

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, March 17, 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:

Deborah A. Davis, County Administrator
Vandy V. Jones, III, Deputy County Administrator
Mark Flynn, County Attorney
John Paul Woodley, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk to the Board
Deste J. Cox, Deputy Treasurer
Andre M. Greene, Director of Community Development
William Jenkins, General Registrar
Valarie Ricks-Patterson, Lieutenant
Eddie T. Vick, Public Safety Coordinator
Marycarol C. White, Financial Consultant
Gary M. Williams, Clerk of the Circuit Court
Onnie L. Woodruff, Treasurer

1. Commencement

1.01 Call to Order/Determine Quorum

The March 17, 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

It was requested to add under item 6. Action Items as 6.09 Initial Discussion of Consideration of a Location Change of Sussex County Board of Supervisors Meeting; add as 6.10 The Personnel Committee Report; and add as 6.11 Proposed Rates for Sussex County Health Insurance Coverage.

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved March 17, 2016 regular agenda inclusive of the requested agenda amendments.

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

Voting nay: none

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 February 18 and March 7, 2016 meetings; (b) Approval of Warrants and Vouchers; (c) Appropriations of Funds from VDEQ for the Litter and Recycling Grants; and, (d) the Proclamation for the American Cancer Society's Relay for Life for Sussex County.

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

Voting nay: none

Chairman Blowe welcomed legal counsel for Sussex County, Attorneys Mark Flynn and John Paul Woodley of Woodley & Flynn of Richmond. Attorney Flynn stated that he has been a local government attorney since 1982. Attorney Woodley has a focus in environmental issues such as landfills. They both are excited to work as part of a team to help move the County forward by serving its citizens.

County Administrator Davis welcomed Ms. Carol White as Sussex's Financial Consultant. Ms. White stated that she has been working with state and local government since 1981. Ms. White stated that she has spent 21 years as an auditor for the state. She's spent the last years working exclusively for local governments. She now works directly for Minor & Associates.

3. Recognitions/Awards

3.01 Recognition of VDOT Employees

Supervisor Futrell recognized Mr. Joe Lomax and Mr. Keith Crocker of the Virginia Department of Transportation, along with the VDOT crew, for doing such an outstanding job with clearing the roads for the safety of the citizens and employees of Sussex County during the snowstorm back in January.

Copies of the letters from Supervisor Futrell were included in the Board packet.

4. Public Hearing(s) – none

5. Appointments

The terms of Ms. Terry Massenburg, Mr. Steve White and Mr. Robert Young as a members of the Sussex County Planning Commission will all expire on April 30, 2016. Each member is eligible for reappointment. Each member has been contacted and has agreed to serve again if reappointed.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoints Ms. Terry Massenburg, Post Office Box 330, Stony Creek, VA 23882; Mr. Steve White, Post Office Box 641, Jarratt, VA 23867; and, Mr. Robert Young, Post Office Box 133, Stony Creek, VA 23882 to the Sussex County Planning Commission, all with terms expiring April 30, 2020.

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

Voting nay: none

6. Action Items

6.01 Finance Committee Recommendations

Supervisor Fly advised that the Finance Committee has two (2) recommendations which are to delay the purchase of a rescue squad and postpone the renovations of the old County Administration building. Those recommendations are included in the resolution.

A copy of the schedule of appropriation adjustment for expenditures was included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the resolution, to-wit:

WHEREAS, the Finance Committee of Sussex County met on March 7, 2016 to review the current operating budget for Sussex County; and

WHEREAS, the Finance Committee met to bring recommendations to the Sussex County Board of Supervisors as to ways to bring the budget more in balance for the current fiscal year end 2016; and

WHEREAS, the Finance Committee met to adjust appropriations in the General Ledger to provide better financial reporting through the General Ledger,

NOW THEREFORE BE IT RESOLVED, that the Sussex County Finance Committee makes recommendation to the Sussex County Board of Supervisors to approve the attached schedule of appropriation adjustment for revenues with a net decrease of \$168,981.53 and

to approve the attached schedule of appropriation adjustment for expenditures with a net decrease of \$235,228.00, thereby increasing revenues over expenditures \$66,246.47 with this resolution.

