

**At a Regular Meeting of the  
Sussex County Board of Supervisors  
Thursday, May 20, 2021 at 6 pm**

**BOARD MEMBERS PRESENT**

Marian D. Johnson  
Debbie P. Jones  
Wayne O. Jones  
Susan M. Seward  
Rufus E. Tyler, Sr.

**BOARD MEMBERS ABSENT**

C. Eric Fly, Sr.  
Steve White, Tie Breaker

**STAFF PRESENT:**

Richard Douglas, County Administrator  
Jeff Gore, County Attorney  
Ellen G. Boone, Commissioner of the Revenue  
John Broderick, Public Schools Director of Finance and Business Operations  
Deste J. Cox, Treasurer  
Brenda H. Drew, Housing Coordinator  
G. Reid Foster, Public Safety  
Jeff Gary, Director of Public Works  
Ernest Giles, Sheriff  
William Hagy, Director of Social Services  
Arthur Jarrett, Jr., Principal of the Public Schools  
Kelly W. Moore, Director of Finance  
Vincent L. Robertson, Commonwealth's Attorney  
Adriene Stephenson, Public Schools, Director of Human Resources  
Shilton R. Butts, Assistant to the County Administrator/  
Deputy Clerk to the Board of Supervisors

**1. Commencement**

**1.01 Call to Order/Determine Quorum**

The May 20, 2021 regular meeting of the Sussex County Board of Supervisors was called to order by Chair Seward.

**1.02 The Invocation**

The Invocation was offered by Supervisor Tyler.

**1.03 The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

#### 1.04 Agenda Amendments

County Administrator Douglas added under Item 3. Recognitions as Item 3.06 Ms. Lynette Alston, Indian Artifacts.

#### 1.05 Approval of Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the May 20, 2021 regular agenda inclusive of adding under Item 3. Recognition as Item 3.06 Ms. Lynette Alston, Indian Artifacts. All Board members present voted aye.

*It was announced by Chair Seward that Titan Mid-Atlantic was not on the agenda.*

### **2. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) April 15, 2021 Regular meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report; (d) Financial Update; (e) Animal Services Report; (f) Housing Department Report; (g) Public Works Department Reports; (h) Public Safety Department Report; (i) Planning Department Report; (j) Sheriff's Department Report; (k) Jail Roofing Contract; (l) Town of Waverly Police Agreement Budget Appropriation; and (m) Approval of RFP for Consolidated GIS Services. All Board members present voted aye.

### **3. Recognitions/Awards/Presentation**

#### 3.01 RECOGNITION: Kelly W. Moore, Director of Finance

The National Association of Counties (NACo) Professional Development Academy offered a 100% scholarship for a 12-week, online leadership program led by General Colin Powell and dozens of public and private sector instructors. The program provided best practices in leadership, organizational development and change management, negotiation and collaboration, effective business communication and delivering value within high performance management.

Ms. Kelly W. Moore, Director of Finance, completed and received certification in this NACo Colin Powell Master Leadership program.

A copy of the On-line Leadership Courses was included in the Board packet.

#### 3.02 District 19 Community Services Board – Jennifer Tunstall, Executive Director

Ms. Jennifer Tunstall, the Executive Director of District 19 Community Services Board (D19 CSB) was in attendance and provided a brief update of their services and operations.

Ms. Tunstall reviewed their mission to improve the quality and productivity of the lives of individuals who experience, or are at risk of experiencing, mental disabilities and/or substance abuse.

She stated that they were licensed by the Virginia Department of Behavioral Health and Development Services to provide mental health, intellectual/developmental disability, substance abuse 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.

She also reviewed their Board of Directors. Ms. Tunstall noted D19 also offered emergency services for people in crisis, early intervention services for young children and prevention services to reduce risk and promote wellness.

Other services discussed included Adult Services, Child and Adolescent Services, Community Integration and Crisis Services, and New Division: Developmental Disability Services.

