

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the Social Services Conference Room on
Thursday, May 21, 2020 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:

Mark Flynn, County Attorney
Ellen G. Boone, Commissioner of the Revenue
John Broderick, Public Schools' Director of Finance & Business Operations
Deste J. Cox, Treasurer
Eric Danuser, IT System Manager
Brenda H. Drew, Housing Coordinator
G. Reid Foster, Public Safety
Ernest Giles, Sheriff
William R. Jenkins, General Registrar
Bertha H. Judge, Director of Social Services
K. W. Moore, Director of Finance
Vincent L. Robertson, Interim Commonwealth's Attorney
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board of Supervisors

1. Commencement

1.01 Call to Order/Determine Quorum (6:18 p.m.)

The May 21, 2020 regular meeting of the Sussex County Board of Supervisors was called to order by Chairman Seward.

1.01a Approval of Board Members Participating by Board's Remote Participation Policy

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of remoted participation of Supervisors Johnson, W. Jones, and Mr. Steve White, Tie Breaker. All Board members present voted aye.

1.02 The Invocation

The Invocation was offered by Supervisor Tyler.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

Chairman Seward requested to remove under Item 6. Action Items, Item 6.03 Request for Approval of Assistant Prosecutor's Salary for FY21 Budget.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR TYLER and carried: RESOLVED that Sussex County Board of Supervisors hereby removes Item 6. Action Items, Item 6.03 Request for Approval of Assistant Prosecutor's Salary for FY21 Budget, be from the agenda. All Board members voted aye.

Chairman Seward requested to amend the agenda under Item 6. Action Items, to move items down to add Crater Health as Item 6.01.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby move Action Items down and add as Item 6.01 Crater Health. All Board members present voted aye.

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the May 21, 2020 regular agenda inclusive of removing under the Action Items 6.03 Request for Approval of Assistant Prosecutor's Salary for FY21 Budget; and (2) move Action Items down and add as Item 6.01 Crater Health. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the May 21, 2020 Consent agenda inclusive of the following: (a) Minutes of the April 14 Special and April 16 Regular Board of Supervisors meetings and the Approval of Warrants and Vouchers. All Board members present voted aye.

3. Recognitions/Awards/Presentation

There were no Recognitions/Awards/Presentations.

4. Public Hearing

There was no Public Hearing.

5. Appointments

5.01 Appointments to John Tyler Community College Board

Dr. Mary Wilson's term as the representative for Sussex County is due to expire on the John Tyler Community College (JTCC) Board on June 30, 2020.

JTCC is requesting the Board to appoint someone to the Board for a four (4) year term beginning July 1, 2020, ending on June 30, 2024. The member shall be a resident in the region to be served by the community college and shall include persons from various businesses, industries, and professions in the region being served by the community college. Please note no elected members of either the General Assembly or of a local governing body shall be eligible to serve; however, elected town officials shall not be prohibited from serving on a college board so long as such town is not a participating political subdivision sponsoring the college. Former full time employees of the community college shall not be eligible to serve on the Board.

Supervisor Tyler nominated Ms. Lisa Winfield of Waverly, Virginia. Supervisor Tyler will bring information to the next Board meeting after reaching out to Ms. Winfield.

A copy of the letter from Mr. William Fred Taylor, dated March 30, 2020.

5.02 Appointment to the Industrial Development Authority Board of Directors (2)

The term of Mr. Chester Carter, Post Office Box 505, Stony Creek, Virginia 23882, on the Industrial Development Authority (IDA) Board of Directors expired May 15, 2020. Staff has contacted Mr. Carter. He is willing to continue to serve if reappointed.

Mr. Carter's term will be effective immediately, expiring May 15, 2024 should he be reappointed. Ms. Ann Dix is no longer serving on the IDA Board of Directors. Ms. Dix's term has expired. An appointment will need to be made to fill this vacancy, for a term ending May 15, 2023.

The Industrial Development Authority (IDA) Board of Directors is composed of seven (7) Directors, appointed by the Board of Supervisors serving terms of four (4) years. Recommendation: That the Board reappoints Mr. Chester Carter, Post Office Box 505, Stony Creek, Virginia 23882 to the Industrial Development Board of Directors with a term expiring May 15, 2024; and makes a second appointment with a term expiring May 15, 2023.

