

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, January 17, 2019 at 7 pm**

BOARD MEMBERS PRESENT

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

BOARD MEMBER VIA PHONE

(By Law Remote Policy)

John A. Stringfield

STAFF PRESENT:

Vandy V. Jones, III, County Administrator
Millard D. Stith, Independent Consultant
Wallace Brittle, County Attorney
Steve White, BOS Tie Breaker
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
Danielle Ellis,
Ernest Giles, Sheriff
Kelly W. Moore, Director of Finance
Cecil Stainback, Animal Control Officer
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board

1. Commencement

1.01 Call to Order/Determine Quorum

The January 17, 2019 meeting of the Sussex County Board of Supervisors was called to order by Chairman Seward.

1.02 The Invocation

The Invocation was offered by Supervisor Fly.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

Chairman Seward asked if there was a need to acknowledge Supervisor Stringfield presence via phone in. County Attorney Brittle advised that as long as there was no objection by the Board.

Chairman Seward asked if there was any objection. There was no objection. Supervisor Stringfield joined the January 17, 2019 Board of Supervisors meeting via phone in.

1.04 Agenda Amendments

County Administrator Jones requested to add under Item 3. Recognition/Awards, as Item 3.02 Presentation by Treasurer's Office.

Supervisor Fly requested to move Item 6. Actions Item, Item 6.01 Referendum Meals Tax, to Item 9. Unfinished Business as Item 9.01.

ON MOTION OF SUPERVISOR BLOWE seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the following agenda amendments: (1) adding under Item 3. Recognition/Awards, as Item 3.02 Presentation by Treasurer's Office; and (2) moving Item 6. Actions Item, Item 6.01 Referendum Meals Tax, to Item 9. Unfinished Business as Item 9.01.

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

Voting nay: none

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the January 17, 2019 agenda inclusive of 1) adding under Item 3. Recognition/Awards, as Item 3.02 Presentation by Treasurer's Office; and (2) moving Item 6. Actions Item, Item 6.01 Referendum Meals Tax, to Item 9. Unfinished Business as Item 9.01.

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

Voting nay: none

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of the December 20, 2018 Regular and January 3, 2019 Special Board meetings, respectively and (b) Approval of Warrants and Vouchers.

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

Voting nay: none

3. Recognition/Awards

3.01 Sussex Service Authority's Financial Status Overview – Mr. Frank Irving

Chairman Seward stated that Mr. Frank Irving was present to give the financial status of the Sussex Service Authority. 19:10:23

Mr. Irving gave a brief overview of Sussex Service Authority (“the Authority”). Mr. Irving stated that the Sussex Service Authority was formed in 1997 by the towns of Stony Creek, Wakefield, Waverly, and the Board of Supervisors. He stated the Authority handled wastewater only in the towns of Wakefield and Waverly. They handle water and sewer at the Department of Corrections (DOC) and Stony Creek. Mr. Irving stated that the Authority also have management contracts with the County of Surry for their water system and HRSD for the wastewater throughout Surry County.

Mr. Irving stated that when the Authority came onboard, there was \$16 million worth of debt that the County had at the time. When the authority was formed, they assumed that \$16 million debt for the Black Swamp Facility where the Authority’s Administrative Offices are.

The Authority agreed to take on the Town of Stony Creek. The Town of Stony Creek instantly had a need for a new water tower and water plant. The Authority entered debt for the water tower and water plant for \$670,000.00. Additional debt was incurred to bring the Waverly Waste Water System, which is called Spring Branch, up to speed and several other things. Mr. Irving stated that the Authority’s debt was at one (1) point, \$22 million. Mr. Irving stated that currently the Authority’s debt is approximately \$11 million. Payments are approximately \$142,000.00 a month for their debt service.

Mr. Irving reviewed the Authority’s budget. He stated the current year’s budget was almost \$4.8 million. He stated that the budget reflects that out of \$4.8 million, debt service is being paid on almost \$1.5 million a year. Mr. Irving stated that they have a fund from DOC where repairs and replacement of items at the Black Swamp and DOC facilities are subsidized.

Mr. Irving stated that approximately 55% of those revenues are from DOC. Approximately, forty-five percent (45%) of the remaining revenues are from their customers and management contracts.

Mr. Irving stated that part of the issue that the Authority has is that by their bond document, they are required to have a 115% debt coverage. The net revenue has to be 115% of their debt service for a one-year period.

Mr. Irving stated that for Sussex Service Authority to incur any more debt, it would be a serious problem. He reviewed the rates and how many customers in each area. He provided a website that could be visited to compare rates. He stated that the Authority has only 1,870 customers.