BE IT FURTHER RESOLVED that the Finance Committee recommends that the \$20,000.00 net savings from the rescue vehicle be moved to the rescue vehicle escrow account.

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

Voting nay: none

6.02 County to Conduct Independent Environmental Sampling to Protect the Nottoway River

Supervisor Fly stated there has been at least one environmental group that has claimed the leakage from the landfill is damaging the Nottoway River.

Supervisor Fly stated that he wanted to start a discussion to see if it would prudent to start an independent sampling of the Nottoway River to protect the portion of the river located in Sussex County to dispel any rumors that the Nottoway River is being damaged.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorize the county administrator to work with the county attorneys to develop a plan to move forward to do independent sampling of the Nottoway River and review contracts.

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

Voting nay: none

6.03 Declaration of Party Affiliations during Primary Elections

Supervisor Fly reported that several citizens were concerned with their declaration of party affiliations during the primary election.

Mr. Bill Jenkins, General Registrar, reported that Virginia is an open primary. Each voter has the choice to participate in the Democratic or Republican primary; however, a voter may not vote in both primaries held on the same date. The choice to vote in a party's primary does not register the voter for that party.

Mr. Jenkins explained that the voter's choice of candidate is private/unknown; however, the voter has to declare which primary election he/she wish to vote—Democratic Party Primary or Republican Party Primary.

Mr. Jenkins provided the Board members with the State code regarding primary elections and the Dual Primary Instructions issued by the Virginia Department of Elections.

6.04 Review of County's Response to Tornado in Waverly

Mr. Eddie T. Vick, Public Safety Coordinator, reported that on February 24, 2016, an EF-1 Tornado struck the Town of Waverly at approximately 2:45 p.m. The tornado took the lives of three (3) residents, injured eight (8) others and affected 56 properties. Forty-two (42) had minor damage, eight (8) had major damage, and six (6) were destroyed. Some of the businesses were effected; some are still closed. All efforts are being made to restore the Town of Waverly back to pre-disaster condition and/or return to a new, better normal.

Mr. Vick reviewed the After Action Review of the EF-1 Tornado which included the method used. Mr. Vick reported that the safety of the public was the first priority. The second step was the restoration of services such as restoring power and utilities and returning families/residents to their homes—which included putting tarps on homes until permanent repairs were completed. Clearing the roads was the third step.

Mr. Vick reported the Emergency Operation Center (EOC) and the Town of Waverly worked together. Meetings were held twice a day to keep media and citizens updated. He advised that the County’s Waverly Office building—the Housing Office location—is designated as the EOC.

Due to the forewarning of the possibility of the tornado, there were concerns regarding the unavailability of emergency shelters for citizens living in mobile homes, etc. Mr. Vick reported that Social Services is the lead agency for providing emergency shelter. However, there was no one identified as “needing” emergency shelter. Staff will research providing emergency shelter in the future when there is a threat or possibility of a tornado.

Mr. Vick also reported that the warning time for tornadoes are different from hurricanes, floods, etc. Reverse 911 wasn’t used in this case. The Reverse 911 system only calls landline phones. Mr. Vick reported that there may be an update available for the 911 system that would allow citizens to call and have their phone numbers added to a call list. There was also discussion of providing additional public service notice on the County’s website to inform or provide information to citizens.

There was also discussion of the process of tracking different groups, organizations or individuals working and/or helping in the County when disasters occur.

The After Action Review (AAR) of the EF-1 Tornado was included in the Board packet.

Mr. Vick and Deputy County Administrator Jones were tasked with providing a report to the Board regarding the issue of communication, early warning and the understanding of who is in the County working during these disasters.

6.05 Former Ellen Warren Chambliss Elementary School Mobile Units

Supervisor Stringfield reported that First Baptist Church located in Wakefield, Virginia is interested in the mobile units located at the former Ellen Warren Chambliss Elementary School located in Wakefield, VA as well. He also stated that he was aware that the Airfield 4-H Conference Center was interested in two (2) mobile units as well.

It is Supervisor Stringfield's request that the County donate these mobile units located at the former Ellen Warren Chambliss Elementary School to the organizations previously mentioned.