Information was provided regarding individuals served in FY20 by services received, localities served, as well as summaries of services provided to individuals residing in Sussex monthly.

Ms. Tunstall noted that D19 finances its work through a combination of public and private sector funding. Funding is received from federal, state and local entities. They serve a high volume of individuals that are uninsured. Service fee revenue comes primarily from Medicaid, but also from other sources. D19 began accepting some commercial insurances for services in February 2019.

Local Funding match requirement was discussed. FY21 State fund contribution to D19 is \$8,510,923. FY21 local matching funds requirement is \$900,242. Local Match Request for FY22 of level funding was discussed as well.

New legislation that impacts the locality regarding Marcus Alert was discussed. D19 CSB stated that the Marcus Alert is named after Marcus-David Peters who was shot and killed by Richmond police in 2018 in the midst of a behavioral health crisis. It was noted that it was a series of protocol aimed to divert to the behavioral health system or respond with a specialized law enforcement response include protocols to divert from 911 to crisis call center; MOUs for law enforcement backup to a crisis response and minimum standards/best practices for law enforcement response.

There was discussion of what the Marcus Alert is seeking to change and/or implement as well as the overall goals and the build out of Crisis Services in Virginia, timeline of implementation, and what D19 is doing to prepare for Marcus Alert, and long term outcome.

### 3.03 Crater Planning District Commission Update – Alec Brebner, Executive Director

Mr. Alec Brebner, the Executive Director of the Crater Planning District Commission, was in attendance and provided an update of the Crater Planning District Commission to the Board to include participation in regional BBQ trail and Regional Tourism action.

### 3.04 PROCLAMATION: Elder Abuse Awards 2021

Administration received notification from Mr. Will Hagy, Director of Sussex Department of Social Services, that the Crater District Area Agency on Aging—along with its Board of Directors and Advisory Council—are working together to raise public awareness about elder abuse and its devastating impact on individuals, families and communities. The County has been requested to support the proclamation for local governing bodies across the district to designate June 15, 2021 as World Elder Abuse Awareness Day. Recommendation:

A copy of the Proclamation designating June 15, 2021 World Elder Abuse Awareness Day and the CDAAA letter from Harold Sykes were included in the Board packet.

Whereas, County of Sussex recognizes that in 2006, the International Network for the Prevention of Elder Abuse proclaimed June 15th of each year as World Elder Abuse Awareness Day; and

Whereas, according to the Department of Justice (DOJ) Elder Abuse Initiative, elder abuse is an intentional or negligent act by any person that causes harm or a serious risk of harm to an older adult; subtypes of elder abuse include physical abuse, financial fraud, scams, exploitation, caregiver neglect and abandonment, psychological abuse, and sexual abuse; and

Whereas, DOJ also reports that elder abuse is a serious crime against some of our nation's most vulnerable citizens, affecting at least 10 percent of older Americans every year; and

Whereas, some risk factors for elder abuse can include low social supports, poor physical health, and experience of previous traumatic events, according to the National Center on Elder Abuse; and

Whereas, close to half of elderly individuals who suffer from dementia will experience abuse during their lifetime, according to the Department of Justice. Research suggested that elderly individuals who experience cognitive impairment, physical disabilities, and isolation are more likely to become the victims of abuse than those without disabilities; and

Whereas, DARS also reports that the majority of incidents of adult abuse, neglect or exploitation occurs in the adult's own house or apartment; and National Adult Protective Services Association reports that approximately 90 percent of the perpetrators in elder financial exploitation case are family members or other trusted individuals; and

Whereas, elder abuse, neglect, or exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines, according to the Elder Justice Coalition; and

Whereas, only a small fraction of elder abuse cases is reported to the authorities, public awareness of elder abuse has the potential to increase identification and reporting of this crime by the public, professionals, and victims; and

Whereas, the Population Projection by Age and Sex for Virginia and its Localities, 2020- 2040 produced by Demographics Research Group of the Weldon Cooper Center for Public Recognition Service, reports that the total number of Virginians over the age of 60 numbers 1,889,268 seniors; and

Whereas, the Virginia Department for Aging and Rehabilitative Services (DARS) reported data for state fiscal year 2020, of the 37,398 reports of adult abuse, neglect or exploitation received through the Adult Protective Services Program, 73 percent were persons age 60 years and older.

