

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, September 15, 2016 at 7 pm**

BOARD MEMBERS PRESENT

Keith C. Blowe
C. Eric Fly, Sr.
Alfred G. Futrell
Susan B. Seward
John A. Stringfield
Rufus E. Tyler, Sr.

STAFF PRESENT:

Deborah A. Davis, County Administrator
Vandy V. Jones, III, Deputy County Administrator
Mark Flynn, County Attorney
John Paul Woodley, County Attorney
Raymond R. Bell, Sheriff
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk to the Board
Brenda H. Drew, Housing Coordinator
Andre M. Greene, Director of Community Development
Kelly Moore, Accounts Payable Clerk
Marquitta Shaw, Housing Coordinator
Lorenzo D. Turner, Assistant to the Director of Community Development
Matthew Venable, Director of Environmental Inspections
Eddie T. Vick, Public Safety Coordinator
Monica J. Whitney, Permits Technician

1. Commencement

1.01 Call to Order/Determine Quorum

The September 15, 2016 meeting of the Sussex County Board of Supervisors was called to order by Chairman Blowe.

1.02 The Invocation

The Invocation was offered by Supervisor Stringfield.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

Staff requested to add under Action Items as 6.01a, Mission Ministries Report and under New Business, delete Item 10.3 Consulting Forestry Information (Atlantic Waste Disposal)

County Attorney Flynn requested that a Closed Session be added after Item 3. Recognitions/Awards regarding a specific legal matter.

At the request of Supervisor Futrell, under New Business add as Item 10.4 Discussion of Sheriff's Department Invoice.

At the request of Supervisor Fly, under the Approval of Consent Agenda, move Item 2.03, Accept and Appropriate Funds: \$1,999.00 for Animal Control Expenses to Action Items as 6.06.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the agenda amendments to include adding under Action Items as 6.01a Mission Ministries Report; under New Business adding as Item 10.4 Discussion of Sheriff's Department Invoice; deleting Item 10.3 Consulting Forestry Information (Atlantic Waste Disposal); under the Approval of Consent Agenda, moving Item 2.03 Accept and Appropriate Funds: \$1,999.00 for Animal Control Expenses to Action Items as 6.06, and; adding a Closed Session after Item 3. Recognitions/Awards regarding a specific legal matter.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the September 15, 2016 regular agenda, inclusive of the noting agenda amendments.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda minus Item 2.3 Accept and Appropriate Funds - \$1,999.00 for Animal Control Expenses, and inclusive of the following: (a) Minutes of August 18, 2016 meetings; (b) Approval of Warrants and Vouchers; (c) Accept and Appropriate Funds - \$40.00 VACo Registration; and (d) Accept and Appropriate Funds - \$3,164.92 Insurance Reimbursement.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

3. Recognitions/Awards – none

3a. Closed Session

3a.01 Convene into Closed Session

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session pursuant to § 2.2-3711(A)(7) for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel pertaining to Item 4.01 Conditional Use Permit Application #2016-03, Virginia Solar LLC on behalf of Sappony Solar LLC.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

3a.02 Reconvene to Open Session

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

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

3A.03 Certification

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves adoption of resolution for certification, to-wit:

WHEREAS, that the Sussex County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(D) of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard discussed or considered.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

4. Public Hearings4.01 Conditional Use Permit Application #2016-03, Virginia Solar LLC on behalf of Sappony Solar LLC

Ms. Monica J. Whitney, Permit Technician, provided the staff report for Conditional Use Permit Application #2016-03, Virginia Solar LLC (on behalf of Sappony LLC), applicant.

Ms. Whitney reported that the applicant, Virginia Solar LLC, is requesting issuance of a conditional use permit to construct and operate a 20 megawatt (MW) solar energy facility on 250 acres of the 371.38 acres. The affected property is identified as tax map parcel numbers 66-A-14, 66-A-16, 66-A-26, and 66-A-29. The affected property is zoned A-1, General Agriculture. Pursuant to Section 16-22 (17.2) of the Zoning Ordinance, private utility generation facilities and their associated accessory uses are allowed with a conditional use permit.

