

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, December 15, 2016 at 7 pm**

BOARD MEMBERS PRESENT

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

STAFF PRESENT:

Vandy V. Jones, III, Interim County Administrator
Mark Flynn, County Attorney
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk to the Board
Deste J. Cox, Deputy Treasurer
Brenda H. Drew, Housing Coordinator
Kelly W. Moore, Accounts Payable Clerk
Matthew Venable, Director of Environmental Inspections
Eddie T. Vick, Public Safety Coordinator
Gary Williams, Circuit Court Clerk

1. Commencement

1.01 Call to Order/Determine Quorum (7:04 p.m.)

The December 15, 2016 meeting of the Sussex County Board of Supervisors was called to order by Chairman Blowe.

1.02 The Invocation

The Invocation was offered by Supervisor Stringfield.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

Under Item 5. Appointments, requested to add as item 5.04 Sussex Service Authority Appointment; under Item 6. Action Items, move item 6.01 Presentation by Headstart/Improvement to beginning of agenda.

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the December 15, 2016 regular agenda, inclusive of under Item 5. Appointments, adding as item 5.04 Sussex Service Authority Appointment; under Item 6. Action Items, moving item 6.01 Presentation by Headstart/Improvement to beginning of agenda.

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

Voting nay: none

Absent during vote: Supervisor Fly

Supervisor Fly entered at 7:15 p.m.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of November 17, 2016 special and regular meetings; (b) Approval of Warrants and Vouchers; and (c) Accept and Appropriate Funds for Circuit Court Clerk - \$7,800.00; (d) Approval of Restoration of Funds, Sheriff's Office - \$285.44; (e) Approval of Restoration of Funds, Sheriff's Office - \$10,625.00 VACORP

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

Voting nay: none

3. Recognitions/Awards - none

4. Public Hearing

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Public Hearing to solicit input and receive comments concerning the proposed lease of the former Gin Hill Landfill and the former Robinson Road Landfill.

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

Voting nay: none

4.01 Proposed Lease of the former Gin Hill Landfill and the former Robinson Road Landfill

Interim County Administrator Jones reported that the purpose of the hearing is to solicit input and receive comments concerning the lease of properties that are commonly known as the former Gin Hill Landfill (located on Brigg's Road and designated as Tax Parcel No. 106-A-12) and as the former Robinson Road Landfill (located on Robinson and designated as Tax Parcel Nos. 91-A-12 and 91-A-11A).

510nano wishes to lease both properties from the County for the establishment of solar facilities. A 20 MW project would be built on Robinson Road and a 10 MW project on Gin Hill. The current zoning of both sites allow the solar facility use with the issuance of a Conditional Use Permit (CUP) by the County. The approval of this lease will allow the

applicant to move forward with an application to the Sussex Planning Commission for the CUP. Any issues of conditions on the construction of the solar facilities would be addressed in the CUP. County staff has met with the Virginia Department of Environmental Quality to determine if a solar project can be done on the closed landfills. The answer received was yes with a minor modification to the County's permits for both landfills.

He reported that the cost of monitoring both landfills for FY2017 is \$54,659.00.

The Gin Hill Landfill was permitted on October 30, 1975. It operated until August 24, 1990. Nine (9) acres of the site were closed prior to December 1988. One (1) additional acre was used between December 1988 and August 1990. The facility achieved certified closure in August 1991.

He reported that the Robinson Landfill was permitted on May 11, 1973. It stopped receiving waste on October 1, 1993. The County contracted final closure of the facility in 1998. A final engineering certification of the closure was issued in 1999. The Virginia Department of Environmental Quality (DEQ) approved the final closure in May 2002.

Representatives from 510nano, Dr. Reginald Parker (President) and Mr. Ken Pulliam (Vice-President), were in attendance and provided a presentation on their team, development services, their projects, development pipeline, Gin Hill Solar and Sussex Solar Lease Proposal and status. A copy of presentation was included in Board packet.

A copy of Notice of Public Hearing was included in the Board packet as well.

There was no citizen comments.

Supervisor Seward had comments pertaining to its operation neighboring the animal shelter.

Supervisor Futrell had questions regarding the amount acres that would be used for the solar farm, weight of the ballast and who would be responsible for services with DEQ.

4.02 Return to Open Session

Chairman Blowe returned to Open Session and ended the Public Hearing.

4.03 Action on Public Hearing Items

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Board hereby approves that County Administration and the County Attorney continue negotiations on the draft lease of the former Gin Hill Landfill (located on Brigg's Road and designated as Tax Parcel No. 106-A-12) and as the former Robinson Road Landfill (located on Robinson and designated as Tax Parcel Nos. 91-A-12 and 91-A-11A); and

FURTHER RESOLVED that County Administration make recommendations to the Board of Supervisors for final approval at the January 19, 2017 regular Board of Supervisors meeting.

