

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

STAFF PRESENT:

Vandy V. Jones, III, County Administrator
Millard D. Stith, Independent Consultant
Steve White, BOS Tie Breaker
Wallace Brittle, County Attorney
Ellen G. Boone, Commissioner of the Revenue
John Broderick, Director of Finance & Business Operations for the Public Schools
Deste J. Cox, Treasurer
Ernest Giles, Sheriff
Andre M. Greene, Director of Community Development
Kelly W. Moore, Director of Finance
Cecil Stainback, 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 March 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

There were no agenda amendments.

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the March 21, 2019 agenda of the Sussex County Board of Supervisors is hereby approved as presented.

Voting aye: Supervisors Blowe, Futrell, Seward, Stringfield

Voting nay: none

Absent during vote: Supervisors Fly, Tyler

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of the February 21, 2019 Regular Board meeting, March 4, 2019 Personnel Committee meeting and March 4, 2019 Board of Supervisors and Planning Commission Joint Work Session; (b) Approval of Warrants and Vouchers; (c) Proclamation: March 2019 Colon Cancer Awareness Month in Sussex County; (d) Proclamation: April 2019 Alcohol Awareness Month in Sussex County; and (e) Approval of Joint Public Hearing of the Sussex County Board of Supervisors and Sussex County Planning Commission – April 1, 2019 at 6:00 p.m.

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

Voting nay: none

Absent during vote: Supervisor Tyler

Supervisor Tyler entered at 7:13 p.m.

3. Recognition/Awards

3.01 Resolution: Recognizing Mrs. Carrie Wiggins-Faulk – Retired Nurse Practitioner of Wakefield Medical Center

Staff received a request from Supervisor Stringfield in regards to preparing a resolution in honor of Mrs. Carrie Wiggins-Faulk. She retired from serving as the Nurse Practitioner at the Wakefield's Sentara Family Medicine Physician office on February 28, 2019. Mrs. Wiggins-Faulk served Wakefield, Suffolk, and surrounding communities for 25 years.

Mrs. Wiggins-Faulk went above and beyond expectations, providing outstanding service in taking care of her patients. The Board, Administration and citizens would like to congratulate her on her achievements and extend our best wishes to her on her retirement.

Mrs. Wiggins-Faulk was present to accept the resolution. Mrs. Wiggins-Faulk thanked Board.

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

By general consensus the Sussex County Board of Supervisors hereby approves and adopts the resolution honoring Mrs. Carrie Wiggins-Faulk; to-wit:

Whereas, Mrs. Wiggins-Faulk was born to the late George and Nellie Saunders and was one of six children; and

Whereas, Mrs. Wiggins-Faulk graduated from Southwestern High School and went on to Hampton University where she completed her Bachelor of Science degree in nursing in 1971; and

Whereas, in 1972 she was hired at Obici Memorial Hospital in Suffolk, Virginia; and

Whereas, although the hospital was still segregated, she worked with other African-American nurses and was given a position in the Intensive Care Unit, making her the first African-American registered nurse to work beyond the south wing; and

Whereas, in 1977 she was hired to teach over 25 nursing students; and

Whereas, she obtained her Master's degree in nursing education and a certificate in primary care at Hampton University; and

Whereas, Mrs. Wiggins-Faulk joined the U.S. Army Reserve Nurse Corp where she was promoted to Captain; and

Whereas, she continued to serve the communities of Suffolk, Wakefield, and the surrounding counties and worked as an adjunct professor at Old Dominion University, Hampton University, Virginia Commonwealth University-Medical College of Virginia among others; and

Whereas, she was recognized as the first African-American Nurse Practitioner to practice at the Sentara Wakefield office by the Mars Hill AME Zion Church and received Congressional recognition for outstanding and invaluable service by Congressman A. Donald McEachin.

NOW THEREFORE BE IT RESOLVED, that Sussex County Board of Supervisors hereby in recognition of these achievements, the Board of Supervisors of Sussex County does hereby honor Mrs. Wiggins-Faulk for all of her accomplishments.

3.02 Budget and CIP Presentation

County Administrator Jones provided a PowerPoint presentation and brief overview of the Proposed Budget and Capital Improvement Plan (CIP) for FY2020.