The site for the proposed project is located on land south of Route 40 (Sussex Drive) between the two (2) intersections with Booth Road (Route 658). The site continues south across Booth Road to Palestine Road (Route 657), located in the Stony Creek District.

The applicant conducted a public meeting at the Hampton Inn (Stony Creek) on June 21, 2016 from 6:30 p.m. to 8:00 p.m. to discuss the project with interested citizens. The Board representative for the Stony Creek District, a Planning Commissioner and staff attended the meeting. Questions were asked by the few citizens in attendance.

The applicant's detailed application and supporting documentation were sent to the Board of Supervisors on August 23, 2016.

EVALUATION

There are several criteria by which an application for a conditional use permit may be evaluated. The criteria state that a proposed conditional use should be:

- In accordance with adopted plans and policies;
- Compatible with the neighborhood;
- Compatible with existing land uses; and
- Compatible with development by right in the area.

The applicant and staff believe that the proposed solar facilities complies with the four (4) criteria stated above given the following:

- 1) The proposed solar energy facility is passive in nature. As such, the proposed use will be designed and sited in a manner to have less adverse impacts on the adjacent property and/or neighborhood than might be caused by other uses permitted by right in the district.
- 2) The proposed use will not cause a nuisance to adjacent properties or the surrounding community. The solar facility will emit no emissions to the air, will not cause any glare, will not produce any odor, and will not generate any loud noise. Any significant impacts (traffic and noise) associated with facility will be minor and temporary during construction of the facility.
- 3) The proposed use is consistent with the County's adopted Comprehensive Plan.

Chapter 10 – Plan for the Future - Growth Management

Goal – Promote environmentally friendly development that is sustainable, appealing and consistent with the County’s rural image and character.

RECOMMENDATION

The Planning Commission held a public hearing on Monday, September 12th, 2016 to consider conditional use permit application #2016-03 (VA Solar LLC., applicant). Following the public hearing the Planning Commission voted 6 to 5 to forward conditional use permit application #2016-03 to the Board of Supervisors with a recommendation that it be denied for the following reasons:

1. Solar is not a viable business without taxpayer subsidies.
2. There are too many unknowns. The company stated that there will be no dealings with Dominion power, but electricity will be transmitted over Dominion lines.
3. No figures had been submitted relative to the amount of the surety bond.

Staff has prepared several motions for the Board’s consideration and use this evening:

To recommend approval:

Mr. Chair, I move that the Board of Supervisors approve Conditional Use Permit #2016-03 as proposed with the proposed conditions, as it complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

To recommend approval (with changes):

Mr. Chair, I move that the Board of Supervisors approve Conditional Use Permit #2016-03 with the proposed conditions and the following changes: _____ as it complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

To recommend denial:

Mr. Chair, I move that the Board of Supervisors deny Conditional Use Permit #2016-03 for the following reason (s): _____

Public Comments were heard from:

- Jim Eck, Vice President of Dominion Resources. Dominion Energy’s intention to acquire, construct and operate the facility project. Mr. Eck also addressed some concerns during Planning Commission hearing. He advised that this project would have no effect on Dominion Virginia Power or Cooperative Electric customer bills. He also addressed economic benefits and other concerns.
- Charlie Caple (Stony Creek District). Support of the project/researched and spoke with neighboring landowners.

- Kevin Bracy (Courthouse District/Planning Commission) - Solar Farm and increased electric bills. Not supportive of solar panels.
- Chester Carter (Stony Creek District) - Concerns with Solar Farm affecting agricultural community. Not supportive of solar panels.
- Molly Prince Johnson (Family in Stony Creek) - Property value, economic value and changing character of land.
- Jannette Greene (Courthouse Creek District) – Supportive of giving another business a chance.
- Matthew Meares (Virginia Solar LLC) – gave a brief presentation background of Virginia Solar LLC, electricity generated by solar panels, removal of panels, and other details.
- Chip Bain (Stony Creek) – Owner of property for proposed solar farm location.

