

**At a Regular Meeting of the Board of Supervisors  
Held in the General District Courtroom on  
Thursday, April 16, 2015 – 7 pm**

**BOARD MEMBERS PRESENT**

Charlie E. Caple, Jr.  
C. Eric Fly, Sr.  
Alfred G. Futrell  
Robert E. Hamlin  
John A. Stringfield  
Raymond L. Warren

**STAFF PRESENT**

Deborah A. Davis, County Administrator  
Millard D. Stith, Interim Deputy County Administrator  
Michael Kaestner, County Attorney  
Raymond Bell, Sheriff  
T. Robertson Blount, Director of Finance  
Brenda H. Drew, Housing Coordinator  
Anne K. Ellis, Accounts Payable Clerk  
Officer Dwight Gay, Sheriff's Office  
Andre M. Greene, Director of Community Development  
Dr. Arthur Jarrett, Division Superintendent  
Anita Jones, Housing Assistant  
Shevonne Newby, Unit Coordinator Cooperative Extension  
Shilton A. Ricks, Assistant to the County Administrator/Deputy Clerk to the Board  
Lorenzo Turner, Assistant to the Director of Community Development  
LaSonya White, 4-H Agent  
Gary Williams, Circuit Court Clerk  
Onnie L. Woodruff, Treasurer

**Item 1. Call To Order/Determine Quorum (7:17 p.m.)**

The April 16, 2015 meeting of the Board of Supervisors was called to order by Chairman Hamlin.

**Item 2. The Invocation**

The Invocation was offered by Supervisor Caple.

**Item 3. The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

**Item 4. Agenda Amendments**

Staff requested to add under Item 9a. County Administrator's Report, as number 13. Neblett's Mill Road Dumpster Site.

## **Item 5. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR WARREN and carried: RESOLVED that the regular agenda of the April 16, 2015 meeting of the Sussex County Board of Supervisors is hereby approved inclusive of adding as number 13. Neblett's Mill Road Dumpster Site under Item 9a. County Administrator's Report.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

## **Item 6. Approval of Consent Agenda**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Approval of March 19<sup>th</sup>, March 23<sup>rd</sup>, March 30<sup>th</sup>, and April 9<sup>th</sup> Minutes; (b) Approval of Restoration of Funds, Sheriff's Department, \$1,071.95 and \$119.00; and (c) Approval of Warrants and Vouchers.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

## **Item 7. Motion to Enter Public Hearing**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Public Hearing to consider the following: (a) Ordinance Amendment #2015-01, Branscome Inc., applicant; Conditional Use Permit #2015-01, Bransome, Inc., applicant; and (c) Rezoning Application #2015-01, Lenwood and Martha Quidley, applicants.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

### **a) Ordinance Amendment #2015-01, Branscome, Inc., applicant**

Staff report for Ordinance Amendment #2015-01, Branscome, Inc, applicant was provided by Lorenzo Turner, Assistant to the Director of Community Development.

### Statement of Request

Branscome, Inc. is requesting the amendment of Article II, Section 16-22 (Use Regulations) of the Zoning Ordinance by adding a portable asphalt plant facility to the A-1, General Agricultural, District. Presently, the A-1, General Agricultural, District does not permit the location of portable asphalt plant 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 Branscome Inc., to operate a portable asphalt plant facility on a parcel of land currently zoned A-1, General Agricultural, the Zoning Ordinance must be amended.

### Planning Commission's Recommendation – Approval

The Planning Commission held a public hearing on February 2, 2015 to consider the request and voted (7 - 3) to recommend approval of Ordinance Amendment #2015-01 for the following reasons:

1. The requirement of a conditional use permit will allow staff and the Commission the opportunity to evaluate each request on a case-by-case basis to determine the appropriateness of the proposed location for such a use of the property.
2. A portable asphalt plant facility appears to be consistent and compatible with more intense land uses currently allowed in the A-1, General Agricultural District. These uses include the following:
  - Sub-section 16 - Sawmills, portable, with a conditional use per
  - Sub-section 23 - Processing plant for fertilizer and chemicals for agricultural uses, with a conditional use permit
  - Sub-section 24 - Sawmills, with a conditional use permit
  - Sub-section 25 - Planning mills, with a conditional use permit
  - Sub-section 27 - Extraction of natural resources and storage of salt, sand and minerals, with a conditional use permit.

