

**At a Regular Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom on  
Thursday, December 17, 2015 at 7:00 pm.**

**BOARD MEMBERS PRESENT**

Charlie E. Caple, Jr.  
C. Eric Fly, Sr.  
Alfred G. Futrell  
Robert E. Hamlin  
John A. Stringfield  
Raymond L. Warren

**STAFF PRESENT:**

Deborah A. Davis, County Administrator  
Vandy V. Jones, III, Deputy County Administrator  
Michael F. Kaestner, County Attorney  
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk to the Board  
Ellen G. Boone, Commissioner of the Revenue  
Deste J. Cox, Deputy Treasurer  
Marvin J. Drew, II, Permit Technician  
Anne K. Ellis, Finance Supervisor  
Chequila H. Fields, Director of Social Services  
Andre M. Greene, Director of Community Development  
Lyndia P. Ramsey, Commonwealth's Attorney  
Onnie L. Woodruff, Treasurer

**Item 1. Call To Order/Determine Quorum (9:40 p.m.)**

The December 17, 2015 meeting of the Sussex County Board of Supervisors was called to order by Chairman Hamlin.

**Items 2. The Invocation**

The Invocation was offered by Supervisor Caple.

**Item 3. The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

**Item 4. Agenda Amendments**

County Attorney Kaestner requested to add as Item 16., Closed Session Item, Consultation with legal counsel regarding the sale of Jefferson Elementary School Building, applicable Code Section 2.2-3711(A)7.

**Item 5. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the December 17, 2015 regular agenda of the Sussex County Board of Supervisors inclusive of adding as Item 16., Closed Session Item, consultation with legal counsel regarding the sale of Jefferson Elementary School Building, applicable Code Section 2.2-3711(A)7 is hereby approved.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 6. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of November 19, 2015 meeting; (b) Approval of Warrants and Vouchers; and (c) Restoration of Funds – \$1,437.27, Sheriff's Department.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 7. Presentation – Head Start/Improvement Association Students**

Shikee Franklin, Head Start Director with the Improvement Association, thanked the Board for their support over the years. Ms. Franklin advised the Lieutenant Governor Northam prioritizes early childhood education in regards to workforce development. From the Wakefield classrooms and Sussex Elementary School classrooms, Ms. Franklin presented our future workforce, the students of the Head Start program. The students brought holiday cheer performing Christmas carols.

#### **Item 8. Appointments (none at this time)**

#### **Item 9. Staff/Committees/Organization/Standing Reports**

#### **Item 10a. County Administrator's Report**

##### **1. Resolutions: Recognition of Supervisors Caple, Warren, and Hamlin**

##### ***Resolution in Recognition of The Honorable Charlie E. Caple, Jr.***

WHEREAS, The Honorable Charlie E. Caple, Jr. has served as a member of the Sussex County Board of Supervisors for twenty (20) years, and

WHEREAS, during his tenure, Supervisor Caple devoted his time and interest to matters affecting the citizens of Sussex County, and

WHEREAS, he supported numerous activities in our community – the Board's Personnel Committee, Improvement Association Board of Directors, Vice Chairman of the Board of

Supervisors and a member of Social Services Advisory Board for over twenty (20) years; and,

WHEREAS, he was always willing to place his concern for the public good ahead of his personal interests and thus, has earned the admiration and high regard of other civic leaders and the affection of a host of area residents; and

WHEREAS, he contributed to the growth and development of our area and his influence is still being felt; and

WHEREAS, if there was one characteristic that distinguished Supervisor Caple's career as a public servant, it was his enormous capacity for hard work and diligence and demonstrated in many practical ways his deep and genuine love for our community and the surrounding areas.

NOW, THEREFORE the Sussex County Board of Supervisors hereby express our sincere appreciation and thanks *The Honorable Charlie E. Caple, Jr.* for his distinguished service to the community and highly commend him for the manner in which he has carried out duties and responsibilities.

Presented this 17th day of December, 2015.

***Resolution in Recognition of  
The Honorable Raymond L. Warren***

WHEREAS, The Honorable Raymond L. Warren has served as a member of the Sussex County Board of Supervisors for four years; and

WHEREAS, during his tenure, Supervisor Warren devoted his time and interest to matters affecting the citizens of Sussex County, and

WHEREAS, he supported numerous activities in our community – Virginia's Gateway Region Board of Directors, Chowan Basin Soil and Water Conservation District Board of Directors and the Sussex Services Authority Board of Directors; and

WHEREAS, he was always willing to place his concern for the public good ahead of his personal interests and thus, has earned the admiration and high regard of other civic leaders and the affection of a host of area residents; and

NOW, THEREFORE the Sussex County Board of Supervisors hereby express our sincere appreciation and thanks *The Honorable Raymond L. Warren* for his distinguished service to the community and highly commend him for the manner in which he has carried out duties and responsibilities.

