

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, May 18, 2017 at 6 pm**

BOARD MEMBERS PRESENT

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

STAFF PRESENT:

Vandy V. Jones, III, Interim County Administrator
Millard Stith, Independent Consultant
Mark Flynn, County Attorney
Ellen G. Boone, Commissioner of the Revenue
John Broderick, Director of Finance & Business Operations for Sussex Public Schools
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk to the Board
Deste J. Cox, Deputy Treasurer
Brenda H. Drew, Housing Coordinator
Andre M. Greene, Director of Community Development
Arthur Jarrett, Superintendent of the Public Schools
Kelly W. Moore, Interim Finance Supervisor
Patrick Plourde, Director of Social Services
Lyndia P. Ramsey, Commonwealth's Attorney
Dean Simmons, Building Official
Lorenzo D. Turner, Assistant to the Director of Community Development
Eddie D. Vick, Public Safety Coordinator
Monica J. Whitney, Permit Technician

1. Commencement

1.01 Call to Order/Determine Quorum

The May 18, 2017 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 Blowe.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

Vice-Chairman Blowe requested to add under Item 6. Action Items, as Item 6.04. Annual Ethics Training.

Interim County Administrator Jones requested to add the following: under Item 3. Recognitions/Awards as Item 3.03 Proclamation recognizing National Police Week and under Item 12. Closed Session as a second Closed Session item 12.01b. Personnel Issue pursuant to Code Section 2.2-3711(A)1.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the agenda amendments to May 18, 2017 agenda to include adding Item 6. Action Items, as Item 6.04. Annual Ethics Training; adding under Item 3. Recognitions/Awards, as Item 3.03. Proclamation recognizing National Police Week and adding under Item 12. Closed Session, as a second Closed Session Item 12.01b. Personnel Issue pursuant to Code Section 2.2-3711(A)1.

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

Voting nay: none

Absent during vote: Supervisor Fly

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the May 18, 2017 regular agenda to include adding under Item 3. Recognitions/Awards, as Item 3.03. Proclamation recognizing National Police Week and adding under Item 12. Closed Session, as a second Closed Session Item 12.01b. Personnel Issue pursuant to Code Section 2.2-3711(A)1.

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

Voting nay: none

Absent during vote: Supervisor Fly

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR 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 April 13, 2017 Budget Work Session and April 20, 2017 regular meeting; (b) Approval of Warrants and Vouchers; (c) Accept and Appropriate Funds from Town of Waverly - \$40,140.00; (d) Accept and Appropriate Funds from Byrne Justice Grant #17-P1205L016 - \$2,058.00; and (e) Accept and Re-Appropriate Grant Funds to Victim Witness Program - \$2,264.03.

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

Voting nay: none

Absent during vote: Supervisor Fly

3. Recognitions/Awards

3.01 Recognition: Mr. Kevin Bracy

Interim County Administrator Jones stated the original animal shelter located beside the current animal shelter had fallen into disrepair. At a previous Board meeting, the Board requested its desire to have the building removed. After that meeting, Mr. Kevin Bracy spoke with Mr. Jones and volunteered to assist in removing the building and removing the debris.

Mr. Bracy's services in the demolishing of the building and his efforts to help clean up the area surrounding the Animal Shelter were appreciated.

The Certificate of Recognition was read aloud. A copy of the Certificate of Recognition was included in the Board packet.

3.02 Recognition: Business Appreciation Week – May 22, 2017

Mr. Millard Stith, Independent Consultant for Sussex County, stated the each year the Governor declares Business Week in Virginia which is a national celebration that starts in the month of May. Mr. Stith stated the County wanted to foster a better relationship with the local businesses in Sussex County. To express its gratitude on behalf of the County residents to all businesses and industries located in Sussex County for contributions, the County is recognizing May 22, 2017 as "Business Appreciation Week".

