

**Minutes of the
SUSSEX COUNTY JOINT PUBLIC HEARING OF THE PLANNING
COMMISSION AND THE BOARD OF SUPERVISORS**

Monday, May 3, 2020 at 6:00 P. M.

***Sussex Central Elementary School, gymnasium
21392 Sussex Drive
Stony Creek, VA 23882***

PLANNING COMMISSIONERS PRESENT

J. Lafayette Edmond, Chair
Terry Massenburg, Vice Chair
Frank Irving
Roger King
Dennis P. Mason
Robert Young, Jr.
Rudolph Shands
Brenda Burgess
Kevin Bracy
Andrew Mayes

BOARD OF SUPERVISORS PRESENT

Susan B. Seward, Chair
Wayne O. Jones, Vice Chairman (Virtually)
C. Eric Fly, Sr.
Marian D. Johnson
Rufus E. Tyler, Sr.

BOARD OF SUPERVISORS ABSENT

Debbie P. Jones
Steve White, Tie Breaker

STAFF PRESENT

Richard Douglas, County Administrator
Beverly Walkup, Director of Planner
Michael Poarch, Sussex County Planner

CALL TO ORDER:

COMMISSIONER EDMOND, called the Planning Commission Meeting to order.

SUPERVISOR SEWARD, called the Board of Supervisors Meeting to order.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE:

Pledge of Allegiance and Moment of Silence was led by SUPERVISOR FLY

ADOPTION OF AGENDA AMENDMENTS:

ON MOTION OF COMMISSIONER BRACY, seconded by COMMISSIONER IRVING and carried: RESOLVED that the agenda for the May 3, 2021 meeting of the Sussex County Planning Commission is hereby adopted subject to: 1) deferral of Item (7)(b) Zoning Amendment #2021-02 for Forefront Power; and 2) add to the agenda the election of officers for the Planning Commission.

Voting aye: Commissioners Edmond, Irving, King, Burgess, Bracy, Mayes Mason, Massenburg, Young, and Shands.

Voting nay: None

ON MOTION OF SUPERVISOR SEWARD and carried: RESOLVED that the agenda for the May 3, 2021 meeting of the Sussex County Planning Commission is hereby adopted subject to: 1) deferral of Zoning Amendment #2021-02, Forefront Power; and 2) add to the agenda the election of officers for the Planning Commission.

Voting aye: Supervisor Seward, Jones, Fly, Johnson, Tyler

Voting nay: None

MOTION TO ENTER PUBLIC HEARINGS:

ON MOTION OF COMMISSIONER EDMOND, no one seconded and carried: RESOLVED that the meeting move into public hearings.

Voting aye: Commissioners Edmond, Irving, King, Burgess, Bracy, Mayes Mason, Massenburg, Young, and Shands

Voting nay: None

ON MOTION OF SUPERVISOR SEWARD, no one seconded and carried: RESOLVED that the meeting move into public hearings.

Voting aye: Supervisor Seward, Jones, Fly, Johnson, Tyler

Voting nay: None

ENTER Public Hearing Item (7)(a) Zoning Amendment #2021-01, Mike's Auto & Truck Repair, LLC, applicant

1) **STAFF REPORT PRESENTATION**

Beverly Walkup, Director of Planning, presented a brief summary of the application and information from the staff report. Michael Ward, the applicant, appeared before the Planning Commission and Board of Supervisors. Mr. Ward explained that he purchased the property and began clearing it, but was advised by staff that he would need to rezone the property for the intended use as a auto and truck repair shop.

In summary, the applicant seeks to rezone tax parcel number 147-A-3 containing 1.07 acres from B-1, Limited Business to B-2, General Business to accommodate an auto and truck repair shop.

ISSUES AND CONCERNS FROM THE COMMISSION

- Noise buffers
- Appearance of overnight car storage
- Disposal of tires and fluids
- Fencing

COMMISSION'S ACTION ON PUBLIC HEARING ITEM (7)(a) Zoning Amendment #2021-01, Mike's Auto & Truck Repair, LLC, applicant

ON MOTION OF COMMISSIONER EDMOND, seconded by COMMISSIONER KING and carried:
RESOLVED that the Planning Commission forward Mike’s Auto & Truck Repair, LLC, Zoning
Amendment #2021-01 to the Board of Supervisors for approval.

Voting aye: Commissioners Edmond, Irving, King, Burgess, Bracy, Mayes Mason, Massenburg,
Young, and Shands

Voting nay: None

**BOARD’S ACTION ON PUBLIC HEARING ITEM (7)(a) Zoning Amendment #2021-01, Mike’s
Auto & Truck Repair, LLC, applicant**

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR TYLER and carried:
RESOLVED that the Board of Supervisors approve Mike’s Auto & Truck Repair, LLC, Zoning
Amendment #2021-01.