Now, therefore, the County of Sussex Board of Supervisors of Sussex, Virginia do hereby proclaim June 15, 2021 to be Elder Abuse Awareness Day and recognize professionals, agencies, and advocates for their efforts to advance awareness of elder abuse; and

The County of Sussex Board of Supervisors hereby urges every resident in our community to take time during this important day to support older adults and the people who serve them as essential and valuable members of our community, and to identify and report suspected elder abuse within our community.

### 3.05 RECOGNITION: Staff Response to I95 Horse Trailer Accident

County Administration would like to take the opportunity to thank Lisa Mosely (Animal Services), Reid Foster (Public Safety), Sheriff Giles and the Sheriff's office staff, and the local Fire Department for their assistance with the horse trailer accident on Interstate 95 in Sussex County on Wednesday, May 5, 2021 wherein the driver and three horses did. One horse survived the Wednesday, May 5, 2021 wherein the driver and three horses died. One horse survived the crash.

*Information courtesy of the 3WTKR News website.*

### 3.06 Indian Artifacts – Ms. Lynette Alston

Ms. Lynette Alston, Chief of Nottoway, and Dr. Mark Woodard, Professor, gave an overview of possible Indian Artifacts on property in Sussex County.

## **4. Public Hearing**

### 4.01 Fiscal Year 2022 Proposed County Budget

County Administrator Douglas stated that the purpose of the Public Hearing is to receive comments from the public regarding the Fiscal Year 2022 Proposed County Budget.

Chair Seward opened the Public Hearing.

Public comments were heard from Ms. Jessica Moore, Mr. Millard “Pete” Stith, and Catherine Owen.

Board comments were heard from Supervisor Tyler.

Chair Seward closed the Public Hearing.

There was no action taken at this meeting.

#### 4.02 Calendar Year 2021 Proposed Tax Rates

County Administrator Douglas stated that the purpose of the Public Hearing is to receive comments from the public regarding the Calendar Year 2021 Proposed Tax Rates.

County Administrator noted that there was a small error in the Proposed Tax Rates. It’s noted as .43% PPTRA, but it’s actually .45%.

Chair Seward opened the Public Hearing.

There were no public comments.

There were no Board comments.

Chair Seward closed the Public Hearing.

There was no action taken at this meeting.

#### 4.03 Elderly/Disabled Real Property Tax Ordinance

County Administrator Douglas stated that the public hearing is to consider and receive public comments regarding adopting an Elderly/Disabled Real Property Tax Ordinance for the County of Sussex.

Chair Seward opened in the Public Hearing.

Ms. Deste Cox, Treasurer, made presentation to the Board at its regular meeting in November, for a potential tax relief program for elderly and disabled persons. The Board voted to move forward with the Elderly/Disabled Real Property Tax Ordinance and a Public Hearing. The attached ordinance was prepared by the County Attorney and could serve as the basis for such a program. Specific items to consider are property owner income and assets, and the amount of land to be exempted.

Chair Seward closed the Public Hearing.

There were no public comments.

Board comments were heard from Chair Seward.

