

**At a Regular Virtual Meeting of the
Sussex County Board of Supervisors
Thursday, March 18, 2021 at 6 pm**

BOARD MEMBERS PRESENT

C. Eric Fly, Sr.
Marian D. Johnson
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
D. Scott Bost, Interim Solid Waste Director
Deste J. Cox, Treasurer
G. Reid Foster, Public Safety
Ernest Giles, Sheriff
Kelly W. Moore, Director of Finance
M. Poarch, Planner
Beverly Walkup, Interim 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

The March 18, 2021 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 D. Jones.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

County Administrator Douglas stated that he wanted Ms. Beverly Walkup, Interim Planning Director, to introduce to the new Planner, Mr. Michael Poarch.

By general consensus, the Board approved the introduction of the new Planner.

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR D. JONES seconded by SUPERVISOR JOHNSON and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the March 18, 2021 regular agenda inclusive of introducing the new planner.

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

Voting nay: none

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 March 18, 2021 Consent agenda inclusive of the following: (a) Minutes of February 25, 2021 Regular (rescheduled) and February 25, 2021 Postponed Special (Budget Work Session) meetings; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report; (d) Financial Update; (e) Animal Services Report; (f) Housing Report; (g) Public Works Department Reports; (h) Sheriff's Department Report; and (i) Release of Liability and Utility Easement for Landfill Expansion.

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

Voting nay: none

Ms. Beverly Walkup, Interim Planning Director, introduced Mr. Michael Poarch, the new Planner for Sussex County. She gave a brief background of Mr. Poarch.

3. Recognitions/Awards/Presentation

3.01 INTRODUCTION: Blackwater Regional Library Director – Ben Neal

County Administrator Douglas stated that Mr. Ben Neal was recently appointed Library Director for the Blackwater Regional Library.

Mr. Neal introduced himself to the Board. He stated that HR began as the Blackwater Library Regional Director on January 1, 2021. He stated that he was previously the director of the Portsmouth main library. He has worked at libraries in eastern Virginia, South Carolina, Indiana, and Tennessee.

Mr. Neal gave a brief overview of upcoming events the library will be hosting for the citizens in the community and various ways to access books and services from the library. He was open to hearing and helping anything that could help the citizens and the community.

3.02 VDOT Update and Secondary Six Year Plan Resolution – Jerry Kee, VDOT

Mr. Jerry Kee with VDOT (Franklin Office) presented an update on VDOT projects in Sussex County. Mr. Kee stated that another traffic count was done on Route 609. Route 609 is now qualified to be added on the plan due to the new traffic count. The project will be paid with Unpaved Roads funds.

Mr. Kee stated that before the new plan is passed by the Board, the Board will need to choose a road from the list provided. This list includes Chinquapin Road (Rt. 604), Mill Path Road (Rt. 611), Hunting Quarter Road (Rt. 632), Longevity Road (Rt. 636), and Cabin Stick Road (Rt. 640).

Mr. Kee stated that the status of Glyndon and Carver lanes is the funding still available. VDOT is waiting on the final documentation from the County to get underway for construction.

Mr. Kee stated that regarding Route 735, the project currently has been in the plan for over 10 years. The funding allocations are approximately 2 million dollars short for construction based on the current estimate. The board may want to look into reducing the scope of the project or exploring different funding options. Revenue sharing is an option, but an application will need to be submitted and there is no guarantee the project will receive any funding, as the project will compete for funding with other state projects.

After inquiry, there was discussion of a section of Route 735 and Route 631 and possible funding.

No immediate action is requested but the Board may wish to consider the resolution at an upcoming public hearing scheduled for April.

Mr. Kee gave a brief overview of the Adopt-A-Highway program. There will be a “litter blitz” scheduled before April 14th.

The preliminary plan list of routes, the Safety Guidelines of the Adopt-A-Highway program and a recommended resolution to consider alternative road improvement projects were included in the Board packet.

3.03 Solid Waste Management Recommendation – Scott Bost, Smith Gardner, Inc.

County Administrator Douglas stated that Mr. Bost has been with the County for about two months. Mr. Bost was tasked with reviewing solid wastes items such as the landfill and illegal dumping at convenience sites to present recommendations and findings for consideration for the upcoming budget.

