

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Tuesday, November 17, 2022 at 6 pm**

BOARD MEMBERS PRESENT

C. Eric Fly, Sr.
A. G. Futrell
Debbie P. Jones
Wayne O. Jones
Susan M. Seward
Rufus E. Tyler, Sr.
Steve White, Tie Breaker

BOARD MEMBER ABSENT

STAFF PRESENT:

Richard Douglas, County Administrator
David Conmy, Deputy County Administrator
Jeff Gore, County Attorney
Deste J. Cox, Treasurer
Jeffrey Gary, Public Works Director
Ernest Giles, Sheriff
Eric Danuser, IT Manager (Virtual)
Faith McClintock, Title
Kelly W. Moore, Finance Director
Michael Poarch, Planner
Beverly Walkup, Planning Director
Matthew Westheimer, Shared Building Official
Monica J. Whitney, Permit Technician
Milton Jones, Shared Building Inspector
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board of Supervisors

1. Commencement

1.01 Call to Order/Determine Quorum (6:11 p.m.)

Chair Seward called the November 17, 2022 regular meeting of the Sussex County Board of Supervisors to order.

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

Supervisor Futrell requested to move Consent Agenda Item 2.06 Animal Services Budget Amendment (Shelter Improvements) to Item 6. Action Items, as Item 6.04.

Under Item 3. Recognitions, Supervisor Fly requested to postpone (move) Item. 301 Resolution: Mrs. Nan Ellen Bland Seeley 90th Birthday to the Board's December 15, 2022 regular meeting.

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the November 17, 2022 regular agenda inclusive of under Item 3. Recognitions postponing (moving) Item. 301. Resolution: Mrs. Nan Ellen Bland Seeley 90th Birthday to the Board's December 15, 2022 regular meeting and Consent Agenda Item 2.06 Animal Services Budget Amendment (Shelter Improvements) to Item 6. Action Items, as Item 6.04. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) October 20, 2022 regular Board of Supervisors Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports; (e) Tobacco Commission Grant Resolution; (f) Public Safety Budget Amendment; and (g) Approval of Governor's AFID Fund Performance Agreement, Project Arbie (Restoration Bioproducts). All Board members present voted aye.

3. Recognitions/Awards/Presentation

Vice Chairman W. Jones entered at 6:17 p.m.

3.01 RESOLUTION: Mrs. Nan Ellen Bland Seeley 90th Birthday

This item was moved to the December 15, 2022 regular Board meeting.

302 RESOLUTION: Recognition of Wilborne Baptist Church 155th Anniversary

Wilborne Baptist Church is located on Newville Road near Waverly, Virginia. The County presented a resolution to the Church for its 155th Anniversary.

Ms. Baker, a member of the Wilborne Baptist Church, was present to receive the resolution and thanked the Board for their respect for the legacy of Wilborne Baptist Church.

ON MOTION OF SUPERVISOR TYLER, seconded by D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Resolution #22-133 Recognizing the 155th Anniversary of Wilborne Baptist Church, to-wit:

WHEREAS, Wilborne Baptist Church is located at 7138 Newville Road outside the Town of Waverly, and has been an historical asset of Sussex County for over one and one-half centuries; and

WHEREAS, Madison Wilborne, a local third generation free African-American carpenter born in 1827, donated the property on which the church was to be built, and the first building was erected about 50 yards from its present site; and

WHEREAS, the donated site was named in honor of Mr. Wilborne and with the initial construction of a bush harbor provided a place of worship for families in the community just two years after the end of slavery, and was formally deeded in 1872; and

WHEREAS, the first pastor and organizer of Wilborne Baptist Church was Reverend Branch, who served from 1867 to 1882, and 15 pastors have served the church over the years; and

WHEREAS, other Sussex County churches to grow out of Wilborne Baptist Church include Easter Baptist Church and Plank Road Baptist Church; and

WHEREAS, Wilborne Baptist Church served the educational needs of area African-American children in the community by providing a one-room school that housed 1st through 5th graders in the 1940s and 1950s; and

WHEREAS, members of Wilborne Baptist Church have actively defended our country and served in World War I, World War II, Korean War, Vietnam War, and Gulf War; and

WHEREAS, Wilborne Baptist Church has promoted the value of higher education and provided scholarships over the years, with members graduating from institutions such as the University of Virginia, Virginia Tech, Ohio State University, Virginia Commonwealth University, Virginia State University, Saint Paul's College, Morgan State University, North Carolina A&T University, Norfolk State University, and Richard Bland College; and

