

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, December 20, 2018 at 7 pm**

BOARD MEMBERS PRESENT

Keith C. Blowe
C. E. Fly, Sr.
Alfred G. Futrell
Susan B. Seward
John A. Stringfield

BOARD MEMBER ABSENT

Rufus E. Tyler, Sr.

STAFF PRESENT:

Vandy V. Jones, III, County Administrator
Millard D. Stith, Consultant
Danielle Powell, Interim County Attorney
Steve White, Tie Breaker
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
Brenda H. Drew, Housing Coordinator
Ernest Giles, Sheriff
Kelly W. Moore, Interim Finance Director
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board

1. Commencement

1.01 Call to Order/Determine Quorum

The December 20, 2018 meeting of the Sussex County Board of Supervisors was called to order by Chairman Seward.

1.02 The Invocation

The Invocation was offered by Supervisor Stringfield.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

County Administrator Jones requested to add under Item 2. Approval of Consent Agenda, as Item 2.03 Request for Authorization of Tax Refund - \$3,583.00.

County Administrator Jones requested to remove under Item 10. New Business, Item 10.01, Board Compensation for Year 2020.

Supervisor Fly requested to move Action Item 6.02 Referendum of Meals Tax from under Item 6. Action Items and add under Item 10. New Business, as new Item 10.01.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the following agenda amendments: (1) adding under Item 2. Approval of Consent Agenda, as Item 2.03 Request for Authorization of Tax Refund - \$3,583.00; (2) removing under Item 10. New Business, Item 10.01, Board Compensation for Year 2020; and (3) moving Action Item 6. 02 Referendum of Meals Tax from under Item 6. Action Items and add under Item 10. New Business, as new Item 10.01.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the November 15, 2018 agenda inclusive of (1) adding under Item 2. Approval of Consent Agenda, as Item 2.03 Request for Authorization of Tax Refund - \$3,583.00; and (2) removing under Item 10. New Business, Item 10.01, Board Compensation for Year 2020; and (3) moving Action Item 6. 02 Referendum of Meals Tax from under Item 6. Action Items and add under Item 10. New Business, as new Item 10.01.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of the November 8 and 15, 2018 Special and Regular Board meetings, respectively; (b) Approval of Warrants and Vouchers; and (3) Request for Authorization of Tax Refund - \$3,583.00.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

3. Recognition/Awards

3.01 Presentation: District 19 Community Services Overview – Ms. Jennifer Tunstall

County Administrator Jones stated that Ms. Jennifer Tunstall, the Executive Director of District 19 Community Services Board, contacted staff to request to be placed on the agenda to give a brief overview of the District 19 Community Services Board (D19 CSB).

Ms. Jennifer Tunstall stated D19 CSB's mission and gave a brief overview. Ms. Tunstall stated that they were licensed by the Virginia Department of Behavioral Health and Developmental Services. Ms. Tunstall stated that D19 CSB offers Mental Health (MH), Intellectual/Developmental Disability (ID/DD), and Substance Use Disorder (SUD) services and prevention services to the citizens of the cities of Colonial Heights, Emporia, Hopewell, and Petersburg, and the counties of Dinwiddie, Greensville, Prince George, Surry, and Sussex.

They also offer emergency services for people in crisis, early intervention services for young children, and prevention services to reduce risk and promote wellness.

Adult services include Mental Health Case Management, Psychosocial Rehabilitation, Substance Use Services, I-Work Program, Psychiatric and Nursing Services, Transitional Living/Supportive Housing, Intellectual/Developmental Disability Services, and PACT (Program for Assertive Community Treatment).

Child and Adolescent Services include School-Based Therapy, Juvenile Corrections, Prevention, Mental Health Case Management, Intellectual/Developmental Disability Case Management, Court Services, and Early Intervention.

Community Integration and Crisis Services include Emergency services 24/7, Community-Based Crisis stabilization, Crisis Intervention Teams, Crisis Assessment Center, Commonwealth Care Project and Same Day Access.

A volunteer Board of Directors provides oversight to D19 CSB. Board members are appointed by their participating localities for terms of three (3) years. Dr. Phyllis Tunstall, Sussex County's representative, was present.

Ms. Tunstall stated that D19 CSB finances its work through a combination of public and private sector funding.

A copy of the PowerPoint presentation was included in the Board packet.