A copy of the Draft Ordinance to Adopt a Tax Relief Program for Elderly & Disabled Persons and a copy of the advertisement was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR JOHNSON and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Ordinance #2021-02 an ordinance of the board of supervisors of Sussex county, Virginia to adopt a real property tax relief program for elderly and disabled persons, to-wit:

WHEREAS, Section 58.1-3210, et seq., of the Code of Virginia authorizes local governing bodies, such as the Sussex County Board of Supervisors, to exempt from taxation real estate and manufactured homes owned by qualifying elderly and permanently and totally disabled persons; and

WHEREAS, such ordinance may provide for an exemption from a certain portion of real property taxes for individuals the age of 65 or over, or individuals who are permanently and totally disabled; and

WHEREAS, the Sussex County Board of Supervisors finds that it is in the best interest of the county residents to adopt such ordinance that provides for an exemption from taxation for qualified elderly and permanently and totally disabled County residents; and

NOW, THEREFORE, BE IT RESOLVED, that the Code of the Sussex County, Virginia, is hereby amended as follows:

CHAPTER \_\_\_\_  
REAL PROPERTY EXEMPTION FOR ELDERLY AND PERMANENTLY AND TOTALLY  
DISABLED PERSONS

Sec. \_\_\_\_ Purpose of chapter.

The purpose of this chapter is to provide for the exemption of payment of taxes for real estate and manufactured homes in accordance with the Code of Virginia, §§ 58.1-3210—58.1-3218, for those elderly and permanently and totally disabled county residents who qualify under the provisions of this chapter. Sec. \_\_\_\_Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Affidavit” means the real estate tax exemption affidavit.

“Dwelling” means the fulltime residence of the person or persons claiming exemption.

“Bona fide caregiver” means a person who provides direct care (as for children, elderly people, or chronically ill) in good faith without fraud or deceit.

“Exemption” means 100% exemption from taxes for real estate and manufactured homes pursuant to the provisions of this chapter.

“Income” means income from whatever source derived, including, but not limited to, Social Security payments, inheritance, gifts, gains from the sale or exchange of assets, proceeds of insurance, welfare receipts and benefits received from various pension plans.

“Manufactured home” shall mean that which is defined in Code of Virginia, § 36- 85.3.

“Net combined financial worth” means the fair market value of assets, tangible or intangible, legal or equitable, of the owner or owners, and the spouse of any owner, but excluding the value of the dwelling and the land, as provided in section 16-55(3).

“Permanently and totally disabled” means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

“Tax” means the annual real estate and manufactured home tax, however assessed, of the county. “Taxable year” means the calendar year, from January 1 until December 31, for which exemption is claimed. “Taxpayer” means a person who owns and occupies, as his sole dwelling, property subject to the tax of the county.

Sec. \_\_\_\_ Authorized; general prerequisites to grant.

(a) A tax exemption is authorized for such real estate that is owned and occupied as the sole dwelling of such taxpayers who are not less than 65 years of age, or who are permanently and totally disabled, and who are eligible under the provisions of this chapter. A dwelling jointly held by spouses may qualify if either spouse is 65 or over or is permanently and totally disabled.

(b) Exemption is authorized only if:

(1) The total combined gross income during the immediately preceding calendar year from all sources of the owners of the dwelling living thereon and of the owners' relatives and non-relatives living in the dwelling, excluding bona fide caregivers of the owners and bona fide tenants, does not exceed \$25,000.00 provided that the first \$5,000 of the income of each relative, other than a spouse, of the owner who is living in the dwelling shall not be included in such total; and

(2) The gross combined financial worth, including equitable interests, as of December 31 of the immediately preceding calendar year of the owner and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding ONE ACRE upon which it is situated, does not exceed \$100,000.00. Sec. \_\_\_\_ Applies to residential property only. It is the express purpose of this chapter to confine the exemption to residential property exclusively used as such by the owners thereof. No income bearing



residential property or combination of business and residential property shall be entitled to the exemption.

Sec. \_\_\_\_ Taxpayer's affidavit and certificate of disability.

(a) For a taxpayer to qualify for exemption, he must file annually, after January 1 but not later than April 1, with the commissioner of the revenue on forms provided by the commissioner of the revenue an affidavit under oath setting forth:

(1) The names of the related persons occupying such real estate; and

(2) That the total combined net worth including equitable interests and the combined income from all sources, of the persons specified above, does not exceed the limits prescribed in this ordinance.