Public Comment - none

Board Members Comment

Comments were heard from Supervisor Caple.

**b) Conditional Use Permit Application 2015-01, Branscome Inc., applicant**

Staff report for Conditional Use Permit #2015-01 was provided by Lorenzo Turner, Assistant to the Director of Community Development.

Statement of Request

Pursuant to Section 16-22, subsection 58 of the Zoning Ordinance, the applicant, Branscome, Inc., seeks a conditional use permit to allow a portable asphalt plant facility at their existing sand mining operation located on tax map number 50-A-16 (consisting of 536 acres). The parcel in question, owned by Branscome Inc., is zoned A-1, General Agricultural District which is being amended to allow the proposed use with a conditional use permit. The address of the property is 11205 Setzer Road, Stony Creek, VA 23880. The site in question is located on the east line of Route 670 (Setzer Road) approximately 1.5 miles south of the intersection of Route 670 and Route 602 (Cabin Point Road) in Stony Creek Election District.

Branscome Incorporated is a heavy/highway construction company headquartered in Williamsburg, Virginia. Branscome is currently operating a sand and gravel mining operation on the subject property under a Conditional Use Permit granted by Sussex County in 2006. The applicant wishes to utilize a portion of the existing 536 acre site to co-locate a portable asphalt mixing plant. Branscome is operating a portable asphalt plant in the Town of McKenney (located in Dinwiddie County) and would like to have an alternate site in Sussex County in anticipation of being awarded future contracts with VDOT to pave the Southside Interstate 95 corridor.

It is anticipated that truck traffic to the site on Setzer Road may increase by 40-50 trips per day, if the company is awarded a road paving project with VDOT. The normal hours of operation will be Monday to Friday from 7:00 a.m. to 7:00 p.m. This schedule may vary depending upon VDOT's schedule for road maintenance and repairs. The proposed operation is expected to generate one (1) to two (2) local jobs and will increase the County's tax base due to taxes paid on machinery and tools.

Surrounding land uses include farmland, woodlands, wetlands, the Nottoway River, and several single-family dwellings located on the opposite side of Route 670 (Setzer Road).

### Concerns

Prior to the Planning Commission meeting, held on February 2, 2015, staff received a concern from an adjoining property owner relative to the possible re-routing of the truck traffic from Branscome's operation (see attachment). The owner requested that the trucks not turn left when exiting the site to access Interstate 95. Staff held a conference call with the concerned resident and the Environment Manager (Julian Lipscomb) from Branscome about the traffic concern and the requested re-routing. Mr. Lipscomb informed staff and the concerned resident that he would restrict all trucks leaving the site from turning left onto Setzer Road.

At the Planning Commission meeting a resident stated that he was in opposition to the request because of the increase in truck traffic to pass his residence, the disturbance of wetlands and groundwater contamination from the asphalt.

Concerns of the Commission and staff were relative to that of odor, smoke, noise and the increase in truck traffic. However, it was felt be that any negative environmental impacts would be minimized because there is an existing forested area located on the subject property that serves as a natural buffer and that any negative impacts would be further minimized with the Commission's recommended conditions.

### Planning Commission's Recommendation - Approval

The Planning Commission voted (6 – 4) to forward Conditional Use Permit #2015-01 to the Board of Supervisors with a recommendation for approval of Conditional Use Permit Application #2015-01 due to the following:

1. The proposed use is consistent and compatible with surrounding land uses.
2. There is an existing buffer of trees located onsite that will serve to minimize any negative environmental impacts resulting from the proposed operation.
3. Route 670 (Setzer Road) is in good condition.
4. The proposed facility is located outside the 100-year floodplain and will not result in the disturbance of wetlands.

