



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

---

**PRESENT:**

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

**VOTE:**

aye  
aye  
aye  
aye  
aye  
aye

---

**R-15-208: Approval of Agenda**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the December 17, 2015 regular agenda of the Sussex County Board of Supervisors inclusive of adding as Item 16., Closed Session Item, consultation with legal counsel regarding the sale of Jefferson Elementary School Building, applicable Code Section 2.2-3711(A)7 is hereby approved.

***A COPY TESTE:***

Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

---

**PRESENT:**

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

**VOTE:**

aye  
aye  
aye  
aye  
aye  
aye

---

**R-15-209: Approval of Consent Agenda**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried:  
RESOLVED that the Sussex County Board of Supervisors hereby approves the consent agenda inclusive of the following: (a) Minutes of November 19, 2015 meeting; (b) Approval of Warrants and Vouchers; and (c) Restoration of Funds – \$1,437.27, Sheriff's Department.

***A COPY TESTE:***

Deborah A. Davis, Clerk

Re-010



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

**PRESENT:**

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

**VOTE:**

aye  
aye  
aye  
aye  
aye  
aye

**R-15-210: Staff**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby direct staff to work with Supervisor Futrell and Green Machine, Sussex Central High Varsity Football Team and Tidewater Academy Softball Team to develop an appropriate resolution commending the football teams and softball team.

***A COPY TESTE:***

Deborah A. Davis, Clerk



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**PRESENT:**

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

**VOTE:**

aye  
aye  
aye  
aye  
aye  
aye

---

**R-15-211: Charter Communications Franchise Agreement**

ON MOTION OF SUPERVISOR WARREN, seconded by SUPERVISOR FUTRELL and carried:  
RESOLVED that the Sussex County Board of Supervisors authorize the County Administrator to sign the Franchise Agreement between Charter Communications and Sussex County.

***A COPY TESTE:***

Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

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**PRESENT:**

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

**VOTE:**

aye  
aye  
aye  
aye  
aye  
aye

---

**R-15-212: Memorandum of Understanding -  
Sussex County Sheriff's Department and VDOT**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried:  
RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to sign the Memorandum of Agreement between Sussex County Sheriff's Department and the Virginia Department of Transportation.

***A COPY TESTE:***

  
Deborah A. Davis, Clerk



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**PRESENT:**

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

**VOTE:**

aye  
nay  
aye  
aye  
aye  
aye

---

**R-15-213: Accept & Appropriate 2015 CDBG Planning Grant –  
Pocahontas Neighborhood Improvement Study**

ON THE MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the grant award and appropriates the funds in the amount of \$30,000.00 in the FY2016 budget for this project

***A COPY TESTE:***

Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

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**PRESENT:**

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

**VOTE:**


aye  
aye  
aye  
aye  
aye  
aye

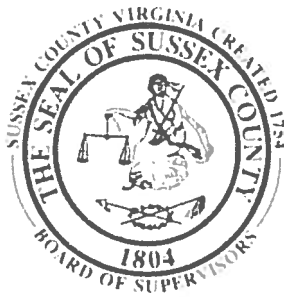
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**R-15-214: 2015 CDBG Planning Grant –  
Contract with Community Planning Partners Inc.**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to execute the contract with Community Planning Partners, Inc. in an amount not to exceed \$31,300.00.

***A COPY TESTE:***

  
Deborah A. Davis, Clerk



**At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.**

---

**PRESENT:**

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

**VOTE:**

aye  
aye  
aye  
aye  
aye  
aye

---

**R-15-215: Stormwater Opt-Out**

ON MOTION OF SUPERVISOR WARREN, second by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the resolution and authorize staff to forward to state legislative delegation, the DEQ and Governor's Office:

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia's expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and



WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173/Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia’s lead environmental regulatory agency, the DEQ was established as the Commonwealth’s VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth’s environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Sussex County, along with 54 other localities in Virginia, voted in 2014 to “Opt Out” of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia’s Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia’s “Opt Out” localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to “Opt Out” provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus

legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome unfunded or underfunded mandate; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisors of Sussex County STRONGLY OPPOSES any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Sussex County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Board of Supervisors of Sussex County strongly recommends that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

***A COPY TESTE:***



Deborah A. Davis, Clerk



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**PRESENT:**

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

**VOTE:**

aye  
aye  
aye  
aye  
aye  
aye

**R-15-216: Atlantic Waste Disposal Leachate Treatment Plant Stormwater Management/  
BMP Maintenance and Access Easement Agreement**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Administrator to sign the Prince George Electric Cooperative (PGEC) Utility Easement and Release of Liability for Damage forms necessary to grant an easement to PGEC to serve the Atlantic Waste Disposal leachate treatment plant.

