

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, February 21, 2019 at 7 pm**

BOARD MEMBERS PRESENT

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

STAFF PRESENT:

Vandy V. Jones, III, County Administrator
Millard D. Stith, Independent Consultant
Wallace Brittle, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
Ernest Giles, Sheriff
Kelly W. Moore, Director of Finance
Eddie Morris, Chairman, Sussex County School Board
Cecil Stainback, Animal Control Officer
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board

1. Commencement

1.01 Call to Order/Determine Quorum

The February 21, 2019 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

There were no amendments.

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the February 21, 2019 agenda as presented.

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

Voting nay: none

Absent during vote: Supervisor Tyler

2. Approval of Consent Agenda

Supervisor Fly requested to move Item 2.03 Appropriation of Funds for Animal Shelter Slab and Shed - \$7,250.00 to Item 6. Action Items as Item 6.04.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of the January 17, 2019 Regular Board meetings and (b) Approval of Warrants and Vouchers.

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

Voting nay: none

Absent during vote: Supervisor Tyler

Supervisor Tyler entered at 7:08 p.m.

3. Recognition/Awards

3.01 Resolution: Recognizing Mrs. Gloria P. Newby, Sussex County Social Services

County Administrator Jones stated that staff received a request from Ms. Bertha Judge, Sussex County Director of Social Services, to have the Board of Supervisors adopt a resolution for presentation to Ms. Gloria Newby in recognition of her retirement. Ms. Newby retired on December 31, 2018—working over 32 years in various positions with the Sussex County Social Services Department.

The Board, County Administration along with the Social Services Department, staff and citizens are most appreciative for Ms. Newby's dedication and hard work and wishes her well.

Ms. Gloria Newby was present to accept the resolution. Ms. Newby thanked Board and co-workers.

By general consensus, the Board approved and adopted the resolution by general consensus, to-wit:

WHEREAS, Gloria Newby retired on December 31, 2018, after 32 years of service with the Sussex County Social Services Department; and

WHEREAS, Ms. Newby began services with the Sussex County Social Services Department on November 20, 1986 serving as Clerk II for three (3) years; and

WHEREAS, Ms. Newby later worked as Secretary I beginning March 1, 1989; and

WHEREAS, Ms. Newby was Administrative Support from March 1, 2001 to May 31, 2003;
and

WHEREAS, Ms. Newby was the Office Assistant from June 1, 2003 to June 30, 2009; and

WHEREAS, Ms. Newby began her final position with Sussex County Social Services Department on July 1, 2009 as Administrative Program Assistant II; and

WHEREAS, Ms. Newby earned the admiration and respect of the Sussex County Social Services Department and her colleagues, coworkers and the citizens for her dedication, enthusiasm, professionalism, sense of humor and hard work;

NOW, THEREFORE, BE RESOLVED that the Sussex County Board of Supervisors hereby takes great pleasure in recognizing and commending Ms. Gloria Newby for her devoted service to Sussex County and its citizens and is presented this Resolution as a token of Sussex County's appreciation; and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this Board meeting this 21st day of February, 2019.

Chairman Seward recognized and congratulated County Attorney Brittle for being elected as the newest Judge to the Juvenile and Domestic Relations Court – Sixth District. County Attorney Brittle will assume his new position July 1, 2019.

4. Public Hearing

There was no public hearing.

5. Appointments

5.01 Appointments to Planning Commission

The terms of Messrs. Jeffery Gary (Stony Creek District), 14044 Courthouse Road, Waverly, Virginia 23890 and Dennis Mason (Wakefield District), 407 East Main Street, Wakefield, Virginia, expired on June 30, 2018; however, per bylaws, they are still serving. If reappointed, the terms will expire June 30, 2022.

Staff contacted Messrs. Gary and Mason. They are both are willing to continue to serve, if reappointed.

A copy of the Planning Commission confirmation letters and roster 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 hereby reappoints Jeffery Gary (Stony Creek District), 14044 Courthouse Road, Waverly, VA 23890 and Dennis Mason (Wakefield District), 407 East Main Street, Wakefield, VA 23888, to the Planning Commission, both with terms expiring June 30, 2022.

