

Sussex County Board of Supervisors Meeting
July 18, 2013, 7:00 pm
General District Courtroom – Sussex Judicial Center

Board Members Present:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
John A. Stringfield
Rufus E. Tyler, Sr.
Raymond L. Warren

Others Present:

Michael R. Packer, County Attorney
Onnie L. Woodruff, Treasurer/Interim Director of Finance
Ellen G. Boone, Commissioner of the Revenue
Gary M. Williams, Circuit Court Clerk
Eddie T. Vick, Public Safety Coordinator
Anne K. Ellis, Account Payables Clerk
Stella Lee-Givens, Administrative Assistant
Deste J. Cox, Deputy Treasurer
Deborah A. Davis, Assistant to County Administrator
Vincent B. Givens, Lieutenant
Chequila H. Fields, Director of Social Services
Raymond R. Bell, Sheriff
Tony S. Johnson, Senior Animal Control Officer

Item 1. Call To Order/Determine Quorum [7:07:11 PM](#)

The July 18, 2013 meeting of the Sussex County Board of Supervisors was called to order by Chairman Tyler.

Item 2. The Invocation

The Invocation was offered by Supervisor Caple.

Item 3. The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

Item 4 . Public Hearing

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters

Public Hearing to consider the following items: (1) Conditional Use Permit #2013-01, Iluka Resources, applicant and (2) Med Trans Air Medical Transport.
Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren
Voting nay: none

a) Conditional Use Permit Application #2013-01, Iluka Resources, applicant

Shannon D. Fennell, Assistant to the Director of Planning, presented the following staff report:

STATEMENT OF REQUEST

Pursuant to Section 16-22§27 of the Zoning Ordinance, the applicant, Iluka Resources Inc., seeks a conditional use permit to allow the excavation and mining of mineral sands on tax map numbers 101-(A)-39 (consisting of 137 acres) and 101-(A)-40 (consisting of 2.9 acres). The affected properties are zoned A-1, General Agricultural District, which allows the proposed use with a conditional use permit.

FINDINGS

The parcels in question, owned by Robert Wayne Grizzard, Arthur R. Poole Jr., and Betty S. Poole., are located on the south line of Route 616 (Stewart Road) in the Stony Creek Election District (see attached map).

The applicant is proposing the expansion of the Concord mineral sands mine in Sussex County, Virginia. This new facility will be a continuation of previous mining and reclamation activities in Sussex County. The proposed project includes two (2) parcels encompassing approximately 140 acres. Iluka Resources, Incorporated plans to lease the properties in question and to restore the land after the completion of mining activities.

The applicant, and its predecessor in the United States, RGC Mineral Sands (RGC), has conducted mining and reclamation activities in Sussex County since the mid 1990's. Iluka, has an existing Conditional Use Permit (CUP #95-04) for other parcels of land in the surrounding area. Iluka has met all of the conditions of that approved Conditional Permit and is currently in compliance with all requirements of the Sussex County Health Department and the Sussex County Zoning Ordinance. Staff has not received any documents of non-compliance from any applicable state and/or federal regulatory agencies. Also, over the years, the Planning Department has not received any complaints relative to Iluka's mineral mining operation.

The applicant has identified a small grave yard and areas of wetlands on the site in question. These environmentally sensitive areas will not be disturbed during mining activities. Surrounding land uses consist of Iluka's existing processing plant facility, open farmland, woodlands, and approximately six (6) single-family dwellings.

PLANNING COMMISSION RECOMMENDATION

A public hearing to consider Conditional Use Permit Application #2013-01 was held by the Planning Commission on June 3, 2013. The Commission found the request to be consistent and compatible with surrounding land uses. Several residents inquired about the proposed hours of operation and the proximity of the mining activities to existing residences in the area. After discussion with the representatives from Iluka Resources, the Commission did not anticipate any negative impacts to result from the proposed use of the properties in question. To date, the Planning Office has not received any public opposition relative to the proposed mining operation.

The Planning Commission voted (10 – 0; with 2 abstentions) to recommend approval of Conditional Use Permit Application #2013-01 subject to the following conditions:

1. All required local, state (Virginia Department of Mines, Minerals and Energy, Virginia Department of Environmental Quality and Virginia Department of Transportation) and/or Federal permits governing this operation shall be obtained and provided to the County.
2. The applicant shall coordinate with VDOT and Sussex County as a continuous effort to preclude and/or correct any road problems arising from this operation.
3. The applicant shall maintain consultation with Virginia Tech in order to address any issues related to soil productivity and soil stabilization.
4. Appropriate setbacks from road right-of-ways, property lines and residences shall be maintained in accordance with the provisions of Sussex County Zoning Ordinance and the Virginia Department of Mines, Minerals and Energy criteria.