(b) If a taxpayer is under 65 years of age such affidavit shall have attached thereto a certification by the Veterans Administration or the Railroad Retirement Board, or if the taxpayer is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the state, to the effect that the taxpayer is permanently and totally disabled, as defined in Virginia Code Section 58.1-3217. The affidavit of at least one of such doctors shall be based upon a physical examination of the taxpayer by such doctor. The affidavit of one of the doctors may be based on information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as so defined.

Sec. \_\_\_\_ Commissioner of the revenue may request production of documents and make inquiries of taxpayer.

In administering this chapter, the commissioner of the revenue may request, if needed, certified tax returns or other documents of the taxpayer necessary to establish the income or financial worth of the taxpayer. The commissioner may make reasonably necessary inquiries of the taxpayer, requiring answers under oath, to determine qualifications specified in this chapter, including qualification as permanently and totally disabled.

If it is determined that the person is qualified for the exemption, the commissioner shall notify the person in writing of the amount of the exemption. If it is determined that the person is not eligible for the exemption, the commissioner shall notify the person in writing of the fact the exemption has been denied.

An individual who does not qualify for the exemption or deferral under this article based upon the previous year's income limitations and financial worth limitations, may nonetheless qualify for the current year by filing an affidavit that clearly shows a substantial change of circumstances, that was not volitional on the part of the individual to become eligible for the exemption or deferral, and will result in income and financial worth levels that are within the limitations of the ordinance.

Sec. \_\_\_ Effect of applicant's residency in hospital, nursing home or similar facility.

The fact that persons who are otherwise qualified for exemption pursuant to this chapter are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the property for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence, so long as such property is not used by or leased to others for consideration.

Sec. \_\_\_ Nullification upon change in status.

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the then current taxable year and the taxable year immediately following.

A change in ownership to a spouse less than 65 years of age and not totally and permanently disabled which resulted solely from the death of the qualified spouse shall result in a prorated exemption for the then current taxable year.

Sec. \_\_\_ Effective Date. The provision of this chapter shall apply commencing with the 2022 tax year

Adopted by the Sussex County Board of Supervisors on a motion by Supervisor Tyler, seconded by Supervisor W. Jones and vote of 5 ayes and 0 nays at their regularly scheduled meeting on the 20<sup>th</sup> day of May, 2021.

Voting aye: Supervisors Johnson, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

Absent: Supervisor Fly

## **5. Appointments**

### 5.01 Appointment to the Crater District Area Agency on Aging

County Administrator Douglas stated that the term of Ms. Brenda Burgess, 405 East Main Street, Waverly, VA, 23890 on the Crater District Area Agency on Aging (CDAAA) Board of Directors has expired. Staff spoke with Ms. Burgess and she is willing to continue to serve, if reappointed.

If reappointed, Ms. Burgess' two-year term will expire December 31, 2023.

For informational purpose, the Crater District Area Agencies on Aging are local aging programs that provide information and services on a range of assistance for older adults who those care for them. By contacting your local agency you get access to critical information including:

- Available service in your area
- Mobility assistance programs, meal plans & housing

- Assistance in gaining access to services
- Individual counseling, support groups and caregiver training
- Respite care
- Supplemental services, on a limited basis

(Information provided from website.)

A copy of the confirmation letter was included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR JOHNSON and carried: RESOLVED that the Board of Supervisors hereby reappoints Ms. Brenda Burgess, 405 East Main Street, Waverly, Virginia 23890, to the Crater District Area Agency on Aging Board of Directors, for a two (2) year term, expiring December 31, 2023. All Board members present voted aye.

#### 5.02 Appointments to the Building Code Appeals Board

County Administrator Douglas stated that the term of Mr. Larry Pond, Post Office Box 14, Waverly, Virginia, 23890, on the Building Code Appeals Board is due to expire June 30, 2021. Staff has contacted Mr. Pond. He is willing to continue to serve, if reappointed. If reappointed, his term will expire June 30, 2025.

