

**At a Regular Meeting of the  
Sussex County Board of Supervisors  
Held in the Social Services Conference Room on  
Thursday, June 18, 2020 at 6 pm**

**BOARD MEMBERS PRESENT**

C. Eric Fly, Sr.  
Marian D. Johnson  
Debbie P. Jones  
Wayne O. Jones  
Susan M. Seward  
Rufus E. Tyler, Sr.  
Steve White, Tie Breaker

**STAFF PRESENT:**

Mark Flynn, County Attorney  
Ellen G. Boone, Commissioner of the Revenue  
John Broderick, Public Schools' Director of Finance & Business Operations  
Deste J. Cox, Treasurer  
Eric Danuser, IT System Manager  
Brenda H. Drew, Housing Coordinator  
G. Reid Foster, Public Safety  
Ernest Giles, Sheriff  
Michael Kessinger, Deputy Sheriff  
K. W. Moore, Director of Finance  
Vincent L. Robertson, Interim Commonwealth's Attorney  
Cecil Stainback, Animal Control Officer  
Shilton R. Butts, Assistant to the County Administrator/  
Deputy Clerk to the Board of Supervisors

**1. Commencement**

1.01 Call to Order/Determine Quorum (6:25 p.m.)

The June 18, 2020 regular meeting of the Sussex County Board of Supervisors was called to order by Chairman Seward.

1.01a Approval of Board Members Participating by Board's Remote Participation Policy

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of remoted participation of Supervisor Johnson and Mr. Steve White, Tie Breaker. All Board members present voted aye.

1.02 The Invocation

The Invocation was offered by Supervisor D. Jones.

### 1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

### 1.04 Agenda Amendments

Interim County Administrator Hughes requested to add under Item 6. Action Items, as Item 6.10 Rural Solar Development Coalition, remove under Item 6 Action Items, Items 6.02 Police Services Agreement (Town of Wakefield) and 6.05 VDOT Upcoming Six Year Plan.

### 1.05 Approval of Agenda

ON MOTION OF SUPERVISOR TYLER seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the June 18, 2020 regular agenda inclusive of adding under Item 6. Action Items, as Item 6.10 Rural Solar Development Coalition; and removing Item 6.02 Police Service Agreement (Town of Wakefield) and Item 6.05 VDOT Upcoming Secondary Six Year Plan. All Board members present voted aye.

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

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the June 18, 2020 Consent agenda inclusive of the following: (a) Minutes of March 27, 2020 (Corrected), May 21 Special and May 21, 2020 Regular Board of Supervisors meetings and (b) the Approval of Warrants and Vouchers. All Board members present voted aye.

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

There were no Recognitions/Awards/Presentations.

## **4. Public Hearing**

### 4.01 FY20 Budget Amendment

Interim County Administrator Hughes stated that on May 12, 2020, Secretary of Finance, Aubrey L. Layne, Jr. provided Local Allocations for Federal CARES Coronavirus Relief Funds from the CARES Act of 2020 to all Virginia localities, of which Sussex County was a recipient in the amount of \$973,580.00. The total amount exceeds the 1% of total expenditures of the FY20 Adopted Budget requiring a public hearing and formal adoption by the governing body.

It was noted expenses were still being gathered.

Chair Seward opened the Public Hearing.

### Public Comments

There were no public comments.

### Board Comments

Chair Seward reiterated that the funds received due to COVID-19.

Supervisor Tyler inquired about the use and acceptance of the funds and a proposed budget for funds or a projected amount to spend.

Chair Seward closed the Public Hearing.

A copy of Draft Resolution approving budget amendment and supplemental appropriation for Federal Categorical Aid Received to respond to the Coronavirus Pandemic was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the resolution to accept and appropriate the Federal CARES Coronavirus Relief Funds, to-wit:

WHEREAS, the U.S. Congress passed and the President recently signed the *Coronavirus Air, Relief, and Economic Security (CARES) Act of 2020*; and

WHEREAS, localities were allocated funding on the CARES act through multiple sources, but primarily from the Coronavirus Relief Fund (CRF) allocations which provided for an allocation from the Commonwealth of Virginia's CARES funding to localities based on population; and

WHEREAS, CRF funds may be used for qualifying expenses to cover costs that 1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); 2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and 3) were incurred during the period that begins March 1, 2020, and ends on December 30, 2020.

WHEREAS, the County is required to provide an equitable share of the CRF funds are granted to each incorporated town within its jurisdiction (Jarratt, Stony Creek, Wakefield, and Waverly); and

WHEREAS, agreements will be made with the four aforementioned Towns per requirements of the Commonwealth of Virginia; and

WHEREAS, acceptance of the CARES funding allocation and various program specific funding allocations requires executive of agreements by the County Administrator, and other County officials; and

WHEAREAS, staff will present to the Board of Supervisors a recommended plan for use of the direct allocations of CRF funds for their consideration, once the Commonwealth of Virginia formalizes the allowed and non-allowed use of funds; now, therefore, be it

RESOLVED, by the Sussex County Board of Supervisors on this 18<sup>th</sup> day of June 2020, the acceptance and appropriation of CARES Act funding, and authorizes the Office of Management and Budget and the Finance Department to process the budget adjustment required for this appropriation, upon receipt or award.  
All Board members present voted aye.

*Mr. Hughes, Interim County Administrator introduced Mr. Bart Nuckols, the Interim Planning Director.*

#### 4.02 Conditional Use Permit #2019-03, Titan Mid-Atlantic Aggregates, LLC, Applicant

The applicant, Titan Mid-Atlantic Aggregates LLC, a subsidiary company of Titan America, seeks a conditional use permit to operate a sand and gravel operation on tax map numbers 38-(1)-5 (27.45 acres) and 38-(A)-15 (271.48 acres). The parcels in question, totaling approximately 298.93 acres, are zoned A-1, General Agricultural, District which allows the proposed use with a conditional use permit. The site in question is located on the south side of Route 35 (Jerusalem Plank Road) and the east side of Route 626 (Courthouse Road) at the intersection of Route 626 (Courthouse Road) and Route 35 (Jerusalem Plank Road).

