

**At a Regular Meeting of the  
Sussex County Board of Supervisors  
Held in the General District Courtroom on  
Thursday, August 17, 2023 at 6 pm**

**BOARD MEMBERS PRESENT**

Alfred G. Futrell  
Debbie P. Jones  
Wayne O. Jones  
Susan B. Seward  
Rufus E. Tyler, Sr.  
Steve White, Tie Breaker

**ABSENT**

C. Eric Fly, Sr.

**STAFF PRESENT:**

Richard Douglas, County Administrator  
David Conmy, Deputy County Administrator/  
Economic Development Director  
Jeff Gore, County Attorney  
Ellen G. Boone, Commissioner of the Revenue  
Deste J. Cox, Treasurer  
Eric Danuser, IT Manager (Virtual)  
Ernest Giles, Sheriff  
Tommy Hicks, Consultant  
Michael Kessinger, Sergeant  
Kelly W. Moore, Finance Director  
Michael Poarch, Planner  
Nick Sheffield, Emergency Services Chief  
Beverly Walkup, Planning Director  
Shilton R. Butts, Asst. to the County Administrator/  
Clerk to the Board of Supervisors

**1. Commencement**

**1.01 Call to Order/Determine Quorum**

Chairman W. Jones called the August 17, 2023 regular meeting of the Sussex County Board of Supervisors to order.

**1.02 The Invocation**

Supervisor Tyler offered the Invocation.

**1.03 The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

#### 1.04. Agenda Amendments

Due to Supervisor Fly's absence, County Administrator Douglas requested to remove under Item 9. New Business, Item 9.01 Proposed Lobbying Services for PILOT Issue and remove under Item 11. Closed Session Item 11.01.

#### 1.05. Approval of Regular Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the August 17, 2023 regular agenda to include removing under Item 9. New Business, Item 9.01 Proposed Lobbying Services for PILOT Issue and removing under Item 11. Closed Session, as Item 11.01. Convene to Closed Session. All Board members present voted aye.

### **2. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) May 11 Special, May 18 Regular, May 24, May 26, June 1, June 28 Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports; (e) Wakefield Law Enforcement Agreement; (f) Approval to Accept and Appropriate Department of Criminal Justice Funds School Resource Officer Grant Program, \$63,884, State Funds, \$34,038 Local; (g) Davenport 2023 Supplemental Agreement; (h) Drug Forfeiture/Dare/Sheriff Donations FYE23; and (i) Treasurer's Office Accreditation. All Board members present voted aye.

### **3. Recognitions/Awards/Presentation**

#### 3.01 Department of Forestry Presentation

Dennis Gaston, with Department of Forestry (DOF), was in attendance. Mr. Gaston stated that the Department of Forestry has the 2,000-acre Big Woods Forest in Sussex County. He stated that as a State entity, DOF doesn't pay Real Estate Taxes. It is the policy of the DOF to give 25% of their gross revenue from timber sales back to the County where the timber sales took place.

Over the last 12 years, DOF has given the County over \$426,391. This year, he presented a check to the County in the amount of \$49,245.77.

#### 3.02 RESOLUTION: Sappony Baptist Church 250<sup>th</sup>

County Administrator Douglas stated that Sappony Baptist Church had its 250<sup>th</sup> anniversary. Back in June. He and Supervisor D. Jones (Stony Creek District) attended the service. Supervisor D. Jones read the Resolution at the service; however, they wanted to formally recognize the Sappony

Baptist Church on its 250<sup>th</sup> anniversary. Supervisor D. Jones reiterated that she and the County Administrator attended the anniversary back in June. It was a wonderful service. They had a great time. She noted that the Resolution was presented on that day.

On behalf of Sappony Baptist Church, Reverend Michael Dickey, who was in attendance at the Board meeting, thanked the Board. Reverend Dickey stated that it was a great privilege to continue serving Sussex County. They look forward to serving 250 more years.

By general consensus, all the Board members presented approved the following resolution:

WHEREAS, Sappony Baptist Church was established in 1773 under the leadership of John Rivers and Issac Robinson, and became known as the Sappony Meeting House with its location near Sappony Creek, approximately three miles from the present day town of Stony Creek; and

WHEREAS, originally a member of the Kehukee Association with most members primarily in North Carolina, Sappony Baptist Church became one of the 21 founding churches of the Portsmouth Baptist Association in 1791 that helped to create the Baptist General Association of Virginia in 1823; and

WHEREAS, Sappony Baptist Church became one of 21 founding churches of the Petersburg Baptist Association in 1906, and remains one of 46 Baptist churches today; and

WHEREAS, Sappony Baptist Church became a part of Civil War history with a skirmish between Union and Confederate soldiers on and around the church grounds on June 28, 1864, known as the Battle of Sappony Church, in which the church sustained significant damage to include cannon holes still visible today above the church columns, and the piercing of the church's altar bible; and

WHEREAS, Sappony Baptist Church has played a significant role in Christian outreach and missions over the years, to include the Lottie Moon Christmas Offering for foreign missions, the Annie Armstrong Easter Offering for North American missions, the Alma Hunt offering for Virginia missions, Operation Christmas Child, and local ministries to feed the poor and homeless; and

WHEREAS, while Sappony Baptist Church has been upgraded and expanded over the years, weekly worship services continue to be held in the original sanctuary, with the Reverend Michael Dickey serving as Pastor since 2014.

THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SUSSEX COUNTY that Sappony Baptist Church be commended for its enduring legacy over the past 250 years and for its prominent role in shaping the religious, cultural, and historical fabric of Sussex County.

BE IT FURTHER RESOLVED that the Sussex County Board of Supervisors extends its congratulations and well wishes as the church celebrates its 250<sup>th</sup> anniversary on Sunday, June 25, 2023.

### 3.03 Recognition of Southampton-Sussex 10U Mustang Baseball Team

The Southampton-Sussex Mustang 10U Pony League team, coached by Paul Rogers, was in attendance to be recognized for their outstanding 2023 baseball postseason, which ultimately ended just one game short of advancing to the Pony League World Series in Youngsville, Louisiana. Baseballs signed by each member of the Board of Supervisors will be presented to Coach Rogers, who will introduce the players and present the baseballs to those in attendance.

Their postseason results are as follows:

- 2023 Virginia State Mustang Tournament, Suffolk: Won championship game against Great Neck, 14-11 on June 27
- 2023 Northeast Section, East Zone, South Region, District 1 Tournament, Smithfield: Won championship game against Smithfield, 6-4 on July 1
- 2023 Northeast Section, East Zone, South Region Tournament, Virginia Beach: Won championship game against Southern Chesapeake, 5-3 on July 8
- 2023 Mustang 10U South Region Championship, High Point, North Carolina (July 13 to July 15): Wins against High Point (NC) and North Wake (NC); lost to West Raleigh (NC) in championship game but advanced to next round
- 2023 Mustang 10U East Zone Championship, Richmond (July 20 to July 22): Two wins against Chesterfield; lost to West Raleigh (NC) in championship game

Coach Rogers noted that it had 20 years since the Southampton-Sussex had a team to make to the Virginia Mustang Tournament. He introduced the team to the Board. He gave a brief overview of the season. He thanked the Board and the citizens.

Coach Rogers was commended for the maintenance of the maintenance of the baseball fields and the overseeing of the baseball team. It was noted that Coach Rogers was greatly appreciated.

The Board of Supervisors gave the members of the 10U Mustang Baseball team baseballs signed by the Board of Supervisors in recognition of their achievement and to show how proud they were for their accomplishment.

### 3.04 Recognition of Jerry Kee Retirement from VDOT Franklin Residency

County Administrator Douglas stated that Jerry Kee, VDOT Franklin Residency will be retiring September 1<sup>st</sup>, after a 45-year career with VDOT, mostly with the VDOT Franklin Residency. He noted Mr. Kee's willingness and availability of assisting the County when needed. As a token of appreciation from the County, Mr. Kee was presented a basket as a token of appreciation from the Board of Supervisors.

Mr. Kee thanked the Board for recognizing him for working with Sussex County. He noted that he had worked the Sussex County area for approximately 16 years. He stated that his replacement had been hired. His name is George Bowman.

Mr. Kee provided a brief update on Routes 35 and 40. He stated that VDOT was having an internal meeting with engineering group to conduct some short term safety improvements that may be done. He noted that after that meeting he will reach out to the County Administrator, as well the Sheriff to get some of his ideas. He noted the roundabout is still scheduled. He stated that funding would be available in 2027. There was discussion of adding rumble strips and flashing lights.

### 3.05 Historic Courthouse Renovation/Administration Building Assessment Phase 2 Results and Recommendations

Russell Pearlman, (Wooten Company) was in attendance to introduce the Phase 2 report of the historic courthouse renovation/administrative building assessment. He noted that Andrew Moore and Isabella DeBenedetti were in attendance, as well, from Glave and Holmes Architectural firm.

The team recently met with department heads and Constitutional Officers whose offices would be included in a project and will present a recommended project option and estimated project cost. If agreeable with the board, staff requests to move forward with advertising an RFQ for project design and construction administration services (since projected fees would exceed the amount allowed under the Wooten Company's term contract). In addition, staff recommends that Davenport revise their fiscal analysis completed in 2021 and present findings at the September regular board meeting, prior to making a decision on moving forward with the design and construction of the project.

Mr. Moore reviewed the existing and proposed site plans of the proposed complex. Tabulation of space needs were discussed as well.

The review included space needs space needs for a maintenance to include furniture for the Public Works/Old Administration building. There was discussion of roofs, windows and offices.

It was noted that Phase 1 would be the Commissioner of the Revenue and Treasurer's building because there are some requirements that need to be satisfied for DMV select. Phases 2 and Phases 3 were discussed. It was noted that it may be 2-1/2 year process.