Presented this 17th day of December, 2015.

*Resolution in Recognition of  
The Honorable Robert E. Hamlin*

WHEREAS, *The Honorable Robert E. Hamlin* served as a member of the Sussex County Board of Supervisors for two years; and

WHEREAS, during his tenure, Supervisor Hamlin devoted his time and interest to matters affecting the citizens of Sussex County, and

WHEREAS, he supported numerous activities in our community - Smart Beginnings Leadership Advisory Council serving the Crater District, Small Business Forum, Advisor to the Coalition of Pastors and Leaders, Sussex Tourism Committee; and

WHEREAS, he was always willing to place his concern for the public good ahead of his personal interests and thus, has earned the admiration and high regard of other civic leaders and the affection of a host of area residents; and

NOW, THEREFORE the Sussex County Board of Supervisors hereby express our sincere appreciation and thanks *The Honorable Robert E. Hamlin's* for distinguished service to the community and highly commend him for the manner in which he has carried out duties and responsibilities.

Presented this 17<sup>th</sup> day of December, 2015.

*County Administrator read aloud each Supervisors resolution. Chairman Hamlin presented Supervisors Caple and Warren resolution. Vice Chairman Caple presented Supervisor Hamlin's resolution.*

**2. Resolution: Recognition of Southampton Academy 2015 Varsity Softball Team**

*Resolution in Recognition of  
Southampton Academy 2015 Varsity Softball Team*

Throughout the human experience, hard work and fair and honest competition has driven the human race to accomplish greatness and has allowed man, God's greatest creation, to improve upon his and his neighbors natural and spiritual selves.

Therefore, the Sussex County Board of Supervisors recognizes that the future of our great County lies in the hands of our youth and in the hands of those who will teach, train, coach and inspire the young people of Sussex County to greatness.

We therefore recognize Southampton Academy and the players and coaches of the 2015 Varsity Girls' Softball Team.

Whereas, Southampton Academy, located in Courtland Virginia, has been educating the children of Sussex County for over forty years; and

Whereas, Southampton Academy has contributed to the excellent quality and character of the young men and women in Sussex County through both academics and athletics; and

Whereas, Southampton Academy, through its pursuit of excellence in education and athletics, has been the driving force of many of the youth of Sussex County to seek higher education and to take their proper place in society and to strive to build a better world, and

Therefore, we the Sussex County Board of Supervisors, recognize and congratulate the hard work and effort put forth by each player and coach of 2015 Southampton Academy Varsity Softball Team whose hard work and dedication has earned this championship team a season record of 20 wins and 2 loses and a great victory over Kenston Forest Academy in the finals of the VISAA State Girls' Softball Championship; and

Therefore, let it be known throughout the land, that the Sussex County Board of Supervisors is proud to recognize the Southampton Academy 2015 Varsity Softball Team, the Lady Raiders, as the 2015 VISAA Girls' Softball Champions and we acknowledge the contributions made to this championship team by all the players and coaches.

We, congratulate and honor with this resolution, which shall forever become a permanent record of Sussex County, the players: Hannah Dodson, Avery Pope, Kellie Ferguson, Macy Harrup, Allison Matthews, Kara Beth Poole, Mason Pope, Megan Vinson, Ashten Hinkle, Susan Brooke Mizelle, August Ringer and the coaches: Jeb Bradshaw, Emmy Canada-Hodges, and Scott Speight.

Therefore, we the Sussex County Board of Supervisors, direct that this resolution be spread upon the books of Sussex County and that we along with the VISAA 2015 Southampton Academy Championship Varsity Softball Team celebrate "Living the Blue Life".

Presented this 17th day of December, 2015.

