

**At a Regular Meeting of the Sussex County Board of Supervisors  
Held in the General District Courtroom on  
Thursday, February 18, 2016 at 7 pm**

**BOARD MEMBERS PRESENT**

Keith C. Blowe  
Alfred G. Futrell  
Susan B. Seward  
John A. Stringfield  
Rufus E. Tyler, Sr.

**ABSENT DURING VOTE**

C. Eric Fly, Sr.

**STAFF PRESENT:**

Deborah A. Davis, County Administrator  
Vandy V. Jones, III, Deputy County Administrator  
Michael F. Kaestner, County Attorney  
Raymond R. Bell, Sheriff  
Marsha Bishop, Deputy Commissioner  
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk to the Board  
Deste J. Cox, Deputy Treasurer  
Brenda H. Drew, Housing Coordinator  
Anne K. Ellis, Finance Supervisor  
Chequila H. Fields, Director of Social Services  
Dwight Gay, Sheriff's Department  
William Jenkins, General Registrar  
Gary M. Williams, Clerk of the Circuit Court  
Onnie L. Woodruff, Treasurer

**1. Commencement**

**1.01 Call to Order/Determine Quorum**

The February 18, 2016 meeting of the Sussex County Board of Supervisors was called to order by Chairman Blowe.

**1.02 The Invocation**

The Invocation was offered by Vice Chair Seward.

**1.03 The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

**1.04 Agenda Amendments**

At the request of Supervisor Fly, staff requested to move Action Item 6.03 Proposed Resolution: Support of Using Hunting Dogs in the Commonwealth of Virginia as prescribed in current laws, to after Public Comments. *It was decided to leave this item at its current location.*

Staff requested to add a Closed Session item: Assignment, appointment, promotion, performance, demotion, salary, discipline, or resignation of the county attorney pursuant to §2.2-3711(A)(1) of the Code of Virginia.

Staff also requested to add Jason Williams, Senior District Manager of Atlantic Waste Disposal, under #7 Report of Departments/Agencies as 7.01A.

#### 1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the February 18, 2016 regular agenda of the Sussex County Board of Supervisors is hereby approved.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

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

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of January 21, 2016 meeting; (b) Approval of Warrants and Vouchers; and (c) Approval of Restoration of Funds, \$8,805.00 from VACORP.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

### **3. Recognitions/Awards - none**

### **4. Public Hearing(s) – none**

### **5. Appointment(s) – none**

### **6. Action Items**

#### 6.01 Amendment to Board's Bylaws and Rules of Order

County Attorney Kaestner reported that at its regular January meeting, the Board adopted amendments to its Bylaws and Rules of Procedure (“Bylaws”). These amendments pertained to the agenda and incorporated provisions governing the use of the elected tie breaker position. The Board discussed a third amendment regarding the scheduling of the

organizational meeting in the years immediately following an election. Because the proposed verbiage raised some legal concerns, the Board directed the county attorney to return with proposed verbiage to accomplish the Board's goal.

### **Proposed Amendment to the Bylaws**

Revise Section 2-6(A) to read as follows:

A. At the regular December meeting held immediately after a regular November general election for members of the Board of Supervisors, the Board shall set the date, time and place of a meeting to sit in regular session in January to hold its organizational meeting pursuant to § 15.2-1416 of the Code of Virginia. Such organizational meeting shall be held on the first Thursday of the first full week of January, unless the Board prescribes a different date. The Clerk to the Board shall cause notice of the organizational meeting to be advertised at least seven days prior to such meeting. The first meeting in January of each year shall be known as the organizational meeting. The Clerk of Board, Parliamentarian and/or County Attorney may preside during the organizational meeting pending the election of the Chairman.

(**Note:** Proposed new language is underlined and language proposed to be deleted is ~~stricken through~~.)

### **Discussion**

The proposed language would require the "outgoing" Board at its regular December meeting to set an organizational meeting in January. To address concerns that the first Thursday of the month may fall on New Year's Day or shortly thereafter, the language provides for the organizational meeting to be held on the Thursday of the first full week of January. Under this proposal, the latest the organizational meeting could occur would be January 11<sup>th</sup> if January 1<sup>st</sup> fell on a Monday. The earliest the organizational meeting could occur would be January 5<sup>th</sup> if January 1<sup>st</sup> fell on a Sunday. The proposed language also preserves the outgoing Board's discretion to set a different date.