WHEREAS, under the leadership of Ms. Pauline Giles, Chairperson of the Trustee Board, and Deacon Winfred Everson, Chairperson of the Deacon Board, the congregation of Wilborne Baptist Church remains active today in providing a place of worship and supporting the community and its local charities; and

THEREFORE, BE IT RESOLVED BY THE SUSSEX COUNTY BOARD OF SUPERVISORS that Wilborne Baptist Church is recognized for its significant accomplishment in reaching the milestone of its 155th anniversary, to be celebrated on November 20, 2022, during its 11 am Sunday service, and is recognized for its important role over the past one and one-half centuries serving the residents of Sussex County.

ADOPTED this 17th day of November 2022, by the Sussex County Board of Supervisors. All Board members present voted aye.

3.03 VACo Achievement Award Presentation and Recognition of Building Services Staff

Joe Lerch, VACo Director of Local Government Policy, was in attendance at the meeting and recognized Sussex County for its VACo Achievement Award in partnership with Surry County, for the joint building services program, one of 29 award recipients throughout Virginia (or 29 percent of submitted entries) under the 2022 Achievement Award program.

Mr. Lerch gave a brief background of the VACo Achievement Award program.

Building Official Matt Westheimer provided an overview of the joint building services program. Mr. Westheimer introduced the building services staff serving Sussex and Surry Counties which included Milton Jones (Shared Building Inspector), Monica Whitney (Permit Technician-Sussex) and Wanda Pittman (Permit Technician-Surry).

Surry County Administrator Melissa Rollins and Deputy County Administrator David Harrison were in attendance as well.

Copies of the VACo Achievement Award email; VACo Achievement Award press release; and VACo's winning Achievement Award submissions document were included in the Board packet.

4. Public Hearings

4.01 Zoning Amendment #2022-02 Costa Verde Investment, LLC, Applicant

Beverly Walkup, Planning Director, provided the staff report for Zoning Amendment #2022-02 Costa Verde Investment, LLC, applicant.

The applicant, Costa Verde Investment, LLC under ZA #2022-02 seeks to rezone Tax Parcel Number 137-A-15 & 137-A-15A containing a total of 4.91 acres from A-1, General Agricultural to I-1, Limited Industrial to accommodate a wholesale business (food warehouse distribution). The property is located at 21330 Blue Star Highway in Jarratt in the Election District of Henry District.

The CSX Railroad along its northern side borders the proposed location for the rezoning located at 21330 Blue Star Highway in Jarratt. To the west, there is Rideout Equipment Company, Inc., which includes two manufactured homes, and 301 self-storage. To the east, there is a communication tower and forested land. To the south, Blue Star Highway (Rt. 301) and I-95 runs parallel to the site.

BACKGROUND

The subject property previously operated as a material recycling facility for plastic, cardboard, and aluminum under a Conditional Use Permit approved on March 19, 2015. Prior to March 2015, there were previous Conditional Use Permits that allowed for the storage of sand, gravel, and mineral sands on the property.

DESCRIPTION

The applicant is requesting rezoning to the Limited Industrial District (I-1) to accommodate the use of a wholesale food warehouse distribution facility. The applicant proposes to use the existing buildings and infrastructure that are already in place.

The parcel is currently zoned General Agricultural District (A-1). The A-1 zoning district does not allow for a wholesale business (food warehouse distribution).

COMPREHENSIVE PLAN REVIEW

The current Comprehensive Plan land use designation for this property is commercial. Development at the I-95 interchanges and along U.S. 301 will ideally be concentrated into higher-density commercial centers, rather than occurring in strips along the area's major roadways. The presence of vacant and/or abandoned commercial structures in the Planning Area provide ample opportunities for reuse and should also guide the location of future commercial uses.

The proposed rezoning and use is consistent with the Comprehensive Plan.

ORDINANCE REVIEW

The current zoning designation for this property is A-1. The district is established to protect land and property values, ground water and surface water quality, and other resources. The intent is to provide for the continued security of the county's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry. Limited residential development is anticipated in these areas.

The proposed rezoning designation for this property is I-1. The I-1 district is to permit certain industries, which do not in any way detract from residential desirability, to located in any area adjacent to residential uses. The limitations on (or provisions relating to) height horsepower, heating, flammable liquids or explosives, controlling emissions of fumes, odors and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

The applicant is currently proposing to use the site as currently developed. Any expansion of the site will require site plan review, including review and consideration of any anticipated additional traffic impacts, possible improvements to mitigate and other potential impacts that may be noted at the time of review.

