

**At a Special Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom
Rescheduled from February 15, 2024 at 6 p.m.
Thursday, February 22, 2024 at 6 pm**

BOARD MEMBERS PRESENT

Thomas W. Baicy, III
A. G. Futrell
Wayne O. Jones
Phyllis T. Tolliver
Rufus E. Tyler, Sr.
Steve E. White

BOARD MEMBERS ABSENT

C. Eric Fly, Sr.

STAFF PRESENT

Richard Douglas, County Administrator
David J. Conmy, Deputy County Administrator/
Economic Development Director
Danielle Powell, County Attorney
Deste J. Cox, Treasurer
Ernest Giles, Sheriff
Almetia Hardman, Chief Deputy Commonwealth's Attorney
Michael Kessinger, Captain
Bristol Phillips, Deputy Sheriff
Michael Poarch, Planner
Regina Sykes, Commonwealth's Attorney
Shilton R. Butts, Assistant to the County Administrator/
Clerk to the Board of Supervisors

1. Commencement

1.01 Call to Order/Determine Quorum

Chairman Jones called the February 22, 2024 Special (Rescheduled) meeting of the Sussex County Board of Supervisors to order.

1.02 The Invocation

The Invocation was offered Supervisor Tolliver.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

County Administrator Douglas requested to remove under Item 8. Unfinished Business, Item 8.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action.

Supervisor White requested to add under Item 11. Closed Session, as Item 11.01 Closed Session for Consultation with legal counsel.

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved the February 22, 2024 Special (Rescheduled) meeting agenda inclusive of removing under Item 8. Unfinished Business, Item 8.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action; and adding under Item 11. Closed Session, as Item 11.01 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) January 25 Special, February 1 Special (Rescheduled), and February 8, 2024 Special Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports. All Board members present voted aye.

3. Recognitions/Awards/Presentation

3.01 VDOT District Update – George Bowman, VDOT Franklin Residency

George Bowman, Assistant Residency Administrator for VDOT's Franklin Residency, provided a general update on the following:

- consideration of transferring \$135,000 remaining in Glyndon-Carver project budget to another unpaved road project— a portion of Butts Road in the Yale District is recommended.
- planned update of the county six-year plan
- identification of road safety project
- status of the Route 35/Route 40 roundabout
- other general updates

Mr. Bowman advised that initially a resolution was needed from the Board; however, he received confirmation that only an agreeance from the Board and the Chairman to reallocate some funds from the Glyndon and Carver lanes project to fully fund the Butts Road project in the Yale District.

The remaining funds will be transferred to the Future Pavement funds to review some of the other projects on the Six Year plan. Mr. Bowman stated that if the Board wish to move/reallocate these funds, he would need the Board's concurrence.

There was inquiry of the drainage on the Glyndon and Carver lanes project. There was inquiry of the allocation of funds for the construction of Butts Road project and the use of the \$135,000 and the side-road pavement.

Mr. Bowman stated that the first Priority Item on the Six-Year Plan is Courthouse Road (Route 735) reconstruction and drainage improvements. He noted that further conversation is needed on this item. The second Priority Item is Glyndon and Carver lanes. He noted that the funding for this project was complete. The 609 reconstruction is the third Priority Item.

Mr. Bowman advised that he would be attending the District Six Year Plan meeting the second week of March. He will revisit with the Board.

By general consensus, the Board and the Chairman agreed to VDOT reallocating funds from the Glyndon-Carver Lane project budget to fully fund the Butts Road (unpaved road) project. The remainder of the funds will be transferred to the Future Pavement funds. He noted that the funds for future payment funds will be used to consider some of the other projects that are on the 6-Year plan.

Mr. Bowman discussed the County Safety Operational Incentive (CSOI) money. He asked the Board to recommend different projects through their prospective areas that meet safety issues that may not have been done on routine maintenance such as sidewalks, routine ditching, signage, tree trimming, etc.

County Administrator Douglas advised CSOI is eligible for use in Towns. Sidewalks and flooding issues would be eligible projects. There was inquiry of the dollar amount of the project. Mr. Bowman stated that dollar amount is based on your population and different criteria together. The funding would be discussed. He noted that VDOT has this funding each year.

There was inquiry/discussion of the Route 35 and Route 40 roundabout. Mr. Bowman stated that VDOT will be doing sidewalk work in Jarratt.

