

**At a Public Hearing of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center on  
Thursday, September 15, 2011 – 7:00 p.m.**

**BOARD MEMBERS PRESENT**

T. Wayne Birdsong  
Wayne M. Harrell

Charlie E. Caple, Jr.  
Harris L. Parker

C. Eric Fly, Sr.

**BOARD MEMBER ABSENT**

Rufus E. Tyler, Sr.

**OTHERS PRESENT**

Thomas E. Harris, County Administrator  
Henry A. Thompson, Sr., County Attorney  
George E. Morrison, III, Deputy County Admin./Director of Economic Dev.  
Onnie L. Woodruff, Treasurer  
Raymond R. Bell, Sheriff  
Deborah A. Davis, Assistant to County Administrator

**Item A. Call to Order/Determine Quorum – 7:00 p.m.**

The Chairman called the September 15, 2011 public hearing meeting of the Sussex County Board of Supervisors to order and announced that a quorum was present.

**Item B. Approval of Public Hearing Agenda**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the September 15, 2011 public hearing agenda of the Sussex County Board of Supervisors is hereby approved as presented.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

**Item C. Motion to Enter Public Hearing**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters public hearing to consider the proposed ordinance for the one-time payment of bonuses for County and Constitutional Officers' Employees.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

**Item D. Public Hearing**

The Chairman announced that the item to be considered is the Proposed Ordinance Providing for the One –Time Payment of Bonuses for County and Constitutional Officers Employees.

**Item E. Public Comments**

There were no comments from the public.

**Item F. Board Members' Comments**

There were no comments from the Board; Supervisor Caple noted one correction.

**Item G. Return to Regular Session**

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

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

**Item H. Action Taken on Items Discussed in Public Hearing**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of an ordinance providing for the payment of bonuses for County and Constitutional Officers' Employees; and

WHEREAS, Section 15.2-1508, Code of Virginia provides that a local governing body may provide, by ordinance, for payment of monetary bonuses to its officers and employees; and

WHEREAS, this Board has published notice of its intention to consider this ordinance in accordance with the provisions of Section 15.2-14217(F), Code of Virginia, on August 31 and September 7, 2011; and

WHEREAS, the Board of Supervisors has determined that Sussex County's local constitutional officers' and governments' officers and employees have and are rendering exceptional services to the County and its citizens; and

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Sussex County, Virginia that any full time employee covered under the County's Classification and Pay Plan, including constitutional officers and their employees, shall be compensated with a five hundred dollar (\$500.00) monetary bonus and those employed in a part time

employment position with the County or its constitutional officers shall be compensated with a two hundred fifty dollar (\$250.00) monetary bonus. The said monetary bonuses shall be paid on or before the 1<sup>st</sup> day of November, 2011.

NOW THEREFORE BE IT FURTHER ORDAINED that the following ordinance shall be permanently enacted and codified in Chapter One, General Provisions of the Code of Sussex Virginia.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

**Item I. Adjournment**

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adjourns the September 15, 2011 public hearing meeting.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent: Supervisor Tyler

**At a Public Hearing of the Sussex County Board of Supervisors  
Held in the General District Courtroom, Sussex Judicial Center on  
Thursday, September 15, 2011 – 7:30 p.m.**

**BOARD MEMBERS PRESENT**

T. Wayne Birdsong	Charlie E. Caple, Jr.
Wayne M. Harrell	Harris L. Parker
Rufus E. Tyler, Sr. (late arrival)	C. Eric Fly, Sr.

**OTHER PRESENT**

Thomas E. Harris, County Administrator  
Henry A. Thompson, Sr., County Attorney  
George E. Morrison, III, Deputy County Admin./Director of Economic Dev.  
Onnie L. Woodruff, Treasurer  
Raymond R. Bell, Sheriff  
Deborah A. Davis, Assistant to County Administrator

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

Chairman Parker called the September 15, 2011 regular meeting of the Sussex County Board of Supervisors to order and announced that a quorum was present.

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

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

**Item 3. Approval of Amended Agenda**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the September 15, 2011 Amended Agenda as follows: (1) Add Board's Retreat; (2) Temporary Campaign Signs; (3) Noise Ordinance Advertisement.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent during vote: Supervisor Tyler

**Item 4. Approval of Regular Agenda**

No action required as Agenda was approved as amended.