AGENCY COMMENTS:

VDOT reviewed the application and noted no concerns with traffic impacts. VDOT concerns were included in the Board packet.

STAFF CONCLUSIONS:

Strengths:

1. Allows an opportunity to bring in more commercial uses in this area.
2. Repurposes an existing site with buildings and infrastructure (well and septic) already in place.
3. Adjacent to an existing commercial use (Rideout Equipment Company, Inc.).
4. Access to Blue Star Highway; Proximity to I-95 interchange; Potential access to the railroad.
5. Consistent with the Comprehensive Plan.

Weaknesses:

1. None identified at this time.

The Planning Commission recommends approval for this rezoning.

Staff recommends that the Board approves Zoning Amendment #2022-02 Costa Verde Investment, LLC, applicant.

Chair Seward opened the Public Hearing.

Public Comments were heard from Mr. Percy E. Chacon, the owner. Gabriella was present as the translator. He purchasing the property. One of the conditions the property is the zoning has to be changed.

Chair Seward closed the Public Hearing.

Comments were heard from Supervisor Seward, Tyler, and Futrell.

Copies of the Application for Rezoning/Conditional Zoning Amendment, Application Narrative Description and Reason for Rezoning Staff Report, photos of the property, supporting documentation and the Notice of the Public Hearing were included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Zoning Amendment #2022-02, Costa Verde Investment, LLC.

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

Voting nay: none

4.02 Building Services Fee Schedule Ordinance Amendment

County Administrator Douglas stated that a public hearing has been scheduled and advertised to consider a minor change to the Sussex County Building Department Permit Fee Schedule.

In May 2022 the Board of Supervisors adopted an updated building code schedule ordinance, which incorporated a new fee schedule as an exhibit (identical to the Surry County fee schedule since we share a building services program). This exhibit contained a typographical error related to applicable building permit fees for new commercial/industrial construction that needs to be corrected to apply the correct fees to commercial/industrial projects. The Surry County Board of Supervisors approved a similar resolution correcting this error at its last regular meeting.

Building Official Matt Westheimer noted that there was a small clerical error for the building fee for the commercial building. Mr. Westheimer stated that it was supposed to have been one percent. It had been one percent the previous year. He stated that drafts listed as one percent; however, the final draft the field was blank with residential in parenthesis. He noted that Residential and Commercial fees are not the same. The Commercial Fee should be one percent as in the past. The amended Ordinance is merely a cleanup/correct the Commercial Fee.

Chair Seward opened the Public Hearing.

There were no public comments.

Chair Seward closed the Public Hearing.

There were no Board comments.

Staff recommended adoption of the ordinance to amend the building permit fee schedule at end of the public hearing,

Copies of Resolution and Fee Schedule were included in the Board Packet.

ON MOTION OF W. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the ordinance amending the Sussex County Building Department Permit Fee Schedule, to-wit:

WHEREAS, the County incurs significant costs administering and enforcing the Uniform Statewide Building Code; and

WHEREAS, pursuant to § 36-105 of the Code of Virginia, the County may impose reasonable fees for the issuance of building permits and for enforcement of the Building Code to defray the County's costs to administer its program; and

WHEREAS, in accordance with state law at its regular meeting of May 19, 2022, the Board of Supervisors adopted an updated Building Code Fee Schedule Ordinance, which includes new fees applicable to solar voltaic panels; and

WHEREAS, the Building Code Fee Schedule Ordinance incorporated the new fee schedule as an Exhibit, which contained a typographical error related to the applicable building permit fees for new commercial/industrial construction; and

WHEREAS, in order to correct the typographical error, the adoption of an amended Building Code Fee Schedule is necessary; and

WHEREAS, this Ordinance was properly advertised, as required by § 15.2-1427 of the Code of Virginia; and

NOW THEREFORE, BE IT ORDAINED, by the Sussex County Board of Supervisors, that the Building Code Fee Schedule Ordinance adopted on May 19, 2022, is hereby amended to correct the typographical error related to commercial/industrial building permit fees as shown on the attached Sussex County Building Department Permit Fee Schedule, which is incorporated herein.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon adoption.

Sussex County Building Department
Permit Fee Schedule

A. Generally. No permit required by the building code to begin work for new construction or any other building operation shall be issued until the fees prescribed by this section have been paid, nor shall an amendment , for any reason, to a permit be approved until the additional fee has been paid.