*Supervisor Fly advised that this resolution will be presented at the school.*

*Supervisor Futrell requested that this resolution be amended to include Sussex Central High School Varsity Football Team, Green Machine Football Team (Ages 9 – 12) and Tidewater Academy Softball Team and any other County schools.*

*Supervisor Fly advised that any school involving Sussex that has won a championship and any student that has accomplished some great goal, he has been willing to write a resolution. However, the resolution for Southampton Academy had already been approved under the Consent Agenda of the November 19, 2015 meeting of the Board of Supervisors. Supervisor Fly stated that he would be happy to write a resolution for the Green Machine,*

*Sussex Central High School Varsity Football and or Tidewater Academy individually and recognize them individually. Supervisor Futrell advised that Mr. Thomas Jones would get information about Green Machine. Other information for Sussex Central High School Varsity Football Team and Tidewater Academy Softball is to be provided to Supervisor Fly*

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby direct staff to work with Supervisor Futrell and Green Machine, Sussex Central High Varsity Football Team and Tidewater Academy Softball Team to develop an appropriate resolution commending the football teams and softball team.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

### **3. Charter Communications Franchise Agreement**

County Administrator Davis reported that Charter Communications has forwarded to staff a cable franchise renewal with Sussex County. The current franchise has expired and it is essential that the company and County work together on a renewal agreement that meets both parties mutual interest with respect to cable services.

The Franchise Agreement has been reviewed by the County Attorney and he advised that everything is in order.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors authorize the County Administrator to sign the Franchise Agreement between Charter Communications and Sussex County.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

### **4. Stormwater “Opt-Out” Support Resolution**

County Administrator Davis advised that information regarding Stormwater “Opt-Out” is included in the Board packet.

County Administrator Davis advised that Sussex County chose to “Opt Out” of DEQ’s expanded stormwater management program, mostly due to the cost, liability and uncertainty surrounding the new regulations. Staff believe that regulations developed and adopted by the Commonwealth should be paid for by the Commonwealth as opposed to being passed down to the local governments as a burdensome unfunded or underfunded mandate. Further, we believe that regulations promulgated by the state are most uniformly and consistently implemented and enforced by the state through its own agencies and departments. (See copy of Resolution #14-083, adopted April 17, 2014).

Recently, it has come to our attention that some are seeking to eliminate a locality’s ability to “Opt Out” of the state’s stormwater program through the work of DEQ’s Stormwater Stakeholder Advisory Group (SAG). The SAG has held meetings in Richmond and will

make recommendations to the General Assembly regarding revisions to the state's stormwater law that will most likely be adopted. The Stormwater Permit Opt-Out Support Resolution, to-wit:

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia's expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173/Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to "Opt Out", leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia's lead environmental regulatory agency, the DEQ was established as the Commonwealth's VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth's environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Sussex County, along with 54 other localities in Virginia, voted in 2014 to "Opt Out" of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to "Opt Out" provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory "Opt Out" constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome unfunded or underfunded mandate; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to "Opt Out" receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisors of Sussex County **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia's counties and cities the statutory right to "Opt Out" of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Sussex County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to "Opt Out" be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Board of Supervisors of Sussex County strongly recommends that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

ON MOTION OF SUPERVISOR WARREN, second by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the resolution and authorize staff to forward to state legislative delegation, the DEQ and Governor’s Office.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**5. Memorandum of Agreement: Sussex County Sheriff’s Department and VDOT**

County Administrator Davis advised that Sheriff’s Department staff has forwarded a Memorandum of Agreement between with the Virginia Department of Transportation and has requested that the County Administrator sign the Agreement. County Attorney Michael F. Kaestner has reviewed the agreement between VDOT and the Sheriff’s Office regarding inmate labor and cites Section 53.1-128 of the Code of Virginia provides (in part): “The local governing body of any county, city or town may establish workforces in the county, city or town under such conditions as it may prescribe.” Given that this code section is referenced in the agreement, he is of the opinion that technically the Board of Supervisors should act to authorize the County Administrator to sign this agreement.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to sign the Memorandum of Agreement between Sussex County Sheriff’s Department and the Virginia Department of Transportation.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**6. Auditor of Public Accounts Report – Circuit Court Clerk’s Office**

County Administrator Davis shared the Auditor of Public Accounts Report for the Circuit Court Clerk’s Office. Cash receipts and disbursements were audited. The auditors found no matters involving any internal control and operations necessary to bring to management’s attention.

**7. 2015 CDBG Planning Grant – Pocahontas Neighborhood Improvement Study**

Vandy V. Jones, III, Deputy County Administrator, reported that at the November 19, 2015 meeting, the Board of Supervisors authorized submission of planning grant application to the Department of Housing and Community Development in the amount of \$30,000.00. The grant will be used for the Pocahontas Neighborhood Improvement Study. The total cost for this study is \$34,000.00. The application for the grant has been approved and awarded to Sussex County. The grant will cover \$30,000.00 of the \$34,000.00 cost. The remaining \$4,000.00 will be paid out the Department of Community Development's budget.

