



TOWN COUNCIL
Executive Session
Town Hall
February 4, 2009
5:30 p.m.

At approximately 5:30 p.m. Mayor Dora Sullivan called to order the Executive Session of the Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Bennett, Burdiss, Elliott, Evans and Veber. Also in attendance was the Town Attorney, Michael Sterling.

There was some discussion regarding Councilman Elliott recusing himself for this meeting. Mr. Sterling stated that the Code of Virginia expressly provides that if someone has been disqualified by an opinion of the Commonwealth's Attorney, they are not allowed to be in a closed meeting of the Town Council pertaining to that issue, but there are multiple issues to be discussed tonight involving personnel matters, some of which is appropriate for Councilman Elliott to know about and there are also other general issues to discuss that are related to personnel issues that do not specifically involve the matter on which the Commonwealth's Attorney issued his opinion. Councilman Elliott remained in the first portion of the meeting and recused himself when appropriate.

Motion made by Councilman Bennett, seconded by Councilman Veber and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of:

Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body.

Specifically: Personnel Issues

Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Specifically: Legal advice regarding personnel issues

Motion made by Councilman Veber, seconded by Councilman Bennett and unanimously approved to return to Open Session.

Motion to certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) 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 by the public body. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Evans, yes; Veber, yes.

Mayor Sullivan noted that Councilman Elliott recused himself and left the meeting at approximately 6:30 p.m.

Mayor Sullivan adjourned the Executive Session of the Town Council.

Mayor Sullivan

Town Clerk