***A COPY TESTE:***

  
Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

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**PRESENT:**

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

**VOTE:**

aye  
nay  
aye  
aye  
aye  
nay

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**R-15-217: Annie B. Jackson School Building**

Chairman Hamlin advised that this is an item he requested to be added to the agenda.

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconsiders substitute motion to offer Annie B. Jackson School Building for sale under sealed bid and bring the motion back to the floor for another vote.

***A COPY TESTE:***

Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17th day of December 2015.

**PRESENT:**

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

**VOTE:**

aye  
nay  
aye  
aye  
aye  
nay

**R-15-218: Sale of the Former Annie B. Jackson School**

ON MOTION OF SUPERVISOR HAMLIN, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the sale of certain County-owned property located at 408 School Street and commonly known as the Annie B. Jackson Elementary School and more particularly described as tax map parcel 28A7-A-135, to the Jessica Ann Moore Foundation for \$50,000.00 as follows:

WHEREAS, the Jessica Ann Moore Foundation (“Foundation”) is a 501(c)(3) charitable organization and submitted a proposal to the County proposing its desire to renovate and operate a community center at the Annie B. Jackson Elementary School (“School”);

WHEREAS, the Foundation will offer a number of valuable charitable services to the citizens of Sussex County at the School;

WHEREAS, the School is located at 408 School Street, Waverly, Virginia and is more particularly known as tax map parcel 28A7-A-135 and consists of approximately 9.14 acres;


WHEREAS, the Board duly advertised and held a public hearing on the question of the transfer of the School as required by subsection B of Virginia Code § 15.2-1800, and considered public input on the transfer.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SUSSEX:

Page 2: Resolution R-15-218: Sale of the Former Annie B. Jackson  
Adopted by the Board of Supervisors December 17, 2015

That pursuant to Virginia Code § 15.2-1800, the Board hereby authorizes the County Administrator to execute the Contract of Purchase in a form substantially similar to that presented to the Board, and to execute all documents necessary to consummate the sale of the School, all subject to the approval of the County Attorney. Such Contract shall provide that sale of the School is on an "as-is" basis.

***A COPY TESTE:***



Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

---

**PRESENT:**

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

**VOTE:**

aye  
aye  
aye  
aye  
aye  
aye

---

**R-15-219: Closed Session**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session regarding consultation with legal counsel pertaining to the sale of Jefferson Elementary School, applicable Code Section 2.2-3711(A)(7).

***A COPY TESTE:***

Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

---

**PRESENT:**

Charlie E. Caple, Jr.  
Alfred G. Futrell  
Robert E. Hamlin  
John A. Stringfield

**VOTE:**

aye  
aye  
aye  
aye

**ABSENT DURING VOTE**

C. Eric Fly, Sr.  
Raymond L. Warren

---

**R-15-220: Return to Open Session**

ON MOTION OF SUPERVISOR STRINGFIELD seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to Open Session.

***A COPY TESTE:***

  
Deborah A. Davis, Clerk





At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

---

**PRESENT:**

Charlie E. Caple, Jr.  
Alfred G. Futrell  
Robert E. Hamlin  
John A. Stringfield

**VOTE:**

aye  
aye  
aye  
aye

**ABSENT DURING VOTE**

C. Eric Fly, Sr.  
Raymond L. Warren

---

**R-15-221: Certification**

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

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

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

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

***A COPY TESTE:***

Deborah A. Davis, Clerk



At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 17<sup>th</sup> day of December 2015.

---

**PRESENT:**

Charlie E. Caple, Jr.  
Alfred G. Futrell  
Robert E. Hamlin  
John A. Stringfield

**VOTE:**

aye  
aye  
aye  
aye

**ABSENT DURING VOTE**

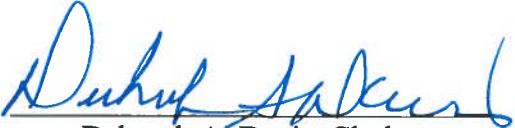
C. Eric Fly, Sr.  
Raymond L. Warren

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**R-15-222: Adjournment**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried:  
RESOLVED that the December 17, 2015 meeting of the Sussex Board of Supervisors is hereby adjourned 9: 30 p.m.

***A COPY TESTE:***

  
Deborah A. Davis, Clerk