

**At A Budget Work Session of the Sussex County Board of Supervisors
Held on Tuesday, March 22, 2011, 5:00 p.m. in the
General District Courtroom – Sussex Judicial Center**

BOARD MEMBERS PRESENT

T. Wayne Birdsong
Wayne M. Harrell

Charlie E. Caple, Jr.

C. Eric Fly, Sr.

BOARD MEMBER ABSENT

Rufus E. Tyler, Sr.,

STAFF PRESENT

George E. Morrison, III, Interim County Administrator
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Deborah A. Davis, Assistant to County Administrator

Item 1. Call To Order

The March 22, 2011 budget work session of the Sussex County Board of Supervisors was called to order by Chairman Parker, at 6:50 p.m.

Item 2. Approval of Agenda

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the agenda of the March 22, 2011 budget work session of the Sussex County Board of Supervisors was approved as presented.

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

Voting nay:

Absent: Supervisor Tyler

Item 3. Closed Session

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for the following: (1) Discussion or consideration of real property for a public purpose, where in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, in the possible acquisition of an industrial park mega-site, pursuant to Section 2.2-3711, Paragraph 3 of the Code of Virginia of 1950, as amended; (2) Consultation with legal counsel and briefing by staff members regarding a proposed County ordinance where actual or probable litigation may result and discussion in an open session would adversely affect the litigating posture of the Board of

Supervisors, pursuant to Section 2.2-3711, Paragraph 7 of the Code of Virginia of 1950, as amended.

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

Voting nay:

Absent: Supervisor Tyler

Item 4. Return To Open Session

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors has convened a Closed Meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-3712 of the Code of Virginia requires a certification by Sussex County Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Sussex County 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 identified in the motion convening the Closed Meeting were heard, discussed or considered by the Sussex County Board of Supervisors.

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

Voting nay:

Absent: Supervisor Tyler

Item 5. Action Taken On Closed Session Items

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors agrees that based on recommendation of the Finance Committee and Board of Supervisors and other considerations the Board of Supervisors does hereby exercise its option to terminate the contract for the purchase of the Mega Site, due to material negative change of the County's finances; and

FURTHER RESOLVED that the Interim County Administrator and County Attorney shall supply supporting documentation to the representative of Peebles Property, by March 5, 2011.

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

Voting nay:

Absent: Supervisor Tyler

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board Of Supervisors hereby authorize the Interim County Administrator to move forward with an option to purchase the Peebles

Mega Site property, based on the County's financial conditions, that the option to purchase shall be extended for a period of eighteen (18) months, at a purchase price of \$5, 124,000 .00.

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

Voting nay:

Absent: Supervisor Tyler

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors shall hereby offer to the representatives of the Peebles Property Mega Site to extend current contract by eighteen (18) months, with five percent (5%) added to the purchase price.

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

Voting nay:

Absent: Supervisor Tyler

Item 6, Recess/Adjournment

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the March 22, 2010 meeting of the Sussex County Board of Supervisors is hereby recessed until 5:00 p.m. on Thursday, March 31, 2011.

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

Voting nay:

Absent: Supervisor Tyler