A copy of the PowerPoint presentation of the Proposed Budget and CIP for FY2020 was provided to the Board members.

County Administrator Jones reviewed the County's Mission Statement. County Administrator Jones stated that the budget goals for FY2020 are to have a balanced general fund budget; a budget which includes no increases in tax levy; maintain an unassigned fund balance of 12%; and, a budget that reflects recurring expenses paid with recurring revenues.

County Administrator Jones stated that the budget process includes Departments submitting budgets to the Finance Office. Budget requests were discussed with the various departments. Revenue projections were in conjunction with the Treasurer's Office as well as the Commissioner of the Revenue's Office. The County Administrator's Office and Finance Office developed a working document, the Proposed Budget as presented. County Administrator Jones stated that the document of the Proposed Budget was to be studied and evaluated at the various budget work sessions, with the expectation of being adopted at the regular Board meeting, May 16, 2019.

County Administrator Jones stated the Capital Improvement Plan in the FY20 budget totals \$503,223 which is a significant reduction from the total for the current fiscal year. There are three (3) categories: vehicles (includes new purchase of fire truck for Wakefield VFD), repairs and improvements of County facilities and structures (large portion is maintenance repair of water tower) and equipment.

County Administrator Jones stated that the FY20 proposed budget is \$37,191,756. The proposed FY20 budget is \$894,014 more than the current fiscal year's budget, which is approximately a 2.5% increase. County Administrator Jones noted that this budget included a three percent (3%) cost of living adjustment (COLA) for the employees. County Administrator Jones stated that there was also a 0.3% health insurance increase which is a projected total of \$5,424. The increase for the health insurance for FY20 is a drastic decrease in comparison to those two (2) previous fiscal years (He noted that two (2) fiscal years ago, he requested the County to absorb \$114,000. In the current fiscal year, it was asked that the County to absorb \$72,600.)

County Administrator Jones stated that the General Fund Revenue balance for the Proposed FY2020, is a total of \$23,289,873, which is a real dollar change of \$51,085 from the current fiscal year. The General Fund Expenditure balance is \$23,289,873 with a real dollar change of \$51,085, which is the same as the General Fund Revenue being that it is a balanced budget. County Administrator Jones noted that the County's biggest expenditures are public education, Sheriff's Operation & Jail, and Health and Human Services.

County Administrator Jones stated that the tax rates in all categories remain the same. There was no increase in tax levy. The Unassigned Fund Balance projected for FY2020 is well above 12%. The process going forward would be the FY2020 Proposed Budget would be advertised as required, as well as the Calendar Year 2019 Tax Rates in preparation for the Public Hearing to be held at the Board of Supervisors regular meeting on Thursday, April 18, 2019.

The Budget Calendar was also reviewed. County Administrator Jones requested that the first Budget Work Session be scheduled on Thursday, April 4, to discuss the Health Insurance increase. He is asking the County to absorb the \$5,424 increase. If the Board agrees to absorb the increase, it will allow staff to distribute the proper information packets to employees in the required time for Open Enrollment.

County Administrator Jones noted that the school was requesting level funding. Due to scheduling conflict, County Administrator Jones stated that the schools would like to hold their Budget Work Session with the Board on April 11, 2019. County Administrator Jones stated that he wants to present their budget early to allow the school to provide contracts to the teachers in a timely

manner. He also noted that the goal was to adopt the FY20 budget, CIP and proposed 2019 tax rates at the Board's regular meeting on May 16, 2019.

There was discussion of whether funds were designated for any of the projects, or the start of the projects, regarding the Office Space Needs Study. It was noted that although there was no line item designated, there were options for funding within the existing budget.

There was also discussion as to whether the request for level funding from the schools include the General Assembly's proposed three to five percent (3%-5%) increase in the teachers' salaries. Mr. John Broderick, Director of Finance & Business Operations for the Sussex County Public School System, stated that the School Board approved their budget the prior week. The numbers included in the County's budget will not change. Mr. Broderick explained that the Governor and the General Assembly did approve the five percent (5%) raise based on Standards of Quality (SOQ) funded positions for school divisions. Mr. Broderick stated that the five percent (5%) could be spread over two (2) fiscal years—last year and this year. Mr. Broderick stated that last year, the school division gave a one percent (1%) raise to all employees—due to having a 15.9% increase in the school's health insurance in which the school absorbed. Mr. Broderick stated that this year, all employees will receive a four percent (4%) raise which is included in the budget that was passed by the School Board and is included in local funding that the School Board is asking for the Board of Supervisors' consideration.

