At a Regular Meeting of the Sussex County Board of Supervisors Held in the General District Courtroom on Thursday, September 19, 2019 at 7 pm

BOARD MEMBERS PRESENT

Keith C. Blowe C. E. Fly, Sr. Alfred G. Futrell Susan B. Seward John A. Stringfield Rufus E. Tyler, Sr. Steve White, Tie Breaker

STAFF PRESENT:

Vandy V. Jones, III, County Administrator

Millard D. Stith, Independent Consultant

Mark Flynn, County Attorney

Marsha Bishop, Deputy Commissioner

Ellen G. Boone, Commissioner of the Revenue

John Broderick, Public School's Director of Finance & Business Operations

Deste J. Cox, Treasurer

Brenda H. Drew, Housing Coordinator

G. Reid Foster, Jr., Public Safety Coordinator

Jeffrey Gary, Building Official

Cecil R. Stainback, Senior Animal Control Officer

George A. Taylor, Senior Environmental Inspector

Gary Williams, Clerk of Circuit Clerk

Shilton R. Butts, Assistant to the County Administrator/

Deputy Clerk to the Board

1. Commencement

1.01 Call to Order/Determine Quorum (7:00 p.m.)

The September 19, 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 Fly.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

County Administrator Jones requested to (1) add under Item 6. Action Items, as Item 6.08 Virginia Department of Transportation (VDOT) Six Year Plan; and (2) add under Item 3. Recognitions/Awards, as Item 3.03 Introduction of new Building Official.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the following amendments to the September 19, 2019 agenda inclusive of: (1) adding under Item 6. Action Items, as Item 6.08 Virginia Department of Transportation (VDOT) Six Year Plan; and (2) adding under Item 3. Recognitions/ Awards, as Item 3.03 Introduction of new Building Official.

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

Voting nay: none

Absent during vote: Supervisor Tyler

1.05 Approval of Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the September 19, 2019 regular agenda inclusive of: (1) adding under Item 6. Action Items, as Item 6.08 Virginia Department of Transportation (VDOT) Six Year Plan; and (2) adding under Item 3. Recognitions/ Awards, as Item 3.03 Introduction of new Building Official.

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

Voting nay: none

Absent during vote: Supervisor Tyler

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of the July 18, 2019 Regular meeting; (b) Approval of Warrants and Vouchers; (c) Acceptance and Appropriation of Department of Criminal Justice Services Victim Witness Grant #20-W9574VW18 - \$105,474; and, (d) Recognition of September 2019 as Hunger Action Month.

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

Voting nay: none

Abstained: Supervisor Tyler

3. Recognitions/Awards/Presentation

3.01 Resolution Recognizing the Late Thomas Morgan Thornton

County Administrator Jones stated that Mr. Thornton served the citizens of Sussex County for many years as the Postmaster at the Post Office and the owner of the T. E. Thornton Store on the Courthouse Complex.

At the July 18, 2019 Board meeting, Vice Chairman Blowe advised the Board and staff that Mr. Thomas Morgan Thornton had passed and requested that a resolution be prepared in recognition of Mr. Thornton.

Mr. Thornton's family was present. His sister thanked the Board and received the following resolution:

WHEREAS, on Thursday, July 18, 2019, Sussex County loss one its beloved citizens, Thomas Morgan Thornton; and

WHEREAS, Mr. Thornton was a lifelong resident of Sussex County with a deep love for animals, especially unwanted kittens and cats; and

WHEREAS, Mr. Thornton was a graduate of Waverly High School, Richard Bland College and Virginia Commonwealth University; and

WHEREAS, in May of 1979, he was appointed and served for a total of 47 years as both Assistant Postmaster and Postmaster.

WHEREAS, Mr. Thornton was the owner of the T. E. Thornton Store located at Sussex Courthouse, which was started by his grandfather in 1913, that served many Sussex County employees and citizens; and,

THEREFORE, BE IT RESOLVED that the Sussex County Board of Supervisors, by this resolution, recognizes the late Thomas Morgan Thornton for his contribution to the County and its citizens;

FURTHER RESOLVED that a copy of this resolution be placed, recorded and retained in the Minutes Book of Sussex County.

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

3.02 Proclamation: Union Hill United Church of Christ – 150th Year Anniversary

County Administrator Jones stated that staff received a request from Ms. Katrina Faltz for a proclamation for Union Hill United Church of Christ, located in Sedley, Virginia. The request is to commemorate Union Hill's 150th Year Church Anniversary. This joyous occasion will be held Sunday, October 13, 2019 at 2:00 p.m.

County Administrator Jones read the Proclamation aloud noting the church's origin and history.

A copy of Ms. Faltz's request and proclamation were included in the Board packet. County Administrator Jones read the Proclamation aloud.

