

**At a Regular Meeting of the Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, February 16, 2017 at 6 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
Millard P. Stith, Independent Consultant
John P. 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
Brenda H. Drew, Housing Coordinator
William Jenkins, General Registrar
Kelly W. Moore, Accounts Payable Clerk
Patrick Plourde, Director of Social Services
Dean Simmons, Building Official
Matthew Venable, Director of Environmental Inspections

1. Commencement

1.01 Call to Order/Determine Quorum

The February 16, 2017 meeting of the Sussex County Board of Supervisors was called to order by Chairman Seward.

1.02 The Invocation

The Invocation was offered by Supervisor Tyler.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

The following amendments were requested: under Item 6. Action Items, add as item 6.05 Annual Report on Comprehensive Plan; and, as item 6.06 Appropriate \$7,081.66 to Social Services for Purchase of a Van.

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the February 16, 2017 regular agenda, inclusive of adding under Item 6. Action Items as Item 6.05 Annual Report on Comprehensive Plan; and, as Item 6.06 Appropriate \$7,081.66 to Social Services for Purchase of a Van.

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

Voting nay: none

Absent during vote: Supervisor Stringfield

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of January 19, 2017 regular meetings; (b) Approval of Warrants and Vouchers; (c) Accept and Appropriate Funds for Animal Control - \$69.95; and (d) Accept and Appropriate Funds for Administration - \$222.23.

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

Voting nay: none

Absent during vote: Supervisor Stringfield

3. Recognitions/Awards

3.01 Resolution: Sussex Central High School Football Team

Interim County Administrator Jones advised the Board of the accomplishments of the Sussex Central High School Varsity Football Team. A resolution will be drafted to be adopted and presented at its regular March 2017 meeting recognizing the team for finishing the year as the 1A State Runner-Up.

3.02 Introduction of New Employees

Interim County Administrator Jones introduced and welcomed Mr. Millard “Pete” Stith and Mr. Dean Simmons.

Mr. Stith is a long time Sussex resident who has worked with the County previously. Mr. Stith has been hired as an Independent Consultant who will be working with Interim County Administrator Jones to concentrate on priorities the Board set forth during the Board’s retreat in October.

Mr. Stith gave a brief introduction and thanked the Board.

Mr. Dean Simmons was introduced as the County's new Building Official. Mr. Simmons gave a brief introduction and thanked the Board.

4. Public Hearing – none

Supervisor Stringfield entered at 6:15 p.m.

5. Appointments

5.01 Appointment to the Blackwater Regional Library Board of Trustees

Interim County Administrator Jones advised the Board that County Administration received notification from Blackwater Regional Library Director, Ms. Jenny Bailey, that Ms. Judy Marks' term on the library's Board of Trustees as the Sussex County member will expire June 30, 2017. Staff contacted Ms. Marks. She does not wish to be reappointed.

Staff was advised that in selecting a new member, the Board should inform the candidate that the Board of Trustees meets nine (9) times a year on the third Wednesday of each month at 3:00 p.m. The meetings usually last approximately two (2) hours. The location of the meetings rotates around the nine (9) branches.

The new member will also be asked to serve on a committee which will meet outside the normal board meeting to discuss business matters. Serving on this committee could mean an additional one (1) or two (2) hours per month.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Ms. Jessica Moore, Post Office Box 92, Wakefield, Virginia 23888, to the Blackwater Regional Library Board of Trustees with a term beginning July 1, 2017 and expiring June 30, 2021. Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

5.02 Appointment to Sussex Service Authority Board of Directors

Interim County Administrator Jones stated the Board was notified at the January 19, 2017 meeting, that the At-Large Alternate position on the Sussex Service Authority Board of Directors was vacant. This position runs concurrent with the At-Large position and will expire December 31, 2019. The appointment is not district specific; however, elected officials cannot serve in this capacity.

Supervisor Blowe nominated Mr. Ashton Bryant of Stony Creek, Virginia to serve in the position. Supervisor Futrell nominated Mr. Franklin Cox of Waverly, Virginia.

