

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, October 17, 2019 at 7 pm**

BOARD MEMBERS PRESENT

Keith C. Blowe
C. E. Fly, Sr.
Alfred G. Futrell
Susan B. Seward
John A. Stringfield
Rufus E. Tyler, Sr.
Steve White, Tie Breaker

STAFF PRESENT:

Vandy V. Jones, III, County Administrator
Millard D. Stith, Independent Consultant
Mark Flynn, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
Brenda H. Drew, Housing Coordinator
G. Reid Foster, Jr., Public Safety Coordinator
Jeffrey Gary, Building Official
Ernest Giles, Sheriff
Andre M. Greene, Director of Community Development
Kelly W. Moore, Director of Finance
Cecil R. Stainback, Senior Animal Control Officer
Lorenzo D. Turner, Assistant to the Director of Community Development
Monica Whitney, Permits Technician
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board

1. Commencement

1.01 Call to Order/Determine Quorum (7:00 p.m.)

The October 17, 2019 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 Tyler.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

County Administrator Jones requested to (1) add under Item 5. Appointments, as Item 5.02 Appointment to the Southside Virginia Education Center; (2) remove under Item 6. Action Item, Item 6.02 Resolution for Crater Regional Workforce Development Board; (3) move Item 6.01, Sussex Service Authority: Request for Funding as Item 6.02; and, (4) add as new Item 6.01 Request for Funding for Plaque for Fallen Deputy Felton.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the following amendments to the October 17, 2019 agenda inclusive of: (1) adding under Item 5. Appointments, as Item 5.02 Appointment to the Southside Virginia Education Center; (2) removing under Item 6. Action Item, Item 6.02 Resolution for Crater Regional Workforce Development Board; (3) moving Item 6.01, Sussex Service Authority: Request for Funding as Item 6.02; and, (4) adding as new Item 6.01 Request for Funding for Plaque for Fallen Deputy Felton.

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

Voting nay: none

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the October 17, 2019 regular agenda inclusive of: (1) adding under Item 5. Appointments, as Item 5.02 Appointment to the Southside Virginia Education Center; (2) removing under Item 6. Action Item, Item 6.02 Resolution for Crater Regional Workforce Development Board; (3) moving Item 6.01, Sussex Service Authority: Request for Funding as Item 6.02; and, (4) adding as new Item 6.01 Request for Funding for Plaque for Fallen Deputy Felton.

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

Voting nay: none

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of the September 19, 2019 Regular meeting; and (b) Approval of Warrants and Vouchers.

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

Voting nay: none

3. Recognitions/Awards/Presentation

3.01 Resolution Recognizing Dwight Gay's Retirement – Sheriff's Department

County Administrator Jones stated that staff received a request from Sheriff Giles to have the Board of Supervisors adopt a resolution for presentation to Mr. Dwight L. Gay in recognition of

his retirement. Mr. Gay retired October 1, 2019—after serving 32 years in the Sheriff's Department.

The Board, fellow co-workers, and County Administration would like express appreciation and extend our congratulations on Mr. Gay's retirement.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and adopts the resolution honoring Mr. Dwight L. Gay, to-wit:

WHEREAS, Dwight L. Gay retired October 1, 2019, after dedicating 32 years of service to the Sussex County Sheriff's Department; and

WHEREAS, through the years, Mr. Gay served under three (3) Sheriff's Administration—Sheriff E. S. Kitchen, the Sheriff R. R. Bell, and Sheriff E. L. Giles, Sr.; and

WHEREAS, he began his career as a jailor for the Sussex County Sheriff's Department on September 1, 1987 was promoted on January 1, 1994 to Corporal; and

WHEREAS, on December 1, 2002, Mr. Gay was promoted to his final position as Sergeant in the Jail; and

WHEREAS, Mr. Gay also works with the local rescue squad, as well as, the public school system as a bus driver; and

WHEREAS, Mr. Gay loves attending church and working in the community, especially helping children;

BE IT RESOLVED that the Sussex County Board of Supervisors hereby recognizes and extend our congratulations to Mr. Dwight L. Gay on his retirement and wishes him the best in his future endeavors.

NOW, THEREFORE BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this Board meeting this 17th day of October, 2019.

A copy of the resolution and Sheriff Giles' request were included in the Board packet.

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

Voting nay: none

3.02 PRESENTATION: CodeRED Community Notification System Enrollment

Mr. Reid Foster, the County's Public Safety Coordinator, gave a brief presentation about CodeRED Community Notification System Enrollment.