John Frazier, Iluka Representative gave presentation.

b) Public Comment

There was no public comment.

c) Med Trans Air Medical Transport

Eddie T. Vick, Public Safety Coordinator gave a presentation relating to the Med Trans Air Medical Transport. He explained that Sussex County and the Town of Wakefield have been chosen as a location to house a proposed Air Medical Transportation Service. Med Trans, Inc. of Lewisville, Texas is interested in locating at the Wakefield Municipal Airport and providing critical care, Advanced Life Support air medical services (medical helicopter to the region).

Mr. Vick requested that the Board of Supervisors adopt a resolution to allow Med Trans, Inc. to operate in Sussex County, in accordance with the Code of Virginia 32.1-111-14 and to provide EMS Medical Helicopter Services in Sussex County and the surrounding region.

d) Public Comment

Comments were heard from the following

Nick Sheffield, Courthouse District, spoke in favor of Med Trans Air Medical Transport.
Jim Long, Wakefield Town Council, spoke in favor of Med Trans Air Medical Transport.

Item 5. Close Public Hearing

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby closes the July 18, 2013 public hearing.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 6. Board Members' Comments

There were no comments from the Board members.

Item 7. Action on Conditional Use Permit Application #2013-01

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Conditional Use Permit Application #2013-01, Iluka Resources, Inc., applicant subject to the following conditions:

1. All required local, state (Virginia Department of Mines, Minerals and Energy, Virginia Department of Environmental Quality and Virginia Department of Transportation) and/or Federal permits governing this operation shall be obtained and provided to the County.
2. The applicant shall coordinate with Virginia Department of Transportation and Sussex County as a continuous effort to preclude and/or correct any road problems arising from this operation.
3. The applicant shall maintain consultation with Virginia Tech in order to address any issues related to soil productivity and soil stabilization.
4. Appropriate setbacks from road right-of-ways, property lines and residences shall be maintained in accordance with the provisions of Sussex County Zoning Ordinance and the Virginia Department of Mines, Minerals and Energy criteria.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

Item 8. Action on Med Trans Air Medical Transport

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Med-Trans, Air Medical Transport, Inc. operating in Sussex County in accordance with the Code of Virginia 32.1-111.14 and, to provide EMS, Medical Helicopter Services in Sussex County and the surrounding region.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

7:33:45 PM Supervisors Fly, Warren and Futrell left the meeting room.

Chairman Tyler stated that there is no quorum at this time. Therefore the Board cannot conduct any business at this time, but discussions can be held.

County Attorney Packer stated that the Board no longer has a quorum and no meeting can be held. He recommended that no more than two individual Board members remain in the meeting at this time; otherwise there could be a violation of the Freedom of Information Act.

7:34:58 PM Supervisor Stringfield left the meeting room.

Chairman Tyler stated that he would like to make some comments for the Board's edification and information. "As you know that at the last meeting, I had requested to do a couple of things, one was to conduct an Anti-Poverty Summit, because when we had the I-95 issue, we worked hard to use the poverty rate in Sussex to get the Governor to side with us. And to not put tolls on I-95. We did have a Planning Meeting; that was a tremendous success. We had it at Denny's with over thirty-five individuals there, from the private sector; some were from the housing; different segments of the community. So that was a tremendous success and we will move forward with that hopefully sometime in September to have an Anti-Poverty Summit in Sussex County. This is an initiative trying to help elevate people out of poverty; help them to become self sufficient. This will be the very first time that we have had such a summit in Sussex County. This was modeled after Mayor Dwight Jones from Richmond who did a wonderful job with that trying to help move people forward. We had a July 4th event at the Town of Stony Creek. It was a success, a lot of people came out, had fun, activities, had singing there. I would recommend to the Board at some point and they requested to get some utilities installed at that facility. Those are just some updates that I wanted to give. I also have a letter here that I would like to read just for your edification and of course, it comes from me. It says that over 17 years ago, I was elected to the Sussex County Board of Supervisors by the wonderful people in the Henry District, the district where I represent. When elected, I made a profound commitment that I would work to improve the quality of life for everybody and I think we have done that. As of today, I have kept my promise and I am proud of the numerous accomplishments we have achieved together, to include but not limited to:

- The Construction and renovation of three schools to improve the quality of education in Sussex
- The purchase of over 1,000 acres for the development of our first mega site to bring jobs to Sussex
- The recent commencement of the County's first Economic Development Plan (with the Crater District Planning Technical Assistance)
- The re-opening of the former Waverly Particle Board Plan
- The defeat of the I-95
- The defeat of the Jet Landing Projects (s)
- The development of the first Anti-Poverty Summit
- And yes, the construction of a New Commonwealth's Attorney's building

Obviously, many of these progressive initiatives could have not have been accomplished without the support, help and vision of my supportive board members who believed in my ability to lead.

