

**At a Regular Meeting of the
Sussex County Board of Supervisors
Thursday, November 18, 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

STAFF PRESENT:

Richard Douglas, County Administrator
Jeff Gore, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Debbie Broughton, Director of Animal Services
Deste J. Cox, Treasurer
Erin Dodson, Kennel Tech
G. Reid Foster, Public Safety
Vincent Givens, Major
William Hagy, Director of Social Services
William Jenkins, General Registrar
Eric Johnson, Captain
Pamela Jones, Sheriff's Office
Kelly W. Moore, Director of Finance
Lisa Moseley, Animal Services Officer
Laurie Stalnaker, Kennel Tech
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 November 18, 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 D. Jones.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

It was requested to add under Item 3. Recognition, as Item 3.03 Chamber of Commerce; under Item 9. New Business as Item 9.01 Sheriff's Salary Survey; as Item 9.02 Senator Morrissey Office Request for Letter of Support; as Item 9.03 Department of Social Services Shared Services with Dinwiddie County; and Item 9.04 Parks and Recreation.

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the November 18, 2021 regular agenda to include adding under Item 3. Recognitions, Item 3.03 Chamber of Commerce; Item 9. New Business as Item 9.01 Sheriff's Salary Survey; as Item 9.02 Senator Morrissey Office Request for Letter of Support; as Item 9.03 Department of Social Services Shared Services with Dinwiddie County; and Item 9.04. Parks and Recreation. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) Corrected September 16 and October 21, 2021 Regular Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report; (d) Financial Update; (e) Departmental Reports; (f) Fuel Tank Donation to Surry County; (g) Surry Building Official Memorandum of Agreement (MOA) Amendment; and (h) Opioid Settlement. All Board members present voted aye.

3. Recognitions/Awards/Presentation

3.01 Animal Services Update – Ms. Debbie Broughton

Ms. Debbie Broughton, Director of Animal Services of Animal Services, was attendance accompanied by Animal Services staff with some of the shelter animals.

Ms. Broughton read the Animal Services' Mission Statement to protect and service the citizens of Sussex County and the animals in their care with the reduction and prevention of animal related problems through reasonable and responsible application of education; intervention; warnings/citations; legal system remedies; and, the human statutorily safe keeping of all animals in the custody of Sussex County Animal Services.

Ms. Broughton reviewed the quarterly reports for intake, intake growth, and July 1, 2021 to September 30, 2021 calls.

Ms. Broughton gave an overview of updates at the actual shelter facility. She discussed problems and solutions for 2021 which included proper data collection; drainage issues; proper cleaning

methods; animal population control, and state mandate adoption compliance; old signage, barbed wire fence, unsafe emergency lights on vehicles; manpower and leadership; and fleet.

A copy of the PowerPoint Presentation was included in the Board packet. A PowerPoint display of the animals at the shelter and staff were shown to the Board as well.

3.02 County Property Reassessment – Mr. Pearson

Mr. Robert Pearson, Pearson’s Appraisal Services, Inc., was in attendance and provided an update to the Board on the assessment for 2022. Mr. Pearson noted that there was a delay in receiving some equipment that was needed. Mr. Pearson requested a 90-day extension.

ON MOTION OF SUPERVISOR FLY, seconded SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby grants Pearson’s Appraisal a 90-day extension. All Board members presented voted aye.

3.03 Update from Chamber of Commerce – Mr. Jesse Hellyer

Mr. Jesse Hellyer, Sussex County Chamber of Commerce President, was in attendance. Mr. Hellyer noted that he was a Sussex County resident as well.

He gave a brief update on the Chamber of Commerce. He stated that the Chamber has 60 active members. He noted that they will be opening a physical office at 208 W. Main Street, Waverly, Virginia.

He noted the September 29th Fall Festival was a success. There was approximately 350 to 400 people in attendance. There were 25 vendors at the festival.

He stated that upcoming events included Business After Hours on December 8 from 5:30 p.m. to 7:00 p.m. at the Jessica Ann Moore Foundation in Waverly, Virginia. Persons wishing to attend should RSVP by December 2nd. E-vites will be sent.

