

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, November 15, 2018 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.

STAFF PRESENT:

Vandy V. Jones, III, County Administrator
Millard D. Stith, Consultant
Danielle Powell, Interim County Attorney
Steve White, Tie Breaker
Deste J. Cox, Treasurer
Ernest Giles, Sheriff
Virgie M. Hartless, Animal Control Officer
Kelly W. Moore, Interim Finance Director
Tia Sanchez, Social Services
Cecil Stainback, Senior Animal Control Officer
Lorenzo D. Turner, Assistant to the Director of Community Development
Monica J. Whitney, Permit Technician
Shilton R. Butts, Assistant to the County Administrator/
Deputy Clerk to the Board

1. Commencement

1.01 Call to Order/Determine Quorum

The November 15, 2018 meeting of the Sussex County Board of Supervisors was called to order by Chairman Seward.

1.02 The Invocation

The Invocation was offered by Supervisor Futrell.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

County Administrator Jones requested to remove under Item 6. Action Item, Item 6.01 Reduction of Surplus County Schools by Auction, from the agenda. County Administrator Jones requested to add under Item 6. Action Item as the new/replaced Item 6.01 Scheduling of a Public Hearing to the December 20, 2018 Board of Supervisors meeting agenda regarding the granting of an easement to Southside Electric Cooperative to provide power to a convenience site; and, add as Item 6.02 Appropriation of \$3,000 to Social Services.

County Administrator Jones requested to add items under Item 12. Closed Session regarding consultation of legal counsel, pursuant to Code Section 2.2-3711(A)8, and discussion or consideration of acquisition of real property that would adversely affect the negotiation of the County, pursuant to Code Section 2.2-2-3711(A)3.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the following agenda amendments: (1) removing under Item 6. Action Item, Item 6.01 Reduction of Surplus County Schools by Auction, from the agenda; (2) adding under Item 6. Action Item as the new/replaced Item 6.01 Scheduling of a Public Hearing at the December 20, 2018 Board of Supervisors meeting agenda regarding the granting of an easement to Southside Electric Cooperative to provide power to a convenience site; (3) adding as Item 6.02 Appropriation of \$3,000 to Social Services; (4) adding items under Item 12. Closed Session regarding consultation of legal counsel, pursuant to Code Section 2.2-3711(A)8, and discussion or consideration of acquisition of real property that would adversely affect the negotiation of the County, pursuant to Code Section 2.2-2-3711(A)3.

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 FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the November 15, 2018 agenda inclusive of (1) removing under Item 6. Action Item, Item 6.01 Reduction of Surplus County Schools by Auction, from the agenda; (2) adding under Item 6. Action Item as the new/replaced Item 6.01 Scheduling of a Public Hearing at the December 20, 2018 Board of Supervisors meeting agenda regarding the granting of an easement to Southside Electric Cooperative to provide power to a convenience site; (3) adding as Item 6.02 Appropriation of \$3,000 to Social Services; (4) adding items under Item 12. Closed Session regarding consultation of legal counsel, pursuant to Code Section 2.2-3711(A)8, and discussion or consideration of acquisition of real property that would adversely affect the negotiation of the County, pursuant to Code Section 2.2-2-3711(A)3

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 FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of the October 18 and 30, 2018 Regular and Special Board meetings; and (b) Approval of Warrants and Vouchers.

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

Voting nay: none

3. Recognition/Awards

3.01 Broadband Update – Ms. Renee Chapline, Prince George Electric Cooperative

County Administrator Jones stated that as discussed at a previous Board meeting, an update of the Broadband project will be provided by Ms. Renee Chapline, Vice President of Communications and Government Affairs for Prince George Electric Cooperative. County Administrator Jones noted that there will be another update provided February 2019 with more definitive numbers.

Ms. Renee Chapline provided a brief overview and update of where the County stood with the project. Ms. Chapline stated that they will have a better update after the first of the year. The workforce has contractually doubled in size at Prince George Electric Cooperative. They are currently in the process of building the PGEC Fiber Backbone and hope to be completed by March 2019. All of the substations should be connected at that point which enhances communications and reliability. Ms. Chapline stated that from that standpoint, it will provide network structures to deploy fiber to the homes. (It started with a Broadband Pilot in 2016 in Prince George County. There were 75 homes offered, 58 homes accepted the opportunity. The pilot has gained state and nationwide recognition.)