A copy of the resolution recognizing May 22, 2017 as "Business Appreciation Week" for Sussex County was included in the Board packet. Mrs. Ellen G. Boone, Commissioner of the Revenue and President of Sussex County Chamber of Commerce was present to receive the resolution.

3.03 Proclamation: National Police Week

Mr. Millard Stith, Independent Consultant for Sussex County, stated that the current week was National Police Week. Mr. Stith stated that Sussex County wanted to declare Police Week for local law enforcement.

Staff prepared a Proclamation for the Sussex County Sheriff's Department on behalf of the County which will be presented to the Sheriff's Department at their Recognition Luncheon.

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

Supervisor Futrell requested staff to prepare a similar Proclamation for the Town of Waverly.

4. Public Hearing

Chairman Seward announced that the Board of Supervisors was entering public hearing.

4.01 VDOT Proposed Secondary Six Year Plan and Budget – Mr. Jerry Kee

Interim County Administrator Jones stated the public hearing was for the Virginia Department of Transportation (VDOT) Secondary Six Year Plan and Budget. The hearing was properly advertised with the Six Year Plan and Budget available at the County office at 20135 Princeton Road, Sussex, VA 23884 and VDOT Franklin residency office located at 23116 Meherrin Road, Courtland, VA 23837 for any citizens who wants to review the plan and/or budget. This public hearing is an annual occurrence for the VDOT Proposed Secondary Six Year Plan and Budget.

The public hearing is an opportunity for any citizens to speak on the Six Year Plan and/or Budget.

Mr. Jerry Kee, VDOT representative, gave a brief overview of the priority list.

There were no citizens' comments.

There were no Board members comments.

The priority list and budget were included in the Board packet as well as a copy of the resolution of VDOT for the Proposed Secondary Six Year Plan and Budget.

Chairman Seward closed the public hearing on the Virginia Department of Transportation (VDOT) Secondary Six Year Plan and Budget.

4.01a 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 adopts the resolution for the Virginia Department of Transportation Proposed Secondary Six Year Plan and Budget, to-wit:

WHEREAS, Section 33.1-23 and 33.1-23.4 of the Code of Virginia, 1950, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six Year Road Plan; and

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures and participated in a public hearing on the Proposed (FY2017/2018 through 2022/2023) on May 19, 2016, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Mr. Jerry Kee, Virginia Department of Transportation appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads and the Construction Priority List for Sussex County; and

WHEREAS, the Priority List is as follows

Priority #1: Route 626 (Courthouse Road) 0.17 mile south of the southern connection with Route 636; 0.101 mile north of the northern connection with Route 636 (0.2 mile)

Priority #2: Route 635 (Steel Bridge Road) pave non hard surface road, to Route 610 and Route 609 (3.4 miles)

Priority #3: Route 735 (Courthouse Road) Reconstruction and drainage improvements, to Route 660 (Gilliam Road) and Route 631 (Gray Road) (2.1 miles)

Priority #4: Route 636 (Longevity Road) Pave non-hard surface road, to Route 626 (Courthouse Road) (1.2 miles)

Priority #5: Countywide Rural Additions, various locations through the County

Priority #6: Countywide right-of-way engineering, various locations through the County

Priority #7: Future unpaved roads: 4-6 Years, various locations through the County

Priority #8: Route 635 (Stokes Road), over Magus Mill Pond, 0.783 mile north of Route 644 and 0.823 mile north of Route 644.

NOW THEREFORE BE IT RESOLVED that since the plan appears to be in the best interest of the Secondary Road System, said Secondary Six Year Plan is hereby approved as presented at the public hearing.

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

Voting nay: none

Absent during vote: Supervisor Fly

Supervisor Fly entered at 6:19 p.m.