4. Public Hearing

County Administrator Jones stated that the Board approved the easement previously. However, after speaking with County Attorney Powell, since it's real property, a Public Hearing needed to be held.

A copy of the Notice of Public Hearing was included in the Board packet.

Chairman Seward entered Public Hearing.

4.01 Southside Electric Cooperative: Easement for Ingress and Egress to Reed Road Convenience Site

County Administrator Jones stated that at previous Board meetings, there have been discussions of providing power to the Reed's Road Convenience Site. At the November 2018 meeting, the Board voted to schedule a Public Hearing at its regularly scheduled Board meeting in December 2018 for the purpose of receiving citizens' comments on the granting of an easement on County property to the Southside Electric Cooperative for the purpose of ingress and egress to provide power to the Reed's Road Convenience site located at 9526 Reed Road, Stony Creek, Virginia 23882, designated as tax map parcel #104-A-26.

County Administrator Jones did a PowerPoint presentation of an aerial layout showing where Southside Electric Cooperative was attempting to bring permanent power to the site and show where the easement was needed.

Public comments were heard from Mr. Otto Wachsmann regarding not getting lights; expenses of generator.

Board comments were heard from Supervisor Futrell regarding entrance lights.

4.02 Action on Public Hearing Item

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the granting of an easement to the Southside Electric Cooperative for the purpose of ingress and egress to provide power to the Reed's Road Convenience site located at 9526 Reed Road, Stony Creek, Virginia 23882, designated as tax map parcel #104-A-26.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

5. Appointments

5.01 Appointment to Crater District Area Agency on Aging Board of Directors

County Administrator Jones stated that the term of Mrs. Brenda Burgess, 405 East Main Street, Waverly, Virginia 23890 on the Crater District Area Agency on Aging Board of Directors would expire December 31, 2018. Staff has contacted the Agency and confirmed that Mrs. Burgess is eligible for reappointment. Mrs. Burgess was contacted, as well, and is willing to serve again, if reappointed.

A copy of confirmation letter was included in Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mrs. Brenda Burgess, 405 East Main Street, Waverly, Virginia 23890, to the Crater District Area Agency on Aging Board of Directors for a term of two (2) years, expiring December 31, 2020.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

6. Action Items

6.01 Addendum to Berkley Group Contract (Comprehensive Plan)

Sussex County entered into a contract with the Berkley Group on September 21, 2017. The contract was to assist with the development of Countywide Goals and Objectives and the preparation of two (2) prioritized small area plans (Waverly/Blackwater/Route 460 and Stony Creek) as part of the Comprehensive Plan Update. The overall update is for the entire County.

Berkley Group has submitted drafts of the County-wide Goals and Objectives and the two (2) small area plans for review by staff.

The addendum would allow Berkley Group to continue assisting the County with the preparation of four (4) additional small area plans (Jarratt, Sussex Courthouse, Homeville/Wakefield/ Route 460, and Rural Area) and with the analyzing and amending of the County's land use regulations (Comprehensive Plan and Zoning Ordinance) with regard to solar energy facilities.

The Code of Virginia requires Board approval when modifying a contract that had a fixed price. The original contract signed in 2017 provided for specific tasks with a specific price of \$55,000. The fee for the preparation of the four (4) additional small area plans is \$65,000. The \$65,000 has already been allocated in Department of Community Development's FY-2019 budget. The fee for the utility-scale solar facility land use analysis and amendments is \$14,650.00. There is sufficient money in County Administration's FY-19 budget to cover the \$14,650.00 expense.

The second amendment is for the Berkley Group to look at the existing ordinance and Comprehensive Plan to allow the County to have a more regimented plan.

Staff recommended approval of the Addendum A in the amount of \$79,650.00 (\$65,000.00 + 14,650.00).

Addendum A to Agreement for Comprehensive Plan, Exhibit A – Scope of Services and Fee Proposal, and Exhibit B – Solar Facilities Scope and Fee were included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors approves Addendum A to the Berkley Group's original contract agreement for Comprehensive Plan Update Services, in the amount of \$79,650.00; and

AND FURTHER RESOLVED that the Sussex County Board of Supervisors authorizes the County Administrator to execute Addendum A, to-wit:

THIS ADDENDUM is entered into on _____, 2018, by and between the County of Sussex, hereinafter referred to as the "Client" and the Berkley Group, hereinafter referred to as the "Berkley Group."

