

**At a Regular Meeting of the  
Sussex County Board of Supervisors  
Held in the General District Courtroom on  
Thursday, January 16, 2020 at 7 pm**

**BOARD MEMBERS PRESENT**

C. Eric Fly, Sr.  
Marian D. Johnson  
Debbie P. Jones  
Wayne O. Jones  
Susan M. Seward  
Rufus E. Tyler, Sr.  
Steve White, Tie Breaker

**STAFF PRESENT:**

Vandy V. Jones, III, County Administrator  
Millard D. Stith, Independent Consultant  
Mark Flynn, County Attorney  
Ellen G. Boone, Commissioner of the Revenue  
Deste J. Cox, Treasurer  
Brenda H. Drew, Housing Coordinator  
G. Reid Foster, Public Safety Coordinator  
Ernest Giles, Sheriff  
Vincent Givens, Major  
Eric Johnson, Captain  
Bertha Judge, Director of Social Services  
John Ogburn, First Sergeant  
James Shanko, Lieutenant  
Shilton R. Butts, Assistant to the County Administrator/  
Deputy Clerk to the Board of Supervisors

**1. Commencement**

1.01 Call to Order/Determine Quorum (7:00 p.m.)

The January 16, 2020 regular 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 Fly.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

#### 1.04 Agenda Amendments

There were no agenda amendments.

#### 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 January 16, 2020 regular agenda as presented. All Board members present voted aye.

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

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the January 16, 2020 Consent agenda inclusive of the following: (a) Minutes of the December 19, 2019 Regular meeting; and (b) Approval of Warrants and Vouchers. All Board members present voted aye.

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

There were no Recognitions/Awards/Presentations.

### **4. Public Hearing**

#### 4.01 Waverly Office Space Lease to Crater Regional Workforce Development Board, Applicant

Chair Seward entered into Public Hearing.

County Administrator Jones stated that the Crater Regional Workforce Development Board (CRWDB) is the designated regional convener and administrative entity that coordinates workforce training and career services through federal funding from the Workforce Innovation and Opportunity Act (WIOA). CRWDB is charged with overseeing and implementing workforce development initiatives and activities throughout the Virginia Career Works - Crater Region.

CRWDB is requesting that the County of Sussex provide office space at their Waverly office located at 233 L South County Drive, Waverly, Virginia 23890. This space will be utilized by CRWDB to accommodate two (2) employees who serve as staff of the WIOA Youth and Adult/Dislocated Workers Service Providers. CRWDB is seeking access to this office space Monday - Friday, beginning January 1, 2020 until December 31, 2020.

County Administrator Jones stated that the purpose of this Public Hearing is to solicit public input and receive comments concerning the lease and use of office space at Sussex County's Waverly Office located at 233L South Drive, Waverly, Virginia for the Crater Regional Workforce Development Board (CRWDB) for the purpose of enhancing workforce development services and resources to the citizens of Sussex County.

Ms. Sopenhia Pierce, the Executive Director of the CRWDB, and Mr. Shawn Nicholson (One Stop Operations) were present. Ms. Pierce gave a brief overview of the CRWDB structure and services that would be brought to the citizens of Sussex County. She noted that the CRWDB was asking for office space in Sussex so that citizens in the locality could have access. She stated that there were two (2) workforce centers throughout the regions. The Emporia-Greensville workforce center site is their affiliate. The Petersburg workforce center is their comprehensive site.

A copy of the Public Hearing Notice, the advertisement and a copy of the letter from the Crater Regional Workforce Development Board were included in the Board packet.

Public comments were heard from Bertha Judge (Social Services Dept.), Keith Blowe (Stony Creek District) and Marvin Drew (Waverly District).

Chair Seward closed the Public Hearing.

Board comments were heard from Supervisors Fly, Seward and Tyler.

There was discussion of having reports. Ms. Pierce noted that quarterly reports will be done. The Chairman requested that reports of foot traffic, jobs, training, etc. be provided.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR JOHNSON and carried: RESOLVED that Sussex County Board of Supervisors hereby approves the Letter of Agreement between the County and Crater Regional Workforce Development Board for the lease of office space in the County's Waverly Office located at 233L South County Drive, Waverly, Virginia to accommodate two (2) employees who serve as staff of the WIOA Youth and Adult/Dislocated Workers Service Providers; and

WHEREAS CRWDB is seeking access to this office space Monday - Friday, beginning January 1, 2020 until December 31, 2020; and

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

Voting nay: none

#### 4.02 Chief Elected Officials Consortium Agreement with the Crater Regional Workforce Development Board

Chairman Seward entered Public Hearing.

