

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, January 16, 2025 at 6 pm**

BOARD MEMBERS PRESENT

Thomas W. Baicy, III
C. Eric Fly, Sr.
Alfred. G. Futrell
Wayne O. Jones
Phyllis T. Tolliver
Rufus E. Tyler, Sr.
Steve E. White

STAFF PRESENT:

Richard Douglas, County Administrator
David Conmy, Deputy County Administrator
Danielle Powell, County Attorney
Chris Bailey, Assistant Chief of Fire & Rescue
John Broderick, Director of Finance & Operations
Deste J. Cox, Treasurer
Jeffrey Gary, Public Works Director
Ernest Giles, Sheriff
Julius Hamlin, Superintendent of Public Schools
Michael Kessinger, Captain
Kelly W. Moore, Finance Director
Michael Poarch, Planner
Nick Sheffield, Chief of Fire & Rescue
Regina Sykes, Commonwealth's Attorney
Beverly H. Walkup, Planning Director
Victor White, Convenience Sites Supervisor
Gary Williams, Circuit Court Clerk
Shilton R. Butts, Assistant to the County Administrator/
Clerk to the Board of Supervisors

1. Commencement

1.01 Call to Order/Determine Quorum

Chairman Jones called the January 20, 2025 regular meeting of the Sussex County Board of Supervisors to order.

1.02 The Invocation

The Invocation was offered by Supervisor Futrell.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 BOS Organizational Meeting for Calendar Year 2025

Chairman. W. Jones turned the meeting over to County Administrator Douglas.

a. Election of Chairman for Calendar Year 2025

County Administrator Douglas opened the floor for nominations for the Chairman for the Board of Supervisors for Calendar Year 2025.

Supervisor Tyler nominated Supervisor White for the Chairman.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR JONES and carried: RESOLVED that the Sussex County Board of Supervisors closes the votes and nominates Supervisor White for Chairman for the Board of Supervisors for Calendar Year 2025.

Voting aye: Supervisors Baicy, Fly, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

Supervisor White is the Chairman of the Board of Supervisors for Calendar Year 2025.

County Administrator Douglas turned the meeting over to Chairman White.

b. Election of Vice Chairman for Calendar Year 2025

Chairman White opened the floor for nominations for Vice Chairman of the Board of Supervisors for Calendar Year 2025.

Supervisor Tyler nominated Supervisor Jones for Vice Chairman.

Supervisor Baicy nominated Supervisor Tolliver for Vice Chair.

ON MOTION OF SUPERVISOR TYLER, seconded SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby closed the nomination on the said names of Supervisor Jones and Supervisor Tolliver for Vice Chairman for the Board of Supervisor for Calendar Year 2025. All Board members present voted aye.

Roll call vote for Supervisor Jones as Vice Chairman:

Supervisor Baicy	- Nay	Supervisor Jones	- Aye	Supervisor White	- Nay
Supervisor Fly	- Nay	Supervisor Tolliver	- Nay		
Supervisor Futrell	- Nay	Supervisor Tyler	- Aye		

Roll call vote for Supervisor Tolliver as Vice Chair:

Supervisor Baicy	- Aye	Supervisor Jones	- Abstained	Supervisor White	- Aye
Supervisor Fly	- Aye	Supervisor Tolliver	- Aye		
Supervisor Futrell	- Aye	Supervisor Tyler	- Abstained		

Supervisor Tolliver is the Vice Chair for Calendar Year 2025.

c. Establishment of dates, times and place of regular meetings

There was no change of dates, times and place of regular meetings. The Board of Supervisors regular meetings will remain the 3rd Thursday of each month at 6:00 p.m. in the Sussex Judicial Center – General District Courtroom located at 15098 Courthouse Road, Sussex, Virginia 23884.

Chairman White stated that the Board of Supervisors should meet each month. No meetings should be canceled this year.

Vice Chair Tolliver noted that the Board's June meeting is June 19th, which is the same day as Juneteenth which a holiday. Chairman White asked for the Board's wishes. It was noted to not holding the meeting on the 19th. Administrator Douglas suggested moving the meeting June 12, 2025 due the budget.

Supervisor Tyler noted that his family vacation is scheduled for that week. He will not be in attendance.

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisor hereby approved the regular meetings remaining the 3rd Thursday of each month at 6:00 p.m. in the Sussex Judicial Center – General District Courtroom located at 15098 Courthouse Road, Sussex, Virginia 23884 with the exception of the June 19, 2025 meeting; and

FURTHER RESOLVED that the Board of Supervisors' June 19, 2025 regular meeting be moved to June 12, 2025 at 6 p.m. due to June 19, 2025 being Juneteenth.

Voting aye: Supervisors Baicy, Fly, Futrell, Jones, Tolliver, Tyler, White

Voting nay: None

d. Adoption of Rules and Procedures

There were no changes to the Rules and Procedures.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Rules and Procedures remain the same. All Board members present voted aye.

1.04 Agenda Amendments

Supervisor Fly requested to add under Item 6. Action Items, as Item 6.03 Opposition to House Bill 2126. He also requested to remove under Item 8. Unfinished Business, Item 8.01 Review and Revise the Short and Long-Term EMS Plan.

Supervisor Tyler requested that under Item 5. Appointments, Item 5.01 Appointments to the Planning Commission, that his appointment for vacancy for the Henry District be moved to the February 20, 2025 Board meeting. It was noted that the other appointments to the Planning Commission for this item would remain on the January agenda.

