

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, March 16, 2023 at 6 pm**

BOARD MEMBERS PRESENT

C. Eric Fly, Sr.
A. G. Futrell
Debbie P. Jones
Wayne O. Jones
Rufus E. Tyler, Sr.
Steve White, Tie Breaker (Virtual)

BOARD MEMBER ABSENT

Susan B. Seward

STAFF PRESENT:

Richard Douglas, County Administrator
David Conmy, Deputy County Administrator
Danielle Powell, County Attorney
Deste J. Cox, Treasurer
Jennifer Ellis, Social Service
Ernest Giles, Sheriff
Jeannell Jones, Social Services
Kelly W. Moore, Finance Director
Valerie Pierce, Interim Director of Social Services
Michael Poarch, Planner
Jessica Upton, Department of Social Services
Beverly Walkup, Planning Director
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 March 16, 2023 regular meeting of the Sussex County Board of Supervisors was called to order by Chairman Jones.

1.02 The Invocation

The Invocation was offered by Supervisor D. Jones.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

Supervisor Fly requested to move Item #2.03 Treasurer's Report and Financial Update from under Item 2. Consent Agenda to Item 3. Recognitions, as Item 3.05.

County Administrator Douglas requested to under Item 3. Recognitions, as Item 3.06 Kim Sadler, CEO Horizon Letter of Support.

Per Sheriff Giles, the Chairman requested to move Item 3. Recognitions, Item 3.02 Recognition of Retired Lieutenant James J. Shanko, III to the Board's agenda.

Supervisor Futrell requested under Item 2. Consent Agenda, Item 2.08 March 23, 2023 Special BOS (BWS) Meeting Big Ticket agenda, property/real estate.

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the March 16, 2023 regular agenda as amended. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) Approval of February 23, 2023 Rescheduled Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) Departmental Reports; (d) Victims Witness Program MOU with the Commonwealth's Attorney; (e) Multistate Opioid Settlements (Teva, Allergan, Walmart, CVS & Walgreens (f) Rural Rustic Resolution for Glyndon and Carver Lanes; (g) March 23, 2023 Special BOS (BWS) Meeting - Big Ticket as amended; (h) March 30, 2023 Special BOS (BWS) Meeting - External Agencies; (i) CAS Severn Maintenance Agreement and Budget Amendment; and (j) Waverly Solar Decommissioning Plans and Estimates. All Board members present voted aye.

3. Recognitions/Awards/Presentation

3.01 Recognition of Retired Public Safety Director G. Reid Foster, Jr.

County Administrator Douglas stated that after starting employment with the County on January 14, 2019 as the Public Safety Coordinator, Mr. Reid Foster, Jr. retired on March 1, 2023.

Reid worked in the Fire and EMS field for over 45 years. He assisted with establishing protocol for the COVID pandemic, the radio system, keeping us informed with severe and or threatening weather conditions, to name a few.

County Administration wants to take this opportunity to thank Mr. Garland Reid Foster, Jr. for serving Sussex County so selflessly.

The following resolution was presented to Mr. G. Reid Foster, Jr. as follows:

WHEREAS, Garland Reid Foster, Jr. served as the Public Safety Coordinator of Sussex County from January 14, 2019, to February 28, 2023; and

WHEREAS, Mr. Foster has served as a volunteer firefighter in Prince George County for over 45 years, and brought a wealth of fire and emergency medical services experience and knowledge to his position in Sussex County; and

WHEREAS, Mr. Foster worked closely with the Sussex County Fire and Rescue Association during his tenure, working to coordinate and prioritize a range of needs related to equipment, fire turnout gear, vehicles, and facilities for Sussex County's volunteer fire and rescue organizations; and

WHEREAS, Mr. Foster was instrumental in developing a ten-year capital improvements plan and getting Sussex County's first master lease program in place for the purchase of new fire vehicles, and for the acquisition of new fire vehicles for each volunteer fire department; and

WHEREAS, WHEREAS, Mr. Foster played a critical role in Sussex County's response to the Covid-19 pandemic, putting protocols in place for county offices, scheduling vaccination clinics and testing sites, and providing general coordination with the Crater Health District, and was a strong advocate for establishing vaccination sites within Sussex County; and

WHEREAS, Mr. Foster was a committed member of the Sussex County Management Team, collaborating with county department heads and Constitutional Officers on a variety of issues, and providing insight on fire and EMS issues facing the county, and served as a respected representative of Sussex County in his interactions within the region and state agencies.

