

**At a Regular Meeting of the  
Sussex County Board of Supervisors  
Thursday, February 17, 2022 at 6 pm**

**BOARD MEMBERS PRESENT**

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

**BOARD MEMBER ABSENT**

**STAFF PRESENT:**

Richard Douglas, County Administrator  
David Conmy, Deputy County Administrator (Virtually)  
Danielle Powell, County Attorney  
Ellen G. Boone, Commissioner of the Revenue  
Deste J. Cox, Treasurer  
G. Reid Foster, Public Safety Coordinator  
Ernest Giles, Sheriff  
William Hagy, Director of Social Services  
William Jenkins, General Registrar  
Michael Kessinger, Sergeant  
Kelly W. Moore, Director of Finance  
Michael Poarch, Planner  
Vincent L. Robertson, Commonwealth's Attorney  
Beverly H. Walkup, Planning Director  
Shilton R. Butts, Assistant to the County Administrator/  
Deputy Clerk to the Board of Supervisors

**1. Commencement**

**1.01 Call to Order/Determine Quorum**

The February 17, 2022 rescheduled regular 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 Futrell.

**1.03 The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

#### 1.04 Agenda Amendments

The County Administrator requested to add under Item 6. Action Items, as Action 6.03 Sheriff Vehicle Lease.

Supervisor Futrell requested to add under Item 6. Action Items, as Action 6.04 Waverly Rescue Squad Discussion and add under Item 11. Closed Session, as Item 11.01 Discussion of Personnel matter.

#### 1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the February 17, 2022 regular agenda inclusive of: (1) adding under Item 6. Action Items, as Item 6.03 Sheriff Vehicle Lease, (2) adding as Item 6.04 Waverly Rescue Squad discussion; and (3) adding under Item 11. Closed Session, discussion of personnel matter. All Board members present voted aye.

### **2. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) January 27, 2022 rescheduled regular Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report; (d) Financial Update; and (e) Departmental Reports; and (f) ARPA Utility Relief Funds Budget Amendment. All Board members present voted aye.

### **3. Recognitions/Awards/Presentation**

#### 3.01 Waverly Pool Request for Assistance

Mr. William Ricks with Sussex County Youth and Adult Recreation Association, Inc. (SCYARA) gave a brief presentation recognizing the need for an organization that could provide for optimum development of youths and adults in Sussex County. A group of citizens organized SCYARA in July 1968 and was incorporated in November 1968, as well.

He reviewed the objectives of their organization to include providing recreational programs for citizens regardless of their race, religion, and/or socioeconomic status, development of youths to realize their potential and to provide educational opportunities to youth and adults. He noted that the pool was just one of the many services and/or programs SCYARA offers.

Mr. Ricks advised that SCYARA was utilizing a grant from the Virginia General Assembly through the Virginia Department of Education to expand their services to include mentoring programs, career goal setting workshops, college tours, etiquette training and more.

He noted that SCYARA is currently recruiting Sussex County students to enroll in their educational and mentoring programs.

Mr. Ricks noted that SCYARA has received funding to implement County wide educational workshops facilitated by local former Sussex County residents to the middle and high school students and their parent. SCYARA secured venues and created partnerships with the local school district, fraternal organizations, civic organizations, faith-based organizations, and community agencies to implement their plans. They will also partner with a transportation service to transport students as needed. Other services will be provided.

Mr. Ricks announced that additional funding had been secured for capital improvement only, with anticipation to celebrate the reopening of their pool Memorial Day Weekend 2022.

He stated that with the construction of an additional Pavilion and other property upgrades, will cause their operational expenses will increase. The funding will be used for staff training. And employing at least two youth employees and others.

SCYARA's Board, they are requesting \$40,000 funding from ARPA funding from the County.

Mr. Ricks was advised that the request would be reviewed during the budget process.

A copy of the presentation was provided to the Board that included the letter from the Cameron Foundation and SCYARA's FY2022-FY2023 Operating Budget.

Chair Seward advised that his request will be part of upcoming budget discussion.

#### **4. Public Hearing**

There was no Public Hearing.

#### **5. Appointments**

##### 5.01 Appointment to the Housing Oversight Board

County Administrator Douglas stated that this item was discussed at the last meeting. Tanisha Green submitted her letter of resignation from the Housing Oversight Board. The purpose of the Board is to provide fair and equitable application oversight of the Pocahontas Community Improvement Grant, Phases I and II, and the Regional Urgent Needs Grant Program as required under the County's contract with the funding agency, Virginia Department of Housing and Community Development.

The criteria for Mrs. Green's replacement is as follows: Active member of community, already have an existing relationship with many of the neighbors, and having been an active participant in organizing the neighborhood during the Planning Grant process. They should understand the intent of the program and be able to assist the County in communicating with project area residents to assure they fully understand the program.