**Item 5. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the minutes of the July 21, 2011, August 18, 2011 and September 1, 2011 meetings of the Sussex County Board of Supervisors are hereby approved as presented.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent during vote: Supervisor Tyler

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the grant amounts of \$4,995.00, received June 28, 2011 and \$3,996.00 received July 15, 2011 for the restoration of books; and

FURTHER RESOLVED that the two grants be placed in line item 100 62100 1236 621 700, Microfilm, Restoration and Binding Record Grant, in the Circuit Court Clerk's budget.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent during vote: Supervisor Tyler

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Vouchers in the amount of \$406,897.73; Payroll Deduction checks in the amount of \$143,822.68; and Voided Checks in the amount of \$2,982.94.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent during vote: Supervisor Tyler

**Item 6. Health Department** - no report at this time

**Item 7. County Administrator's Report**

- a. **Proposed Sussex County Personnel Policy and Procedures Manual:** Thomas E. Harris, County Administrator, reported that he has prepared a draft of the Personnel Policy and Procedures Manual and advised that he will bring copies to the next regular meeting or the Board's retreat.
- b. **Waverly Health and Rehabilitation Center's Letter:** Thomas E. Harris, County Administrator, reported that included in the Board packet is a letter of thanks from the Waverly Health and Rehabilitation Center regarding our efforts in assisting the 130 residents during Hurricane Irene.
- c. **Sussex Trace Apartments:** Thomas E. Harris, County Administrator, reported that included in the Board packet is a letter of thanks from Sussex Trace Apartments expressing their gratitude to the County Administrator and staff for their hard work during and following Hurricane Irene.

- d. **FY 2012 Budgets/Monthly Expenditure Reports:** Thomas E. Harris, County Administrator, reported that included in their Board packet is the 2012 Budget monthly report.
- e. **Fiber Installation Status Report:** Thomas E. Harris, County Administrator, reported that the splicing connecting the fiber line will be finished today. Once completed, a transceiver and receiver will need to be connected to complete the system and make it operational. Mr. Harris will bring more information to the October Board meeting.
- f. **Communications Request for Proposal:** Thomas E. Harris, County Administrator, reported that staff has received several contacts regarding the RFP and hope to have a recommendation for the October Board meeting.

**Item 8. Treasurer's Report**

Onnie L. Woodruff, Treasurer, stated he will provide a thorough report at the end of the quarter next month. (A copy of monthly report is retained in the September 15, 2011 board packet).

**Item 9. Commissioner** – None at this time

**Item 10. Sheriff** – None at this time

**Item 11. Superintendent of Schools**

Superintendent of Schools, Dr. Charles H. Harris, III, reported that Rancorn Wildman Architects has submitted a bill for services. This represents the completion of the design development phase of the project in the amount of \$116,426.99. The total cost for services thus far is \$203,719.99.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the amount of \$116,426.99 for the Invoice #20030 from Rancorn Wildman Architects, for the design development phase of the Sussex Elementary School Project.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker

Voting nay: none

Absent during vote: Supervisor Tyler

**Item 12. Director of Social Services** – None at this time

Thomas E. Harris, County Administrator, acknowledged the good job that the Director of Social Services did during hurricane in manning the shelter sites.

### **Item 13. County Attorney**

County Attorney Thompson reported the following:

- Sussex County ordinances are in serious need of being updated. The County is operating under the old 15.1 version. Mr. Thompson advised that he will be sending the updates to the Board and asked that they consider a public hearing for November or December. Some cases have been thrown out of court because of the lack of an updated ordinance.
- Mr. Thompson advised that he is working on and will send a proposed noise ordinance to the Board.
- Mr. Thompson advised that the Board of Supervisors will need to establish a Board of Equalization.
- Mr. Thompson will provide information to the Board on the proposed settlement for Waverly Gas Producers.

### **Item 14. Hearing of Citizens' Comments**

Comments were heard from the following:

- Jeff Gary, Courthouse District – voiced concerns about loud music.
- Debbie Turck, Blackwater District – complimented Eddie Vick and staff for their assistance and efforts during Hurricane Irene; she also noted that the Reverse 911 system was really helpful.
- Magdalene Turner, Senior Citizens of Eastern Sussex County – would like to replace the current representative for the Crater Area Agency on Aging, as he has a full schedule and is unable to attend meetings; she would like Brenda L. Burgess to be appointed; (Chairman Parker asked her to bring information to Board); Mrs. Turner wanted to know who the van that parked at Social Services, belongs to? Who is responsible for the gas when seniors use it? She also asked for their \$1,000.00 back that the Board had cut from the budget for the Senior Citizens of Eastern Sussex County. (Chairman Parker asked Mrs. Turner to provide a written formal request in to the Board for consideration).
- Bob Estes, Candidate for Sheriff, provided autobiographical information.
- Fred Turck, Blackwater District, reported that Department of Forestry's dedication is scheduled for next week and encouraged the Board members to attend.