County Attorney Flynn advised that State Code 15.2-953 prohibits any town, city or locality from making a contribution of personal property to any church or sectarian society.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the county administrator and the county attorney to proceed to move forward to work out the details for the donation of the mobile units at the former Ellen Warren Chambliss School to the Airfield 4-H Conference Center and the sale of the mobile units to First Baptist Church.

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

Voting nay: none

6.06 Sussex County Audit

Supervisor Tyler stated that it his understanding that the County has not requested bids for audits. Supervisor Tyler stated that is recommended that the practice of bids for audits is done every five (5) years.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes county administration to do Request for Proposals (RFP) for bids for audits for the County.

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

Voting nay: none

6.07 Request to Transfer Funds from Administration to Public Safety

County Administrator Davis reported that in the current year's operating budget, the Board approved \$22,413.00 in the Part Time line item for County Administration, in the event that we needed to hire some part time employees to assist with administration and finance work. Staff was able to work with those employees currently on board.

We are now looking to hire a Director of Environmental Inspections who will also be trained to as the backup staff to the Public Safety Coordinator. The Director of Environmental Inspections salary will be reimbursed by those funds that the County receives annually from Atlantic Waste Disposal. However, the time that he/she spends training and/or performing public safety duties must be derived from the Public Safety/Emergency Services budget.

Therefore, staff is requesting a transfer of \$15,000.00 from 021100-1118-211-210 (Administration Salaries and Wages - Part time) to Emergency Services Salaries and Wages Regular 021500-1111-253-210 to offset the salary.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the request from the County Administrator to hire a Director of Environmental Inspections and the possibility of back-up staff to the Public Safety Coordinator be sent to the Personnel Committee.

A substitute motion was offered.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the county administrator to proceed with the hiring of the Director of Environmental Inspections per the County's arrangement with Atlantic Waste; and

FURTHER RESOLVED that the position of back-up staff to the Public Safety Coordinator be sent to the Personnel Committee for review.

A second substitute motion was offered.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby sends the hiring of the Director of Environmental Inspections back to the county administrator; and

FURTHER RESOLVED that the position of back-up staff to the Public Safety Coordinator be sent to the Personnel Committee for review.

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

Voting nay: none

6.08 Tornado Disaster Relief Funds

County Administrator Davis reported that staff understands there have been some inquiries regarding whether the county can provide assistance directly to individuals or businesses affected by the recent tornado. We want to temper expectations on the disbursement of the funds so Board members do not create expectations in the community that cannot be met.

Mike Kaestner (former County Attorney) states that the Virginia Constitution and Code of Virginia both limit the types of entities and individuals to whom the county can make donations and gifts. Generally speaking, localities cannot grant funds to private individuals and entities. There is clear authority, however, for localities to make contributions to certain charitable organizations. There are also tools at your disposal to be able to ensure the funds are used for appropriate purposes and decisions are made sensibly so the County does not completely give up oversight if it does not wish to.

From a policy perspective, the Board is not well situated to evaluate actual and purported victims' true need for assistance. This is particularly true when the requests come from second hand information and without any kind of formal process. Mr. Kaestner also advised that given this, he would be concerned if those who receive financial assistance are the ones who can curry support from a majority of the Board. Avoiding such preferential

treatment is among the policy justifications for why localities cannot provide direct financial assistance to private citizens and entities.

As of this writing, the Treasurer's Office had collected \$34,451.00.

After much discussion, Chairman Blowe recommended that County Administrator Davis and County Attorney Flynn research this matter further and, table this item until the April 21, 2016 Board of Supervisors meetings.

SUPERVISOR FLY made the motion for the Board of Supervisors to allocate money to the Waverly Fire Department and allow the Waverly Fire Department to put money out there as they see fit.

No one seconded the motion.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes that the distribution of the Tornado Disaster Relief Refunds be tabled until the April 21, 2016 Board of Supervisors to allow staff and county attorney to continue to work on options.

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

Voting nay: Fly

6.09 Proposed Location Change for the Board of Supervisors

County Administrator Davis reported that Chairman Blowe has requested that staff research the possibility of changing the location of future Board of Supervisors meetings to the School Administration Building (specifically the School Board meeting room). Staff reached out to the School Administration staff, but found that using the School Board meeting room is not feasible at this time.