Board Comments

Comments were heard from:

- Supervisors Fly (Courthouse District) – some changes/additional language to conditional use permit in light of new information provided, letter of intent and other concerns.
- Supervisor Tyler (Henry District) – bring something positive to Sussex and is willing to examine further.
- Supervisor Seward (Blackwater District) – regarding revenue.
- Supervisor Futrell (Waverly District) – reluctant of solar farm; concerned with revenue generated for County.
- Supervisor Blowe (Stony Creek District) – don't have all the answers; supportive of moving forwarding with project; concern with opposition of private landowner.

4.02 Ordinance No. 2016-05, Vacation of the South Street Right-of-Way

Mr. Lorenzo Turner provided the staff report for Ordinance No. 2016-05, Vacation of the South Street Right-of-Way.

The Community Development Office has received a request from Alice M. Thompson to vacate a street right-of way known as South Street as noted on a plat of the Sussex Gardens Subdivision. South Street is an unopened (paper) right-of-way that was created when the subdivision plat was recorded in 1954. The right-of-way was to serve twelve (12) lots that fronted on it. However, in 2014, six (6) of the lots were consolidated to create a new parcel consisting of 0.78 acres (Parcel B). In 2016, the six (6) remaining lots were consolidated to create a 0.67 acre parcel (Parcel C).

South Street is currently wooded and is approximately twenty-two (22) feet in width and approximately 290 feet in length. Alice Thompson, the owner of Parcels B and C, is requesting that the 22-foot wide right-of way be vacated. As a result, eleven (11) feet will be added to Parcel B and eleven (11) feet to Parcel C in order to allow a more orderly development of the two (2) parcels.

Documentation was provided to Board members.

Recommendation – Approval

The Community Development staff recommends that South Street be vacated because the street-right-way provides access to no other properties and is not needed as a future street. Also, Parcels B and C have frontage on Moore Street. Staff has prepared an ordinance for the Board’s use and consideration. See draft ordinance below.

WHEREAS, the Board of Supervisors received a request from Alice M. Thompson to vacate a 22 foot wide, undeveloped street right-of-way (South Street) located in the Sussex Gardens Subdivision located just outside the corporate limits of the Town of Jarratt; and

WHEREAS, Alice M. Thompson is the owner of Parcel B and Parcel C which adjoin South Street; and

WHEREAS, the provisions of Section 15.2-2272 of the Code of Virginia, 1950, as amended, have been met; and

WHEREAS, the Community Development Staff recommends that the street right-of-way be vacated and eleven (11) feet be added to Parcel B and eleven (11) feet be added to Parcel C; and

WHEREAS, the Board of Supervisors accepts the staff recommendation; and

WHEREAS, the Board of Supervisors has determined that South Street shall not be needed for a future street or other public purposes;

WHEREAS, the proposed vacation will not endanger the health, safety or welfare of the general community; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Sussex, Virginia, that South Street as created by the recordation of a plat of the Sussex Gardens Subdivision in 1954, is hereby declared non-essential and vacated.

Terms of Street Vacation

1. The applicant is responsible for recording the survey plat of the vacated street right-of-way.

PUBLIC COMMENTS –

Comments were heard from Roy Lane (Waverly District).

BOARD COMMENTS

Supervisor Tyler visited site; has no problem.

4.03 Return to Open Session

Chairman Blowe returned to Open Session and ended the Public Hearing.

4.04 Action on Public Hearing Items

Conditional Use Permit Application #2016-03, Virginia Solar LLC on behalf of Sappony Solar LLC

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables Conditional Use Permit Application #2016-03, Virginia Solar LLC on behalf of Sappony Solar LLC and convene a Special Meeting on Thursday, September 29, 2016 at 6:00 p.m. to address issue.

Voting aye: Supervisors Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: Supervisor Blowe

Ordinance No. 2016-05, Vacation of the South Street Right-of-Way

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Ordinance No. 2016-05, Vacation of the South Street Right-of-Way.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

5. Appointments

5.01 Appointment to Industrial Development Authority Board of Directors

County Administrator Davis stated that there is still a vacancy on the Industrial Development Authority Board of Directors due to a member resigning. An appointment is still needed to fill the unexpired term ending May 15, 2017.