WHEREAS, the parties entered into an Agreement on September 21, 2017 (“Original Agreement”), as result of RFP #2017-02, to perform comprehensive plan update services (“Services”); and

WHEREAS, due to budgetary constraints, the update of the comprehensive plan has to be completed over multiple fiscal years; and

WHEREAS, the Berkley Group’s proposal divided the comprehensive plan update services into three tasks over two fiscal years. Tasks 1 and 2 were completed in FY 2018 and tasks 3 is to be completed in FY 2019; and

WHEREAS, the RFP also allows for revision and update of various chapters and sections of the comprehensive plan and the Original Agreement allows extensions for additional services in future fiscal cycles; and

WHEREAS, as a part of the comprehensive plan update, the Client desires to have the Berkley Group analyze and amend the Client’s land use regulations with regard to solar energy facilities; and

WHEREAS, the Client and the Berkley Group wish to enter into this agreement for the completion of task 3 and to analyze and amend regulations in regard to solar energy facilities.

NOW THEREFORE, in consideration of the above and good and valuable consideration as set forth below, the parties agree as follows:

1. **Scope of Services.** The Berkley Group shall provide services to Client as set forth in the attached Scope of Services attached hereto and incorporated herein as Exhibit A and Exhibit B (collectively referred to as “Work”).
2. **Payment.** Client agrees to pay the Berkley Group an amount not to exceed SEVENTY-NINE THOUSAND, SIX HUNDRED FIFTY DOLLARS (\$79,650.00) for completion of the Work.
3. **Period of Contract.** The Berkley Group shall commence the Work upon execution of this document and said Work will be completed as follows:
 - a. All Work outlined in Exhibit A shall be completed by October 31, 2019.
 - b. Work outlined in Exhibit B, and described as Task 1, shall be complete within thirty (30) days of executing this Addendum. The thirty (30) days excludes legal holidays and weekends.
 - c. All remaining Work outlined in Exhibit B, to include Task 2 and Task 3, shall be completed within ninety (90) days after execution of this Addendum.
4. **Terms.** The remaining terms of the Original Agreement shall not be changed by this Addendum, and all parties to this Addendum agree to be bound thereby.

IN WITNESS WHEREOF, the parties evidence their intent to be bound by their duly authorized signatures

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

6.02 Referendum for Meals Tax

At the request of Supervisor Fly, this item was moved to Item 10. New Business as the new Item 10.01.

7. Reports of Departments/Agencies

7.01 Treasurer's Report – *included in Board packet*

7.02 Animal Services Report – *included in Board packet*

7.03 Community Development Report– *included in Board packet*

7.04 Housing Department Report – *included in Board packet*

7.05 Environmental Inspections – *included in Board packet*

7.06 Sheriff's Department Report – *included in Board packet*

7.07 Finance Department Report – *included in Board packet*

County Administrator Jones stated that the Proposed FY 2020 Budget Calendar was included in the Board packet. He stated that the first Budget Work Session would be scheduled for the approval of the budgets for the Schools and Health Insurance. County Administrator Jones stated that the May 16, 2019 Board meeting was scheduled for the adoption of the budget.

8. Citizens' Comments (8:00 p.m.)

There were comments heard from:

- Rex Davis (Davis Oil Co.) – Doesn't support meals taxes; voiced concerns regarding meals tax; jobs Davis Oil Co. create in County.
- Otto Wachsmann (Stony Creek) – meals tax.
- Chester Carter (Stony Creek) – supports referendum; representation and meals tax.
- Frank Irving (Waverly/Sussex Service Authority) – meals tax; lagoons; locality funding Sussex Service Authority; infrastructure.
- Kevin Bracy (Courthouse) – Commended Board; committee assignment; supports referendum; County property-schools/trucks/cars; hand delivering packages; animals attacks; solar farm; Building Inspections Department

9. Unfinished Business

9.01 The Former Jefferson Elementary School

This item was moved to Closed Session.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR OF BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby moves under Item 9. Unfinished Business, Item 9.01 the Former Jefferson Elementary School to Item 12. Closed Session, as Item 12.02, pursuant to Va. Code Section 2.2-3711A(3),(8).

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

10. New Business

Item 10.01 Board Compensation for Year 2020 was removed from the agenda. Item 6.02 was moved from Item 6. Action Items, to Item 10. New Business as the new Item 10.01.