Vice Chairman Jones stated that he had spoken with Ms. Bettie A. Davis. She agreed to serve on the Board. Information to be submitted at next month's meeting.

A copy of Ms. Tanisha Green's resignation letter was included in the Board packet.

No action was taken.

#### 5.02. Department of Social Services Advisory Board

County Administrator Douglas stated that this item was tabled from previous Board of Supervisors regular meetings agenda. There was general consensus that the Board would have representation from each district. Ms. Leah Brantley (Courthouse District) and Ms. Viola Brown (Wakefield District) biographies were included in the Board packet. Supervisor Tyler submitted Ms. Nathalia Wyche for Henry District.

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Ms. Leah Brantley (Courthouse District), Ms. Viola Brown (Wakefield District) and Ms. Nathalia Wyche (Henry District) to the Department of Social Services Advisory Board. All Board members present voted aye.

#### 5.03 Nominations for Appointment to Board of Equalization

County Administrator Douglas stated that this item has been tabled from previous meetings. There were a number of individuals interested to consider.

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, 28237 Petersburg Road, Waverly, VA 23890; and, (4) Mr. Jerry Parham, 33117 Sussex Drive, Waverly, VA 23890.

Appointments and qualifications were included in the Board packet.

Supervisor Futrell recommended Mr. Robert C. Turner for the Board of Equalization. Information will be provided at the next meeting.

Virginia State §§ 58.1-3374 Appointments and 58.1-3374 Qualifications of members; vacancies were included in the Board packet.

#### 5.05 Appointment to Sussex Service Authority Alternate At-Large Position

County Administrator Douglas stated that this item has been on previous Board agendas. 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.

Supervisor Tyler recommended Mr. Ronnie Crowder. Information will be provided at the next meeting.

## **6. Action Items**

### 6.01 Sheriff's MDT Lease Agreement

County Administrator Douglas stated that Sheriff Giles is requesting consideration of approval of lease agreement with Dell for the three-year lease of 25 new Mobile Data Terminals (MDTs) for the Sheriff's Office Patrol Deputies.

The Sheriff is requesting to fund the first year's lease payment from within the Sheriff's Department operational budget. He is requesting the funds for the first payment to come from ARPA funds the County awarded Animal Services in lieu of Animal Services purchasing the K9 unit a 2018 Ford Explorer valued at \$30,000.00 from the Sheriff's office. For the additional two years' payments, the Sheriff is requesting the funds be appropriated to his Field Operations Equipment/Lease Purchase budget line item #51100-1253-512-510. Currently, our MDT's are nine years old. He advised that the current MDT's are failing in the field and having major issues due to the technology is obsolete now.

The letter of request from Sheriff Giles, Quote from Dell for Lease Agreement, Additional Quotes for Procurement Purposes were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Resolution #22-13, FY22 Budget amendment, to-wit:

BE IT RESOLVED by the Sussex County Board of Supervisors that the following budget amendment for the Sheriff's Operations & Jail and hereby is made for the period of July 1, 2021 through June 30, 2022. This resolution will amend the budget to include funds from local reserves and a transfer of current operating funds for the MDT lease agreement.

### **FUND # 100 GENERAL FUND**

#### REVENUE

Fund 100

Local Reserves \$56,594.42

**Total Revenue**\$56,594.42

EXPENDITURES

Fund 100 - Transfer

    ARPA/Sheriff's Operations & Jail\$29,905.58

Fund 100 Sheriff's Operations & Jail\$56,594.42

**Total Expenditures**\$86,500.00

All Board members present voted aye.

6.02 Sheriff Electronic Ticket Ordinance

County Administrator Douglas stated that Sheriff Giles is requesting consideration of an ordinance that would allow for the assessment of an additional \$5 as part of costs in each criminal or traffic case in the district or circuit courts of the county. This revenue would be designated for the implementation and maintenance of an electronic summons system. A public notice has been advertised to allow for the consideration of this ordinance, and the draft ordinance was prepared by the County Attorney.

Staff recommends approval of Ordinance #22-01.