Copies of Mr. Carter's confirmation letter, dated April 1, 2020; a copy of IDA Board of Directors Members; and, a copy of IDA Bylaws were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the appointment to the Industrial Development Authority Board of Directors.

All Board members present voted aye.

5.03 Appointments to Planning Commission

Planning Commission members, Ms. Terry Massenburg (Henry District), Post Office Box 330, and Mr. Robert Young (Stony Creek District), Post Office Box 133, both of Stony Creek, VA 23882 terms expired April 30, 2020. Both are willing to continue to serve if reappointed. If reappointed, both terms will expire April 30, 2024.

Copies of Ms. Massenburg's and Mr. Young's confirmation letters, dated April 1, 2020 and a list of the Planning Commission members were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Ms. Terry Massenburg, Post Office Box 330 and Mr. Robert Young, Post Office Box 133, both of Stony Creek, Virginia, VA 23882 to the Planning Commission with terms ending April 30, 2024. All Board members present voted aye.

Item 6. Action Items

6.01 Crater Health District

Agenda was amended to add Crater Health District; however, presentative wasn't able to attend for meeting.

There was discussion of changes in requirements in facilities reporting. There was brief discussion of the closing of the local Health Department. Only services being provide are WIC program from the Hopewell office.

6.02 Approval of Compensatory Leave Overages

Compensatory leave balances for general and public safety employees may not exceed 120 hours at the end of the calendar year per the Sussex County Personnel Policy and Procedures Manual. There are three (3) employees that had over the allowed 120 hours at the end of the calendar year. The compensatory leave overages total 235.5 hours valued at \$6,532.85. Please note the amount will come from fund balance.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the compensatory leave overages for the three employees to be paid out in the May 31, 2020 pay period; and

FURTHER RESOLVED that the funding will be taken from Fund Balance.
All Board members present voted aye.

6.03 Approval of Prince George Electric Cooperative's Release of Liability for Damages

Mr. Jason Williams, Senior District Manager of Atlantic Waste Disposal, forwarded a Release of Liability for Damage Form to County Administration from Prince George Electric Cooperative. Prince George Electric Cooperative is requesting a release of liability for damage to add electrical service near the front gate of the convenience center, at 3474 Atlantic Lane, Waverly, Virginia, for Atlantic Waste should they want to add an attendant at the front gate.

A copy of the Release of Liability for Damage Form was included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex Board of Supervisors authorize staff to execute the Prince George Electric Cooperative Release of Liability for Damage Form to add electrical service near the front gate convenience center, at 3474 Atlantic Lane, Waverly, Virginia.

All Board members present voted aye.

6.04 Approval of MOU between Sussex County and Crater Health District through the Virginia Department of Health & Business Associate Agreement

In an effort to mitigate the spread of the Coronavirus (COVID-19) during this emergency, the Crater Health District desires to enter into an Agreement with localities in the Crater Region and the Virginia Department of Health to provide manpower or equipment to assist with contact tracing of known or suspected COVID-19 cases, or other non-fire and rescue service matters related to mitigating the effects of the COVID-19 pandemic.

Copies of MOU between Crater Health District through the Virginia Department of Health, MOU Addendum 1 for Mutual Aid for Certain Pandemic Related Services, MOU Addendum 2 Job Action Sheet 004 and the Business Associate Agreement 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 approves and authorizes the interim county administrator to execute the Memorandum of Understanding between Crater Health District and Sussex County through the Virginia Department of Health and the Business Associates Agreement.

All Board members present voted aye.

6.05 Approval of Resolution for D19 Transportation Services

Mr. Earl Blackman is a resident of Sussex County. He is currently providing transportation services to members of the community via various private and public insurance agencies, as well as private individuals and businesses as D19 Transportation Services, Inc. Mr. Blackman advised that D19 Transportation Services, Inc. is applying to operate as a Basic Life Support (BLS) ambulance service based in Sussex County, Virginia. He stated that D19 Transportation Services, Inc.'s purpose is to serve as a convalescent transportation provider, i.e. facility-to-facility Non-Emergency Medical Transportation (NEMT), and long-distance hospital discharges, etc. His services will be prepared to be in support of the local EMS agencies only when necessary\called upon to do so. They have had a preliminary visit by Mr. James Burch with Virginia Department of Health/Office of Emergency Medical Services (VDH/OEMS) and were advised that a resolution from the County will be necessary as a part of the process. Mr. Blackman is requesting a resolution from the County permitting D19 Transportation Services, Inc. to operate as a BLS ambulance service.

