

**At a Regular Meeting of the
Sussex County Board of Supervisors
Thursday, October 21, 2021 at 6 pm**

BOARD MEMBERS PRESENT

C. Eric Fly, Sr.
Debbie P. Jones
Wayne O. Jones
Susan M. Seward
Rufus E. Tyler, Sr.
Steve White, Tie Breaker

BOARD MEMBERS ABSENT

Marian D. Johnson

STAFF PRESENT:

Richard Douglas, County Administrator
Jeff Gore, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
G. Reid Foster, Public Safety
Pamela Jones, Sheriff's Office
Kelly W. Moore, Director of Finance
Michael Poarch, Planner
Beverly Walkup, Director of Planning
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board of Supervisors

1. Commencement

1.01 Call to Order/Determine Quorum (6:15 p.m.)

The October 21, 2021 rescheduled meeting of the Sussex County Board of Supervisors was called to order by Chair Seward.

1.02 The Invocation

The Invocation was offered by Supervisor Tyler.

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 W. JONES, seconded by SUPERVISOR _____ and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the October 21, 2021 regular agenda was approved as presented. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR _____, seconded by SUPERVISOR _____ and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) September 13 Joint Finance and Personnel Committee and September 16, 2021 Regular Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report; (d) Financial Update; (e) Departmental Reports; and (f) Appropriation of Law Enforcement Bonus. All Board members present voted aye.

3. Recognitions/Awards/Presentation

3.01 CDBG Program Update and Mission Ministries Housing Donation – Ms. Beverly Walkup

Ms. Beverly Walkup, Planning Director, gave a brief CDBG program update on the Urgent Need and Pocahontas Block Grants.

Ms. Walkup introduced Mr. Robert Spain, with CHA, the new Program Management Consultant.

Mission Ministries will be in attendance to present donations in the amount of \$2,500 (Mission Ministries \$1,900 and Food Pantry \$600.).

Ms. Walkup recognized and introduced Sharon with Mission Ministries.

Resolution 21-94 FY22 Budget Amendment was included in the Board packet.

ON MOTION OF SUPERVISOR _____, seconded by SUPERVISOR _____ and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and adopts resolution for FY22 budget amendment, to-wit:

WHEREAS, the Sussex County Board of Supervisors held its regular meeting on October 21, 2021 at the Sussex County Courthouse; and

WHEREAS, Mission Ministries, along with the help of Horizon Health, will makes a donation from a disaster relief fund to Sussex County's disaster relief fund; and

WHEREAS, Mission Ministries donated \$1,900 and Horizon Health donated \$600 to help with a housing project; and

WHEREAS, the Sussex County Board of Supervisors accepts this heartfelt donation in the amount of \$2,500.

NOW THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors hereby adopts the following budget amendment for the Community Development be and is hereby made for the period of July 1, 2021 through June 30, 2022.

FUND # 100 GENERAL FUND

REVENUE

Fund 100 Local Revenue	\$2,500
Total Revenues	\$2,500

EXPENDITURE

Fund 100 Community Development	\$2,500
Total Expenditures	\$2,500

All Board members present voted aye.

3.02 Erosion and Sediment Control (ESC) Certification Recognition for Mr. Michael Poarch – Ms. Beverly Walkup

Ms. Beverly Walkup stated that the Commonwealth of Virginia requires each locality to have a Certified Combined Administrator on staff for Erosion and Sediment Control. If not, the County would have to contract this service out to a firm or individual that is certified under the state's requirements.

Mr. Michael Poarch was hired in March 2021 under The Berkley Group contract. He completed his certification as Erosion and Sediment Control Combined Administrator within 4 months satisfying this requirement, and saving the County money and time by providing this service in-house.

A copy of the Erosion and Sediment Control Combined Administrator Certification for Michael Poarch was included in the Board packet.

3.03 Proposed Regional Industrial Facilities Authority (RIFA) – Mr. Keith Boswell, Virginia Gateway Region

Keith Boswell, Executive Director of Virginia's Gateway Region, gave an overview of a proposed Regional Industrial Facilities Authority (RIFA) to accommodate joint economic development projects. Staff has been working with regional county administrators/city managers, Gateway staff, and their retained legal counsel to develop this concept, and strongly recommends that the Board of Supervisors move forward with the process of establishing a RIFA. A RIFA Agreement Creating Virginia's Gateway RIFA, RIFA ordinance, RIFA Bylaws, and draft Notice of Public Hearing are attached for your review.

It was noted that if engaged in lots of projects, there are potential costs.

Staff recommends that a public hearing be scheduled for the November regular meeting to consider the establishment of a RIFA.