ON THE MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the grant award and appropriates the funds in the amount of \$30,000.00 in the FY2016 budget for this project.

Voting aye: Supervisors Caple, Futrell, Hamlin, Stringfield, Warren

Voting nay: Supervisor Fly

**8. 2015 CDBG Planning Grant – Contract with Community Planning Partners, Inc.**

Vandy V. Jones, III, Deputy County Administrator, reported that the 2015 CDBG Planning Grant – Contract with Community Planning Partners, Inc. is a continuation of the Pocahontas Neighborhood Improvement Study.

On October 26, 2015, staff conducted interviews for consultant services to assist with the completion of the Pocahontas Planning Grant activities. Community Planning Partners, Inc. will assist with, among other things, household eligibility determinations, rehab inspections, cost analysis, project planning and final project area delineation.

A draft copy of the contract which is subject to final review and approval by County Attorney Kaestner is included in the Board packet.

*There was some concern as to the Town of Wakefield's involvement and having some type of agreement with the Town. An agreement of some type will be done.*

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to execute the contract with Community Planning Partners, Inc. in an amount not to exceed \$31,300.00.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**9. Atlantic Waste Disposal Leachate Treatment Plant Stormwater Management/BMP Maintenance and Access Easement Agreement**

Vandy V. Jones, III, advised that as reported at a previous meeting, Atlantic Waste Disposal, Inc. (AWD) is building a \$40 million leachate treatment plant at the landfill. The plant will create 15 to 20 full time jobs.

The Board has previously granted utility easements to Prince George Electric Cooperative (PGEC) to provide electrical service to this facility. As the project has progressed, PGEC has determined that the electric lines serving the leachate treatment plant must be upgraded. These new lines will originate at the PGEC substation located on Beef Steak Road.

The upgrading of the lines requires an easement in the Sussex Mega Site along Beef Steak Road.

An aerial of the Sussex Mega Site depicting the proposed easement (provided by the Timmons Group) is included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to sign the Prince George Electric Cooperative (PGEC) Utility Easement and Release of Liability for Damage forms necessary to grant an easement to PGEC to serve the Atlantic Waste Disposal leachate treatment plant.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **10. Board's November 19<sup>th</sup> Decision Regarding Annie B. Jackson School Building**

Chairman Hamlin advised that this is an item he requested to be added to the agenda.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconsiders substitute motion to offer Annie B. Jackson School Building for sale under sealed bid and bring the motion back to the floor for another vote.

Voting aye: Supervisors Caple, Futrell, Hamlin, Stringfield

Voting nay: Supervisors Fly, Warren

*Because the initial vote was done at a public hearing, Supervisor Fly offered a substitute motion.*

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to schedule a public hearing to make a decision on the sale of Annie B. Jackson School Building in Waverly.

Voting aye: Supervisors Fly, Warren

Voting nay: Supervisors Caple, Futrell, Hamlin, Warren

*Motion failed. Due to substitute motion failing, the original motion made by Chairman Hamlin was back on the floor.*

*During discussion, Supervisor Warren wanted to go on record stating that it is wrong. Over a year ago, Supervisor Warren stated that he advised the Board not to get in this situation. He said he made it perfectly clear that no Board of Supervisors member should*

*ever get involved with picking and choosing in who gets land. It could have been eliminated then and it can be eliminated now. He has no axe to grind or personal agenda. He doesn't care who gets it. Everything is fine except the Board has been put in a position of picking and choosing. Supervisor Warren stated that he will not be a part of that and for that reason he will be voting "no".*

Chairman Hamlin requested that the secondary motion from the November 19, 2015 Board of Supervisors meeting be read. County Administrator Davis read the motion aloud. Chairman Hamlin asked that the motion be put back on the floor.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby offers the Annie B. Jackson Elementary School for sale under a sealed bid.

Voting aye: Supervisors Fly, Warren

Voting nay: Supervisors Caple, Futrell, Hamlin, Stringfield

*Motion failed.*

County Attorney Kaestner clarified that in the November 19, 2015 Board packet, there was a draft resolution he prepared that memorialized some of the legal matters.