Furthermore, the Planning Commission recommended the approval of Conditional Use Permit Application #2015-01 subject to the following conditions:

1. A minimum 100 foot buffer of trees shall be maintained around the perimeter of the proposed operation.
2. A sign stating "ALL TRUCKS MUST TURN RIGHT" shall be installed and maintained for the life of the facility.

Shortly after the Planning Commission meeting, the applicant proceeded to order and install a sign at the site which states "ALL TRUCKS ACCESSING I-95 MUST TURN RIGHT" (see attachments).

Public Comment - none

Board Members Comment

Comments were heard from Supervisor Fly.

**c) Rezoning Application #2015-01, Lenwood and Martha Quidley, applicants**

Staff report for Rezoning Application #2015-01, Lenwood and Martha Quidley, applicants, was provided by Lorenzo Turner, Assistant to the Director of Community Development.

This staff report is prepared by the Sussex County Planning Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application.

**SUMMARY FACTS**

Applicant: Lenwood M. Quidley Sr. and Martha W. Quidley

Proposed Use:

Repair and temporary storage of automobiles, trucks, tractor-trailers and similar heavy equipment

Property Location:

General Mahone Highway. On the south line of U.S Route 460 (General Mahone Highway) approximately 1,000 feet east of the Wakefield Municipal Airport.

Property Identification: 61A4-A-2A, 3 and 3A

Election District: Wakefield

Parcel Size: 4.08 acres

Parcel Characteristics:

The site has approximately 256 feet of road frontage on U.S. Route 460 (General Mahone Highway) and has an existing vacant commercial building located on it, containing approximately 3,500 square feet.

Surrounding Land Uses:

Surrounding land use include woodlands, U.S. Route 460, a vacant single-family dwelling and Isle of Wight Forest product operation.

Existing Zoning: A-1, General Agricultural

Desired Zoning: B-2, General Business

Designated Planning Area: Homeville/Wakefield/U.S. Route 460 Planning area.

Comprehensive Plan's Future Land Use Designation: Commercial/Business

Water: Public water

Waste Water: Public sewer

Floodplain Designation:

Zone X- Areas outside 100 year flood zone and not subject to flooding. Panel Number - 51183C0280D

Effective Date: July 7, 2009

Issues/Concerns:

Several members of the Planning Commission expressed concern about the site potentially becoming a junkyard and the possible need for a fence to be placed around the perimeter of the site to screen the operation from public view. There was also concern expressed as to why the lot has been assessed as commercial property over the years but zoned agricultural. Staff informed the Commission that the business that originally opened at the location was established prior to enactment of the County's Zoning Ordinance in 1988 and operated as a legal non-conforming use until the operation ceased between 2003 and 2004.

Planning Commission's Recommendation: Approval – Vote (11-0):

The Commission also recommended that the Board consider refunding the rezoning fee paid by the applicants in the amount of \$660.00.

Rationale for Approval:

A rezoning from A-1, General Agricultural to B-2, General Business District would be consistent with the County's Comprehensive Plan which has the site in question designated for future commercial development.

The property has been used in the past for commercial use as a service/repair garage was built on the site in question in the 1970's. The service/repair garage ceased operation around 2003-2004.

#### Public Comments

Comments were heard from the following:

Anne Joyner (Wakefield District)  
Damian Bennett (Waverly District)  
Onnie L. Woodruff (Courthouse District)

#### Board Members Comments

Comments were heard from the following:

Supervisor Fly (Courthouse District)  
Supervisor Futrell (Waverly District)  
Supervisor Hamlin (Henry District)  
Supervisor Stringfield (Wakefield District)  
Supervisor Warren (Blackwater District)

#### **d. Return to Open Session**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried; RESOLVED that the Sussex County Board of Supervisors hereby returns to Regular Session.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **e. Action on Ordinance Amendment #2051-01, Branscome Inc., applicant**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried; RESOLVED that the Sussex County Board of Supervisors hereby approves an ordinance amending the Sussex County Code, Chapter 16, Article II, Section 16-22, to-wit:

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Sussex County: That the Sussex County Code, Chapter 16 (Zoning), Article II (General Agricultural District), Chapter 16-22 (Use Regulations) is hereby amended by the addition of a new use as follows:

Sec. 16-22. Use Regulations.