Supervisor Futrell has recommended Mr. Thomas Jones, Jr. 133 New Street, Waverly, VA 23890. Mr. Jones has agreed to serve if appointed.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors appoints Mr. Thomas Jones, Jr., 133 New Street, Waverly, VA 23890 to the Sussex County Industrial Development Board of Directors to fill an unexpired term ending May 15, 2017.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

6. Action Items

6.01 Board's 2016 Priorities Update

Deputy County Administrator Jones gave a brief overview of the monthly update of Board's 2016 Priorities adopted earlier in the year.

Under Economic Development, Deputy County Administrator Jones reported that in regards to shovel ready sites contracts were awarded and documents are in place for water and sewage extension.

Under Broadband, Deputy County Administrator Jones noted that under County-wide Connectivity, Administration staff will be meeting with Dr. Jarrett (Superintendent of Public Schools) and IT staff regarding hot spots at the schools. The Department of Housing and Community Development will be holding an informational work session next week at the Virginia Telecommunication Initiative in which he will be attending. This is a program which offers localities some funding for baseline studies that are needed in regards to broadband. Prince George Electric Cooperative has announced that they will conducting a pilot program where they will be offering broadband services to their customers. The pilot actually starts in Prince George.

Under Strategic Plan, Deputy County Administrator Jones noted that the Board has scheduled a planning session in October 2016 to discuss strategic planning.

Under FY 2017 Budget, Deputy County Administrator Jones stated that Ms. Drew has been able to work with Crater District Area Agency on Aging Title V Program to have a senior work in the reception of the Housing Office for up to twenty (20) hours a week.

6.01a Mission Ministries Report

Rev. Connie Gibbs Morris gave a brief report on funding from Disaster Relief Fund donated for tornado victims. Rev. Morris reported that \$14,093.61 has been spent on repairs which leaves a balance of \$32,323.01 from the \$46,416.62 donated. A detailed reported was given to Board members providing bills for material/supplies purchased for damaged homes. An estimated eight (8) homes have been repaired.

6.02 VDOT – Courthouse Road Resolution

Mr. Norris, Virginia Department of Transportation (VDOT), stated that VDOT is in the process of finalizing some old projects and realized that the Route 626 (Courthouse Road) realignment was somewhat incomplete. Project sketches are 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 the following resolution:

WHEREAS, the Virginia Department of Transportation has completed project 0626-091-705, C-501; and

WHEREAS, the project sketch and VDOT Form(s) AM 4.3, attached and incorporated herein as part of this resolution, defines adjustments required in the Secondary System of State highways as a result of construction; and

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways; and

NOW THEREFORE, BE IT RESOLVED, this board hereby requests the Virginia Department of Transportation to take the necessary action to abandon those segments identified on the attached AM 4.3 Form and project sketch as a part of the Secondary System of State Highways, pursuant to §33.2-912, Code of Virginia, 1950, as amended; and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage; and

BE IT FINALLY RESOLVED that a certified copy of this resolution to be forwarded to the Virginia Department of Transportation.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

6.03 Personnel Committee Recommendation

Supervisor Tyler stated that the Personnel Committee (Supervisors Fly, Futrell, Tyler) met. On September 1, 2016, the Personnel Committee discussed two items. One of the items discussed was the organization structure of Administration. No action was taken. The committee wanted to wait to see the outcome of Housing's Section 8 Program.

The Personnel Committee has requested that a letter from the County signed by Chairman Blowe, be sent to adjoining localities receiving services from Sussex's Section 8 Program to make a financial contribution to support the program.

After receipt of response, the Personnel Committee will bring a recommendation to the Board.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes a letter to be sent to adjoining localities receiving services from Sussex County's Housing Section 8 Program to make a financial contribution to support the program.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

6.04 Finance Committee Recommendation

A Finance Committee Meeting was supposed to be held prior to the Board of Supervisors regular meeting; however, it had to be cancelled.

Supervisor Fly reported that the School Board requested in a meeting that the Board of Supervisors rescind a resolution adopted to give back to the schools one half of their remaining balance at the end of the fiscal year. Previously all of the funding (100%) would be returned to the Board of Supervisors; the School Board would request the funding. The Board of Supervisors would decide on whether funding would be given back/reallocated to the schools.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby rescinds resolution to give back to the schools one half of their remaining balance at the end of the fiscal year.