Chairman Blowe also reached out to Superintendent of Schools, Dr. Arthur Jarrett, and after deliberation, Dr. Jarrett advised that Board of Supervisors meetings may be able to be held at the Middle School.

Staff has not had the opportunity to view the area where Dr. Jarrett and Mr. Blowe discussed and therefore is not prepared to make a recommendation at this time. Also, if this change takes place, and advertisement must be placed in the local newspaper noting the change in location.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorize the county administrator to bring additional information on the Board meeting site at the Sussex Middle School to determine if it's an appropriate site to have Board of Supervisors meetings.

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

Voting nay: Supervisor Fly

6.10 Personnel Committee Report

Supervisor Tyler reported that the Personnel Committee met on March 17, 2016 prior to the Board meeting. The Committee reviewed the Personnel Policy for updates and compliance.

Supervisor Tyler reported that the Personnel Committee recommends that County Administration develop an Economic Development Policy. This policy will authorize County Administration to submit general information on economic development efforts to the Board of Supervisors.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby accept recommendation from the Personnel Committee that the Personnel Committee will work with County Administration to develop a policy that will address the process of submitting general information on economic development efforts to the Board of Supervisors.

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

Voting nay: none

6.11 Health Insurance

County Administrator Davis reported that there has been some increase in the County's health care coverage. Information was provided for review to the Board in regards to the budget.

County Administrator Davis advised that Open Enrollment begins May 1, 2016.

This item was referred to the Finance Committee for further review and recommendation to the Board. The County Administrator was tasked with surveying surrounding counties health insurance coverage.

7. Reports of Departments/Agencies

7.01 Blackwater Regional Library Report – *included in Board packet.*

7.02 Public Safety Report – Eddie T. Vick, Public Safety Coordinator – *included in Board packet.*

7.03 Treasurer's Report – *included in Board packet.*

7.04 Community Development Monthly Report – *included in Board packet.*

7.05 Environmental Inspections Monthly Report – *included in Board packet.*

7.06 Housing Programs Monthly Report – *included in Board packet.*

7.07 Atlantic Waste Disposal Update

Lisa Kardell, Director of Government Affairs, reported the following update for Atlantic Waste Disposal:

- Phase I Cap –
Cell 6 runout liner work is in progress and expect completion by end of March.
Underdrain conveyance piping is in progress and first pump installed.
- Phase II Cap –
Design is 98% complete
Stormwater controls installed
Gas and liquid collection systems cleaned regularly and operational
- Phase III Cap –
Design is 50% complete
Gas and liquid collection systems in place, with upgrades planned
- Waste Water Treatment Plant (WWTP) –
Hydrostatic testing of the storage tanks in progress
Site and foundation work for tanks in progress
Stormwater control installation on-going

John Dontellas, Engineering Manager Atlantic Waste Disposal, was present and answered questions of the Board members.

8. Citizens' Comments (9:03 pm)

Comments were heard from:

- Meade Fronfelter (Courthouse District)
- Anne H. Joyner (Wakefield District)
- Carolyn Cooper Wright (Courthouse District)
- Damian Bennett (Waverly District)
- Gerald Johnson (Waverly-SCYMAC)
- Lou Savedge (Courthouse District)
- Otto Wachsmann (Stony Creek District)
- Heidi B. (last name was inaudible) (Courthouse District)
- Kevin Bracy (Courthouse District)

9. Unfinished Business – none

10. New Business - none

11. Board Member Comments

11.01 Blackwater District – Comments were heard from Vice Chair Seward.

11.02 Courthouse District – none

11.03 Henry District – none

11.04 Stony Creek District – Comments were heard from Chairman Blowe.

11.05 Wakefield District – Comments were heard from Supervisor Stringfield.

11.06 Waverly District – Comments were heard from Supervisor Futrell.

12. Closed Session - none

13. Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the March 17, 2016 meeting of the Sussex Board of Supervisors is hereby adjourned at 10:24 pm.

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

Voting nay: none

13.02 Next Meeting

The next Board of Supervisors meeting will be Thursday, April 21, 2016 at 7 pm in the General District Courtroom.