There was an inquiry of the school's projected ADM number. Mr. Broderick stated the ADM number is 1,016 which is a six (6) student increase.

There was discussion that the high school is no longer offering the driving part of driver's education in the school. Mr. Broderick was asked to bring price and need back to the Board.

The Budget Work Session for April 5, 2019 is scheduled for 2:00 p.m. The location is to be determined. The Office Space Needs Study with Moseley Architects was scheduled along with the Budget Work Session for April 5, 2019.

3.03 Recognition: Mr. Cecil Stainback, Animal Services Officer

Chair Seward recognized Mr. Cecil Stainback, Sussex County Animal Services Officer for being honored by Dinwiddie Board of Supervisors on March 19, 2019 for his role and professionalism in assisting Dinwiddie County Animal Control with an animal abuse case that garnered national attention which resulted in a successful prosecution. Mr. Steinback was presented an award by the Dinwiddie Board of Supervisors.

4. Public Hearing

4.01 Conditional Use Permit #2019-01: First Solar LLC, Applicant

Ms. Monica J. Whitney, Permit Technician, provided the staff report.

Ms. Whitney reported that pursuant to Section 16-22, subsection 17.2 of the Zoning Ordinance, the applicant, First Solar LLC (on behalf of Waverly Solar LLC), seeks a conditional use permit

to construct and operate a solar energy facility on tax map numbers 28A 1 O-A-20, 28-A-22, 28A11-A-3, and 28-A-25, 42-A-33, 27-1-A, 27-1-8, 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-1 7A, 42-A-6 consisting of approximately 2,000 +/-acres. The parcels in question are zoned A-1, General Agricultural District, which allows the proposed use with a conditional use permit. The proposed site of the project is generally situated between the Town of Waverly, VA to the northeast and the unincorporated community of Newville, VA to the southwest. It is bounded to the east by Coppahaunk Road (SR 654) and the north by the town of Waverly. Beef Steak Road (SR 626) traverses the western part of the project site and West Oak Dale Road (SR 655) traverses the southern part of the site. Sussex County Drive (SR 40) extends north to south through the eastern part of the site.

Ms. Whitney reported that the Planning Commission recommended approval.

The Planning Commission held a special meeting on February 11, 2019 to consider this request and voted unanimously (9-0) to forward Conditional Use Permit Application #2019-01, First Solar LLC, to the Board of Supervisors with a recommendation that it be approved subject to numerous conditions.

Ms. Whitney reported that, after a meeting held the afternoon of March 21, 2019, the conditions have been further revised. Ms. Whitney also reported that to this date, staff has received opposition to the application from one (1) County resident. A copy of the amendments were provided, at that time, to the Board members for review. It was noted amendments were highlighted in “red”.

The applicant, First Solar LLC (on behalf of Waverly Solar LLC), was present to answer questions from the Board and the public.

Staff report was provided to the Board by the Community Development office.

Public comments were heard from:

- Williams Ricks (former resident) – entrance to project; Robert Wilkins Avenue (narrow street/quiet neighborhood/overhead wire/electrical poles where homes are); not in opposition; road upkeep/improvements.
- Terrance Green (Waverly District/Empowerment Temple) – encourage Board to approve the CUP provided all requirements are met; Community Meeting held at Empowerment Temple; possible jobs and attract other businesses.
- Scott Bernaldo (Blackwater District) – adjacent property owner; pro solar farm; could review project yea/nay; make sure CUP stays as written; spoke with First Solar—addressed issues; adhere to 250 ft. buffer; change dynamics of County; voiced positives and negatives of solar farm.
- Anne Joyner (Wakefield District) – Oppose solar farm
- Mark Renaldi (Sussex Trace Associates Representative) – Thanked Chair Seward and Supervisor Futrell for sharing concerns/providing conduit to applicant; thanked applicants; discussed concerns addressed with applicant; support solar farm.