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

Voting nay: none

6. Action Items

6.01 Sheriff's Department Comp and Holiday Leave Hours Extension Request

County Administrator Jones stated that Administration received a request from the Sheriff's Department in regards to comp time and holiday leave hours accrued in 2018.

In an effort to use time accrued for both comp time and holiday leave, the Sheriff's Department has requested an extension to April 1, 2019 to allow the affected employees to use their comp time and holiday leave hours that they would otherwise lose.

A copy of Sheriff Giles letter of request was included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Sheriff's Department request for an extension to April 1, 2019 to allow the employees to use comp and holiday leave hours.

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

Voting nay: none

6.02 Memorandum of Understanding (MOU) between Sussex County and Prince George County Animal Control

County Administrator Jones stated that on occasion the Animal Control Officers of Sussex County and Prince George County may need assistance in the protection and welfare of the animals within Sussex and Prince George Counties in times of limited staffing or shelter space needs. To be able to assist in providing assistance, the attached Memorandum of Understanding sets forth the terms and understanding between the counties to assist each other in the protection and welfare of the animals.

County Administrator Jones stated that the MOU has been reviewed by County's Animal Control Officer, as well as County Attorney Brittle, in regards to its content.

A copy of the memorandum was included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Memorandum of Understanding between Sussex County Animal Control and Prince George County Animal Control.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

6.03 Tobacco Commission Grant - Three Brothers Distillery

County Administrator Jones stated that he is asking the Board to approve matching funds for the Three Brothers Distillery Access Road. At its January 8, 2019 meeting, the Tobacco Region Revitalization Commission approved a grant in the amount of \$6,250.00.

An Agriculture and Forestry Industries Development (AFID) grant in the amount of \$12,500.00 is pending from the Department of Agriculture and Consumer Services.

The County grant will only be executed on the approval of the AFID grant and the confirmation of any additional funding from Three Brothers Distillery to complete the access road.

There was brief discussion of the issue of the easement to the property.

There was discussion of the repayment of funds based on Three Brothers Distillery completion of project.

There was discussion regarding how the County would determine who or what criteria would be utilized to determine funding for a matching grant without a policy in place. After some discussion, it was decided that the County would develop a policy for future projects for the Board to review and consider; however, it would not affect this project.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves matching funds in the amount of \$6,250.00 for reimbursement for the Three Brothers Whiskey Distillery Access Road with funding coming from the designated line item for matching funds for grants contingent upon the County developing a policy to determine who or what criteria will be utilized to award funding for a matching grant for consideration at the next Board meeting.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

6.04 Appropriation of Funds for Animal Shelter Slab and Shed - \$7,250.00

This item was moved from the Consent Agenda, Item 2.04, to Action Items.

County Administration Jones stated that the County had issues with the original/former shelter at the County's current facility. One of things considered by the Board was to demolish the structure.

After the structure was demolished, a slab was left in place in which Animal Services planned to add runs with a shed-like covering over it. County Administrator Jones stated that there is \$20,000.00 in the Capital Improvement Plan (CIP) to complete this project. However, it was realized that the slab sat in a bowl. Whenever it rained, the site would flood. Therefore, it wouldn't be appropriate to do construction on the existing slab.

Over time, the County contracted with Summit Engineering to do the evaluation of the site and the design of what was needed in order to install the runs to have the proper drainage away from the facility. After this was completed, the resulting specifications for work was done by Summit Engineering and put out for bid. There were no responses received from the Invitation for Bids. It was put out for bid a second time wherein a bid was received from E. C. Renner Concrete, LLC in the amount of \$21,450.00.

The project for the \$21,450.00 includes the filling of the system that was there, basically an open well collection site, for the waste system of that animal shelter (and the appropriate grading), the four (4) runs to go on the slab, as well as the structure to cover the runs for a raised concrete slab at the site of the former animal shelter. After payment for engineering services and the bid process, \$14,200.00 of the \$20,000.00 allocation remains in the CIP. The difference of \$7,250.00 is what is needed for the completion of the project.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates \$7,250.00 from the Administration Department Budget General Fund (-100) to the Capital Fund (-302) to complete the Animal Shelter Slab and Shed project.

