

At a Special Meeting of the Sussex County Board of Supervisors
Held in the Sussex County Social Services Conference Room on
Tuesday, December 20, 2022 – 4:00 pm

BOARD MEMBERS PRESENT

Alfred G. Futrell
Wayne O. Jones
Susan M. Seward
Rufus E. Tyler, Sr.

BOARD MEMBER ABSENT

C. Eric Fly, Sr.
Debbie P. Jones
Steve White, Tie Breaker

STAFF PRESENT

Richard Douglas, County Administrator
David Conmy, Deputy County Administrator/Economic Development Director
Kelly Moore, Director of Finance
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk

Item 1. Call to order/Determine Quorum (4:10 p.m.)

The December 20, 2022 Special meeting of the Sussex County Board of Supervisors was called to order by Chair Seward.

Item 2. Invocation

The Invocation was offered by Supervisor Futrell.

The Improvement Association staff sang a Christmas carol for the Board members.

Item 3. The Pledge of Allegiance.

The Pledge of Allegiance was recited by all.

Item 4. Agenda Amendment

There were no agenda amendments.

Item 5. Approval of Agenda

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR TYLER and carried:
RESOLVED that the Sussex County Board of Supervisors hereby approved the December 20,
2022 Special meeting agenda as presented. All members present voted aye.

Item 6. Glyndon & Carver Lanes Right-of-Way Certification Resolution

County Administrator Douglas thanked Supervisor W. Jones, Ms. Butts, Ms. Walkup, Attorney Gore, and contracted legal and surveying services for working an extended period of time to acquire all necessary right-of-way and easements so that these roads could be paved and better serve the area residents. It was noted that a key component of this resolution was the certification of all necessary right-of-way and easements. The last deeds and easements were finalized. They were signed, recorded and transferred. Staff had also worked with VDOT to include a T-turnaround at the end of Carver Lane as an alternative to a cul-de-sac.

County Administrator Douglas stated that if the resolution was adopted at the December board meeting, VDOT staff pledged to complete some much needed road maintenance prior to Christmas, with paving slated in early 2023 (subject to weather conditions). County Administrator Douglas stated that the resolution had been drafted for the Board's consideration for a Rural Addition required by VDOT to accept Glyndon and Carver Lanes in Wakefield into the state system and provide for necessary paving/upgrades.

Staff recommends approval of the Rural Addition resolution for Glyndon and Carver Lanes.

Resolution #22-152 Rural Addition for Glyndon and Carver Lanes and a copy of the plat survey of Glyndon Lane & Carver Lane Proposed Right-of-Way & Easements were included in the Board packet.

VDOT requested a correction to state that the streets were established July 1, 1965.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Rural Addition Resolution #22-152 per State Code §§33.2-335 Requiring Funds for Improvement for Glyndon and Carver Lanes, to-wit:

WHEREAS, the street(s) described below was established July 1, 1965, and currently serves 10 owner occupied dwelling units, and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.2-335, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street(s), including the deeds and related plats, this Board finds no restriction on the use of public funds for the improvement of the road, and WHEREAS, after examining the ownership of all properties abutting this street, this Board finds that speculative interest does not exist; and

WHEREAS, this Board has identified available funding to make improvements required to qualify the street(s) for addition to the Secondary System of State Highways, based on the Department's cost estimate of \$149,127;

NOW, THEREFORE, BE IT RESOLVED, pursuant to §33.2-335, Code of Virginia, this Board requests the following street(s) to be added to the Secondary System of State Highways maintained by the Virginia Department of Transportation and hereby guarantees the right-of-way of the street(s) to be clear, unencumbered, and unrestricted, which right-of-way guarantee shall include any necessary easements required for cuts, fills, and drainage:

Name of Subdivision: Carver Heights

Name of Street: Glyndon Lane

From: Railroad Avenue

To: Carver Lane

Length: .0347 Miles

Guaranteed Right
Of Way Width: 40 Feet

Name of Street: Carver Lane

From: Glyndon Lane

To: Dead end

Length: .0398 Miles

Guaranteed Right
Of Way Width: 40 Feet

Plat Recorded: Date: March 6, 1961 , Deed Book: 61, Page: 141

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street(s) to the prescribed minimum standards, funding said improvements with the following funds:

<u>Source of Funds</u>	<u>Amount</u>
Secondary funding	\$149,127

BE IT FURTHER RESOLVED, this Board agrees to reimburse, within 45-days of receiving an invoice, all costs that the Virginia Department of Transportation incurs to relocate existing utilities within the right-of-way that are discovered during the course of and in conflict with the construction, drawing such funds from resources other than those administered by the Department; and

BE IT FURTHER RESOLVED, this Board agrees to reimburse, within 45-days of receiving an invoice, all costs that the Virginia Department of Transportation incurs in the construction of

necessary improvements to the road that are over and above the estimated cost of improvements or to otherwise identify an eligible source of funds administered by the Department to cover such costs.