Voting aye: Supervisors Blowe, Fly, Seward, Stringfield, Tyler

Voting nay: Supervisor Futrell

6.05 Improvement Associations Request for Office Space

Supervisor Tyler abstained from discussion and voting on this item being that he works for the Improvement Association.

County Administrator Davis reported that the Chairman of the Board of Directors for the Improvement Association, Mr. Charlie Caple, Jr., has submitted a letter requesting temporary use of office space at the County owned office building located at 233 L South County Drive in Waverly, VA.

Currently, the office is occupied by the County Housing Programs staff (two employees)

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator and County Attorney to move forward with drafting an agreement with the Improvement Association to lease office space in the County's Waverly office located at 233 L South County Drive until the construction of their office space is completed and lease of office space is no longer needed; and

FURTHER RESOLVED that the County Administrator is authorized to execute the agreement.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

Voting nay: none

Abstaining: Supervisor Tyler

6.06 Accept and Appropriate Funds: \$1,999.00 for Animal Control Expenses

Supervisor Fly had some concerns with documentation of receipts. Receipts/Invoice documents were handwritten, not on letterhead.

Mr. Eddie Vick, Public Safety Coordinator, explained incidents that occurred.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accept and appropriate \$1,999.00 for Animal Control expenses.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

7. Reports of Departments/Agencies

7.01 Atlantic Waste Disposal, Jason Williams, Senior District Manager

Mr. Jason Williams, Senior District Manager of Atlantic Waste Disposal, gave a brief update on Atlantic Waste Disposal activities.

Mr. Williams stated that Phase I 30-acre capping project has been completed.

In the Phase II project consists of about 36 acres. Gas well drillings are scheduled for late September, early October of this year. This project should be completed at the end of the year 2016.

Phase III capping project design is complete and is currently being reviewed by staff. Construction is scheduled to start in early 2017.

Phase IV clay capping project which is at the top of the landfill is still anticipated to be completed in 2016. Work was started on September 8, 2016.

No changes on landfill gas side. Atlantic Waste is continuing to improve the gas collection. Atlantic Waste is planning to install twenty-one (21) wells by the end of the year. Construction of new flares has started yet; however, they're planning to start in the next thirty (30) days.

Mr. Williams reported that they are still on schedule with the Waste Water Treatment Plant. The Waste Water Treatment Plant is expected to be completed in the mid 2017.

Mr. Williams provided a handout of photos of work performed to the Board members.

Mr. Williams stated that in regards to the convenience centers around the County, he met with some of the staff to discuss some of the issues. Mr. Williams stated that due to scheduling issues on pickup, staff has been changed around on the Waste Management side. More boxes were bought. Some convenience sites are being serviced seven (7) days a week.

Mr. Williams stated that security cameras will be installed at almost all the sites in the next sixty (60) to ninety (90) days or as soon as possible. He will work with the County before installing cameras.

Chairman Blowe has asked staff to work on a plan to control illegal dumping at the convenience sites which may include a discussion of manning sites.

7.02 Treasurer's Report – included in the Board packet.

Mr. Onnie L. Woodruff, Treasurer, stated that in 2013 the Board authorized online tax services. An agreement was signed. Startup did not incur until FY2016. The fees for this start up service was not included in the budget. Mr. Woodruff is requesting \$4,850.00 to renew online tax services.

ON MOTION OF SUPERVISOR TYLER, seconded SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates \$4,850.00 for the renewal of the online tax services.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

7.03 Blackwater Regional Library Report – included in Board Packet

7.04 Animal Control/Public Safety Monthly Report- included in Board Packet

7.05 Environmental Inspections Monthly Report – included in Board packet

7.06 Board Report – NACo Annual Conference –no report requested

8. Citizens' Comments (9:00 pm)

Comments were heard from:

- Jim Long (Town of Wakefield) - Wakefield and Waverly convenience sites.
- Jannette Greene (Courthouse District) – manning convenience sites.
- Chester Carter (Stony Creek District) – drainage on Lee Avenue; property rights (Solar Farm public hearing item)

9. Unfinished Business

9.01 Housing Programs Update/Action

No action taken at this time. Will wait on responses from letters to be sent to adjoining localities.