Mr. Foster stated that the County is in the process of beginning the CodeRED Community Notification Enrollment. The CodeRED Community Notification System allows the County to

deliver emergency messages to residents regarding weather warnings or other notifications. He stated that the system will work to include delivering messages via voicemails on house telephones or cellphones, text messages or emails. The CodeRED system is up and running. The link for enrollment is listed on the County's website (www.sussexcountyva.gov).

Mr. Foster advised that when contract was signed, Verizon, T-Mobile, AT&T, and Sprint provided customers cellphone information. As a result, there are currently 4,250 customers. You can check to see if you are enrolled. If you're not interested in receiving notifications from the County, you can opt out.

He discussed having the ability to notify specific areas in the community. He encouraged the residents/citizens to enroll in the notification system.

Mr. Foster advised that assistance will be available for anyone needing help with enrollment.

There was discussion of distributing information to the citizens in the community. He noted that CodeRED has the ability to do mass mailings. Mr. Irving also offered to mail flyers when sending monthly bills at Sussex Service Authority.

There was discussions regarding annual fees and coverage of issues.

CodeRED Community Notification System Enrollment information was included in the Board packet.

3.03 PROCLAMATION: New Hope Baptist Church – 162 Years of Worship

County Administrator Jones stated that staff received a request from Vice Chairman Blowe for staff to prepare a proclamation to honor New Hope Baptist Church, located on Old Forty Road, in Waverly, Virginia. The proclamation commemorates New Hope's 162 years of worship.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and adopts the proclamation commemorating New Hope Baptist Church's 162 years of worship, to-wit:

WHEREAS, New Hope Baptist Church was founded in 1857, and this year marks 162 years of continuing service; and

WHEREAS, New Hope Baptist Church was established about a half mile from its current location and was known as Bush Harbor with Reverend Blanding as its first pastor; and

WHEREAS, a new church was built later at its current location in which Deacon R. B. Hall suggested the new edifice be called "New Hope Baptist Church" with Reverend William Wallace as pastor; and

WHEREAS, some of the past pastors include Reverend Blanding, Reverend Wallace, Reverend M. R. Newsome, Reverend J. L. Harris, Reverend T. L. Mason, Reverend M. C. Allen, Reverend R. B. Page, Reverend L. E. Kaiser, Reverend W. H. Winston, Reverend E. E. Hicks,

Reverend Dr. Linwood A. James, Sr., Reverend John A. Wynn and Reverend H. Patrick Cason;
and

WHEREAS, during the growth of the church the following ministries were established: deacon and deaconess, church clerk, trustee, treasurer, and secretary positions, as well as usher boards, choirs, auxiliaries, Willing Worker's, Pastor Aid, Flower Club, Nurses Unit, bible study and Deaconess Ministry were established; and

WHEREAS, officers and members kept the church together during their three years (2001-2004) without a pastor, later serving under the leadership of Reverend John A. Wynn in March 2004; and

WHEREAS, several renovations were done; however, New Hope's greatest accomplishment was the burning of the mortgage on August 5, 2012; and

WHEREAS, on September 16, 2018, Reverend Jameson K. McLaughlin was installed as New Hope's 14th pastor to continue shepherding the Church family;

NOW BE IT RESOLVED that the Sussex County Board of Supervisors by this proclamation, hereby honors New Hope Baptist Church for its 162 years of worship.

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

Voting nay: none

Ms. Ellen Boone was present to accept the Proclamation.

4. Public Hearing

Chair Seward entered Public Hearing.

4.01 Rezoning Application #2019-01: Rickmond Properties, LLC, applicant

Staff report for Rezoning Application #2019-01, Rickmond Properties, LLC, applicant was provided by Monica Whitney, Permits Technician.

Ms. Whitney stated that the applicant, Rickmond Properties, LLC is requesting to rezone approximately 12.29 acres, known as tax map number 61A4-A-40, from A-1, General Agricultural District to I-1, Limited Industrial, for expansion of their existing contracting business located on tax map number 61A4-A-34 which is currently zoned, I-1, Limited Industrial. The rezoning will allow for a contractors' equipment storage yard. The property in question is located approximately 2,500 feet east of the Wakefield Municipal Airport on the north side of General Mahone Highway (U.S. Route 460).

The Planning Commission met on September 9, 2019 and voted (7-0) to forward the request to the Board of Supervisors with a recommendation for approval.

There were no public comments.

Board comments were heard from Supervisor Stringfield.

The Staff Report and supporting documentation were included in the Board packet.

Chair Seward closed the Public Hearing.