THEREFORE, BE IT RESOLVED BY THE SUSSEX COUNTY BOARD OF SUPERVISORS that Garland Reid Foster, Jr. is recognized for his faithful service and commitment to the residents of Sussex County over the past four years, and for his many positive impacts on public safety. By general consensus, the Board adopted resolution.

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

302 Recognition of Retired Lieutenant James J. Shanko, III

This item was moved to the Board's April meeting agenda.

3.03 VDOT Project Update

Jerry Kee with VDOT (Franklin Office) was present to provide an update on VDOT projects in Sussex County.

Mr. Kee advised that VDOT will be finalizing paving Glyndon and Carver Lanes the last week in April.

It was reported that preliminary work was done for Butts Road on the Six Year Plan list and should be paved this summer. Mr. Kee noted that all the funding was in place. He will provide an update to the County Administrator of when the project will be completed.

The design process of the turn-lane in Wakefield that was applied for on the Smart Scale will start this fall--anticipating October. Mr. Kee advised that it will probably be a couple of years before its built; however, the design process will start.

The Route 40/Route 35 roundabout project made the short list. The design is scheduled to start in 2025 and is fully funded. He stated that it was a \$13 million project.

Mr. Kee stated that Waverly asked about doing a crosswalk at the intersection of Routes 40 and 460. He stated that the project was approved with Safety Funds. He stated preliminary work, such as putting in sidewalks, had to be done.

Mr. Kee stated that VDOT was in the process of completing a Corridor Study on Route 460 in Wakefield from the stop light to the airport. He noted that VDOT had some concerns about the intersection and have had some accidents. He stated that a study will be done to make some recommendations. He stated that the study was underway; however, it will take approximately 90-120 days. A report will be forwarded to the County Administrator.

He stated no "through trucks" for Prince George and Sussex signs have been put up and advertised for comments. Petersburg is receiving all of the comments and compiling the information. This information will be forwarded to the County Administrator as well. The trucking industry has been notified. He stated that everyone that needs to be notified has been notified.

3.04 DSS Advisory Board Update – Leah Brantley (DSS Advisory Board Chair) & Valerie Pierce (Interim DSS Director)

Leah Brantley, Sussex County DSS Advisory Board Chair, and Valerie Pierce, Interim DSS Director, provided an update on Sussex County Department of Social Services (DSS) operations. Leah Brantley thanked the Board for allowing the presentation. Ms. Brantley introduced Ms. Valerie Pierce, the Interim Social Services Director and recognized the member of the Advisory Board and DSS employees in attendance.

Ms. Pierce reviewed the DSS Mission Statement and services that are mandated by Code of Virginia gave a brief overview and update on some of their services and brief descriptions of the duties and responsibilities of the Support, Family Services and Benefits teams.

Organizational chart of vacancies were reviewed.

The caseloads for the Family Services Team were reviewed. Those caseloads include Child Protective Services (CPS), Adult Protective Services (ATP), Adoption Services and Foster Care Services.

She reviewed DSS staff priorities to include restoring their reputation and being more visible in the community.

The Benefit Programs Unit includes the Child Care Subsidy Program, Fraud, Energy Assistance Program, Medical Assistance, Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) and Workforce Development Programs (VIEW).

Ms. Pierce reviewed some of DSS activities and accomplishments.

There was discussion of the filling of the Director of Social Services position.

A handout was provided to the Board members.

3.05 Treasurer Report and Financial Update

This item was Item 2.03 under the Consent Agenda. Supervisor Fly requested this item to be moved to Item 3. Recognitions/Presentations during the agenda amendments to allow Ms. Deste Cox to discuss banking concerns and give a report of money accounts with banks. Supervisor Fly stated that the County has five investment funds that the Treasurer manages.

Deste Cox, Sussex County Treasurer, advised that the County is invested Money Market account (Operating Account), CDs. The County invests in the LGIP and VIP investment pools that are offered through the State.

As far as security with the banks, \$250,000 is secured by FDIC. Beyond \$250,000, any bank that accepts public funds, has to be collateralized to cover the funds they accept. Those funds are monitored through the Treasurer of Virginia. Ms. Cox stated that she monitors that list. All of the banks the County uses are qualified. So, the County funds are protected. VIP is managed by VACo/VMLA. These funds are secured.

The Treasurer has an investment policy which determines how much is invested into each type of investment.

