA, 23890, to the Sussex County Industrial Development Authority Board of Directors, term expiring May 15, 2018.

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

Voting nay: none

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Kevin Bracy, 18377 Courthouse Road, Yale VA 23897, to the Sussex County Industrial Development Authority Board of Directors, term expiring May 15, 2018.

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

Voting nay: none

### **Item 10c. Noise Ordinance Discussion**

Supervisor Hamlin requested that the Board hold a discussion regarding the recently adopted Noise Ordinance, specifically the Section that prohibits hunting on Sundays. He asked County Attorney Packer explain what options the Board has.

County Attorney Packer explained that at its last regular meeting, the Board passed an ordinance entitled Sussex County Noise Ordinance. He restated an excerpt of Section 3.5 of the Ordinance regarding the discharge of firearms.

The ordinance was enacted last regular meeting after it was advertised as required by law. That same law requires any changes to be made to the ordinance to be done again after notice is given and advertisement occurs, except that law says "in Counties, emergency ordinances may be adopted without prior notice; however no such ordinance may be enforced for more than sixty (60) days unless re-adopted in conformity with provisions of the Code."

Therefore, if the Board wishes to amend this ordinance or repeal this ordinance in any way, it may do so this evening as an emergency ordinance without the requirement of the advertisement; however, whatever it does enact tonight would have to be re-enacted no more than sixty (60) days from today.

Supervisor Hamlin asked if the Board could suspend Section 3.5 of the Ordinance tonight until further discussion and action.

County Attorney Packer stated that his recommendation is if that is will of the majority of the Board, the Board should in fact repeal the two sentences in that section. If the Board repeals that section, it will be done by emergency legislation and if will have to come back within that sixty (60) day period for the Board to have a discussion and decide whether you want to maintain that change permanently or if the Board does not take action, then that section will automatically go back into law.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL to that the Sussex County Board of Supervisors repeal the two stated sentences of the Noise Ordinance (Section 3.5) until the Board can have further discussion on the matter, to wit:" 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; and

FURTHER RESOLVED that the Board had done by emergency legislation and will re-hear and reconsider the Noise Ordinance.



Supervisor Warren offered a substitute motion to strike the entire ordinance because noise is noise and act in sixty (60) days. Seconded by Supervisor Fly

County Attorney Packer clarified the secondary motion; to wit: The Board is about to vote on the substitute motion to repeal the noise ordinance in its entirety.

Voting aye: Supervisors Fly, Warren

Voting nay: Supervisors Stringfield, Hamlin, Caple, Futrell

The secondary motion failed.

Chairman Fly called for the vote on the primary motion.

Voting aye: Supervisors Stringfield, Hamlin, Caple, Futrell

Voting nay: Supervisors Fly, Warren

County Attorney Packer stated that staff will prepare the advertisement so that the Board will have complete control of the language of the entire ordinance.

## **Item 11. Staff/Committees/Organizations – Standing Reports**

### **Item 11a. County Administrator**

#### **Item 11a1. Five (5) Year Comprehensive Economic Development Strategy (CEDS)**

The Crater Planning District Commission is currently developing a five year Comprehensive Economic Development Strategy for the Crater Region, which will reflect local economic development needs and priorities and will also recommend regional approaches to achieve sustainable economic development. The meeting will be held on Friday, May 16, 2014 at 6:00 p.m. at the Crater PCD Office, 1964 Wakefield Avenue, Petersburg. The County Administrator has been attending these meetings to try and get more Sussex projects into the final Plan.

#### **Item 11a2. Chowan River Basin Gauge Funding**

Correspondence dated April 17, 2014, has been received from the City of Franklin inquiring whether or not the various jurisdictions (*Greensville County, City of Emporia, County of Southampton, Sussex County, County of Surry and County of Isle of Wight*) will adopt a motion to fund the operation and maintenance of the six river gauges located in the three rivers that make up the Chowan River Basin. As of April 17, 2014 Southampton County, the City of Franklin and Greensville County have agreed to the funding and given the value of these gauges to the residents of Sussex, the County Administrator asked that we too continue our regional cooperation.

***Recommendation:*** *To approve the continued participation in the Regional Chowan River Basin Gauge Funding in the amount of \$7,050.00 and authorize the County Administrator to notify the City of Franklin and the participating jurisdictions.*

ON MOTION OF SUPERVISOR WARREN seconded by SUPERVISOR FUTRELL and carried: RESOLVED: that the Sussex County Board of Supervisors hereby approve of the continued participation in the Regional Chowan River Basin Gauge Funding in the amount of \$7,050.00 and authorize the County Administrator to notify the City of Franklin and the participating jurisdictions.