The Public Notice and draft electronic summons system fee ordinance.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR W. JONES AND CARRIED: RESOLVED that the Sussex County Board of Supervisors hereby adopts Ordinance #22-01 an ordinance to assess an additional sum of five dollars (\$5.00) as part of the costs in each criminal or traffic case in the district or circuit courts of Sussex County for the implementation and maintenance of an electronic summons system, to-wit:

WHEREAS, Va. Code Section 17.1-279.1 allows for the governing body of any locality to impose a fee not to exceed five dollars (\$5.00) as part of the costs for each criminal and traffic case in district or circuit courts; and

WHEREAS, such fee must be used to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system; and

WHEREAS, the Sussex County Board of Supervisors desires to assess said "Electronic Summons System" fee; and

NOW, THEREFORE, it is ordained by the Board of Supervisors of Sussex County, Virginia, that the ordinance establishing an Electronic Summons System Assessment is hereby adopted as follows:

In addition to all other fees imposed by law, there is hereby imposed in each criminal or traffic case in the Sussex District and Circuit Courts, where the defendant is charged with a

violation of any such statute or ordinance by a local law-enforcement agency, a fee of five dollars (\$5.00) as authorized by Section 17.1-279.1 of the Code of Virginia.

Such assessment shall be ordered as part of court costs collected by the Clerk of Court, who shall remit the fees to the Treasurer of Sussex County. The Treasurer shall hold such funds subject to appropriation by the Board of Supervisors to the Sheriff's Office of Sussex County to be used solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

The assessment provided for in this section shall be in addition to all other costs prescribed by law for such purposes by the Code of Virginia, as it may be amended.

This Ordinance shall take effect upon adoption.

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

Voting nay: none

### 6.03 Sheriff's Vehicle Lease Agreement

County Administrator Douglas stated that the Sheriff is requesting the Board to approve the lease agreement with Ford Motor Credit for the lease of 7 vehicles. Due to a discrepancy with the lease agreement in a previous FY. The Sheriff Department has agreed to pay the first lease payment which is \$66,572.04 out of their Field Operations Vehicle Maintenance budget line item #51100-1265-512-510. However, the Sheriff is requesting the remaining lease payment to be funded by the County for the remainder of the lease.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Resolution 22-12 pending final approval of the County Attorney, to-wit:

### **RESOLUTION #22-12 FY22 BUDGET AMENDMENT**

BE IT RESOLVED by the Sussex County Board of Supervisors that the following budget amendment for the Sheriff's Operations & Jail and hereby is made for the period of July 1, 2021 through June 30, 2022. This resolution will amend the budget to include a transfer of local reserve funds and funds from the Sheriff's current operating budget to lease/purchase seven (7) vehicles.

### **FUND # 100 GENERAL FUND**

#### REVENUE

Fund 100

Local Reserves \$229,626.63

**Total Revenue \$229,626.63**

## EXPENDITURES

Fund 100

Sheriff's Operations & Jail \$229,626.63

Sheriff's Operations & Jail – Transfer \$66,572.04

**Total Expenditures \$296,198.67**

All Board members present voted aye.

### 6.04 Waverly Rescue Discussion

Chair Seward noted that the County Administrator Douglas and the County Attorney Gore worked on a number of options going forward relative to the County's relationship with Waverly Rescue Squad. The Sussex County Emergency Medical Services (EMS) Short-Term Options (Eastern Portion of County) which was shared with Ms. Meyers.

Supervisor Futrell discussed that Waverly Rescue Squad and EMS meet to discuss. He discussed that Waverly didn't have any representation. He suggested/requested having a work session with all parties—Board of WRS and the Board of Supervisors to review potential options and solutions. It was mentioned to have the contractor in attendance at the meeting.

### **7. Citizens' Comments**

- Andy Mayes (Board/WRS) – negotiations; Waverly Rescue Squad (WRS); revenues and funding.
- Franklin Cox (Waverly District) – Waverly Rescue
- Loretta Hellyer (Waverly District) – Disappointed with decision.
- Bonita Meyers (WRS) – Receiving documentation; communication; public safety issues of concern.
- Bob Richardson (Waverly District) – Audio recordings; contracts; staff
- Susan Irving (Waverly District) – Worked with the WRS; financials; no members/volunteers; appreciate how handled
- Christopher Albert (EMS/Lifestar) – Served community for 4 years; contracted company; 311 calls; thanked Board.
- Jeffrey Sweeney (Waverly District) – EMS career; complaint received against him.
- Thomas Howerton (EMS/Lifestar) – served eastern side of County; WRS – no volunteers; Board decisions; chain of command; hostile environment; allegations.
- Jamica Giles (Waverly District) – Supervisor Tyler.
- Ernest Giles (Waverly/Sheriff) – Leave his name out of conversations.
- Bill Jenkins (General Registrar) – June Primary; three precincts.
- Frankie Bryant (EMS) – last month's meeting; communication issues; Mr. Sweeney's situation; volunteers – hostile work environment; call report.
- Joe Green (Waverly District) – sent Board members letter; WRS previously; 311 crew-2 crews; liability of volunteers.
- Frank Irving (Waverly) – County – stewards of money; EMS/WRS; thanked for informative meeting; fiduciary responsibility and duties.