Mr. Scott Bost, solid waste consultant for Smith Gardner, provided an update on his review of the County’s solid waste operations, to include recommendations related to landfill staffing and job responsibilities, convenience center operations (including a recommended reduction in the number of sites), and bulk waste collection.

Mr. Bost stated that Atlantic Waste Disposal, Inc. had a State inspection in March 1st by DEQ. They were in full compliance.

Mr. Bost stated that he had done a full assessment in May 2020. Mr. Bost stated that one (1) of Mr. Douglas' recommendation was to reduce the staff in the Solid Waste Department by one (1) position, which has been accomplished through the reassignment of duties. He stated currently there are two (2) positions in the Solid Waste Service Department. His position is one of the positions on an Interim Solid Waste Director basis, with the other position being the environmental inspector position. He is currently recruiting for the director position for this department.

He gave a brief overview of the current environmental inspector's responsibilities. Mr. Bost recommends training and certification for the position.

Mr. Bost stated that his initial recommendation in May 2020 was to consider reducing some of the hours of the some of the convenience centers or close some of the centers to lower the operational costs. After observance of the centers in his interim capacity, Mr. Bost has arrived at data of what it costs to manage waste. He gave an overview of the sites that are very well attended by the citizens. Those sites included Waverly, Stony Creek, Wakefield, Jarratt, and Courthouse. He also gave an overview of sites that are more costly and low performance which includes the Peters Bridge, Old Forty site and the Reed Road site.

Mr. Bost stated that the County had the option of doing nothing and saving \$0 dollars or, hours could be altered at the Peters Bridge Road and Homeville (Old 40) sites, for a net savings of \$50,000 per year which will reduce the need for one (1) full time security contractor. Reed Road site could be closed for a net savings of \$50,000 per year. Peters Bridge or Homeville (Old 40) could be closed for a net savings of \$50,000 per year or, Reed Road and Homeville (Old 40) sites or Peters Bridge site for a net savings of \$100,000 per year. Another option is to close all three (3) low performing site—Peters Bridge, Homeville (Old 40), and the Reed Road—for a net savings of over \$150,000 per year. Mr. Bost stated that net savings will result from the need of fewer staff hours from the security company.

Mr. Bost stated that the contract expired in 2019. He stated that he received two (2) proposals, one (1) of which was from the current contractor.

Mr. Bost gave an overview of bulk waste hauling from the sites. He stated that bulk waste was a problematic stream of waste. Bulk waste is anything in your house that you cannot take away from your house that you can put in a car or pickup truck easily to take to the convenience sites or the landfill such as furniture, mattress, playground equipment, etc. He stated that Atlantic Waste currently hauls from the convenience sites. They have provided an amendment to the existing hauling contract with them for the County to seamlessly start with bulk hauling.

Mr. Bost stated that estimate costs for estimate hauls per year from bulk waste will be approximately \$40,000. He stated that if convenience sites operations aren't altered, the County will have to absorb the costs in the budget. There was discussion of options.

It was noted that stove and refrigerators are not permitted at the landfills. They can be collected and recycled with a metal company. There was also discussion of scrap metal boxes installations on each end of the County and adjusting operating hours on Sunday.

Copies of the Convenience Site Operational and Cost Analysis Options and Recommendations were included in the Board packet.

3.04 Comprehensive Financial Review – Roland

County Administrator Douglas stated that the County approved an agreement with Davenport & Company to do a comprehensive financial review of the County and the Sussex Service Authority, as well as a review of the County's accounts payable processes.

Mr. Roland Kooch, with Davenport & Company, provided a summary of their completed comprehensive financial review of Sussex County and the Sussex Service Authority as well as a review of the county's accounts payable processes.

Mr. Kooch gave an overview of (1) the introduction of credit rating discussions with respect to what the ratings look for and how they view different government credits and peer comparatives based on the size of Sussex population, as well as budget; (2) financial policy overview with respect to commentary provided by rating agencies and industry best practices; (3) reserve and cash management policies (rating agenda GFOA Guidance); (4) Tax-Supported Debt and Contingent Liability Policies; (5) Rating Agency and GFOA guidance; (6) Existing Tax-Supported Debt Profile; (7) Key Financial Ratios and Peer Comparatives; and (8) Review of Debt Portfolio and Potential Refunding Opportunities.