(Supervisor Tyler arrived at 8:09 p.m.).

### **Item 15. Unfinished Business**

- a. Salary County One-Time Salary Supplement Resolution:** Chairman Parker asked for comments from Board members. There were none.

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

**WHEREAS**, the Sussex County, Virginia Board of Supervisors was duly elected to address the myriad needs and to help improve the Quality of Life of the citizens of Sussex County; and

**WHEREAS**, an improved Quality of Life is predicated in part on the numerous and diverse programs, services and opportunities provided by the departments, agencies and employees of Sussex County; and

**WHEREAS**, the administrators, service providers and employees of Sussex County are tasked and provide daily, a multitude of critically important, necessary and essential services and programs for our people; and

**WHEREAS**, the United States of America, the Commonwealth of Virginia and Sussex County have faced over the past four (4) years, the worst economic conditions this nation has endured since the Great Depression; and

**WHEREAS**, the “*Great Recession*” has required four (4) years of extreme financial scrutiny, constant fiscal restraint, a continuous review of alternative funding opportunities, a reduction in annual expenditures wherever practicable, an increase in job duties, responsibilities and accountability – and all with no salary increases for any County supervisor or employee; and

**WHEREAS**, over the past four (4) years, Sussex County, its’ Constitutional Offices and Department of Social Services have worked collaboratively and cooperatively in jointly and comprehensively addressing the program and service needs of the citizens of Sussex County; and

**WHEREAS**, the County Administrator, the Director of Social Services and every Sussex County Constitutional Officer understands and acknowledges that our respective employees are our greatest single asset in meeting the multiple service and program needs of our people; and

**WHEREAS**, the Sussex County Finance Committee and the Board of Supervisors have stated their support for the extraordinary staff and employees of Sussex County; and

**WHEREAS**, the County Administrator believes and hereby states that adequate funds can be made available to provide a one-time “*salary supplement*” for all Sussex County employees; and

**WHEREAS**, the Sussex County Administrator does hereby formally recommend to the Sussex County Board of Supervisors a one-time “*salary supplement*” for all full time non-probationary employees of the County, Social Services Department and Constitutional Offices.

**NOW THEREFORE BE IT ORDAINED**, that the Sussex County Board of Supervisors hereby authorizes, approves and appropriates funding for a one-time employee “*salary supplement*” in the amount of five hundred (\$500.00) dollars for all full time non-probationary employees of the County, Social Services Department and Constitutional Offices and a one-time salary supplement in the amount of two hundred and fifty (\$250.00) dollars for all respective part-time employees.

**AND BE IT FURTHER ORDAINED**, that these one-time “*salary supplements*” shall be made payable in full compliance with all applicable Internal Revenue Service rules and regulations on or before November 1, 2011.

**AND BE IT FINALLY ORDAINED**, that the Sussex County Board of Supervisors does hereby acknowledge and publicly thank each County employee for the extraordinary work they individually and collectively provide to address the ever expanding welfare, safety and quality of life needs of the residents, businesses and taxpayers of Sussex County

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

**Item 16. New Business - Sussex County Natural Disaster Resolution**

Thomas E. Harris, County Administrator, stated that this is an ordinance to assist Sussex County residents and businesses damaged by natural catastrophes. He recommended that the Board of Supervisors adopt a resolution to further direct the County Administrator to advertise the proposed ordinance to allow for more timely assistance if and when there are future catastrophic events in Sussex County.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Natural Disaster Resolution as submitted; and

FURTHER RESOLVED that the Sussex County Board of Supervisors hereby authorizes, at the discretion of the County Administrator and County Building Official, that the various fees for zoning and building related permits may be reimbursed in full for any buildings or structures in Sussex County that were damaged or destroyed during and/or as a result of Hurricane Irene, provided said permits are issued on or before December 31, 2011.