In the General Agricultural District A-1 any structure to be erected or land to be used for one (1) or more of the following uses:

Add a new Sub-Section: (58) Portable Asphalt Plant Facility, with a conditional use permit.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**f. Action on Conditional Use Permit Application #2015-01, Branscome, Inc., applicant**

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Conditional Use Permit #2015-01, Branscome, Inc., applicant to allow a portable asphalt plant facility at their existing sand mining operation located on tax map number 50-A-16 (consisting of 536 acres) subject to the following conditions: (1) A minimum 100 foot buffer of trees shall be maintained around the perimeter of the proposed operation; and (2) A sign stating "ALL TRUCKS MUST TURN RIGHT" shall be installed and maintained for the life of the facility.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**g. Action on Rezoning Application #2015-01, Lenwood and Martha Quidley, applicants**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Rezoning Application #2015-01, Lenwood and Martha Quidley, applicant property located on General Mahone Highway on the south line of U.S Route 460 (General Mahone Highway) approximately 1,000 feet east of the Wakefield Municipal Airport from A-1, General Agricultural to B-2, General Business District.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

**Item 8. Appointments** - none at this time

**Item 9. Staff/Committees/Organization Standing Report**

**Item 9a. County Administrator's Report**

**1. Introduction of Jenny L. Bailey, Library Director, Blackwater Regional Library**

County Administrator introduced Jenny L. Bailey. Ms. Bailey gave a brief biography and overview of her job duties/projects. Ms. Bailey provided a handout. A biography is included in board packet as well.

**2. Introduction of Shevonne Newby, Unit Coordinator, Sussex Cooperative Extension**

County Administrator introduced Shevonne Newby. Ms. Newby gave a brief overview of her job duties/projects. A biography is included in board packet as well.

**3. Introduction of LaSonya White, 4-H Agent, Sussex Cooperative Extension**

County Administrator introduced LaSonya White. Ms. White gave a brief overview of her job duties/projects. A biography is included in board packet as well.

**4. Introduction of Anita K. Jones, Housing Assistant, Housing Program**

County Administrator introduced Anita K. Jones. Ms. Jones gave a brief overview of her job duties/projects. A biography is included in board packet as well.

## **5. Announcement of County Attorney, Michael F. Kaestner**

County Administrator announced that Michael F. Kaestner who formerly served as our Interim County Attorney has been appointed as Sussex County's official County Attorney. Mr. Kaestner.

Mr. Kaestner thanked the Board. Mr. Kaestner encouraged the Board and public to reach out if he could be of assistance.

## **6. Introduction of Cheryl Simmers, Principal, Rowanty Technical Center**

County Administrator introduced Cheryl Simmers. Ms. Simmers gave a brief biography overview of her job duties, goals, and projects. A biography is included in board packet as well.

Rowanty Technical Center has open door policy. Rowanty Technical Center has services that the public can utilize. To utilize services, the public will need to call to schedule.

## **7. 2015 NACo Conference – Mecklenburg County, North Carolina**

County Administrator Davis announced that the 2015 NACo Conference will be held in Mecklenburg County North Carolina (Charlotte) this year, beginning on Friday, July 10<sup>th</sup> and ending on Monday, July 13<sup>th</sup>. In checking the Board of Supervisors budget, the line items for conferences and lodging budgets are already in the **RED**. A copy of the Board of Supervisors' Expenditure Summary for review was included in board packet.

Recommendation: That Board consider reducing the number of attendees at the Annual VACo conference held in November and the NACo conference held in July each year. (Just food for thought).

Supervisors Caple, Hamlin, and Stringfield are planning to attend NACo conference.

Supervisors Fly, Futrell, and Warren does not plan to attend the NACo conference.

T. Robertston Blount, Director of Finance, has been tasked with making recommendation as to the funding for the attendance of the conference.