Supervisor Tyler entered at 7:10 p.m.

3.03 Introduction of New Building Office, Mr. Jeffrey Gary

County Administrator Jones introduced Mr. Jeffrey Gary as the County's new Building Official. Mr. Gary began employment with the County on August 16, 2019.

Mr. Gary gave a few brief remarks.

4. Public Hearing

Chairman Seward entered Public Hearing.

4.01 Memorandum of Understanding (MOU) between Sussex County and the Historical Society

County Administrator Jones stated that the purpose of the Public Hearing is to renew the Memorandum of Understanding between Sussex County and the Sussex County Historical Society ("Society").

This agreement is a long term partnership for the preservation of the Sussex County Historic Courthouse Building and to describe a working agreement between Sussex County and the Historical Society for the establishment of a lease and maintenance agreement for the Society.

Further details were provided in the MOU included in the Board packet. A copy of the Public Hearing Notice was included in the Board Packet as well.

Action on Public Hearing Item

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and agrees to the renewal of the Memorandum of Understanding (MOU) between Sussex County, a political subdivision of the Commonwealth of Virginia, located at Post Office Box 1397, 20135 Princeton Road, Sussex, Virginia 23884 and the Sussex County Historical Society, a 501(C)(3) charitable organization duly recognized by the Internal Revenue Service, located at Post Office Box 1361, Sussex, Virginia 23884.

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

Voting nay: none

4.02 ORDINANCE AMENDMENT: Sussex County Code of Ordinance - Chapter 12 Emergency Management & Emergency Services, Article I.,§12-1

County Administrator Jones stated the purpose of the Public Hearing is to consider amending the County Ordinance, Chapter 12 Emergency Management and Emergency Services, Article I. General, Section 12-1 Recognition of Volunteer Rescue Squads and Fire Departments, to add the Stony Creek Volunteer Rescue Squad, Inc. to Emergency Medical Services.

County Administrator Jones noted that a Public Hearing was required due to it being an amendment to an Ordinance.

A copy of §12-1 of the Sussex County Code of Ordinance Chapter 12, a draft copy of §12-1 of the Sussex County Code of Ordinance Chapter 12 including Stony Creek Volunteer Rescue Squad, Inc., a copy of the Public Hearing Notice were included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and adopts the amendment to the County Ordinance, Chapter 12 Emergency Management and Emergency Services, Article I. General, Section 12-1 Recognition of Volunteer Rescue Squads and Fire Departments, to add the Stony Creek Volunteer Rescue Squad, Inc. to Emergency Medical Services.

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

Voting nay: none

5. Appointments

5.01 Appointment to Planning Commission

County Administrator Jones stated that Mr. Jeffrey Gary was a member of the County's Planning Commission, representing the Stony Creek District. Mr. Gary was hired as the County's new Building Official, starting August 19, 2019. Due to his employment with the County, Mr. Gary submitted his resignation from the Planning Commission, effective August 20, 2019. Mr. Gary's term was due to expire June 30, 2022.

County Administrator Jones stated that the Board will need to make an appointment to fill vacancy to complete the unexpired term ending June 30, 2022, created by Mr. Gary's resignation, if it is the Board's desire.

Vice Chairman Blowe stated that he had a candidate from the Stony Creek District to fill that vacancy. Vice Chairman Blowe asked that the appointment be delayed to allow the candidate to submit resume.

6. Action Items

6.01 Presentation of Department of Forestry Funds

County Administrator Jones stated that Mr. Dennis Gaston, a representative of the Virginia Department of Forestry, will be in attendance. Mr. Gaston is the forester that manages the Big Woods State Forest in Sussex County.

It is the policy of the Department of Forestry to give 25% of their gross revenue from timber sales back to the County where the timber sales took place.

Mr. Gaston gave a brief overview of the Department of Forestry and the Big Woods State Forest. Mr. Gaston presented a check in the amount \$50,625.84 to the Board.

6.02 Sussex County Public Schools Request for Local Cash Balance Overage - \$302,126.25

County Administrator Jones stated that Administration was advised by Mr. John Broderick, Director of Finance & Business Operations for Sussex County Public Schools, that on June 30, 2019, the school division had a cash balance of \$302,126.25. County Administrator Jones stated that the current policy between the Board of Supervisors and the School Board is that 50% of the unexpended funds would be re-appropriated to the School Division.

County Administrator Jones stated that the School Division is asking the County to consider reappropriating 100% of the unexpended funds, \$302,126.25, for school Capital needs.

Mr. Broderick was present and gave a brief overview of funds schools received and spending guidelines. He stated the school would be purchasing laptops for high school students, purchasing two (2) mobile classrooms for At Risk Program established, replacing automobiles that transport special needs students, campus water leak issues, upgrading buses to have cameras installed, carpet replacements, need radios, etc. Mr. Broderick noted that the school had already purchased some things.