FURTHER RESOLVED that the County Administrator is authorized to advertise an Ordinance that will allow the Sussex County Board of Supervisors and staff to address

these types of issues in the future in a fair and professional, compassionate and equitable manner.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

**Item 17. New Business: Constitution Week Proclamation**

Thomas E. Harris, County Administrator, reported that included in the Board packet is a press release from the White House (2010) regarding Constitution Week and a Sussex County Proclamation for Constitution Week (September 17-23) in Sussex.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the following Proclamation:

WHEREAS, September 17, 2011 marks the two hundred and twenty fourth anniversary of the drafting of the Constitution of the United States of America by our Founding Fathers at the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document its' memorable anniversary and to the ideals, principals, rights, liberties and freedoms that it guarantees; and,

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW THEREFORE, I, Harris L. Parker, Chairman of the Sussex County Board of Supervisors in the Commonwealth of Virginia, do hereby proclaim by virtue of the authority vested in me by the Sussex County Board of Supervisors and the Citizens of Sussex County, the week of September 17-23 as Constitution Week in Sussex County Virginia; and

Further ask each of our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to each American Citizen through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS THEREOF, I have set my hand and caused the Seal of the County to be affixed this 15<sup>th</sup> day of September in the year of our Lord, two thousand and eleven.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

Chairman Parker asked that approval be given for a Veteran's Day Celebration. Citizens have asked that permission be given to have a Veterans' Day celebration on Courthouse

Square. Mr. Harris advised that he has already been contacted by the person planning the event and plans are underway.

**Item 18. Patriots' Day Proclamation**

Thomas E. Harris, County Administrator, reported that included in the Board packet is the Patriots' Day Proclamation and asked the Board to retroactively adopt it for approval.

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

WHEREAS, on September 11, 2001, terrorists attacked the World Trade Center in New York City, the Pentagon in Washington D.C., and took control of United Airlines Flight 93 which crashed in the fields outside of Shanksville Pennsylvania; and

WHEREAS, over three thousand (3,000) innocent civilians were killed in this unfathomable and merciless September 11, 2001 attack; and

WHEREAS, countless emergency responders, fire rescue, police and volunteers selflessly and heroically answered the call to duty that fateful day; and

WHEREAS, tens of thousands of our people narrowly escaped these ruthless, vicious and heartless attacks; and

WHEREAS, the lives of these innocent victims, the emergency responders and their respective families, friends and loved ones, as well as the lives of every citizen of this great Nation was forever changed; and

WHEREAS, the impact of 911 on public health continues through 2011, as nearly ninety thousand (90,000) people remain at risk of suffering debilitating effects as a result of this atrocity; and

WHEREAS, ten years later, the people of the United States and people around the world continue to mourn the horrific and senseless loss of innocent lives on September 11, 2001; and

WHEREAS, on the tenth anniversary of this tragic event, the thoughts and prayers of the people of this great Nation are with the innocent victims, emergency responders and their families and loved ones; and

WHEREAS, this tragedy will be forever felt in the minds, hearts and souls of every American; and

WHEREAS, the United States Senate unanimously passed Resolution No. 237 calling on all Americans to participate in a Moment of Remembrance on September 11, 2011, by

sounding sirens and ringing bells as a signal to each of us to STOP and REMEMBER the tenth anniversary of this tragedy.

NOW THEREFORE BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE SUSSEX COUNTY BOARD OF SUPERVISORS, I, Thomas E. Harris, County Administrator, do proclaim that on behalf of the Honorable Harris L. Parker, Chairman and the Sussex County Board of Supervisors that on the tenth anniversary of September 11, 2001 and in response to the United States Senate, we call upon all people of Sussex County to observe a *Moment of Remembrance, prayer, ringing of bells and sounding sirens* as deemed appropriate to last for one minute beginning at 1:00 p.m. on Sunday, September 11, 2011.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

### **Item 19. Board Members' Comments/Report**

Blackwater District: none

Courthouse District: none

Henry District: Supervisor Tyler reported that included in the Board packet is a copy of a petition that has been signed by several residents requesting that the speed limit on Walker's Mill Road be reduced to 35 miles per hour. County Administrator Harris stated that he has spoken with Supervisor Tyler about this request and he will contact the Virginia Department of Transportation to begin the process.

Stony Creek: Supervisor Caple stated that he is waiting on the conclusion of the Stony Creek Convenience Site on Reed Road and he asked for a status report. Mr. Harris will research and provide a response at the October meeting.