Chairman Seward entered public hearing. Chairman Seward stated that there were three (3) related public hearings. Action will be taken sequentially after the three (3) public hearings are held. The public hearings are to consider (1) Ordinance Amendment #2017-01, Article VIII, Section 16-139 (Use Regulation, WCW Properties, LLC and Suffolk Energies, Inc., applicant, (2) Rezoning Application #2017-01, WCW Properties, LLC and Suffolk Energies, Applicant, and (3) Conditional Use Permit Application #2017-01, WCW Properties, LLC and Suffolk Energies, Applicant

4.02 Ordinance Amendment #2017-01, Article VIII, Section 16-139 (Use Regulation, WCW Properties, LLC and its affiliate Suffolk Energies, Inc., applicant

Ms. Monica J. Whitney, Permit Technician, provided the summary of Ordinance Amendment #2017-01, Article VIII, Section 16-139 (Use Regulation, WCW Properties, LLC and Suffolk Energies, Inc., applicant. Ms. Whitney reported that WCW Properties, LLC and its affiliate (Suffolk Energies, Inc.) are requesting the amendment of Article VIII,

Section 16-139 (Use Regulations) of the Zoning Ordinance by adding a petroleum (gasoline, diesel, fuel, oil, etc.) and gas (Propane, natural, etc.) bulk storage, sales and distribution facility to the list of uses in the B-2, General District. Presently, the B-2, General Business District does not permit the location of petroleum and gas bulk storage, sales and distribution facilities.

The structure of the Zoning Ordinance is such that uses or activities not listed in a particular district are not allowed. In order to allow WCW Properties LLC and Suffolk Energies to operate the proposed petroleum and gas facility on a parcel of land to be B-2, General Business, the Zoning Ordinance must be amended.

Ms. Whitney reported that Ms. Tanya Davis expressed opposition at its Planning Commission's public hearing to Ordinance Amendment #2017-01 due to environmental and public safety concerns. Mr. Felix Davis expressed opposition to Ordinance Amendment #2017-01 in a letter dated March 1, 2017. The letter was included in the public hearing Board packet.

Following a public hearing held on February 6, 2017, the Planning Commission recommended approval, with a vote of 8 to 1, of Ordinance Amendment #2017-01 to allow petroleum (gasoline, diesel, fuel, oil, etc.) and gas (propane, natural, etc.) bulk storage, sales and distribution facility with a conditional use permit.

Public Comments were heard from:

- Ernestine Davis (Wakefield, family farm adjacent property owner) – In opposition of petroleum and gas bulk storage, sales and distribution facility; concerned with catastrophic events; concerns regarding tanks, safety; request adherence to present zoning; request visits to facility site; request to vote “no” to the three (3) public hearing items
- Jamie Jones (Wakefield District) – In opposition of petroleum and gas bulk storage, sales and distribution facility; request Board to vote against facility
- Felix Davis (Wakefield, family farm adjacent property owner) – In opposition of petroleum and gas bulk storage, sales and distribution facility; shared information regarding petroleum products.
- Melissa Davis-Taylor (Wakefield, family farm property owner) – In opposition of In opposition of petroleum and gas bulk storage, sales and distribution facility; concerns of well water pollutants, soil contamination, eminent domain, unintended consequences, and environmental health and impacts.
- Tanya Davis (Wakefield District, family farm property owner) – In opposition of petroleum and gas bulk storage, sales and distribution facility; concerns with suppression of fire at facility and public safety.

Mr. Tim Trant, Attorney with Kaufman and Canoles, and Mr. Chris Pond, Suffolk Energies and Griffin Oil and Propane, were present on behalf of applications submitted for public hearing for Ordinance Amendment #2017-01, Article VIII, Section 16-139 (Use Regulations), Rezoning Application #2017-01, and Conditional Use Permit Application, #2017-01, WCW Properties LLC and Suffolk Energies,.

Attorney Trant gave a brief background of Suffolk Energies. The company has been in business since the 1930s. The Pond family, a family-owned business, has operated the business since 1975, and has operated a business in Sussex County for almost ten (10) years at the facility currently located in the Town of Wakefield.