A copy of Butts Road map was included in the Board packet.

302 Blackwater Regional Library Update – Ben Neal, Library Director

Ben Neal, Library Director for the Blackwater Regional Library, provided a brief update on library activities in Sussex County, accomplishments over the past year, and upcoming planned activities.

Mr. Neal discussed the monthly programs for adults, including crafts and book clubs. He also discussed the crafts and free books given to the attendees of the Town of Wakefield's Tree Lighting ceremony and the Christmas program at Waverly Library.

He reviewed library services offered for FY23-24 year to date regarding library visits; Outreach and Library programs; and items circulated. Mr. Neal also discussed the number of patrons connected with computers, Wi-Fi or MiFis. He stated that there were 14 Pop-Up Libraries, reaching 239 people. There was information on automatic renewals.

He noted the Blackwater Regional Library impact in the Community to include National Night Out events in Jarratt and Waverly. Mr. Neal noted that the Waverly Farmer's Market provided fellowship and access to fresh produce, homemade goods, and more. He discussed the outreach to local students, both via open houses in schools and hosting homeschool groups at the library.

He discussed library of things such as electronic item household items, blood pressure reader, various handbooks, etc.

There were programs by Mariner's Museum, Chippokes' Park, Tiny Art Show and other great presenters. He stated that there were 12 Programs in Summer 2023 that reached over 300 people. There were over 700 children's learning materials circulated.

Mr. Neal discussed upcoming programs for the Blackwater Regional Library to include the Easter Event at Waverly Library and the Summer Reading 2024. He also noted the Waverly Farmers' Market would be returning in May.

3.03 RECOGNITION: Carrie Lee Dobie Delk Gray – 100th Birthday

Ms. Gray is lifelong resident of Piney Grove in Sussex County, Virginia. Supervisor Futrell requested approval of a resolution recognizing Ms. Carrie Lee Dobie Delk Gray on the major milestone of her 100th birthday on February 13th.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR WHITE and carried; RESOLVED that the Sussex County Board of Supervisors hereby adopts the resolution recognizing Ms. Carrie Lee Dobie Delk Gray on the major milestone of her 100th birthday; to-wit:

WHEREAS, it is fitting that the Sussex County Board of Supervisors recognizes those citizens who celebrate venerable milestones in their lives; and

WHEREAS, Ms. Carrie Lee Dobie Delk Gray, celebrated her 100th birthday on February 13, 2024, an occasion commemorating great joy and accomplishment; and

WHEREAS, Ms. Gray attended Piney Grove School; and

WHEREAS, Ms. Gray attends Piney Grove AME Zion church; and

WHEREAS, she is a member of the Pride of Wakefield Eastern Star Chapter; and

WHEREAS, Ms. Gray was the first cook at Cowlings Barbecue in Waverly, Virginia; and

WHEREAS, in later years to come, Ms. Gray retired from Virginia State University in Petersburg, Virginia in 1985; and

WHEREAS, Ms. Carrie Lee Dobie Delk Gray is a highly independent woman who loves flowers, knitting, crocheting, and reading.

NOW THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors hereby honors and congratulates Ms. Carrie Lee Dobie Delk Gray on the celebration of her 100th birthday and extend our best wishes and many happy returns.

BE IT FURTHER RESOLVED that this resolution shall be spread upon the Minutes Book of the Sussex County Board of Supervisors February 22, 2024 meeting. All Board members present voted aye.

3.04 Recognition of Deputy Sheriff Bristol Phillips

Sheriff Giles recognized Deputy Bristol Phillips for his accomplishment in impaired driving enforcement. He presented Deputy Sheriff Phillips a certificate for recognition of outstanding in impaired driving enforcement.

A copy of Certificate of Recognition for Deputy Sheriff Phillips' outstanding service was included in the Board packet.

4. Public Hearings

There was no Public Hearing.

5. Appointments

5.01 Appointments to Sussex Service Authority Board (Alternates)

The Board could choose to select alternates for the Sussex Service Authority Board at-large and elected official appointments made at the January regular meeting.

The term of the alternate at-large representative (currently filled by Mr. Crowder) runs from January 2024 to December 2027. The term of the alternate elected official representative (currently filled by Mr. Morris) runs from January 2023 to December 2026.