County Administrator Jones stated that the purpose of the Public Hearing is for a proposed ordinance to enter into the Chief Elected Officials Consortium Agreement with the Crater Regional Workforce Development Board (CRWDB). County Administrator Jones stated that should the Board approve the Ordinance, the County would be a member of the Chief Elected Officials Consortium. The Consortium's purpose is to plan, establish, and operate a local workforce development area and Workforce Development Services Delivery System through the CRWDB.

Ms. Sopenhia Pierce noted that the Consortium Agreement is mandated federally and by the State.

A copy of the Public Hearing Notice of the Proposed Ordinance, the advertisement of Public Hearing, a copy of the proposed ordinance, and a copy of the Chief Elected Officials Consortium Agreement with the Crater Regional Workforce Development Board were included in the Board packet.

There was discussion that the County no longer had representation on the CRWDB. Mr. Blowe no longer serves on the Board. There was discussion of an alternate. Chair Seward agreed to be the alternate.

Public comments were heard from Keith Blowe (Stony Creek District).

There were no Board comments.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and enter into the Chief Elected Officials Consortium Agreement with the Crater Regional Workforce Development Board.

FURTHER RESOLVED that Sussex County Board of Supervisors hereby appoints Supervisor Fly to the Crater Regional Workforce Development Board.

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

Voting nay: none

## **5. Appointments**

### 5.01 Appointments to the Department of Social Services Board

County Administrator Jones stated that Board member representation on the Department of Social Services Board is a four-year term that runs concurrent with the term of office. The position for Board representation is currently vacant. The Board needs to make an appointment effective immediately, with a term ending December 31, 2023.

County Administrator Jones noted that the Department of Social Services Board meets the third (3<sup>rd</sup>) Tuesday of each month at 10:00 a.m. in the Social Services Conference Room.

Supervisor Tyler nominated Supervisor Johnson to be appointed to fill the vacancy on the Department of Social Services Board.

Chairman Seward inquired if there were any other Board members interested in being on the Department of Social Services Board. Supervisor D. Jones stated that since she lived close by, she was interested in being on the Board as well.

A copy of the Selection Criteria for Local Department of Social Services Board Members and the Roster of the Social Services Board were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR JOHNSON and carried: RESOLVED that the Board of Supervisors hereby nominates Supervisor Johnson to be appointed to the Department Social Services Board.

Voting aye: Supervisors Johnson, Tyler

Voting nay: Supervisors Fly, D. Jones, W. Jones, Seward

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby nominates Supervisor D. Jones to be appointed to the Department Social Services Board.

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

Voting nay: Supervisor Johnson

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

County Administrator Jones stated that due to Mr. Jeffrey Gary accepting employment with Sussex County, he was no longer eligible to serve on the Building Code Appeals Board. County Administrator Jones stated that an appointment is needed to fill the unexpired term, ending June 30, 2020.

County Administrator Jones stated that a vacancy was also created due to Mr. Wayne Jones now serving as a member of the Board of Supervisors. Supervisor Jones' unexpired term ends June 30, 2021.

The Virginia Uniform Statewide Building Code (2000 Edition) Information and a roster of the Building Code Appeals Board were included in the Board packet.

After discussion, it was noted that appointments would be made at the February 20, 2020 regular Board meeting.

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

County Administrator Jones stated that the term of Mr. Samuel Moore on the Board of Zoning Appeals (BZA) is due to expire January 31, 2020. Staff contacted Mr. Moore; he does not wish to continue to serve on the Board.

County Administrator Jones stated that the Board of Zoning Appeals should consist of five (5) members; however, three (3) other members have resigned.

A nomination for recommendation to the Circuit Court Judge for appointment is needed to fill Mr. Moore's term expiring January 31, 2020. The new appointee term will begin February 1, 2020 and expire January 31, 2025.

County Administrator Jones stated that other BZA members resigned, as well. Nominations for recommendation to the Circuit Court Judge for appointments will also need to be made to fill the three (3) unexpired terms ending January 31, 2021, January 31, 2023, and January 31, 2024. All terms will be effective immediately.

After discussion, the item is to be placed on the February 20, 2020 regular Board meeting agenda.

A copy of Mr. Samuel Moore's Letter Declining to serve on the BZA, a copy of the BZA By Laws and a roster of the BZA were included in the Board packet.