In addition, the proposed language requires the Clerk to the Board to advertise notice of the organizational meeting. Section 15.2-1416 of the Code of Virginia sets forth the requirements of organizational meetings. When read in concert with § 15.2-1422, there is an ambiguity that makes it unclear whether the Board may hold its organizational meeting at a special meeting without advertising notice. Given the relatively modest expense of advertising, and in light of the fact that such advertisement would only be made every four years, it is recommend that the Board advertise its organizational meeting if it will be held earlier than its regular meeting.

Finally, the last sentence shown stricken through above may be deleted because it is duplicative of language found at Section 2-7(A).

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves amendment to the Board of Supervisors Bylaws and Rules of Procedure, Section 2-6(A).

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

6.02 Proposed Resolution: Atlantic Coast Pipeline (FERC Case No. PF15-6-000)

Vice Chair Seward presented a draft resolution offered by Dominion Power regarding the Atlantic Coast Pipeline (FERC Case No. PF15-6-00).

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Board of Supervisors hereby adopts the following resolution, to-wit:

WHEREAS, the proposed Atlantic Coast Pipeline would provide Virginia with unprecedented access to additional and abundant supplies of economical, domestically produced natural gas; and

WHEREAS, the reliable availability of affordable natural gas is a critical element in siting decisions by businesses, especially modern industrial operations; and

WHEREAS, the Board of Supervisors and administration of Sussex County, Virginia, are working hard to promote the development of our economy and develop new job opportunities for our working men and women; and

WHEREAS, the lack of pipeline infrastructure currently imposes serious limits on the availability of natural gas in Sussex County and other localities in southern Virginia, thereby handicapping our county's ability to attract new businesses, promote economic development, and foster employment growth; and

WHEREAS, the proposed Atlantic Coast Pipeline, with a route passing very close to Sussex County, has the potential to greatly improve the accessibility of natural gas in our locality and, in the process, better position our county to strengthen our economy and compete successfully for new business ventures; and

WHEREAS, even before it begins operation, the effort to construct the proposed pipeline would generate significant economic benefits for Virginia, with a 2014 study by Chmura Economics & Analytics indicating construction would produce approximately \$1.42 billion in additional economic activity and support almost 8,800 additional jobs in the Commonwealth through 2019; and

WHEREAS, operation of the proposed pipeline would lead to continuing benefits for the residents and businesses of Sussex County, with a 2015 ICF International study forecasting that the improved availability of natural gas would save Virginia consumers, including those in our locality, an annual average of \$243 million in energy costs;

WHEREAS, operation of the pipeline will also help protect our county's environment, especially the quality of our air, by offering new supplies of natural gas, a low-emissions fuel source, for the generation of electricity in Virginia;

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Sussex County, Virginia, hereby expresses our strong support for the proposed Atlantic Coast Pipeline and respectfully urges the Federal Energy Regulatory Commission to approve the project after a timely and thorough review.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

6.03 Proposed Resolution: Support of Using Hunting Dogs in the Commonwealth of Virginia as Prescribed in Current Law

Supervisor Futrell offered a draft resolution in support of using hunting dogs in the Commonwealth as prescribed in current laws to be adopted by the Board of Supervisors.

After discussion of current legislation in the General Assembly, there was recommendation to amend the language in the final paragraph in the resolution.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Board of Supervisors hereby accepts the proposed resolution with amendments as presented by the county attorney, to-wit:

WHEREAS, Sussex County is blessed with a bounty of wildlife, and hunting helps develop an appreciation for our natural resources; and

WHEREAS, we as a community are entrusted with the extraordinary task of preserving and conserving our County's precious natural areas and wildlife populations; and

WHEREAS, hunters throughout the Commonwealth, our Region, and Sussex County contribute to our economy, help form conservation movements, promote laws to stop the uncontrolled exploitation of wildlife, and work to establish gaming laws that are backed by enforcement; and