Mr. Kooch stated that they reviewed the County's General Fund and the Sussex Service Authority and tried to report the trend analysis for both entities.

The Goals & Objectives of the Comprehensive Financial Review are to provide the following:

- Trend analyses of the County's General Fund and Utility Enterprise Funds.
- Comparative of the County in relation to National and Virginia credit rating medians and Virginia local government peers (in terms of budget size and population).
- Evaluation of the County's Debt and Fund Balance positions and Recommend potential Financial Policies for the Council's consideration related to Fund Balance and Debt Management, amongst other items.
- Estimated debt affordability for the General Fund.
- Pro-forma projections and estimated rate impacts for the Sussex Service Authority based on currently anticipated capital investment needs

Mr. Kooch stated that the General Funds operation has been managed very well on a conservative basis which has allowed the County to break even or positive results and invest in capital needs.

He stated that the historically structurally balanced budgets over the last five (5) years and structural financial operation, means when you compare revenue versus expenditures and excess or deficiency. Every given year there has been excess of revenue over expenditure which is before transfers out to Capital Reserves, etc. Those funds are in balance or surplus.

He stated landfill revenue comprised one fifth (1/5) or almost 20% of the total General Fund Revenue. On a year to year basis, revenue coming into the General Fund Revenue, it is, on

average, approximately in excess of \$5 million. If you look at if that revenue didn't exist or those funds not being there, it would translate into an equivalent real estate tax of sixty-one cents (61¢). He stated that they reviewed if there was a potential contract that could adversely affect the County; however, those funds are above what's routine budgeted for the General Fund. They don't think it will adversely impact the financial performance of 2021. He stated a long term approach to defray that level of revenue that's generally relied upon in a General Revenue Budget is to generate a new recurring revenue through economic development and growth. The life of the landfill gives the County years to consider ways to generate economic development. He stated there are ways to use the Sussex Service Authority to generate that growth. He discussed a recurring stabilized state of revenue combined with investment income to displace, over time, the recurring landfill revenues.

He stated in regards to Fund Balance, one of the things looked at routinely from a credit perspective from the health of local governments is the Commonwealth's focus on distressed local governments over the past several years. Unassigned Fund Balance is very important from the context of credits, as well as fiscal health of the local government. It is the local capital as well as emergency reserve. Based on the latest financial documents, there's approximately \$6.3 million at the end of FY2020 which equates to approximately 25% General Fund revenues. He stated that under best practices that's set forth by the GFOA, Unassigned Fund Balance should be no less than two (2) months (approximately 16.7%)—which may need to be adjusted upward or downward depend upon the size of the local government and the budget. It is recommended to adopt a formalized Reserve Policy to include the targeted levels of Unassigned Fund Balance and incorporate an additional Budget Stabilization Fund that could be used first for any unforeseen circumstances. The target level should be sufficient for the County to avoid the use Revenue Anticipation Note (RAN) cash flow borrowing and provide enough funds for unplanned, unforeseen circumstances which is an important aspect of being a healthy local government.

The County maintains Fund Balances that function as Reserves. These are found in two (2) primary buckets—Unassigned Fund Balance and Capital Project Committed Fund Balance. When viewing both of those monies together, the County has a healthy level of approximately \$13.6 million as of FYE 2020 of Reserves. This amount translates into about 53.8% of General Fund Revenues.

Existing Tax Support Debt Profiles is any type of debt related to any sort of enterprise fund that is self-supporting, such Sussex Service Authority which will not be included. He stated they usually view refunding opportunities. There are none at this time. The County's 10-year payout ratio of its General Fund Debt is approximately 93.8%. By 2027, the County begins to have a significant decline in debt service and increasing new debt affordability.