Vice Chair Tolliver requested to add under Item 3. Recognitions/Awards/Presentation, as Item 3.03 Waste Management Convenience Sites for Public Works Director Jeffrey Gary. She also requested to move under Item 6. Action Items, Item 6.01 Revised Historic Courthouse/Administrative Space Proposal to Item 8, Unfinished Business, as the new Item 8.01.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the agenda amendments to include (1) adding under Item 6. Action Items, as Item 6.03 Opposition to House Bill 2126; (2) removing under Item 8. Unfinished Business, Item 8.01 Review and Revise the Short and Long-Term EMS Plan; (3) removing Item 5. Appointments, Item 5.01 Appointments to the Planning Commission the Henry District Appointment to the February 20, 2025 meeting, leaving the other reappointments remain on the agenda; (4) adding under Item 3. Recognitions/Awards/Presentation, as Item 3.03 Waste Management Convenience Sites for Public Works Director Jeffrey Gary; and (5) moving under Item 6. Action Items, Item 6.01 Revised Historic Courthouse/Administrative Space Proposal to Item 8, Unfinished Business, as the new Item 8.01. All Board members present voted aye.

1.05 Approval of Regular Agenda

By general consensus, the Sussex County Board of Supervisors hereby approves the January 19, 2023 regular agenda inclusive of adding under Item 9. New Business as Item 9.01 Town of Waverly Equipment (Truck); removing under Item 2. Consent Agenda, Item 2.12 Atlantic Waste Disposal, Inc. Request for Refund to be sent to the Finance Committee; and under Item 3. Recognitions delaying Item 3.02 Recognition of Mr. Charles “Dan” Hudson’s Retirement; Item 3.03 Recognition of Deputy Bonner for Community Assistance; Item 3.04 Recognition for Deputy for MADD Awards.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the Consent agenda inclusive of the following: (a) December 5 and 6 Board Retreat, December 12 Finance Committee and December 19, 2025 regular Board of Supervisors Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer’s Report and Financial Update; and (d) Departmental Reports. All Board members present voted aye.

3. Recognitions/Awards/Presentation

3.01 Recognition of Deputy Clerk of Court Carolyn Matthews for 50 Consecutive Years of Service to Sussex County

Carolyn Matthews, Deputy Clerk of Court, was recognized for 50 consecutive years of service to Sussex County. After an initial period of employment with the County from 1965 to 1967 and then time spent starting her family, Ms. Matthews rejoined the County on January 1, 1975. She has been during the past 50 years, and continues to be, a tremendous asset for Sussex County. Clerk of Court Gary Williams provided some remarks and was presented with a small gift for Ms. Matthews.

302 FY24 Audit - Taylor Stover, Robinson

Administrator Douglas requested that this item be tabled until the February meeting. He noted that there were no major issues.

3.03 Waste Management Convenience Sites

Public Works Director Jeffrey Gary was in attendance. He stated that he wanted to bring some clarity to the Board of happening over the holiday and currently with Waste Management. Mr. Gary stated that there was an incident around Christmas. He noted that everyone knows that there would be a lot of things thrown away during time. He noted that at this point, Waste Management actually cut some of their services back. As a result, there were some sites that were overflowing and had to be shutdown. People were placed at the site to direct residents to sites that had capacity and so that there would not be any illegal dumping. He stated that the following week, things didn't change. A weather event came in. They cut services to the County that resulted in another week of back up trash.

There was a meeting with Waste Management. Waste Management agreed to put more assets in the County, more trucks to pull trash. He noted that this started the current week. Waste Management doubled the number of trucks and got sites cleaned out. The sites are currently back on track.

There was discussion/inquiry of the Waste Management Director previously attending meetings to provide monthly.

For clarity, it was noted that the Waste Management Director controlled trash in Sussex County. The transportation that collects the trash is out of Richmond. It was noted that the Director doesn't control the transportation trucks.

Supervisor Baicy stated his opinion regarding the services of Waste Management and County services. He discussed trash at the sites. He discussed the request of trash pick by the Public Works Director. He also discussed the volunteering of the County Administrator to pick up trash/bags place them inside beside the gate/site. He also spoke on lights at the Stony Creek Convenience site.

Mr. Gary stated he visited eight sites on Saturday afternoon. Sites were closed due to the weather event. The purpose of those visits were to make sure the sites were safe, to be opened on Sunday. He stated that he called in a maintenance worker for sites that needed attention to make sure icy spots were taken care of. He stated that the worker was directed to clean the Stony Creek site prior to opening. Mr. Gary noted that the reason it wasn't clean on Saturday because it would have been dark before the worker could arrive to the site.

There was discussion of lights at Stony Creek and responsibility. By suggestion of Chairman White, Supervisor Baicy agreed to meet with Administrator Douglas and Public Works Director. Supervisor Baicy. There was also discussion of scheduling a meeting with the Personnel Committee

4. Public Hearings

4.01 Conditional Use Permit #2024-05, Henry Hayes Applicant, Applicant

Michael Poarch, Sussex Planner, provided the staff summary report. He stated that the project name is ISP Shooting Range and Defensive Training Center. The location of the proposed shooting range will be on Nary Lane (private road) which is accessed off of Jolly Road (Rt.659) in Prince George, Virginia. The Tax Parcel Number is 12-A-2 located in the Courthouse Election District.

The applicant, Henry Hayes under Conditional Use Permit (CUP) #2024-05 seeks a conditional use permit for a shooting range on approximately 34 acres of land. The intent is to operate an outdoor shooting range/training facility as a commercial business to be available to the public, however, it will be on a membership basis.