Mr. Hellyer stated that he sent bids to other locations to host another Wild Apricot??

Mr. Hellyer stated that the Chamber was coordinating a canned food drive wherein they will building a tree out of cans. Donations can be taken to BSV—Stony Creek and Wakefield and the Town Hall of Waverly.

4. Public Hearing

4.01 Sale of County-owned Property

County Administrator Douglas stated that the purpose of this Public Hearing was to receive public comments, as well as receive offers for purchase of the three County-owned properties, which include: (1) the Former Chambliss Elementary School, located at 10415 Higgins Street; (2) the Branch Street Property which consists of three parcels located at the intersection of Branch Street

and Higgins Streets; and (3) the Pocahontas Park located at the intersection (corner) of Branch Street and Railroad Avenue.

All properties are located in Wakefield, Virginia and offers to purchase can be submitted separately for each of the three properties.

It was stated that the properties may not be necessarily sold to the highest bidder.

Chairman Seward opened the Public Hearing.

There were three bids received for the former Chambliss Elementary School.

There were three bids received for the Branch Street property.

Only bid was received for the Pocahontas Park.

A. Public comments were heard from:

- Willie Turner (Branch Street Property)
- Rodney Taylor (Chambliss Elementary School Property)
- John Stringfield (Branch Street Property)

B. Board Comments

There were no Board comments.

C. Action

There was no action taken by the Board. The Board was to review bids for recommendation.

Copies of the bids were handed out to the Board. A copy of the Notice for the Public Hearing was included in the Board packet.

4.02 Regional Industrial Facilities Authority (RIFA) Consideration of Ordinance and Resolutions

County Administrator Douglas that at the October regular meeting, Keith Boswell, Executive Director of Virginia's Gateway Region, presented an overview of a proposed Regional Industrial Facilities Authority (RIFA) to accommodate joint economic development projects. At the direction of the Board, a public hearing has been scheduled as a requirement in the RIFA establishment process.

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.

County Administrator Douglas explained sharing costs in regard to RIFA.

Staff recommends at the conclusion of the public hearing that the Board consider adoption of the RIFA ordinance and RIFA Agreement Creating Virginia's Gateway RIFA, and authorize the County Administrator to sign all related documents.

Chairman Seward opened the Public Hearing.

A. Public comments were heard from:

There were no public comments.

B. Board Comments

Comments were heard from Supervisor Tyler, Fly and W. Jones

Chairman Seward closed the Public Hearing.

C. Action

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the RIFA Ordinance creating a Regional Industrial Facilities Authority pursuant to section 15.2-6400 et seq. of the Code of Virginia (the "act"), to wit:

WHEREAS, this Board of Supervisors recognizes that providing a mechanism for localities in the local region to cooperate in the development of economic development projects and facilities is needed and desired in the Region (as defined below); and

WHEREAS, this Board of Supervisors acknowledges that the purpose of a regional industrial facility authority is to enhance the economic base for its member localities by developing, owning and operating one or more facilities on a cooperative basis involving its member localities; and

WHEREAS, this Board of Supervisors finds that economic growth and development of the County of Sussex, Virginia (the "County"), and the comfort, convenience and welfare of the citizens of the County require the development of facilities, and that the collaborative and collective action through a regional industrial facility authority by the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the City of Petersburg, the County of Prince George, the County of Surry, and the County of Sussex will facilitate the development of the needed facilities within the region that comprises said geographic areas (the "Region").

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Sussex, Virginia (the "Board of Supervisors"), that:

1. The name of the Regional Industrial Facility Authority shall be the "Virginia's Gateway

Region Industrial Facilities Authority” (the “Authority”).

2. The initial member localities shall be the City of Colonial Heights, the County of Dinwiddie, the City of Hopewell, the City of Petersburg, the County of Prince George, the County of Surry, and the County of Sussex (each, a “Member Locality” and collectively, the “Member Localities”). Each Member Locality’s participation shall become effective on the date their respective governing body enacts an ordinance substantially similar to this ordinance authorizing the creation of the Authority. At any time, subsequent to the creation of the Authority, the membership of the Authority may, with the approval of the Authority Board (as hereinafter defined and as more fully described in the Bylaws of the Authority), be expanded to include any locality within the region that would have been eligible to be an initial member. The governing body of a locality seeking to become a member shall evidence its intent to become a member by adopting an ordinance substantially similar to this ordinance (and otherwise in conformance with Section 15.2-6402 of the Act). The admission of such member shall be completed upon the Authority Board approving the admission, after being presented with the requisite ordinance adopted by such locality.