9.02 Meals Taxes Discussion

This item was tabled from the August 18, 2016 Board meeting. The subject of a meals tax was brought up during the budget planning process.

Section 58.1-3833: This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters

registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used.

In addition, according to Beau Blevins, VACo's Director of Intergovernmental Affairs, the VACo Finance Steering Committee has been meeting to discuss issues surrounding meals tax. As a matter of fact, he stated that the Committee has requested that he start looking at the next steps and start drafting a potential statement to support legislative action giving counties the ability to adopt a meals tax without a referendum.

On July 19th, Mr. Blevins emailed staff and stated that he is working to set up meetings with Delegate Lee Ware (Chair of the House Finance Committee) and Senator Emmett Hanger (co-chair of the Senate Finance Committee). He expects to have both attend VACo's August 18 Finance Steering Committee meeting so that committee members can discuss the meals tax issue directly with them. Also at this time, York County's board has been working on Senator Tommy Norment to talk to him about the meals tax w/o referendum and he verbally said he was in support.

Mr. Blevins provided a copy of an analysis of potential county meals tax using taxable sales from food and drinking establishments and a copy follows this summary sheet.

Additional detailed documentation is 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 approves Sussex County being added to list to support legislative action giving counties the ability to adopt a meals tax without a referendum.

Voting aye: Supervisors Blowe, Futrell, Stringfield, Tyler

Voting nay: Supervisor Fly, Seward

9.03 Recommendation of \$5,000.00 Allocation to Gateway Virginia's Region

This item was tabled from the July 21, 2016 regular Board meeting.

County Administration received a letter from Virginia's Gateway Region. Included in the Board packet is the letter submitted to Messrs. Branch and Walker of Virginia's Gateway Region as Sussex County Letter of Confirmation for Driving Regional Growth-Embracing a Global Future 3.0 in lieu of campaign pledge card.

ON MOTION OF SUPERVISOR FUTRELL, seconded SUPERVISOR TYLER and carried: RESOLVED that the Sussex Board of Supervisors hereby approves the allocation of an additional \$5,000.00 from the Contingency Fund to Virginia's Gateway Region.

Voting aye: Supervisors Blowe, Futrell, Stringfield

Voting nay: Supervisors Fly, Seward, Tyler

Motion tied. Item will be placed on the October 20, 2016 Board of Supervisors meeting agenda for the tiebreaker vote.

Staff has been requested to obtain the amount of fees paid by other localities.

9.04 Request for Waiver of Fees – The Improvement Association

As the Executive Director of the Improvement Association, Supervisor Tyler advised the he would refrain/abstain from any discussion on this item.

County Administration received a request from the Improvement Association to waive all building permit fees, plan review fees, land disturbance fees and site plan review fees as they relate to the proposed construction of new office complex in Waverly. (A copy of letter requesting waiver of fees is included in Board packet.)

Staff recommended that the request be denied. The Improvement Association requested the opinion of the County Attorney.

County Attorney Flynn reviewed this matter and surmised that the County has no authority to waive fees. However, the Board of Supervisors could consider a grant of a like amount as a charitable contribution.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the allocation of an additional \$2,000.00 to the Improvement Association from the Contingency Fund.

Voting aye: Supervisors Blowe, Fly, Stringfield

Voting nay: Supervisors Futrell, Seward

Abstained: Supervisor Tyler

9.05 Courts Request for Carpet Replacement

Supervisor Fly requested that this item be placed on the agenda clarification to the citizens that the carpet was stained and needed cleaning; however, there were no rips or tears in carpet that created a hazard and or jeopardized employees' safety as it had been presented to the Board. Money would be found in the existing budget to replace carpet.

Supervisor Fly submitted that at the last Board meeting, the Clerk of the General District Court made a request for new carpet in the Clerk's office. Ms. Yelverton's request, as found in her letter, was due to the poor appearance of the carpet. The request did not come to the

Board as a request to replace the carpet due to the fact that the carpet was creating an unsafe work environment.