10.01 Referendum for Meals Tax

County Administrator Jones stated that a Board member contacted Administration to start the process to impose a meal tax for the County of Sussex. However, the County is not empowered to impose a meals tax unless the voters of the County first grant such power and a referendum election is held.

In order to start the process, the Board must first adopt a resolution authorizing a petition to be filed with the circuit court requesting a referendum election. If the resolution is adopted, then a petition will be filed with the court asking the court to order a referendum election.

The referendum election must be ordered by the court at least 81 days prior to the date set for the election. Scheduling the election for the general election would help to lessen costs. If the voters approve the tax, the tax will be in effect and the terms may be outlined in an ordinance. The tax will not apply to towns unless the town provides that the county tax will apply within the limits of the town.

Vice Chairman Blowe discussed the number of vehicles that passes through the County via the I95 corridor.

After discussion, this item was tabled to the January 17, 2019 Board of Supervisors meeting to have the full Board present and allow for time to have questions answered.

11. Board Member Comments

11.01 Blackwater District – Thanked everyone and wished everyone a Merry Christmas.

11.02 Courthouse District – Thanked Supervisor Futrell; thanked Social Services for information received;

11.03 Henry District – absent

11.04 Stony Creek District – Wished everyone a Merry Christmas and a Happy New Year.

11.05 Wakefield District – Congratulated Board and citizens; Wished everyone a Merry Christmas and Happy New Year.

11.06 Waverly District – Thanked Constitutional Officers for helping with hats; wished everyone a Merry Christmas.

12. Closed Session

12.01 Convene into Closed Session

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for (1) personnel matters, discussion, consideration, or interview 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, applicable Va. Code Section 2.2-3711(A)1, County Attorney; (2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, applicable Va. Code Section 2.2-3711(A)8; Jefferson Elementary School; and, (3) Discussion or consideration of acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, applicable Va. Code Section 2.2-3711(A)3, Jefferson Elementary School.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

12.02/3 Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconvened to Open Session.

WHEREAS, the Sussex County Board of Supervisors hereby approves adoption of resolution for certification, to-wit:

WHEREAS, that the Sussex County Board of Supervisors 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 Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

12.04 Action Resulting from Closed Session

Upon coming out of Closed Session, Chairman Seward asked for the roll call of accepting the proposal for Mr. Joe Preston, Esquire for the County Attorney for Sussex. Supervisors Blowe, Fly, Futrell, Seward, and Stringfield voted “nay”. Supervisor Tyler was absent.

Chairman Seward asked for a motion to accept proposal from Sands Anderson PC for County Attorney for Sussex. No motion was made.

Chairman Seward asked for a motion to accept the proposal of Wallace Brittle, Esquire for County Attorney for Sussex.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the proposal of Mr. Wallace Brittle, as part-time County Attorney for Sussex, effective January 1, 2019; and,

AND FURTHER RESOLVED that the County Administrator is authorized to negotiate with Hefty, Wiley and Gore, as needed.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

Chairman Seward stated that only one (1) sealed bid was received in regards to the Request for Sealed Bids for the Jefferson Elementary School, located at 9436 Mayes Street, Jarratt, Virginia 23867. The bid was submitted by Community Coalition of Sussex, VA in the amount of \$1,500.00.

There was discussion to include a deed restriction for use of school for community purposes.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the sealed bid submitted by Community Coalition of Sussex, VA in the amount of \$1,500.00; and,

FURTHER RESOLVED that the County Attorney is to draft and negotiate contract to include a deed restriction for use for use of school for community purposes for the execution of the contract.

Voting aye: Supervisors Blowe, Fly, Seward, Stringfield

Voting nay: Supervisor Futrell

Absent: Supervisor Tyler

13. Adjournment

13.01 Adjournment

There was discussion of a Special (Organizational) Meeting of the Board of Supervisors.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors will hold a Special (Organizational) Meeting, Thursday, January 3, 2019 at 7 p.m. in the Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.

Voting aye: Supervisors Blowe, Fly, Seward, Stringfield

Voting nay: none

Absent during vote: Supervisor Futrell

Absent: Supervisor Tyler

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the December 20, 2018 meeting of the Sussex County Board of Supervisors adjourned at 10:25 p.m.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Absent: Supervisor Tyler

13.02 Next Meeting

The next Board of Supervisors meeting will be held on Thursday, January 17, 2019 at 7 p.m. the Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.