

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, November 21, 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
Jeff Gore, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
Jeffrey Gary, Building Official
Ernest Giles, Sheriff
Kelly W. Moore, Director of Finance
Cecil R. Stainback, Senior Animal Control Officer
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 November 21, 2019 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 (1) remove under Item 10. Closed Session, Item 10.01 Closed Session, pursuant to applicable VA Code Section 2.2-3711(A)8, Waverly Meadowview

Subdivision and (2) add under Item 3. Recognitions/Awards, Item 3.02 Resolution for In Support of Second Amendment Rights.

Supervisor Fly requested to add a Closed Session item regarding personnel under Item 10. Closed Session.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the following amendments to the November 21, 2019 agenda inclusive of: (1) removing under Item 10. Closed Session, Item 10.01 Pursuant to applicable VA Code Section 2.2-3711(A)8, Waverly Meadows Subdivision; (2) adding under Item 3. Recognitions/ Awards, as Item 3.02 Resolution in Support of Second Amendment Rights; and (3) adding under Item 10. Closed Session, as new Item 10.01 Pursuant to VA Code Section 2.2-3711(A)1, Personnel.

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 November 21, 2019 regular agenda inclusive of (1) removing under Item 10. Closed Session, Item 10.01 Pursuant to applicable VA Code Section 2.2-3711(A)8, Waverly Meadows Subdivision; (2) adding under Item 3. Recognitions/ Awards, as Item 3.02 Resolution in Support of Second Amendment Rights; and (3) adding under Item 10. Closed Session, as new Item 10.01 Pursuant to VA Code Section 2.2-3711(A)1, Personnel.

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 STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of the October 17, 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 Green Machine Youth Football Team

County Administrator Jones stated that staff received a request from Supervisor Futrell to prepare a resolution for approval for the Green Machine Youth Football Team and their coach and administrator, Jason and Rhonda Flowers, respectively, parents and volunteers.

The Green Machine had a successful season. They won their Championship back in October.

Mr. Jason and Mrs. Rhonda Flowers, along with the captains of the Green Machine Youth Football Team, were present to receive the resolution.

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

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and adopts the resolution recognizing the Green Machine Youth Football Team, to-wit:

WHEREAS, it has come to the attention of the County that the Green Machine Football Team has experienced a successful football season; and

WHEREAS, the Green Machine was established August 15, 2007; and

WHEREAS, Jason and Rhonda Flowers, coach and administrator, respectively; and volunteers have given their time, patience, skills and talents to coach their team to a championship; and

WHEREAS, the Green Machine is a local group of 25 to 30 youths from throughout the County and neighboring counties, ranging in the ages 11-13; and

WHEREAS, the County realizes that participation in organized athletics helps build character and teaches a wholesome sense of good sportsmanship among our youth; and

BE IT RESOLVED that the Sussex County Board of Supervisors hereby recognizes and express the County's congratulations to the Green Machine, Jason and Rhonda Flowers, volunteers and parents.

NOW, THEREFORE BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this Board meeting this 21st day of November, 2019.

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

Voting nay: none

3.02 RESOLUTION: In Support of Second Amendment Rights

Chairman Seward stated that she advised County Administration of the resolution in support of Second Amendment Rights earlier that day. Chairman Seward stated that the amendment before the Board was the amendment Dinwiddie County adopted at its regular November Board meeting.

Chairman Seward stated that the Second Amendment Rights was important to rural Virginia. There has been a movement across a number of counties in Virginia within the past two (2) weeks. Given the change in the legislature, there has been concern.

Chairman Seward noted that various Counties have adopted resolutions in support of the Second Amendment Rights. She also stated that Attorney Gore had reviewed the resolution. A copy of the resolution was provided to the Board members.

County Administrator Jones read the Resolution in Support of the Second Amendment Rights aloud. A copy of the resolution was provided to the Board members.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the resolution in support of the second amendment rights, to-wit:

WHEREAS, the Second Amendment of the United States Constitution reads: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, Article I, Section 13 of the Constitution of Virginia provides “ that a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power;” and

WHEREAS, certain legislation introduced in the 2019 session of the Virginia General Assembly, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution; and

WHEREAS, the SUSSEX County Board of Supervisors is concerned about the passage of any bill containing language which unconstitutionally infringes upon the Second Amendment rights of the citizens of Sussex County; and

WHEREAS, the Sussex County Board of Supervisors wishes to express its deep commitment to the rights of all citizens of Sussex County to keep and bear arms; and

WHEREAS, the Sussex County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Sussex County to bear arms; and

WHEREAS, the Sussex County Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the constitutional rights of the citizens to keep and bear arms, including through legal action, the power of appropriation of public funds, and the right to petition for redress of grievances.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SUSSEX COUNTY, VIRGINIA, that the Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of Sussex County, Virginia and its intent that public funds of the County not be used to unconstitutionally restrict Second Amendment rights or

to aid in the unconstitutional restriction of the rights under the Second Amendment of the citizens of Sussex County, Virginia to bear arms; and

BE IT FUTHER RESOLVED that the Board of Supervisors hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear arms through such legal means as may be expedient, including, without limitation, court action; and that the Board of Supervisors hereby declares Sussex County, Virginia, as a “Second Amendment Sanctuary.”

