

**At A Recessed Meeting of the Sussex County Board of Supervisors  
Held on Wednesday, April 3, 2013 at 7pm, in the  
General District Courtroom – Sussex Judicial Center**

**Board Members Present:**

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

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

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

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

**Item 3. Election of Chairman for Calendar Year 2013**

The County Attorney requested nominations for Chairman of the Board of Supervisors for Calendar Year 2013.

Supervisor Warren nominated Supervisor Fly for Chairman of the Board of Supervisors; Supervisor Stringfield nominated Supervisor Tyler for Chairman of the Board of Supervisors.

The Clerk called the roll for those in favor of Supervisor Tyler for Chairman of the Board of Supervisors for Calendar Year 2013:

Supervisor Warren: nay  
Supervisor Tyler: aye  
Supervisor Stringfield: aye  
Supervisor Futrell: nay  
Supervisor Fly: nay  
Supervisor Caple: aye

The motion failed due to tie vote.

The Clerk called the roll for those in favor of Supervisor Fly for Chairman of the Board of Supervisors for Calendar Year 2013:

Supervisor Warren: aye  
Supervisor Tyler: nay  
Supervisor Stringfield: nay  
Supervisor Futrell: aye

Supervisor Fly: aye  
Supervisor Caple: nay

The motion failed due to tie vote.

**Item 4. Election of Vice Chairman for Calendar Year 2013**

County Attorney Packer requested nominations for Vice Chairman of the Board of Supervisors for Calendar Year 2013.

Supervisor Fly nominated Supervisor Warren for Vice Chairman of the Board of Supervisors for Calendar Year 2013.

Supervisor Stringfield nominated Supervisor Caple for Vice Chairman of the Board of Supervisors for Calendar Year 2013.

The Clerk called the roll for Supervisor Warren for Vice Chairman of the Board of Supervisors for Calendar Year 2013.

Supervisor Warren: aye  
Supervisor Tyler: nay  
Supervisor Stringfield: nay  
Supervisor Futrell: aye  
Supervisor Fly: aye  
Supervisor Caple: nay

The motion failed due to tie vote.

The Clerk called the roll for Supervisor Caple for Vice Chairman of the Board of Supervisors for Calendar Year 2013.

Supervisor Warren: nay  
Supervisor Tyler: aye  
Supervisor Stringfield: aye  
Supervisor Futrell: nay  
Supervisor Fly: nay  
Supervisor Caple: aye

The motion failed due to tie vote.

**Item 5. Amended Agenda**

Supervisor Stringfield requested that Item 8a)3, (Sussex Service Authority Alternate – Wakefield) be removed from the agenda; Supervisor Warren requested that Item 10f (Approval of December 3, 2012 Minutes) be removed since its in litigation.

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

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the April 3, 2012 regular agenda, with the amendments.

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

Voting nay: none

### **Item 7. Appointments**

- a) John Tyler Alcohol Safety Action Program Policy Board

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Ronald A. Atkins, 446 Carpenter Drive, Waverly VA 23890, to the John Tyler Alcohol Safety Action Program Policy Board, term expiring January 31, 2016.

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

Voting nay: none

### **Item 8. Staff/Committees/Organizations Standing Reports**

- a) Chairman's Report

1. Reconciled Staff Development Needs Assessment: Chairman Tyler explained that a staff meeting was held several weeks ago and staff was asked to complete a Needs Assessment. (A copy of the results are retained in the March 21, 2013 Board packet).
2. Resolution for Planning Grant Appropriation of Funds; \$15,000

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriate revenue and expenditures relating to the Comprehensive Planning Grant and Housing Study; and

FURTHER RESOLVED that funds are in the amount of \$15,000 and will be reimbursed from the Department of Housing and Community Development to the County.

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

Voting nay: none

3. Sussex Service Authority Alternate – Wakefield (removed from the agenda)
4. County's Health Care Insurance (Anthem)

Chairman Tyler advised that the County's Health Insurance Renewal Notice was received. The Interim Director of Finance, Onnie Woodruff advised that staff filed for an extension and recommended that we remain with the current plan.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of renewing the Health Insurance Plan for County employee as offered by Anthem.