## **8. Planning Commission Resolution #2015-01, Enterprise Zone Application**

The Planning Commission Resolution #2015-01, Enterprise Zone Application was provided by Lorenzo Turner, Assistant to the Director of Community Development. A 2016 Enterprise Zone Designation Summary was included in Board packet.

Included is a resolution adopted by the Planning Commission on April 6, 2015 and forwarded to the Board of Supervisors for their review and consideration. Also, staff attended a "How-to-Apply" Workshop at the Department of Housing Community Development on March 30,

2015. Attached for your review and information is a brief summary of the Virginia Enterprise Zone Program and the application requirements for this year. The deadline for submittal of the Enterprise Zone Application is August 1, 2015

**WHEREAS**, according to the U.S. Bureau of Labor Statistics, Sussex County had an unemployment rate of 7.2% for September of 2014 as compared to 5.5% for the State.

**WHEREAS**, the Commission on Local Government's Report on Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia's Cities and Counties for FY 2012 reported that out of the 134 cities and counties located in Virginia, Sussex County's level of fiscal stress ranked the 30<sup>th</sup> highest in the Commonwealth. The fiscal stress index illustrated a locality's ability to generate additional local revenues from its current tax base relative to the rest of the Commonwealth.

**WHEREAS**, the Sussex County Planning Commission has identified a critical need for the County to grow the economy, diversify the tax base, generate new sources of revenue and improve the quality of life of its residents through new job creation and expansion of existing businesses and industries.

**WHEREAS**, the Sussex County Planning Commission realizes that economic development is vital to the future prosperity of Sussex County and supports the efforts of the Board of Supervisors in investing local monies for the development of a "shovel ready" mega site located in the northeastern part of the County at the intersection of Route 602 (Cabin Point Road) and Route 626 (Beef Steak Road).

**WHEREAS**, the Virginia's Enterprise Zone Program is an economic development program managed by the Department of Housing and Community Development that provides state and local incentives to businesses that invest or create jobs within designated zoned areas throughout Virginia.

**WHEREAS**, the adjacent counties of Dinwiddie, Greensville, Prince George, and Southampton have designated Enterprise Zones in their localities.

**WHEREAS**, the Sussex County Planning Commission recognizes that the designation of an Enterprise Zone within Sussex County has the potential to be an important local economic development incentive that can assist with the attraction of new businesses and industries to the County.

**WHEREAS**, the designation of an enterprise zone is competitive and is open to all cities and counties in Virginia and requires the submittal of a formal application.

**WHEREAS**, the Sussex County Planning Commission has been informed that the preparation and adoption of a local economic development strategy by the County is instrumental in the completion of the required Enterprise Zone application.

**WHEREAS**, the Sussex County Planning Commission recognizes staff's current burden of completing the 2015 Comprehensive Plan update, coordinating the Pocahontas Community Planning Grant items due by May 27, 2015, and performing other day-to-day duties of the County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of Sussex County urgently requests the Board of Supervisors to appropriate the necessary funding to be utilized to procure the services of a private consultant for the purpose of preparing the 2015 Enterprise Zone Designation Application prior to the application deadline of August 1, 2015.

**BE IT FURTHER RESOLVED** that the Planning Commission of Sussex County urgently requests the Board of Supervisors authorize staff to proceed with the procurement process.

Adopted and passed by the Sussex County Planning Commission this 6<sup>th</sup> day of April, 2015 at their regularly scheduled meeting.

Recommendation: That the Board of Supervisors authorize staff to proceed the procurement of a consultant to prepare the 2015 Enterprise Zone Application.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: **RESOLVED** that the Sussex County Board of Supervisors hereby approves the appropriation for procurement of a consultant to prepare the 2015 Enterprise Zone Application.

County Attorney inquired as to a specific amount to hire a consultant. An amended motion was offered to include the amount of not more than \$15,000.00.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: **RESOLVED** that the Sussex County Board of Supervisors hereby approves the appropriation for procurement of a consultant at not more than \$15,000.00 to prepare the 2015 Enterprise Zone Application.