Mr. Moore stated that they met with the respective Judges to discuss the plan. He stated that they have received basically their full endorsement of what they were doing including the changes to the Clerk's office. There was a walk-through to make sure they understood what was being done.

Mr. Pearlman reviewed estimated project costs for Courthouse Building and addition; Clerk's building, old Administration Building and addition; Treasurer/Commissioner of the Revenue building; Public Works building; and site work. He noted that they expected to be around a 10% number. It also includes the allowance for cost overage. The estimated project total cost is \$22,242,771 to \$22,587,036.

County Administrator Douglas highlighted that in finding space, the historic courthouse is preserved and also provides for modern structure. It brings everybody to the courthouse with adequate space. The plan is to move the Emergency Services office to the Sussex Courthouse complex and potentially dispose of County building in Waverly.

The Courthouse Revision 1 Concept Design Cost Report was included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of advertising the RFP for project design and construction administration, in addition to approval of a revised Davenport fiscal analysis (under the 2023 Davenport supplemental agreement). All Board members present voted aye.

### 3.06 Update on the Provision of EMS in Sussex County

Nick Sheffield, Chief of Emergency Services, presented an update on the provision of EMS in Sussex County since May 2023, to include emergency, intermediate, and long-term phases. HE recognized volunteer efforts and time; evaluate data; discuss the phases of the path forward, consisting of The Emergency Phase, The Intermediate/Contract Phase, and Long-Term Phase.

It was noted that other EMS-related items on the agenda include a public hearing and consideration of an emergency services ordinance, consideration of a contract for EMS contracted services, and consideration of the acquisition of a surplus ambulance.

### JUNE 1 – PRESENT

- May 30<sup>th</sup> – Notified of termination of services from previous contractor effective 8 am on June 1<sup>st</sup>.
- Carolyn White and Bonita Myers, along with the Waverly Rescue Squad Board, assisted us with preparations to begin providing service from the Waverly Rescue Squad station, given the circumstances.
- On May 31<sup>st</sup> a scope of work was drafted and distributed to companies who may be of assistance in providing temporary staffing solutions.
- ESS was responsive to the request and was able to provide a seamless transition, assisting initially with 12 hour ALS coverage beginning on June 1<sup>st</sup>.
- Fast Track EMS reached out, having heard about the situation, and also began assistance with staffing beginning June 19<sup>th</sup>.
- The emphasis has been on providing 24 hours of coverage in Stony Creek and Waverly.
- Advanced Life Support (ALS) staffing is the priority; however, we have accepted Basic Life Support (BLS) if that is all that was available.
- Mutual aid requests have been fulfilled by our partners in Dinwiddie, Greenville, Prince George, Southampton, and Surry. We have reciprocated requests to Greenville, Southampton, and Surry Counties.
- We must recognize those who have helped volunteer their time in providing coverage.
- Waverly Fire, Wakefield Fire, Stony Creek Rescue, Stony Creek Fire, Waverly Rescue, and Jarratt Fire all provided volunteer staffing during this time.
- It must be noted that the unity of our whole department is something I am proud of ; coming together, not for you or I, but for the citizens and the community. This is what it means to put service before self!

<u>JANUARY 1 – AUGUST 1</u>	<u>STONY CREEK</u>	<u>WAVERLY</u>
2021	435	799
2022	470	999
2023	550	1095

Incident Statistics

<u>CALENDAR YEAR</u>	<u>STONY CREEK</u>	<u>WAVERLY</u>
2021	782	1521
2022	846	1740
*2023*	870	1876

The intermediate/contract phase will begin October 1<sup>st</sup> or sooner if the Board approves:

The minimum staffing options for additional, as requested, is as follows:

- This phase of the EMS pathway is anticipated to range from 1 to 3 years.
- Staff recommends entering into a contract to provide EMS staffing services during the 1-3 year timeframe.
- A focus on providing Advanced Life Support staffing at the same level as before, if not better, is the main objective.
- Over the course of this phase, an emphasis on data collection will be a priority, accurately reflecting our system status and performance.

Stony Creek	Monday – Friday	7 am – 7 pm	ALS Medic Unit Staffed with Contract Staff
Stony Creek	Monday – Friday	7 am – 7 pm	BLS Medic Unit Staffed with Volunteers
Stony Creek	Saturday – Sunday	24 Hours	ALS Medic Unit Staffed with Contract Staff
Waverly	7 Days a Week	12 Hours/day	ALS Medic Unit Staffed with Contract Staff
Waverly	7 Days a Week	24 Hours/day	ALS Medic Unit Staff with Contract Staff

The Long-Term Phase timeline to be determined.