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

Voting nay: none

**Item 11a3. Sussex Service Authority Operating Agreement**

The Sussex Service Authority has forwarded an Operating Agreement to the County for approval and execution. The new agreement reflects any necessary amendments to the contract including any necessary increases. The contract has not been adjusted for some time and the cost of operations has continued to rise.

Staff is currently waiting for some modifications regarding specific work and once received, will bring it to the Board. Place on June agenda.

**Item 11a4. Jarratt-Chuckatuck Hunt Club – Renewal of Hunting Lease**

Several years ago, the County entered into a lease agreement with the Jarratt-Chuckatuck Hunt Club for hunting on County property. The lease is now up and if the Board determines that it would like to continue this practice, staff suggests that the County follow standard practice and allow for competitive bid for the use of this property.

County Attorney Packer stated that obviously when citizens use public property, there a liability issues, however, the County is insured.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors follows standard practice and direct staff to advertise for competitive bid for the use of this property.

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

Voting nay: none

**Item 11b. Treasurer's Report** *(Report included)*

**Item 11c. Commissioner of the Revenue** *(No report at this time)*

**Item 11d. Sheriff's Report** *(No report at this time)*

**Item 11e. Superintendent of Schools** *(No report at this time)*

**Item 11f. Department of Social Services** *(No report at this time)*

**Item 11g. General Registrar** *(No report at this time)*

**Item 11h. Health Department** *(No report at this time)*

**Item 11i. County Attorney** *(No report at this time)*

**Item 12. Hearing of Citizens' Comments (9:00p.m.)**

Comments were heard from the following:

Waverly District: Connie Davis  
Blackwater District: Robert Richardson  
Henry District: Robert Estes  
Wakefield District: Wayne Jones  
Stony Creek District: Patricia B. Stivers, Otto Wachsmann, Chester Carter  
Courthouse District: Kevin Bracy, Bill Collins

**Item 13. Unfinished Business** *(None at this time)*

**Item 14. New Business**

**Item 14a. Improvement Association Equipment Removal and Repair**

The Honorable Alfred G. Futrell has asked that due to liability issues, a request be made of the Improvement Association to remove the playground equipment from County sites (vacated schools) and return the property to its original condition.

ON MOTION OF SUPERVISOR FUTRELL to instruct the Improvement Association to move the playground equipment from the school building that was formerly Annie B. Jackson Elementary School. The motion fails due to the lack of a second.

The Chairman requested that the County Administrator check into this issue.

**Item 14b. Office Space Reserved for the Magistrates**

The Honorable Alfred G. Futrell has requested that this item be placed on the agenda for discussion. Initially there was space reserved for the magistrates in the new Commonwealth's Attorney Office. However, the Chief Magistrate has notified County Administration that they would not be using the space. Sheriff Bell has stated that he would like to use the space as an area for investigations.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR HAMLIN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the space assigned for the Magistrates in the new Commonwealth's Attorney Building to be assigned to the Sheriff's Department for investigations.

Chairman Fly requested that the Board wait until the Board has a better idea of where we will place staff in the future.

Supervisor Futrell withdrew his motion; Supervisor Hamlin withdrew his second, until the next meeting.

**Item 14c. Work Done To Property At Annie B. Jackson**

The Honorable Alfred G. Futrell has asked that this item be placed on the agenda as information. He has gathered a group of volunteers (citizens) to assist in this worthwhile project. Some of the activities included are: cutting grass, trimming shrubbery, sweeping the floors, etc.

The Board took a five brief recess at (9:38 p.m. and reconvened at 9:45 p.m.)

**Item 14d. Town of Waverly Community Center**

The Honorable Alfred G. Futrell has asked this item be placed on the agenda to discuss possibly making the former Annie B. Jackson a Community Center for people. Some of the representatives will be in attendance to give a brief presentation.

Danielle Taylor-Moody, Sussex County Empowerment Association provided a Power Point presentation regarding the Waverly Community Center.

Other citizens spoke on behalf of the efforts of the Sussex County Community Empowerment Association.

**Item 14e. Board of Supervisors' Support of the Chamber of Commerce**

The Honorable Alfred G. Futrell has asked the Board of Supervisors join the Chamber of Commerce again.

**Item 15. Monthly Department Reports *(included in the Board packet)***

**Item 16. Closed Session(s) 10:14:19 PM**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for the following: a) Discussion of Board employee applicable Code Section 2.2- 3711(A)(1).

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

Voting nay: none

**Item 17. Return To Open Session 11:09:26 PM**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL 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.

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

Voting nay: none

**Item 18. Action on Closed Session Items (Special meeting) 11:11:23 PM**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the May 15, 2014 meeting of the Sussex County Board of Supervisors is hereby adjourned until Thursday, May 22, 2014, 7:00 p.m.

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

Voting nay: none