Mr. Irving stated that they have several projects. The Stony Creek Lagoon is one the projects. Mr. Irving stated that there is a rule with Department of Environmental Quality (DEQ) that once the 95% capacity is reached, it will have to be determined what will need to be done to increase to the capacity so that it’s less than 95%. Mr. Irving stated that it has been reviewed. It will cost approximately \$2 to \$2.5 million. It is only permitted for 40,000 gallons. It has been requested to increase the numbers of gallons to 60,000 gallons.

Mr. Irving provided the Board with copies of Sussex Service Authority Annual Budget (June 1, 2018 – June 30, 2019) by Draper Aden Associates, Rates for 2018-2019, and the 30th Annual Virginia Water and Wastewater Rate Report 2018.

3.02 Sussex County's New Deputy Treasurer

Ms. Deste Cox, Treasurer, introduced Ms. Danielle Ellis as the new Deputy Treasurer for the Sussex County Treasurer's office.

4. Public Hearing

There was no public hearing.

5. Appointments

5.01 Appointment to John Tyler Alcohol Safety Action Program (ASAP) Policy Board

County Administrator Jones stated that the term of Mr. Tom Davin of 12889 Jerusalem Plank Road, Waverly, Virginia on the John Tyler Alcohol Safety Action Program (ASAP) will expire January 31, 2019. Staff received a letter from Ms. Victoria L. Kesler, Executive Director of John Tyler ASASP, requesting Mr. Davin's reappointment. Staff has contacted Mr. Davin. He is willing to serve, if reappointed. The new term will expire January 31, 2022.

A copy of the confirmation letter was included in Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. Tom Davin, 12889 Jerusalem Plank Road, Waverly, VA 23890 to the John Tyler ASAP Policy Board with a term expiring January 31, 2022.

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

Voting nay: none

5.02 Appointment to the Board of Zoning Appeal

County Administrator Jones stated that the term of Mr. Robert Pegram, Post Office Box 34, Jarratt, VA 23867, on the Board of Zoning Appeals will expire January 31, 2019. Staff contacted Mr. Pegram; he does not wish to be reappointed to the Board of Zoning Appeals.

Staff also contacted by Mr. George Powell of the Board of Zoning Appeals. Mr. Powell no longer wishes to be appointed to the Board of Zoning Appeals.

As a result, a recommendation for nomination for appointment by the Circuit Court Judge needs to be made for the vacancy by Mr. Pegram with a term beginning February 1, 2019 and expiring January 31, 2024, as well as a recommendation for nomination for appointment by the Circuit Court Judge to fill the unexpired term of Mr. George C. Powell, expiring January 31, 2023.

County Administrator Jones stated that no names were brought forward. After reviewing the roster of the Board of Zoning Appeals, there was discussions that the Supervisors from the Henry and Blackwater would recommend nomination. However, it was noted that appointments are not district specific.

A copy of Mr. Pegram's letter was included in the Board packet.

5.03 Appointments to Planning Commission

County Administrator Jones stated that there were discussions of meeting with Mr. Greene and the Chairman of the Planning Commission in regards to downsizing the number of members on the Planning Commission. Messrs. Kevin Bracy (Courthouse District) and Andrew Mayes (Waverly District) terms are due to expire January 31, 2019; new terms will expire January 31, 2023.

The terms of Messrs. Jeffery Gary (Stony Creek) and Dennis Mason (Wakefield) expired on June 30, 2018; however, they are still serving. If reappointed, terms will expire June 30, 2022. There are vacancies in the Blackwater District, as the members no longer wish to serve on the Planning Commission.

A copy of the Planning Commission roster is attached.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Messrs. Kevin Bracy (Courthouse District) and Andrew Mayes (Waverly District) to the Planning Commission, with terms expiring January 31, 2023.

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

Voting nay: none

Staff was instructed to contact Messrs. Jeffery Gary and Dennis Mason to see if they wish to be reappointed.

6. Action Items

The previous Item 6.01 Referendum Meals Tax was moved to Item 9. Unfinished Business.

6.01 Sussex County Budget Line Items

County Administrator Jones stated that at the request of Supervisor Fly, the enclosed resolution is offered in regards to the FY20 Budget process.

This resolution requires that any increase in a new or existing line item of more than two percent (2%) over the previous years' adopted budget be approved by the Board of Supervisors before it is placed in the County Administrator's Draft Budget. Supervisor Fly stated that it would improve the budget process. Increases could be voted on in a block. This process would alert the Board of any increases.

Supervisor Fly gave a brief explanation of his request. He stated that any line item that increases has to come before the Board first for discussion and approval. If the increase is approved, it can be placed in the County Administrator's draft budget.