Action on Public Hearing Item

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved the Rezoning Application #2019-01, Rickmond Properties, LLC, applicant to rezone approximately 12.29 acres, known as tax map number 61A4-A-40, from A-1, General Agricultural District to I-1, Limited Industrial, for expansion of their existing contracting business located on tax map number 61A4-A-34 which is currently zoned, I-1, Limited Industrial. The rezoning will allow for a contractors' equipment storage yard. The property in question is located approximately 2,500 feet east of the Wakefield Municipal Airport on the north side of General Mahone Highway (U.S. Route 460).

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

Voting nay: none

4.02 Amendment to Condition Use Permit #2019-01: First Solar, Applicant

Chair Seward entered into Public Hearing.

Staff report for the Amendment to Conditional Use Permit Application #2019-01, First Solar, applicant was provided by Monica Whitney, Permits Technician.

Ms. Whitney stated that First Solar LLC (on behalf of Waverly Solar LLC) is requesting to amend Conditional Use Permit #2019-01 by adding approximately 650 acres to the project area along Sussex Drive (Route 40) and East Oak Dale Road (State Route 655) to compensate for approximately 500 acres of unusable wetlands. Conditional Use Permit #2019-01 was granted to the applicant on March 21, 2019 to permit the construction of a 118 megawatt solar (MW) solar energy facility.

The Planning Commission met on September 9, 2019 and voted (4-3) to forward the request to the Board of Supervisors with a recommendation for denial.

The Staff Report and supporting documentation were included in the Board packet.

Mr. Jim Martin with First Solar gave a brief presentation and provided a handout to the Board members.

Public Comments were heard from:

- Earl Blackman (Stony Creek District) – Training locals; long term and permanent positions.
- Peggy Miles (Family Landowners) – Supports First Solar.
- Meade Fronfelter (Courthouse District) – Oppose amendment; bond requirement.

Board Comments were heard from Supervisors Blowe, Fly, Futrell, Seward and Tyler.

Chair Seward closed the Public Hearing.

Action on Public Hearing Item

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the amendment to Conditional Use Permit Application #2019-01, First Solar, applicant, by adding approximately 650 acres to the project area. The aforementioned approval is subject to amended conditions:

Proposed Conditions

1. The solar energy facility shall consist of an integrated power generation facility and shall be limited to approximately 2,700 acres, more or less, which shall consist of the following tax parcels: 28A10-A-20, 28-A-22, 28A11-A-3, 28-A-25, 42-A-33, 27-1-A, 27-1-B, 28-A-20, 28-A-21, 28-A-24, 27-A-2, 27-A-3, 27-A-4, 27-A-5, 27-A-12, 28-A-17A, 42-A-6, 41-A-19, 41-A-20, 41-A-21, 41-A-22, 42-A-2, 42-A-3, 42-A-5, 42-A-13, 42-A-14, 42-A-15, 42-A-26, 42-A-27, 42-A-11 and 42-A-12.
2. The solar energy facility will have a maximum of 118 MW of generated power, and is identified as “Waverly Solar LLC,” as shown on the preliminary site plan dated October 1, 2019, which is incorporated by reference herein.
3. The solar energy facility shall consist of PV panels, racking systems, inverters, breakers, switches, cabling, power transformers, electrical substation and generator tie-line and associated materials and equipment.
4. All requirements and obligations of this Conditional Use Permit (“CUP”) shall become a part of the zoning regulations and shall therefore be binding on the Applicant, and any future owner or operators (which shall include, but not be limited to, any successors, assignees, current or future lessee, or sub-lessees).
5. Waverly Solar LLC (the “Applicant”), or any future owner or operator, shall consent to annual administrative inspections of the solar energy facility by the Community Development Department staff for compliance with the requirements of this CUP.
6. The Applicant shall sign the list of the adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
7. All federal, state and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
 - a. US Army Corps of Engineers
 - b. Virginia Department of Environmental Quality - Small Renewable Energy Projects (Solar) Permit by Rule
 - c. All active solar systems shall meet the large-scale solar requirements of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and state building code and