However, there remains much to be done to facilitate growth and development. Two major necessities are the development of systematic financial and procedural manual for fiscal transactions and the renovation of an administration building for county personnel and broadband accessibility.

I would admit, the last two years on the Board had not been as effective as prior years. However, I realize that real change is difficult for some. Nevertheless, if Sussex County really wants to meet the growing demands in this global economy and the needs of its constituents/citizens, the county leadership must avoid divisiveness and become progressive thinkers.

I also want to say "thank you" to The Honorable Deacon Charlie Caple and Deacon John Stringfield for being men of faith. You never waiver in helping the oppressed, senior citizens, the poor and businesses in Sussex. I also want to say "thank you" to all the voters in Henry District who constantly supported my vision for a better today and tomorrow.

Obviously, I say thank you to my loving wife, Delegate Roslyn Tyler and family who unselfishly supported me for 17 years. But most of all, I thank God for giving me the opportunity and a profound desire to help others and improve this county, despite adverse criticisms, false testimonies, and misunderstandings. I realize "He is still in charge of my life". The Bible says there is a time and a place for everything. I believe the time has come for me to resign from Sussex County Board of Supervisors.

A heartfelt "thank you" goes out to over 160 voters in Henry District who recently signed a petition requesting me to remain on the Board of Supervisors. I appreciate your confidence in me, but I believe there are others qualified voters who will serve Henry District well.

Therefore, I, Rufus Tyler, hereby resign from Sussex Board of Supervisors effective immediately as Chairman and Henry District representative. I also am submitting the county property (Samsung cell phone).

I wish the Board and County success and God Bless. In closing, I think Henry District have some special people, black and white. They have always been very supporting and I really appreciate that. They have not been divisive, seventeen years; they have been good folk and I only wish I could duplicate those folks throughout the County. And I thank them for their prayer; I want to thank the faith based community for their support. My concern is, as I travel throughout the United States, is that we cannot remain idle and other counties move forward and we remain still. We have to be progressive thinkers, otherwise what we are going to have is a county for retirees. All of our children are going to leave. Your taxes will eventually shrink; you will not be able to support your schools and provide for the quality of life. I think the time is now and we have to move fast. 460 bypass is coming; right now we need to try to take advantage of that before the other adjoining localities move so rapidly that we will only get leftovers.”

Mr. William Collins stated that he has been asked to read a letter to Chairman Tyler from Supervisors Futrell, Warren and Fly. “You have chosen to mock the people that we love and serve. You have taken great pleasure in the despair and pains of our people. You have sown the seeds of poverty in hopes of a great personal harvest. You have chosen to take the proceedings, motions and minutes that lie upon the sacred books of this County and used them to destroy your fellow man. You speak of love and compassion while your heart digs a pit for your brothers. Your actions have made your name a hiss and by word upon the land. Since the founding of our County in 1754, many great men and women have given their all to the citizens of Sussex County and their names will be forever be remembered. You have squandered your right to be among them. God gave you the talent to bring them together and you have chosen to use the talent to divide his children. You have shown contempt for our people, our government, our employees, our constitutional officers and our laws. You have forgotten the oath that you swore before God to protect and defend Sussex County and to place the welfare of the people for your own. On July 16, 2013, you gave your word and entered into a sacred promise with the people of your district and placed your family name on a letter that contained a promise, a letter that you penned with your own hand and of your own free will and choosing, only to break that sacred promise you made with the citizens of your district and thereby disgracing yourself, your family and our county. Therefore, let it be known that this Board will not sit until the courts of this County have spoken and free and open government has returned to Sussex County. Sic semper tyannis, God save Sussex County and their citizens.”

Chairman Tyler stated: that attitude existing, old bigotry and hatred still exist. Thank you very much.”

The July 18, 2013 meeting of the Sussex County Board of Supervisors ended at [7:49:28 PM](#).