WHEREAS, the Sussex County tradition of hunting with dogs is a family-oriented tradition that teaches self-reliance, individual responsibility, and the values of community stewardship of our God given natural resources; and

WHEREAS, the governing body of Sussex County recognizes that we must remain vigilant in the protection of these traditions and this valued way of life by supporting legal methods that protect our inherent rights to hunt with dogs, while also allowing for the enforcement against the inhumane treatment of hunting dogs and the right of property owners to protect against trespassers; and

WHEREAS, hunting is an invigorating and healthy sport that provides a lifetime of enjoyment, embraces an American tradition, and shares in the values of proper stewardship and resource conservation; and

NOW, THEREFORE BE IT RESOLVED, by the Sussex County Board of Supervisors that we hereby proclaim to our citizens, those of the region, and our great Commonwealth that the governing body of Sussex County supports the right to hunt with dogs, and further maintains our stance for the need for enforcement of animal cruelty and current state trespassing laws; and

HEREBY BE IT FURTHER RESOLVED, that the Sussex County Board of Supervisors while taking no position on any pending legislation supports our heritage of hunting with dogs and opposes any actions on the part of the Virginia Department of Game and Inland Fisheries and the General Assembly of Virginia that are detrimental to that tradition.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

#### 6.04 Grant Award: Route 602 (Cabin Point Road) Sewer/Water Line Extension

Deputy County Administrator Jones reported that on January 12, 2016, the Virginia Tobacco Commission awarded Sussex County \$290,073.00 to assist with the extension of water and sewer service mains to the Route 602 (Cabin Point Road) Industrial Park. The County owns approximately 156 acres of land at the intersection of Route 460 and Route 602. Proposed improvements include approximately 3,600 feet of 6-inch diameter sanitary sewer and approximately 760 linear feet of 12-inch diameter waterline. Construction will occur on the north side of Route 460 with bores under Routes 460 and 602 required for the sanitary sewer force main and water main extensions.

Deputy County Administrator Jones noted that staff would like to modify request for the Board to just accept the grant so that staff get more definitive pricing on the lines. Staff was initially requesting that the Board of Supervisors accept the grant award of \$290,073.00 and to appropriate \$580,146.00 in the budget for this capital project. Grants from the Tobacco Commission require a 1-1 (dollar for dollar) local match contribution.

ON MOTION OF SUPERVISOR FUTRELL, and seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Board of Supervisors hereby accepts the grant award of \$290,073.00.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

#### 6.05 Comprehensive Services Funds

Anne Ellis, Finance Supervisor, reported that upon review of the Finance Department is requesting that the Board of Supervisors appropriate additional funds to balance the account.

Additional appropriation of local funds is needed in the amount of \$51,696.89 to balance the account. This may be accomplished by a reduction in the local appropriation to Social Services Department, which will still leave adequate funds based on the level of operations for the department for the remainder of the fiscal year.

The Comprehensive Services fund ended the 2015 fiscal year with a balance of (\$51,696.89) on accrual basis; this balance reflects a cumulative amount for 2012-2015.

Our required local match for Comprehensive Services is 23.87%.

<b><u>Year</u></b>	<b><u>Fund Assets</u></b>	<b><u>Fund Liabilities</u></b>	<b><u>Balance</u></b>
2012	107,432.46	137,076.94	-29,644.48
2013	118,336.31	159,370.39	-41,004.08
2014	153,491.68	182,847.99	-29,356.31
2015	153,491.68	182,856.11	-51,696.89

A copy of the balance sheet was provided to the Board.

*Ms. Chequila Fields, Director of Social Services, stated that the Comprehensive Service Act was created for at-risk children. Social Services acts as the fiscal agent.*

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and authorizes an appropriation reduction from the Department of Social Services in the amount of \$51,696.89; and

FURTHER RESOLVED that the Sussex County Board of Supervisors authorizes a budget transfer of the same amount to Comprehensive Services to reconcile and balance the account.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

#### 6.06 Airfield 4-H Center Request

County Administrator Davis reported that Mr. Melvin Atkinson, Airfield 4-H Center Director, is requesting the Board of Supervisors to consider donating the mobile classrooms located at the former Ellen W. Chambliss Elementary School to the Airfield 4-H Center for their outdoor educational programs.