- The purpose of this project is to provide a firearms and defensive training facility for local, national military and law enforcement personnel, civilians, Sussex County and its residents to increase their knowledge and readiness for emergency preparedness.
- The facility intends to have specific types of uses and activities to occur on-site such as rifle, pistol, shotgun, empty-hand defensive combat, dry-fire scenario training, medical training, and verbal de-escalation training. Along with those uses and activities, the facility will have ranges for a mid-range rifle, short-range rifle, and pistol which would be constructed in accordance to NRA outdoor range design criteria. They also intend to offer a dynamic shoot-house for simulation of dry-fire (no live ammo) training.
- The facility will have a number of trained personnel for operations, safety oversight, customer service, and maintenance. The hours of operation will vary dependent on the amount of daylight. The hours of operation would typically be 9:00 am to 6:00 pm for Wednesday through Saturday. The hours of operation for Sunday would be 12:30 pm – 6:00 pm.
- Access to the property is proposed from Jolly Road (Rt. 659) in Prince George County, which serves approximately 20 or more existing residences. An existing twenty-foot nonexclusive partially dirt/gravel easement provides access to the site from the terminus of Jolly Road approximately 1,100 feet to the subject property. As it currently exists, staff is of the opinion that the easement would need to be upgraded and weatherproofed to accommodate two-way traffic, as well as emergency vehicle access.

- To the north, there is mostly forested or timbered lands and a residential neighborhood to the far north off Jolly Road in Prince George. To the south, there is the Joseph Pines Preserve and a residential neighborhood to the far south off of Cabin Point Road. To the west, there is mostly forested areas. To the east, the property is adjacent to some residences off of Elms Lane.

LOCATION:

The location for the proposed shooting range will be on Nary Lane (private road) which is accessed off of Jolly Road (Rt.659) in Prince George, Virginia. The subject parcel is located along the County line. To the north, there is mostly forested or timbered lands. To the south, there is the Joseph Pines Preserve and a small dense residential neighborhood to the far south off of Cabin Point Road. To the west, there is mostly forested areas. To the east, the property is adjacent to some residences off of Elms Lane.

DESCRIPTION:

The purpose of this project is to provide a firearms and defensive training facility for local, national military and law enforcement personnel, civilians, Sussex County and its residents to increase their knowledge and readiness for emergency preparedness.

The facility intends to have specific types of uses and activities to occur on-site such as rifle, pistol, shotgun, empty-hand defensive combat, dry-fire scenario training, medical training, and verbal de-escalation training. Along with those uses and activities, the facility will have ranges for a mid-range rifle, short-range rifle, and pistol which would be constructed in accordance to NRA outdoor range design criteria. They also intend to offer a dynamic shoot-house for simulation of dry-fire (no live ammo) training.

The facility will have a number of trained personnel for operations, safety oversight, customer service, and maintenance. The hours of operation will vary depending on the amount of daylight. The hours of operation would typically be 9:00 am to 6:00 pm for Monday through Sunday. The applicant anticipates at least 60 people to come to the facility on a regular basis from Monday through Friday for the first year of operation. However for Year 2 and 3, the expectation is for at least 120 people on a regular basis from Monday through Friday.

Access to the property is proposed from Jolly Road (Rt. 659) in Prince George County, which serves approximately 20 or more existing residences. An existing twenty-foot nonexclusive partially dirt/gravel easement provides access to the site from the terminus of Jolly Road approximately 1,100 feet to the subject property. As it currently exists, staff is of the opinion that the easement would need to be upgraded and weatherproofed to accommodate two-way traffic, as well as emergency vehicle access.

COMPREHENSIVE PLAN REVIEW:

The current Comprehensive Plan future land use designation for this property is Agricultural. The main purpose of this land use classification is to facilitate existing and future farming operations, allow for expansion of farm related activity, reduce the effects of soil erosion, and protect

watersheds to promote the continuation of farming and forestry as among the most important sectors of the economy. Within the small area plan, there are also areas to the south and east of the property which have a future land use designation for residential.

ORDINANCE REVIEW:

The current zoning designation for this property is A-1. The district is established to protect land and property values, ground water and surface water quality, and other resources. The intent is to provide for the continued security of the county's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry. Limited residential development is anticipated in these areas.

The zoning district only allows this use through a CUP. If the CUP is granted, the applicant will be required to submit a site plan for staff approval prior to construction of any new site improvements, including any future building expansion.

STAFF CONCLUSIONS:

Strengths:

1. The use provides an opportunity to bring a new business into the County.
2. Provides a recreational activity that can be consistent with the rural character of the County as well as offer safety courses and educational programs for the community, including specific sessions for children, teenagers, and adults.
3. Offers a well-trained expert staff with high level military experience
4. Provide a training facility for Sussex County Sheriff's Department to utilize as well as other law enforcement agencies and departments within the area. (See attached comment letter from Sheriff Giles)

Weaknesses:

1. The use has the potential to create a noise impact as proposed with shooting to occur completely outdoors.
2. Potential lead exposure to the environment.
3. The proposed location is less than 1 mile away from a cluster of residences.
4. The proposed facility will be accessed off an easement/private road not designed to accommodate 2-way traffic and emergency vehicle access.

AGENCY/DEPARTMENT COMMENTS:

The application was forwarded to the following agencies/departments: VDOT, DCR, DEQ, DWR, Sussex County Fire & Rescue, Sussex Sheriff's Department, Prince George County Administration, and Prince George County Planning Department. Comments received are noted below:

- **Virginia Department of Transportation (VDOT):**

1) A VDOT Land Use Permit would have to be obtained from the Richmond District for the entrance.