Copies of RIFA Agreement Creating Virginia's Gateway RIFA, RIFA ordinance, RIFA Bylaws, and draft Notice of Public Hearing were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the Public Hearing for the November regular meeting to consider the establishment of a Regional Industrial Facilities Authority (RIFA).

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

Absent: Supervisor Johnson

3.04 VDOT Proposed through Truck Restrictions – Mr. Jerry Kee, VDOT

Mr. Jerry Kee, with VDOT, advised that this was an informational meeting. He discussed a proposal from the Prince George County Board of Supervisors to restrict truck traffic on Rowanty Road and Zion Road, which extend between Prince George County and Sussex County in the vicinity of I-95, State Route 35, and Cabin Point Road (see attached map). These roads have seen an increased amount of truck traffic in an effort of truck drivers to avoid the I-95 scales. While Railroad Bed Road has a minimal section in Prince George County, staff recommends that this road also be added for consideration, due to its close proximity to Zion Road. If the Board of Supervisors is in agreement to move forward with the truck restriction process, a public hearing would be scheduled and anticipated to be held in January 2022.

Staff recommends that a public hearing be scheduled by VDOT in coordination with Prince George County to consider these truck restrictions, but to also include Railroad Bed Road.

A copy of the VDOT Proposed Truck Restricted Road Map was included in the Board packet. Mr. Kee provided the Board with a copy of the VDOT manual as well.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes a Public Hearing, at the appropriate time, by VDOT in coordination with Prince George County to consider these truck restrictions, but to also include Railroad Bed Road

Voting aye: Supervisors D. Jones, W. Jones, Seward, Tyler

Voting nay: Supervisor Fly

Absent: Supervisor Johnson

4. Public Hearing

4.01 Henry Technology Park and Commerce Center Hunting Lease

Chairman Seward opened the Public Hearing.

County Administrator Douglas stated that staff requested bids and advertised a public hearing to consider hunting leases for the county-owned Henry Technology Park and Commerce Center property near Jarratt. This property has been under lease to a hunt club for the past several years, but the current lease and lease extensions have ended. As BFPC finalizes its assessment of county-owned industrial sites and recommendations on how to proceed with each site, staff recommends that a one-year non-renewable lease be considered.

Mr. Douglas stated that the public hearing has been properly advertised.

County Administrator Douglas stated that bids were received from Cemetery Ridge Hunting Club and Bent Barrel Hunting Club.

The bids were discussed.

Public comments were heard from:

- Ron Keller (Cemetery Ridge Hunting Club)
- Scott Enos (Cemetery Ridge Hunting Club)

Board comments were heard from Supervisors W. Jones.

Chairman closed the Public Hearing.

Copies of the advertisement and previous lease were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by D. JONES and carried: RESOLVED that Cemetery Ridge Hunting Club received the one-year non-renewable hunting lease for the Henry Technology Park and Commerce Center property.tt

Voting aye: Supervisors D. Jones, W. Jones, Seward, Tyler

Voting nay: Supervisor Fly

Absent: Supervisor Johnson

4.02 Conditional Use Permit #2021-02. Pit Crew, LLC, applicant

Chairman Seward opened the Public Hearing.

Ms. Beverly Walkup, Director of the Planning, provided the staff report for Conditional Use Permit #2021-02, Pit Crew, LLC, applicant.

Ms. Beverly Walkup, stated that the applicant, Pit Crew LLC is seeking a conditional use permit to construct and operate a materials recycling/sorting facility for non-hazardous carwash waste on approximately 10 acres of land. The property is located on the west side of Rt. 460 (General Mahone Highway) approximately 1.5 miles south of its intersection with Rt. 602 (Cabin Point Road). The property is Zoned General Agriculture A-1 in the Waverly Election district.

The proposed location for the materials recycling/sorting facility is on tax parcel 7-A-19 consisting 10 acres out of 147 acres. The property is bordered between Rt. 460 and the Norfolk Southern

Railroad. To the north, there is mostly agricultural and forested land. To the south, there are pieces of land zoned for industrial development known as “Sussex County Megasite” as well as Sussex Service Authority (SSA) Wastewater Treatment Plant and Atlantic Waste Landfill. To the west, there are some forested areas and Smithfield Grain. To the east, there is a service shop, service garage, and a couple of residential dwellings.