Attorney Trant stated that Suffolk Energies has a long history of operating these types of facilities with a good safety record. There are no known violations that have been reported by the Department of Environmental Quality (DEQ). The facility will be a new facility built to modern codes and zoning requirements and subject to conditions that have been proposed by staff and the applicant. The conditions recommended by the Planning Commission are: (1) to preserve a 50-ft. undisturbed buffer and strip of trees to lighten noise and vision from the facility. An agreement was made to offer training, along with Mr. Eddie Vick (public safety), with the fire department. Attorney Trant stated that in working through health and safety issues with County staff, it has been worked through how the facility would have to comply with State code and regulations to include fire suppression and accident prevention. Attorney Trant reviewed the multi-step process for facility to be built. The facility has to comply with fire codes for fire suppression,

Comments were heard from:

- Supervisor Stringfield (Wakefield District) – regarding whether tanks would be under or above ground and their distance apart; on-site well; rail service.
- Supervisor Blowe (Stony Creek District) – Davis family concern with testing well water, soil; bonding of any type for spillage, explosion testing.
- Supervisor Futrell (Waverly District) – propane; tank farms in heavily populated areas; spillage; safety.
- Supervisor Seward (Blackwater District) – commercial tax base; safety – business location.
- Supervisor Tyler (Henry District) – frequency of DEQ inspections; risk factors; concerns of public safety coordinator; precautions for vehicles running of highway.
- Supervisor Fly (Courthouse District) – location of current facility.

Chairman Seward closed the public hearing on Ordinance Amendment #2017-01, Article VIII, Section 16-139 (Use Regulations), WCW Properties, LLC and Suffolk Energies, Applicant.

Chairman Seward entered public hearing on Rezoning Application #2017-01, WCW Properties, LLC and Suffolk Energies, Applicant

4.03 Rezoning Application #2017-01, WCW Properties, LLC and Suffolk Energies, Applicant

Ms. Monica J. Whitney, Permit Technician, provided the summary of Rezoning Application #2017-01, WCW Properties, LLC and Suffolk Energies, Applicant. Ms. Whitney reported that WCW Properties, LLC and Suffolk Energies are requesting to rezone approximately 3.36 acres (consisting of tax map numbers 61-A-48 and 61-A-50)

from A-1, General Agricultural District to B-2, General Business District to allow a petroleum and gas bulk storage, sales, and distribution facility with a conditional use permit. The properties in question are on the south side of U.S. Route 460 approximately 1,500 feet east of the intersection of Fredenburg Road (Route 652) and General Mahone Highway (U.S. Route 460) in the Wakefield Election District.

Ms. Whitney reported that Ms. Tanya Davis and Mr. Felix expressed opposition to the proposed rezoning request.

Following a public hearing held on February 6, 2017, the Planning Commission recommended approval with a vote, 8 to 1, for Rezoning Application #2017-01.

Supporting documentation was included in Public Hearing packet provided to Board members and posted on the County website.

Public comments were heard from:

- Felix Davis (Wakefield, family farm adjacent property owner) – Questioned WCW Properties, LLC as the applicant for rezoning request versus Suffolk Energies, Inc. Mr. Felix also requested three (3) conditions to be stipulated: (1) traffic to business-waiver for turning lane in place now be limited; (2) no other businesses be allowed on the site that will allow VDOT waiver to be exceeded; and (3) the applicants be required to remove all tanks if the business closes; (4) water and soil sampling to be maintained and continued five (5) years after business ceases operation.
- Ernestine Davis (Wakefield, family farm adjacent property owner) – In opposition of facility be located in the proposed area.
- Jamie Jones (Wakefield District) – In opposition of having facility near home; environmental safety; tank refurbishment; environmental study.
- Frank Irving (Waverly District) – Noted that Board should vote on rezoning application and ordinance amendment; other public hearing item will not be needed if failed.