This item has been tabled until the March 17, 2016 Sussex County Board of Supervisors meeting. Chairman Blowe has advised all parties in this matter communicate prior to the meeting.

#### 6.07 Proposed Resolution: Improvement Association Building Construction

This item has been tabled until the March 17, 2016 Sussex County Board of Supervisors meeting. Chairman Blowe has advised all parties in this matter communicate prior to the meeting.

## **7. Reports of Departments/Agencies**

### 7.01 VDOT Update, Jerry Kee, Assistant Residency Administrator

Mr. Jerry Kee, Assistant Residency Administrator for Virginia Department of Transportation (VDOT), gave a brief update on maintenances item VDOT has completed in the last thirty (30) days.

Mr. Kee reported that some of the projects VDOT has been or will be working on are:

- Potholes due to inclement weather
- Drainage and stormwater cleanout in the four (4) towns
- Ditching work
- Non-hard surface roads
- Paving roads—Routes 31, 617, 628—in Wakefield this summer
- Replacing 301 Bridge over Nottoway River scheduled for April 2016. The bridge is anticipated to reopen in December 2017.

Mr. Kee also provided VDOT's toll free number, 1-800-367-7623.

### 7.01A Atlantic Waste Disposal Update, Jason Williams

Mr. Jason Williams, Senior District Manager of Atlantic Waste, provided an update of measures to control the odor and other issues at the Atlantic Waste landfill.

Mr. Williams reported that in the Phase 1 cap area, the stormwater control structure has been completed. Another stormwater control project has been started on the other side of the landfill that will minimize leachate production in one portion of the landfill. A new flare was started February 11, 2016; however, the portable flare will still be running until permanent flare has been confirmed to handle gas.

The Wastewater Treatment Plant that Atlantic Waste is building, has constructed three (3) concrete aerobic tanks. Also, two (2) new equipment operators and four (4) new site technicians have been hired in addition to existing staff to handle leachate and environmental issues.

### 7.02 Administration Update: Stony Creek Park Lighting Project

Deputy County Administrator Jones reported that there has been several discussions held regarding the Stony Creek Park Light Project. However, there has been no definitive scope of work developed for the project nor has there been any type of agreement developed or completed between the County and Stony Creek's Town Council.

Deputy County Administrator Jones is requesting that the Board move forward and allow County Administration to follow up with Stony Creek's Town Council regarding the Park Lighting Project and start anew.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes County Administration to negotiate with the Town Council of Stony Creek to pursue a project on the Stony Creek Park Lighting and

FURTHER RESOLVED that the Sussex County Board of Supervisors hereby directs County Administration to bring a report and recommendation to the Board of Supervisors.  
Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler  
Voting nay: none  
Absent during vote: Supervisor Fly

#### 7.03 Finance Department/Committee Update

This item has been tabled until the March 17, 2016 Board of Supervisors meeting.

(a) Wakefield Volunteer Fire Department

This item has been tabled until the March 17, 2016 Board of Supervisors meeting.

#### 7.04 Staff's Update to Board's 2016 Priority List

Deputy County Administrator Jones updated the Board on the following updates:

- Economic Development – Show tangible and meaningful progress in the following areas
  - Industrial sites shovel ready by end of ~~2016~~ 2017(utilities-water/sewer/ broadband)  
Water and Sewer Lines run to Cabin Point Road Site.  
Engineering Plans for Water Lines, Expansion of the Wastewater Treatment Plant and construction of an Elevated Water Storage Tank.
  - Pursue opportunities / funding via the Region Gateway partnership for County  
Staff will continue our communications and efforts with Virginia's Gateway Region.
  - Establish an executable County Clean-up / Beautification Plan  
Efforts will be made to schedule meetings with the Towns to include them in a countywide beautification plan.
  - Clean-up County and make it more presentable for potential businesses  
Efforts will be made to schedule meetings with the Towns to include them in a countywide beautification plan.
  - Develop a County Clean-up Campaign (involve all agencies and organizations)  
Staff will begin such campaign after new hire.