- shall be inspected by either a county building inspector or a third-party inspector through the building permit process.
- d. The Applicant is required to obtain a County Land Disturbance permit and a DEQ Virginia Stormwater Management Program (VSMP) Erosion and Sediment Control Plan [§62.1-44.15:55] prior to any land disturbance.
 - e. The site shall fully comply with all applicable provisions of the Sussex County Zoning Ordinance, to the extent not modified herein, throughout the life of this CUP.
8. A building permit, if required, must be obtained within 3 years of obtaining the CUP and the generation of solar electricity to the solar energy facility substation shall begin within eighteen months after the building permit is obtained or this CUP shall be null and void.
 9. Site activity shall be limited to the following:
 - a. Driving of posts shall be limited to 8:00 am to 6:00 pm, Monday through Saturday. Driving of posts shall be prohibited on state and federal holidays. The Applicant may request permission from the County Administrator to conduct post driving activity on Sunday, but such permission will be granted or denied at the sole discretion of the County Administrator. With respect to tax map #28A10-A-17A and #28A10-A-18 (Sussex Trace Associates); #27-A-1 (Bernardo); and #42-A-6A (Pittman), post driving shall not be permitted on Sunday within 200 feet of the edge any property line for tax map #28A10-A-17A and #28A10-A-18; #27-A-1 (Bernardo); and #42-A-6A (Pittman), and
 - b. Other construction activity on-site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.
 10. A minimum one hundred and fifty (150) foot setback shall be maintained from the solar equipment to any adjacent residential dwellings that exist at the time of the approval of the Board of Supervisors, unless it is across a public right-of-way from the solar equipment. A wooded buffer of existing trees at least 25 feet in width shall be maintained on the applicant's property from the solar energy facility to any existing residential dwelling. The security fence and project roads may be located within the setbacks. During construction the setback may be used for staging of materials and parking. For purposes of this CUP, project roads shall mean internal roads used to access the solar energy facility during construction. With respect to tax map #28A10-A-17A and #28A10-A-18 (Sussex Trace Associates), a minimum of 500 foot setback for solar equipment shall be maintained from the property line and the wooded buffer shall consist of a 200-foot-wide contiguous area left in its natural vegetative state of existing trees and shall be located entirely on tax map #28-A-21 and #28-A-20 (Grayland Company). In the event of a natural disaster or similar event that substantially eliminates the wooded buffer around tax map #28A10-A-17A and #28A10-A-18 (Sussex Trace Associates); #27-A-1 (Bernardo); and #42-A-6A (Pittman), an evergreen buffer shall be planted consisting of a double row of evergreen trees that are at least 6-8 feet in height at the time of planting and spaced 10 feet apart. Each row shall be offset from the other to achieve the maximum amount of screening. In addition, there shall be a 200-foot-wide contiguous area left in its natural vegetative state of existing trees which shall remain along a line north from #28A10-A-17A (Sussex Trace Associates) property boundary and running parallel with Sussex Drive to the property boundary of tax map #28-A-21 (Grayland Company).

11. A minimum 50' foot setback from the solar equipment to the property line shall be provided around the perimeter of the solar energy facility where it is adjacent to property not owned by the same property owner as covered in the CUP at the time of approval by the Board of Supervisors. A 25-foot-wide wooded buffer of existing trees shall be maintained on the applicant's property around the perimeter of the project where it is adjacent to property not owned by the same property owner as covered in the CUP. During construction the setback area may be used for the staging of materials or parking. The security fence and project roads may be located within the setbacks.
12. A minimum 100-foot setback from any solar structure to any public right-of-way shall be provided where the project is adjacent to the public right-of-way. Along public rights-of-way, a 25-foot-wide wooded buffer of existing trees shall be maintained on the applicant's property. The security fence and project roads may be located within the setbacks. During construction the setback area may be used for the staging of materials and parking.
13. The Applicant shall install a standard galvanized security fence around the solar energy facility that is a minimum of seven (7) feet in height.
14. Construction lighting shall be minimized and shall be directed downward.
15. Post-construction lighting shall be limited to security lighting only and shall be directed downward.
16. The Applicant is required to obtain approval of a decommissioning plan from the Director of Community Development Department, the County Administrator, and the Board of Supervisors (not subject to a public hearing) prior to approval of any building permits for the solar energy facility. The solar energy facility shall be decommissioned and removed within eighteen (18) months after the facility ceases electricity generation for a continuous twelve (12) month period.

The costs of decommissioning shall be secured by adequate surety in a form agreed to by the County Attorney, including but not limited to a surety or performance bond, certified check, or letter of credit, such surety shall be provided to the Director of Community Development, with copies delivered to the County Administrator, and the Board of Supervisors prior to the issuance of the land disturbance permit and building permit from the County. The performance bond, certified check or letter of credit shall be in an amount of no less than Five Hundred Ninety Thousand Dollars (\$590,000) while the solar energy facility remains on the Property. If the solar energy facility is sold, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided.