Debt Capacity from the perspective of a potential key debt ratio, which is debt versus assessed value ratio. This is how much debt that's outstanding versus taxable assessed evaluation of the County. The County's ratio is strong from the Rating Agencies' perspective. Davenport recommends that the County implements Debt Policies that govern the amount of debt that can be issued and still be in compliance with "Best Practices" of comparable local governments. Davenport also recommends that the County consider adopting a Debt vs. Assessed Value Policy in 3.0% to 3.5% range.

Mr. Kooch stated that the General Fund Debt Capacity is viewed as what's affordable and or available. It measures how much of the annual budget is being spent to pay debt. The County's ratio is very strong from Rating Agencies' perspective. Davenport recommends that the County consider adopting a Debt Services versus Expenditures Policy in the eight percent (8%) to 10% range. At eight percent (8.0%), the County would have approximately \$20 million of borrowing capacity. At 10%, the County would have approximately \$32 million of borrowing capacity.

Davenport has analyzed the potential cash flow and Equivalent Real Estate Tax impact of Future CIP Projects totaling approximately \$23.5 million. Their analysis provides an estimated Equivalent Tax Impact assuming a potential combination of Bank Lease Financing for Equipment and USDA for bricks and mortar facilities, i.e. Fire stations and County Buildings.

Mr. Kooch reviewed scenarios of potential debt affordability. He analyzed two (2) scenarios and tax affects.

Mr. Kooch reviewed historic operations of Sussex Service Authority. The Authority is fully self-supporting

He reviewed different scenarios of preliminary Results (Estimated Impact on Residential Monthly Bill).

It was noted to have a presentation regarding the Accounts Payable recommendations.

4. Public Hearing

There was no Public Hearing,

5. Appointment

5.01 Nominations for the Appointment to the Board of Zoning Appeals

County Administrator Douglas stated that this item was tabled from the February 18, 2021 regular Board of Supervisors meeting. Several members on the Board of Zoning Appeals have resigned. There are currently three (3) vacancies.

Nominations for appointment by the Circuit Court Judge need to be made for a term that expired January 31, 2021. This nomination will be for a term to starting immediately and expiring January 31, 2026. Two (2) nominations will need to be made for terms starting immediately, expiring January 31, 2023 and January 31, 2024, respectively.

The BZA needs to have at least three (3) members to have a quorum.

A copy of the Board of Zoning Appeals By Laws and roster were included in the Board packet.

This item was carried over to the April 15, 2021 regular Board meeting.

5.02 Appointments to Virginia's Gateway Region Board of Directors 2:13:45

Mr. Keith Boswell, President and CEO, gave a brief overview of the Virginia Gateway Region Board of Board of Directors.

The terms of Chairman Seward, 34220 Walnut Hill Road, Waverly, VA 23890 and Mr. Rex Davis, 612 Brentmoore Drive, Glen Allen, VA 23859, on the Virginia's Gateway Region Board of Directors expired February 28, 2021. Mr. Boswell advised that Mr. Davis is currently, by a unanimously vote, to be the vice chairman of VGR Board of Directors.

Staff has contacted Chairman Seward and Mr. Rex Davis. Mr. Davis is willing to serve, if reappointed. However, Chairman Seward does not wish to be reappointed. After discussion, Supervisor Fly and Chairman Seward discussed exchanging appointments on the VGR Board of Directors and the Sussex Service Authority Board of Directors due to their conflicts in the ability to attend their respective meetings for the appointments on their current Boards.

Copies of Verification Letters for Chairman Seward and Mr. Rex Davis were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Ms. Susan Seward, to the Sussex Service Authority Board of Directors; and

FURTHER RESOLVED that the Sussex County Board of Supervisors hereby appoints Supervisor Fly, 38411 Rocky Hock Road, Wakefield, Virginia 23888 to the Virginia Gateway Board of Director with a term expiring February 28, 2022.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Board of Supervisors hereby reappoints Mr. Rex Davis of 612 Brentmoore Drive, Glen Allen, VA 23859 to the Virginia Gateway Board of Directors with a term expiring February 28, 2022.

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

Voting nay: none

6.01. Master Lease Agreement - Mr. Roland Kooch,

County Administrator Douglas stated that the requested item is to adopt the Master Lease program with Banc of America Public Capital.