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

Voting nay: none

5. Appointments

5.01 Appointment to Planning Commission

Interim County Administrator Jones stated that the term of Mr. Richard Johnson, 20070 Cabin Point Road, Carson, Virginia 23830, on the Planning Commission will expire January 31, 2017. Staff contacted Mr. Johnson. Mr. Johnson does not wish to serve again.

The appointment for the Planning Commission is in the Blackwater District. Supervisor Seward will be making a recommendation at the next Board meeting.

5.02 New Appointment to Planning Commission for Vacant Position

Interim County Administrator Jones stated that in July 2016, Mr. Gurney Cowling, Jr. called the Department of Community Development office to verbally resign from his position. The Community Development office requested his resignation in writing; however, to date, the Office has not received it.

The appointment for the Planning Commission is in the Blackwater District. Supervisor Seward will be making a recommendation at the next Board meeting.

5.03 Appointment to Board of Zoning Appeals

Interim County Administrator Jones stated that Mr. George O’N. Urquhart, 7201 Newville Road, Waverly, Virginia 23890, on the Board of Zoning Appeals will expire January 31, 2017. Staff has contacted Mr. Urquhart. Mr. Urquhart is willing to serve again, if reappointed.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. George O’N. Urquhart, 7201 Newville Road, Waverly, Virginia 23890, to the Board of Zoning Appeals.

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

Voting nay: none

5.04 Appointment to Sussex Service Authority

Supervisor Futrell recommends Ms. Valarie P. Ricks for nomination to be appointed to the Sussex Service Authority Board. Supervisor Futrell has also recommended Mr. Franklin Cox as appointment for Mr. Bruce Spencer’s position or Ms. Valarie P. Ricks if she is appointed to Sussex Service Authority Board.

There was discussion regarding Ms. Ricks' appointment to the Sussex Service Authority and being a County employee. There was also discussion Mr. Raymond Warren's appointment to the Sussex Service Authority and his intended term.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Ms. Valarie P. Ricks to the Sussex Service Authority Board of Directors for the remaining three (3) years of the at-large.

Voting aye: Supervisors Futrell, Tyler

Voting nay: Supervisors Blowe, Fly, Seward, Stringfield

Motion failed.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. Raymond Warren, 33507 Walnut Hill Road, Waverly, Virginia 23890, to the Sussex Service Authority Board of Directors for the end of term ending December 31, 2019.

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

Voting nay: Supervisor Futrell

Mr. Frank Irving, Sussex Service Authority, advised that Mr. Bruce Spencer's At-Large position as the alternate on the Sussex Service Authority Board of Directors needs to be filled. Although the preference is a member in the service area, the nomination for this position is not district specific. County Attorney Flynn has been tasked with researching information regarding this position.

After advisement of the vacant at-large alternate position on the Sussex Service Authority Board of Directors, there was further discussion and clarification as to who could be nominated for these positions.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the reconsideration of the motion to reappoint Mr. Raymond Warren, 33507 Walnut Hill Road, Waverly, Virginia 23890, to the Sussex Service Authority Board of Directors for the end of term ending December 31, 2019.

Voting aye: Supervisors Blowe, Futrell, Stringfield, Futrell

Voting nay: Supervisors Fly, Seward

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Mr. Raymond Warren, 33507 Walnut Hill Road, Waverly, Virginia 23890, to the Sussex Service Authority Board of Directors for a term ending December 31, 2019.

Voting aye: Supervisors Fly, Seward

Voting nay: Supervisors Blowe, Futrell, Stringfield, Tyler

Motion failed.

This item was tabled until the January 19, 2017 regular Board of Supervisors meeting.

6. Action Items

6.01 Presentation by Headstart/Improvement Association

Ms. Linda Bailey with the Improvement Association thanked the Board for their support and presented the students from Class A, B, and C in Sussex to the Board. The students brought holiday cheer performing Christmas carols.

6.02 Crater Health District Year End Settlement Request, Roxanne Marr-Shears, Crater Health

Interim County Administrator Jones stated the staff of Crater Health District - Virginia Department of Health has presented Sussex County the Year End Settlement (YES) for FY16.

Interim County Administrator Jones advised that Dr. Alton Hart, Health Director of Crater Health District and Mrs. Roxanne Marr-Shears, Business Manager of Crater Health District – Virginia Department of Health, were in attendance to give a presentation of the Statement of Agreement with the County of Sussex as well the Year End Settlement (YES). The YES total amount available for refund to Sussex is \$42,158 (Item K on the YES Statement). The Statement of Agreement is for FY17 and requests the currently appropriated local match funds of \$176,489 plus the \$42,158 (\$28,330 + \$13,828) funds available for refund.

Mrs. Roxanne Marr-Shears reviewed the Statement of Agreement for FY17 and YES Report for FY16. Ms. Marr-Shears stated the Crater Health District - Virginia Department of Health is requesting the utilization of the carryover for operational costs for FY17.