Wakefield District: none

Waverly District: Chairman Parker reported that included in the Board packet is a copy of a letter from Dr. Keith Miller, President of Virginia State University acknowledging receipt of the \$1,000.00 contribution from the County.

### **Item 20. Reports From Departments/Staff/Commissions, etc.**

A. Deputy County Administrator Report: Included in Board packet.

B. Building Department: County Administrator Harris reported that forty-one (41) homes were damaged as a result of Hurricane Irene.

C. Housing Programs Report: Included in Board packet.

D. Planning and Zoning: County Administrator Harris reported that Chairman Parker observed that there were inconsistencies with representation on the Planning Commission. In an effort to get equal representation for all voting districts, the Director of Planning put together bylaws. Mr. Harris recommended that the Director of Planning take it to the Planning Commission and requested that the Board consider the number of members to represent each district.

County Attorney Thompson stated that he would like the Board to consider the current structure of having one member from the Board of Supervisors, one person representing each district and two at-large members. He further advised that he will draft a document to that effect. Supervisor Birdsong suggested that the proposed bylaws be reviewed by the Planning Commission and allow them to share their desires with the Board.

E. Environmental Inspections: No report

F. Building and Grounds: No report

G. Public Safety: A letter was sent to the Towns, fire and rescue squad offering assistance with the reimbursement of funds from FEMA as a result of Hurricane Irene.

H. Animal Control: No report

I. Administrator's Report

a. Temporary Campaign Signs

County Administrator Harris stated that it is his belief that local governments need to be managed with sound and reasonable policies. He further stated that he asked the Planning and Building Departments to research an issue that is always difficult at this time of the year – election signs, posters, etc. associated with campaigns. He asked the Board to consider approval of a Temporary Sign Policy for Sussex County.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Temporary Sign regulations, to wit:

- 1) No building or zoning permits shall be required for any temporary campaign signs located in Sussex County during elections.
- 2) No campaign signs shall be located on property for a period exceeding one hundred and twenty (120) days.
- 3) All campaign signs must be removed no later than the last day of the month in which the election occurs.
- 4) No campaign sign shall exceed a total area of two hundred (200) square feet.
- 5) No campaign sign shall be located on property owned by Sussex County.

- 6) Sussex County residents must contact Virginia Department of Transportation at the Suffolk Residency Office for specific regulations locating campaign signs within any VDOT Right-Of-Way.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

b. Animal Shelter Donation

County Administrator Harris advised the Board that Debra Thornburgh, Sussex County Animal Control Officer, has donated a stainless steel vet scale at a personal cost of \$267.99 to the Sussex County Animal Shelter.

c. Noise Ordinance

County Administrator Harris stated that it is his understanding that the proposed Noise Ordinance will be advertised.

d. Board Retreat

Chairman Parker requested that the Board set a date for a Retreat to discuss the Emergency Operations, Personnel Policy and Procedures Manual and Organizational Chart.

By general consensus, the Board set October 1, 2011 for the date of the retreat.

**Item 21. Closed Session**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors shall enter 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 and Legal Matters, applicable Code Sections 2.2-3711(A)(1) and 2.2-3711(A)(7), respectively, of the Code of Virginia, 1950, as amended.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

**Item 22. Return To Open Session**

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the County of Sussex 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, Section 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 Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

### **Item 22. Motion From Closed Meeting**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED to offer the former Receptionist at the County Administration Office her former position or to offer her an alternative position, if one is available.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell

Voting nay: Supervisor Parker

Abstaining: Supervisor Tyler

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the following recommendations of the Personnel Committee regarding the former Receptionist in the County Administration Office.

- a. Employee to receive all back pay and benefits
- b. The County should enter into a written "*Hold harmless*" agreement as part of any reinstatement.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that until the Board of Supervisors of Sussex County meets and takes actions at its' retreat on October 1, 2011, Mr. Morrison will report directly to the County Administrator and that all department heads will also report directly to the County Administrator.

Voting aye: Supervisors Birdsong, Fly, Harrell, Parker

Voting nay: Supervisor Tyler

Abstaining: Supervisors Caple

### **Item 23. Adjournment**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the September 15, 2011 meeting of the Sussex County Board of Supervisors hereby adjourned.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Parker, Tyler

Voting nay: none