- Establish a monthly newsletter to highlight status of County activities/projects NLT Apr 16  
Efforts will be made to produce a County newsletter by May 2016.
- Reasonably Priced County-Wide Broadband Solution – Broadband is the economic highway (education/jobs/entertainment/healthcare) to the future just like the interstate highway systems was for this Country back in the late 50s & early 60s.
  - Provide the County with 3 options to meet County-wide Connectivity goal NLT ~~31 May 16~~  
Efforts will be made to provide options by end of calendar year 2016.
  - Video-tape Board Meetings and post on County Website NLT 24 hours after meeting NLT 31 May 16 submit to Board of Supervisors:
    - ~~A baseline of County technology requirements~~
    - ~~Plan to streamline County Technology Procurements~~
    - ~~3 options for establishing and funding County wide broadband / connectivity solutions~~
 Staff will contact necessary agents to get pricing on video taping of meetings to provide a response to the Board at the June 2016 Board meeting.
- Identify potential areas to reduce the 2017 budget by 2%, 4%, & 6% across the board
  - Include a County Wide Paperless Strategy - Maximize use of Technology  
Efforts are being made to acquire costs for iPads for Board members and the required staff, hopefully to provide information by April Board meeting.
  - Consider not filling vacant positions but rather restructuring staff and organization  
There are 3 vacant positions under County Administration umbrella, two of which are vital. We do not recommend a restructuring at this time.

A copy of the 2016 Priority List and staff updates were included in the Board packet.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts subtask recommendations provided by the County Administration staff.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield, Tyler

Voting nay: none

Absent during vote: Supervisor Fly

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

7.06 Local Dept. of Social Services Profile Report SFY 2015 – *included in Board packet*

7.07 Animal Services Monthly Report – *included in Board packet*

7.08 Community Development Monthly Report - *included in Board packet*

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

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

## **8. Citizens' Comments (8:39 pm)**

Comments were heard from:

- Larry Diehl (Waverly District)
- Bill Collins (Courthouse District)

Mr. Collins wanted to go on record stating that Sussex County roads were cleaner than any neighboring Counties after the snowstorm.

- Otto Wachsmann (Stony Creek District)
- Ann Joyner (Wakefield District)
- Charlie Caple (Stony Creek District)
- Craig Newton (Courthouse District)

*Supervisor Fly entered at 8:49 pm*

**9. Unfinished Business** – none

**10. New Business** - none

## **11. Board Member Comments**

11.01 Blackwater District – Comments were heard from Vice Chair Seward.

11.02 Courthouse District – none

11.03 Henry District – none

11.04 Stony Creek District – none

11.05 Wakefield District – Comments were heard from Supervisor Stringfield.

11.06 Waverly District - none

## **12. Closed Session**

### **12.01 Convene into Closed Session**

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session regarding assignment, promotion, performance, demotion, salary, discipline, or resignation of the county attorney pursuant to § 2.2-3711(A)(1) of the Code of Virginia.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler  
Voting nay: none

#### 12.02 Reconvene to Open Session

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 Blowe, Fly, Futrell, Seward, Stringfield, Tyler  
Voting nay: none

#### 12.03 Certification

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL 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 Blowe, Fly, Futrell, Seward, Stringfield, Tyler  
Voting nay: none

#### 12.04 Action Resulting from Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the county attorney's resignation effective March 10, 2016.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler  
Voting nay: none

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Board of Supervisors hereby directs the County Administrator and County Attorney to correspond with Hefty, Wiley, & Gore and Mark Flynn to procure proposals to provide legal services for the County as well as obtaining recommendation from the Virginia Association of Counties and VML.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

### **13. Adjournment**

#### **13.01 Adjournment**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the February 18, 2016 meeting of the Sussex Board of Supervisors is hereby adjourned at 9:55 pm.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

#### **13.02 Next Meeting**

The next Board of Supervisors will be Thursday, March 17, 2016 at 7 pm in the General District Courtroom.