However, the gentlemen representing the Waverly District informed the Board that the replacement was crucial and needed to take place immediately as the carpet was torn in multiple places and someone is going to trip and sue the County.

During the meeting I took a break and inspected the carpet with the Clerk and found no rips, tears or anything that would cause a dangerous work environment. However, the carpet is old, stained and unsightly but it is in no way dangerous. On Friday the following day, Mr. Tyler also inspected the carpet in the Clerk's office and found the same condition, no rips, tears or dangerous situation.

The allegation that the carpet was creating a public danger was simply false. However, the false statement that the carpet was dangerous created a very unprofessional movement for the Board and outrage from the public.

I ask that this be placed back on the agenda for September meeting as I hope to work with you, your staff and Mr. Woodruff to locate the needed funds to replace the worn carpet.

(A copy of whole email is included in the Board packet.)

9.06 Planning Commission Appointments

Chairman Blowe stated that the Board inquired about the number of members on Planning Commission.

Staff is to get input from Mr. Andre Greene, Director of Community Development, regarding time frame members should be allowed to continue to be on Planning Commission receiving a stipend without completing training and address this item at a later date.

10. New Business

10.01 Wakefield and Waverly Dumpsters

Item was discussed previously during the meeting.

10.02 Request for Donation of Land to Local Resident

Staff received letter from Mr. Forrest White, III, Virginia Conference United Methodist Church (VAUMC), stating that VAUMC plans to build a house for Ms. Trenika Stringfield. Ms. Stringfield is the young mother who lost her children to the tornado in Waverly, February 24, 2016.

The Virginia Conference is requesting the County to donate one of its lots on Branch Street outside the town of Wakefield, so that they may be building a house for Ms. Stringfield.

Mr. White stated that there is an agreement that tenant cannot sell the house in ten (10) years. If tenant opts to sell house, money would have to be reimbursed to the church for money spent.

County staff is to continue to try to dispose of this property.

(A copy of the letter in included in the Board packet.)

10.3 Sheriff's Department Invoice

Supervisor Futrell brought invoices to the Board regarding two (2) invoices that haven't been paid.

County Administrator Davis stated that invoices were \$5,000.00 for metal detector and \$6,000.00 for the rekeying of the General District Courthouse Building. She stated that staff is in communication with the treasurer as to how to pay for invoices. County Administrator Davis advised that the County invoices were received after the services had been done. County Administrator Davis stated that Sheriff is of the opinion that it should be out of the Courthouse Maintenance line item which is only a revenue line item.

11. Board Member Comments

11.01 Blackwater District

11.02 Courthouse District

11.03 Henry District

11.04 Stony Creek District

11.05 Wakefield District

11.06 Waverly District

12. Closed Session

12.01 Convene into Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for (1) discussion of a perspective business where no prior announcement of business have been made pursuant to applicable Code Section 2.2-3711(A)5 regarding use of property; and (2)for consideration of a specific legal matter requiring legal advice by counsel pursuant to applicable Code Section 2.2-3711(A)7 regarding the communication system; and (3) for discussion of performance of personnel pursuant to applicable Code Section 3711(A)1 regarding county administrator's performance.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
 Voting nay: none

12.02 Reconvene to Open Session

ON MOTION OF SUPERVISOR SEWARD seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
 Voting nay: none

12.03 Certification

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves adoption of resolution for certification, to-wit:

WHEREAS, that the Sussex County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard discussed or considered.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward
 Voting nay: none
 Absent during vote: Supervisors Stringfield, Tyler

12.04 Action Resulting from Closed Session

No action taken on closed session items.

13. Recess/Adjournment

13.01 Recess

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the September 15, 2016 meeting of the Sussex Board of Supervisors is hereby recessed until Thursday, September 29, 2016 at 6:00 p.m.

Voting aye: Supervisors Blowe, Fly, Seward, Stringfield, Tyler
 Voting nay: none

Absent during vote: Supervisors Futrell

13.02 Next Meeting

The next Board of Supervisors meeting will be Thursday, September 29, 2016 at 6 p.m. in the General District Courtroom – Judicial Center located at 15098 Courthouse Road, Sussex, VA 23884.