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

Voting nay: none

#### 5. County Administrator's Interview

Chairman Tyler advised that staff advertised for the position of County Administrator as authorized by the Board of Supervisors. The deadline for submission of applications was March 29, 2013 at 5pm.

The Board held a brief discussion about the interviews for the position of County Administrator.

#### 6. Economic Development Status

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE that the Board moves forward in developing an economic development plan to bring jobs to Sussex County.

Supervisor Fly offered a substitute motion.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the Acting County Administrator develop a plan on how the economic development plan will be created and who will be involved with the process in creating the economic development plan and bring it back to Board for approval, so that we can move forward.

Voting aye: Supervisors Caple, Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

Voting on the main motion.

Voting aye: Supervisors Stringfield, Tyler, Caple, Futrell

Voting nay: Supervisors Fly, Warren

#### 7. Signage (Welcome)

Chairman Tyler stated that in the past, the Board had discussed getting "Welcome Signs" for the County. He reviewed some of the VDOT requirements, one which includes the Board adopting a resolution, completion of Land Use Permit, if applicable, etc. He requested permission to move forward with this project.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Board of Supervisors hereby instructs County Administration to move

forward with the signage and bring back to the Board the cost of the signage before they are actually placed.

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

Voting nay: none

b) Treasurer's Report

Onnie L. Woodruff, Treasurer/Interim Director of Finance reported that the Cameron Foundation has awarded a grant to the Sussex County Department of Social Services. This is a one year grant of \$53,000 for Sussex County Health Education Awareness for Women and Senior Citizens. He asked the Board to accept and appropriate said grant.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the grant from the Cameron Foundation in the amount of \$53,000.00, and further appropriates same.

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

Voting nay: none

c) Commissioner of the Revenue – No report

d) Sheriff's Department

1. Request for Appropriation to Sheriff's Department (SPOT)

Sheriff Bell requested that \$5,000.00 be appropriated to SPOT. He explained that the County's decision to remove the Magistrate's Office from the Courthouse complex has made it necessary to transport offenders to and from Waverly and at times out of the County in order to process. Appropriation request is to cover the increased overtime and other costs associated with the transports.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates the sum of \$5,000.00 for SPOT operations to cover the increase overtime and other cost associated with transporting offenders.

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

Voting nay: none

e) Superintendent of Schools – no report

f) Department of Social Services – no report

g) General Registrar – no report

h) Health Department – no report

i) County Attorney

1. Proposed Leave Donation Policy

County Attorney Packer explained that a draft of the Sick Leave Donation Policy included in the Board packet. He provided a brief overview of the proposed policy.

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

**I. OBJECTIVE**

It is the objective of the Board of Supervisors to allow employees to participate in a leave donation program.

**I. SCOPE**

This policy applies to all permanent full-time employees.

**II. DEFINITIONS**

*Serious Medical Condition:* A serious medical condition is defined as any illness or non-work related injury which, as certified by a physician, limits the ability of an employee to perform his/her assigned duties and requires medical attention.

**IV. PROCEDURES**

A. Leave Donation Guidelines

B.

1. Leave shall not be donated or transferred from one employee to another except in cases of serious medical necessity, as approved by the County Administrator.
2. Use of donated leave shall be for an employee's own serious medical condition or to care for a spouse, son, daughter, or parent with a serious medical condition, or any relative for which the employee is using FMLA.
3. Leave donations shall convert to sick leave for recipients.

B. Eligibility To Receive Leave Donations

1. To be eligible to receive leave donations, an employee must exhaust all accrued annual and compensatory leave balances, and all but one week of accrued sick leave.
2. An employee's continued eligibility to receive leave donations shall be reviewed and monitored by the County Administrator and County Human Resources Office.

### C. Request To Receive Leave Donations

1. An employee wishing to receive donated leave shall inform his or her Department Head/Constitutional Officer.
2. The employee must provide medical certification from a physician.
3. The Department Head/Constitutional Officer shall review the employee's leave record and medical certification with the County Administrator to determine the appropriateness of the request.
4. In the event that the employee is physically or mentally unable to initiate a request, a family member, person holding power of attorney, court appointed guardian or the employee's Department Head/Constitutional Officer may file the request.