Currently in CDs, the County is invested in approximately 29% of County's funds which is approximately \$19 million total funds. The CDs range no more than 12 months in length. The County is earning between 3.95% and 4.25%. LGIP and VIP combines is about 36% of the County's funds. They are earning around 4.81%. Ms. Cox stated that 35% of funds are invested in Money Market accounts to allow for operational needs month to month.

3.06 Horizon Health Services

Kim Sadler, CEO of Horizon Health Services, Inc. was in attendance to request a Letter of Support and a Resolution for a new Waverly Health Center.

Ms. Sadler gave a brief background of Horizon Health. Horizon Health has health centers in Sussex, Surry and Southampton counties. They serve all patients insured, under insured, and with Medicaid in the surrounding communities. Horizon Health opened a dental office in Ivor. They have also opened a pharmacy in Waverly after the closure of the local pharmacy.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts a Resolution of Support for Horizon Health Services, Inc. to pursue necessary funding for a new Waverly Health Center, to-wit:

WHEREAS, Horizon Health Services, Inc. is a community-based, not-for-profit corporation whose mission is to "provide quality, comprehensive, and affordable health care on a continuous basis to all individuals; and

WHEREAS, Horizon Health Services, Inc. serves to meet the health care needs of the residents of Sussex, Surry, Southampton, and surrounding counties; and

WHEREAS, Horizon Health Services, Inc. currently operates two facilities in Sussex County— the Waverly Medical Center, located at 344 West Main Street in Waverly and in operation since 1997, and the Horizon Pharmacy, located at 328 West Main Street in Waverly and in operation since 2021; and

WHEREAS, Horizon Health Services, Inc. plays an extremely important role in Sussex County and provides a variety of health care services to many uninsured and underinsured county residents who may not otherwise receive necessary medical care; and

WHEREAS, Horizon Health Services, Inc. is in the planning stages of a large capital project to construct a new Waverly Health Center on a 41 -acre parcel on US 460, and

WHEREAS, this planned facility will be approximately 20,000 to 25,000 square feet in size to allow for the expansion of current services to include dental and behavioral health; and

WHEREAS, Horizon Health Services, Inc. is undertaking a significant capital campaign to provide the necessary funding, to include state and federal funding, for this greatly needed facility.

THEREFORE BE IT RESOLVED by the Board of Supervisors of Sussex County that it strongly endorses the efforts of Horizon Health Services, Inc. to pursue eligible state and federal funding necessary to make the new Waverly Health Center a reality, which will greatly increase the availability of needed health care services and improve the quality of life for many residents of Sussex County.

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

Voting nay: none

Absent: Supervisor Seward

4. Public Hearing

4.01 Ordinance Amendment #2023-01: Amendment to Sussex County Planning Commission Ordinance

Chairman W. Jones stated that attached for your consideration is an amendment to the Sussex County Planning Commission Ordinance to reduce the membership of the Planning Commission from 13 to 9, to re-appoint its current membership as a result of redistricting, and to make several updates to the previously adopted Ordinances and Resolutions related to the Planning Commission.

Ms. Walkup, Planning Director, provided the staff report.

Ms. Walkup stated the Ordinance Amendment #2023-01 is an amendment to the Sussex County Planning Commission Ordinance to reduce the membership of the Planning Commission from 13 to 9, to re-appoint its current membership as a result of redistricting, and to make several updates to the previously adopted Ordinances and Resolutions related to the Planning Commission.

Since the redistricting has been approved, staff has reviewed the Planning Commission appointments to determine the impact of redistricting on the Commission's current representation. Currently, the Commission consists of 11 members, two representing each election district, and one appointment from the Sussex Service Authority. Staff has found that this current representation is not consistent with the current County Code provisions, which reflects 13 members.

Therefore, as a result of these inconsistencies along with redistricting, staff proposes that the Planning Commission membership composition be amended to consist of 9 members, one from each of the 7 districts and 2 members-at-large. This would allow the current membership to remain in place, requiring a new appointment from the Henry and Courthouse Districts, as follows and as shown on the attached accompanying map:

Stony Creek District Rudolph Shands continues to reside within the new district boundaries.

Courthouse District — Vacant (Kevin Bracy no longer resides within the new district boundaries.)

Henry District Vacant (Terry Massenburg no longer resides within the new district boundaries.)

Yale District — Terry Massenburg recommended as the new appointment since she now resides within the new district boundaries.

Wakefield District Dennis Mason continues to reside within the new district boundaries.

Waverly District — Andrew Mayes continues to reside within the new district boundaries.

Blackwater District Roger King recommended as the new appointment since he now resides within the new district boundaries.