A copy of the YES Report and the Statement of Agreement were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the requests for the FY16 carryover to be refunded in the amount of \$42,158 to the Crater Health District – Virginia Department of Health.

Voting aye: Supervisors Futrell, Tyler

Voting nay: Supervisors Blowe, Fly, Seward, Stringfield

Motion failed.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves refunding \$13,828 local fund carryover from FY16 with the remainder of the FY16 carryover be refunded to the County.

Voting aye: Supervisors Blowe, Stringfield, Tyler

Voting nay: Supervisors Fly, Futrell, Seward

Mr. Collins, the Board of Supervisors Tiebreaker, was called forward to vote, Mr. Collins vote “nay”. Motion failed.

7. Reports of Departments/Agencies

7.01 Treasurer’s Report – included in Board packet

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

Mr. Jason Williams, Senior District Manager of Atlantic Waste Disposal, provided a brief recap of the year 2016. He stated that volume-wise there has been a disposal of approximately 1.14 million tons waste in 2016. Approximately \$4.25 million has been paid in host fees for the year.

Community support was provided to the Waverly Ruritan Club, Wakefield Swim Club, Gateway Region, Together We Dance, Cooper Farms, Ducks Unlimited, Airfield 4-H Conference Center, Tidewater Academy, bought new items for Waverly Youth Association Football Team and provided community assistance after the Waverly Tornado in 2016.

Mr. Williams reported that the Phase II capping project is substantially complete; however, there are some punch list items that are expected to be completed by the end of the year.

Phase III capping project design is still scheduled to start in early 2017.

Phase IV clay capping project which is at the top of the landfill is substantially complete. Looking to get better gas connection. Planning to install approximately nineteen (19) or twenty (20) wells and redo the gas header in early 2017.

Mr. Williams reported that they have put down about ninety (90) acres of landfill caps—sixty (60) acres which are synthetic caps and thirty (30) acres which are (inaudible) caps.

The Waste Water Treatment Plant is still expected to be completed in the second quarter of 2017.

Mr. Williams stated that there are some challenges with power at the convenience centers. Atlantic Waste Disposal is still expecting to get some cameras completed in December 2016. If not completed, they are anticipating completion in January 2017. Some of the parts are held up in shipping.

Mr. Williams stated that the helicopter pad has been completed.

7.03 Community Development Report – included in Board packet

7.04 Department of Environmental Inspections – included in Board packet

7.05 Housing Department Report – *included in Board packet*

7.06 Animal Services/Public Safety Report – *included in Board packet*

There was discussion regarding Animal Services picking up a hunting dog that was tagged with owner's name and number and charged a \$25 fee.. Staff was asked to research this matter.

8. Citizens' Comments (9:12 pm)

Comments were heard from Greg Newton (Courthouse District) regarding building permits and Horizon Health Care.

9. Unfinished Business

9.01 Discussion of Stony Creek Park

Interim County Administrator Jones reported that Sussex County in the past offered to transfer Stony Creek Park to the Town of Stony Creek at no cost. The Town did not accept the park at that time. At the Board of Supervisor's November 17, 2016 meeting, Stony Creek Town Council Member Sylvia Jackson stated that the Stony Creek Town Council was willing to now take the park if it would be donated. After discussion among the board on whether the park should be donated, it was requested that the Stony Creek Town Council work through County Administration to present a formal proposal to the Board of Supervisors. Interim County Administrator met with Stony Creek Mayor Frank Jackson and Town Council member Sylvia Jackson. The meeting ended with Mayor Jackson stating that a written proposal would be developed and given to the Sussex Board of Supervisors for the Board's January 19, 2017 meeting.

10. New Business - none

11. Board Member Comments

11.01 Blackwater District – none

11.02 Courthouse District – none

11.03 Henry District – none

11.04 Stony Creek District – Wished everyone a Merry Christmas; thanked everyone; handed out a transition document to Board members.

11.05 Wakefield District – Thanked staff for boarding up windows at Chambliss Elementary School.

11.06 Waverly District – none

12. Closed Session

12.01 Convene into Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for discussion of personnel matter regarding the county administration pursuant to applicable 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 FUTRELL seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session.

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

Voting nay: none

12.03 Certification

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves adoption of resolution for certification, to-wit:

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

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

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

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

Voting nay: none

12.04 Action Resulting from Closed Session

ON MOTION OF SUPERVISOR FUTRELL, seconded SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby appropriates a

maximum of \$5,000.00 to provide Health Care Benefits to the outgoing county administrator.

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

Voting nay: none

13. Recess/Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the December 15, 2016 meeting of the Sussex County Board of Supervisors is hereby adjourned.

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

Voting nay: none

13.02 Next Meeting

The next Board of Supervisors meeting will be a Special (Organizational) Meeting Thursday, January 5, 2017 at 12 noon. Location to be determined.