- The long-term plan would be to hire county staff.
- Staffing levels would be determined based on an internal needs assessment structured on data analysis.
- Capital needs and fiscal impacts will be presented prior to implementation.
- In this phase, we will build upon the foundation we have set with a focus on increased service delivery to our citizens.
- We will focus on ancillary services such as CPR classes, Mobile Integrated Healthcare, Training, Public Education, and other tasks that enhance our department.

- This phase is constructed of sound decision-making, strong planning, and fiscal responsibility providing a positive cost-benefit to our citizens.

In summary, the department, consisting of each individual Fire & Rescue agency, in coordination with current contract providers has come together to provide the most consistent staffing possible given the circumstances. The plan forward is a crawl, walk, run approach to a long-term goal.

The importance of returning to, at least, our minimum staffing levels was recognized.. Fiscal responsibility and cost-benefit is a priority as we embark on planning for the future. Data-driven decision making will lead us to the most effective service delivery for our citizens and those visiting our community.

*Supervisor Tyler departed at 7:14 p.m.*

### 3.07 Virginia Fire Program Study Update and Overview of Proposed Emergency Services Ordinance

Tommy Hicks with the Berkley Group provided a brief update on the Virginia Fire Programs study.

Mr. Hicks stated that on July 2022, members of the Board passed a resolution to request a study of the Fire and EMS system. The study was conducted by the Virginia Department of Fire Programs and the Virginia Department of Health.

Some key items requested in the resolution included to be completed were assessment of organization, budget and administration, training, delivery of services and staffing, equipment and apparatus. The final draft of the study has been completed. The next step will be the voting of the report that will be publicly released at their September Fire and Programs meeting. In October, they will like to present to the Board, if it's your pleasure.

There was inquiry as whether the Board would like a presentation at the next meeting.

Two key areas and important goals to develop an ordinance and establish a department:

1. Formally establishing the Department of Fire and Rescue to be serve the County's citizens and business with a coordinated fire and rescue and emergency medical services.
2. Coordinate services with long established volunteer fire and emergency medical services companies.

Mr. Hicks reviewed a timeline and key sections of the Ordinance.

## **4. Public Hearings**

### 4.01 County Emergency Services Ordinance



Chairman Jones open the Public Hearing for the County Emergency Services Ordinance.

A public hearing has been scheduled and advertised for consideration of a proposed emergency services ordinance. Tommy Hicks with the Berkley Group prepared the initial draft of the ordinance with assistance of staff and the County Attorney, and will provide a brief overview of the proposed ordinance and the process to include input from the Sussex County Fire and Rescue Association and individual fire and rescue organizations. Adoption of this ordinance is a key step in the application process necessary for the county to receive its own EMS license.

Public comments were heard from:

- Terry Massenburg (Henry District/Planning Commission/School Board) – speaking on behalf/regarding the County planning to contract with someone for emergency services; if so, seek the people here/servicing for years; with service worker not duty when received a service call; decision that’s best for County and citizens not just budget.
- Ora Briggs (Stony Creek District) – Former VRS member; sacrifice of volunteers/service
- Kevin Bracy (Courthouse District) – Emergency staff; thanked Fire and Rescue
- Carolyn White (Courthouse District) – Include volunteers/workers when making choices regarding EMS; ask not to look at costs/price tag; don’t kick out the door; aging

Board comments were heard from:

- Vice Chair Seward – Page 1 of 10 of Ordinance: Composition of departments language “shall be composed of” instead of “may”; Page 5, late paragraph, Compliance with regulations and policies and penalties.. (fiduciary).
- Chairman W. Jones – Public Hearing is for Ordinance instead of the Contract.
- Supervisor D. Jones – Funds; benefit all citizens; listen to volunteers/professionals.
- Supervisor Futrell – Fire and Rescue; seen their work; appreciate all; working together.

*County Attorney Gore stated that elsewhere in the Ordinance there’s a process, as well as a process under State law, to add or subtract volunteer agencies dependent upon new ones being formed, etc. It’s an ongoing process that the Ordinance allows, as does State law. He noted that a clarifying sentence could be added before the list of agencies stating that the “The following are the volunteer agencies duly licensed as of the adoption of this Ordinance”.*

Chairman W. Jones closed the Public Hearing.

The proposed Ordinance and Copy of Notice of Public Hearing were included in the Board packet.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts Ordinance #23-02 County Emergency Services, as amended to add clarifying language in Section 2.

Voting aye: Supervisors Futrell, D. Jones, W. Jones, Seward

Voting nay: none

Absent during vote: Supervisor Tyler

Absent: Supervisor Fly

#### 4.02 Zoning Ordinance Amendment – Home Occupation

County Administrator Douglas stated that a public hearing was scheduled and advertised for this proposed amendment that will better define home occupations, refine general standard requirements, and eliminate the conditional use permit requirement for some home occupations. The revisions should help clarify home occupations that are permitted and not permitted in certain zoning districts, and are part of a review to improve the business license process.

Planning Director Beverly Walkup presented a proposed zoning ordinance amendment regarding home occupations.