There was a roll call for the vote for Mr. Ashton Bryant which resulted in a tie vote with Supervisors Blowe, Stringfield, and Tyler voting aye; and, Supervisors Fly, Futrell, and Seward voting nay.

Initially it was suggested to have Mr. Collins, the tiebreaker, to vote; however, a substitute motion was offered to table this item to have the two (2) candidates to submit resumes to the Board.

ON MOTION SUPERVISOR TYLER, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables the appointment to the Sussex Service Authority Board of Directors until the March 16, 2017 regular Board meeting to allow the submittal of resumes for the nominated candidates.

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

Voting nay: none

5.03 Appointment to the Industrial Development Authority (IDA) Board

Interim County Administrator Jones reported that County Administration received Mr. Eugene Brittle's letter of resignation from the Industrial Development Authority Board of Directors. Mr. Brittle's term is due to expire May 15, 2019.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Ms. Ann Dix, Post Office Box 326, Jarratt, VA 23867 to the Industrial Development Board of Directors to fill the unexpired term of Mr. Eugene Brittle due to expire May 15, 2019.

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

Voting nay: none

6. Action Items

6.01 510nano Leases for Solar Farm

Interim County Administrator Jones reported that the Board of Supervisors held a public hearing on December 15, 2016 regarding 510nano interest in leasing two (2) of the County's properties—the former Gin Hill (located on Brigg's Road and designated as Tax Parcel No. 106-A-12) and the former Robinson Road Landfill (located on Robinson Road and designated as Tax Parcel Nos. 91-A-12 and 91-A-11A) for a solar farm. He stated that the County Attorneys were directed to continue negotiations on the leases with Dr. Parker of 510nano.

County Attorney Woodley reviewed familiarities of the leases for the former Gin Hill and the former Robinson Road Landfills. County Attorney Woodley noted that the contracts were identical other than the identification of the property. It was also noted that a portion of the former Gin Hill landfill property will be leased containing up to 50 total acres; the former Robinson Road will be leased containing up to 100 total acres. County Attorney Woodley advised that the contracts had a provision that the actual acreage being leased

will be determined at the time of the “as-built” diagrams or the facilities being in place. The rate of rent is \$700 USD per installed acre with an increase of 2.5% of the contract every five (5) years. County Attorney Woodley advised that there are two (2) terms of the contract. The initial term that leads up to the zoning of the project and the power purchase agreement by the lessee. Once the power is sold, there is a potential for a ten (10) year extension. The lessee commits to removing the facility from the County’s property in 120 days from the end of the lease and will provide third party financial assurances. The lessee agrees to reimburse the County for its costs in obtaining any necessary permits for any modifications from the Virginia Department of Environmental Quality.

A copy of the leases were included in the Board packet.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the interim county administrator to execute site leases for the Gin Hill Solar, LLC (located on Brigg’s Road and designated as Tax Parcel No. 106-A-21) and Sussex Solar, LLC (located on Robinson Road and designated as Tax Parcel Nos. 91-A-12 and 91-A-11A.)
Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

6.02 Blackwater Regional Library

Interim County Administrator Jones reported that this was tabled from the January 19, 2017 Board meeting. Blackwater Regional Library requested an additional \$865.45 to cover hours that there was no funding to pay for the next five (5), now four (4) months—until June 30, 2017.

Interim County Administrator Jones stated that there was also a draft letter prepared to send to Ms. Jenny Bailey, Blackwater Regional Library Director, in regards to items the Board would like to be addressed.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves appropriating \$865.45 to the Blackwater Regional Library to cover the hours with no funding until June 30, 2017.
Voting aye: Supervisor Blowe
Voting nay: Supervisors Fly, Futrell, Seward, Stringfield, Tyler

Motion failed.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves sending the draft letter in regards to items the Board would like to be addressed to Ms. Jenny Bailey, Blackwater Regional Library Director.
Voting aye: Supervisor Blowe, Fly, Futrell, Seward, Stringfield, Tyler
Voting nay: none

6.03 Contract for Sale of Stony Creek Town Park

At the January 19, 2017 Board meeting, the Stony Creek Town Council offered \$5,000.00 for the purchase of the Town park. Staff was instructed to draft a deed with restrictions for consideration of the sale of the Town of Stony Creek Park.