4.04 Conditional Use Permit Application #201701, WCW Properties, LLC and Suffolk Energies, Applicant

Ms. Monica J. Whitney, Permit Technician, provided the summary of Conditional Use Permit Application #2017-01, WCW Properties, LLC and Suffolk Energies, Applicant.

Pursuant to Section 16-639, subsection 54 of the Zoning Ordinance, the applicants, WCW Properties and Suffolk Energies seek a conditional use permit to allow a petroleum and gas bulk storage, sales and distribution facility on tax map numbers 61-A-48 and 61-A-50 (consisting of a total of 3.36 acres). The parcels owned by ROW-MIC Construction Inc., are being rezoned to B-2, General Business District which would allow the proposed uses with a conditional use permit.

Ms. Whitney reported that Ms. Tanya Davis and Mr. Felix expressed opposition to the proposed conditional use permit application.

The Board of Supervisors are to approve the Conditional Use Permit Application #2017-01 to allow a petroleum and gas sales and distribution facility on tax map numbers 61-(A)-48 and 50 subject to the following conditions:

1. All federal, state and local laws, regulations, permit requirements and ordinances shall be adhered to.
2. A site plan, erosion and sediment control and stormwater management plan shall be prepared and submitted to all relevant local/state offices and agencies for review and approval prior to issuance of a land disturbance and building permit for the proposed facility.
- 3.
4. The owner or operator of the facility permitted pursuant to this conditional use permit shall coordinate with the fire department whose primary service area includes the property to conduct periodic emergency response training for the facility.
5. For so as long as (a) the property contains a facility permitted pursuant to this conditional use permit, and (b) the immediately adjacent parcel (Tax Parcel 61-A-47) located to the west of the property is used for residential purposes, then the area shown as “50’ BUFFER AREA” on the attached exhibit entitled “EXHIBIT CUP #2017-01 SUFFOLK ENERGIES PROPOSED FUEL STORAGE FACILITY,” dated December 16, 2016, prepared by AES Consulting Engineers, shall be maintained in its natural undisturbed condition (excluding the removal of invasive, dead, diseased, or dying trees, shrubs, or other vegetation).

Public comments were heard from:

- Ernestine Davis (Wakefield, family farm adjacent property owner) – Stated they wanted Board to vote on each item separately
- Felix Davis Felix Davis (Wakefield, family farm adjacent property owner)- speed limit; other concerns

There were no comments from Board members.

Chairman Seward closed the public hearing.

4.05 Action on Public Hearing Items

Supervisor Fly made motion, seconded by Supervisor Blowe to approve Ordinance Amendment #2017-01, Article VIII. Section 16-139 (Use Regulations).

Mr. Tyler offered a substitute motion to table Item 4.02 Ordinance Amendment #2017-01, Article VIII. Section 16-139 (Use Regulations), WCW Properties, LLC and Suffolk Energies, Inc., applicants. The motion failed with Supervisors Futrell, Stringfield, and Tyler voting aye; Supervisors Blowe, Fly, and Seward voting nay.

The primary motion was back on the floor.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Ordinance Amendment #2017-01, Article VIII. Section 16-139 (Use Regulations), WCW Properties, LLC and Suffolk Energies, Inc., applicants, to allow petroleum (gasoline, diesel, fuel, oil, etc.) and gas (propane, natural, etc.) bulk storage, sales and distribution facility with a conditional use permit.

Voting aye: Supervisors Blowe, Fly, Futrell, Seward

Voting nay: Supervisor Stringfield

Abstained: Supervisor Tyler

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Rezoning Application #2017-01, WCW Properties LL and Suffolk Energies, Applicant, to rezone approximately 3.36 acres (consisting of tax map numbers 61-A-48 and 61-A-50) from A-1 General Agricultural District to B-2, General Business District to allow a petroleum and gas bulk storage, sales, and distribution facility with a conditional use permit.