The Planning Commission held a public hearing on November 4, 2019 to consider this request and voted (9 ayes, 1 nay) to forward the request for Conditional Use Permit #2019-03, Titan Mid-Atlantic Aggregates LLC, applicant, to the Board of Supervisors with a recommendation of approval subject to several conditions noted in the packet provided by the Planning Department.

Mr. Bart Nuckols stated that the request for Conditional Use Permit #2019-03, Titan Mid-Atlantic Aggregates, LLC, Applicant, has been before Sussex County since the fall of 2019 and has gone through the initial Public Hearing review with the Planning Commission with subsequent recommendation. Due to a weather-related delay in February and the COVID emergency the request has been delayed for public hearing before the Board.

During the intervening period, staff has conducted additional review of the application in response to concerns raised in regards to the archeological significance of the site. Other concerns raised include transportation concerns for heavy truck traffic movements both at the site and intersections for Routes 40 and 35.

From the Archaeological standpoint, staff contacted Roger Kirchen with the Department of Historic Resources, DHR concerning the site. His comments touched on the “many archaeological resources within 500’ of the property, most being native American”. Several of these sites have been determined as eligible for listing in the National Register of Historic Places while others have not simply been evaluated. There records indicate that the proposed mining site has not been “comprehensively surveyed for archeological resources” but stated in his “professional opinion

that the subject property has the potential to contain additional undocumented sites”. He also stated that DHR did not perform Phase 1 Archaeological study/surveys but uses outside contractors for those studies.

Mr. Kirchen comments and a copy of the map was included in the supporting documentation.

Staff contacted the applicant on this item and the applicant subsequently sought out bids from contractors from a list provided by DHR. A copy of the bids for the study ranging in price from \$26,962 to \$84,600 were provided. At this time the applicant does not plan to proceed with a phase 1 study but stated they will be glad to discuss with the board this issue.

In reviewing the application and related documents, the Department of Transportation, DOT, stated that the request did not warrant additional traffic studies. It is my understanding that a DOT representative was at the Planning Commission public hearing and did not raise concerns specifically on this issue. As a general practice, if such a Traffic Impact Analysis, TIA, is done, it is typically performed by a transportation engineer. Cost of such a study can range from \$3,500 to \$5,000 per intersection, with prices up to \$12,000 for multi-phase development.

The applicant is aware of this concern over traffic and would like to discuss further with the Board on this item.

Mr. Nuckols stated that prior to Condition Use Permit #2019-03 being sent to the December 2019 meeting, the Board looked at it and made four (4) recommendations of a traffic study with the Virginia Department of Transportation be conducted; a report from the Department of Environmental Quality; a study from the Department of Mines and Minerals; and an Archaeological study from the State Department of Archaeology.

Mr. Nuckols stated that there emails in regards to items 2 and 3 provided to the previous Planning Director from VDOT regarding traffic issue that they are not concerned with traffic enough to do a study at this point to do a study stated that regarding traffic. Staff contacted DHR. DHR had some comments and are at the point of whether Phase I is necessary or not.

Mr. Nuckols stated that included in the packet was some information on vegetative screening and burning on the site.

The Board of Supervisors may exercise one (1) of the following options.

1. Continue the public hearing to next month’s regularly scheduled meeting. This would allow time for additional information and for the applicant to address the above items and provide the board with additional time to review the request as well as any other items raised during the public hearing.
2. Close the public hearing and defer action until further research/information can be provided on the application.
3. Deny the request.
4. Approve the request per the recommendations provided by the Planning Commission at their November, 4 2019 meeting.

5. Approve the request with the Planning Commission recommendations and additional requirements regarding a Phase 1 Archaeological Study and Transportation Impact Analysis.

Supporting documentation was provided to the Board.

Mr. Cliff Bocchicchio, a representative from Titan Mid-Atlantic Aggregate, was present virtually. Mr. Bocchicchio stated that he agreed most of what Mr. Nuckols presented except on the study issue that at the November 21, 2020 Board of Supervisors Public Hearing, he stated that the Board recommended that the Planning Director under take the studies after that he connected the Planning Director and representatives of each of the agencies and believes that they had satisfied, the Department of Environmental Quality, and the transportation issue. Mr. Bocchicchio stated that only issues he believes they have is the Archaeological study with some of the areas on the map.

There was discussion of getting proposals for the study to try to accelerate in which nothing has really happened. He discussed the screening burn. He stated that the screening burn is designed as a six feet vegetated burn because that's what's required.

He discussed the access road. Mr. Bocchicchio stated that the access road is the existing access that's there on Courthouse Road. He stated that coming in off of Rte. 35 would not only present a safety issue but also an issue with wetlands because of the 298 acres on the site, only 115 acres are minable. He stated that most of archaeological is by the river which is not minable because it's all wetland. Mr. Bocchicchio stated that he mailed packets to Board members.

Mr. Bocchicchio stated that he would request the Board to pass the Conditional Use Permit contingent upon Titan Mid-Atlantic Aggregate completing the Archaeological Study. He stated that they have never gotten any complaints on their current operation.

Chair Seward opened the Public Hearing on Conditional Use Permit #2019-03, Titan Mid-Atlantic Aggregates, LLC, Applicant.