2) A new commercial entrance shall be constructed in accordance with VDOT Road Design Manual Appendix F.

- **Sussex Sheriff Department:**

Sheriff Giles is in favor of this proposal/plans. This will help Sussex be recognized with the right clientele and future potential business growth of individuals that are members and affiliates of this organization.

- **Department of Conservation and Recreation (DCR):**

In summary, DCR does not anticipate that this project will adversely impact the natural heritage resources and ecological cores.

- **Department of Wildlife Resources (DWR):**

In summary, DWR concerned about whether any in-stream work will take place. The recommendation to avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable.

- **Department of Environmental Quality (DEQ):**

In summary, DEQ provide a reference to the Environmental Protection Agency's guidelines for Best Management Practices for Lead Outdoor Shooting Range. They suggested that the new shooting range may consider establishing its own Environmental Management System (EMS).

- **Chief of Fire of Rescue**

In summary, the project is in Sussex and we would need access from within the county to provide services, as the alternative routes delay fire and EMS response. He suggested that the use of Elms Lane access point since it would likely require less easements and is already an established road in the system. The requirements of the road has at least 20 feet of unobstructed road surface, unobstructed height of 13' 6", and all weather access to any building would have to be a paved or concrete surface. If this facility will not be utilizing buildings now or any time in the future, we might be willing to discuss a variance for gravel as long as it is proven via geotechnical testing to be able to hold up to vehicular traffic of 75,000 pounds or greater in all weather conditions. This testing shall be done after the surface is laid so that the final product is proven to work.

- **Board of Supervisors -County of Prince George, VA**

Passed a resolution on December 10th unanimously in support of the denial of shooting range/Conditional Use Permit #2024-05 in Sussex County, VA.

STAFF RECOMMENDATION:

The staff recommends approval of the conditional use permit contingent with the following conditions:

- The hours of operation shall be 9:00 am to 6:00 pm for Monday through Sunday.
 - Sunday (Opening-12 pm): Pistol use only; no big bore pistol rounds.
 - All Days (Mon- Sun): Certain high-caliber rounds restricted except for special-use permits granted for military or law enforcement training.
 - Evening Training will be suppressed or 22 mm cartridge use only.

- The applicant shall maintain an undisturbed natural buffer along the perimeter of the property. The minimum width of undisturbed natural buffer shall be at least 150 feet around the entire perimeter of the property. The buffer shall be enhanced and/or created where insufficient or non-existent.
- The applicant shall install outdoor sound walls along the firing lines and boundaries of the range to reduce noise levels.
- Impact berms can be installed at a maximum height of 20 feet. The backstop shall be installed between 12 to 15 feet as shown on the conceptual site plan dated January 2024, to stop any misdirected rounds that may tend to travel slightly to one side or the other either by accident or ricochet. A side berm shall be added onto each range to provide for additional safety. Side berms shall be a minimum of 8 feet or higher.
- All berms shall be free from rocks, stones or objects that may tend to increase the possibility of ricochets.
- The surface of the entire range shall be relatively clear of any objects, stones, or excessive growth that may tend to enhance the possibility of ricochets, or create bad footing conditions. The entire range shooting area shall be relatively flat and level.
- A line of target brackets or holders shall be placed on the target area. Materials shall be designed so as not to create any ricochet hazard.
- The target line shall be placed no more than 20 feet in from of the impact berm. There shall be a space between each target bracket or holder, approximately equal to the width of one target. The top of the targets, when attached to the brackets or holder, should be approximately 6 feet off the ground and in a relatively straight and level line.
- The firing line shall be clearly marked on the ground surface across the entire width of each firing range. The numbered distance shall be placed on both sides of each firing line to indicate the distance from the firing line to the target.
- There shall be an audible sound system to amplify voice commands. The sound system shall enable the range officer to project loud and clear voice commands to all shooters during actual shooting exercises. An adequate communications system shall be established to allow all shooting officers, and other staff to communicate with one another, and should be conveniently located to minimize the loss of time between an emergency and the call for assistance. The system shall also be capable of contacting the appropriate assistance in case of injuries or other unforeseen emergencies.
- Each shooting range will have a designated Range Safety Officer (RSO) to oversee activity and ensure compliance with safety protocols. Each RSO will be equipped with a radio for communication to the main office and range control. Flags will be used to indicate when a range is in use, providing a clear visual cue for safety purposes.
- Adequate lighting shall be provided as determined by the Zoning Administrator.
- A rest or break area shall be available in a location that is safe from any firing line.
- A security fence shall be installed to keep other pedestrians and vehicles from entering the shooting area while in use.
- Adequate parking shall be provided as determined by the Zoning Administrator.
- The range shall contain some form of storage shed or field office. The structure shall be relatively secure for the storage of target materials.
- Any future site or building improvements to the site will require site plan review.

- The existing entrance that is proposed for use as the main entrance to the site shall be improved to accommodate 2-way traffic and emergency vehicle access, and shall meet the moderate volume commercial entrance design standard as shown in Figure 4-15 of Appendix F of the VDOT Road Design Manual.
- A new commercial entrance permit shall be obtained by the applicant from the Department of Transportation (Richmond District) for the entrance.
- The applicant is required to provide an easement/road maintenance agreement with other property owner(s) involved in the easement. The purpose of the agreement would be to grant the applicant the right to make any necessary improvements in addition to the maintenance of the easement.
- The site shall provide a toilet facility for men and women, handwashing stations, and potable water available for its employees prior to full operation.
- Suitable access to the range site shall be provided for emergency vehicles. Emergency personnel should be familiar with the access road(s) and location of the range site. Additionally, emergency personnel shall be notified of the hours of operation for the shooting range.
- Implement best management practices for lead management and reclamation in accordance with EPA guidelines.
- The access from the public road shall have an unobstructed road surface at least 20 feet in width that provides all weather access to the facility. There shall also be an unobstructed height requirement of 13' 6" so that apparatus can access the facility. These clear measurements shall be preserved at all times. All weather access to any building would be a paved or concrete surface.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended denial of Conditional Use Permit 2024-05 to the Board of Supervisors on December 2, 2024 with a vote of 4-2 with the consideration of the above referenced conditions.