T. Robertson Blount advised the Board that he had consulted with Mr. Greene, the Director of Community Development, and reviewed his budget. There is a line item in Mr. Greene's current budget for Management Consulting Services in the amount of \$15,000.00.

Because of the existing line item, no motion was needed for the appropriation of \$15,000.00 procurement of a consultant to prepare the 2015 Enterprise Zone Application, only an authorization to proceed to seek procurement of a consultant is needed. The motion to approve the appropriation for procurement of a consultant at not more than \$15,000.00 to prepare the 2015 Enterprise Zone Application was withdrawn.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: **RESOLVED** that the Sussex County Board of Supervisors hereby authorizes staff to proceed with the procurement of a consultant to prepare the 2015 Enterprise Zone Application.

Voting aye: Supervisors Caple, Futrell, Hamlin, Stringfield

Voting nay: Supervisors Fly, Warren

## **8. Federal Engineering, Inc. Amendment #2, Wireless Communications**

Mike Kaestner, County Attorney, provided report for an amendment to the existing contract with Federal Engineering, Inc. at the request of Eddie Vick, Public Safety Coordinator.

Federal Engineering, Inc. is a firm that has been helping to guide company through the procurement of new radio system. This amendment is to extend the period of performance of basic services agreement to December 31, 2016. All other terms and conditions remain the same and in full force. The amendment will also allow New Kent County to “piggy-back” from a procurement **sense** to benefit from services negotiated under Sussex County’s contract.

A copy of Amendment #2 provided in board packet.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to execute Amendment Number 2 Sussex County, Virginia Public Safety/Wireless Communications Consulting Contract.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

## **9. Anthem Renewal**

The administrative staff met on March 4th with Mr. Brian Van Huff, Account Manager with Anthem Blue Cross, to discuss the renewal rates of health care premiums for FY16. In attendance was David Rowe from Bankers Insurance, a consultant for Sussex County School Board. Together they reviewed the current enrollment data, claims experience, and projected trends in medical cost. Based on these factors Sussex County’s medical renewal requires an 8.4% increase over current rates.

During our discussions, Mr. David Rowe encouraged the County to look closely at the current plans in place and how the county structures its contributions. He noted that the Virginia Administrative Code requires that participants in Local Choice contribute a minimum of 80% of the average single employee premium rate of the Key Advantage Plans offered.

Currently Sussex offers employee’s three choices of health options through Anthem ;( 1) Key Advantage Expanded, (2) Key Advantage 500, and (3) a High Deductible Plan. As of December 31, 2014 there were 115 contracts with the current budget allocating \$878,220 towards Health Care Benefits. Every participant with one exception was enrolled in Key Advantage Expanded. The existing annual premium for Key Advantage Expanded single coverage is \$7,140, an amount that is fully funded by the County as an employee benefit. The other plans carry lower premiums however, they are currently underutilized.

At this time, the County has three options that it may consider in funding the health insurance provided for the eligible Sussex County positions:

- (1) Fund the Key Advantage Expanded Plan at the renewal rate of \$7,740 annually for single coverage, which would increase the Proposed FY16 Budget by \$81,540 (8.4%) by the County assuming the full cost of the increase.
- (2) Fund the Key Advantage Expanded Plan at the current rate of \$7,140 annually for single coverage without increasing the current employer annual contribution. This option would provide free single coverage to employees under the Key Advantage

500, while also offering the employees the option to continue their existing coverage under the Key Advantage Expanded Plan at the rate of \$50 per month for single coverage.

- (3) Fund the Key Advantage 500 Plan at the renewal rate of \$6,468 annually for single coverage, which would decrease the Proposed FY16 Budget by \$75,000. This option provides free single coverage to employees under the Key Advantage 500 Plan, while also offering employees the option to continue their existing coverage under the Key Advantage Expanded Plan at the rate of \$106 per month for single coverage.

Documentation in the board packet provides a breakdown of the three options described above for consideration. Also included is a comparison of the benefits provided by the Key Advantage Expanded and Key Advantage 500 Plans.

If the Board of Supervisors so desires it may select from these options a plan that best serves the Sussex County employees.

