

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the Social Services Conference Room on
Thursday, April 16, 2020 at 6 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:

Lawrence Hughes, Interim County Administrator
Mark Flynn, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
G. Reid Foster, Public Safety Coordinator
Ernest Giles, Sheriff
Kelly W. Moore, Director of Finance
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board of Supervisors

1. Commencement

1.01 Call to Order/Determine Quorum (6:00 p.m.)

The April 16, 2020 regular meeting of the Sussex County Board of Supervisors was called to order by Chair Seward.

1.01a Approval of Board Members Participating by Board's Remote Participation Policy

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Supervisors Fly, Johnson and Steve White, Tie Breaker, participating electronically/by phone under the Board's Remote Participation Policy; and

FURTHER RESOLVED that the change of location of the Board meeting was moved to the Sussex Social Services Conference Room. All Board members voted aye.

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

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

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the April 16, 2020 Consent agenda inclusive of the following: (a) Minutes of the January 16 Regular, January 16 Special and March 27, 2020 Emergency meetings; (b) Approval of Warrants and Vouchers; (c) Riverside Regional Jail Authority Costs for Inmate Services; (d) Appropriation for Emergency Purchase of Generator for Animal Shelter; and (e) Approval and Appropriation of Executive Search Services. All Board members present voted aye.

3. Recognitions/Awards/Presentation

There were no Recognitions/Awards/Presentations. However, Chair Seward announced that Sussex's former Commonwealth Attorney, Lyndia Ramsey, was appointed to serve as a Judge for the General District Court in the Sixth Judicial District.

4. Public Hearing

4.01 Fiscal Year 2021 Proposed County Budget

There was discussion of waiting until the actions of the General Assembly and its impact on the County's budget such as decrease in State funding relative to education, the Comp Board, and the Sheriff's Department due to COVID-19 and the fiscal impacts on State tax collections and the overall effect on the economy before moving forward.

It was noted that the budget that was advertised will more than likely not be the final budget due to COVID-19 and economic effects.

The proposed budget for Fiscal Year 2021 was included in the Board packet.

Chair Seward entered into Public Hearing.

There were no public comments.

There were no comments from the Board.

Chair Seward closed Public Hearing.

4.02 Calendar Year 2020 Proposed Tax Rates

Chairman Seward entered Public Hearing.

There was no increase in tax levy for Calendar Year 2020.

There were no public comments.

There were no comments from the Board.

Chair Seward closed the Public Hearing.

A copy of the Notice of Public Hearing for Fiscal Year 2021 Proposed County Budget and the Calendar Year 2020 Proposed Tax Rates were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby closes Public Comments on tax rates. All Board members voted aye.

4.03 Action on Public Hearing Item

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts that the tax rates remain the same for Calendar Year 2020.

All Board members present voted aye.

5. Appointments

5.01 Appointments to the Building Code Appeals Board

At its January 16, 2020 regular meeting, the Board was advised that two (2) appointments were needed for the Building Code Appeals Board. Vacancies were created due to Mr. Jeffrey Gary accepting employment with Sussex County, as well as Mr. Wayne Jones now serving as a member of the Board of Supervisors.

An appointment will be needed to fill an unexpired term for Mr. Gary ending June 30, 2020, as well as an unexpired term for Mr. Jones, with a term ending June 30, 2021. Both terms would be effective immediately.

Supervisor D. Jones recommended Mr. Larry Murray. Supervisor W. Jones recommended Mr. Tyrone Griffin.

Resumes of Messrs. Tyrone Griffin and Larry Murray were provided to the Board members.

A copy of the Virginia Uniform Statewide Building Code (2000 Edition) Information and the Roster of Building Code Appeals Board 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 appoints Mr. Larry Murray to the Building Code Appeals Board to fill the unexpired term effective immediately, expiring June 30, 2021.

5.02 Appointment to the Board of Zoning Appeals

This is an item from the January 16, 2020 regular meeting. The term of Mr. Samuel Moore on the Board of Zoning Appeals (BZA) was due to expire January 31, 2020. Staff contacted Mr. Moore. Mr. Moore does not wish to continue to serve on the Board. A nomination for recommendation for appointment by the Circuit Court Judge needs to be made to fill the vacancy. Upon appointment by the Circuit Court Judge, the term will begin immediately, expiring January 31, 2025.

Other BZA members resigned, as well. Recommendations for appointments by the Circuit Court Judge will also need to be made to complete three (3) unexpired terms ending January 31, 2021, January 31, 2023, and January 31, 2024, respectively. All terms will be effective immediately.

Supervisor W. Jones recommended Mr. Tyrone Griffin.

A copy of Mr. Tyrone Griffin's resume was included in the Board packet. Mr. Sam Moore's letter declining to continue to serve on the Board of Zoning Appeals, the BZA By Laws and a roster of the BZA members were included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby recommends Mr. Tyrone Griffin, 10310 Kelly Lane, Wakefield, VA 23888 for nomination for appointment by the Circuit Court Judge to the Board of Zoning Appeals to fill the vacancy for Samuel Moore's, effective immediately, expiring January 31, 2025.