An amendment to the Sussex County Zoning Ordinance under Article I. Definitions to modify the term of home occupation and to add new provisions governing home occupations in a new Article XXIV for Home Occupations, Type I and Type II. The two (2) levels or types of home occupations are established to accommodate the divergent needs of the developing areas of the county from the rural areas of the County.

Under the current County Zoning Ordinance, the term Home Occupation is defined as an occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, such as rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices such as medical, dental, legal, engineering and architectural conducted with a dwelling by the occupant.

In addition, the current ordinance provisions restrict home occupations in the rural residential zoning districts (R-R and R-E) to office and child care and requires a conditional use permit in the R-1 district.

The proposed revision redefines the term Home Occupation, as follows:

A home business carried on by the occupant of a dwelling as a secondary use in connection with the provision of goods and/or services without disturbing the residential character and nature of the surrounding neighborhoods and conducted in compliance with Article XXIV (Sections 16-421 et seq.) and other application provisions of the Zoning Ordinance.

The revised provisions also establishes a new article under Article XXIV (Sections 16-421 through 16-428) dividing home occupations into two (2) types of home occupations that recognize the diverse nature of the County and distinguishes the rural areas of the County from the more densely populated areas. For example, the rural area allows a larger lot size to accommodate activities associated with the more traditional agricultural and forestry related activities where home occupations may be expanded to an accessory structure and allow for outdoor storage.

In contrast, the more densely populated neighborhoods would accommodate a home office within the dwelling unit without requiring a conditional use permit, but does not allow the use of an accessory structure or outdoor storage.

The draft ordinance provision governing Home Occupations was included in the Board packet.

Staff recommended the Planning Commission send a recommendation to the Board of Supervisors in favor of the proposed zoning ordinance amendment.

The Planning Commission held a public hearing on the ordinance amendment on May, 1, 2023. No one appeared from the public to speak in favor or against the amendment. The Planning Commission recommended approval of the application to the Board of Supervisors (4-0).

A copy of the proposed Ordinance Revision and the Public Hearing Advertisement were included in the Board packet.

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

- I. Sec. 16-1 of Article I of the Sussex County Zoning Ordinance is amended by striking the current definition of “home occupation” and replacing it in its entirety with a new definition as follows:

Sec. 16-1

Home occupation

A home business carried on by the occupant of a dwelling as a secondary use in connection with the provision of goods and/or services without disturbing the residential character and nature of the surrounding neighborhoods and conducted in compliance with Article XXIV (Sections 16-421 et seq.) and other applicable provisions of the Zoning Ordinance.

- II. Provisions regulating the use of home occupations are adopted by adding Article XXIV, Section 16-421 through Section 428, as follows:

Article XXIII Home Occupations

Sec. 16-421 Home Occupations, Type I and Type II

1. Home occupations are intended to allow for home business opportunities without disturbing the residential character and nature of the surrounding neighborhoods. These provisions are adopted in recognition that small-scaled commercial activities may be appropriate in conjunction with residential uses. The character and scale of such commercial activities must be subordinate and incidental to the principal use of the premises for dwelling purposes, and must be consistent with the predominate residential character of the property and the surrounding neighborhood. These provisions are intended to allow, within certain reasonable limitations as set out herein, home occupations that do not impose negative impacts on the surrounding area. These provisions are not intended to authorize business uses that are more

appropriately suited for commercially zoned areas.

2. Two (2) levels or types of home occupations are established to recognize the divergent needs of the developing areas of the county from the rural areas of the county.
  - a. Type I home occupations afford the greatest degree of protection to surrounding residents in those areas that are developing and have become more suburban in nature.
  - b. Type II home Occupations have been established to recognize the greater spaces between residents as well as the types of activities that are similar to those associated with the more traditional agricultural and forestry related activities found in the rural areas.

#### Sec. 16-422. Type I Home Occupations.

Uses for Home Occupation Type I are permitted in the following zoning districts: R-1, R-2, and R-MHP. The uses set out in this Section are representative of uses that may be conducted as Type I home occupations within the limits established in this Ordinance. Uses consistent with those set out in this Section, but not set out herein may be approved administratively through a letter of confirmation from the zoning administrator.

- a. Art, handicraft, music, writing, photography, or similar studios
- b. Computer and home typing services
- c. Direct sales product distribution as long as products are directly delivered to the customer and not to the location of the home occupation
- d. Dressmaker, seamstress, tailor
- e. Babysitting (up to five (5) children)
- f. Hair cutting and styling consisting (up to one (1) customer chair)
- g. Non-principal offices of physician, dentist, veterinarian, insurance agent, real estate or similar profession
- h. Offices of accountant, architect, engineer, surveyor, land planner, soil scientist, lawyer, income tax preparer, minister, priest, rabbi, member of a religious order, psychotherapist, counselor, management consultant or similar professional
- i. Preparation of food for off-premises catering
- j. Telephone sales, order-taking, and answering services
- k. Tutor
- l. Office for a small contractor business, not including storage of equipment except for personal lawn care and similar supplies and equipment typically used and maintained by other residents in the surrounding neighborhood, so as not to change the appearance of the neighborhood