Voting aye: Supervisor Seward, Jones, Fly, Johnson, Tyler

Voting nay: None

**ENTER Public Hearing Item (7)(c) Conditional Use Permit Application #2021-01, Shands
Energy Center, LLC, applicant**

2) STAFF REPORT PRESENTATION

Denise Nelson, Berkley Group Environmental Engineer, provided a brief summary of the
application and referencing information from the staff report. Andrew Foukal, CEO of East
Point Energy, appeared before the Planning Commission and Board of Supervisors. Mr. Foukal
explained the two amendments in the Conditional Use Permit in reference to the changes in
extinguishing technology and the set of codes in which the project will abide by.

In summary, the applicant seeks to amend condition 6(a) to add clarity to the required
national and state codes that apply to the project, and condition 6(d) to add the word
“manual” to the fire extinguishing technology requirement.

ISSUES AND CONCERNS FROM THE COMMISSION AND THE BOARD:

- Will water be available on site?
- Is decision for change in fire extinguishing technology is reflective of cost or caution for safety?
- Affect to air quality if an explosion were to happen?
- Duration of training for first responders; content within the training?
- Possibility of fumes from a battery container exploding?
- The stability of the communication system for monitoring 24/7?

Following discussion to resolve the issues raised by the Commission and Board, Supervisor Seward opened the public hearing to receive comments from the public.

PUBLIC COMMENTS:

Ricky Elder, Dominion Energy Business Development Manager, thanked The Commission and The Board for hearing and putting best practices in place. He mentioned Dominion’s value of safety, prudence, liability, and consistency. It’s the first time having these discussions with a locality. This can be the 1st project in the state and set an example for future projects.

There being no further comments from the public, Supervisor Seward closed the public hearing.

COMMISSION’S ACTION ON Public Hearing Item (7)(c) Conditional Use Permit Application #2021-01, Shands Energy

ON MOTION OF COMMISSIONER EDMOND, no one seconded and carried: RESOLVED that the Planning Commission forward Conditional Use Permit Application #2021-01, Shands Energy to the Board of Supervisors for approval.

Voting aye: Commissioners Edmond, Irving, King, Burgess, Bracy, Mayes Mason, Massenburg, Young, and Shands

Voting nay: None

BOARD'S ACTION ON PUBLIC HEARING ITEM (7)(c) Conditional Use Permit Application

#2021-01, Shands Energy Center, LLC

ON MOTION OF SUPERVISOR SEWARD and carried: RESOLVED that the Board of Supervisors approve Shands Energy Center, LLC, Conditional Use Permit Application.

Voting aye: Supervisor Seward, Jones, Fly, Johnson, Tyler

Voting nay: None

MOTION TO ENTER INTO ELECTION OF OFFICERS FOR THE PLANNING COMMISSION:

ON MOTION OF COMMISSIONER EDMOND, seconded by COMMISSIONER BRACY and carried: RESOLVED that the Planning Commission moves into election of officers.

ELECTION OF OFFICERS FOR THE PLANNING COMMISSION

Ms. Walkup acting for Chairman Edmond called for nominations for Chairman. COMMISSIONER BRACY nominated Commissioner Massenburg. There being no further nominations for Chairman, Ms. Walkup closed the nominations.

Voting Aye: Commissioners Edmond, Irving, King, Burgess, Bracy, Mayes Mason, Massenburg, Young, and Shands

Voting Nay: None

Chairman Massenburg called for nominations for Vice Chairman. COMMISSIONER MASON nominated Commissioner Edmond. There being no further nominations for Chairman, Ms. Massenburg closed the nominations.

Voting Aye: Commissioners Edmond, Irving, King, Burgess, Bracy, Mayes Mason, Massenburg, Young, and Shands

Voting Nay: None

ADJOURNMENT – The meeting adjourned at 7:40 P. M.

ON THE MOTION OF COMMISSIONER EDMOND, seconded by COMMISSIONER KING and carried: RESOLVED that the Sussex County Planning Commission is hereby adjourned.

Voting aye: Commissioners Edmond, Irving, King, Burgess, Bracy, Mayes Mason, Massenburg, Young, and Shands

Voting nay: None

ON THE MOTION OF SUPERVISOR JOHNSON, seconded by SUPERVISOR TYLER and carried:
RESOLVED that the Sussex County Board of Supervisors meeting is hereby adjourned.

Voting aye: Supervisor Seward, Jones, Fly, Johnson, Tyler

Voting nay: None

Submitted by: Michael Poarch

Approved by PC: May 3, 2021