Mr. Kevin Bracy is a Member-At-Large and is recommended for appointment.

Mr. Lafayette Edmond is a Member-At-Large and is recommended for appointment.

Staff further recommends that the SSA no longer have representation on the Planning Commission and that the agency serve as a reviewing agency for relevant applications.

Ms. Walkup advised that the proposed ordinance amendment, reflecting the recommended changes as presented herein. It was recommended to adopt the ordinance amendment (included in the Board packet) and reappoint Planning Commissioners as recommended.

Chairman W. Jones opened the Public Hearing.

There were no public comments.

Chairman W. Jones closed the Public Hearing.

Comments were heard from Supervisor Fly and Supervisor W. Jones.

There was brief discussion on the Sussex Service Authority representation on the Planning Commission.

The Public Hearing Advertisement, Sussex County Planning Commission Ordinance (clean version, Sussex County Planning Commission Ordinance (redlined version), redistricting map and current map (prior to redistricting) were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts Sussex County Planning Commission Ordinance Amendment #2023-01; to-wit:

Whereas, pursuant to the authority contained in Code of Virginia, § 15.2-2210 et seq., the Sussex County Board of Supervisors adopted an ordinance on April 20, 1967 creating the Sussex County Planning Commission and a Resolution on January 18, 1990 dealing with terms of office among other things; and

Whereas, such Ordinance and Resolution may have been amended from time to time; and

Whereas, the Planning Commission is currently structured to have thirteen members; and

Whereas, the Board desires to reduce the number of members from thirteen to nine; and

Whereas, the Board desires to make several other updates to the previously adopted Ordinances and Resolutions related to the Planning Commission.

Now Therefore, be it Ordained by the Sussex County Board of Supervisors, the County provisions currently in effect for the Planning Commission are hereby amended as follows:
Composition.

The Planning Commission shall consist of 9 members, one of whom shall represent each of the seven election districts, and two members-at-large.

Terms.

All members of the Planning Commission shall be appointed by the Board of Supervisors for staggered terms of four years.

Filling of vacancies in office.

Any vacancy in the membership of the Planning Commission shall be filled through an appointment by the Board of Supervisors, and such an appointment shall be made for the unexpired term of the position of Commission appointment left vacant.

Removal of commissioners.

Any member of the Planning Commission may be removed by the Board of Supervisors for malfeasance in office or if the member is absent from any three consecutive meetings of the commission; or is absent from any four meetings of the commission within any 12-month period; provided that he be notified of the charges against him; and provided further, that such removal shall be made only after a public hearing at which such member shall have an opportunity to appear, to be heard and to present evidence or witnesses on the charges against him.

Organization.

The Planning Commission shall meet annually in January to organize itself and appoint from its membership, a Chairman and Vice-Chairman. The Chairman shall preside over all meetings. In the absence of the Chairman, the Vice-Chairman shall preside over meetings. In the absence of the Chairman and Vice-Chairman at any regular meeting, a temporary Chairman shall be elected by a quorum vote of the membership present until the Chairman or Vice-Chairman is present. A Secretary shall also be appointed annually by the Commission from Planning staff.

Powers generally.

The Planning Commission shall have all the powers and authority of Planning Commissions prescribed by law.

Development of bylaws.

The Planning Commission shall adopt bylaws and rules of procedure. The bylaws may be amended at any regular meeting provided that such amendment shall have first been presented to all members in writing at a meeting of the Commission at least thirty (30) days prior to the meeting at which the vote is taken.

This Ordinance amends the April 20, 1967, Ordinance and all subsequent ordinances and Resolutions related to the composition and organization of the Sussex County Planning Commission.

Adopted this 16th day of March, 2023 and effectively immediate upon adoption.

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

Voting nay: Fly

Absent: Supervisor Seward

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Messrs, Kevin Bracy, Dennis Mason, and Andrew Mayes to the Sussex County Planning Commission, all with terms expiring January 31, 2027. All Board members present voted aye.

5. Appointments

5.01 Appointment to D19 CSB

This item was tabled to the April agenda.

5.02 Housing Rehabilitation Oversight Board Appointment

County Administrator Douglas stated that during the Housing Rehabilitation Oversight Board meeting Wednesday, March 8, 2023, there was discussion of a new appointment to the Board. That member is Robyn Croft. She will serve in place of Charlene Pope as the Neighborhood Sparkplug. Ms. Pope represented Waverly under the Regional Urgent Need Grant (UNOS). Now that the UNOS project is complete, she is no longer needed on the Board. Ms. Croft will be her replacement representing the Wakefield area under the Pocahontas Neighborhood Revitalization Grant.