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

Voting nay: none

7. Reports of Departments/Agencies

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

7.02 Animal Services Report – *included in Board packet*

Chairman Seward reminded everyone that there will be a Rabies Clinic on Saturday, March 30, 2019 at the Wakefield Fire Department from 9 a.m. – 11 a.m. Dogs and cats can be vaccinated for \$10.00 per animal. (Will have to be on a leash.) The Treasurer's Office will be at the Rabies Clinic selling dog tags.

7.03 Community Development Report– *included in Board packet*

7.04 Housing Department Monthly Report – *included in Board packet*

Vice Chairman Blowe stated that he represented the Board on the Housing Oversight Board. He wanted to acknowledge the Housing team and State workers and let everyone know that great progress has been made on the \$1.8 million spent that was received from Community Block Grant for housing in Wakefield and Waverly. A number of contractors have been approved and work will start.

7.05 Environmental Inspections Monthly Report– *included in Board packet*

7.06 Virginia Cooperative Extension Monthly Report – *included in Board packet*

7.07 Sheriff's Department Report – included in Board packet

8. Citizens' Comments (7:50 p.m.)

There were comments heard from:

- Frederick Porter (Stony Creek Convenience Site Security Officer) – Safety matters for citizens; entrance/exit & speed limit signs (10 mph); lighting at convenience site
- Kevin Bracy (Courthouse District) – Animal Control slab.
- Eddie Morris (Courthouse District) – Ditches; Beaver Dam Road – rain no place to go.
- Chester Carter (Stony Creek District) – Solar Farm; handed out pictures of Stony Creek park; meals tax; Exit 45; buses- stopping to purchase cigarettes;
- Rex Davis (Stony Creek Business Owner) – Contractual limits of cigarettes; oppose meals tax; investment in community; raised money for Stony Creek Rescue Squad; donations to schools; rates for water and sewer; Exit 45; taxes costs jobs.
- Raymond Covington (Stony Creek District) - Meals tax; alternatives to pay for water;
- Robert Hamlin (Henry District) – Thanked the Board for what the Board does; meals tax; trash pickup along road.
- Otto Wachsmann (Stony Creek District) – Oppose meals tax; mega site; economic development; economic plan; leadership; trash along road; Stony Creek convenience site – entrance, lighting, signs (time site open/close).

9. Unfinished Business

9.01 Referendum Meals Tax

County Administrator Jones stated that this item had been tabled from the last Board meeting. Vice Chairman Blowe requested that the Board of Supervisors to direct staff to begin the process to hold a referendum at the November 2019 General Election. The referendum would be in regards to establishing a meals tax in Sussex County. The tax will not apply to towns unless the towns provide that the county tax will apply within the limits of the town.

Vice Chairman Blowe stated that the Board was only voting to move forward so that the citizens can vote on the matter in the November 2019 election.

A motion was made by Supervisor Blowe, seconded by Supervisor Stringfield to direct staff to proceed with the process of preparing the meals tax for the November 2019 Election Referendum.

After some discussion by Supervisor Fly, Supervisor Stringfield withdrew his “second” on the motion.

Vice Chairman Blowe called “Point of Order”. Further discussion was held.

Chairman Seward asked if the “second” could be withdrawn. Attorney Brittle stated that he believed the “second” could be withdrawn. Attorney Brittle explained that the second puts forth

that they are not necessarily for the motion, but that they want it to be discussed; however, he would confirm it.

While Attorney Brittle was researching the matter, Supervisor Tyler made the motion to table the matter until the next meeting, the BOS March 21, 2019 regular meeting.

Chairman Seward stated that tabling an item was undebatable.

Vice Chairman Blowe called "Point of Order" again. He went on to discuss the matter of rules and items.

Chairman Seward stated that Attorney Brittle was still confirming if the second could be withdrawn from the initial motion.