Staff recommends that an alternate to the elected official appointment (Supervisor Baicy) be another member of the Board of Supervisors.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Supervisor Tyler to serve as the Alternate member to the Elected Official to the Sussex Service Authority, to-wit:

WHEREAS, the Sussex Service Authority (“SSA”) was created by the Towns of Wakefield, Waverly, Stony Creek, and the County of Sussex (“County”) and received its Certificate of Incorporation by the State Corporation Commission in 1997; and

WHEREAS, the Articles of Incorporation state, “The powers of the Authority shall be exercised by the board (the “Board”) consisting of five members: one member to be appointed by the respective Governing Body of each Incorporating Subdivision and the fifth member to be appointed by the Board of Supervisors of Sussex County, Virginia...*and that alternate members may be provided for in the Bylaws* (emphasis added);” and

WHEREAS, the SSA’s bylaws allow the appointment of alternates in the same manner as the governing body appoints members and the, “term of each alternate shall be the same as that of the member for whom he or she has been appointed as alternate; provided, however, that an alternate’s term shall not expire because of a member’s death, disqualification, resignation from the Board.”

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Supervisors hereby appoints the person listed below as the alternate to the elected official representative to the SSA with the term as indicated:

Alternate to the Elected Official Representative:

Name: Rufus E. Tyler, Sr. January 1, 2023 to December 31, 2026

Voting aye: Supervisors Baicy, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

Absent: Supervisor Fly

Supervisor Futrell suggested Mr. Meade Fronfelter for the Citizen At-Large Alternate. County Administrator Douglas stated that the Mr. Crowder is currently in this position. The appointment for the Alternate to the Citizen (At-Large) Representative was tabled to confirm if Mr. Fronfelter could serve in this capacity due to serving on another Board.

A resolution was included in the Board packet.

5.02 Recommended Nomination for Appointment to the Board of Zoning Appeals

Due to Mr. Baicy’s successful bid for Sussex’s Board of Supervisors, he is no longer eligible to serve on the Board of Zoning Appeals (BZA). State Code prohibits a BZA member from serving another public office, except that one member may also serve on the Planning Commission.

As a result, a nomination needs to be made for recommendation to the Circuit Court Judge for appointment to fill the unexpired term beginning immediately, ending January 31, 2026.

Mr. Baicy has recommended Ms. Karen Hines, 12236 Setzer Road, Stony Creek, Virginia 23882, for nomination. Ms. Hines’ Application, BZA Roster and Bylaws were included in the Board packet.

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby nominates Ms. Karen Hines, 12236 Setzer Road, Stony Creek, Virginia 23882, for appointment by the Circuit Court Judge to fill the unexpired term beginning immediately, ending January 31, 2026. All Board members present voted aye.

5.03 Appointments to the Planning Commission

Now that the new election district boundaries are effective and the new Board has taken office, the Planning Commission needs two appointments. One appointment is needed for the Courthouse District. The other appointment is needed for the Henry District.

These appointments will be 4-year terms, beginning March 1, 2024 ending February 29, 2028.

A copy of Ms. Grinstead's Application form, a list of Planning Commission Members and Bylaws were included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Ms. Elena Grinstead, 22464 Cabin Point Road, Disputanta, Virginia 23842 to the Planning Commission with a term beginning March 1, 2024, expiring February 29, 2028. All Board members present voted aye.

6. Action Items

6.01 Blackwater Solar Project Application Consideration Schedule

The Blackwater Solar Project meeting schedule was developed by staff with input from the County Attorney and planning consultant, with the goal of providing efficient, convenient access for public comments and a thorough review process for the project (specifically the conditional use permit application, rezoning application, and siting agreement). The meeting schedule begins on March 25 with a joint public hearing between the Board of Supervisors and Planning Commission, at the Airfield 4-H Conference Center. County Administrator Douglas stated that staff and the Planning Commission recommends this facility being that it should be able to provide ample room to accommodate the public in a convenient location adjacent to the proposed project site.

Staff noted that this schedule is tentative and could change due to additional needed review and other unforeseen delays. The intention is to be transparent and allow sufficient notice for the public, applicant, and BOS/Planning Commission members.

Supervisor Baicy noted that it was recommended by a Wakefield resident to state which building at the Airfield 4-H Conference Center the public hearing will held when advertising for the Public Hearing.

Staff recommended approval of the proposed schedule for consideration of the Blackwater solar project application.