The current Housing Rehabilitation Oversight Board members, including Ms. Croft, are:

Wayne Jones, Board of Supervisors Representative

Richard Douglas, County Administrator

Kelly Moore, Finance Director

Katrina Faltz, Neighborhood Sparkplug

Robyn Croft, Neighborhood Sparkplug

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board appoints all of the current Board members, to include Ms. Robyn Croft, to the Housing Rehabilitation Oversight Board. All Board members present voted aye.

6. Action Items

6.01 Exxon Fuel Card Proposal

County Administrator Douglas stated that the antiquated county fuel system located behind the courthouse has not been operational since mid-July. Rather than spending funds to repair this system that will continue to be unreliable and obsolete, the Sheriff and county staff have reviewed various options to provide fuel for county vehicles, and are recommending the use of the Exxon Mobil Fleet Fuel Card Program.

In summary, Sheriff Giles discussed the liability and inconveniences of the deputy sheriffs' distance to drive to fuel up if the deputies are on the other end of the town. He also discussed the liability of running out of or not having enough fuel to make it to a call.

Oyik Mora with the Exxon Mobil Fleet Program and Sylvia Jackson with Davis Travel Centers were present for any details on the program, which does not have a minimum contract commitment. In lieu of repairing or replacing the current system (estimated to cost about \$200,000). They thanked the Board.

Staff recommends approval and moving forward with the fuel card program, for at least a one-year trial period, of Sussex County's participation in the Exxon Mobil Fleet Fuel Card Program.

A photo of existing fuel system, summary email, background materials Budget Amendment Resolutions, VEDP VBRSP Award Letter, TRRC Award Letter, and Project Budget were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Sussex County's participation in the Exxon Mobil Fleet Fuel Card program.

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

Voting nay: none

Abstained: Supervisor Fly

Absent: Supervisor Seward

7. Citizens' Comments

- Kevin Bracy (Yale District – Wrecked Animal Services vehicle; F-250 Trucks; Ordinance and Business License

8. Unfinished Business

8.01 Public Safety Coordinator Position Reclassification and VRS Change

County Administrator Douglas stated that to better accommodate potential employee needs and better provide support to our volunteer fire departments, staff is requesting that the Public Safety Coordinator position be reclassified to Chief of Emergency Services (as recommended by consultant Thomas Hicks), to include an adjustment to the position annual salary (budgeted) to \$90k. In addition, staff is requesting adoption of the attached resolution to make this position

eligible for the enhanced state retirement benefits for hazardous positions. This shift will allow the position to assist the volunteer fire departments in a firefighting capacity and is supported by the county fire/rescue association.

Staff recommends approval of the position reclassification, salary adjustment, and VRS resolution as noted above.

Mr. Hicks was asked to put together a report for the Public Safety position.

Hazardous Duty Retirement Resolution #23-12F, Draft Chief of Emergency Services Job Description, and VRS Certification of Hazardous Duty Service Form were included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Public Safety Coordinator position reclassification to Chief of Emergency Services and to include an adjustment to the position annual salary (budgeted) to \$90k; and

FURTHER RESOLVED that Resolution #23-12F is hereby adopted to make the position eligible for the enhanced State Retirement benefits for hazardous positions.

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

Voting nay: none

Absent: Supervisor Seward

9. New Business

9.01 Business License and Zoning Compliance Fees

Supervisor Fly wanted to address the concerns of the citizens regarding the business license and zoning compliance fees.

There was discussion that the Code was enacted in 2014.

It was noted that things were out of compliance.

Ms. Walkup, Planning Director, noted that the Zoning Compliance Permit is to show that the home/building is in compliance with the zoning. There was discussion of suspending compliance until July 1st.

There discussion of reimbursing the \$75 for the zoning fee. It was noted that zoning fee would be paid only one time. However, the business license would have to be renewed.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby suspends the Zoning Compliance until July 1st. All Board members present voted aye.

10. Board Member Comments

10.01 Blackwater District – absent

10.02 Courthouse District – none

10.03 Henry District – Thanked County Administrator for the update at the Town Hall meeting.

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

There was no Closed Session.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the March 16, 2023 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 8:48 p.m. All Board members present voted aye.

12.02 Next Meeting

The next regular Board of Supervisors meeting has rescheduled to be held Thursday, April 20, 2023 at 6 p.m.