## **8. Unfinished Business**

### 8.01 Solar Farm Zoning and Comprehensive Plan Amendment

Ms. Beverly Walkup gave a presentation on the Staff Report on Proposed Modifications to the 2004-2005 Comprehensive Plan of Sussex County and Zoning Amendments in Consideration of Solar and Battery Storage Facilities.

Ms. Walkup noted that the public hearing was held at the January regular meeting to receive public input on proposed amendments to the county's comprehensive plan and zoning ordinance, related to revised solar farm requirements. These amendments are primarily related to minimum and maximum size and other siting requirements identified in the attached staff report. The Planning Commission voted to recommend approval of the comprehensive plan and zoning ordinance amendments at its January regular meeting, and staff recommends approval as well. Staff will present an overview of these amendments prior to Board consideration.

Ms. Walkup stated the Planning Commission and Board of Supervisors previously considered the Comprehensive Plane and Zoning Ordinance amendments regarding solar energy and battery storage facilities as contained in the attached report prepared by Darren Coffey, AICP, The Berkley Group at a joint meeting on September 17, 2021.

Since the meeting, staff worked with The Berkley Group and Crater Planning District Commission to develop a map showing prime agricultural lands in the County. The map is contained in the proposed comprehensive plan modification document and may be referenced therein. Staff also worked with Mr. Coffey to provide the rationale for the 100-acre minimum as follows:

I MW of solar takes about 15-20 acres of land in Sussex County due to the environmental constraints on much of the land. Therefore, a 5 MW facility would probably have to be on 80-100 acres or more. Smaller facilities are exempt from the revenue options provided by the state, take as much time to process as a larger facility application, and fragment the established and preferred land use patterns of the county as stated in the comp plan. The Board has stated that it does not want to consider smaller facilities for these reasons, therefore a larger minimum project size addresses all of those issues.

The Planning Commission at its regular meeting on October 4, 2021, again considered the amendments and requested staff to bring back more information on the location of prime agricultural soils and the rationale for the 100-acre minimum.

The Planning Commission conducted a public hearing on the Comprehensive Plan and the Zoning amendments on December 6, 2021.

The Commission voted to recommend approval of the Comprehensive Plan amendment (8-1-1) adding the recommended criteria that solar and battery storage facilities be "located less than or equal to one (1) mile from a transmission line".

The Commission voted to recommend approval of the Zoning Ordinance amendment (9-0-1).

2. Recommend denial of the amendments.
3. Defer action for further discussion and consideration.

Ms. Walkup reviewed the changes with the Board, as well as a copy of an Ag Map.

Darren Coffey's Report, dated August 30, 2021, Resolution/Proposed Modifications to the 2004-2005 Comprehensive Plan in Consideration of Solar and Battery Storage Facilities, and Ordinance to Amend and Reenact Article I, Section 16.1, Definitions and Article XXIII, Solar and Battery Facilities were included in the Board packet. A packages were provided to the Board at the meeting.

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts Resolution 22-14, to-wit: INSERT RESOLUTION

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

Voting nay: none

Absent during vote: Supervisor Fly

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board hereby adopts Ordinance to amend and reenact Article I., Sections 16.1, Definitions and Article XXIII, Solar and Battery Facilities.

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

Voting nay: none

Absent during vote: Supervisor Fly

#### 8.02 Redistricting Mapping Update

Supervisor Tyler provided a brief update that the Redistricting Committee met on Friday, February 11, 2022 at 1 p.m. at Crater Planning Commission—with Mr. Jones attending via the telephone. They are looking forward to bringing something back to the Board in the future.

### **9. New Business**

There was no New Business.

### **10. Board Member Comments**

10.01 Blackwater District – none

10.02 Courthouse District – absent

10.03 Henry District – Public comments; length of time speaking

10.04 Stony Creek District – none

10.05 Wakefield District – Board working together; moving forward.

10.06 Waverly District – Saturday, 10 a.m. – 2 p.m., second round for all three vaccines at Jessica Ann Moore Foundation; make Sussex grow.

## **11. Closed Session**

### 11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session to discuss the following (1) personnel matters involving performance evaluation of specific Board appointed employee, pursuant to Va. Code Section 2.2-3711(A)1.

All Board members present voted aye.

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

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR FLY 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, Futrell, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

### 11.04 Action Resulting from Closed Session

There was no action on Closed Session item. Address item at the next Personnel Committee meeting.

## **12. Adjournment**

12.01 Adjournment

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the February 17, 2022 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 9:14 p.m. All Board members present voted aye.

12.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, March 17, 2022 at 6 p.m.

DRAFT