Since the December 2 Planning Commission Meeting, the applicant has made some changes to the hours of operation in an effort to alleviate some concerns in relation to noise and traffic impact. In addition, they have placed an emphasis on the topic of noise, safety, and security (Noted in a letter dated December 23, 2024 under Tab 14).

“The range will be closed on Mondays and Tuesdays. Our normal operating hours will be 9 am – 6 pm. On Sundays, we will be open from 12:30- 6 pm. We will be closed on the following 10 holidays: New Year's Day, Martin Luther King Jr Day, Easter, Mother's Day, Memorial Day, July 4th, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day. This represents a 35.5% decrease in open hours from what was originally planned. These changes were made out of respect and concern for our neighbors and in the interest of reducing noise and traffic. The shareholders and I were concerned about such a significant revenue reduction but I made it clear we have to demonstrate sizeable movement to illustrate that we hear you and that we want to address your needs. Out of 365 calendar days, we will be closed 130 of those days. Please know opening hours and go-live times will actually be about 9:30 am, and range cold times will be about 5:30 pm; I'm just giving you a better sense of the reality of when shooting will start and stop.”

Revised Set of Conditions for Consideration:

1. The Applicant shall develop, construct, operate, and maintain an Outdoor Shooting Range on parcel 12-A-2, in substantial conformance with the conceptual plans (titled “ISP NAVY LANE RANGE-Proposed Site Concept,” dated January 2024, (the “Concept Plan”, with the area shown thereon referred to herein as the “Site”), and these CUP Conditions.
2. The hours of operation shall be 9:00 am to 6:00 pm Wednesday through Saturday dependent upon daylight.
 - Sunday hours of operation shall be 12:30 pm to 6:00 pm dependent upon daylight.
 - All Days (Wednesday-Sunday): Certain high-caliber rounds restricted except for special-use permits granted for military or law enforcement training.
 - Evening Training shall be suppressed or 22 caliber cartridge use only.
3. Prior to construction, a Final Site Plan shall be submitted by Applicant in accordance with the Sussex County Zoning Ordinance. The site and associated facilities shall be designed and constructed to meet relevant, federal, state, and local laws as applicable.
4. "The Applicant shall maintain a permanent undisturbed natural buffer along the perimeter of the property. The minimum width of undisturbed natural buffer shall be at least 150 feet around the entire perimeter of the property. The Zoning Administrator may, in connection with site plan review and approval, require buffers to be supplemented with additional plantings or structures. Supplemental plantings of evergreen broadleaf trees and shrubs may be installed as required by the Zoning Administrator. Other perimeter plantings that effectuate sufficient visual screening and/or noise buffer may be approved by the Zoning Administrator, including, but not limited to other similar foliage or structures which serve the same purpose of diffusing sound and providing visual screening of the range. Buffer plantings, both existing and supplemental planting, shall be maintained in good health to ensure sufficiency of the screening and noise reduction, as determined by the Zoning Administrator; damaged or deceased plant materials shall be replaced within a reasonable time, dictated by best practices, as determined by the Zoning Administrator.
5. Noise shall be in compliance with all ordinances related to noise in effect as of August 1, 2024 (the date application was submitted). Applicant shall install outdoor sound walls along the firing lines and boundaries of the range to reduce noise levels.
6. Applicant will install/construct all safety structures, including berms, backstops, overhead cover, ground baffles, bullet traps and shooting position surrounds in order to substantially reduce a projectile to escape the designated range containment area, including but not limited to:
 - Impact berms shall be installed and shall not exceed a maximum height of 20 feet. The backstop shall installed between 12 to 15 feet as shown on the conceptual site plan dated January 2024, to stop any misdirected rounds that may tend to travel slightly to one side or the other either by accident or ricochet. A side berm shall be added onto each range to provide for additional safety. Side berms shall be a minimum of 8 feet or higher.
 - All berms shall be free from rocks, stones or objects that may tend to increase the possibility of ricochets.