All members present voted aye.

5.03 Appointments to Southside Virginia Education Center Board

Sussex County will need an appointment for representation on the Southside Virginia Education Center Board. This appointment will be effective immediately, with a term expiring October 15, 2023.

Southside Virginia Education Center Board promotes business development and employment opportunities throughout Southside Virginia, so as to encourage community development and revitalization and the combating community deterioration. The corporation will promote and achieve these purposes through activities including the operation of work force training and continuing adult education center where individuals can develop, improve, and enhance their employable skills and

capabilities. Meetings are held the last Wednesday of the month at 12:00 p.m. in the Southside Virginia Education Center.

Supervisor Fly recommended Mr. Otto Wachsmann of Stony Creek, Virginia and gave brief background information on Mr. Wachsmann.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Otto Wachsmann of Stony Creek, VA to the Southside Virginia Education Center Board with a term beginning immediately, expiring October 15, 2023.

All Board members present voted aye.

5.04 Appointment to the Sussex Service Authority Board of Directors

The Board of Supervisors no longer has representation on the Sussex Service Authority Board of Directors, due to Mr. Blowe no longer being qualified to serve in that capacity. An appointment will need to be made with a term expiring December 31, 2023.

Mr. Bobby Morris is currently serving as the Board's alternate representative. His term ended December 31, 2019. Mr. Morris has been contacted and is willing to continue to serve, if reappointed. If reappointed, his term will expire December 31, 2023 as well.

ON MOTION OF SUPERVISOR TYLER, seconded by W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Supervisor Fly to represent the County on the Sussex Service Authority Board of Directors; and

FURTHER RESOLVED that Mr. Bobby Morris, is reappointed, as the Board's alternate, with a term expiring December 31, 2023.

All Board members present voted aye.

5.05 Appointment to the Housing Oversight Board

Administration was advised that Mr. Clyde Gay is no longer able to serve as a citizen representative on the Housing Oversight Board. Ms. Brenda Drew, Housing Coordinator, recommends Ms. Charlene Pope, 8593 Harrell Mill Road, Waverly, Virginia, to fill the vacancy. Ms. Pope is a longtime resident of Sussex and a retired educator.

Board of Supervisors' representation is vacant on the Housing Oversight Board as well. In the past, the Vice Chairman served on this Board.

A copy of the Housing Oversight By Laws was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Supervisor W. Jones to the Housing Oversight Board to fill the vacancy for the Board of Supervisors representation.

All members present voted aye.

5.06 Appointment to Virginia's Gateway Region Board of Directors

The terms of Chair Seward, 523 Jasper Lane, Waverly, VA 23890 and Mr. Rex Davis, 612 Brentmoore Drive, Glen Allen, VA 23859, on the Virginia's Gateway Region Board of Directors expired February 29, 2020.

Staff has contacted Chair Seward and Mr. Rex Davis. Mr. Davis is willing to serve, if reappointed. However, Chair Seward does not wish to be reappointed.

Supervisor Fly recommended Chair Seward.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Chair Seward to the Virginia's Gateway Region Board of Directors with a term expiring February 28, 2021. All Board members present voted aye.

6. Action Items

6.01 Approval of Prince George Electric Cooperative Utility Easement and Release of Liability for Damage

Mr. Jason Williams, Senior District Manager of Atlantic Waste Disposal, forwarded a Release of Liability for Damage Form and a Utility Easement to County Administration for Prince George Electric Cooperative.

The easement is needed for electrical service that needs to be increased from PGEC to the leachate treatment concentrate reduction system compound. The leachate treatment concentrate reduction system compound will accept treated liquid from the on-site wastewater treatment plant and reduce the concentrate from the reverse osmosis system, further reducing concentrate, and thereby reducing the amount of trucks needed to dispose of liquids off-site.

Copies of the Release of Liability for Damage Form, Utility Easement Agreement, Map and E-mail from Mr. Jason Williams were included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to execute the Prince George Electric Cooperative Release of Liability for Damage and Utility Easement Agreement. All Board members present voted aye.

6.02 Authorization of Signature for Warrants Registers for Accounts Payable and Payroll

Due to changes in Administration, the County is currently using the secondary signer on the County's operating bank account. The Honorable Gary M. Williams, Clerk of Circuit Court, is the secondary signer to issue accounts payable and payroll checks, as the former county administrator's name has been removed from the account.

The Board has been requested to consider authorizing Mr. Larry Hughes, Interim County Administrator, to sign and approve warrant registers for County accounts payable and payroll. It should be noted that this will neither authorize Mr. Hughes to sign checks for the County nor will he be added to the signature card. However, he will have the authority to approve all checks and payroll before they are issued. Mr. Williams' signature will continue to be used on any checks that are issued.

Once the County fills the County Administrator position, the Board can authorize the new County Administrator to approve warrants and become the signer on the operating account.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board hereby authorizes Mr. Larry Hughes, Interim County Administrator, to sign and approve warrant registers for county accounts payable and payroll. All Board members present voted aye.