Mr. Roland Kooch, Davenport & Company, gave a brief overview. He stated that part of what was in the Comprehensive Financial Review was putting in place for consideration a master lease program or set in a place a mechanism

Mr. Kooch stated that they are really asking for an action item to adopt the implementation of the master lease program and borrow the first schedule or first series of equipment roughly over \$2

million. It means that the County is putting in place funding for three (3) fire trucks and one (1) EMS vehicle and also putting in a mechanism to fund the balance of the program, but the County is not committed to fund the balance of the program. He states that the County is putting in place the ability and or a mechanism of dedicated funds that's available should the County proceed forward each year to draw upon the master lease.

Mr. Kooch gave an overview of the process. He stated that Davenport & Company ("Davenport") used a Bank Request for Proposals (RFP) process that went out to 100 local, regional and national banks for this master lease program that would provide up to \$12.2 million roughly of new money lease financing to be drawn over the ten year timeframe for County equipment and for the set-up of costs associated with the program over the ten year timeframe. He stated that two (2) proposals were received. One (1) of the proposals received was from the Banc of America Capital Corporation. The other proposal was received from Branch Banking and Trust (BB&T), now known as Truist Bank. He stated based on the terms, conditions and interest rates provided, Banc of America was the better and lowest cost of the two (2) proposals. He stated that Banc of America also provided for the full ten (10) year timeframe with the flexibility of the ability to provide access to capital, as well as the ability to borrow as needed. Mr. Kooch stated that in addition to the two (2) proposals, the County had a proposal from Freedom Bank that came along with the vendor of the vehicles.

He compared the adjusted rate of the proposal versus Banc of America. He reviewed the proposals and the computed costs of funds of Freedom Bank financing and Banc of America financing (of the first schedule of equipment which is approximately \$2 million).

He stated the purposes of the analysis is that it is assumed that the rates are held constant over the seven (7) and ten (10) year timeframe. He stated that as rates go forward year to year, the borrowing costs will change depending on market conditions. He stated that Banc of America put in a defined formula of funds that is approved each year. He stated that once the formula is approved, it's not likely to change over the balance of the timeframe. The only thing that will affect the rates of Banc of America is actual change of rates from year to year. He stated that savings could be seen in the Banc of America proposal. He stated over the seven (7) year timeframe is equates to approximately \$53,000 on the seven (7) year vehicles and approximately \$613,000 on the ten (10) vehicles.

He stated that they recommend the County move forward with Equipment Master Lease Program by Banc of America for the following reasons: (1) lowest cost of funding—rates are locked in through April 15th; (2) has the flexibility to prepay without penalty halfway through each of the loans; (3) fixed known funding formula for financing costs—relative to future borrowings; and (4) flexibility—the County doesn't have to borrow each year or for the balance of the program. He stated that they have set in place the ability to start and launch it with the initial borrowing. The initial borrowing for the level of equipment doesn't require any new revenues to facilitate it and keep it going.

He stated that the Board with the resolution would approve the ability to move forward with the Master Lease Program with Banc of America Capital Corporation. Then, the rest of March and April, they would work to finalize documents and numbers and close the Master Lease around

April 15 which puts the money in place to fully purchase the four (4) vehicles put on order by the County.

There was inquiry regarding Stony Creek doing fees for service. There was inquiry of whether the agreement could be as high as 5% in the resolution listed in Section 3. Mr. Kooch stated that the five percent (5%) would be in a default mode on the County's side.

Copies of the RFP for the Master Lease Program for Sussex County, Sussex County Discussion Material, the Resolution and the RFP Responses and Summary 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 approves the resolution approving the master lease program with Banc of America Public Capital, to-wit:

WHEREAS, the Board of Supervisors (the "Board") of the County of Sussex, Virginia (the "County") has determined (i) that a true and very real need exists for the acquisition, installation and equipping of various vehicles and related equipment by the County (the "Equipment") described in the Master Lease Agreement (as hereinafter defined) and any schedules thereunder; (ii) that the Equipment is essential to the governmental functions of the County; and (iii) that it reasonably expects the Equipment to continue to be essential to the governmental functions of the County for a period not less than the term of the Master Lease Agreement; and