Ms. Chapline provided a handout that included a map outlining where the fiber backbone would be provided in the first quarter in Sussex County. The second quarter of 2019 will market broadband services to Sussex County residents. Ms. Chapline stated they were working on having at some point in the second quarter in 2019 the ability to visit their website to see exactly where they are and get the location of whether it's under construction or being deployed to the home. It will be color coded and residents will be able to enter addresses.

Sussex Service Authority will be connected by the end of 2018. Megasite provisioned to have service available once Sussex Service Authority is connected.

3.02 Virginia Association of Counties (VACo) Report

Supervisor Fly stated that some of the Board members attended the Virginia Association of Counties (VACo) the weekend of November 11-13, 2018. He attended other sessions, but the two (2) main sessions he attended were transportation and mental health services.

Supervisor Fly stated that the one (1) thing noted in the transportation session is devolution, that it doesn't reappear—which it's not. The Secretary of Transportation was in attendance at the meeting. The rural counties that were in attendance discussed not having the maintenance budget for road upkeep transferred to the counties. Supervisor Fly stated that things that might affect the County is the idea/discussions of tolls on I95, as well as increasing gas taxes which will affect everyone.

Supervisor Fly stated that he attended the Mental Health Services session because there's an increase of concern in the Commonwealth of Virginia. Supervisor Fly stated that in discussions

at the General Assembly and studies during the summer, he's hearing that they are transferring the costs to the counties. Supervisor Fly stated that there were discussion of having all of the deputies including Animal Control attend a 50-hour certification program. He stated that the Mental Health program in Virginia will change and will ask the county to share in mental health costs.

Both sessions he attended are big budget items for the County. The County needs to be aware of these items.

Chairman Seward stated that she also attended VACo. She chaired three (3) meetings.

Chairman Seward stated that she was the Chairman of the Agriculture and Environment Policy Committee. In that meeting, the 2019 Legislative agenda was approved. Chairman Seward noted that they strengthened their language on solar farms and renewable energy relative to local control. They will probably discussed/review stormwater in the Spring because of the Chesapeake Bay Implementation Plan, Phase 3. Localities are struggling with storm management

Chairman Seward stated that the second (2nd) meeting she moderated was the solar panel. There was a panel discussion on solar farms, solar energy, and local land use. Chairman Seward stated that the County needs to look at the Comprehensive Plan and the ordinances to give the County some ability to not overrun.

Chairman Seward stated the third (3rd) meeting she chaired was the Rural Caucus meeting. State Veterinarian, Dr. Charles Broaddus, and a representative from the Animal Sheltering Association in Virginia were in attendance. There was a question and answer period on the presentation from State Veterinarian on livestock seizures, equine management and a question and answer period on animal shelter issues and struggles with local pounds.

Supervisor Tyler stated that one (1) of the big discussions was the location of Amazon coming to Virginia. Supervisor Tyler stated that one (1) of the discussions that was relatively important was economic development discussion of broadband in rural areas. Supervisor Tyler stated that Broadband will help economic development and education. There was discussion of adding exploratory talk on towers.

4. Public Hearing

Chairman Seward entered Public Hearing.

4.01 Ordinance Amendment #2018-01: Article XX, Section 16-369 (Use of Regulations for Communication Towers and Antennas)

Ms. Monica Whitney, Permit Technician, gave a brief summary of the staff report for Ordinance Amendment #2018-01: Article XX, Section 16-369 (Use of Regulations for Communication Towers and Antennas)

Ms. Whitney stated an ordinance is proposed to amend Article XX (Regulations for Communication Antennas and Towers), Section 16-369 (Use Regulations for Communications

Towers and Antennas) of the Zoning Ordinance by deleting the maximum height requirement of 250 feet.

The Planning Commission held a public hearing on October 1, 2018 to consider this matter and voted unanimously (8-0) to forward the item to the Board of Supervisors with a recommendation for approval.

Ms. Whitney stated that recommendation is the Board accepts the recommendation of the Planning Commission to approve the removal of the height limitation for the telecommunication towers.