Chair Seward shared with the Board members that Mr. Martin offered to give Board members a tour of exactly where the panels would be located, the construction entrances, etc. Chair Seward had taken the tour earlier.

Comments were heard from the Mr. Martin, First Solar LLC (on behalf of Waverly Solar LLC), applicant.

Mr. Martin gave a presentation on the Waverly Solar LLC Project. A copy of the presentation was provided to the Board members. He noted that the First Solar LLC team were in the audience if there were any questions.

He stated that First Solar LLC (on behalf of Waverly Solar LLC) has been working with the Planning Commission and concerned citizens for the last six (6) months to try to shape the project to fit the culture of Sussex County. He stated that they understood that this was a large project. This project has the potential of changing the nature for the County. He stated that the Board needed to consider that carefully.

Mr. Martin reported that the Waverly Solar Project LLC is a 118-megawatt solar project. It is located on approximately 2,000 acres. It is bounded south of the Town of Waverly, goes over to Beefsteak Road; bounded on the South by Oakdale Road; and, bounded in the East by Coppahaunk Road (southwest of U.S. Route 460, approximately one (1) to three (3) miles southwest and west of Waverly in Sussex County). He stated First Solar LLC (on behalf of Waverly Solar LLC) has a transmission contract draft with Dominion Virginia Power that will be signed in the next month. He stated that the transmission contract was critical in any solar project. He stated that the when fully operational, Waverly Solar Project LLC would generate enough clean solar energy to serve the needs of approximately 19,000 homes per year.

Mr. Martin stated that, if approved, the goal is to start the construction of the project in late 2019 with operations starting by the end of 2020. Mr. Martin stated that many factors will affect starting to include local permitting; the transmission contract; the Army Corps of Engineers (must give contract on any weapons impact); the Virginia Department of Environmental Quality; and, having a customer to take the power. He stated that First Solar LLC has bid this project to Dominion Virginia Power. Dominion Virginia Power is in the process of evaluating their project versus other projects that had been bid across the Commonwealth which is a huge driver for any solar project that comes before the Board. There must be a source of revenue before any company can make the large capital expenditures that will be made on the project.

Mr. Martin stated that First Solar LLC is an American company based in Arizona with manufacturing locations in the Toledo, Ohio area. He stated that they are the largest solar panel manufacturer based in the United States.. Mr. Martin stated that any other projects with panels, other than First Solar LLC that would come before the Board, is a Chinese-based manufacturer of the solar panel.

He stated that First Solar LLC is publicly traded as the First Solar Inc. Common Stock (FLSR) symbol. Provisions have been included that will satisfy the bond. In addition to the provisions, they have a very financially strong company behind the bond. Mr. Martin stated that First Solar LLC had no debt on their balance sheet as a company.

Mr. Martin reviewed a map included in the hand out highlighting solar projects that were operating, under construction or in development. He stated that their company has been in operation for quite some time and knew what they were doing.

Mr. Martin reviewed a map of the Waverly Solar location. This map was included in hand out as well. He stated that they worked with Mr. Bernaldo to make sure proper setbacks, buffers, and protection were in place from his well.

Mr. Martin stated that from a benefit perspective, up to 300 constructions jobs will be created. Construction will last more than a year. He stated that the Economic Impact Report shows that there will be an economic impact to Sussex County of \$7.2 million from this project. He stated that \$4.4 million of the \$7.2 million is direct construction dollars; \$800,000 indirect and \$1.3 million induced economic impact. He stated that over the first 10 year operation period, they would have another approximately \$700,000 worth of economic impact. He stated that Pearson's Appraisal provided an estimate of what the tax impact would be on the County. This information included in packet sent to Board members.