WHEREAS, the Board has taken the necessary steps under the Virginia Procurement Act, as amended, to acquire the Equipment; and

WHEREAS, the Board proposes to enter into a Master Equipment Lease/Purchase Agreement and one or more schedules thereunder, in the aggregate principal amount of not to exceed \$12,200,000 (the "Master Lease Agreement") with Banc of America Public Capital Corp (the "Lessor") to finance the purchase of the Equipment from time to time, with each such schedule having a term not to exceed ten (10) years, such Master Lease Agreement being in accordance with the Proposal (as defined below); and

WHEREAS, the Board proposes to enter into an Equipment Schedule pursuant to the Master Lease Agreement with the Lessor in the principal amount not to exceed \$2,150,000 (the "Schedule No. 1") to finance the purchase of certain Equipment over a term not to exceed ten (10) years, in accordance with the Proposal; and

WHEREAS, (i) all amounts payable by the County under the Master Lease Agreement, Schedule No. 1 and similar future schedules (the "Lease Obligations") are subject to annual appropriation by the Board; (ii) the Board is not under any obligation to make any appropriation with respect to the Lease Obligations; (iii) the Lease Obligations are not a general obligation of the County or a charge against the general credit or taxing power of the County; and (iv) amounts payable by the County under the Lease Obligations do not constitute a debt of the County within the meaning of any constitutional, charter or statutory limitation; and

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Board hereby accepts the proposal of the Lessor submitted on March 4, 2021, (the “Proposal”) for the financing of the Equipment on the terms set forth therein, including without limitation, for Schedule No. 1, a maximum principal amount not to exceed \$2,150,000, a maximum annual interest rate of 1.60% and a maximum term of approximately ten years, and an interest rate formula for future schedules under the Master Lease Agreement as set forth in the Proposal.

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

Voting nay: none

Absent during vote: Supervisor Tyler

6.02 Credit Card Ordinance Fee Ordinance

County Administrator Douglas stated that an ordinance to repeal the collection of credit card fees by amending Section 28-25 of the County Code was presented for consideration. The Board adopted an emergency ordinance at its January 2021 meeting to suspend the collection of credit card fees for 60 days, and this ordinance makes this change permanent.

This ordinance has been properly advertised to meet state requirements. A copy of the ordinance was included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR JOHNSON and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the ordinance amending Section 28-25 of the County Code to repeal the collection of credit card fees, to-wit:

Whereas, on January 21, 2021, the Board of Supervisors adopted Emergency Ordinance No. 2021-01 to suspend for 60 days the collection of credit card service fees that are authorized under Section 28-25 of the County Code of Ordinances and Section 2.2-614.1 of the Code of Virginia; and

Whereas, the Board desires to make this change permanent; and

Whereas, this Ordinance has been duly advertised as required by Section 15.2-1427 of the Code of Virginia.

Now Therefore Be It Ordained by the Sussex County Board of Supervisors that the credit card service fee is hereby repealed, and that Section 28-25 of the County Code of Ordinances is hereby amended accordingly.

This Ordinance shall become effective immediately upon adoption.

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

Voting nay: none

6.03 Stony Creek Wastewater Treatment Plant Grant Resolution

County Administrator Douglas stated that included in the packet for the Board’s consideration is a resolution providing a required local match for grant funding through the Tobacco Region Revitalization Commission for engineering evaluation and design for Stony Creek Wastewater Treatment Plant (WWTP) improvements.

John Grey with the Wooten Company, who partnered with the Berkley Group to complete an initial assessment of wastewater treatment needs in the Stony Creek area, was available to discuss any aspects of the proposed project, which will include a preliminary engineering report, environmental assessment, bid documents, design plans and specifications, and applicable permits required for the construction phase for a new WWTP (this grant does not include any funding for construction).

The resolution provides the required matching funds for the \$475,000 proposed project: \$162,500 from County funds and \$75,000 from Sussex Service Authority funds (the SSA owns and operates the current WWTP).