County Attorney Woodley reviewed the draft contract for the sale of the Stony Creek Town Park. The contract contained the restrictions of the conveyance of the property. County Attorney Woodley advised that upon approval of the contract for the sale of the Stony Creek Town Park, a deed will be drafted after receiving the legal description of the property.

A draft copy of the contract for Sale of the Town of Stony Creek Park was provided to the Board members. A copy of the letter from Davis Oil, Inc. to Ms. Susan Seward, Chair, Sussex County Board of Supervisors, noting that Davis Oil, Inc. will donate \$30,000.00 to the building of the new Public Safety Building, along with other assistance to the park program was included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the interim county administrator to execute the contract for the sale of the Town Stony Creek Park in the amount of \$5,000.00; and,

FURTHER RESOLVED that the Board of Supervisors hereby authorizes the interim county administrator to execute a deed for the sale of the Stony Creek Town Park.

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

Voting nay: none

6.04 County Attorney Contract Renewal

County Administrator Jones reported that Woodley & Flynn's contract to serve as the county attorneys ends March 31, 2017. It is proposed that the contract be extended through June 30, 2018, with the fiscal 2018 section of the work subject to appropriation in the County's 2018 budget.

The monthly cost of the contract would remain the current contract price of \$6,250.00 per month.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Woodley & Flynn's contract to be extended through June 30, 2018 with the fiscal 2018 section of the work subject to appropriation in the County's 2018 budget in which the monthly cost of the contract would remain the current contract price of \$6,250.00 per month.

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

Voting nay: none

6.05 Annual Report on Comprehensive Plan

Supervisor Blowe reviewed the Virginia State Code 15.2-2239, The Capital Improvement Program he provided to the Board members. Supervisor Blowe stated that the Planning Commission should provide an annual update of the Comprehensive Plan to the Board of Supervisors. He also stated that it is recommended by Code within the update, the Planning Commission should provide an updated Capital Improvement Program (CIP) prioritized list of capital improvement projects for the Board's consideration during the planning and budgeting process. Supervisor Blowe requested that the Board direct the Planning Commission to provide the Board with an annual update report on the Comprehensive Plan to include a Capital Improvement Program (CIP) with priorities. This update and/or recommendation should be provided in a timeframe in which it can be included during the planning and budgeting process.

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the Planning Commission to provide the Board of Supervisors an annual report update on the Comprehensive Plan to include a Capital Improvement Program (CIP) with priorities.

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

Voting nay: none

6.06 Appropriation to Social Services for Purchase of Van - \$7,081.66

Interim County Administrator Jones stated that Sussex Social Services Department has been notified by the Crater District Area Agency on Aging that Crater has received a grant approval from the Virginia Department of Rail and Public Transportation to purchase a van. The van will be specifically used to transport seniors and persons with disabilities. The cost of the van is approximately \$35,000.00. The grant will cover the cost of the van except for twenty percent (20%). In order for Sussex Social Services Department to avail themselves for the purchase of the van, the match has to be paid in the amount \$7,081.66. However, Sussex Social Services Department does not have the funds available and is requesting an appropriation.

Mr. Plourde, the Director of Social Services, added that the van has a ramp for handicap citizens to have access.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriates \$7,081.66 to Sussex Social Services Department for the purchase of van; and

FURTHER RESOLVED that the funds are to be taken from the contingency fund.

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

Voting nay: none

7. Reports of Departments/Agencies

7.01 Atlantic Waste Disposal Update, Joe Cox, Atlantic Waste Disposal, Inc. Site Engineer

Mr. Joe Cox, Atlantic Waste Disposal, Inc. Site Engineer, provided a brief report of Atlantic Waste Disposal, Inc.