B. Administrative Services.

The fees for administrative services shall be as follows:

- | | |
|---|------------------------------------|
| 1. Permit amendments, renewals, extensions, reinstatement and change of ownership/contract change, | \$40.00 |
| 2. If an application for a permit is cancelled by written request to the Building Official within six months of the application date or within twelve months of the issue date, a refund will be granted. The following fee will be deducted from the refund: | 30% |
| 3. Public service request/Staff research/FOIA Fee | Actual Admin Cost/
1 hr minimum |

C. Building Permits. Building fees shall be as follows:

- | | |
|---|-------|
| 1. State Levy on all applicable permit fees | 2.00% |
| a. Base permit fee | \$75 |
| b. Minimum permit fee | \$75 |
| 2. Re-inspection Fee | \$100 |
| 3. Code Investigation Fee | \$100 |

4. New Construction (Residential and Commercial) Base fee plus:

<u>Residential</u> : All usable areas constructed; includes finished and unfinished;sq.ft. on site built construction, modular homes, manufactured homes, additions alterations, remodels, decks, porches, garages, sheds, carports, etc.	\$0.16 per Finished \$0.08 per sq.ft. Unfinished
<u>Commercial/industrial</u> : All usable areas constructed; includes finished and unfinished; churches, schools, industrialized buildings, etc. . including patios decks, etc.	(same as residential) 1% of Contract

5. Swimming Pools \$70.00

6. Fences around swimming pools and residential fences over 6’ in height \$40.00

7. Commercial Fence (regardless of height) \$40.00

8. Signs up to 10 sq ft in surface area, 20 sq ft for a double-sided sign, the top of the sign being 10' or less from the ground \$40.00

Signs more than 10 sq ft in surface area, 20 sq ft for a double-sided sign, the top of the sign being more than 10' from the ground \$60.00

9. Demolition or Moved structure \$70.00

10. Chimney \$70.00

11. Commercial re-roofing \$50.00

12. Tents (over 900 square feet) \$80.00

13. Elevator (Initial and annual re-certification) \$50.00

14. Retaining Walls (as defined by the Building Code), Towers, Piers, etc \$50.00

15. Amusement Rides	current:	proposed:
a) Kiddie/ Small mechanical/ Inflatable		\$55.00
b) Circular ride or flat less than 20’		\$75.00
c) Spectacular Ride		\$100.00
d) Coaster exceeding 30’		\$200.00
		Coaster exceeding 60’ \$400.00
		Generator for amusement device \$165.00

16. Commercial Plan Review (New Construction)	\$250.00
Residential Plan Review (New Construction)	\$50.00
17. Commercial Change of Occupancy/Use	Building Permit needed
18. Appeals	\$0.00
D. <u>Electrical Permits.</u>	
1. Residential (New Construction)	Base fee plus \$.06 per sq. ft.
2. Electrical Upgrade or relocation of electrical service	\$50.00
3. Temporary Electric Pole (TEP)	\$50.00
4. Early meter release (Not a part of any other inspection)	\$50.00
5. Connections and Outlets (lights, etc in additions/remodels)	\$50.00
6. Commercial (New Construction)	1% of Contract (unchanged)
7. Generator	\$75.00 + Gas

Voting aye: Supervisors Fly, Futrell, D. Jones, W. Jones, Seward, Tyler
Voting nay: none

5. Appointments

There were no Appointments. However, there was discussion regarding the Industrial Development Authority Board of Directors' attendance and appointments.

6. Action Items

6.01 Technology Zone Ordinance

Deputy County Administrator provided the Technology Zone Ordinance.

Section 58.1-3850 of the Code of Virginia authorizes any city, county, or town to establish a technology zone or zones by ordinance. Establishment of such a zone authorizes the locality to grant tax incentives and certain regulatory flexibility in the technology zone. Establishment of such a zone for Sussex County for the Megasite and surrounding area could be a strategic incentive to attract future economic development prospects to the zone area. The attached draft ordinance provides incentives based on qualifying criteria and is revenue neutral (emphasis added). Advertisement notifying the public of this proposed ordinance was included in the Sussex-Surry Dispatch newspaper on November 2nd and 9th, 2022.

Deputy County Administrator
Staff recommends that the Board of Supervisors adopt the ordinance.