#### Public comments

- Leah Brantley (Courthouse District) – Consider holding a Public Hearing where citizens can physically attend; County is in Phase II due to COVID-19; concerns CUP was not to be on agenda until required studies had been done; request to table CUP until information deemed necessary is received. Provided a letter to the Board; requested the letter to be recorded in the minutes. The letter to the Board from Leah Brantley, dated June 18, 2020 is as follows:

My name is Leah Brantley. I reside in the Courthouse District of Sussex County, Virginia.

I am in attendance at the meeting tonight to voice my concern in regard to the Titan Mid Atlantic's request for a Conditional Use Permit to construct and operate on property located at State Routes 626 and Route 35 in Sussex County.

My concern centers on the fact that the Permit Request should not be on tonight's meeting agenda. In the meeting minutes dated November 21, 2019, Item#9, Unfinished Business, and in regard to the Titan Project cite that the board voted unanimously in favor of having County Administrator order studies from VDOT, the State Department of Archaeology, and DEQ prior to the Planning Commission forwarding the item to the Board and the requirements of holding Public Hearings.

To my knowledge and as of this date, the report have not been ordered and requested studies/information provided to Board Members. For this reason, I ask the Board to remove this Agenda Item from tonight's discussion. I further request that Chairman Susan Seward's instructions on November 21, 2019 to then County Administrator, Vandy Jones, be followed. Instructions to not place the Conditional Use Permit Request by Titan on any board meeting agenda until such reports are ordered and shared with the Board members.

I Leah C. Brantley, am providing a copy of this statement to each Board Member and request also that a copy be attached and entered into the minutes of tonight's meeting .

Chair Seward closed the Public Hearing.

Board comments:

- Debbie Jones (Stony Creek District) – Inquired about the number of vehicles per day on the stretch of the road.
- Rufus Tyler (Henry District) – Timeframe of Archaeological study completion.
- Wayne Jones (Wakefield District) – Main entrance off of Rte. 35; structure of road; tolerance of amount of traffic.
- Eric Fly (Courthouse District) – Inquired as to what the Traffic Impact Analysis (TIA) data do; citizens not having access to meeting because of the current situation.
- Susan Seward (Blackwater District) – Inquired of the average weight of truck leaving site; operation on Rte. 40 and broom tractor; vegetation and screening; full blown TIA; condition of road; road bond; drive on drive off scales at sites; entrance off of Rte. 35.
- Steve White (Tie Breaker) – owe that one (1) citizen due respect of research; plan if artifacts are found in regards to Nottoway and DHR; Archaeological study.

County Attorney Flynn stated that the applicant noted VDOT won't do a study or certain resources won't do a study; however, if a condition is directly related to the project, if the Board chooses, can asked for that to be done by the applicant at his expense.

A copy of Ms. Leah Brantley (Courthouse District) was provided to the Board, copy of letter sent to adjacent property owners and supporting documents (separate attachment) were provided to the Board.

Action on Public Hearing Item if any

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby delays action on Conditional Use Permit #2019-03 until applicants, Titan Mid-Atlantic Aggregates, LLC, completes Traffic

Impact Analysis to include the feasibility of an entrance on and off of Route 35 as opposed to Courthouse Road, and a Phase I Archaeological at which time the Board of Supervisors can reconvene a Public Hearing.

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

Voting nay: none

Absent during vote: Supervisor Johnson

Abstained: Supervisor Tyler

#### 4.03 Conditional Use Permit #2019-04, East Point Energy, LLC

Ms. Denise Nelson, of the Berkley Group, was present virtually to provide the analysis as far as the conditions of the site. Ms. Nelson provided the staff report for Conditional Use Permit #2019-14, Shands Energy Center LLC (owned by East Point Energy LLC), applicant.

The applicant seeks a conditional permit to construct and operate a battery energy storage facility on tax map numbers 64-(A)-21 (11.48 acres) and 64-(A)-23 (20.8 acres). The site in question (totaling approximately 32.28 acres), is located on the north side of Route 40 (Sussex Drive) adjacent to an existing Dominion Energy Substation in the Stony Creek Election District. The parcels are zoned A-1 General Agricultural.

The Planning Commission held a public hearing on November 4, 2019 to consider this request and voted (8 ayes, 2 nays) to forward the request for Conditional Use Permit #2019-04, Shands Energy Center LLC owned by (East Point Energy LLC), applicant, to the Board of Supervisors with a recommendation of approval subject to several conditions and new decommissioning cost estimate that will be provided by a third party engineering firm.

Ms. Nelson stated that applicant stated that this is a grid scaled standalone battery energy storage facility. The battery will be a Lithium-Ion. The battery storage area will be two (2) to three (3) acres in size and will setback 300 feet from Rte. 40. The battery will be stored in secondary containers similar o in size to shipping containers and anchored to concrete pads. Construction will take approximately 3-5 months. Life expectancy of the facility is perpetuity with the life expectancy of the batteries to be 20-25 years. The site will have a security fence and lighting.

The applicant will provide specific technical training with the County's Emergency Management staff to deal with possible incidents.

Ms. Nelson stated the Planning Commission's recommendation to approve the application several conditions and also with the condition of the requirement of another/new decommissioning cost estimate from a third party engineering firm be provided before the item goes to the Board of Supervisors. Additional conditions mimics conditions imposed on utility scale solar facilities adapted for battery storage facility.

Mr. Nelson stated that the applicant did acquire a third party decommissioning cost estimate. The third party cost decommissioning cost for the total project is estimated to be \$175,108.00 and a worst-case cost estimate of approximately \$343,680.00.

The request has been before Sussex county since the fall of 2019 and has gone through the initial public hearing review with the Planning Commission with subsequent recommendations. Due to a weather-related delay in February and the COVID-19 emergency the request has been delayed for public hearing before the board. During the intervening period, the Berkley Group surveyed the industry and battery energy storage systems to summarize best practices and prepare comprehensive conditions.