A copy of the revised draft Resolution, a copy of Virginia Code 15.2-955 (3) Copy of Virginia Administrative Code 12VAC5-31-420 and a copy of the letter to the Board of Supervisors 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 approves the resolution permitting D19 Transportation Services, Inc. to operate as a Basic Life Support (BLS) ambulance service based in Sussex County, Virginia, to-wit:

WHEREAS, the Virginia Department of Health, Office of Emergency Medical services is the regulatory authority for EMS organizations within the Commonwealth; and

WHEREAS, the Code of Virginia § 15.2-955 stipulates that no volunteer emergency medical services agency or volunteer firefighting organization shall be established in any locality on or after July 1, 1984, without the prior approval by resolution of the governing body; and

WHEREAS, the Administrative Code of Virginia 12VAC5-31-420 requires that any applicant for license by the Virginia Office of Emergency Services include such approval in the state license application and also requires that the resolution specify the geographic boundaries of the agency's primary service area within the locality; and

WHEREAS, D19 Transportation Services, Inc. ("D19 Transportation") currently provides an alternative option to the existing transit system to needy individuals in rural and small towns and desires a state license to provide certain medical transport services within the County of Sussex.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors for the County of Sussex, and upon endorsement by the Virginia Department of Health:

1. That D19 Transportation is granted approval by the County of Sussex to provide certain medical non-emergency transport services with the County of Sussex, Virginia, said approval being necessary in order to obtain agency license approval from the Office of Emergency Medical Services. Approval is contingent on D19 Transportation obtaining and maintaining the necessary licenses from the Virginia Office of Emergency Medical Services, and shall be revoked on termination or loss of such licenses.
2. The following requirements shall apply when D19 Transportation is providing services within the County of Sussex for which failure to comply shall result in the revocation of the approval granted herein:
 - A. D19 Transportation is not an agent or representative of the County of Sussex and shall limit its transport services to non-emergency transports.
 - B. D19 Transportation may not attempt to provide service to nor shall it respond to, emergency situations (commonly referred to as 911 Calls) unless requested by an authorized official of the County of Sussex, or the written agreement with the County of Sussex, Virginia.
 - C. D19 Transportation shall keep its transport vehicles and medical equipment in a safe, well-maintained and sanitary condition. D19 shall comply with all orders and direction provided by the Commonwealth pertaining to the coronavirus pandemic.

3. The boundaries of the service area are to be any property located in the boundaries of the County.

7. Reports of Departments

7.01 Treasurer's Report – *included in Board packet – included in Board packet*

7.02 Animal Services Report – *included in Board packet*

7.03 Community Development Report – *included in Board packet*

7.04 Environmental Inspections Monthly Report – *included in Board packet*

7.05 Public Safety Report – *included in Board packet*

Gave a brief update of COVID cases and change in protocol.

7.06 Housing Department Monthly Report – *included in Board packet*

7.07 Sheriff's Department Report – *included in Board packet*

7.08 Finance Department Report – *included in Board packet*

There was discussion of having the Commonwealth's Attorney get information regarding prison, etc. and discuss getting funding from the Comp Board.

8. Citizens' Comments

Steve White (BOS Tie Breaker) noted that there was of no pay out to the responding locality. However, it had to be agreed upon by both parties

9. Unfinished Business

There was no Unfinished Business.

10. New Business

There was no New Business.

11. Board Member Comments

11.01 Blackwater District – Stay safe and well.

11.02 Courthouse District – none

11.03 Henry District – Improvement Association distributed food and items to elderly; delivered 130 boxes; COVID-19 Funding

11.04 Stony Creek District – Thanked Emergency Service workers; stay safe.

11.05 Wakefield District – Mayor of Wakefield to purchase vehicle for County Sheriff's office; wants visit Waverly pool with County's Building Official and Public Safety Coordinator; Mr. Blackman grant funding.

11.06 Waverly District – Stay safe; pool at 4-H Conference Center; touch base with Board on swimming pool.

12. Closed Session

There was no Closed Session.

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the May 21, 2020 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 7:22 p.m. All Board members present voted aye.

13.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, June 18, 2020 at 6 p.m. in the Sussex Social Services Conference Room, 20103 Princeton Road, Sussex, Virginia 23884 and via County website.