The applicant has been established and specializing in the extraction, transportation, processing, and disposal of non-hazardous carwash waste for 23 years. Currently, Pit Crew is operating a facility in Prince George, VA where they store their equipment and transfer waste on 5 acres of land. The subject property is currently unoccupied and considered as agricultural land. The applicant seeks to expand his material recycling/sorting business to this location due to its close proximity to the landfill where compacted sediment that comes from the sorting process is sold and utilized

The Planning Commission held an advertised public hearing on the application on October 4, 2021. The Commission unanimously recommended approval of the application with the following conditions:

- 1) Provide screening for all operations from Rt. 460; 6 to 8 feet high fencing with landscaping.
- 2) Maintain existing tree line around the site.

There were no public comments. Board member comments was heard from Supervisor Fly.

This public hearing has been properly advertised. A copy of the staff report, further detail information and a copy of the advertisement were included in the Board packet.

Chairman Seward closed the Public Hearing.

ON MOTION OF SUPERVISOR D. JONES, seconded by W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Conditional Use Permit #2021-02, Pit Crew, LLC, applicant, with the following conditions:

- 1) Provide screening for all operations from Rt. 460; 6 to 8 feet high fencing with landscaping.
- 2) Maintain existing tree line around the site.

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

Absent: Supervisor Johnson

5. Appointments

5.01 Nominations for the Board of Equalization

County Administrator Douglas stated that the County is currently undergoing a reassessment for 2022. As part of the reassessment, the County makes recommendations for nomination to the Circuit Clerk Judge for appointment to the Board of Equalization. In 2018, the Board of Equalization was put in place; however, no terms were set and one member is no longer eligible

to continue to serve. Staff contacted members appointed in 2018. They were willing to continue to serve if it's the Board's desire.

The four members currently serving on the Board of Equalization are: (1) Ms. Antionette Jones, 13174 Shands Road, Stony Creek, Virginia 23882; (2) Mr. Dennis Mason, 407 East Main Street, Wakefield, VA 23888; (3) Ms. Carla Mayes, 2837 Petersburg Road, Waverly, VA 23890; and, (4) Mr. Jerry Parham, 33117 Sussex Drive, Waverly, VA 23890.

FYI: The Board of Equalization is composed of five members. Staff has contacted members appointed by the Circuit Court Judge in 2018. All are willing to continue serve, if reappointed.

The five member panel must meet the following requirements: (1) Each member must be a resident of the County; (2) A majority of the board must be freeholders; (3) Thirty percent shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers or legal or financial professionals; and, (4) Each member shall attend and participate in the basic course of instruction given by the Department of Taxation.

No action was taken at the time. This item will be on the November agenda.

5.02 Appointment to Sussex Service Authority

This item was on the October Board meeting agenda. County Administrator Douglas stated that staff was advised by Mr. Frank Irving, of Sussex Service Authority, that there was a vacancy for an unexpired term on the Sussex Service Authority for an alternate in the At-Large position.

The position is for any citizen who resides in Sussex County (prefer them to be in our service area, but not mandatory) and is not an elected official. The position is currently held by Sam Harrison but he has moved out of Sussex County and is no longer eligible. He will continue to serve until his replacement has been appointed.

This position will serve through December 2022 at which time they can be renewed for another four-year term.

Board members are to provide names at the November meeting.

5.03 Appointment to the Department of Social Services Advisory Board

This item was tabled from the September 16, 2021 Board of Supervisors regular meeting.

At previous Board meetings, the Board discussed contacting members of the former DSS Administrative Board in regards to their interest in serving on the Advisory Board. There was also the Board's general consensus to have representation from each district.

The former Board consisted of seven members with one being a Board of Supervisors representative. Three members—Stony Creek, Wakefield and Waverly Districts—were interested contingent upon further information provided.

No action was taken.

6. Action Items

6.01 Request for Funding for Fire Engine Equipment and Change Order

County Administrator Douglas stated that Mr. Reid Foster, Public Safety Coordinator, is requesting funding to cover change orders for the three new fire engines (serving Waverly, Courthouse, and Jarratt) and equipment for the same. Specifically, \$175,054 is requested from the \$250,000 contribution for fire equipment as part of the Cabin Point solar project approval process. The attached memo and equipment list provides detailed information on this request.

Change orders totaling \$42,122 are primarily related to new NFPA safety requirements and changes to compartment shelving, where equipment is being mounted, and how switches are located inside the cabs. Based on a request from the fire chiefs for equipment needed for the new fire engines, Mr. Foster obtained quotes and is recommending piggy back procurement for this equipment through the City of Chesapeake, totaling \$133,000. Also to account for any additional price increases and other potential equipment needs, Mr. Foster is requesting an allocation of \$12,000 in contingency funding.

Staff recommends approval of the attached resolution authorizing the use of \$175,054 from the fire equipment contribution for the Cabin Point solar project to cover fire engine change orders, necessary equipment, and contingencies.