### D. Request Processing

1. Following a determination that the leave request is appropriate, the Human Resources representative shall submit a formal request to the County Administrator.
2. Upon approval by the County Administrator, the Human Resources representative shall communicate the request to all potential donors (either within a specific Department or to all general government Departments, as requested by the recipient), but will not reveal the identity of the requesting employee unless the employee gives his or her permission.

### E. Donor Guidelines

1. Donations shall be accepted from both County Government and Constitutional Offices.
2. Donations to recipients shall be in the form of annual or sick leave.
3. Donors are not required to retain minimum balances of their own annual or sick leave, nor is there a limit on the number of hours of annual leave they may donate.
4. All donations of leave shall be processed anonymously, unless the donor requests otherwise.

### F. Donor Procedures And Processing

1. To contribute leave, donors must complete a Donation of Leave form and submit the form to the Human Resources Department.
2. Donations to recipients shall be made in full day increments (8 hours)

3. All leave donations received shall be tallied with a pro-rated amount of leave being deducted from each donor based upon the amount needed by the recipient.
4. Any employee who returns to work before using all received transferred leave may use the balance for subsequent treatment/recuperation from the ailment for which the leave was granted. This balance may be used for a maximum of 1 year from the date transferred leave was approved. After one year, unused donations shall revert to the donor.

#### G. Exclusions

1. Medical conditions resulting from the following will exclude an employee from eligibility to receive leave donations:
  - a. any occupationally-related accident or illness for which Workers' Compensation benefits have been awarded. An employee may, however, use donated leave to supplement the Workers' Compensation benefit award.
  - b. injuries occurring in the course of the commission of a crime; or
  - c. injuries occurring under the influence of alcohol or drugs.
2. Employees are ineligible to use donated leave during the period of any disciplinary suspensions.

#### H. Employee Benefits While on Leave Without Pay:

1. Group Life Insurance: Employees receiving leave share donations continue to be covered under the Commonwealth's group life insurance policy for up to two years.
2. VRS Contributions: Periods of leave share are not considered creditable compensation for retirement calculations by the Virginia Retirement System (VRS). Therefore, contributions to VRS will be discontinued when an employee is receiving leave share donations.
3. Employees will not accrue leave (annual or sick) while receiving pay through leave share donations.
4. The County will continue to pay its portion of the health care premium while an employee is receiving pay through leave share donations.
5. Donated leave will not be paid out at termination.

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

Voting nay: none

#### **Item 9. Unfinished Business**

a) Towing Advisory Board

The Board held a brief discussion regarding the proposed Towing Advisory Board. Acting County Administrator Tyler recommended that the Board rescind its previous action to create a Towing Advisory Board.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: Resolved that the Sussex County Board of SupervisorS hereby rescind the motion to create a Towing Advisory Board; and

FURTHER request that the Public Safety Coordinator continue to develop a strategic plan to address those needs.

Voting aye: Supervisors Caple, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Abstaining: Supervisor Fly

b) Calendar School Funding (Transfer of Funds) – will be handled under the budget discussion

c) Interim County Administrator

Chairman Tyler recommended that the Board to consider appointing Andre M. Greene (Director of Planning) as Interim County Administrator.

ON MOTION OF CHAIRMAN TYLER, seconded by SUPERVISOR STRINGFIELD that the Board of Supervisors hereby appoints Andre M. Greene as Interim County Administrator.

Voting aye: Supervisors Caple, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Warren

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that all Board members be given the information that was received from each candidate from the VACo program that is interested in the Interim County Administrator's position; at the next meeting, the information be reviewed, selecting one candidate and bringing in that individual for an interview for the position of the Interim County Administrator.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

**Item 10. Citizen's Comments**

Comments were heard from the following citizen:

- Mary Savedge, Courthouse District – suggested that the County consider drug testing for all employees and elected officials.

Chairman Tyler suggested that issue be added to next month's agenda.

d) Compensation Requests

Chairman Tyler explained the requests for increases in pay by two (2) staff people. Mrs. Shannon D. Fennell, Assistant to the Director of Planning requested a \$15,000.00 salary increase as a result of performing the duties of Code Compliance Specialist. (The Board was provided with supporting documentation for this request).