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve of Option #2 Health Insurance, the Key Advantage Expanded Plan at the current rate of \$7,140 annually for single coverage without increasing the current employer annual contribution.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

### **10. Invitation For Bids – Modular Units**

T. Robertson Blount, Director of Finance, updated the Board on the Invitation for Bids for the three (3) modular units. The Invitation for Bids were advertised in the *Sussex Surry Dispatch* and the *Progress Index*. One (1) response was received for the modular units at Jefferson Elementary School. The proposal was for \$100 per modular unit.

Numerous methods have been used to sell modular units; however, there has been no success. Mr. Blount recommends that the County not accept the proposal received at this time and to continue to try to sell units.

### **11. Budget Overview – T. Robertson Blount, Director of Finance**

### **12. Neblett's Mill Road**

County Administrator Davis reported that it has been brought to staff's attention several times during the past several months, that the dumpster located at Neblett's Mill Road is always in deplorable condition. Some of the citizens have requested that the dumpster be removed.

Some of the citizens in the area advised that they have cleaned around the area for quite some time, but are now asking staff to take the necessary steps to move it.

Staff is asking direction from the Board.

Supervisor Fly has requested to be allowed to meet with County Administration to get names of citizens that live in the area of the dumpster located at Neblett's Mill Road and give a recommendation at the regular Board of Supervisors Meeting on May 21, 2015.

Chairman Hamlin also asked the Board members to consider a method of funding a manned dumpster sites.

### **13. April 27<sup>th</sup> Economic Development Roundtable**

County Administrator Davis was delighted to report that staff is putting the finishing touches on the Economic Development Roundtable which is scheduled for Monday, April 27<sup>th</sup> at the Airfield 4-H Center in the Spain Building. We will have a variety of representatives sharing tidbits of information that is relative to our community and the region as it relates to economic growth and stability for Sussex County.

Those who will be sharing are:

Kelly Evko, Business Development Manager, Virginia Economic Development Partnership  
C. Renee Chapline, Executive Director/President, Virginia's Gateway Region  
Dennis K. Morris, Executive Director, Crater Planning District Commission  
Michelle Olgers, Director of Marketing & Communications, Virginia State University  
Sandra Tanner, Tourism Specialist, Virginia Tourism Corporation  
Patricia Hood, Director, Crater Small Business Development Center (of Longwood University)  
Willie Lanier, Senior Advisor, Cary Street Partners  
Debbie Sydow, PhD, President, Richard Bland College  
Dr. Ras, New President of John Tyler Community College & Executive Director of Crater Workforce Investment Board

Invitations were mailed to: Members of the Board of Supervisors, Members of the Planning Commission, Members of the IDA Board of Directors, Mayors of the Towns of Jarratt, Stony Creek, Waverly & Wakefield, Chamber of Commerce Board of Directors, County Department Heads, Constitutional Officers, Delegate Roslyn C. Tyler, Congressman J. Randy Force, Senator L. Louise Lucas

#### **Item 9b. Treasurer** (included in Board packet)

Onnie L. Woodruff, Treasurer, informed the Board of balances General Reserve Fund

#### **Item 9c. Commissioner of the Revenue** (no report)

#### **Item 9d. Sheriff's Department** (no report)

#### **Item 9e. Superintendent of Schools** (no report)

#### **Item 9f. Director of Social Services** (no report)

#### **Item 9g. General Registrar** (no report)

## **Item 9h. Health Department** (no report)

## **Item 9i. County Attorney's Report**

### 1. BPOL Incentives

County Attorney Mike Kaestner was directed by the Board of Supervisors at its March meeting, to research how the County could provide relief from Business, Professional, and Occupational License ("BPOL") taxes to businesses which locate in the County or create new jobs in the County.

At its December meeting, the Board of Supervisors imposed a \$30 BPOL fee on the following types of businesses:

- Financial, real estate, and professional services;
- Repair, personal and business services, and all other businesses and occupations not specifically listed or excepted in this ordinance; and
- Certain contractors (generally, whose gross receipts are less than \$25,000).