Mr. G. Reid Foster's letter to Mr. Douglas, County Administrator, RE: Engine Funding, dated October 5, 2021 and Appropriation Resolution #21-99

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Resolution #21-99 transferring \$175,054 from the fire equipment contribution as part of the Cabin Point solar project (Fund 302/Local Revenue) to the Public Safety operating budget (Fund 100/Fire, Rescue & Emergency), to cover the cost of change orders, necessary equipment, and contingencies related to the acquisition of three new fire engines.

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

Absent: Supervisor Johnson

6.02 Branch Street (Wakefield) Surplus Property

County Administrator Douglas stated that a couple property owners in the Pocahontas Neighborhood/Branch Street in Wakefield have expressed interest in acquiring from Sussex County three small parcels located at the southeast intersection of Branch Street and Higgins Street. These parcels were likely obtained as part of a previous county housing program but now must be maintained by the county (including lawn maintenance). Staff has not identified a public purpose or benefit for retaining these properties in public ownership.

Staff recommends that a public hearing be advertised for the November meeting to consider disposal of the three lots.

It was also discussed drafting a Surplus Property Policy.

A map illustrating adjacent land ownership was included in the Board packet.

By general consensus, Administration is to advertise for a Public Hearing at the November meeting. The Board will consider bids at that meeting.

6.03 OEMS Rescue Squad Assistance Fund Grant Award

The Sussex County Sheriff's Office was recently awarded \$49,507 in funding from the Virginia Office of Emergency Medical Services, Financial Assistance for Emergency Medical Services Grant Program/Rescue Squad Assistance Fund (RSAF). This funding will address the implementation of state-mandated emergency medical dispatch, which is defined as "a systematic program of handling medical calls pursuant to which trained dispatchers determine the nature and priority of the call, dispatch the appropriate response and give the caller instructions to help treat until the arrival of the appropriate responder." This grant requires a 50 percent local match for some portions of the project and a 20 percent local match for others, with a total local requirement of \$14,252.

Staff recommends approval of the attached resolution appropriating \$14,251.81 in local revenues and \$49,507.21 in OEMS grant funds, for a total of \$63,759.02, to the Sheriff's Department for the implementation of emergency medical dispatch.

EMD literature was included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and approves Resolution #21-101 appropriating \$14,251.81 in local revenues and \$49,507.21 in OEMS grant funds, for a total of \$63,759.02, to the Sheriff's Department for the implementation of emergency medical dispatch.

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

Absent: Supervisor Johnson

6.04 VACo Voting Credentials

County Administrator Douglas stated that the Virginia Association of Counties' (VACo) Annual Conference will convene Sunday, November 14th through Tuesday, November 16th, 2021 at the Hilton Norfolk (the Main) in Norfolk, Virginia. The Annual Business Meeting of the Virginia Association of Counties will be held Tuesday, November 16, 2021. Each County is to designate a representative and an alternate of its Board of Supervisors to cast vote(s) at the Annual Business Meeting.

It has been advised that per Article VI, VACo Bylaws, if a member of the Board of Supervisors cannot be present, the County can designate a non-elected official from the county or a Board of Supervisors member from another county to cast a proxy vote(s) for the Sussex County.

A copy of Voting Credential Forms and Information was included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby designates Susan Seward, Chairman, as the representative and Wayne Jones, Vice Chairman, as the alternate to cast votes at the Annual Business Meeting. All Board members present voted aye.

7. Citizens' Comments

- Brenda Drew (Virginia HCV Program) – Thanked the Board; Housing Choice Voucher Program; Sussex still first priority; tie up loose ends of County business.
- John Stringfield (Wakefield District) – Property on Branch Street in Wakefield.

8. Unfinished Business

There was no Unfinished Business.

9. New Business

There was no New Business.

10. Board Member Comments

10.01 Blackwater District – Election day – vote.

10.02 Courthouse District – none

10.03 Henry District – none

10.04 Stony Creek District – none

10.05 Wakefield District – Community Day cancelled. Parade in December.

10.06 Waverly District – absent

11. Closed Session

11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for

consultation with legal counsel or actual or probable future litigation, pursuant to Va. Code Section 2.2-3711(A)7. All Board members present voted aye.

11.02/03. Reconvene to Open Session/Certification of Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconvened to Open Session and 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, 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 Fly, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

Absent: Supervisor Johnson

11.04 Action Resulting from Closed Session

There was no action on the Closed Session meeting.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the October 21, 2021 rescheduled meeting of the Sussex County Board of Supervisors hereby adjourned at 9:35 p.m.

Voting aye: Supervisors Fly, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

Absent: Supervisor Johnson

12.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, November 18, 2021 at 6 p.m.