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

Voting nay: none

4. Public Hearing

4.01 Waverly Office Space Lease to James House, Applicant

County Administrator Jones gave a brief overview of the James House. County Administrator Jones stated that the James House provides trauma informed support, advocacy and education for people affected by sexual violence, domestic violence and stalking to empower them to become healthy, safe and self-sufficient for Sussex County.

Ms. Agusta Wakapa, Client Coordinator for the James House, is currently located in the County building on the Courthouse Complex that formerly housed Public Safety and the Animal Control offices. The Animal Control office is now at the Animal Shelter. Public Safety is now housed in the County’s Waverly office.

Being the only office remaining in the County building on the complex, James House has requested to use office space at the County’s Waverly Office, located at 233L South Drive, Waverly, Virginia.

A Letter of Agreement was provided to the Board members.

Chairman Seward entered Public Hearing.

Ms. Agusta Wakapa gave a brief overview of the James House. She noted that Victim Witness helps the victim with the criminal justice system. She noted that the James House helps clients with options when they leave the criminal justice system.

Ms. Wakapa noted that the office space was provided for the James House in other localities where the program was in place.

County Administrator Jones recommended that the lease be made for the three (3) year period in which the James House has the grant and also give the opportunity for one (1) additional term of three (3) years upon proper notice pending County Administration and the County Attorney final review.

There were no public comments.

Board comments were heard from Supervisors Blowe and Fly.

Chairman Seward closed the Public Hearing.

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 approves the lease for the James House for a three (3) year period with the opportunity for one (1) addition term of three (3) years upon proper notice as noted in the lease pending final review by Administration and the County Attorney.

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

Voting nay: none

5. Appointments

There were no appointments.

6. Action Items

6.01 Sheriff's Request for Funding for Replacement Vehicle

County Administrator Jones stated that Administration had received a request from Sheriff Giles for funding for a replacement vehicle.

A fleet unit in the Sheriff's Department was totaled. To maintain continuity, the Sheriff has procured a replacement vehicle from Haley in the price of \$38,620.87. The Finance Department has calculated an availability of current funds in the amount of \$23,824.03 through various sources.

County Administrator Jones gave a brief overview of the request noting that it was the intent of Sheriff's Department to order a sedan; however, the sedan was not available to them. The size of sedan that was available would not accommodate the outfitting of the vehicle for the Sheriff's Department.

Sheriff Giles noted that unfortunately in Virginia, no sedans are available. The other vehicles available are SUVs and pick-up trucks. The SUV was sufficient; however, there was only enough for the purchase of a sedan—which is not available. Sheriff Giles stated that he checked with various dealerships; sedans can only be ordered in the third (3rd) quarter of the next part of the year.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BLOWE and carried: RESOLVEED that the Sussex County Board of Supervisors hereby approves and appropriates \$14,796.84 from Fund Balance to Capital Fund (-302) to purchase a vehicle for the Sheriff's department.

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

Voting nay: none

6.02 Approve/Amend Survey for Tax Relief for Elderly/Disabled

County Administrator Jones stated that at a previous Board meeting, the Treasurer's Office was requested to provide price quotes and the estimate of the postage cost to print and mail surveys/questionnaires to Real Estate owners and the effect it would have on Sussex County residents with regards to the Tax Relief for the Elderly.

Ms. Deste Cox, Treasurer, provided the price quote and estimate, and is now requesting the Board to review the attached Sussex County Real Estate Survey for approval.

County Administrator Jones noted that he, along with Ms. Cox, and Ms. Boone, the Commissioner of the Revenue, reviewed the draft survey and made comments.

Ms. Cox would like to mail the survey in December, soon after the tax deadline of 12/5/19, to provide ample time to present figures to the Board for consideration in the 2020/2021 budget.

Vice Chairman Blowe recommended adding the definition "sole residence". Ms. Cox noted the definition of "sole residence" is the only house or residence a person resides. There was discussion of ownership of multiple tracts of land.