A Draft Ordinance to Amend the Code of the County of Sussex, Virginia, to Add a Technology Zone and a copy of Public Notice were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts Ordinance to amend the Code of the County of Sussex, Virginia to add a Technology Zone, to-wit:

WHEREAS, the Code of Virginia §58.1-3850 enables localities to establish Technology Zones which help cultivate economic growth by providing tax incentives or regulatory flexibility to qualified technology businesses; and

WHEREAS, a technology zone can be a valuable tool for the encouragement of new and expanding business investments in Sussex County; and

WHEREAS, the Board of Sussex County has determined that establishing technology zones will serve the public health and welfare of the County and citizens.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Sussex, County, Virginia that the Code of the County of Sussex, is amended by adding the following:

TECHNOLOGY ZONE

Sec. 1. Purpose of Technology Zone.

The County of Sussex (or the “County”) has determined that the development of its commercial tax base requires incentives, and further determines that an appropriate method of offering incentives for the County is to create a Technology Zone.

Sec. 2. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings given below, unless clearly indicated to the contrary:

Administrator means the County Administrator or his designee.

Base Year means the calendar year preceding the calendar year in which the applicant submits the Technology Zone Program Qualification Application.

Capital Investment means money used by a Technology Business to purchase Fixed Assets and not moneys used for day-to-day operating expenses. Fixed Assets owned by the Technology Business that are moved into the Technology Zone from another location within the County shall not be included in the calculation of Capital Investments.

Employee means a person who is on the payroll of the Technology Business’s establishment within the Technology Zone and whose workstation’s primary location is within the Technology Zone.

Existing Business means one that was actively engaged in the conduct of trade or business in the County prior to an area being designated as a Technology Zone.

Fixed Asset means long-lived tangible property owned by a Technology Business that is used by the Technology Business in the production of its income including real estate, plant, machinery, and equipment.

Full-Time Employee means an Employee who is employed in a job for an indefinite duration at a Technology Business located in a Technology Zone and is required to work at least minimum number of hours as determined by the Federal Government to qualify as a Full-Time Employee per week for a period consisting of forty-eight (48) consecutive weeks.

Seasonal, temporary, leased, contract labor or an Employee whose job function is shifted from an existing location within the County to a Technology Business within the Technology Zone is not a Full-Time Employee.

Incentive Period means a ten (10) year period during which a Qualified Technology Business receives the benefit of Technology Zone incentives.

New Business means a business not previously operating within the County prior to an area being designated as a Technology Zone.

Technology Business means a Business whose primary purpose is the research, development, or manufacture, distribution and/or design for lease, sale, or license of Technology Products, Processes or Related Services. Technology business may also include any advanced manufacturing operations utilized in the research and development or production of consumer or commercial products, data center operations or information technology operations. Technology business may also include distribution and warehousing operations, particularly those utilizing automated systems, robotics, or other advanced technologies in the warehousing or distribution of products for business or consumer use.

Technology Products, Processes or Related Services means engaging in the activities of automation, automotive vehicles, automotive components, autonomous vehicles or components, batteries, biotechnology, biomedical research, chemicals, computer hardware, computer software, defense, electric vehicles or components, electronics, energy, environmental, homeland security, manufacturing equipment, advanced materials, medical technologies, pharmaceuticals, photonics, electronic-based sub-assemblies and components, testing and measurement, telecommunications, systems integration, information systems, internet software, or data and data warehousing or training in the above concentration areas.

In no case will the use of computers or telecommunication services used by a Business in its administrative operations qualify the Business as a Technology Business.

Qualified Technology Business means a Technology Business that has met the qualifications set forth in this chapter and continues to meet the required qualifications.

Sec. 3. Administration.

This article shall be administered and enforced by the County Administrator.

An applicant seeking to obtain the benefits of the Technology Zone will hold preliminary discussions with the County Administrator and Director of Economic Development, prior to any investment, resulting in submittal of a completed Technology Zone Program Qualification Application to the Director of Economic Development.

The Director of Economic Development, in consultation with the County Administrator, will review the application to determine if the project meets the required criteria for Qualified Technology Business and is consistent with the County's policy for the consideration of Technology Zone incentives. Applications must be signed by an official representative of the Qualified Technology Business authorized to sign on its behalf.

No incentive application from an Existing Technology Business shall be approved until the Commissioner of the Revenue determines that no unpaid taxes are outstanding. Further, an Existing Technology Business shall not qualify for Technology Zone incentives by reorganizing or changing its form in a manner that does not alter the basis of the Technology Business assets or result in a taxable event.

Sec. 4. Boundaries.

The Boundaries of the Technology Zone shall be within the areas described in Appendix A of this Chapter.