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

Voting nay: none

Abstained: Supervisor Tyler

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Conditional Use Permit #2017-01, WCW Properties LL and Suffolk Energies, Applicant to allow a petroleum and gas bulk storage, sales, and distribution facility subject to the four (4) conditions.

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

Voting nay: none

Abstained: Supervisor Tyler

5. Appointments

5.01 Appointments to the South Centre Corridors Resource Conservation and Development Council (RC&D)

Interim County Administrator Jones stated the South Centre Corridors RC&D Council was developed to identify and address natural resource concerns and issues that potential. The Council consists of the localities of Dinwiddie, Greensville, Prince George, Southampton, and Sussex, as well as the cities of Hopewell and Petersburg.

Interim County Administrator Jones stated that there are currently two (2) vacancies on the South Centre Corridors RC&D Council for Sussex County. At a previous Board of Supervisors meeting, the Board appointed the previous County Administrator to the Council with a term expiring December 31, 2017. An appointment is needed to fill this unexpired vacancy.

Due to the passing of the late Mr. C. Crockett Morris, an appointment is needed to fill his vacancy for a three (3) year term beginning immediately, expiring December 31, 2019. This appointment is to be made at the June 15, 2017 Board of Supervisors meeting.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Vandy V. Jones, III, Post Office Box 1397, Sussex, VA 23884 as the county administrator for the South Centre Corridors RC&D Council unexpired term ending December 31, 2017. Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

Vice Chairman Blowe requested that staff provide a brief description of the South Centre Corridors RC&D and the responsibilities of the council member.

6. Action Items

6.01 Town of Wakefield's Request for Endorsement - \$50,000.00

Interim County Administrator Jones stated that this is an item from the April 20, 2017 Board of Supervisors agenda. County Administration received a letter from Mr. Brian M. Laine, President of Wakefield Town Council, requesting the Board's endorsement to use the \$50,000.00 (previously appropriated at the Board's January 17, 2008 meeting) for playground equipment and fencing at the Town's recreational facility at 10231 General Mahone Highway. The wooden playground equipment that is currently at the facility would be dismantled and discarded.

The funding was previously appropriated by the Board for the Town of Wakefield for installation of playground equipment in the Town limits in Wakefield—property owned by the Wakefield Outreach Center. The funds have not been spent and are being held in a separate account.

A copy of the resolution to concur with the Town of Wakefield's Use of the Formerly Appropriated Funds was included in the Board packet.

There was discussion regarding the Pocahontas Park being considered wetlands. Interim County Administrator Jones stated that staff confirmed the Army Corp of Engineers had confirmed the Pocahontas Park as grassy wetlands. Staff has contacted the Army Corp of Engineers to reconfirm the site as grassy wetlands. The Army of Corp of Engineers will contact staff to advise when they will be visiting the site.

Supervisor Stringfield stated that he would set aside his personal feelings and support this item because recreation is really needed in Sussex. Supervisor Stringfield stated that he believes when the time come, the Board will support funding for recreation in Wakefield District.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the formerly appropriated funds in the amount of \$50,000.00 to be spent at the Wakefield Municipal Park to be used for playground equipment and fencing located at 10231 General Mahone Highway.

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

Voting nay: none

6.02 Compensatory Leave Balance

Interim County Administrator Jones stated that the compensatory leave balances for general and public safety employees may not exceed 120 hours at the end of the calendar year per the Sussex County Personnel Policy and Procedures Manual.

There were two (2) employees (Administration and Sheriff's Department) that had over the allowed 120 hours at the end of the calendar year. The compensatory leave overages total 133 hours valued at \$2,936.54.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and allows the compensatory leave overages for the two (2) employees be paid out in the May 31, 2017 pay period.