#### Sec. 16-423. Type II Home Occupations.

Uses for home occupation Type II. Type II home occupations are permitted in the following zoning districts: **A-1, R-E and R-R**. The uses set out in this Section are representative of uses that may be conducted as Type II home occupations within the limits established in this Ordinance. Uses not set out herein may be approved administratively through a letter of confirmation from the zoning

administrator:

- a. All Type I uses
- b. Carpentry shop
- c. Contractor businesses (with storage of equipment within enclosed building and/or shielded from view from adjacent property and public rights-of-way, and delivery of materials directly to the customer)
- d. Electronic sales and service
- e. Facilities for service and repair of agricultural equipment and incidental sale of parts and supplies
- f. Glazier's or painter shop
- g. Gunsmith (with a conditional use permit)
- h. Heating, plumbing, or air conditioning services (with storage of equipment within enclosed building and/or shielded from view from adjacent property and public rights-of-way)
- i. Landscape and horticultural services
- j. Personal transportation services, including, but not limited to, limousine service, taxi service, medical transportation services, and independent truck driver.
- k. Machine shop/metal working provided all is completed in a completely enclosed building
- l. Massage, physical therapy
- m. Motor vehicle display for purposes of sale of up to five (5) vehicles per year (no more than one (1) vehicle may be displayed at any time)
- n. Repair of small appliances, small engines and limited machining of small parts, office machines, cameras, and similar small items
- o. Repair or servicing of small internal combustion engines used in lawn mowers, edgers, hedge trimmers, power saws and similar yard maintenance equipment inside enclosed structure
- p. Retail sales of agricultural, craft and woodworking products principally produced on-site
- q. Taxidermy (with a conditional use permit)
- r. Veterinarian (principal) office (with a conditional use permit)
- s. Waterman's operation (with on-premises wholesale and retail sale prohibited)
- t. Wood working and furniture repair, upholstery and cabinet making
- u. Motor vehicle repair (with a conditional use permit)

**Sec. 16-424. Uses Prohibited as Home Occupations.**

The following uses shall be prohibited as home occupations:

- a. Vehicle or boat body work and/ or painting
- c. Equipment or vehicle rental
- d. Seafood or bait sales
- e. Furniture sales
- f. Funeral director, mortuary or undertaker
- g. Laboratory shop

- h. Principal medical or dental office
- i. Private clubs
- j. Restaurants
- k. Animal hospitals
- l. Commercial stables
- m. Commercial kennels
  - n. Antique shops
  - o. Gun shops, commercial sale of firearms
  - p. Bed and breakfast
  - q. Fortune-teller, including a clairvoyant, a practitioner of palmistry, a phrenologist, a faith healer, a star analyst, a handwriting analyst who attempts to predict the future or any other person who attempts to predict the future
  - r. Tattoo parlors

**Sec. 16-425. General Standards for all home occupations**

- a. No person shall conduct a home occupation without obtaining the appropriate business license required by law and issued by the Sussex County Commissioner of Revenue.
- b. The maximum floor area devoted to home occupations shall not exceed twenty-five percent (25%) of the finished floor area of the dwelling unit.
- c. More than one (1) home occupation may be permitted provided the total floor area used for all home occupations is not exceeded.
- d. Home occupation permits shall be unique to the applicant and location and shall not be assigned or transferred to any other person or location.
- e. No dwelling or structure shall be altered, occupied, or used in a manner, which would cause the premises to differ from a character consistent with a residential use. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use is not permitted and will disqualify a use as a home occupation.
- f. There shall be no outside storage of goods, products, equipment, excluding motor vehicles as permitted by this Ordinance, or other materials associated with the home occupation as indicated herein. No toxic, explosive, radioactive, or other hazardous materials shall be used in conjunction with the home occupation; nor shall such materials be sold or stored on the site.
- g. The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.
- h. Off street parking shall be provided as appropriate for the specific nature of the home occupation.
- i. The home occupation shall not involve the commercial delivery of materials or products to or from the premises. This excludes delivery by the United States Postal Service, Federal Express (FEDEX), United Parcel Service (UPS) or similar delivery services customarily found in residential areas.
- j. The home occupation shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and home occupation is significantly more than is normal to the use of the property for residential purposes.

- k. No equipment or process shall be used in a home occupation that creates noise in excess of the requirements set forth in the Sussex County Noise Ordinance. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or through common walls.
- l. No activity in conjunction with a home occupation shall be conducted that adversely impacts or disturbs adjoining property owners.
- m. Except as otherwise provided herein, signs are permitted in accordance with article XVI of the Zoning Ordinance. Only one (1) sign shall be permitted regardless of the number of home occupations, and must be setback ten (10) feet from the road as measured from the front property line.
- n. All state, federal and local licenses and/or permits shall be obtained prior to commencing such home occupation.