6.03 Wood Fuel Developers, LLC Refund

Ms. Cox advised Administration that on January 6, 2014, the Board adopted a resolution offering Wood Fuel Developers, LLC a five (5) year refund of 50% per year on both Real Estate and Machinery and Tools taxes. She stated that the refund began with the 2013 tax year and is effective through the 2017 tax year.

For tax year 2017, Real Estate taxes in the amount of \$5,261.18 were assessed to and recently paid by Wood Fuel Developers, LLC. There were no assessment for Machinery and Tools for tax year 2017.

Copies of Ms. Deste Cox, Treasurer's letter, dated January 28, 2020 and Resolution R-14-007 were included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves a fifty percent (50%) tax refund in the amount of \$2,630.59 to Wood Fuel Developers, LLC for 2017 Real Estate taxes in accordance with resolution R-14-007 adopted on January 16, 2014.

Supervisors Johnson, D. Jones, W. Jones, Seward, and Fly voted aye.

Supervisor Tyler abstained.

6.04 Bank Franchise Tax Refund – BBT

In the March Board Packet, the Treasurer, Ms. Deste Cox, alerted the Board that the Commissioner of the Revenue had received notification from the Department of Taxation of refund amounts for 2012, 2013 and 2014 Bank Franchise Tax due to Branch Banking & Trust (BB&T). This has affected many localities, cities and towns. The total tax liability for Sussex County that the Department of Taxation has directed to be paid is \$6,658.00. Ms. Ellen Boone, Sussex's Commissioner of Revenue, has confirmed the filings for those years, verifying the original tax amounts. Through negotiations with the President of the Treasurer's Association of Virginia (TAV), Truist Bank (formerly known as Branch Banking and Trust Company (BB&T) has agreed to waive all interest that is due on these refunds for all localities that remit payment by May 1,

2020. The Finance Director has identified some cost savings within the current general fund budget that can be used to cover this expense.

A copy of Ms. Cox's, Treasurer, Memo to Board of Supervisor, Re: Bank Franchise Tax – Refund, Dated April 7, 2020 along with letter from the Department of Taxation, Subject: Bank Franchise Tax Refunds for BB&T Tax Years 2012-2014, dated February 27, 2020.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the refund of Bank Franchise Tax to Truist Bank (formerly BB&T) for 2012, 2013, and 2014 in the total amount of \$6,658.00. In addition, the Board is to request the Finance Department to issue check no later than 4/24/2020, to meet the negotiated deadline.

All Board members present voted aye.

6.05 VDOT Upcoming Secondary Six Year Plan

At the September 2019 Board meeting, the Board removed Route 635 Steel Bridge Road from the Secondary Six Year Plan for Sussex due to the residents' desire to leave the road unpaved—in which Supervisor Tyler confirmed with some of the residents. Mr. Jerry Kee, VDOT's Assistant Residency Administrator, contacted staff to request direction from the Board to select another unpaved road so that VDOT can begin programming the new projects for the upcoming public hearing that they will need to schedule. Mr. Kee has reviewed the remaining unpaved routes and has provided a list the roads that qualify for hard surfacing based on the minimum 50 traffic count.

A list that provided the route, road name, and traffic count was included in the Board packet. A copy of the page from the September 2019 regular Board of Supervisors meeting was included in the Board packet as well.

No action was taken to allow Supervisor Tyler time to provide VDOT information for the route to replace the route removed from the Secondary Six Year Plan for Sussex.

7. Reports of Departments

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

7.02 Animal Services Report – *included in Board packet*

7.03 Community Development Report – *included in Board packet*

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

7.05 Public Safety Report – *included in Board packet*

Mr. Foster provided an update on the generator at the Animal Shelter. He also provided an update on COVID-19. Noted the number of cases in Sussex at that time to include the number of cases at the Sussex prison.

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

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

8. Citizens' Comments

There were no citizens comments.

9. Unfinished Business

Interim County Administrator Hughes advised that there will be an assessment at the landfill of manpower and what needs to be done.

10. New Business

There was no New Business.

11. Board Member Comments

11.01 Blackwater District – Encouraged everyone to be safe.

11.02 Courthouse District – none

11.03 Henry District – Announced that the Improvement Association provided and delivered residents of Sussex and surrounding areas with emergency food and cleaning products; exploring getting funding for Sussex to open schools early.

11.04 Stony Creek District – shared letter from a Peter Anderson (South Carolina) received in January 2020 extending appreciation to Law Enforcement/EMS during accident in Sussex in December; thanked Rex Davis & Denny's Restaurant – provided services to 110 people in community identified by Social Services and the elderly for 14 days.

11.05 Wakefield District – none

11.06 Waverly District – Apologized for not being physically in attendance; encouraged everyone to continue to follow guidelines regarding COVID-19; applauded everyone for what they're doing; available if anyone needed her.

12. Closed Session

There was no Closed Session.

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the April 16, 2020 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 7:04 p.m. All Board members present voted aye.

13.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, May 21, 2020 at 6 p.m. in the Sussex Social Services Conference Room, 20103 Princeton Road, Sussex, Virginia 23884 and via County website.