The cost estimates of the decommissioning shall be updated every five (5) years by an independent consultant ("consultant") retained at the expense of the Applicant, or any future owner, and provided to the County. The consultant shall be a professional engineer licensed in Virginia with expertise in the subject of decommissioning solar projects. The Applicant, or future owner, is required to obtain approval of the independent consultant from the Director of Community Development, the County Administrator, and the Board of Supervisors (not subject to a public hearing) prior to being engaged by the Applicant, or future owner, which

approval shall not be unreasonably withheld. The consultant's reports will identify the cost of decommissioning, taking into account any salvage value of the installed equipment. The surety amount will be increased or decreased based on such updated cost of decommissioning, but the surety shall not be below the minimum amount required by this condition. The surety amount shall be increased by an amount equal to 10% above the updated cost of decommissioning to cover the adjusted decommissioning cost over the five year review period. The Applicant, or future owner, shall be liable to the County for any deficiency if the bond amount does not fully fund the costs of decommissioning.

Decommissioning shall include, but not be limited to, the removal of all fencing, posts, foundations, racking systems, solar panels, underground cables and conduits, combiner boxes, switch gears, transformers, other electrical components, and other accessory equipment/structures from the Property no matter the depth placed in the ground and properly disposed of as part of the decommissioning.

If the Applicant, or future owner, intends to cease operations, or to shut down the solar energy facility, it shall send the Director of the Community Development Department, the County Administrator, and the Board of Supervisors written notice at least ninety (90) days prior to such action and will provide, with such notice, a revised consultant's report. The Applicant, or future owner, shall remove the facilities ("decommissioning") within twelve (12) months of receipt of notice from the County, said notice shall not be issued prior to the expiration of the (90) day notice period referenced in the previous sentence. If the solar energy facility is not removed within the time provided in the notice to the County, the County may cause the removal of the solar energy facility with costs being borne by the Applicant, or future owner. The County shall have the necessary rights to sell the facilities (the result of which shall be the salvage value) and to the extent that the salvage value is insufficient to reimburse the County for costs incurred to remove the facilities after collection of the proceeds of the bond, certified check, or letter of credit referenced above, the Applicant or future owner shall be liable to the County for amount equal to the difference between the salvage value plus the proceeds of the bond, certified check, or letter of credit and the amount of costs the County incurs to remove the facilities.

17. Prior to the end of construction of the solar energy facility, the Applicant, shall hold a series of training classes with the County's first responders (Fire and Rescue) to provide materials, education and training to the departments serving the solar energy facility in regard to how to safely respond to on-site emergencies. The training classes shall be scheduled with the assistance of the County Public Safety Coordinator. The Applicant, future owner or operator, shall provide on-going training as deemed necessary by the Public Safety Coordinator.
18. Access roads are to be marked by the Applicant with identifying signage.
19. Any electrical wiring used in the system shall be underground (trenched) except were wiring is in cable trays or brought together for interconnection to system components and/or the local utility power grid.
20. The Applicant, at Applicant's expense, is required to obtain approval of a Construction Traffic Management Plan and mitigation measures by the Virginia Department of Transportation and

the County of Sussex. The Plan shall address traffic control measures, pre-and post-construction road evaluation and any necessary repairs to the public road that are required as a result of damage from the solar energy facility. If traffic issues arise during the construction of the solar energy facility, the Applicant will develop and implement, at Applicant's expense, with input from the County and VDOT appropriate measures to mitigate the issues.

21. All panels will use anti-reflective coatings.
22. No aspect of the solar energy facility shall exceed 25 feet in height when orientated at maximum tilt, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to the lightning protection, and electrical distribution or transmission lines.
23. After completion of construction, the operation of the solar facility shall not use onsite well water or public drinking water originating from sources entirely within the boundaries of Sussex County for the purpose of washing panels. In the event that the Sussex Service Authority determines that sufficient excess capacity exists, the applicant may purchase water from the Sussex Service Authority. In the event that on-site wells are used during construction of the solar energy facility, the Applicant shall prepare and submit for review to the County hydrogeologic information necessary for the County to determine the potential impact to pre-existing users for the same aquifer proposed to be used for the solar energy facility and a plan to mitigate impacts to pre-existing users within the area of impact of the Project. If the County, in consultation with the Department of Environmental Quality, determines that the installation of a well will not adversely affect existing users, the Applicant may proceed with well construction in strict compliance with approval by the Department of Environmental Quality. At the end of the construction of the solar energy facility, the well shall not thereafter be used except only for personal toilet and lavatory facilities as required by the Uniform Statewide Building Code for operations and maintenance buildings.
24. Only EPA approved herbicides shall be used for vegetative and weed control at the solar energy facility by a licensed applicator. No herbicides shall be used within 150 feet of the location of an approved ground water well. With respect to tax map #27-A-1 (Bernardo) approved ground water well at the time of the approval of the Board of Supervisors, no herbicides shall be used within 250 feet.
25. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 150 feet of any property containing a residential dwelling. With respect to tax map #28A10-A-17A and #28A10-A-18 (Sussex Trace Associates), the material and equipment laydown area, construction staging area, or construction trailer shall be located as depicted on the site plan on file with the Planning Department unless an alternative location is approved by the County Administrator for good cause shown. With respect to tax map #27-A-1 (Bernardo); and #42-A-6A (Pittman), no material and equipment laydown area, construction staging area, or construction trailer shall be located within 250 feet of the property line.
26. With respect to tax map #27-A-1 (Bernardo) and #42-A-6A (Pittman); if solar panels are constructed within 50 feet of any adjacent property line that does not contain a wooded buffer of at least a 25-foot-wide contiguous area, an evergreen buffer shall be planted consisting of a double row of evergreen trees that are at least 6-8 feet in height at the time of planting and