County Attorney Mark Flynn noted that it would be a budget amendment to the FY20 budget to appropriate the \$302,126.25. County Attorney Flynn noted that from a legal standpoint, according to the law, monies can't carryover in a School Board budget. He stated that the budget could be amended to provide the \$302,126.25 to the School Board.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVEED that the Sussex County Board of Supervisors hereby amends the budget for an increased allocation to the School Board in the amount of \$302,126.25 for FY20.

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

Voting nay: none

6.03 Performance Agreement between the County of Sussex Three Brothers Distillery and Sussex County Industrial Development Authority (IDA)

County Administrator Jones stated that on July 29, Sussex County was awarded its first Agriculture and Forestry Industries Development (AFID) grant from the Virginia Department of Agriculture and Consumer Services (VDACS). The grant was awarded to assist Three Brothers' Distillery in the expansion of its Sussex Operation. The grant is in the amount of \$12,500 to be used for the construction of a new entry road to the Distillery that will originate in Sussex County, the current road comes in through Disputanta (Prince George County).

VDACS requires the County to enter into a Performance Agreement with Three Brothers' Distillery and the Sussex County Industrial Development Authority. The Performance Agreement sets the parameters under which the grant funds are to be distributed to the Distillery.

The Performance Agreement has been reviewed and approved by the County Attorney.

The Governor's Agriculture & Forestry Industries Development Fund Performance Agreement was included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to execute the Performance Agreement.

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

Voting nay: nay

6.04 Appropriate Funds to Sussex County Industrial Development Authority (IDA) for Distribution to Three Brothers' Distillery

County Administrator Jones noted that this was a continuance of the previous item. The County was awarded grant funds in the amount of \$12,500 from the Virginia Department of Agriculture and Consumer Services (VDACS) and \$6,250 from the Tobacco Region Revitalization Commission (TRRC) to assist Three Brothers' Distillery in the expansion of its Sussex Operation. Also, at its February 21, 2019 meeting, the Board authorized funds in the amount \$6,250 as a match to the TRRC grant. The total funding of \$25,000 is to be used for the construction of a new entry road to the Distillery that will originate in Sussex County.

In keeping with Virginia law, it has been the Board of Supervisors' practice to transfer funds to projects through the Sussex County Industrial Development Authority. Therefore, it is requested that the Board of Supervisors appropriate the above-mentioned funds (\$12,500 AFID, \$6,250 TRRC, and \$6,250 Sussex County) totaling \$25,000 to the Sussex County Industrial Development Authority for distribution to Three Brothers' Distillery Project.

Section 6.03 of February 21, 2019 BOS meeting minutes 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 appropriates \$25,000 to the Sussex County Industrial Development Authority for distribution to Three Brothers' Distillery Project.

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

Voting nay: none

6.05 Section 15.2232 Review Application, Application Instructions, & Review Fee

Chairman Seward stated that this is basically the local government review to make sure applications before the Planning Commission is substantially in accord with the Comprehensive Plan.

County Administrator Jones stated that on April 1, 2019, the Board of Supervisors adopted amendments to the Comprehensive Plan and the Zoning Ordinance relative to utility-scale solar facilities. One of the amendments to the Zoning Ordinance requires proposed utility-scale solar facilities to undergo a Section 2232 review by the Planning Commission. A Section 15.2-2232 review application, review procedures and review fee have to be implemented in order for staff to process new requests for utility-scale solar facilities.

Staff has prepared a draft Section 15.2-2232 review application and procedures for the Board's review. Staff is also proposing a review fee of \$250.00. The County of Mecklenburg has recently instituted solar regulations and adopted a Section 15.2-2232 review fee of \$325.00.

A Draft Review Application, a Draft Application Instructions and the Land Use Fee Schedule were included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the proposed Section 15.2-2232 Review application, Review Procedures and \$250.00 Review Fee.

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

Voting nay: none

6.06 Federal Uniform Guidance Policy (Administration)

County Administrator Jones stated that staff was advised by Mr. Aaron B. Hawkins, of Robinson, Farmer, Cox Associates, that the federal compliance guidelines changed a couple of years ago from OMB Circular A-133 over to the OMB Uniform Guidance.

The attached policy will keep the County in compliance with the Uniform Guidance. Mr. Hawkins advised the County to make sure that there are no contradictions with the current policies in places in regards to purchasing/procurement from the Uniform Guidance Policy. This policy will need to be in place for FY20.

County Administrator Jones noted that one of the changes was correcting Towns to County. He also noted the Small Purchase Policy as part of the Uniform Guidance.