3. The Authority shall be governed by an initial board (the “Authority Board”) consisting of two (2) board members from each Member Locality. Authority Board members shall be appointed by their respective Member Locality’s governing body.

Each governing body of each Member Locality may appoint up to two (2) alternate Authority Board members. Alternates shall be appointed for terms that coincide with one or more of the Authority Board members from the Member Locality that appoints the alternate. If either Authority Board member for a Member Locality is not present at a meeting of the Authority, an alternate shall have all the voting and other rights of the Board member not present and shall be counted for purpose of determining a quorum and all other purposes of that meeting.

In the event that additional Member Localities shall enact an ordinance to join the Authority and are admitted upon the Authority Board approving the admission, the number of members of the Authority Board shall be increased by two (2) members for each additional Member Locality, with Authority Board members to be appointed in accordance with the criteria set forth above for initial Authority Board Members and alternates.

Each member of the Authority Board shall serve for a term of four (4) years and may be reappointed for as many terms as the governing body from said Authority Board Member Locality desires.

4. The Authority Board shall have such authority and exercise such powers as are permitted by the Code of Virginia, the Agreement Creating Authority (as defined below), and in the Bylaws of the Authority Board (a draft copy of which is attached hereto and which shall be approved by the Authority in substantially the same form as said draft).

5. The Authority Board shall elect from its membership a Chair, Vice Chair, Treasurer and Secretary for each calendar year. The Authority Board may also appoint an Executive Director and staff who shall discharge such functions as may be directed by the Authority Board. The

Executive Director and staff may be paid from funds received by the Authority.

6. This Board of Supervisors authorizes approval, by appropriate execution by the designated representative of the County, an agreement (the “Agreement Creating Authority”) among the Member Localities whereby the Authority shall be established and further whereby the respective rights and obligations of the Member Localities with respect to the Authority, in accordance with the provisions of the Act, shall be set forth (a draft copy of which is attached hereto and which shall be approved by the Authority in substantially the same form as said draft). The Agreement Creating Authority shall (i) establish the terms for participation in the Authority by Member Localities and (ii) further describe the participation agreements (the “Participation Agreements”) that the Authority may enter into with one or more Member Localities by which any facilities allowed by the Act may be constructed and developed. This authorization includes, but is not limited to, authority for this Board of Supervisors to approve, by ordinance, Participation Agreements by which Authority projects shall be constructed and developed and which may be funded from this Board of Supervisors’ commitment of loans or grants and in the event that a facility will be located within the County, future tax revenue derived from the Authority’s project facilities located within the County, pursuant to Section 15.2-6406 of the Act.

7. If and to the extent one or more of the Member Localities named herein does not pass an ordinance substantially similar to this ordinance, this ordinance shall be deemed to automatically remove said Member Locality without further action or vote of this Board of Supervisors; it being the intent of this ordinance that it shall be adopted with any number and composition of the Member Localities named herein so long as said ordinance, and the Authority created herein, shall be in compliance with all applicable statutes.

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

Voting nay: Supervisor Fly

By general consensus, the County Administrator was authorized to sign all related documents.

The RIFA Agreement Creating the Virginia’s Gateway Region Industrial Facilities Authority; RIFA Bylaws; RIFA Ordinance – Sussex; RIFA Notice of Hearing – Sussex, and a copy of the Notice of the Public Hearing were included in the Board packet.

5. Appointments

5.01 Nominations for the Board of Equalization

This item was on the previous month’s agenda. 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. Antoinette 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 December agenda.

5.02 Appointment to Sussex Service Authority

This item was on previous month's 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 December 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 Use of ARPA Funding

County Administrator Douglas stated that a public hearing was held to receive public input on the use of American Rescue Plan Act of 2021 (ARPA).