spaced 10 feet apart. Each row shall be offset from the other to achieve the maximum amount of screening.

27. With respect to tax map #27-A-1 (Bernardo); the project's security fence shall be no closer than 250' from Parcel #27-A-1 approved ground water well at the time of the approval of the Board of Supervisors; and upon receipt of Sussex County' building permit approval for the project, the property's right of way and driveway shall be properly maintained by Waverly Solar, LLC.

28. No herbicides will be used during construction. The Applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water.

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

Voting nay: Supervisor Fly

5. Appointments

5.01 Appointment to Planning Commission

County Administrator Jones stated that at the September 19, 2019 Board meeting, the Board was advised of the vacancy created on the Planning Commission (Stony Creek District) after Mr. Gary tendered his resignation due to employment with the County. At this meeting, Vice Chairman Blowe stated that he had a candidate for appointment; however, he asked that the consideration for this appointment be done at the October 2019 Board meeting to allow Mr. Rudolph Shands time to submit his resumé—a copy of which is included in the Board packet along with a copy of the Planning Commission members.

County Administrator Jones noted that the appointment for this unexpired term will end June 30, 2022.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Rudolph Shands, 12267 Flowers Road, Stony Creek, VA 23882, to the Planning Commission (Stony Creek District) to fill the unexpired term ending June 30, 2022.

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

Voting nay: none

5.02 Appointment to Southside Virginia Education Center Board

County Administrator Jones stated Southside Virginia Education Center notified the County that his term on the Southside Virginia Education Center Board expired October 15, 2019. The new term will expire October 15, 2023.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints the Mr. Vandy Jones,

Sussex County Administrator, P.O. Box 1397, Sussex, Virginia 23884 to the Southside Virginia Education Center Board with a term expired October 15, 2023.

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

Voting nay: none

6. Action Items

6.01 Plaque for Deputy Felton

Supervisor Fly stated that the mother of fallen Deputy Thomas Edward Felton has requested that a plaque be placed on County grounds in her son's memory. Deputy Felton was killed in the line of duty in 1989 at the age of 23.

Sheriff Giles stated that his mother requested that the plaque to be placed in front on the Sheriff's Office. Sheriff Giles stated that of the plaque is \$2,770

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves County Administration purchasing the plaque for \$2,770.00 in memory of fallen Deputy Thomas Edward Felton.

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

Voting nay: none

6.02 Sussex Service Authority Request for Funding - \$15,000

County Administrator Jones stated that at its June 20, 2019 regular meeting, the Board appropriated and encumbered \$25,000 to Sussex Service Authority for the County's share in the repairs to the Sussex Courthouse Complex Waste Water Treatment Plant. The costs of repairs were in excess of \$81,857. The County received Sussex Service Authority's request for \$15,000 as the County's share in the overage.

A copy of the letter from Sussex Service Authority, dated October 8, 2019 was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates \$15,000 to Sussex Service Authority for the overage of the repairs to the Sussex Courthouse Complex Waste Water Treatment Plant and approves funding to be taken from Fund Balance.

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

Voting nay: Supervisor Fly

6.03 Virginia Association of Counties (VACo) Voting Credentials

County Administrator Jones stated that the Virginia Association of Counties' (VACo) 85th Annual Conference will convene Sunday, November 10th through Tuesday, November 12th, 2019 at the Homestead in Hot Springs, VA. The Annual Business Meeting of the Virginia Association of

Counties will be held Tuesday, November 12, 2019. Each County shall designate a representative and an alternate of its Board of Supervisors to cast vote(s) at the Annual Business Meeting.

There are two (2) members of the County Board of Supervisors, as well as the County Administrator, who are registered to attend the Annual VACo meeting.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby designates Chair Seward as the primary representative and Keith Blowe is the alternate representative to cast votes at the Virginia Association of Counties Annual Business Meeting.