As technology zones are established by the Board of Supervisors, they shall be further identified by reference to the map entitled "Sussex County Technology Zones" which shall be incorporated into and made a part of this chapter and all future ordinances establishing a technology zone.

Sec. 5. Incentive Period.

Subject to the requirements of this chapter, Qualified Technology Businesses shall receive the benefits of the Technology Zone incentives consecutively for up to a 10-year Incentive Period.

Sec. 6. Eligibility Requirements.

- (a) Existing and new businesses. The following requirements shall apply to all businesses seeking the Incentives provided in this chapter:
 - i. Business must be engaged in a qualified technology business;
 - ii. Wages paid to Full-Time Employees must be at least 25% above the region's average prevailing wage for similar positions in the applicable industry sector, as reported by

- the Federal Bureau of Labor Statistics (BLS) or Occupational Employment and Wage Statistics (Virginia Employment Commission);
- iii. Machinery and equipment that is either purchased or leased, must be new to the County and associated with a qualifying plant expansion or renovation within the Technology Zone;
 - iv. Businesses must commit to the creation of at least five net new jobs and at least \$5,000,000 in Capital Investment (machinery and equipment or real property); or, creation of 10 net new jobs and at least \$1,000,000 in new Capital Investment;
 - v. Businesses must make a capital investment of at least \$1,000,000 to be eligible for the Business Tangible Personal Property rebate; and
 - vi. The increase in capital investment and new or additional full-time positions required to qualify must occur within the investment and job creation schedule agreed upon between the County Administrator and an official representative of the Qualified Technology Business at the time of application.
- (b) Any assets owned by a business which are moved into a technology zone from another location within the County shall not be included in the increased new investment.

Sec. 7. Incentives.

Incentives of the Technology Zone must be accessed by the Qualified Technology Business within one year of start of operations in the Technology Zone, or within one year of a qualified facility expansion or renovation in order to receive the Incentives as outlined in this Chapter.

In the case of a qualified facility expansion or renovation, the rebate shall be limited to 100 percent of the tax on the increase in the assessed value over the value from the Base Year assessed value. The incentive period cannot be extended solely by relocating within or to another zone or by an ownership change. The Treasurer shall issue a rebate within 60 days of receipt of full payment of the taxes for each year of the incentive period.

The amount and schedule of incentives shall be as follows:

- (a) Machinery & Tools:
 - i. 100% rebate on Machinery & Tools Tax Years 1-5; and
 - ii. 75% rebate in Years 6-10
- (b) Business Tangible Personal Property:
 - i. 100% rebate on Business Tangible Personal Property Tax Years 1-5; and
 - ii. 75% rebate in Years 6-10
- (c) Merchant's Capital Tax:
 - i. 50% rebate on Merchant's Capital Tax Years 1-5
- (d) Waiver of all site development fees (i.e. land disturbance, site plan review)
- (e) Waiver of all building permit (i.e. plans review) and inspection fees, including structural, electrical, plumbing and mechanical

- (f) Waiver of rezoning, conditional use permit, or special exception fees

The amount and schedule of exemption may from time to time be amended in order to sustain the economic development priorities established by the County.

Sec. 8. Certification Procedure.

The following certification procedure applies to Technology Businesses seeking to obtain the benefits of the technology zone:

- (a) A Technology Business must submit a Technology Zone Program Qualification Application to the Director of Economic Development for certification as a Qualified Technology Business.
- (b) After a Technology Business has been certified as a Qualified Technology Business, in order to receive a rebate, it must annually submit a Technology Zone Program Annual Certification form with qualifying criteria and annual return of machinery and tools, business tangible personal property, merchant's capital tax, a detailed list of assets, along with the number of Full-Time Employees employed by the Qualified Technology Business, and an official Virginia Employment Commission report for wage verification to the Commissioner of Revenue and the County Administrator, by the stated filing date.
- (c) The Qualified Technology Business must pay the resulting machinery and tools tax, business tangible personal property tax, and merchant's capital tax, and then the allowable portion of these taxes will be rebated. The Commissioner may request additional documentation from the business, and that documentation must be received within ten days from the date of this request unless the Commissioner agrees, in his/her sole discretion, to an extension of time for the submission of such documentation. In no case, however, shall the extension exceed 90 days. Failure to request the rebate or to submit the required documentation in a timely manner, as determined by the Commissioner, shall result in forfeiture of the machinery and tools, business tangible personal property, or merchant's capital tax rebate incentive for that year of the incentive period. Neither a sale and lease-back agreement nor a subsequent purchase of equipment originally leased shall extend the incentive period beyond the original incentive period.
- (d) The rebate of tax on qualifying leased property must be issued directly to the lessor.