Board member comments were heard from:

- Supervisor Tyler (Henry District) – Wilkins Avenue – the narrowness of road/transporting equipment; on-site well and public drinking water sources; washing of panels; questioned the possibility of chemicals penetrating the soil; purchasing of water from Sussex Service Authority; will there be wells in Waverly to facilitate project; restriction on water usage; effect on economic development/future of the community due to water limitations; management plan in case of emergency; local contact.
- Supervisor Futrell (Waverly District) – There was discussion of workers that would be hired, skillsets and training; number of jobs; landfill – recycling of panels
- Supervisor Stringfield (Wakefield District) – purchase and lease of property.
- Supervisor Blowe (Stony Creek District) – will there be a local office & where; removal of panels
- Supervisor Fly (Courthouse District) – requested changes in CUP to include:
 - Anywhere it states “It shall be provided to the Director of Community Development”, add the County Administrator and the Board of Supervisors;
 - On page three (3), item 16, starting at the bottom paragraph of the CUP, the dollar amount that has been put in for the decommissioning of \$590,000, and the first sentence of the third paragraph, it states that there's going to be a study done by a consultant engineer every five (5) years, add the cost estimate for decommissioning plus ten percent (10%) to cover inflation in the event something goes wrong within the five (5) years (estimation clause);
 - On page 4, item 17, inquired in regards to applicant providing training to first responders, once the construction begins, is there anything particular to or on the site that the County should be concerned about that the first responders will need additional training? (*First Solar responded that there wasn't anything to be concerned about. It was just the fact that it was something new to the County. Confirmed no special equipment needed by the County's Fire Department.*)
 - On page 4, Section 20, traffic/transportation plan needs to be defined, where it states, “if traffic issues arise”—it was discussed to add, as determined by the Virginia Department of Transportation (VDOT).

- Inquired about the closeness/location of the four (4) recorded archeological sites in the vicinity of the project mentioned in document provided to staff/Board. (*First Solar stated that DEQ requires cultural disclosing studies along with other State agencies. He stated near Mr. Bernaldo's property there's an old cemetery. Along another property that they didn't acquire, but looking at as a potential easement area, there were potential archeological recordable areas.*) Get copies of Species study and Archeological Study; Impact regarding training at Wakefield Airport.
- Supervisor Seward (Blackwater District) – who makes the determination of the condition of the road; estimate of County's revenue over the lifespan of this project; Mr. Pearson's estimate of land sale; keep in perspective what the County gets for the loss of open space, farm land and timber in constant circulation.

Mr. Martin noted that they were happy to agree to the additions to the CUP that have been suggested.

Chairman Seward closed the Public Hearing.

Chairman Seward noted that if there is a change in Power Purchase Agreement (PPA), the County would be informed. There's discussion that there was a 90-day requirement if it was idle. Mr. Martin noted that there may be disclosure issues due to confidentiality.

4.02 Action on Public Hearing Item

ON MOTION OF SUPERVISOR TYLER, seconded SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Conditional Use Permit #2019-01, First Solar LLC (on behalf of Waverly Solar LLC), applicant, with conditions previously as required with amendments made at meeting as additional conditions noted during meeting as follows:

Proposed Conditions

1. The solar energy facility shall consist of an integrated power generation facility and shall be limited to approximately 2,000 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 and 42-A-6.
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 February 25, 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 (NEESC), 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 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, which shall be provided to the Director of Community Development, 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 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 where 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, Fly, Futrell, Seward, Stringfield, Tyler

Voting nay: none

5. Appointments

5.01 Appointments to Virginia Gateway Region Board of Directors

The terms of Supervisor Alfred G. Futrell, 524 Moore Street, Waverly, VA 23890 and Mr. Rex Davis, 612 Brentmoore Drive, Glen Allen, VA 23859, expired February 28, 2019 on the

Virginia's Gateway Region Board of Directors. Staff has contacted Supervisor Futrell and Mr. Rex Davis. Mr. Davis is willing to serve, if reappointed. Supervisor Futrell does not wish to be reappointed.

County Administrator Jones stated that Sussex County has two (2) appointments on the Virginia Gateway Region Board of Directors. One position is for a business person, who is represented by Mr. Rex Davis, noting that the second appointment had to be a member of the Board of Supervisors.

A copy of Supervisor Futrell's letter declining and Mr. Rex Davis' confirmation letter regarding reappointment were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER, and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Chairman Seward, 523 Jasper Lane, Waverly, VA 23890, and reappoints Mr. Rex Davis, 612 Brentmoore Drive, Glen Allen, VA 23859, to the Virginia Gateway Region Board of Directors, both with terms expiring February 29, 2020.