- The surface of the entire range shall be clear of any objects, stones, or excessive growth that may tend to enhance the possibility of ricochets, or create bad footing conditions. The entire range shooting area shall be relatively flat and level.
 - A line of target brackets or holders shall be placed on the target area. Materials shall be designed so as not to create any ricochet hazard.
 - The target line shall be placed no more than 20 feet from the impact berm. There shall be a space between each target bracket or holder, approximately equal to the width of one target. The top of the targets, when attached to the brackets or holder, should be approximately 6 feet off the ground and in a relatively straight and level line.
7. The firing line shall be clearly marked on the ground surface across the entire width of each firing range. The numbered distance shall be placed on both sides of each firing line to indicate the distance from the firing line to the target.
 8. There shall be an audible sound system to amplify voice commands. The sound system shall enable the range safety officer to project loud and clear voice commands to all shooters during shooting exercises. An adequate communications system shall be established to allow all range safety officers, and other staff to communicate with one another, and shall be conveniently located to minimize the loss of time between an emergency and the call for assistance. The system shall also be capable of contacting the appropriate assistance in case of injuries or other unforeseen emergencies.
 9. No range, or combination of ranges, shall be used at any time unless a Range Safety Officer ("RSO"), as designated by the Applicant of such range, is present. Each shooting range shall have a trained designated Range Safety Officer during operating hours to oversee activity to ensure compliance with safety protocols and enforce rules and regulations for the safe use of such range.
 10. Each RSO shall be equipped with a radio for communication to the main office and range control.
 11. Flags shall be displayed at firing line to indicate when a range is in use to provide a clear visual cue for safety purposes. Additional signage may be required at the discretion of the Zoning Administrator.
 12. All outdoor lighting shall be directed downward and inward to the Site to preserve the night sky and shall not directly cast light onto the adjoining properties.
 13. A rest or break area shall be available and shall be located in a safe area away from any firing line.
 14. A security fence of at least 6 feet in height shall be installed to keep pedestrians and vehicles from entering the shooting area. Except at the entrance, signs shall be mounted along the fence separated by not more than 100 feet, with the words "Firing Range" and "Do Not Enter" on each sign. Signs shall be a minimum of 18 inches by 24 inches and shall be bright or fluorescent red or orange.
 15. Adequate parking shall be provided as determined by the Zoning Administrator.
 16. The range shall contain a storage shed or field office and the structure shall be secure for the storage of target materials.
 17. Any future site or building improvements to the site will require site plan review.
 18. The existing entrance that is proposed for use as the main entrance to the Site shall be improved to accommodate 2-way traffic and emergency vehicle access, and shall meet the moderate volume commercial entrance design standard as shown in Figure 4-15 of Appendix F of the VDOT Road Design Manual.

19. A new commercial entrance permit shall be obtained by the Applicant from the Department of Transportation (Petersburg Residency) for the entrance prior to operation.
20. The Applicant is required to provide to the Zoning Administrator an easement and road maintenance agreement with other property owner(s) involved in the easement prior to operation.
21. The site shall be equipped with a toilet facility for men and women, handwashing stations, and potable water available for its customers and employees prior to operation.
22. Suitable access to the Site shall be provided for emergency vehicles. Prior to the end of construction and before operation, the Applicant shall hold training for County emergency response staff covering onsite emergency response, as well as information on how the Site and related facilities will be designed, constructed, operated, and maintained to allow for access by County emergency response staff in the event of an emergency. Additionally, emergency personnel shall be notified of the hours of operation for the shooting range.
23. Implement best management practices for lead management and reclamation in accordance with EPA guidelines, and any other applicable federal, state, or local laws.
24. Access path from the entrance shall have an unobstructed road surface at least 20 feet in width that provides all weather access to the site. There shall be an unobstructed height requirement of 13' 6" so that emergency vehicle apparatus can access the facility. These clear measurements shall be preserved at all times. The type of all-weather road surface for the access road shall be approved by the Zoning Administrator.

The Application and Supplement Materials, State agencies/ Department Comments and Written Public Comments were included in the Board packet.

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enter Public Hearing on CUP #24-05 for Shooting Range, Henry Hayes, Applicant. All Board members present voted aye.

Henry Hayes, CUP #24-05, applicant gave a background on ISP Global Enterprises. The presentation included information about ISP Executive Board and Operations and Management Team. There was information provided on past performances. He spoke to the hours of operation.

There was information on traffic concerns that included:

Initial Traffic proposed at maximum capacity at year 3. They are open Monday through Friday, 60 people per day, equating to 1.2 – 2.5 cars per hour. Saturday through Sunday, 120 people per day, or 3.2 – 4 cars per hour.

Don Mann, US Navy Seal, provided his background to the Board.

New modified hours of traffic at maximum capacity at year 3. They are open Monday through Friday, 39 people per day, equating to 0.8 – 1.61 cars per hour. Saturday through Sunday, 77 people per day, or 2.07 – 2.58 cars per hour.

There was discussion of NRA Range Development and Operations Certification. There was discussion of easements and its definition.

He provided a video of an on-site Sound Study. He reviewed information on environment assessment; lead recovery and recycling; soil and water management; range design and maintenance; compliance and monitoring; and program evaluation and adaption;

Benefits for Sussex County was provided in the presentation to include: Host Safety and Education Programs; Community Engagement Events; Yearly donation to Sussex County; Environmental Initiatives; Youth Programs; Collaborate with LEO and Fire; Local Business Partnerships; Transparent Communication; Emergency Preparedness Collaboration; Employment opportunity for Sussex Residence; Youth mock program (lunch at high noon) and brass collection for cash con.

There was information provided of their financial profile.

Kai Tomas discussed development of safety protocol. He noted that it wasn't a public range. It was membership only. Each person would be vetted. Range Safety Officer must be present. He developed in-house safety.

There was information regarding outreach communications. He provided a copy of their outreach long.

Jeff Powell, ISP In-House Counsel, summarize some the points Mr. Hayes made. He stated that this will not violate County Ordinances. He discussed the reduction of their hours. He also noted generation of more revenue for the County. He spoke of support for law enforcement.

Gary Jones stated that he was number two in the company. He stated that his job is making sure everything is done at the right place, the right time and for the right reasons. He discussed integrity. He was a military operator for over 23 years and is now a contractor for the government.