County Administrator Jones gave a brief overview of the County's budget process. County Administrator Jones stated that he and staff would put together a draft budget and present it in March at the Board of Supervisors regular meeting. Then, between March and April, a series of Work Sessions would be scheduled. The Work Sessions would be scheduled to allow the Board to review whatever they would like during those Work Sessions. County Administrator Jones stated that in the past the only request that he has made is that the very first Work Session be scheduled for the Schools and Health Insurance. This is to allow the schools to issue contracts in a timely manner and to meet mandated time periods for health insurance information to be distributed to allow employees to make decisions regarding health insurance prior to deadline.

County Administrator Jones stated that a Budget Work Session would be held to review the budget that he has presented for the schools. The Board would vote and then Administration would move forward with the budget. The same process would be done with the health insurance.

Due to the time, Supervisor Fly requested that this item be tabled and brought back up for discussion at the end of the meeting.

A Copy of Resolution of the budget process for Sussex County Budget Line Items was included in the Board packet.

6.02 Request for Compensation for Livestock Injured by Dogs

County Administrator Jones stated that Administration received a report that an attack was made on a sheep owned by Mr. Zimmerman. Mr. Zimmerman is requesting compensation from the Board in the amount of \$60.00 regarding this attack.

The attack occurred on December 2, 2018 at approximately 2:50 p.m. Mr. Zimmerman came upon what appeared to be a German Shepard in his backfield. Mr. Zimmerman described the event as when he came upon the sheep being attacked by the dog, he, Mr. Zimmerman, shot at the dog. He didn't think he hit the dog. The dog ran off into the woods. The dog appeared to be wearing a collar. Mr. Zimmerman estimated the distance to the dog to be 350-400 yards. Mr. Zimmerman called dispatch at 2:52 p.m. to report the incident.

On December 3, 2018, Mr. Zimmerman contacted ACO Stainback. On the game camera, there was picture of a German Shepard. However, the dog in the picture was not wearing a collar.

Per State Code, if a dog attacks sheep; and, the dog cannot be identified. Therefore, an owner of the dog cannot be identified. The owner of the sheep can request compensation from the Board of Supervisors.

Pictures captured on the game cam were provided to the Board members in which the dog did not have a collar on it. ACO Stainback and a coworker went into the area to try to contact people and find anyone who may have seen the dog or have any idea who owned the dog. There was no information received.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BLOWE and carried:
RESOLVED that Sussex County Board of Supervisors hereby approves compensation to Mr. Zimmerman in the amount of \$60.00.

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

Voting nay: none

7. Reports of Departments/Agencies

7.01 Atlantic Waste Disposal, Inc. – Mr. Jason Williams

Mr. Jason Williams, Senior District Manager at Atlantic Waste Disposal, Inc., gave a brief update. Mr. Williams stated that Atlantic Waste Disposal, Inc. had a very successful year in 2018 and looks to do the same in 2019.

Mr. Williams stated that 1.4 million tons were received in 2018 which is an increase of over 220,000 tons up from 2017. They have had two (2) consecutive years of substantial increases in volume.

Mr. Williams stated that Atlantic Waste Disposal, Inc. has been active the community. They have shown support to the Sheriff's Department, sponsored the Town of Waverly 5K, Ducks Unlimited, Wakefield and Waverly Ruritan Clubs, Tidewater Academy and the Wakefield 4-H Conference Center. All received donations from Atlantic Waste Disposal, Inc. in 2018.

Additionally, Atlantic Waste Disposal, Inc. proactively installed 15 gas wells and installed 15 acres of clay caps. These actions greatly continued to reduce all site odors. In turn, there has been a decrease in complaints, due to their actions.

Atlantic Waste Disposal, Inc. had a number of DEQ inspections in 2018, half of which were without notice. Atlantic Waste Disposal, Inc. was found to be in full compliance the entire year of 2018. No issues as a result of inspections.

Mr. Williams stated that they have a very active year planned for 2019 and will continue to focus on safety and environmental compliance and, most importantly, being good neighbors.

7.02 Treasurer's Report – included in Board packet

7.03 Animal Services Report – included in Board packet

7.04 Community Development Report– included in Board packet

7.05 Housing Department Monthly Report – included in Board packet

7.06 Environmental Inspections Monthly Report– included in Board packet

7.07 Virginia Cooperative Extension Monthly Report – included in Board packet

7.07 Sheriff's Department Report – included in Board packet

8. Citizens' Comments (8:04 p.m.)

There were comments heard from:

- P. K. Veazy (Blackwater District) – No to Meals tax
- Elizabeth - Closing of BBT at the Courthouse
(Supervisor Fly stated that a meeting is scheduled for March 22nd with BBT at the Courthouse.)
- Judy Parson – BB&T Bank Closing; Other options for Banks
- Terry Massenburg (Henry District) – Oppose meals tax
- Antionette Jones (Stony Creek District) – Oppose meals tax
- Otto Wachsmann (Stony Creek District) – Oppose meals tax; economic development; Board leadership
- Toni Williams – Oppose meals tax
- Robert Hamlin (Henry District) – meals tax reference; cit
- Charlotte (Stony Creek District) – Oppose meals tax
- LaShonda Edwards (Stony Creek) – Oppose meals tax
- Kevin Bracy (Courthouse District) – meals tax; citizens to vote on meals tax referendum
- Anne Joyner (Wakefield District) – Oppose meals tax; animal shelter – driveway; inspections at shelter; rooms at shelter for dogs/cat
- Malachi (Stony Creek District) – Oppose meals tax
- Sylvia Jackson (Town of Stony Creek) – Oppose meals tax
- Rex Davis (Stony Creek Business Owner) – Oppose meals tax; reassessment of property
- Chester Carter (Stony Creek District) – Tolls; meals tax; right to debate issue
- Frank Jackson (Stony Creek Mayor) – Oppose meals tax

9. Unfinished Business

This item was moved from under Item 6. Action Items.

9.01 Referendum Meals Tax

County Administrator Jones stated that after some discussion, this item was tabled at the December 20, 2018 Board of Supervisors meeting to have the full Board in attendance.

Vice Chairman Blowe requested that the Board of Supervisors directs staff to begin the process to hold a referendum at the November 2019 General Election. The referendum would be in regards to establishing a meals tax in Sussex County. The tax will not apply to towns unless the town provides that the county tax will apply within the limits of the town.

The referendum election must be ordered by the court at least 81 days prior to the date set for the election.

Vice Chairman Blowe clarified that the Board was not voting for a meals tax. He was only requesting to start the process and allow the citizens to have the right to vote in November.

Vice Chairman Blowe made the motion, seconded by Supervisor Futrell to authorize staff to move forward with the referendum for the November 2019 General Election.

Supervisor Tyler requested Vice Chairman Blowe to table the motion to allow him to hold a meeting to discuss this item with his constituents.

A copy of the Analysis of Potential County Meals Tax Using Taxable Sales from Food and Drinking Establishments was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby table the meals tax referendum request until the February 21, 2019.

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

Voting nay: Supervisor Blowe

10. New Business

10.01 Board Compensation for Year 2020

Supervisor Tyler requested to review compensation for the Board of Supervisors members for Year 2020.

County Administrator Jones stated that, per State Code, the sitting Board may not adjust their compensation; however, they can make compensation adjustments for future Boards. County Administrator Jones stated that this item was on the agenda at the end of last year. However, the County Attorney at that time, made the recommendation that if the Board was to consider compensation for the Board that would start in January 2020, then the Board should wait until January 2019 before making any adjustments.

Supervisor Tyler stated that he requested this item to be placed on the agenda, after some discussion for some years, for the Board's consideration. If the Board wished to review/consider this item, Supervisor Tyler stated that he would request staff to prepare a comparability study for the Board at its February 21, 2019 meeting.

This item will be added to the February 21, 2019 Board of Supervisors meeting agenda.

11. Board Member Comments

11.01 Blackwater District – Was informed that an environmental group went onto a logging job in Southampton County and did a lot of damage to some logging equipment.

11.02 Courthouse District – no comment; asked about Amazon report.

11.03 Henry District – Attended General Assembly - discussed minimum wage; broadband for rural areas; broadband on towers for 1/4 the cost; foster care.

11.04 Stony Creek District – Happy New Year to those he had not seen or met with this year.

11.05 Wakefield District – Electric lines being cut; trees in ditch.

11.06 Waverly District – no comment.

12. Closed Session

12.01 Convene into Closed Session

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for (1) personnel matters, discussion, consideration, or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, applicable Va. Code Section 2.2-3711(A)1, Independent Consultant, IDA Personnel
Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

12.02/3 Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconvened to Open Session.

WHEREAS, 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, Stringfield, Tyler

Voting nay: none

12.04 Action Resulting from Closed Session

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County of Supervisors hereby approves the renewal of Mr. Millard Stith's contract for an additional 12 months at the current rate; and

FURTHER RESOLVED that the Board will review the contract at the six (6) month mark to contemplate the increase.

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

Voting nay: none

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the January 21, 2019 meeting of the Sussex County Board of Supervisors adjourned at 10:18 p.m.

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

Voting nay: none

13.02 Next Meeting

A Special Meeting of the Board of Supervisors will be held Friday, January 25, 2019 at 1:00 p.m. in the Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.

The next Board of Supervisors regular meeting will be held on Thursday, February 21, 2019 at 7 p.m. the Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.