**Sec. 16-426. Specific Standards for Type I home occupations.**

- a. Home occupations shall be confined to the primary dwelling.
- b. No one other than permanent residents of the dwelling shall be employed within the dwelling.
- c. There shall be no on-premises sales and no display or storage of goods, products or equipment.
- d. No heavy truck or vehicle or piece of equipment having a gross rate carrying capacity of more two (2) tons (1,800 kg) gross weight shall be parked, stored or operated on or from the site in connection with the home occupation.
- e. Customer contact at the premises shall permitted on an appointment basis only.
- f. Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one (1) time. Applied arts are arts that apply design and decoration to everyday and essentially practical objects in order to make them aesthetically pleasing including sculpture, architecture, crafts, ceramic art, fashion design, calligraphy, interior design, graphic design and cartographic design.
- g. Except in the A-1, R-E and R-R districts, no commercial vehicles shall be parked or stored on the premises associated with the home occupation.

**Sec. 16-427. Specific Standards for Type II home occupations.**

- a. Storage of goods or products shall not exceed ten percent (10%) of the finished floor area devoted to the home occupation.
- b. Up to two (2) persons who are not a permanent resident of the dwelling may be engaged or employed in the home occupation.
- c. An accessory building or structure may be used with the home occupation, provided that the total floor area devoted to the home occupation in the accessory structure and dwelling unit does not exceed thirty percent (30%) of the finished floor area of the dwelling unit. The accessory structure shall be located on the same parcel as the primary dwelling.
- d. Customer contact on the premises shall be limited to a level that is consistent with and does not impose a negative impacts on other dwellings in the area.

**Sec. 16-428. Violations and Enforcement**

Failure to comply with the provisions of this Article shall constitute a zoning violation, which may

result in misdemeanor penalties and fines, and other remedies, as provided by the Sussex County Zoning Ordinance and state law.

There was discussion in regards to FFL (??). There was discussion that there could be things that need to amended after adoption.

Chairman W. Jones opened the Public Hearing.

Public comments were heard from Delegate Wachsmann regarding parking; gun sales; gunsmith.

Board comments were heard from Vice Chair Seward.

Chairman W. Jones closed the Public Hearing.

There was discussion of the FFL. It was noted to clarify FFL, to add language.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Zoning Ordinance Amendment for Home Occupation.

Voting aye: Supervisors Futrell, D. Jones, W. Jones, Seward

Voting nay: none

Absent during vote: Supervisor Tyler

Absent: Supervisor Fly

## **5. Appointments**

There were no appointments.

## **6. Action Items**

### 6.01 Design Services Task Order for DMV Select ADA Compliant Restroom

Russell Pearlman with the Wooten Company will present a proposed task order under their engineering term contract for design and construction services for the upgrade of restrooms at the Treasurer's Office, in order to meet ADA compliance necessary for DMV-Select operational requirements. The task order and budget amendment in the amount of \$44,200 are attached for your review and consideration. Staff is requesting that this project be designed and managed by our contracted architect to ensure that the improvements are compatible with the proposed courthouse restoration/administrative building project that includes minimal improvements to the Treasurer/Commissioner of the Revenue Building. Under this task order, the architect would be responsible for design development, construction documents, bidding assistance, and construction contract administration.

After discussion, this item was tabled.



ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby table the Design Services Task Order for DMV Select ADA Compliant Restroom.

#### 6.02 School Zone Automated Speed Enforcement

Randy Campbell, with Blue Line Solutions, presented a proposal on a school zone automated speed enforcement system for the school complex on Route 40, as requested by Sheriff Giles. County staff, Sheriff's Department staff, and the County Attorney met with Mr. Campbell several weeks ago to discuss this proposal and recommend moving forward. Several counties in Virginia are considering this program to address speed zone violations in school zones through an automated process, and the County would procure through the Wythe County agreement with Blue Line Solutions. The County will not be charged for this program and requires minimal administrative burden. The County Attorney has reviewed favorably the program requirements and agreement.

Staff recommends approval of an agreement with Blue Line Solutions for a school zone automated speed enforcement system for the school complex on Route 40, and authorization for the County Administrator to execute the agreement.

A copy of the summary information and draft agreement were included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of an agreement with Blue Line Solutions for a school zone automated speed enforcement system for the school complex on Route 40; and

FURTHER RESOLVED that the County Administrator is authorized to execute the agreement. All Board members present voted aye.