Public Comments were heard from:

- Roy Osborne (Sussex/Prince George) – Owns property directly beside applicant; meeting on November 4th houses on property; shooting from ground with high-powered rifle.
- Jeff Johnston – Oppose range in backyard; Planning and Zoning; Prince George County said no.
- William Steel (Disputanta) - Eleven years as law officer and military; oppose; road rage; can't handle traffic; Prince George BOS letter of opposition; moved for peace and quiet, not noise; asked Board to vote against CUP.
- Steve Lapp (?near the range) – opposition; loss of property value; public address system; additional traffic.
- Keith Dunn (Yale District) – In support of shooting range; reviewed proposal; NRA graduate
- Keith Early (Disputanta) – Appreciate service and vision; ask to oppose; live near range; moved for peace and quiet.
- Dawn Ancoin (Disputanta) – 47 mailboxes on Jolly Road; narrow road; walk and bike riding; have to get in ditch when car passes; keep rural area theme.

- Mark Formella (Sussex/Elms Lane) – Own 75 acres; calls their place paradise; describes animals in their area; the growing animosity against applicant by shooting range; owned property for 20 years; serenity.
- Leyla Myers (Prince George) – Asked Board to deny; describe neighbors; narrow road – have to step aside when cars come through; no sidewalk.
- Larry Diehl (Waverly District) – Financial numbers; land use; comprehensive plan – rural heritage; consistent time.

Board comments were heard from:

- Supervisor Fly (Courthouse District) – Questions: Why they didn't build in Isle of Wight (Letter of Recommendation); Is water on site currently; how many employees in ISP; tier operation fashion; people that will be employed; were presenters with company full time employees.
- Supervisor Baicy (Stony Creek District) – Multiple gun ranges – any complaints; gun programs; help Sheriff's Office; low tax base.
- Supervisor Jones (Wakefield District) – Twenty-Six Combat Veteran; listen to citizens that almost belittle military personnel who put their life on the line to protect the country.
- Supervisor Futrell (Waverly District) – Thanked military for their service. Asked the Board to table to speak with ISP and citizens.
- Supervisor Tyler (Henry District) – Inquired of whether they would be shooting on Sunday; members only; background checks; has ISP conversed with the Sheriff's Department; will there be other training; can't have tunnel vision.

ON MOTION OF SUPERVISOR TYLER, seconded SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby close the Public Hearing Public Hearing on CUP #24-05 for Shooting Range, Henry Hayes, Applicant. All Board members present voted aye.

Action on Public Hearing Item.

ON MOTION OF SUPERVISOR FUTRELL, seconded by TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby table CUP #24-05 for Shooting Range, Henry Hayes, Applicant, to the February 2025 meeting.

4.02 School System FY24 Budget Carryover Request/Budget Amendment

A public hearing has been scheduled to consider two budget amendments for the Sussex County School Division (in excess of one percent of the county budget, so a public hearing is required prior to consideration of a budget amendment).

Dr. Hamlin, Superintendent of Public Schools, provided the overview of the request. He stated that carryover items is an "All In" grant that supposed to span over a three year period. He is requesting a carryover of the grant for the final two years. Dr. Hamlin noted that the total award amount was \$639,000. He stated that they would like carryover the balance of \$464,326.

Dr. Hamlin noted that in addition, over the summer, the school was awarded a security safety grant to support the upgrades to security and campus upgrades in the amount of \$75,579 bringing the total carryover request to \$539,905 for FY25.

Administrator Douglas noted that the resolution was different than what was in the packet. The language was changed to make the resolution clearer. There was a meeting Administration and School staff.

Specifically, the school division has a balance of \$464,326 in state tutoring assistance funding (All In Program) to be spent in FY25 and FY26. In addition, the school system received a state school safety and security grant near the end of the prior fiscal year in the amount of \$75,579.

At the conclusion of the public hearing, staff recommends approval of the attached resolution amending the FY25 operating budgets to account for \$539,905 in carryover funds.

The second resolution accounts for an additional \$1,958,948 in federal, state, and local funds for regular and Title I operations that have been received for the FY25 operating budget. At the conclusion of the public hearing, staff recommends approval of this attached resolution as well.

Staff recommended approval of both attached resolutions

Resolutions #25-6 Carryover Funds and #25-07 Amendment to the Fiscal Year 2025 Sussex School Board and County Budgets were included in the Board packet.

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby open the Public Hearing for School System FY24 Budget Carryover Request/Budget Amendment. All Board members present voted aye.

There were no public comments. There were no Board member comments.

ON MOTION OF SUPERVISOR JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby close the Public Hearing for School System FY24 Budget Carryover Request/Budget Amendment.

Action on Public Hearing

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED the Sussex County Board of Supervisors hereby approve Resolutions #25-6 Carryover Funds and #25-08 Additional Appropriation of Carryover Fund Amendment to the Fiscal Year 2025 Sussex School Board and County Budgets.

Voting aye: Supervisors Baicy, Fly, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

5. Appointments

5.01 Appointments to Sussex County Planning Commission

There was a vacancy on the Planning Commission for the Henry District. An appointment needs to be made to fill this vacancy starting immediately, expiring January 31, 2029.

Also, the terms of Commissioner Massenburg (Yale District) and Commissioner Edmond (Member-at-Large) on the Planning Commission has expired. Staff has contacted both Commissioners. They are willing to continue to serve, if reappointed.

Should they be reappointed, their terms will expire April 30, 2028, and June 30, 2027, respectively.

Supervisor Fly requested to table the At-Large position.

Copies of confirmation letters were included in the Board packet.

ON MOTION OF SUPERVISOR TOLLIVER, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoint Commissioner Massenburg (Yale District) to the Planning Commission, with a term expiring April 30, 2028. All Board members voted aye.

5.02 Appointment to Crater District Area Agency on Aging

At the Board's April 2024 regular meeting, Supervisor Fly was appointed to fill an unexpired term as Sussex's Representative for Crater District Area Agency on Aging. His term expired December 31, 2024.