Supervisor Stringfield apologized to the Board and citizens and stated that he wanted to support Supervisor Blowe on this matter.

After Mr. Stringfield made this statement. Attorney Brittle stated that it moots the point. Attorney Brittle stated that the second is still on the table, the discussion stands. Mr. Brittle also stated that Supervisor Tyler had a motion to table...whether it still stands or is proper.

After discussion, it was confirmed that the vote was for staff to move forward with preparation to place item on the November 2019 Election referendum with no specifics. There was discussion that the meals tax rate had to be determined 81 days prior to the election, but not on the vote being held at the February 21, 2019 meeting.

Supervisor Tyler withdrew his motion to table the item.

The original motion was back on the floor.

Vice Chairman Blowe clarified that the motion is to allow staff to start the process. A part of the process will be for the staff to get everything in order, to include the specific wording, along with a recommendation for a rate to bring back to the Board, and identify what funds will be used. Vice Chairman Blowe stated that the intent is to allow them enough time to do the necessary work and still meet the 81 days requirement.

A copy of the Analysis of Potential County Meals Tax Using Taxable Sales from Food and Drinking Establishments was included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs staff to proceed with the process of preparing the meals tax for the November 2019 Election Referendum.

Voting aye: Supervisors Blowe, Futrell, Stringfield, Tyler

Voting nay: Supervisors Fly, Seward

10. New Business

10.01 Board Compensation for Year 2020

County Administrator Jones stated that this item was tabled from the last Board meeting. Supervisor Tyler had requested that the Board review the compensation for the Board members for Year 2020.

County Administrator Jones stated that, per State Code, the sitting Board may not adjust their compensation; however, they can make compensation adjustments for future Boards.

Supervisor Tyler stated that there was discussion among the Board members in terms of reviewing compensation for Board. Supervisor Tyler stated that he requested to put this item on the agenda for Board consideration if the Board was interested. He stated that if the Board was interested, he would request that it be forwarded to the Personnel Committee for consideration.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby forwards the Board Compensation for Year 2020 for consideration to the Personnel Committee; and

FURTHER RESOLVED that the Personnel Committee will be held Monday, March 4, 2019 at 1:00 p.m., location to be determined.

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

Voting nay: none

11. Board Member Comments

11.01 Blackwater District – Broadband meeting at Prince George Electric Coop – citizens were there signing up; roll out of fiber.

11.02 Courthouse District – Administration look in 2013 Resolutions Opposing Tolls for March meeting; inquiry of citizens on Dominion Power connection to Broadband.

11.03 Henry District – Agriculture/Forestry Conference in Brunswick County; General Assembly – Broadband partnership with adjoining localities to pool resources to serve the entire County.

11.04 Stony Creek District – Broadband: Project manager at Chamber of Commerce meeting has developed partnership; next Stony Creek Town Hall meeting – March 9th (location to be determined—Oak Grove UMC or Galilee Baptist Church); recognized Mr. Stith speaking at Virginia State University Prayer Breakfast for Black History Month in the Gateway Dining Hall.

11.05 Wakefield District – Ask Administration about getting extra dumpsters to put limbs in at the Wakefield Convenience site and get ambulance service in Wakefield (have plenty storage for vehicle); thanked staff for responding to citizen on Fredenburg Road regarding cats.

11.06 Waverly District – County make preparation for bins for recycling; ditches on Beaverdam Road.

12. Closed Session

12.01 Convene into Closed Session

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD 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, personnel

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

Voting nay: none

12.02/3 Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD 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, Tyler

Voting nay: none

12.04 Action Resulting from Closed Session

There was no action on the Closed Session item.

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the February 21, 2019 meeting of the Sussex County Board of Supervisors adjourned at 9:48 p.m.

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

Voting nay: none

13.02 Next Meeting

Personnel Committee Meeting of the Board of Supervisors will be held Monday, March 4, 2019 at 1:00 p.m. Location to be determined.

The next Board of Supervisors regular meeting will be held on Thursday, March 21, 2019 at 7 p.m. the Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.