ON MOTION SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE that the Sussex County Board of Supervisors honor the request by Shannon D. Fennell and increase her annual salary by \$10,000.00.

The Board by general consensus asked the Acting County Administrator to provide the current grade and step for Mrs. Fennell and the grade and step a \$10,000.00 salary increase will move her position to. That information is to be provided at the next meeting.

Chairman Tyler also explained that Mr. Andre M. Greene, Director of Planning has requested a \$10,000.00 salary increase as a result of performing the duties of Economic Development Director. (The Board was provided supporting documentation for this request).

The Board took no action on this request.

e) Tuition Reimbursement Request

Chairman Tyler explained that Mr. Travis Luter (Building Official) has taken various classes toward his certification. He is requesting the Board's consideration of reimbursement for his tuition. He has received all A's in his classes and believes that furthering his education will enhance his efforts as Building Official. The request for reimbursement is in the amount of \$12,000.00.

Chairman Tyler stated that in looking at previous records, the Board has approved requests for tuition reimbursement in the past.

Supervisor Fly clarified that the request for reimbursement is not for Mr. Luter's certification. The classes taken for certification have been paid for by the County, as that was a condition of his employment. He is asking for reimbursement for classes being taken toward his bachelor's degree.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the request for tuition reimbursement by a County employee, until the next regular meeting.

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

Voting nay: none

- f) Approval of December 3, 2012 Minutes (removed from agenda)

**Item 11. New Business**

- a) Poverty Summit

Chairman Tyler explained that one of the things that he has been concerned about is the poverty level that exists in Sussex County. He believes that a Poverty Summit should be created with all the necessary stakeholders.

- b) Budget Work Session – Dates

Supervisor Fly suggested that budget work sessions be held every Thursday, beginning in April at 7pm, starting on April 4<sup>th</sup>, until the budget is completed. It was decided that the Board would meet on the following dates:

Thursday, April 4<sup>th</sup>, 7pm, General District Courtroom

Monday, April 8<sup>th</sup>, 1pm, County Administration Conference Room

Monday, April 15<sup>th</sup>, 1pm, Lecture Training Room, School Administration Building

Thursday, April 25<sup>th</sup>, 7pm, General District Courtroom

- c) Budget Contribution List (from Feb agenda) can be handled at the budget work session on April 4<sup>th</sup>.
- d) Commonwealth's Attorney Office (will be discussed in Closed Session)
- e) Moseley Contract (Administrator's Authority to Sign) (will be discussed in Closed Session)
- f) Interim County Administrator's Performance

Supervisor Fly asked County Attorney Packer if the Board could fire Mr. Tyler; reason being is that he (Fly) does not get phone calls returned from Mr. Tyler; does not get emails returned from Mr. Tyler; he does not get his text messages responded to. He didn't get the GIS maps that he has asked for.

Chairman Tyler stated that some of Mr. Fly's messages do not require a response.

- g) Mr. Fly's Concerns

Supervisor Fly asked why last month after we made a motion to put all of the February issue/ items on the March agenda, why were they not placed? Why did County Administration not place those items on the agenda?

Chairman Tyler stated that the meeting before the Board meeting lasted until almost 2am. He also stated that he responded to Mr. Fly's correspondences.

- h) County Health Insurance Contract (previously addressed)
- i) Mr. Luter's Tuition Request (previously addressed)
- j) Mr. Caple's Social Services Board Appointment

Supervisor Futrell displayed a Social Services Local Board Handbook, dated March 2012...it states that members can serve two terms. And Supervisor Caple has been there too long.

County Attorney Packer stated that he has read the law and it states that there is a two term limit.

By general consensus, the Board tabled this issue until next month.

County Attorney Packer agreed to provide a written opinion prior to the next regular meeting so the Board can act accordingly and he will also ask the Clerk for assistance in determining when the members of the present Board were appointed.

- k) Budget Process (previously addressed)
- l) Board Member's County Email Addresses

Supervisor Fly asked if it is possible for each district for the Board of Supervisors to get a County email address where citizens can send emails.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FURELL that the Sussex County Board of Supervisors hereby directs County Administration to get county email addresses for each Board member's district.