I have spoken with Supervisor Fly. He wishes to be reappointed. His term will be a two-year term, expiring December 31, 2026.

Staff recommends the appointment of Supervisor Fly to continue to serve on Crater District Area Agency on Aging as Sussex's representative.

ON MOTION OF SUPERVISOR TOLLIVER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Board reappoint Supervisor Fly to serve on Crater District Area Agency on Aging as Sussex's representative, with a two-year term expiring December 31, 2026. All Board members present voted aye.

5.03 Reappointment to Board Zoning Appeal

The term of Mr. C. Tyrone Griffin, on the Board of Zoning Appeals will expire January 31, 2025. Staff contacted Mr. Griffin, he is willing to serve, if reappointment.

If reappointed, Mr. Griffin's term will expire January 31, 2028.

Staff recommends that the Board reappoint C. Tyrone Griffin to the Board of Zoning Appeal with a term expiring January 31, 2028.

A copy of Confirmation Letter for Mr. Griffin was included in the Board packet.

ON MOTION OF SUPERVISOR JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reappoint C. Tyrone Griffin to the Board of Zoning Appeal with a term expiring January 31, 2028. All Board members presented voted aye.

6. Action Items

6.01 School System Reimbursable Spending Cap Increase Request

Dr. Hamlin, the Superintendent of Public Schools, was in attendance to answer any questions. The Sussex County School Division is requesting an increase. The federal grants expenditure reimbursement threshold be increased from \$80,000 to \$200,000, to allow greater flexibility in meeting its operational needs, and a resolution is attached for your consideration. Please note that the board temporarily increased this cap to \$1.5M during the pandemic, but the cap reverted back to the current \$80,00 limit in July 2024. The School Superintendent, School Division Finance Director, County Administrator, Treasurer, and County Finance Director recently met to discuss this issue, and are in agreement to recommend the increase to \$200,000.

Resolution #25-07 Approve an Amendment to the Federal Grants Expenditure Reimbursement Threshold Sussex School Board Budget was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve Resolution #25-07, an Amendment to the Federal Grants Expenditure Reimbursement Threshold Sussex School Board Budget. All Board members presented voted aye.

6.02 Opposition to House Bill 2126

Supervisor Fly stated that House Bill 2126 was put forward Delegate Sullivan out of Northern Virginia. He stated that the Bill greatly reduced the County's authority to accept or deny Solar facilities. It produces a State Board that would basically make a decision whether a Solar facility can come into your County or not.

Supervisor Fly stated that the applicant would go to a commission of unelected officials. They will decide whether the project meets the County's standards. The County's standards will have to match the State. If the County decide that they do not meet our standards and Ordinances, the County will be taken to Circuit Court and explain why the County the action they took.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorize the County Administrator to submit a letter that oppose the bill and have the Chairman sign and forward to the House Speaker. All Board members present voted aye.

7. Citizens' Comments

- Larry Diehl (Waverly District) – Rules; number of people signed up for citizens' comments.
- Molly Dowless (Property Owner in Sussex) – House Bill 2126
- Frances Chamber (Wakefield District) – HB 2126; Wakefield Town Council sent to take away
- Justin Pope (Dominion Energy) – Introduced himself; alumni of Sussex
- Shanita Rose (Pocahontas Initiative Fantastic Project) – Projects every 4th; Friday, January 31 begin; spread the word; consider supplies, sponsor, and monetary.

8. Unfinished Business

8.01 Revised Historic Courthouse/Administrative Space Proposal

Andrew Moore with Glave & Holmes was in attendance.

Andrew Moore with Glave & Holmes provided an update on “Plan B” conceptual design recommendation for the proposed courthouse expansion/restoration project (a copy of the presentation is attached for your review). A reduction/change in the scope of the original recommendation, Plan B would result in a substantial cost savings but meet the following goals:

- Provide administrative space that would allow for the removal of the existing “Blue Box”
- Stabilize and restore the historic courthouse structure
- Provide permanent meeting space for the Board of Supervisors and other organizations
- Provide a working facility for Public Works
- Maintain all existing space for the Clerk of Court

Glave & Holmes presentation was included in the Board packet.

9. New Business

There was no New Business.

10. Board Member Comments

10.01 Blackwater District – Absent

10.02 Courthouse District – Wished everyone a prosperous New Year.

10.03 Henry District – Sidewalk on Highway 301 status.

10.04 Stony Creek District – VDOT Representative attend meetings.

10.05 Wakefield District – Public meeting; Board Retreat; Board needs to make tough decisions to get revenue; appreciate 5 years of leadership with Board serving as three years Vice Chairman and two years as Chairman.

10.06 Waverly District – Calls/texts Board members; no return calls to other Board members.

10.07 Yale District – none

11. Closed Session

11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR JONES, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session, pursuant to (1) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; applicable Code Section 2.2-3711(A)3 related to property located within the County; and (2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; pursuant to applicable Va. Code Section 2.2-3711(A)8, disposition of County property. All Board members present voted aye.

11.02./11.03. Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR JONES, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconvened to Open Session; and

FURTHER RESOLVED THAT 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, 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 Baicy, Fly, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

11.04 Action Resulting from Closed Session

There was no action on the Closed Session item.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR JONES and carried: RESOLVED that the January 16, 2025 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 11:12 p.m. All Board members present voted aye.

12.02 Next Meeting

The next regular Board of Supervisors meeting is scheduled to be held, Thursday, February 20, 2025 at 6 p.m.