The Berkley Group also gave this applicant and other energy storage providers in the State to be sure these conditions are feasible and reasonable.

Ms. Nelson stated the updated additional conditions mimics the County's conditions imposed on utility scale solar facility more closely and included a special section on battery storage and staff training.

The Berkley Group had discussion with the County and has two (2) potential additional recommendations. The first recommendation is to require the applicant, owner or operator to conduct monthly onsite inspections of the battery unit and report on their conditions. If it is to be included in the conditions, it can be added to the end of Section 6 of Battery Storage as Item L. The second recommendation is if the battery fails, contaminate the ground, the applicant, owner or operator is responsible for remediation in a timely manner. This is already partially covered in Section 6, Item J. If there are still concerns, it is suggested to add the phrase "in a timely manner".

Ms. Nelson stated that the Board of Supervisors may exercise one of the following options:

1. Continue the public hearing to next month's regularly scheduled meeting. This would allow time for the board to study the conditions and address any additional items that could not be addressed at this hearing.
2. Close the public hearing and defer action until next month's meeting to provide the board additional time to study the conditions outlined.
3. Deny the request and provide reason for decision in writing.
4. Approve the request per the recommendations provided by the Planning Commission at their November 04, 2019 meeting and provide reason for decision in writing.
5. Approve the request with the new additional conditions outlined in the attached staff document on Pages 77-83 and provide reason for decision in writing.
6. Approve the request with the new conditions outlined in Pages 77-83 and have them amended based on the two (2) recent concerns if you want to add the new conditions then and provide reason for decision in writing

More detailed information was provided to Board members under separate cover of the regular Board packet.

Mr. Andrew Foukal, CEO and President, and Ms. Jayne Guthorn, Development Engineer, of East Point Energy were present.

Mr. Foukal gave a brief overview of East Point Energy's objective is to seek approval from the Board for a Conditional Use Permit for the Shands Energy Center, a battery storage project, under the existing ordinance definition of privately owned utility generation.

Mr. Foukal stated that East Point Energy, is the owner of Shands Energy Center, LLC is a battery storage project based on Charlottesville, Virginia. They are exclusively involved in battery storage projects. Their projects make the electrical grid more renewable, resilient, and affordable.

Mr. Foukal stated that battery projects enable two (2) things. He explained that battery projects use enables renewable energy sources such as rechargeable battery systems that store energy from the electric grid. He stated that they partner with utilities, landowners, and communities to deploy energy storage solutions to benefit the grid and our environment.

Battery project uses are to enable intermittent generation, renewable energy sources, to be flexible and dispatchable and reduce the need for fossil fuel resources to meet peak energy needs.

He gave a brief overview of their Management Team and previous experience of 60 Megawatt of utility-scale solar operating in Essex, Isle of Wight, Louisa, Middlesex, and Fluvanna in Virginia.

Ms. Guthorn gave a brief overview of the request for approval of Conditional Use Permit for a Battery Energy Storage System. Ms. Guthorn stated that the applicant's name. The landowner is Mrs. Ruth M. Pride. The parcel is zoned as A-1. The proposed use is privately owned utility generation (Section 34-217, 18b). The property is 30.28 acres. The project is approximately two (2) acres, located off Route 40 in Stony Creek and is going to interconnect at the Dominion Energy Virginia Distribution system at the Sapony Substation. The project site address is 13191 Shands Road, Stony Creek, Virginia.

The Site Plan was provided to the Board. Ms. Guthorn stated that there will be a minimum 25 feet offset from the adjacent properties. The project will be at 300 feet off Route 40.

Privately owned utility generation as defined by Section 34-217, 18b - of the Sussex County Zoning Ordinance, "If owned privately, utility generation, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewage installations, with a conditional use permit."

They believe this project falls under this Section by (1) providing public utilities by supporting the electrical grid with batteries; (2) privately owned, and (3) per the recommendation of Planning

Ms. Guthorn reviewed the CUP application timeline. Ms. Guthorn reviewed the project benefits to include increase in tax revenue for the County. The increase in tax revenues for the County in Year 1 is an estimated to be approximately \$345,000 based on estimated capital cost of \$19,404,000. She stated the break out is an estimate of \$15,000 Sales Tax to County and Schools and \$330,000 in Machinery & Tools Tax. Year 25 is an estimated total of taxes for project is

\$6,000,000. Ms. Guthorn stated that estimate was done by the Commissioner of the Revenue's office December 16, 2019.

Other benefits from this project are that it will improve local electrical reliability; support renewable energy projects in the area; and, will have minimal impact on county services (schools, roads, police, other public services).

Ms. Guthorn reviewed concerns that were came up. The configuration is up to 24 40-55' ISO containers mounted to concrete pads or pier. The life expectancy, in perpetuity, is similar to that of the existing substation as long as the equipment is maintained. For the buffers, will be utilizing the already existing vegetation. The project will minimize environmental impacts on property. The proliferation of battery projects in Sussex County is unlikely, because once you have one (1) battery in place, the value of another battery diminishes.

An example of a Battery Storage Project in Hawaii was provided showing the layout of containers, fences, existing vegetative screening buffer. She stated the decibel level will be similar to that the hum of refrigerator; you probably won't be able to hear the hum of the battery over the security fencing and shrubbery

Ms. Guthorn discussed safety in regards to safety for battery and energy storage facilities will be constructed, they will comply with the UL9540 Code standard for energy storage systems and equipment; National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems and clean agent suppression. All containers are equipped with HVAC systems for temperature control in the extremely unlikely event there would be a fire.