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

Voting nay: none

6.03 Adoption of the Fiscal Year 2018 Budget

Interim County Administrator Jones stated the adoption of the Fiscal Year 2018 Budget was a three-part item: (a) adoption and appropriation of the Fiscal Year 2018 Budget; (b) Adoption and appropriation of the Fiscal Year 2018 Capital Improvement Plan; and (c) Laying of Tax Levy for Calendar Year 2017.

a. Adoption and Appropriation of Fiscal Year 2018 Budget

Interim County Administrator Jones stated that there were previous presentation and work sessions and public hearings regarding the proposed Fiscal Year 2018 budget. Mr. Jones stated he was now providing a presentation of the final numbers for the Fiscal Year 2018 Budget for adoption.

Interim County Administrator Jones reviewed the process of the Board and staff to provide a balanced budget. He noted some of the major changes in the expenditures and revenues. Some of the changes in expenditures included adjusting the budget to reflect the Sheriff's Department requests regarding promotions/positions, the State General Assembly compression adjustment, new software for 911 system, adjustments to administrative management consultant line item, adjustments to contract for the two (2) closed landfills and request for the General District Court position by the judge. Some of the changes in revenues included estimated sales tax; additional revenue the Commissioner of the

Revenue office was made aware of after the April public hearing that will be accruing in December; plan use of uncommitted fund balance is now \$86,556.00 versus previously being approximately \$485,000; and the funding the full cost of the employees' health insurance which wasn't initially included in the proposed budget presented to the Board and other noted changes. A list of the changes to Fiscal Year 2018 Proposed Budget was provided to Board members.

The budget included expenditures noted for the various categories listed for a total of \$35,387,667.00. Also included in the budget were proposed sources of funds for the revenue to balance the expenditures for a total of \$35,387,667.00.

The ordinance to adopt the budgets and appropriate the funds for the County of Sussex and the Sussex County School Division for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018 was included in the Board packet.

Interim County Administrator Jones opened the floor for questions and comments from the Board members.

There was discussion of the General District Court position for data entry of tickets. It was noted that the Town of Waverly accounted for approximately twenty-five percent (25%) of the caseload.

Supervisor Tyler made the certification prior to the budget action, under the Virginia Code Section 2.2-3115H that the transaction is the adoption of the budget. His involvement is that he has a personal interest in the Improvement Association and the Association receives funding in the budget. He is a member of a group of three (3) or more organization affected by the budget action. He certifies that he is able to participate in the transaction fairly, objectively and in the public's best interest.

A signed copy of his certification will be placed in the file.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the ordinance to approve the budgets and appropriates the funds for the County of Sussex and the Sussex County School Division for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018.

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

Voting nay: none

b. Adoption and Appropriation of Fiscal Year 2018 Capital Improvement Plan

Interim County Administrator Jones provided a presentation of the Fiscal Year 2018 Capital Improvement Plan for consideration of adoption and appropriation. He stated that the Capital Improvement Plan is a five (5) year plan; however, the Board will be approving the plan for Fiscal Year 2018 in the amount of \$654,170.00. This amount consists of funding for vehicles to include four (4) trucks—Animal Control, Building & Grounds, Building Official, and Environmental Inspections—, the first (1st) year payment on a school bus and replacement of Sheriff's Department vehicles. This amount also consists repairs

of building and facilities—to include refurbishing county-owned water tower and other items, voting machines, AS400 server and software.

A copy of the ordinance to adopt the Fiscal Year 2018-2022 Capital Improvements Program as a long range planning document was included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the ordinance to adopt the Fiscal Year 2018-2022 Capital Improvements Program as a long range planning document.

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

Voting nay: none

c. Laying of the Levy for Calendar Year 2017

Interim County Administrator Jones gave a presentation of the laying of the tax levy for Calendar Year 2017. He stated that there had been no requests for changes in the taxes; therefore, there were no changes taxes for Calendar Year 2017 for the real estate, mobile homes, machinery and tools, merchant's capital, fire & rescue and tangible personal property tax rates.