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

Voting nay: none

6.04 Acceptance of Department of Motor Vehicle Safety Grant

County Administrator Jones stated that the Sheriff's Department advised Administration that they were in receipt of a grant from the Department of Motor Vehicles (DMV) in the amount of \$25,050. The Sheriff's Office is requesting the Board of Supervisors to accept the grant in its entirety. The funds will be used for selective enforcement and training.

The \$25,050 includes \$16,700 in Federal funds and \$8,350 in Local Soft Match. The Sheriff's Office will provide the local soft match in the amount of \$8,350 from its 2019-2020 Approved Budget. The soft match will be taken from the Field Operations line item 51100-1246 covering fuel and 5110-1265 Vehicle Maintenance.

A copy of the Sheriff's Office Request to the Board of Supervisors, dated October 17, 2019

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors accepts the grant from Department of Motor Vehicle (DMV) in its entirety in the amount of \$25,050; and

FURTHER RESOLVED that the local soft match is to be taken from the Sheriff's Field Operations line item 51100-1246 covering fuel and 5110-1265 Vehicle Maintenance.

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

Voting nay: none

6.05 Resolution to Approve and Appropriate Grant Funding – Superb Solution for CDBG Project #18-26

County Administrator Jones stated that the County has been awarded a Community Development Block Grant-funded Community Economic Development Grant in the amount of \$375,000 from the Virginia Department of Housing and Community Development (VDHCD) to undertake the Superb Solutions for You Project.

County Administration is requesting the Board to authorize the County Administrator to execute all contracts and other documents necessary for getting the Superb Solutions for You Project under contract with the Virginia Department of Housing and Community Development.

Mr. Craig Wilson, Summit Design and Engineering and consultant for the County, gave an overview of the grant and plant and chemical at Superb Solutions for You.

Purchasing equipment was discussed. It was noted that CDBG Grant funds were for the purchase of equipment.

Mr. Wilson discussed the acid alum and its purpose. Discussed water is sufficient in the Town of Waverly. There will be no discharges from the plant; there will be no discharge in waterways; and there should not be any discharges in the air.

There was discussion of permit process regarding Department of Environmental Quality.

There was discussion of the Department of Rail and Transit system.

He noted that the total cost of the project is approximately \$2.3 million.

A copy of the resolution was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors approves and adopts resolution authorizing the execution of all necessary contract documents for the Superb Solutions for You Project, County of Sussex, Virginia, to-wit:

WHEREAS, the County has been awarded a Community Development Block Grant-funded Community Economic Development Grant in the amount of \$375,000 from the Virginia Department of Housing and Community Development (VDHCD) to undertake the Superb Solutions for You Project; and

WHEREAS, VDHCD has entered into negotiations with the County of Sussex regarding a contract for the Superb Solutions for You Project as CDBG Project #18-26;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Sussex, Virginia that:

1. The County hereby authorizes the County Administrator, the County's chief administrative official, to execute all contracts and other documents necessary for getting the Superb Solutions for You Project under contract with the Virginia Department of Housing and Community Development.
2. The County hereby appropriates \$375,000 in funding awarded to the County of Sussex by the VDHCD for the Superb Solutions for You Project to the FY2020 General Fund Budget and further appropriates said funds to the Sussex County Industrial Development Authority for distribution to Superb Solutions for You.

Voting aye: Supervisors Blowe, Futrell, Stringfield, Tyler

Voting nay: Supervisors Fly, Seward

6.06 Approval of Pre-Contract Activities for Superb Solutions for You, LLC CDBG Project #18-26

County Administrator Jones stated that grant activities known as Pre-Contract Activities must be completed prior to the execution of the Superb Solutions for You CDBG Grant Project #18-26.

The activities are listed below:

- Sussex County Anti-Displacement Plan and Relocation Assistance Plan for Superb Solutions for You CDBG Project #18-26
- Fair Housing Certification for Virginia CDBG-Funded Grants
- Sussex County Local Business and Employment Plan for Virginia CDBG-Funded Grants
- Sussex County Non-Discrimination Policy

The contract with DHCD is anticipated to be executed the latter part of November 2019 or early December 2019.

The Anti-Displacement Plan and Relocation Assistance Plan for Superb Solutions for You CDBG Project #18-26, County of Sussex Virginia, the Fair Housing certification for Virginia CDBG-Funded Grants, the Sussex County Local Business and Employment Plan for Virginia CDBG-Funded Grants, County of Sussex Virginia, and the Sussex County Non-Discrimination Policy were included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Pre-Contract Activities for Superb Solutions for You, Inc. CDBG Grant Project #18-26.