More detailed information on setbacks, screening and battery storage were provided in the presentation as well as an overview, key features and battery information of GE Energy Storage units.

#### Public Comments:

- Michael Kessinger (Wakefield District) - Inquiry of battery life and its replacement; disposal and retainage of battery.

Chair entered Public Hearing.

#### Board Comments

- Debbie Jones (Stony Creek District) – Number of battery storage projects applicant has constructed.
- Rufus Tyler (Henry District) – Inquiry of jobs provided for this operation.
- Wayne Jones (Wakefield District) – Inquiry of any underline/unforeseen costs that will trickle down to citizens that the citizen will have to pay or applicant absorbing the whole bill, not citizens.

- Eric Fly (Courthouse District) – Inquiry as to whether battery facility connected to or affiliated to Sappony or Amazon Solar; inquiry of awareness of solar farm never pursuing solar battery; inquiry of battery dangerous; why was Sussex County chosen for this project; in regards to response - inquiry of substations near solar farms; does batteries have to be cooled and how; if system fails, what is the backup.
- Susan Seward (Blackwater District) – Inquiry of no generator back up if internal cooling system fails; average battery storage 2 – 4 hours, 6 hours at the most; not storing energy for future use; inquiry/concerns of initial application of training for fire and rescue; modulating power to grid; battery risks/damages; batteries taxed exempt Machinery & Tools Schedule after 10 years; inquiry of placing battery storage next to smaller substation/solar farm instead of bigger substation/solar farm to come; CUP conditions Road Construction Mitigation Plan, Condition #2, Item 2 – Road bonds; handling of road damage, if any; inquiry of payment of third party E & S and Stormwater management plan review; how long construction takes; how many people would be disturbed who lives nearby; inquiry of anticipation of transferring to Dominion Power; will applicant hold project until it is assumed by Dominion or flip project; business plan to flip project to company other than Dominion.
- Steve White (Tie Breaker) – Safety; how was Sussex chosen for project; applications to other counties for projects.

*Chair Seward noted to add to Item G. “the applicant should reimburse the County for an independent third party review of any site plans, Erosion and Sediment control plans, Stormwater Management Plans and Construction Plans.*

A copy of the East Point’s PowerPoint presentation was provided to the Board.

Chair Seward closed the Public Hearing.

#### Action on Public Hearing

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby defers action until next month’s Board meeting to provide the Board additional time to study the conditions outlined. All Board members present voted aye.

### **5. Appointments**

#### 5.01 Appointment to Social Services Board

The terms of Ms. Jannette Green (24114 Cabin Point Road, Disputanta, VA 23842) and Ms. Gayle Bain (35096 Old Wakefield Road, Waverly, VA 23890) are due to expire June 30, 2020.

Staff has contacted both. Both are willing to continue to serve, if reappointed. If reappointed, both terms will expire June 30, 2023.

Mr. Norfleet Givens’ term on the Social Service Board will expire June 30, 2020, as well. However, Mr. Givens’ has served two (2) consecutive terms and is not eligible to be reappointed.

The Board will have to make an appointment to fill this vacancy. Mr. Givens is in the Henry District.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Ms. Jannette Green (24114 Cabin Point Road, Disputanta, VA 23842) and Ms. Gayle Bain (35096 Old Wakefield Road, Waverly, VA 23890) to the Social Services Board, both with a term expiring June 30, 2023. All Board members present voted aye.

#### 5.02 Housing Oversight Board

At its April 16, 2020 Board meeting, Ms. Charlene Pope, 8593 Harrell Mill Road, Waverly, VA 23890, was recommended for appointment to the Housing Oversight Board to fill one of the citizen representation vacancies; however, no vote was taken to appoint Ms. Pope. As a result, this item is being revisited to make the appointment.

Per confirmation with Ms. Drew, there is another vacancy for citizen representation on the Housing Oversight Board. Supervisor W. Jones has recommended Ms. Darlean Whiting, 240 Pine Street, Wakefield, VA 23888 for appointment to the Housing Oversight Board.

Both are longtime residents of Sussex County.

For informational purposes, the Housing Oversight Board ByLaws states that voting Board membership shall consist of three (3) citizen members who are residents of and domiciled in the County of Sussex, Virginia.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Board appoints Ms. Charlene Pope, 8593 Harrell Mill Road, Waverly, VA 23890 and Ms. Darlean Whiting, 240 Pine Street, Wakefield, VA 23888 to the Housing Oversight Board as citizen representatives. All Board members present voted aye.

#### 5.03 Appointment to the Industrial Development Authority Board of Directors (2)

This item was tabled from the Board's May 21, 2020 regular Board meeting.

The term of Mr. Chester Carter, Post Office Box 505, Stony Creek, Virginia 23882, on the Industrial Development Authority (IDA) Board of Directors expired May 15, 2020. Staff has contacted Mr. Carter. He is willing to continue to serve if reappointed. Mr. Carter's term will be effective immediately, expiring May 15, 2024 should he be reappointed.

Ms. Ann Dix is no longer serving on the IDA Board of Directors. Ms. Dix's term has expired. An appointment will need to be made to fill this vacancy, for a term ending May 15, 2023.

The Industrial Development Authority (IDA) Board of Directors is composed of seven (7) Directors, appointed by the Board of Supervisors serving terms of four (4) years.

A copy of Mr. Carter's confirmation letter, dated April 1, 2020, a copy of IDA Board of Directors Members, and a copy of IDA Bylaws were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried:  
RESOLVED that the Sussex County Board of Supervisors hereby tables the appointment to the Industrial Development Authority Board of Directors. All Board members present voted aye.