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

Voting nay: none

- m) Sick Leave Bank (no action or discussion)
- n) Chairman's Conduct: (Discuss Chairman's conduct as it relates to the Chairman's attempts to leave the Board of Supervisors locked in Closed Session (February 21, 2013 meeting) (moved to Closed Session)
- o) Illegal Meeting; (Take action and gain an opinion on possible illegal meeting conducted by the Chairman during Closed Session) (moved to Closed Session)
- p) Personnel Policy: (Establish a guideline that would prevent the County Administrator or any Member of the Board of Supervisors from discussing or promising salary increases with employees before informing and discussing with the Board) (moved to Closed Session)
- q) County Property (To Be Sold)

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that the Board of Supervisors hereby agrees that the property which was purchased by the County prior to the mega site in Jarratt, consisting of 198 acres, located on Route 631, be prepared and be sold.

Supervisor Warren stated that he remembers the previous Board directing the former Interim County Administrator to sell the property in question.

County Attorney Packer advised that prior to the sale of public property, a public hearing must be held and then the Board can take action.

Supervisor Fly states that if the Board has passed a resolution previously regarding this matter, he asked Supervisor Warren to withdraw his second and he (Fly) would withdraw his motion and this matter be tabled until the next meeting.

Supervisor Warren withdrew his second; Supervisor Fly withdrew his motion.

By unanimous consensus, this issue was tabled until next month.

r) GIS Information (Development of GIS Map for Economic Development Purposes)  
(Supervisor Fly asked that this item be stricken)

s) Roll Call Vote

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that all of the votes of the Sussex County Board of Supervisors be roll call votes and that they be done at one end of the table one time and at the other end of the table the other time and that this amendment be incorporated in the bylaws.

Voting aye: Supervisors Caple, Fly, Futrell, Warren

Voting nay: Supervisors Stringfield, Tyler

t) By-laws Addition: Each meeting must have a public comment section even if all agenda items are tabled by the Board (tabled until next month)

u) Reorganization/Appointments

Supervisor Futrell questioned the Director of Planning's authority to close the office during inclement weather. A discussion ensued, but no action was taken on this matter.

**Item 14. Board Members' Comments** - none

**Item 15. Reports from Departments/Staff/Commission** - none

**Item 16. Closed Session**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby desires to enter into a Closed Session for the following matters: (A) Real Estate Matters; (B) Legal Matters, (C) Personnel Matters; and

WHEREAS, pursuant to Sections 2.2-3711(A)(3), 2.2-3711(A) (7) (impending litigation, legal advice from the Board Attorney) and 2.2-3711(A)(1) of the Code of Virginia, as amended, such discussion may occur in Closed Session.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Sussex County does hereby authorize discussion of the aforesated matters in the Closed Meeting.

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

Voting nay: none

#### **Item 17. Return To Open Session**

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

WHEREAS, the County of Sussex Board of Supervisors 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 exempt 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, we heard, discussed or considered in the meeting to which this certification applies.

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

Voting nay: none

#### **Item 18. Action on Items Discussed in Closed Session**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes County Administration to meet the requirements of the Department of Environmental Quality as it relates to Gin Hill and Robinson Road Landfills.

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

Voting nay: none

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Attorney to settle a lawsuit presently pending with Willow Woods as it relates to its rezoning, that settlement including language that will contain additional conditions to: (1) further buffer the land; (2) require a phased process approval from the Planning Commission; (3) cause the property not to be developed by the present owners; and, accordingly, this Board hereby rezones, pursuant to the Willow Woods application dated October 27, 2011, with any applicable amendments thereto, approximately 146.79 acres of Tax Map Number 13-(A)-5 from A-1, General Agricultural District and B-2, General Business to PUD, Planned Unit Development subject to the conditions proffered by the applicant and the additional enumerated conditions of settlement contained in this resolution.

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

Voting nay: none

Abstaining: Supervisor Tyler

### **Item 19. Recess**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby recesses, until Thursday, April 4, 2013 at 7:00pm, General District Courtroom.

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

Voting nay: none