Voting aye: Supervisors Blowe, Futrell, Stringfield, Tyler

Voting nay: Supervisors Fly, Seward

7. Reports of Departments

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

7.02 Treasurer's Report: Tax Relief for the Elderly Information – Ms. Deste J. Cox

At the September 19, 2019 Board of Supervisors regular meeting, Supervisor Fly requested the Treasurer's Office to provide on the costs of Tax Relief for the Elderly and how it would affect the County of Sussex.

Ms. Deste Cox's, Treasurer, provided the quote from BMS Direct to print and mail survey/questionnaire to Real Estate owners in Sussex County with regard to the Tax Relief for the Elderly/Disabled is attached. The quote is \$1,486.83 plus approximately \$2,521.98 in postage, as noted on the estimate. Ms. Cox noted that the County will also need to contract with a programmer to compile data or to get real estate information which will cost \$350.00.

Ms. Cox also noted that the Board would determine the information for the survey.

Quotes and localities information were included in the Board packet.

Ms. Cox noted that she has also asked Business Data of Virginia for a quote, but had not received a response at the time of submitting information for packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates an amount up to \$5,000 with funds from the Fund Balance for printing, mailing of surveys/questionnaires, postage and programmer for the Tax Relief for the Elderly/Disabled.

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

Voting nay: none

7.03 Animal Services Report – *included in Board packet*

7.04 Public Safety Report – *included in Board packet*

7.05 Community Development Report – *included in Board packet*

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

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

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

8. Citizens' Comments (8:20 p.m.)

There were comments heard from:

- Leah Brantley (Courthouse District) – Sand mining conditional use permit by Mid-Atlantic.
- William Ricks (SCYARA) – Thanked the Board and Administration for financial support for Sussex County Youth and Recreation Association (SCYARA); not able to achieve opening Waverly pool (provided Board documents).
- Angela McPhaul (Waverly Mayor) – Cancer walk; movie night; Farmer's Market; 2nd Annual 5-Mile Walk in Allen Gibson Park; Green Machine Homecoming Game Saturday @ 1 pm in Wakefield; Superb Solutions; Town of Waverly application with DEQ.
- Jesse Hellyer (Waverly District/Chamber of Commerce) – Chamber of Commerce hosting Meet & Greet event October 24th at 6 p.m. at Jessica Ann Moore Foundation for candidates with opposition; no stand-ins; no debates.
- James Worley (Courthouse District) – Sand mining conditional use permit; Planning Commission.
- Rex Davis (Davis Travel Center) – Anti Meals Tax
- Ary Boykins (Courthouse District) – Partnered with several local organizations for Winter Drive to serve 1,110 students; donations.
- Chester Carter (Stony Creek District) – Pro Meals Tax
- Earl Blackman (Stony Creek District) – New business owner in County; assist in getting word out about CodeRED ; on the verge extending business in to ambulance service; offering to pay for EMT certification.

- Marvin Drew II (Waverly District) – Thanked Board members; appreciate Board and encourage to continue to do services; encouraged County to build one another u; be thoughtful neighbors; “Do nothing out of selfish ambition...”.
- Kevin Bracy (Courthouse District) – Planning commission vote on project; signs on church properties; politics.
- Marvin Drew III (Waverly District) – Announced Holy Night at 6273 Beaverdam Road at the farm.
- Eileen Allen (Courthouse District) – Wonderful citizens are given chance to speak; Board members expressions.

9. Unfinished Business

There was no Unfinished Business.

10. New Business

There was no New Business.

11. Board Member Comments

11.01 Blackwater District – Encouraged citizens to vote; respect; removal of signs from properties.

11.02 Courthouse District – Announced DMV Connect to start in the County in April.

11.03 Henry District – none

11.04 Stony Creek District – Reminded citizens of new license requirement due October 2020; encouraged citizens to vote.

11.05 Wakefield District – Traffic concern on Lobb Shop Road in Waverly; waste from trucks along road.

11.06 Waverly District – Encouraged citizens to vote.

12. Closed Session

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL 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, pursuant to Code Section 2.2-3711(A)7, Building Code and Zoning, Animal Welfare.

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

Voting nay: none

Absent during vote: Supervisor Fly

12.02. Reconvene to Open Session

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconvened to Open Session.
Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

12.03 Certification of Closed Session

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED THAT 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, 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

There was no action on Closed Session Item.

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the October 17, 2019 meeting of the Sussex County Board of Supervisors hereby adjourned at 11:10 p.m.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Tyler
Voting nay: none
Absent during vote: Supervisor Stringfield

13.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, November 19, 2019 at 7 p.m. in the Sussex Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.