#### 5.04 Appointment to the Building Code Appeals Board

The term of Mr. Meade Fronfelter, Post Office Box 65, Waverly, VA 23890, on the Building Code Appeals Board is due to expire June 30, 2020. Staff has contacted Mr. Fronfelter. He is willing to continue serve, if reappointed. If reappointed, his term will expire June 30, 2023.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried:  
RESOLVED that the Board reappoints Mr. Meade Fronfelter, Post Office Box 65, Waverly, VA 23890, to the Building Code Appeals Board with a term expiring June 30, 2023. All Board members present voted aye.

#### 5.05 Appointment to the John Tyler Community College Board

This item was on the May regular Board meeting agenda. The Board was advised that Dr. Mary Wilson's term as the representative for Sussex County is due to expire on the John Tyler Community College (JTCC) Board on June 30, 2020. Supervisor Tyler recommended Ms. Lisa Winfield. He will provide Ms. Winfield information at the Board meeting.

The member shall be a resident in the region to be served by the community college and shall include persons from various businesses, industries, and professions in the region being served by the community college.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried:  
RESOLVED that the Sussex County Board of Supervisors hereby tables the appointment to the John Tyler Community College Board. All Board members present voted aye.

#### 5.06 Appointment to the Virginia's Gateway Region

At its April 16, 2020 regular Board meeting, two (2) terms were available for reappointment to the Virginia's Gateway Region (VGR) Board of Directors. One (1) reappointment was made; however, no vote was taken to reappoint Mr. Rex Davis, as it is his desire to continue to serve on Virginia's Gateway Region Board of Directors.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FLY and carried:  
RESOLVED that the Sussex County Board of Supervisors reappoints Mr. Rex Davis of 612 Brentmoore Drive, Glen Allen, VA 23859 to the Virginia Gateway Board of Directors with a term expiring February 28, 2021. All Board members present voted aye.

### **Item 6. Action Items**

## 6.01 Approval of Adoption of Continuity of Government Operations

On March 12, 2020, Governor Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia as a result of the novel Coronavirus (COVID-19) pandemic. The Board of Supervisors on March 27, 2020 approved and adopted the emergency ordinance under Section 15.2-1413 of the Code of Virginia concerning the continuity of government operations which was only in effect for 60 days.

It is the request of Administration that the Board readopt as a regular Ordinance for the Continuity of Government Operations, under Section 15.2-1413 of the Code of Virginia, in which the ordinance will be in effect for six (6) months.

This ordinance will allow for all electronic meetings and public hearings. The Board is currently holding electronic meetings; however, there is a physical quorum present with partial remote participation under the County's Remote Participation Policy.

A copy of the Continuity Government Ordinance and a copy of the advertisement were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and re-adopts the Ordinance, approved by the Board on March 27, 2020, as a regular ordinance concerning continuity of government operations during the declared covid-19 pandemic under section 15.2-1413 of the Code of Virginia to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with pandemic disaster, to-wit:

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 27, 2020, the Board of Supervisors confirmed the declaration of local emergency made by the local director of emergency management on March 17, 2020; and

WHEREAS, the Board finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including providing public notice using the best available method given the nature of the emergency and public access, that members of Board may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government and the performance of essential governmental functions; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Sussex County Board of Supervisors:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Board of Supervisors, the School Board, the Planning Commission, Board of Zoning Appeals, Board of Equalization and all local and regional boards, commissions, committees and authorities created by the Board of Supervisors or

to which the Board appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

2. That the Board recognized that public bodies that are separate and distinct legal entities from the County may be required to adopt their own procedures or policies to address this situation and the Board cannot necessarily commit or bind such other public bodies under this Ordinance.
3. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government and the performance of essential governmental functions during this emergency and disaster:
  - a. Any meeting or activities which require the physical presence of members of the Public Entity may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
  - b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
  - c. Any such electronic meeting shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
  - d. Any such electronic meeting conducted pursuant to this Ordinance shall be open to electronic participation by the public and closed to in-person participation by the public; and
  - e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity during or before the electronic meeting and made part of the record for such meeting; and
  - f. The minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to

meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and non-essential action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that each incorporated town within the boundaries of Sussex County is encouraged to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government.

IT IS FURTHER ORDAINED, that the provisions of this Ordinance shall remain in full force and effect for 6 months, unless it is adopted as an emergency ordinance, in which case it shall remain in effect for 60 days, unless amended, rescinded or readopted by the Board in conformity with the notice provisions set forth in Virginia Code §15.2-1427. Upon rescission by the Board or automatic expiration as described herein, this emergency ordinance shall terminate, and normal practices and procedures of government shall resume.

Nothing in this Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

This ordinance shall be effective upon its adoption.

<sup>1</sup> If this Ordinance is adopted with the standard public notice required of counties pursuant to Va, Code 15.2-1427 (publication once a week for two consecutive weeks in newspaper of local circulation) then this is NOT an emergency ordinance and will remain in effect for up to six months as authorized under Va. Code 15.2-1413. If, however, the Board adopts this Ordinance without such public notice, then it is deemed an Emergency Ordinance, and only remains in effect for 60 days pursuant to Va. Code 15.2-1427.

## 6.02 Berkley Group Non-Professional Services Contract

On January 25, 2020, the Sussex County Board of Supervisors approved a contract on an emergency basis with Berkley Group for administrative services and on a cooperative procurement basis for planning director services for the County. In addition the Board authorized the appropriation from Fund Balance to fund the contracts for those services for Fiscal Year 2020.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby maintains the services of the interim county administrator until September 1, 2020; and

FURTHER RESOLVED that the service for the interim planning director is hereby extended for 12 months unless otherwise amended, with both being funded from the General Funds. All Board members present voted aye.