A copy of the draft calendar was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the proposed schedule for consideration of the Blackwater Solar Project Conditional Use Permit and Rezoning application Sussex County Board of Supervisors/Planning Commission Tentative meeting/Public Hearing Calendar, to-wit:

Monday, March 25 Joint Public Hearing on CUP and rezoning applications (Board of Supervisors and Planning Commission), Airfield 4-H Center, 6 pm (to include applicant and staff presentations)

Monday, April 1 Planning Commission regular meeting-- discussion and possible recommendation on CUP and rezoning applications, District Courtroom, 6 pm (additional meetings TBD if no action taken)

Monday, May 13 Board of Supervisors additional Public Hearing on CUP/rezoning and first public hearing on siting agreement, Airfield 4-H Center, 6 pm

Thursday, May 16 Regular meeting of the Board of Supervisors—consideration of CUP application, rezoning application, and siting agreement, District Courtroom, 6 pm

Voting aye: Supervisors Baicy, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

Absent: Supervisor Fly

7. Citizens' Comments

- Susan B. Moore (Wakefield District) – Hunting on Big Woods (BW) property (lives in the middle of BW property); entrance from back property doesn't see house; rifle shooting travel distance; hunters neither residents nor taxpayers of Sussex; dogs on property; livestock.
- Leverette Pope (Waverly District) – Solar Farm; request to table application; Southampton County; Permit & Map; Trees; Environmental effect; Waverly Industrial Park.
- Franklin Dowless (Landowner/Wakefield District) – Website; Comprehensive Plan-Vision Statement-guide to vote.
- Buddy Faison (Across Sussex Line in Southampton) –Lives across the line near project; walked property some in his life-hunt clubs; unmarked family members graves in middle of property; two threatened species of wildlife-squirrel.
- John Stringfield (Wakefield District) – Sussex Service Authority increase in water rates.
- Molly Dowless (Wakefield District) – Anti Solar Farm; lean on work of counterparts – Southampton; submit comment to HB – Senate Bill 697.

- Andy Babish (Blackwater) – Equestrian customers; roadside litter; potential; litter problem – landfill; and State prison; focus on maintaining Vision Statement.
- Linda Chitwood (Ivor/Southampton County) – Ecosystem; wetlands; traffic; taking down trees; anti Solar Farm.
- Chris Cornwell (Southampton County BOS) – Listen to citizens regarding Solar Farms.
- Laine Chambers (Wakefield District) – Solar Farm proximity of facility to Wakefield; concerned with decisions to be made and information; impact on generations.
- Kevin Bracy (Yale District) – Ramp taped off in icy conditions; supervision.
- Frances Chambers (Virtual-on behalf Wakefield District) – CUP clarification; not adhering to Comp plan/not in compliance; send CUP back for revision; proximity of Solar Farm; acreage; address issue before joint meeting.

County Administrator Douglas stated that the County had to be careful, the applicant had to be given their due process. They paid their application fee. He discussed the subject of the application being returned and administrative decisions.

County Attorney Powell noted that there is a process that's laid out in State Code and the Zoning Ordinance that the Board and the Planning Commission are following.

8. Unfinished Business

8.01 Adoption of Board Rules and Procedures

This item was tabled.

8.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action

This item was removed during agenda amendments.

9. New Business

There was no New Business.

10. Board Member Comments

10.01 Blackwater District – absent

10.02 Courthouse District – Litter along highway (previously addressed).

10.03 Henry District – none

10.04 Stony Creek District – none

10.05 Wakefield District – none

10.06 Waverly District – none

10.07 Yale District – Trash along highway; County Administration scrap metal at dumpsite update – procure contract.

11. Closed Session

11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR WHITE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors convene to Closed Session to (1) discussion or disposition the conveyance 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 Virginia Code Section 2.2-3711(A)8, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; contracted services. All Board members present voted aye.

11.02/03 Reconvene to Open Session/Certification

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

FURTHER RESOLVED THAT that 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, 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 Baicy, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

Absent during vote: Supervisor Fly

11.04 Action Resulting from Closed Session, if any

There was no action on the Closed Session item.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR TOLLIVER, seconded by SUPERVISOR BAICY and carried: RESOLVED that the February 22, 2024 special (rescheduled) meeting of the Sussex County Board of Supervisors hereby adjourned at 7:59 p.m. All Board members present voted aye.