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

Voting nay: none

Absent: Supervisors Fly, D. Jones

Item 7. Proposed Legislative Recommendations - David Conmy

Deputy County Administrator Conmy stated that the Board of Supervisors recently granted staff the authority to develop a Legislative Program for Sussex County. He noted that because counties are subdivisions of the State and are subject to the Dillon rule, any power that the County has comes from the State. In furtherance of that request, the following legislative wish list has been prepared for the Board's consideration. Generally, this wish list addresses three topics:

1. The Virginia Department of Corrections' exemption from making PILOT payments to Sussex County for the Sussex I & II prisons
2. Granting the Town of Waverly the ability to create a vacant building registry. It was noted that all buildings had to be continuously vacant for 12 months or more and meet the definition of a derelict building in the Code of Virginia. This allows any community that is empowered, to be able to require the owners of those buildings to register and impose a registration fee for processing that registration. This would help communities track vacant buildings. It also aligned with what's called the Broken Window Theory for best practices. He stated that through this request, the Town of Waverly would be added. The Town of Waverly was also recommended by a study recently completed by Virginia Gateway Region. He mentioned that studies noted that it was an option to which basically says that a lot of crime and illicit activity tend to follow vacant and abandoned buildings. Mr. Conmy stated that he had spoken to the Mayor; she supports it. He stated that it was an optional power bestowed upon Waverly if they chose not to exercise it, they didn't have to.
3. Endorsing the 2023 Legislative Program of the Virginia Association of Counties (VACo) If adopted by the Board of Supervisors, staff would reach out to the County's state legislative delegation (Delegate Otto Wachsmann and Senator Louise Lucas) to request that they introduce legislation and/or amendments to effect these changes.

Deputy County Administrator Conmy stated that if the Board adopted the Legislative Policy, he will forward it to State Delegation and attend Legislative Committee meetings, if necessary.

There was discussion of the prisons and the different localities affected. County Administrator Douglas stated that Delegate Otto Wachsmann suggested that Mr. Conmy could speak on this topic.

Supervisor Tyler discussed having a legislative proposal exclusively for the Town of Waverly. He noted that Sussex serves the entire County. He asked that it be postponed to next month's meeting to allow some dialogue with the towns. Supervisor Tyler made the motion to exclude the housing and vacant building from the policy for that night's meeting (December 20th). He had no problem with the other items. He noted that it's in May. The owner has to register and it costs \$400??. (There was no second to his motion.)

Mr. Conmy noted that he tried to engage in conversations with the towns and had a difficult time contacting the towns.

There was discussion that time was a factor due to the DOC portion of the Legislative Policy. There was discussion of moving forward and adding the other towns at a later time. There was discussion of the Town of Waverly to ask the Delegate to add the bill. There was discussion of deadline.

It was suggested to reach out to the Mayor of Waverly and Delegate Wachsmann to add the bill for the Town of Waverly.

A copy of the Draft 2023 Legislative Program was provided to the Board members.

Staff recommends that the Board of Supervisors adopt the draft 2023 Legislative Program.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the adoption of the Sussex County 2023 Legislative Program with the amendment to remove the granting of the Town of Waverly the ability to create a vacant building registry from the program policy.

Voting aye: Supervisors Futrell, W. Jones, Tyler

Voting nay: Supervisor Seward

Absent: Supervisors Fly, D. Jones

Item 8. Proposed Changes to Outside Organizations Funding Guidelines - David Conmy

Deputy County Administrator Conmy stated that the Board of Supervisors adopted a Policy Governing Contributions to External Organizations which establishes guidelines and procedures related to external organizations that will be funded by the County. Upon implementation of the policy during the Fiscal Year 2023 budget cycle, staff identified potential refinements to the policy. Generally, these recommendations help clarify policy elements, provide for a more streamlined review, and ensure greater equity among the diverse organizations that have historically received funding from the County.

The document contains the red-lined changes to the existing policy based upon the recommendation of staff.

Mr. Conmy reviewed the policy and the changes. Some of the requirements include that the organization be registered and in good standing with the State and the Internal Revenue Service (IRS). The County is requesting Articles of Incorporation and an audited financial statement.

Mr. Conmy stated that organizations that were contractually obligated to be funded are not subject to the policy because there are contractual agreements. He noted that whenever there's a question of whether the policy applies, that determination is made by the County Administrator, Finance Director and the Treasurer, collectively.

Mr. Conmy stated that the application would be taken out of the policy and be made an electronic online application. He noted that the policy spoke to timeline review. The organizations are currently required to report on a quarterly basis. Organizations that received 50% of their funding from the County would be grandfathered in.

There was discussion of removing unqualified audits from the policy and request organizations to share their audit to the Board.

Organizations will be in tiers. There was inquiry of the definition of an outside agency.

There was discussion that Fire and Rescue are funded by the County; however, they are excluded from providing reports. It was suggested that Fire and Rescue be subjected to the policy, as well, be required to provide reports as other organizations in their tier. It was noted that Fire and Rescue are listed under Public Safety.

Staff recommended that the Board of Supervisors adopts the recommended changes to the existing policy.

There was inquiry as to why the Airfield 4-H Conference Center was not considered an outside agency.

A copy of the Policy Governing Contributions to External Organizations – Proposed Changes were provided to the Board members.

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the recommended changes to the existing policy subject to the changes made by the Board to include removing unqualified audits and request organizations to share/provide their to the Board. All Board members present voted aye.

Item 9. Citizens' Comments

There were no citizens' comments.

Item 10. Adjournment

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby adjourned the December 20, 2022 Special Meeting at 5:25 p.m. All members present voted aye.