The Community Development Office mailed the staff report and supporting documents to the Board of Supervisors under separate cover for review.

Public comments were heard from Mr. Steve Romine, a local attorney representing of Verizon Wireless, and Mr. Raymond Covington (Stony Creek District).

Board comments were heard from Supervisors Fly and Futrell

Chairman Seward closed the Public Hearing.

4.02 Action on Public Hearing Item

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the recommendation of the Planning Commission and approves the amendment of Article XX, Section 16-369 of the Zoning Ordinance which deletes the height limitation for communication towers.
Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

4.03 Conditional Use Permit #2018-01, Verizon Wireless, Applicant

Chairman Seward entered Public Hearing on Conditional Use Permit #2018-02, Verizon Wireless, applicant.

Monica Whitney, Permit Technical, gave the staff report for Conditional Use Permit #2018-01, Verizon Wireless, applicant.

Ms. Whitney reported that pursuant to Section 16-369 of the Zoning Ordinance, the applicant, Verizon Wireless, seeks a conditional use permit (CUP) to construct and operate a new 300 foot self-supporting communication tower and related accessory improvements on tax map number 100-A-5 (consisting of 65 acres). The parcel in questions is owned by Michael F. Parson, successor trustee to Frederick P. Parson and Joyce R. Parson, Trustees of Frederick P. Parson Living Trust. The affected site is zoned A-1, General Agricultural District and is located on the south line of College Road (Route 616) approximately 2,350 feet west of the intersection of College Road (Route 616) and Walkers Mill Road (Route 619) in the Stony Creek Election District.

The Planning Commission held a Public Hearing on October 1, 2018 to consider this matter and voted 8-0 to forward the item to the Board of Supervisors.

The Community Development Office mailed the staff report and supporting documents to the Board of Supervisors under separate cover for review.

Public comments were heard from Mr. Steve Romine, a local attorney representing of Verizon Wireless, and Mr. Raymond Covington (Stony Creek District).

Board Comments were heard from Vice Chairman Blowe, Supervisors Futrell, and Mr. Steve White (Tie Breaker).

Interim County Attorney Powell advised that the Board cannot condition approval based on colocation or use of the (?) tower. It doesn't mean that there couldn't be an agreement with Verizon. 8:29:28

Chairman Seward closed the public hearing on Conditional Use Permit #2018-01, Verizon Wireless, applicant.

Interim County Attorney Powell noted that there were some conditions already in the Zoning Ordinance as it relates to communication towers. Those conditions under Use and Regulations in the Zoning Ordinance are conditions that still apply with the exception of the colocation requirement.

4.04 Action on Public Hearing Item

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the recommendation of the Planning Commission to approve Conditional Use Permit #2018-01, Verizon Wireless Applicant to construct and operate a new 300 foot self-supporting communication tower and accessory improvements on tax map number 100-A-5 (consisting of 65 acres).

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

Voting nay: none

Abstained: Supervisor Tyler

5. Appointments

There were no appointments.

6. Action Items

6.01 Scheduling of Public Hearing for Easement at Reed's Road Convenience Site

County Administrator Jones stated the Board was familiar with the easement he had spoken about at previous Board meetings, in regards to Southside Electric Cooperative being able to supply power to the Reed Road Convenience Site. He had asked the Board for approval of the easement.

Because it's public property, the easement across the property needed to be presented at a public hearing.

County Administrator Jones requested the Board to schedule a Public Hearing at its December 2018 Board meeting for the purposes of granting an easement to the Southside Electric Cooperative to provide power to the Convenience Site.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes Administration to move forward with the public hearing for granting the easement to Southside Electric for the December 2018 Board meeting.

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

Voting nay: none

6.02 Request for Appropriation of \$3,000.00 to Social Services

County Administrator Jones stated that Supervisor Futrell requested the appropriation of \$3,000.00 to Social Services in regards to programs that require support. The \$3,000.00 would be used for the Angel Tree program (the Board approved last year), in addition, the Heating and Oil (Fuel Assistance) program wherein Social Services provide assistance to those who need help with heating or fuel oil at their residences, and the Coat Drive.

It was noted that if the appropriation was approved, it would be taken from the Contingency line item.