Retailers, retail merchants, wholesalers and wholesale merchants are specifically excepted from the BPOL ordinance and instead pay merchant's capital. Currently, contractors whose gross receipts exceed \$25,000 are the only taxpayers who pay a BPOL tax. The tax rate is \$0.16 per \$100 of gross receipts for these contractors.

### LIMITED AUTHORITY IN THE BPOL STATUTES

The BPOL statutes (§ 58.1-3700 *et seq.* of the Code of Virginia) provide two ways to reduce a given taxpayer's BPOL liability:

- First, § 58.1-3703(D) authorizes localities to establish a business license incentive program for businesses that locate in the locality for the first time. Under this program, a locality can provide partial or complete relief from BPOL taxes for up to two years.
- Second, § 58.1-3703(E) authorizes localities to exempt license fees or license taxes on any business that does not have an after-tax profit. Any business claiming such status would be required to provide their income tax returns to the Commissioner of Revenue.

Since BPOL is so new to the County, it is difficult to estimate the fiscal impact of either of these incentives.

### OTHER ECONOMIC DEVELOPMENT INCENTIVES ARE MORE FLEXIBLE

The Tax Code provides three ways localities can provide several incentives, including BPOL incentives, to businesses creating jobs in their communities. Localities are authorized to create Local Technology Zones (§ 58.1-3850), Local Tourism Zones (§ 58.1-3851) and Local Defense Production Zones (§ 58.1-3853). Each of these allows localities to designate a specific geographic area as one of the aforementioned zones and to offer certain incentives to businesses locating in the zones. BPOL incentives are among the incentives a locality may offer within one of these zones. In Defense Production Zones, incentives may be provided only to defense-related companies. In Technology and Tourism Zones, however, incentives may be provided to any type

of business. Localities still have the ability to limit eligibility to certain types of businesses if they choose.

Some localities that have created these zones require businesses benefitting from any incentives to enter into a performance agreement with the locality before incentives are awarded. These performance agreements may require a business to create and maintain a certain number of jobs, make a certain amount of investment, or reach other targets before incentives are provided (or as a condition precedent to their continuation).

Recommendation: Since the County's current BPOL ordinance imposes only a \$30 fee on most taxpayers subject to BPOL, the Mr. Kaestner does not recommend implementing either of the two BPOL incentives listed above. However, to help market certain areas to prospective businesses, the Board may wish to consider creating one of the types of zones Mr. Kaestner discussed. In addition, staff is currently considering whether to apply for a Virginia Enterprise Zone designation and one component of that application is a list of local incentives the County intends to provide. Creating one of the zones may strengthen the County's Enterprise Zone application. If this is an avenue the Board wishes to pursue, the County Attorney will gladly work with the Director of Community Development to help identify which tools will work best for the community and return at a future meeting with further recommendations.

Mr. Kaestner will keep the Board members apprised the Enterprise Zone application.

**Item 10. Hearing of Citizen's Comments (9:00pm) - none**

**Item 11. Unfinished Business – none**

**Item 12. Reports from Departments/Staff/Commissions (reports included)**

**Item 13. Board Members Comments**

a. Blackwater District

Comments were heard from Supervisor Warren regarding Virginia Gateway Board Region.

b. Courthouse District – none

c. Henry District – none

d. Stony Creek District – none

e. Wakefield District – none

f. Waverly District - none

**Item 14. Closed Session**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for the

discussion, consideration of a personnel matter, assignment of a specific public officer, applicable Code Section 2.2-3711(A)(1).

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 15. Return to Open Session**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to open session.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 16. Certification of Closed Session**

WHEREAS, the Board of Supervisors of Sussex County, Virginia 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 Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none

#### **Item 17. Action on Closed Session Item**

No action on Closed Session Item.

#### **Item 18. Adjournment**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR FLY and carried: RESOLVED that the April 16, 2015 meeting of the Sussex County Board of Supervisors is hereby adjourned at 10:17 p.m.

Voting aye: Supervisors Caple, Fly, Futrell, Hamlin, Stringfield, Warren

Voting nay: none