A copy of the class of property and rate per \$100 of assessed value were included in the Board Packet along with the ordinance to be approved for adoption to impose tax levies upon tangible personal property, upon machinery and tools, upon merchant's capital, upon fire and rescue, upon mobile homes, and upon real estate for the Calendar Year 2017.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the resolution to impose tax levies upon tangible personal property, upon machinery and tools, upon merchant's capital, upon fire and rescue, upon mobile homes, and upon real estate for the Calendar Year 2017.

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

Voting nay: none

6.04 Annual Ethics Training

Supervisor Blowe discussed the requirement of the Board of Supervisors Annual Ethics Training. He stated that County Attorney Flynn is prepared to present the training.

County Attorney Flynn discussed the training briefly.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the scheduling of the required Annual Ethics Training as a Special Meeting on Thursday, June 15, 2017 at 5:15 p.m. in the General District Courtroom – Judicial Center.

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

Voting nay: none

7. Reports of Departments/Agencies

7.01 Atlantic Waste Disposal Update, Jason Williams, Senior District Manager

Mr. Jason Williams, Senior District Manager of Atlantic Waste Disposal, provided a brief report of Atlantic Waste. Mr. Williams provided the Board members with a map of the landfill to show the different phase sections.

Phase IV cap area is approximately 95% complete. The Synthetic capping is approximately 98% complete. Phases I and II have been completed.

Phase III area capping has begun. Phase III is currently on schedule and is anticipated to be completed by the end of 2017.

The waste water plant is scheduled to be completed mid to late June.

Mr. Williams stated that the Jarratt camera has been installed and is operational.

7.02 Animal Services/Public Safety 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 Treasurer’s Report – included in Board packet

There was a brief discussion of unspent funds in the 302 fund financial report. It was noted that invoices will be accepted through June 28.

7.06 Environmental Inspections– included in Board packet

8. Citizens’ Comments (8:12 p.m.)

Comments were heard from:

- Brian Harrell (Waverly District) – comments regarding/in support of petroleum facility; various businesses in County
- Anne Joyner (Wakefield District) – concerns with budget (vehicles/animal shelter); animal control report for April-cat traps; veterinarian.

9. Unfinished Business – none

10. New Business – none

11. Board Member Comments

11.01 Blackwater District – none

11.02 Courthouse District – requested County Administration to review employees action to answer citizens’ comments.

11.03 Henry District – Invited everyone to the Improvement Association banquet to be held on Friday, May 26 at the Hilton Inn.

11.04 Stony Creek District – Announced Town Hall Meeting to be held in Stony Creek on May 20, 2017 from 10 a.m.- 12 noon at Oak Grove United Methodist Church.

11.05 Wakefield District – Chambliss Elementary School – possibly demolish building if not being used; fall-out shelter.

11.06 Waverly District – Recognize the late Mr. Crockett Morris; Animal Control placing traps for cats/dogs.

12. Closed Session

12.01 Convene into Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for (1) discussion or consideration 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, pursuant to Code Section 2.2-3711(A)3, regarding Waste Management and (2) discussion of a specific personnel matter, pursuant to Code Section 2.2-3711(A)1, specifically a former employee of the County.

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

Voting nay: none

12.02 Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD 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 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 BLOWE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Fifth Amendment with Atlantic Waste for the continued operation of the landfill; and

FURTHER RESOLVED that the Sussex County Board of Supervisors hereby authorizes the Chair and County Administrator to execute all documents necessary to that end, but all subject to the amendment regarding who manages the convenience sites through June of next year, 2018.

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

Voting nay: none

Abstained: Supervisor Fly

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorize and directs the county attorney to write a letter to Ms. Deborah Davis demanding repayment of the amount of \$9,828.00 due to her breach of contract with the County.

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

Voting nay: none

13. Recess/Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED that the May 18, 2017 meeting of the Sussex County Board of Supervisors adjourned at 10:35 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 a special meeting held on Thursday, June 15, 2017 at 5:15 p.m. prior to the regular Board of Supervisors meeting at 6 p.m. in the Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.