#### 5.04 Appointment to the Community Policy and Management Team (CPMT)

County Administrator Jones stated that in accordance with §2.2-5205 of the Code of Virginia, the Board of Supervisors appoints the individuals to the Sussex County Community Policy and Management Team (CPMT). A Private Provider is needed for CPMT due to the resignation of the current Private Provider. Ms. Tia Sanchez, Sussex Social Services Programs Administrator of Office of Special Services, has advised staff that Ms. Kim Lindblad has been recommended for appointment to the CPMT for the Private Provider position, effective as of the date approved by the Board.

A copy of Ms. Lindblad's biography was included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors appoints Ms. Kim Lindblad to the Private Provider position for the Sussex County Community Policy and Management Team (CPMT), effective immediately as of the date approved by the Board of Supervisors.

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

Voting nay: none

### **6. Action Items**

#### 6.01 Sheriff's Department Request for Leave Balance Extension

County Administrator Jones stated that Administration received a request from the Sheriff's Department in regards to comp time and holiday hours accrued in 2019.

County Administrator Jones stated that to prevent payout from the County, Sheriff Giles has requested an extension to April 1, 2020 to allow employees to use their comp and holiday leave hours that they would otherwise lose.

A copy of the letter received from Sheriff Giles, dated December 26, 2019, was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Sheriff's Department request for an extension to allow employees to use comp and holiday leave hours to April 1, 2020. All Board members present voted aye.

### **7. Reports of Departments**

#### 7.01 Atlantic Waste Disposal, Inc. Update – Jason Williams, Sr. District Manager

Mr. Jason Williams, Sr. District Manager of Atlantic Waste Disposal, Inc. ("Atlantic Waste") gave a brief overview.

Mr. Williams gave a brief recap of Year 2019. He stated that 2019 was a successful year for Atlantic Waste. Approximately 1.4 million tons were received in 2019, which is an increase of approximately 32,000 tons from 2018.

Mr. Williams stated that Atlantic Waste is very active in the community with support to the Town of Waverly 5K, the Waverly Youth Association, Community Coalition of Sussex, the Sussex County Lions Club, the Sussex County Department of Social Services, Wakefield and Waverly Ruritan, Tidewater Academy, Appomattox Regional Governor's School, and the Airfield 4-H Conference Center. Mr. Williams stated, in total, approximately \$20,000 was donated to local organizations and residents through monetary and in-kind contributions.

Mr. Williams stated that continued efforts to reduce impact to the community resulted in another year of decrease in odor complaints. Only one (1) complaint was received in 2019.

Mr. Williams stated that there were ten (10) successful Virginia Department of Environmental Quality (VDEQ) inspections at the site.

He stated there is another active year planned for 2020 and continue to focus on safety and environmental compliances and being good neighbors.

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

Ms. Deste Cox, Treasurer, stated that there was good response from the survey.

7.03 Animal Services Report – *included in Board packet*

Mr. Cecil Stainback, Sr. Animal Control Officer, noted that there was a low number of animals in the animal shelter. Mr. Stainback recognized ACO Brooklyn Carpenter for transferring 16 dogs transferred to rescue groups. He thanked the Sheriff's Department for their assistance with Animal Control.

7.04 Community Development Report – *included in Board packet*

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

7.06 Public Safety Report – *included in Board packet*

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

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

**8. Citizens' Comments (8:02 p.m.)**

There were comments heard from:

- Ricky Shaw (Yale 7<sup>th</sup> Day Advent Church) – Thanked Community Coalition and Mr. Jones for their assistance on every first Tuesday of each month at 9:00 distribute food; provided a handout to the Board of distribution information.
- Jesse Helyar (Waverly District/Chamber of Commerce) – Congratulated Board; promoted membership for the Chamber of Commerce – 30 members; expect function for Businesses in March.
- Angela McPhaul (Waverly Town Mayor) – Running for reelection; improve finance; water; new business.
- Leah Brantley (Courthouse District) – follow development; congratulated Board; pursue study of responsibilities.
- Frank Irving (Sussex Service Authority) – Excited about Workforce Development Board; congratulated Board members; invited Board to tour the Service Authority and discuss what the Sussex Service Authority does.
- Keith Blowe (Stony Creek District) – Supports Workforce Development – youth programs, recreation and summer jobs; grant for southeastern region.
- Ernest Giles (Sheriff/Waverly District) – Congratulated Board members; Sheriff’s has a chain of command now; recognized staff – Major Vincent Givens (Chief of Security); Captain Eric Johnson (Chief of Operations); Lieutenant James Shanko; First Sergeant Ogburn.
- Alfred Futrell (Waverly District) – congratulated everyone; County growth; thanked Mr. Jason Williams of Atlantic Waste Disposal, Inc. for helping citizen; Sheriff’s Department.