Mr. John Grey stated that the \$475,000 is the anticipated worst case fee for this design project. It is composed of \$50,000 for the preliminary design efforts. He stated that they didn't have all the information to provide a more solid number because of the due date change. This was a conceptual style look at what was needed. The biggest focus was trying to figure out what flow to anticipate in the next 10 and 20 years. With that information, they started with the sizing of the plant and got preliminary numbers from the equipment provider. They looked at the discharge location.

It was noted that the grant application was due mid-March instead of June.

There was inquiry of the schedule of construction and costs. There was discussion of the improvement of the plant and adding anything new regarding wastewater. There was inquiry on use of the American Rescue Plan Funds.

Ms. Kelly Moore, Director of Finance, stated that the use of funds was permitted. However, she was waiting on guidance for whether funds could be used on current projects or projects after the approval date of signing the certification.

There was discussion of prioritizing the use of funds. There was discussion of making commitment to grant. County Attorney Gore recommended striking the last paragraph of the resolution for the Tobacco Commission Grant Application if the commitment wasn't required. After discussion, County Administrator Douglas stated that there was a requirement for commitment. However, the grant could be turned down/not accepted.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves resolution supporting the grant application to the Tobacco Region Revitalization Commission and providing a \$162,500 match.

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

Voting nay: none

Abstained: Supervisor Tyler

Supervisor Fly stated that because he was on the prevailing side, he would ask that the Board revote on the approval of the resolution supporting the grant application to the Tobacco Revitalization Commission and providing a \$162,500 match.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves reconsidering the vote on the approval of the resolution supporting the grant application to the Tobacco Revitalization Commission and providing a \$162,500 match.

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

Voting nay: none

Supervisor Tyler abstained the initial vote. No response was given by Supervisor Johnson.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves resolution supporting the grant application to the Tobacco Region Revitalization Commission and providing a \$162,500 match, to-wit:

WHEREAS, the wastewater treatment plant that serves Stony Creek, owned and operated by the Sussex Service Authority, is operating at permitted flow capacity using outdated technologies; and

WHEREAS, the Stony Creek community to include the town and surrounding areas along the I-95 corridor, is an extremely important area for current and potential commercial and industrial development in Sussex County, and is vital for future economic development in the county; and

WHEREAS, a replacement of the Stony Creek WWTP is necessary to accommodate future commercial and industrial development in this area, and without improvements this area cannot accommodate any additional development activity; and

WHEREAS, the Virginia Tobacco Region Revitalization Commission is accepting grant applications from local governments for Southside Economic Development Projects, and Sussex County staff held a pre-application meeting with VTRRC staff to discuss the viability of a project to provide for engineering evaluation and design of Stony Creek WWTP improvements, which will include a preliminary engineering report, environmental assessment, bid documents, design plans and specifications, and applicable permits, and provide for a bid-ready construction project.

NOW THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors does hereby authorize and approve the submission of a Southside Economic Development application for the engineering evaluation and design for Stony Creek WWTP Improvements; and

BE IT FURTHER RESOLVED that the Sussex County Administrator is hereby authorized and directed, upon review, to sign and submit the grant application for the Stony Creek WWTP project; and

BE IT FINALLY RESOLVED that the Sussex County Board of Supervisors commits up to \$162,500 in county funds, to be supplemented by \$75,000 from the Sussex Service Authority, as the required local match for this grant application.

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

Voting nay: none

Abstained: Supervisor Tyler

7. Citizens' Comments

There were no citizens' comments.

8. Unfinished Business

There was no Unfinished Business.

9. New Business

There was no New Business.

10. Board Member Comments

10.01 Blackwater District – none

10.02 Courthouse District – none

10.03 Henry District – none

10.04 Stony Creek District – none

10.05 Wakefield District – none

10.06 Waverly District –.none

11. Closed Session

11.01 Convene into Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to applicable Va. Code Section 2.2-3711(A)7

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

Voting nay: none

11.02/3 Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR W. JONES 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 Fly, Johnson, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

11.04 Action Resulting from Closed Session

There was no action from the Closed Session.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR JOHNSON and carried: RESOLVED that the March 18, 2021 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 10:35 p.m.

Voting aye: Supervisors Fly Johnson, 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, April 15, 2021 at 6 p.m.