Sec. 9. Compliance.

- (a) Failure of the Qualified Technology Business to pay in full by the due date any taxes imposed by the County shall result in the loss of the exemption or rebate for that calendar year. The County Administrator may withdraw the Qualified Technology Business status for any business that is not compliant with any ordinance, regulation, or other legal requirement pertaining to that business.

- (b) If a Qualified Technology Business files for bankruptcy during any ten-year Incentive Period, this will result in disqualification and the business will be ineligible to receive Technology Zone incentives for the remainder of the Incentive Period.
- (c) In the event that the Technology Business ceases to be a Qualified Technology Business, or removes itself from operation in the County during any year within the first five years of the ten-year Incentive Period, it shall be required, except as otherwise provided in this ordinance, to Action Items - Page 6 repay a pro-rated portion of incentives received within 30 days to the County of Sussex. The pro-rated repayment will be determined by the County Administrator and based on the life-to-date percentage of capital investment and full-time jobs created in comparison to the commitments made at the time of application for Technology Zone incentives.
- (d) In the event a Technology Business is unable to continue to meet the eligibility requirements within the timeframe established pursuant to Section 6(a)(vi), and the business contacts the County Administrator within 90 days of the annual certification and filing date, the County Administrator may in his/her discretion, approve an action plan for the business which, among other things, may provide the business additional time to meet the requirements of a Qualified Technology Business. If the business fails to meet the eligibility requirements after the timeframe set forth in the action plan, it shall be required to repay 100% of the incentives received within 30 days to the County of Sussex.

Sec. 10. Nonwaiver.

Unless expressly stated herein, this chapter shall not be construed to waive the requirement of any ordinance, regulation, or policy of the County, including, but not limited to, those ordinances, regulations, and policies that require permits and approvals for land use and construction except as expressly mentioned in this chapter. Additionally, unless stated otherwise herein, nothing in this chapter shall be construed as waiving the right of the County to enforce its ordinances, regulations, or policies to collect any taxes, fees, fines, penalties, or interest imposed by law on a qualified technology business or upon real or personal property owned or leased by a Qualified Technology Business.

Sec. 11. Zoning Ordinance Not Affected.

This chapter is an economic development incentive and is not a zoning change. Nothing herein shall be construed to affect any provision or requirement of the County Zoning Ordinance.

Sec. 12. Education and Promotion.

The County Administrator shall develop strategies and marketing tools to promote the benefits of the Technology Zone to the public and potential businesses.

State Law Reference—Virginia Code Section 58.1-3850

This ordinance shall become effective upon adoption.

Voting aye: Supervisors Fly, Futrell, D. Jones, W. Jones, Seward, Tyler
Voting nay: none

6.02 PPT Deadline Extension Resolution

County Administrator Douglas stated that a resolution to extend the personal and real estate property tax payment deadline for tax year 2022, as prepared by the County Attorney, was included in the packet for the Board's consideration.

This resolution was requested by Chairwoman Seward with input from Treasurer Cox, to provide additional time for tax payments (based on impacts from COVID, inflation, and increased vehicle values). If approved, this resolution will extend the payment deadline from December 5, 2022, to March 5, 2023.

Staff recommended that the Board of Supervisors approves Resolution #22-137 to extend the personal property tax payment deadline for Tax Year 2022 to March 5, 2022.

A copy of Resolution #22-137 was included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved Resolution #137 to extend the personal and real estate property tax payment deadline for Tax Year 2022 to March 5, 2023, to-wit:

WHEREAS, national, state, and local economies have been negatively impacted by the COVID-19 pandemic; and

WHEREAS, due to the recent effect that inflation has had on the value of real estate and personal property, the Board of Supervisors wants to provide residents some relief in paying tax bills; and

WHEREAS, the real estate and personal property tax payments are due by December 5, 2022, subject to penalties and interest for late payments; and

WHEREAS, Section 58.1-3916 of the Code of Virginia empowers the Sussex County Board of Supervisors to grant by resolution an extension of time, not to exceed 90 days, for the payment of real estate and personal property taxes whenever good cause exists; and

WHEREAS, COVID-19 and the recent effect that inflation has had on the value of real estate and personal property constitutes good cause, and the Board of Supervisors wants to provide residents some relief in paying tax bills and desires to provide all support possible to the community at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE SUSSEX COUNTY BOARD OF SUPERVISORS, VIRGINIA:

§1. That the due date in FY 2022 for the payment of real estate taxes and personal property taxes (to include merchant's capital, machinery & tools, and mobile home taxes, vehicles, trailers, motorcycles

and boats) is hereby extended from December 5, 2022, to March 5, 2023, and that payment can be made up to that time without late penalties and interest.