A copy of the Sussex County Real Estate Survey and Surrounding Localities Information was 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 the form, or approve an amended version of the survey/questionnaire for Tax Relief for the Elderly in Sussex County.
Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

7. Reports of Departments

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

7.02 Animal Services Report – *included in Board packet*

7.03 Public Safety Report – *included in Board packet*

7.04 Community Development Report – *included in Board packet*

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

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

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

8. Citizens' Comments (7:47 p.m.)

There were comments heard from:

- Raymond Covington (Henry District) – Thanked Board for approving resolution in support of Second Amendment Rights; residence domicile; thanked Administration for assistance; signs in the County.
- Leah Brantley (Courthouse District) – CUP Titan Mid-Atlantic for mining – truck traffic; asked Board to look at closely as it will be forwarded to the Board.
- Eileen Allen (Courthouse District) – Consider safety on Rt. 626 because of width of the road
- Stephen Crews (??? District) – Traffic on Rt. 35; trucks on Rt. 623 to Courthouse; daily traffic and safety.
- Dianne Seward (Courthouse District) – Concerned with trucks on Rt. 35; traffic; impact on community; consider safety.
- Thomas Cheeley (Attorney from Colonial Heights represents Mr. Roger Mitchell) – Waverly Meadows Subdivision (provided a handout to the Board); road improvements; condition of roads.
- Chad Ellis (Courthouse District) – Thanked the Board for approving resolution in support of Second Amendment Rights; donations of deer.
- Keith Dunn (Henry District) - Thanked the Board for approving resolution in support of Second Amendment Rights; deer and fields/crops; Board consider allowing residence to use rifle hunting during general firearm season – open to conditions
- Otto Wachsmann (Stony Creek District) – Thanked Board for allow citizens to speak; approving Second Amendments Rights; recent election; acknowledged Mr. Futrell will be miss; poll workers; requested apologies other election candidates for alleged actions he was told about.
- Jannette Green (Courthouse District) – Concerned with proposed chemical plant in Waverly regarding location; rail on New Street.
- Kevin Bracy (Courthouse District) – Thanked Board; election; training at polls; support of second amendment rights; change for County.
- Chester Carter (Stony Creek District) – Thanked Board for supporting second amendment rights

Supervisor Tyler stated in years of serving on the Board, he never had an official to come the Board regarding a candidate. Mr. Tyler noted that if he was to respond he would state that it was a bunch of lies. An apology was owed to Delegate Tyler. He provided phone numbers.

9. Unfinished Business

There was discussion of the County Personnel Policy. Chairman Seward requested an update on Personnel Policy and evaluations.

There was discussion of the Titan project and gravel pits.

County Administrator Jones clarified what the motion entailed. He clarified that the Board was requesting studies from the VDOT, the State Department of Archaeology and DEQ prior to the Planning Commission forwarding the item to the Board and the requirements of holding Public Hearings.

ON MOTION OF SUPERVISOR FLY, seconded SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes County Administration to request a traffic study from the Virginia Department of Transportation on Routes 626 and 35; and

FURTHER RESOLVED that the County is to request Virginia Department of Environmental Quality to conduct study and request a study from the State Department of Archaeology..

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

Voting nay: none

10. New Business

There was no New Business.

11. Board Member Comments

11.01 Blackwater District – Will miss Supervisor Futrell and other Board members leaving; congratulated new Supervisor-Elects.

11.02 Courthouse District – Superb Solution Line of Credit

11.03 Henry District – Miss Board members leaving; VACo conference attended – possible allocation from State of additional funding to localities; cautious of marketing County; has copies of material for training required for new Supervisor-Elects and is willing to share.

11.04 Stony Creek District – VACo conference attended – Finance Committee meeting Payment in lieu of Taxes from prisons listed as one of VACo priorities; congratulated, acknowledged, and reviewed items discussed with Supervisor-Elect Jones for Stony Creek District - Board Training for newly elected officials; budget; Boards currently has been appointed, etc.

11.05 Wakefield District – Concerns of traffic and vacant mobile homes on Lobbs Shop Road.

11.06 Waverly District – Congratulated new Supervisor-Elects and support; will support County still be for the best interest for the County; thanked everyone.

12. Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for personnel matter discussion or consideration of, appointment, promotion, performance of employees and appointees; assignment, pursuant to Code Section 2.2-3711(A)1,

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

Voting nay: none

12.02/03. Reconvene to Open Session/Certification

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

FURTHER RESOLVED 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 November 21, 2019 meeting of the Sussex County Board of Supervisors hereby adjourned at 9:35 p.m.

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

Voting nay: none

13.02 Next Meeting

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