## **9. Unfinished Business**

There was no Unfinished Business.

## **10. New Business**

There was no New Business.

## **11. Board Member Comments**

11.01 Blackwater District – Welcomed new Board members.

11.02 Courthouse District – none

11.03 Henry District – Census count; dumpsters; announced Improvement Association received \$800,000 to move individuals out of poverty.

11.04 Stony Creek District – Thanked everyone for coming out; excited to be working with the Board and citizens; training for Newly Elected Officials.

11.05 Wakefield District – Thanked everyone for support; training – government and new proposed budget.



11.06 Waverly District – Looking forward to working with citizens; Waverly; attended training; anxious to learn; thanked everyone; encouraged citizens in district to come to her with any concerns.

Mr. Millard Stith gave a brief presentation to the Board on dumpsters.

## **12. Closed Session**

ON MOTION OF SUPERVISOR JOHNSON, seconded by SUPERVISOR JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session (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 Administrator

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

Voting nay: none

### 12.02. Reconvene to Open Session

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

All Board members present voted aye.

### 12.03 Certification of Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED 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 Fly, Johnson, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

#### 12.04 Action Resulting from Closed Session

Supervisor Tyler said he had been on the Board spoke briefly regarding releasing a person that has worked hard for the County, in an unbiased way, who has demonstrated his commitment to move the County forward, has a very impressive reputation at the State level in terms of being an effective county administrator. Supervisor Tyler spoke briefly of requesting a termination without an evaluation by the Board, only by the Chairman, to be released by hearsay and one not being given the opportunity to justify or clarify/address issues dealing with allegations. Supervisor Tyler stated that in his opinion the county administrator was being crucified on allegations. He discussed individuals taking the seat for the first time to be asked to make this decision without having the opportunity to work with the county administrator. Supervisor Tyler thanked Mr. Jones for all he has done for the citizens of Sussex County. Supervisor Tyler noted that he hoped that his comments be reflected in the minutes.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES that the Sussex County Board of Supervisors hereby requests that Mr. Jones tender his resignation, effective February 1, 2020 contingent upon separation agreement with six (6) months' pay and health benefits which parallels the provisions of the employment agreement with Mr. Jones have.

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward

Voting nay: Supervisors Johnson, Tyler

County Attorney Flynn stated that there wasn't a discussion of what happens if Mr. Jones does not resign. County Attorney Flynn recommended that a motion be made that if Mr. Jones does not agree to the Separation Agreement and does not resign; then, the action of the Board would be to terminate Mr. Jones without cause. Mr. Flynn stated that Mr. Jones is an at-will employee; it is the absolute right of the Board to terminate.

Mr. Jones asked for clarification of the original motion that the separation agreement would be available at the same time of and resignation letter at which the County Attorney confirmed the Separation Agreement would be available if resignation letter was submitted by close of business Tuesday, January 21, 2020.

A supplementary motion was offered.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors that if the County does not receive the resignation letter from Mr. Jones by the close of business, 5:00 p.m., Tuesday, January 21, 2020, the action would be of the Board at the January 16, 2020 regular Board meeting, at that time, would be to terminate Mr. Jones' employment.

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward

Voting nay: Supervisors Johnson, Tyler

Chairman Seward stated that there were two (2) item that were not handled in Closed Session.

Chairman Seward that Mr. Millard D. Stith's contract with the County would be allowed to expire February 17, 2020.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR JOHNSON and carried: RESOLVED that the Sussex County Board of Supervisors hereby extends Mr. Millard D. Stith's contract with the County be extended for another year.

Voting aye: Supervisors Johnson, Tyler

Voting nay: Supervisors Fly, D. Jones, W. Jones, Seward

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors does not renew Mr. Millard D. Stith's contract with the County.

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward

Voting nay: Supervisors Johnson, Tyler

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby has a reduction in force in the Planning and Zoning Department of two (2) positions; and

FURTHER RESOLVED that the two (2) positions will be outsourced on a temporary basis under contract.

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward

Voting nay: Supervisors Johnson, Tyler

Mr. Stith spoke briefly to the Board.

### **13. Adjournment**

#### 13.01 Adjournment

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the January 16, 2020 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 11:17 p.m. All Board members present voted aye,

#### 13.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, February 20, 2020 at 6 p.m. in the Sussex Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.