A corrected copy of the Federal Uniform Guidance Policy (Administration) was provided to the Board.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that Sussex County Board of Supervisors hereby adopts the Federal Uniform Guidance Policy for Administration.

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

Voting nay: none

6.07 Federal Uniform Guidance Conflict of Interest Policy

County Administrator Jones stated that staff was advised by Mr. Aaron B. Hawkins, of Robinson, Farmer, Cox Associates, federal compliance guidelines changed a couple of years ago from OMB Circular A-133 over to the OMB Uniform Guidance. The attached policy will keep the County in compliance with the Uniform Guidance. Mr. Hawkins advised to make sure that there are no contradictions with the current policies in places in regards to purchasing/procurement from the Uniform Guidance Policy. This policy will need to be in place for FY20.

County Administrator Jones noted that, again, Towns were changed to Counties.

A corrected copy of the Federal Uniform Guidance Conflict of Interest Policy was included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BLOWE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Federal Uniform Guidance Conflict of Interest Policy.

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

Voting nay: none

Absent during vote: Supervisor Stringfield

6.08 Virginia Department of Transportation (VDOT) Six Year Plan

County Administrator Jones stated that Mr. Jerry Kee (VDOT) attended a previous Board meeting to review the VDOT Six Year Plan for the County. One of those projects included Steel Bridge Road Paving Project in the Henry District. Mr. Jones noted that this project had been in the Six Year Plan for a number of years.

County Administrator Jones stated that while prep work was being done because it was getting near time to complete work on this road/project, one (1) of the residents that lived on Steel Bridge Road made inquiries as to the prep work being done. The gentleman spoke with the other property owners on Steel Bridge Road and advised that the property owners does not wish to have the road pave. As a result, the Board would remove the Steel Bridge Road Paving Project from the Six Year Plan.

Supervisor Tyler stated that he made an onsite visit to ensure the information he received was accurate. He stated that it was confirmed that the information was accurate. Supervisor Tyler asked that the funding be spent on a project in the Henry District.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby removes the Steel Bridge Road Paving Project from VDOT's Six Year Plan.

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

Voting nay: none

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves that the appropriated funding be utilized to improve another dirt road in the Henry District, up to the \$547,000.

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

Voting nay: none

7. Reports of Departments

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

Supervisor Fly discussed a report the Treasurer included, at his request, regarding DMV Select to be located in the Treasurer's Office.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby supports the creation of a DMV Select to be housed in the Sussex County Treasurer's Office.

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

Voting nay: none

Abstained: Supervisor Tyler

Supervisor Fly, if the Board has an interest, requested the Treasurer's office to gather information to provide the costs for Tax Relief for Elderly and its impact on the County to be reported at the October 17, 2019 Board meeting.

- 7.02 Animal Services Report included in Board packet
- 7.03 Public Safety Report included in Board packet
- 7.04 Community Development Report *included in Board packet*
- 7.05 Environmental Inspections Monthly Report included in Board packet
- 7.06 Housing Department Monthly Report included in Board packet
- 7.07 Sheriff's Department Report included in Board packet

8. Citizens' Comments (8:00 p.m.)

There were comments heard from:

- Jannette Green (Courthouse District) staff.
- <u>Jesse Halyer (Waverly District)</u> Sussex County Chamber of Commerce; October 24th Meet & Greet for all candidates in 75th; thanked everyone for services.
- Reid Foster (Representing Wakefield Fire Department in Chief Bowden's absence) Thanked Board for support; new Truck Board approved has been received

9. Unfinished Business

There was no Unfinished Business.

10. New Business

There was no New Business.

11. Board Member Comments

- 11.01 Blackwater District Thankful we missed the hurricane.
- 11.02 Courthouse District Director of Parks & Recreation position; Section 8 housing program;

11.03 Henry District – none

- 11.04 Stony Creek District School system; students' attendance At Risk Program Mobile Classroom; Town Hall Meeting; New Hope Baptist Church First Responders Recognition.
- 11.05 Wakefield District Update on Housing Project in the Wakefield area; thanked Board for support.
- 11.06 Waverly District Campaign behavior; Section 8 Housing Program; Tuesday night, 6 p.m. meeting at Jessica A. Moore Foundation; love of children.

12. Closed Session

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

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

Voting nay: none

12.02. Reconvene to Open Session

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

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

Voting nay: none

12.03 Certification of Closed Session

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED THAT that that the Sussex County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

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

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

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

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

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

Voting nay: none

12.04 Action Resulting from Closed Session

There was no action on Closed Session Item.

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the September 19, 2019 meeting of the Sussex County Board of Supervisors hereby adjourned at 10:02 p.m.

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

Voting nay: none

13.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, October 17, 2019 at 7 p.m. in the Sussex Judicial Center - General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884.