As previously mentioned, the majority of the ARPA funds are proposed to be used for operating and capital items removed in the current year operating budget, as well as matching funds for the proposed VATI broadband project.

There was discussion of the convenience centers already in the negative and capital items.

This item was tabled. A Finance Committee meeting was scheduled for November 30, 2021 at 1 p.m.

A List of Proposed ARPA Fund Uses; SLFRP Fact Sheet; and CSFRF/CLFRF, or Fiscal Recovery Funds Frequently Ask Questions Sheet

6.02 Board of Supervisors Vacancy – Waverly District

The Honorable Marian D. Johnson (Waverly District) resigned from the Board of Supervisors, effective November 5, 2021.

County Attorney Gore stated that the Board of Supervisors had 15 days from the date the vacancy occurred to file a petition with the Circuit Court to order a Special Election. County Attorney Gore noted that the election had to be 55 days prior to the primary election.

He also noted that an appointment could be made on interim basis. After discussion, the Board opted to let the residents of the Waverly elect their representative.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the County Attorney to file the Sussex Special Election Board of Supervisors Petition with the Circuit Court for a Special Election, Tuesday, February 8, 2022. All Board members presented voted aye.

A copy of the Sussex Special Election Board of Supervisors Petition and Sussex Special Election Draft Order and Interim Appointment Provision (with name left blank) were included in the Board packet.

7. Citizens' Comments

- Mayor McPhaul (Waverly District) –Building permits; consultants; Police Department; technology; taxes.
- William Ricks (SCYARA/Waverly) – Discussed negative thoughts; County
- Sonda Parham (Waverly District) – Thanked the Board for upcoming Special Election; Expressed interest in Waverly District seat on the Board of Supervisors.
- Franklin Cox (Waverly District/Town Council) – Thanked the Board; Sheriff's Department.

8. Unfinished Business

There was no Unfinished Business.

9. New Business

9.01 Sheriff's Salary Survey

Sheriff Giles discussed losing law enforcement staff due to pay. Sheriff Giles discussed salaries not being competitive with neighboring localities. He discussed different work situations due to staffing shortage.

Sheriff Giles asked for support by increasing in compensation retain and recruit staff.

There was discussion of starting pay of new hire deputies. Sheriff Giles noted the difference in salaries for new hire uncertified and certified deputies.

This item will be discussed at the Finance Committee meeting.

9.02 Letter of Support for Casino for Senator Morrissey

County Administrator Douglas stated that the project for the casino failed in Richmond. Administration was contacted Senator Morrissey's office. Petersburg wants to take on the project is requesting a letter of support from the County.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board hereby authorizes the County Administrator to draft letter of support to send to Senator Morrissey's in support of the Casino project. All members present voted aye.

9.03 Department of Social Service Agreement with Dinwiddie Department of Social Services

There was discussion of Sussex County Department of Social Services partnering with Dinwiddie Social Services for family services staffing assistance. No additional funding would be needed. Salaries from vacant positions would be used to fund position and use existing staff to fill the gap.

Mr. Will Hagy, Director of Social Services, stated that Sussex Department of Social Services had 11 full time employees and five vacancies.

There was discussion of employees that had left and vacancies the department. It was requested of Mr. Hagy to provide the County Administrator with the information.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator and the County Attorney to develop a Memorandum of Understanding with

Dinwiddie County Department of Social Services for Family Services Staffing Assistance. All Board members presented voted aye.

9.04 Parks and Recreation

Supervisor Fly tabled until the December Board meeting.

10. Board Member Comments

10.01 Blackwater District – Congratulated Otto Wachsmann; Recognized Delegate Tyler for years of service—12 years on Board/16 years in House of Delegates.

10.02 Courthouse District – County Administration and the Board moving forward with redistricting.

10.03 Henry District – Redistricting; prison population; VACo; \$1 Billion State surplus.

10.04 Stony Creek District – Mayor; building permits; moving County forward.

10.05 Wakefield District – none

10.06 Waverly District – vacant

11. Closed Session

There was no Closed Session.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the November 18, 2021 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 8:38 p.m.

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

Voting nay: none

12.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, January 20, 2022 at 6 p.m.