§ 2. That this resolution shall have no legal impact upon prior delinquencies.

§ 3. That staff immediately communicate the extension information to the community.

§ 4. That this resolution is effective upon adoption.

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

Voting nay: none

6.03 Gro52 Property Buy-Back

The Board of Supervisors approved the sale of 22.5 acres of property on Cabin Point Road in October 2020 to Gro52, at a price of \$44,586, for the construction of a commercial hemp growing facility. Unfortunately the company has yet to begin construction, and the purchase agreement provides for a county buy-back of the property at the original price if the facility is not constructed within 24 months of closing. Because this property is adjacent to county-owned mega site property that is extremely important from an economic development perspective for the county, staff recommends that the buy-back process be initiated by the County Attorney. A copy of his recommended process, as well as a copy of the sales agreement and plat, are attached for your review.

Staff recommends approval to initiate the buy-back process for the Gro52 property on Cabin Point Road.

Copies of the County Attorney email, Gro52 sales agreement, and plat were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves initiating the buy-back process for the Gro52 property on Cabin Point Road. All Board members present voted aye.

6.04 Animal Services Budget Amendment (Shelter Improvements)

This item was moved from Item 2. Consent Agenda (Item 2.06) to Item 6. Action Items, as Item 6.04.

County Administrator Douglas stated that a budget amendment for animal shelter improvements necessary to maintain state operational compliance, totaling \$34,372 was included in the packet for the Board's consideration.

The improvements are itemized in an email from the Animal Services Director and are related to moisture issues necessitating the replacement of shelter flooring and cat room walls. These costs are in addition to improvements completed under a recent donation from Energix related to sealing all indoor and outdoor kennel flooring.

Staff recommends approval.

A copy of Resolution #22-130 FY23 Budget Amendment and email from the Animal Services Director were included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Animal Services Budget Amendment (Shelter Improvements) #22-130, to-wit:

BE IT RESOLVED by the Sussex County Board of Supervisors that the following budget amendment for the Fire, Rescue, & Emergency Services function be and hereby is made for the period of July 1, 2022 through June 30, 2023. This resolution will appropriate local reserve funds to the Animal Services department for animal shelter renovations.

FUND # 100 GENERAL FUND

REVENUE

Fund 135 Local Reserves	\$34,400
Total Revenues	\$34,400

EXPENDITURE

Fund 100 Administration	\$34,400
Total Expenditures	\$34,400

Finance Department Note: Sufficient documentation has not been met to meet the County's Small Purchase Policy.

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

Voting nay: Supervisor Futrell

Abstained: Supervisor Tyler

7. Citizens' Comments

Comments were heard from Kevin Bracy (Courthouse District) regarding the Animal Shelter; buildings on the complex; scrap metal; convenience sites-90 days to rectify problem; and 911 calls on vicious dogs.

8. Unfinished Business

There was no Unfinished Business.

9. New Business

There was no New Business.

10. Board Member Comments

10.01 Blackwater District –Keep animals current on rabies shots.

10.02 Courthouse District – In regards/response to Waverly District: noted Grievance Policy for problems with employees and Social Services Advisory Board.

10.03 Henry District – Employees at Jarratt Convenience Center - no lights, getting dark earlier; asked Administration to expedite getting lights.

10.04 Stony Creek District – Stony Creek Annual Christmas parade 1st Sunday, December 4th; wished everyone a Happy Thanksgiving.

10.05 Wakefield District – Have same approach in improving County buildings as for Animal Services buildings.

10.06 Waverly District – Personnel Committee – convenience - convenience site employees threatened; requested Personnel Committee meeting; letter for Courthouse District; Social Services and Social Services Director and Board; vehicle logos.

There was discussion of Board's role regarding personnel.

11. Closed Session

There was no Closed Session.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the November 17, 2022 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 8:15 p.m. All Board members present voted aye.

12.02 Next Meeting

The next regular Board of Supervisors meeting is scheduled to be held, Thursday, December 15, 2022 at 6 p.m.