### 6.03 COVID-19 Small Business Relief Micro-Grant Contract

The COVID-19 shut down and forced closure of non-essential businesses has severely impacted small businesses in Sussex County, particularly in the retail, restaurant, and travel-related sectors. The purpose of the Small Business Relief Micro-Grant program would be to provide some immediate financial resources to the Sussex County small businesses hit hardest by the forced economic shut down due to the COVID-19 pandemic.

There was inquiry of whether three (3) of the Board members should abstain if applying for funds and whether Mr. White, the Tie Breaker, would have to break the tie. County Attorney Flynn stated that Board members should disqualify themselves if applying for funds. If the remaining three (3) Board members vote aye, it will be a unanimous vote. County Attorney Flynn also stated that any person disqualifying themselves, must also state the nature of the disqualification.

A Finance Department Staff Report that was provided to the Finance Committee was included in the Board packet.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby budgets, appropriate, and transfer \$100,000-\$150,000 from the Coronavirus Relief Fund CARES Act funding received from the Commonwealth of Virginia to the Industrial Development Authority of Sussex County for a COVID-19 Small Business Relief Micro- Grant Program and authorize the County Administrator to execute all required documents, duly approved by the County Attorney, to implement the micro-grant program.

Voting aye: Supervisors Johnson, D. Jones, Seward

Voting nay: none

Abstained: Supervisors Fly, W. Jones, Tyler

Supervisor Tyler stated that he is the Director of the Improvement Association with 10 or more employees who is paid more than \$10,000. There is a possibility that the Improvement Association may consider applying for the loan. For this reason, he is abstaining from voting.

Vice Chairman Jones stated he is a one (1) employee small business owner in the Town of Wakefield. He may not, but there is a possibility that he may apply for the loan. For the reason stated, he is abstaining from voting.

Supervisor Fly stated that he is abstaining because he represents an employee that pays him more than \$10,000 in the given calendar year and will apply for the funds.

### 6.04 Transfer of Victim Witness Director Position

Interim County Administrator stated that the Victim Witness Department currently follows County Administration policies and is supervised by the County Administrator. There was discussion of the supervision of this position by the County Administration office and was recommended to transfer this position to the Commonwealth's Attorney's office.

A copy of the draft resolution for the Transfer of the Victim Witness position was included in the Board packet.

ON MOTION OF SUPERVISOR , seconded by SUPERVISOR and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the transfer of the Victim Witness Department from under County Administration to the Commonwealth Attorney's office by the following resolution, to-wit:

WHEREAS, the Victim Witness Coordinator provides services solely within the office of the Commonwealth's attorney; and

WHEREAS, the coordinator position is set out as being managed by the county administration, but should be managed by the Commonwealth's attorney.

NOW, THEREFORE, be it resolved by the Board of Supervisors that the management and control of the position of Victim Witness Coordinator shall be transferred to the Sussex County Commonwealth's Attorney.

BE IT FURTHER RESOLVED that this action shall not affect any financial support the County provides the office of the Commonwealth's attorney.  
All Board members voted aye.

#### 6.05 Adoption and Appropriation of the FY21 Operating & the FY21-FY25 Capital Improvement Plan

There was discussion of items to discuss relative to the adoption of the budget. Those items included the Waverly Pool, the Improvement Association, and the Airfield 4-H Conference Center.

Chair Seward stated that the Board has had requests from the Improvement Association in the past couple of years for funding for teachers. Chair Seward stated that the Improvement Association currently receives \$64,000 from the County. The Improvement Association's request is for an additional \$43,000 for teachers' salaries due to losing teachers to competing localities.

There was discussion of landfill revenue that was received in the current fiscal year.

There was discussion of making a supplemental allocating funding from the current budget to keep from having to rebalance budget for upcoming fiscal year.

Supervisor Tyler stated that he is the Director of the Improvement Association with 10 or more employees who is paid more than \$10,000. He will be abstaining and not be voting.

Supervisor Fly stated that he represents a client, the 4-H Southeast Educational Center and is paid more than \$10,000. He will be abstaining and not be voting.

Supervisor Fly stated that the 4-H Southeast Educational Center requesting all localities who support them for an additional \$10,000 to be added to their budget

Supervisor Tyler discussed losing good teachers and educating children during early childhood.

Supervisor Johnson agreed and was in support of providing the \$40,000 to the Improvement Association.

There was discussion of funding being a one-time allocation to the Improvement Association.

Ms. Deste Cox, Treasurer, explained that any funding not appropriated this fiscal year will automatically rollover in the Fund Balance at the end of the fiscal year and forward in the General Fund. Any allocations will have to come from the Fund Balance because that's where the overage is.

ON MOTION OF SUPERVISOR JOHNSON, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves funding the Improvement Association \$40,000 in the current fiscal year from the Fund Balance.

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

Voting nay: none

Abstained: Supervisors Fly, Tyler

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates funding the Airfield 4-H Southeast Education Center \$10,000 in the current fiscal year from the Fund Balance.

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

Voting nay: none

Abstained: Supervisors Fly, Tyler

Mr. Malcolm Manning and Mr. Ricks, of Sussex County Youth and Adult Recreation Association, were virtually present.

Mr. Manning gave a brief overview. He noted that it would take approximately \$89,000 to reopen the pool. He stated that they have reached out to vendors but haven't gotten any responses. Mr. Manning stated that SCYARA is requesting to be considered to be put in the budget for the pool for Sussex County children.

There was inquiry of liability of insurance for the Waverly Pool. There was items to get pool open such as lighting.

There was discussion of working with the Improvement Association to have kids transported to the Airfield 4-H Southeast Education Center to use of swimming pool.

A handout regarding the Waverly Pool was provided to the Board members.

Supervisor W. Jones made a motion, seconded by Supervisor D. Jones, to transfer funding from the SCYARA line item to other recreation organizations.