There was brief discussion of Board members using the supervisors individual \$500.00 to alleviate using the Contingency Fund. Interim County Attorney Powell would like the opportunity to review the guidelines adopted by the Board to see if Supervisors are allowed to use their funds in this manner.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors accepts the recommendation of the County Administrator to appropriate \$3,000.00 to Social Services from the Contingency Fund.

Voting aye: Supervisors Blowe, Futrell, Stringfield, Tyler

Voting nay: Supervisors Fly, Seward

7. Reports of Departments/Agencies

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

7.02 Animal Services Report – *included in Board packet*

7.03 Community Development Report– *included in Board packet*

7.04 Housing Department Report – *included in Board packet*

7.05 Environmental Inspections – *included in Board packet*

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

7.07 Finance Department Report – *included in Board packet*

8. Citizens' Comments (8:13 p.m.)

There were comments heard from:

- Carroll Robb (Chairman, Sussex Community Coalition) – Sussex Community Coalition needs the County's support. Gave a brief overview of some of the activities of the Coalition and others support; Jefferson Elementary School; phone service dead zone.
- Robert Hamlin (Henry District) – Commended the Board; Jefferson Elementary School; Consider Sussex Community Coalition for Jefferson Elementary School.
- Raymond Covington (Stony Creek District) - Jefferson Elementary School; sale or transfer of public property.

9. Unfinished Business

There was no Unfinished Business.

10. New Business

There was no New Business.

11. Board Member Comments

11.01 Blackwater District – none

11.02 Courthouse District – none

11.03 Henry District – none

11.04 Stony Creek District – Thanked Veterans. Annual Stony Creek Parade – December 2, 2018 at 1:00 p.m. Believes Mr. Caple will be Grand Marshall of Parade. Wished everyone a Happy Thanksgiving.

11.05 Wakefield District – Keep families in prayer in California who are losing their homes.

11.06 Waverly District – Thanked Mr. Jones for assistance in demolition in Waverly.

12. Closed Session

12.01 Convene into Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session

for (1) personnel matters, discussion, consideration, or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, applicable Va. Code Section 2.2-3711(A)1, County Attorney; (2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, applicable Va. Code Section 2.2-3711(A)8; Waverly Meadows Subdivision, Performance Agreement with Prince George Electric, and Jefferson Elementary School; and, (3) Discussion or consideration of acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, applicable Va. Code Section 2.2-3711(A)3, Jefferson Elementary School.

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

Voting nay: none

12.02/3 Reconvene to Open Session/Certification

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

WHEREAS, the Sussex County Board of Supervisors hereby approves adoption of resolution for certification, to-wit:

WHEREAS, that the Sussex County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard discussed or considered.

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

Voting nay: none

12.04 Action Resulting from Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BLOWE and carried: RESOLVED that a motion having been made by Sussex County Board of Supervisors to transfer of ownership of the Jefferson Elementary School to the Town of Jarratt, the Sussex County Board of Supervisors now rescinds that offer to transfer ownership of Jefferson Elementary School to the Town of Jarratt.

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

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby donates the Jefferson Elementary School to the Sussex Community Coalition.

Voting aye: Supervisor Tyler

Voting nay: Supervisors Blowe, Fly, Futrell, Seward, Stringfield

The motion failed.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby transfers \$250,000.00, which has already been appropriated, to the Industrial Development Authority (IDA) Board of Directors to be paid to Prince George Electric for the Broadband project;

FURTHER RESOLVED to amend terms of Performance Agreement to reflect the Commissions' Agreement subject to renew and approval of the county attorney and county administrator.

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

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the county administrator to continue negotiations with Sands Anderson, PC, Mr. Wallace Brittle and Mr. Joe Preston for the County Attorney position.

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

Voting nay: none

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLYL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the county administrator to move forward with sealed bids for the Jefferson Elementary School to be executed by December 13, 2018 and have results at the Board of Supervisors December 2018 meeting; and,

FURTHER RESOLVED that the criteria will be purpose and costs.

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

Voting nay: Supervisor Tyler

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the November 15, 2018 meeting of the Sussex County Board of Supervisors adjourned at 10:47 p.m.

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

Voting nay: none

13.02 Next Meeting

The next Board of Supervisors meeting will be held on Thursday, December 20, 2018 at 7 p.m. the Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.