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SUSSEX:**

That the Board of Supervisors hereby authorizes the sale of certain County-owned property located at 408 School Street and commonly known as the Annie B. Jackson Elementary School and more particularly described as tax map parcel 28A7-A-135, to the Jessica Ann Moore Foundation for \$50,000.00 as follows:

WHEREAS, the Jessica Ann Moore Foundation ("Foundation") is a 501(c)(3) charitable organization and submitted a proposal to the County proposing its desire to renovate and operate a community center at the Annie B. Jackson Elementary School ("School");

WHEREAS, the Foundation will offer a number of valuable charitable services to the citizens of Sussex County at the School;

WHEREAS, the School is located at 408 School Street, Waverly, Virginia and is more particularly known as tax map parcel 28A7-A-135 and consists of approximately 9.14 acres;

WHEREAS, the Board duly advertised and held a public hearing on the question of the transfer of the School as required by subsection B of Virginia Code §15.2-1800, and considered public input on the transfer.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SUSSEX:**

That pursuant to Virginia Code §15.2-1800, the Board hereby authorizes the County Administrator to execute the Contract of Purchase in a form substantially similar to that School, all subject to the approval of the County Attorney, Such Contract shall be provided that sale of the School is on an “as-is” basis.

*Supervisor Warren wanted to go record that he will be voting “no” against this because the Board should not be in the position of picking and choosing who gets land.*

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Resolution titled Sale of the former Annie B. Jackson Elementary School which authorizes the sale of the Annie B. Jackson Elementary School to the Jessica Ann Moore Foundation in the amount of \$50,000.00.

Voting aye: Supervisors Caple, Futrell, Hamlin, Stringfield

Voting nay: Supervisors Fly, Warren

**Item 10b. Treasurer’s Report** (included in the Board packet)

**Item 10c. Commissioner of the Revenue** (no report)

**Item 10d. Sheriff’s Report** (no report)

**Item 10e. Superintendent of Schools** (no report)

**Item 10f. Director of Social Service** (no report)

**Item 10g. General Registrar** (no report)

**Item 10h. Health Department** (no report)

**Item 10i. County Attorney’s Report** (no report)

**Item 11. Hearing of Citizen’s Comments (8:53 p.m.)**

Comments were heard from:

Jannette Green (Courthouse District)  
Antionette Jones (Stony Creek District)  
Kobe Drew (Waverly District)  
Otto Wachsmann (Stony Creek District)  
Marvin Drew, II (Waverly District)  
Thomas Jones (American Legion #191)  
Rev. Orlando Tolliver (Courthouse District)

**Item 12. Unfinished Business** – none

**Item 13. New Business** - none

**Item 14. Reports from Departments/Staff/Commissions** (Reports included in packet)

**Item 15. Board Member Comments**

- a) Blackwater District

Supervisor Warren thanked everyone.

- b) Courthouse District

Supervisor Fly stated that he believes that it is wrong to hold the public hearing for Jefferson Elementary over the holidays when citizens are out of town and it is not fair to the County staff.

Supervisor Fly thanked Davis Oil Company, Max Bartholomew of Dominion Power, Mr. Mike Malandro of Prince George Electric and Lt. Governor Ralph Northam. Supervisor Fly said that this was a Christmas miracle because everyone worked together to get Popeye's opened before the holidays so that employees could receive two (2) checks prior to the holiday.

- c) Henry District

Chairman Hamlin announced that the Public Hearing for the sale of Jefferson Elementary School will be held on Tuesday, December 29, 2015. He was sorry that it was over the holidays, but he didn't mind holding a public hearing over the holidays to help the project started. He also thanked everyone for his time and experience on the Board.

- d) Stony Creek District – none
- e) Wakefield District – none
- f) Waverly District – none

**Item 16. Closed Session**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session regarding consultation with legal counsel pertaining to the sale of Jefferson Elementary School, applicable Code Section 2.2-3711(A)(7).

Voting aye: Supervisors Caple, Fly, Hamlin, Stringfield, Warren

Voting nay: none

*Supervisors Fly and Warren departed at 9:14 p.m.*

**Item 17. Return to Open Session/Certification**

ON MOTION OF SUPERVISOR STRINGFIELD seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session.

Voting aye: Supervisors Caple, Futrell, Hamlin, Stringfield

Voting nay: none

Absent during vote: Supervisors Fly, Warren

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that 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 Caple, Futrell, Hamlin, Stringfield

Voting nay: none

Absent during vote: Supervisors Fly, Warren

#### **Item 18. Action on Closed Session Item**

There was no action on the Closed Session Item.

#### **Item 19. Adjournment**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the December 17, 2015 meeting of the Sussex Board of Supervisors is hereby adjourned 9: 30 p.m.

Voting aye: Supervisors Caple, Futrell, Hamlin, Stringfield

Voting nay: none

Absent during vote: Supervisors Fly, Warren