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

Voting nay: none

6. Action Items

There were no Action Items.

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 Monthly Report – *included in Board packet*

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

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

8. Citizens' Comments (9:30 p.m.)

There were comments heard from:

- Anne Joyner (Wakefield District) – questions regarding Pocahontas/UNOS Projects
- Rex Davis (Stony Creek Business Owner) – Meals taxes; shared research of counties with and without meals taxes; give consideration of basically one (1) business providing majority of meal taxes if increased; County poverty issues; population; household income;

stated for the record that his real estate taxes increased 35%-everyone else increased 5%; provided a handout to the Board.

- Kevin Bracy (Courthouse District) – Animal Control; animals being killed; meals taxes.

9. Unfinished Business

9.01 Board Compensation for Year 2020

County Administrator Jones stated that at its February 21, 2019 Board of Supervisors meeting, the Board voted to schedule a Personnel Committee to discuss the Board Compensation for the incoming Board for Year 2020.

The Personnel Committee meeting was scheduled and held Monday, March 4, 2019 at Prince George Electric Cooperative in Waverly, Virginia.

The Personnel Committee voted to recommend to the Board of Supervisors to let the salaries remain the same for the Board members for the term starting January 1, 2020.

Since the recommendation was no change, there was no action to be taken. It would be noted in the budget.

Vice Chairman Blowe made the motion, seconded by Supervisor Stringfield that the Board Compensation, commencing January 2020, would increase in the same amount as the annual cost of living adjustment as the County employees.

Voting aye: Supervisors Blowe, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Seward

There was a tie vote. Mr. Steve White, Tie Breaker for the Board of Supervisors, voted nay. The motion failed.

10. New Business

10.01 Illegal Dumping in the County

County Administrator Jones stated that due to the dumping of tires along the roadside, Supervisor Futrell is asking the Board to consider placing extra dumpsters for tires at possibly three (3) locations—Waverly Convenience Site, Courthouse or Old Forty Convenience Site and Stony Creek Site.

County Administrator Jones noted that the Waverly, Wakefield, Stony Creek, and Jarratt Convenience Sites are being evaluated for the purpose of adding containers for furniture, televisions, appliances, etc. as well as an additional container/dumpster for metals. He stated quotes have been obtained regarding the purchase of containers versus leasing containers. Staff is currently in discussion with a metal company that would be responsible for containers at sites for metal. County Administrator Jones noted that there will be restraints on the size as it relates to how many dumpsters/containers that can be accommodated on a site.

Supervisor Futrell is also suggesting that the Board discuss an alternative of asking the property owners to place trail cameras on their property in hopes of catching those persons illegally dumping. Supervisor Futrell also discussed options regarding disposal of tires.

11. Board Member Comments

11.01 Blackwater District – Riverside Regional Jail deficit/due drop in inmate population (article distributed to Board members); General Assembly – monthly mental health coverage/service in local jails; District 19 mental health services.

11.02 Courthouse District – none

11.03 Henry District – Beacon Hill Institute Report – local government meals taxes.

11.04 Stony Creek District – Town Hall meeting; dilapidated housing and trash in community - address issues at Joint Planning Commission meeting.

11.05 Wakefield District – Attendance at monthly housing meeting.

11.06 Waverly District – Town of Stony Creek regarding trash/dilapidated housing; appreciate Sheriff Department regarding miscellaneous people hanging around

12. Closed Session

There was no Closed Session.

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the March 21, 2019 meeting of the Sussex County Board of Supervisors hereby adjourned at 10:36 p.m.

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

Voting nay: none

13.02 Next Meeting

Joint Public Hearing of the Board of Supervisors and Planning Commission will be held Monday, April 1, 2019 at 6:00 p.m., Sussex Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.

Sussex County Board of Supervisors Special (Budget Work Session) Meeting will be held Friday, April 5, 2019 at 2:00 p.m. Location to be determined.,

The next regular Board of Supervisors meeting will be held on Thursday, April 18, 2019 at 7 p.m. in the Sussex Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.