It was noted that there is a vacancy that will expire June 30, 2021 and will need an appointment for a term starting July 1, 2021, as well, to provide continuity so that the terms of members may be of different lengths so that less than half will expire in any one year, the appointment for this vacancy will expire June 30, 2026.

A copy of the confirmation letter, the 2015 Virginia Building Code Appeals Board Info, Section 119 and a copy of the Building Code Appeals Board were included in the packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Board of Supervisors hereby reappoints Mr. Larry Pond, Post Office Box 14, Waverly, Virginia, 23890, to the Building Code Appeals Board with a term, expiring June 30, 2025. All Board members present voted aye.

#### 5.03 Appointments to the Board of Zoning Appeals

This item was carried over from the February 18, 2021 regular Board of Supervisors meeting. Several members on the Board of Zoning Appeals have resigned. There are currently three (3) vacancies.

Nominations for appointment by the Circuit Court Judge need to be made for a term that expired January 31, 2021. This nomination will be for a term to starting immediately and expiring January 31, 2026. Two (2) nominations will need to be made for terms starting immediately, expiring January 31, 2023 and January 31, 2024, respectively.

County Administrator Douglas stated that the BZA needs to have at least three (3) members to have a quorum.

Vice Chairman Wayne Jones nominated Mr. Chase (Butler) Boykin, 5060 N Beaver Dam Road, Waverly, Virginia 23890. Mr. Boykin is the owner of Butler's Towing. Vice Chairman Wayne Jones also recommended Ms. Darlean Whiting, 240 N. Pine Street, Wakefield, Virginia 23888, for nomination of appointment by the Circuit Court Judge. Ms. Whiting is a member of Wakefield Town Council and is active in the community.

If appointed by the Circuit Court Judge, both terms will start immediately. Mr. Butler's term will expire January 31, 2023. Ms. Whiting's term will expire January 31, 2024.

A copy of the BZA ByLaws and the Roster of BZA Board members were included in the Board packet.

A copy of the Board of Zoning Appeals ByLaws and roster were included in the Board packet.

ON MOTION OF SUPERVISOR JOHNSON, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County hereby recommends Mr. Chase (Butler) Boykin, 5060 N Beaver Dam Road, Waverly, Virginia 23890 for nomination to the Circuit Court Judge for appointment to the Board of Zoning Appeals with a term starting immediately and expiring January 31, 2023; and

FURTHER RESOLVED that the Board hereby recommends Ms. Darlean Whiting, 240 N. Pine Street, Wakefield, Virginia 23888, for nomination for appointment by the Circuit Court Judge for appointment to the Board of Zoning Appeals with a term starting immediately and expiring January 31, 2024. All Board members present voted aye.

#### 6.01. Fiscal Year 2022 (FY22) Budget Approval Ordinance

No action taken. Moved to a Special meeting.

#### 6.02 Calendar Year 2021 (CY21) Tax Rate Ordinance

No action taken. Moved to a Special meeting.

### **7. Citizens' Comments**

There were several citizens speaking in opposition of the mining operation. Citizens listed in separate attachment.

### **8. Unfinished Business – none**

### **9. New Business**

9.01 Public Facility Review of Flat Foot Solar, LLC, Application #2021 Appeal, Code of Virginia 15.2-2232

This item was removed and deferred during agenda amendments.

**10. Board Member Comments**

10.01 Blackwater District – none

10.02 Courthouse District – absent.

10.03 Henry District – none

10.04 Stony Creek District – none.

10.05 Wakefield District – none

10.06 Waverly District – none.

**11. Closed Session**

11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; pursuant to Va. Code Section 2.2-3711(A)5. All Board members present voted aye.

11.02/03. Reconvene to Open Session/Certification of Closed Session

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconvened to Open Session and 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 Johnson, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

#### 11.04 Action Resulting from Closed Session

There was no action.

### **12. Adjournment**

#### 12.01 Adjournment

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the May 20, 2021 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 9:48 p.m.

All Board members presented voted aye.

#### 12.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, June 17, 2021 at 6 p.m.