#### 6.03 EMS Contract Recommendation

Chief of Emergency Services Nick Sheffield will present a summary of the Request for Proposal process for EMS services, and a recommendation on a contract provider. The RFP is attached for your review and was developed in consultation with the County Attorney, with the intent of considering a one-year contract term (with two renewable terms if warranted) with a selected EMS provider. Four EMS contractors submitted bids, with ESS (one of our EMS contractors under the emergency phase) being the low bidder. Mr. Sheffield and representatives of both volunteer rescue squads reviewed the proposals and conducted detailed interviews. Based on technical merits and cost, staff recommends the selection of ESS to provide EMS services for Sussex County, and authorization for the County Administrator to execute a one-year contract. Staff also recommends the optional provision in the ESS bid for an additional supervisory position, which can provide additional EMS response, provide additional management coverage, and assist in the transition to county EMS in the future. Please note that the two volunteer rescue squads have endorsed Fast Track (another EMS contractor under the emergency phase) as the preferred EMS provider, but their annual cost is \$750,000 higher than the ESS bid.

*Supervisor Fly joined via telephone.*

Supervisor Fly made the motion to accept ESS contract; however, he had not voted in to participate remotely.

There was discussion that the Board was going against the Ordinance. It was clarified that the Ordinance didn't state that the Chief of EMS will follow the recommendation of the Fire and Rescue Organization.

Staff recommended approval of ESS to provide EMS services for Sussex County per their submitted bid, with the additional supervisory position, and authorization for the County Administrator to execute a contract.

Supervisor Fly requested to be voted in to participate remotely. Supervisor Seward made the motion to approve Supervisor Fly to participate remotely. There was no second. County Attorney Gore stated that there had to be a reason. Chairman W. Jones stated that he thought it had to be done at the beginning of the meeting. He wasn't aware that he was on the phone. There was a quorum present. The motion failed.

Bid Summary Sheet and RFP were included in the Board packet.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves EMS Chief recommendation to award the contract to ESS to provide EMS services for Sussex County per their submitted bid, with the additional supervisory position, and authorization for the County Administrator to execute a contract. All Board members present voted aye.

#### 6.04 Essex County Surplus Ambulance Acquisition

Tommy Hicks with the Berkley Group will present a recommendation to acquire a surplus ambulance (2010 F450) and its equipment (see attached inventory) from Essex County for \$30,000. This ambulance would provide an additional unit as needed in the county, and has been inspected by Emergency Services Director Nick Sheffield. In addition, this unit could potentially serve as an additional vehicle for the Jarratt Fire Department first responder program.

Staff recommends approval of the acquisition of the surplus ambulance being offered by Essex County at a cost of \$30,000, and approval of the related budget amendment.

A copy of the ambulance and equipment documentation and budget amendment.

After discussion of the year and the mileage, the Board didn't approve the acquisition of the surplus ambulance.

#### 6.05 Proposed ARPA Recommended Project List and Resolution

Attached for your consideration is a list of proposed ARPA expenditures utilizing the \$254,780 of remaining unallocated ARPA funds, and related budget amendment. Also for reference, this list includes all previously approved ARPA expenditures over the past couple years. The requested expenditures primarily reflect capital needs excluded from the current operating budget, as well as an update to the county's personnel policies and a pay/position classification plan that will improve the county's HR efforts moving forward.

County Administrator Douglas clarified that no ARPA funding was provided to outside agencies.

It was noted that money has to be allocated by December. There was discussion of

Staff recommends approval of the ARPA expenditures as presented and the related budget amendment of \$254,780.

A copy of the proposed ARPA Comprehensive List and Resolution were included in the Board packet.

After discussion, the Board decided to not move forward with

## **7. Citizens' Comments**

- Franklin Cox (Waverly District/President of Council) – EMS; thank Nick Sheffield and volunteers; Route 35 accidents.
- Millard "Pete" Stith (Community Coalition/Jarratt) – Commended County regarding space; thanked the Board for the opportunity to purchase of Jarratt Elementary school; noted donations received; requested Board to consider donating \$50,000 for tennis/pickle ball court.

## **8. Unfinished Business**

There was no Unfinished Business.

## **9. New Business**

### Item 9.01 Proposed Lobbying Services for PILOT Issue

This item was removed during agenda amendments.

### Item 9.02 Waverly Meadows Road Concerns

Chairman W. Jones stated that this item is concerning road problems in a housing development/subdivision.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves \$10,000 to \$12,000 to fix the pot holes to make Waverly Meadow roads accessible for public safety;

FURTHER RESOLVED that the project is to be paid from ARPA Funds.  
All Board members present voted aye.

## **10. Board Member Comments**

10.01 Blackwater District – none

10.02 Courthouse District – absent during comments.

10.03 Henry District – absent during comments.

10.04 Stony Creek District – none

10.05 Wakefield District – Thanked VDOT & Timmons Group for drainage and Glyndon & Carver Lane in Wakefield.

10.06 Waverly District – none

## **11. Closed Session**

Item 11.01 was removed during Agenda amendments.

## **12. Adjournment**

12.01 Adjournment

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried:  
RESOLVED that the August 17, 2023 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 10:45 p.m. All Board members present voted aye.

12.02 Next Meeting

The next regular Board of Supervisors meeting is scheduled to be held, Thursday, September 21, 2023 at 6 p.m.