There was discussion of why funding was being transferred from SCYARA line item to other organizations. It was discussed of the possibility of other funding for the pool for the entire \$89,000. There was discussion of someone else taking ownership of the Waverly Pool if other funding sources were found.

A copy of Ordinance #2020-07 FY2021 Adopted Budget and Ordinance #2020-08 FY2021-2025 Capital Improvement Plan were provided to the Board members.

Supervisor Fly offered a substitution motion.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby transfers funding from the Sussex County Youth and Adult Recreation Association (SCYARA) in the amount of \$6,000 to the Unallocated Recreational Fund Account.

Board members present: Fly – aye; D. Jones – aye; W. Jones – aye; Seward – aye; Tyler – nay.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES, and carried: RESOLVED the Sussex County Board of Supervisors hereby adopts and appropriates the FY21 Operating Budget in the amount of \$37,625,889 & the FY21-FY25 Capital Improvement Plan in the amount of \$417,132.

Voting aye: Supervisors Fly, Johnson, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

#### 6.06 Laying of Tax Levy for Calendar Year 2020

Interim County Administrator Hughes stated that there were no increase in taxes; therefore, there was no change in levy for Calendar Year 2019. The levy was properly advertised and the public hearing was held April 18, 2019.

A copy of Ordinance No. #2020-09 Calendar Year 2020 Tax Rates was provided to the Board.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and adopts Ordinance #2020-09 for the laying of levy on for Calendar Year 2020, to-wit:

WHEREAS, it is necessary for the Board of Supervisors to establish real estate and personal property tax levies for the County of Sussex for calendar year beginning January 1, 2020 and ending December 31, 2020; and

WHEREAS, the Board has duly advertised and held a public hearing on the subject of tax levies;

NOW, THEREFORE, BE IT ORDAINED by the Sussex County Board of Supervisors this 18<sup>th</sup> day of June, 2020, that the following County tax levies be, and they hereby are, imposed for the calendar year 2020:

<u>Class of Property</u>	<u>Rate Per \$100 of Assessed Valuation</u>
Real Estate (including Public Service Corporations)	\$0.58
Mobile Homes	\$0.58
Machinery & Tools	\$2.43
Merchant's Capital	\$1.00
Fire & Rescue	\$2.43
Tangible Personal Property (including Public Service Corporations)	\$4.85

All Board members present voted aye.

6.07 Adoption and Appropriation of the FYE20 Encumbrances

There was inquiry as to the amount of the FYE20 Encumbrances.

Ms. Kelly Moore, Director of Finance, explained that June 30, 2020

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the FYE20 Encumbrances for existing bills due and payable with appropriate balances as of June 30, 2020.

Voting aye: Supervisors Fly, Johnson, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

6.08 Rural Solar Development Coalition

Chair Seward stated that she would not be voting on this item; however, she will explain it.

Chair Seward stated that she is recommending that Sussex County join the Rural Solar Development Coalition. It is a advocacy group that is representing rural local government at the General Assembly before the regulatory agencies, such as the FCC and State Department of Taxation, on solar development in rural Virginia.

Chair Seward stated that she is involved in the Rural Solar Development Coalition. The Coalition was formed in late March. There is three people in the group. There is a joining fee of \$5,000 per locality. She stated that she has had Jeff Gore, one of the County's Attorney, to prepare the contract addendum to make it clear that she will not receive any of Sussex County's money. She will be working for the Coalition on behalf of other member localities.

She noted the advantage of spending \$5,000 to join this group is the group was successful in getting things from the General Assembly that allows localities to make money from the solar farms such as permits. The group helped pass the Revenue Share and the Machinery and Tools Tax Step Down.

Chair Seward shared the contract addendum with the Board members.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR W. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the \$5,000 membership to join the Rural Solar Development Coalition.

Voting aye: Supervisors Fly, Johnson, D. Jones, W. Jones, Tyler

Voting nay: none

Abstained: Supervisor Seward

## **7. Reports of Departments**

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

7.02 Animal Services Report – *included in Board packet*

7.03 Community Development Report – *included in Board packet*

7.04 Environmental Inspections Monthly Report – *included in Board packet*

7.05 Public Safety Report – *included in Board packet*

Mr. Foster reported that a portable COVID-19 June 29, 6-7:30 p.m. in Waverly Parking Lot.

Gave a brief update of COVID cases and change in protocol.

7.06 Housing Department Monthly Report – *included in Board packet*

7.07 Sheriff's Department Report – *included in Board packet*

7.08 Finance Department Report– *included in Board packet*

## **8. Citizens' Comments**

- Mike Kessinger (Wakefield District) – Fire and Rescue Association Capital Improvement Plan; Waverly rally.

## **9. Unfinished Business**

There was no Unfinished Business.

## **10. New Business**

There was no New Business.

## **11. Board Member Comments**

11.01 Blackwater District – Read email from Mayor of Waverly. Talked with new administrator at Waverly Nursing Home (Accordius) (COVID-19; will visit Waverly Nursing Home. Nursing home reporting aggregate data.

11.02 Courthouse District – none

11.03 Henry District – none

11.04 Stony Creek District – none

11.05 Wakefield District – none

11.06 Waverly District – Good night.

## **12. Closed Session**

There was no Closed Session.

## **13. Adjournment**

### 13.01 Adjournment

ON MOTION OF SUPERVISOR W. JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the June 18, 2020 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 11:00 p.m. All Board members present voted aye.

### 13.02 Next Meeting

The next regular Board of Supervisors meeting will be held on Thursday, July 16, 2020 at 6 p.m. in the Sussex Social Services Conference Room, 20103 Princeton Road, Sussex, Virginia 23884 and via County website.