Mr. Cox stated that the Phase IV capping project is approximately 30-40 acres. It is believed that the odor is coming from the Phase IV area which was previously capped with clay in 2016. He stated that the primary goal is to eliminate all site odors. A plan has been developed to install synthetic caps in the Phase IV area. They have been working on this goal since mid-January 2017. In addition to the cap, they began to install 27 additional wells in the Phases III and IV areas.

Phase III capping project design, which is approximately 31 acres, is anticipated to start mid-2017. Some preliminary earthwork has already been started in the current month. Atlantic Waste will also be doing smaller capping projects throughout the year.

The Waste Water Treatment Plant is still expected to be completed in the second quarter of 2017. Leachate trucking hauling offsite has been reduced by approximately one-third.

Mr. Cox stated that upgrades were installed in the Homeville, Wakefield, Courthouse and Waverly convenience centers.

It was requested to have a report on the status of the cameras at the Henry Convenience Center at the March 16, 2017 Board meeting.

7.02 Animal Services/Public Safety Report – included in Board packet

7.03 Treasurer’s Report – included in Board packet

7.04 Community Development Report – included in Board packet

7.05 Housing Department Report – included in Board packet

7.06 Sussex Service Authority Financial Statements – included in Board packet

7.07 Mission Ministries Disaster Relief Fund Report – included in Board packet

7.08 County Administrator’s County Property List Update – included in Board packet

Supervisor Blowe inquired as to why the Henry Road property was on the County’s list of properties to be sold. Interim County Administrator Jones stated that the list was previously created as properties that were not being used. Supervisor Tyler requested that the property not be sold because of its potential due to its location.

8. Citizens’ Comments (7:17 pm)

Comments were heard from:

- Mayor Frank Jackson (Stony Creek District) – Appreciation for purchase of Stony Creek Town Park.
- Jessica Moore (President, Wakefield Library) – Thanked Board for appointment to Blackwater Regional Library Board of Trustees; Funding, Operation and Hours for Wakefield Library.
- Clyde Johnson (Waverly) – Odors at landfill; thanked Board for efforts with the landfill.
- Lawrence Coleman (Stony Creek District) – Route 619 (2-1/2 mile strip of road—Concord Church to the one-lane bridge) lower speed limit; precautionary signs

9. Unfinished Business – none

10. New Business – none

11. Board Member Comments

11.01 Blackwater District – none

11.02 Courthouse District – Replace ease on Old Historical Courthouse

11.03 Henry District – Delegate Kilgore modified Broadband Bill; Delegate Tyler carried Dog situation resolved (General Assembly)

11.04 Stony Creek District – Announced Town Hall Meeting – 2/25 at Fort Grove United Methodist Church from 10:00 a.m. to 12:00 noon.

11.05 Wakefield District – Thanked Administration staff for finishing boarding up Chambliss Elementary School; thanked VDOT for cleaning ditches.

11.06 Waverly District – none

12. Closed Session

12.01 Convene into Closed Session

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session for (1) personnel matters, pursuant to Code Section 2.2-3711(A)1 regarding Animal Control and Finance Director; (2) disposition of real property, pursuant to Code Section 2.2-3711(A)3, regarding Waste Management; and, (3) the award of a public contract, pursuant to Code Section 2.2-3711(A)29, regarding the County towers
Voting aye: Supervisors Blowe, Fly, Futrell, Seward, Tyler
Voting nay: none
Absent during vote: Supervisor Stringfield

12.02 Reconvene to Open Session

ON MOTION OF SUPERVISOR TYLER seconded by SUPERVISOR FUTRELL 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

By roll call 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

No action taken on Closed Session items.

13. Recess/Adjournment

13.01 Adjournment

ON MOTION OF SUPERVISOR BLOWE, seconded by SUPERVISOR FLY and carried: RESOLVED that the February 16, 2017 meeting of the Sussex County Board of Supervisors adjourned at 9:10 p.m.

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, March 16, 2017 at 6 p.m. in the General District Courtroom.