

**At a Regular Meeting of the  
Sussex County Board of Supervisors  
Held in the General District Courtroom on  
Thursday, October 17, 2024 at 6 pm**

**BOARD MEMBERS PRESENT**

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

**STAFF PRESENT**

Richard Douglas, County Administrator  
Jeff Gore, County Attorney  
Debbie Broughton, Animal Services Director  
Deste J. Cox, Treasurer  
Almetia Hardman, Deputy Commonwealth's Attorney (Virtual)  
Michael Poarch, Planner  
Nick Sheffield, Chief of Fire & Rescue  
Beverly Walkup, Planning Director  
Matt Westheimer, Building Official  
Shilton R. Butts, Asst. to the County Administrator/  
Clerk to the Board of Supervisors

**1. Commencement**

**1.01 Call to Order/Determine Quorum**

Vice Chairman White called the October 17, 2024 regular meeting of the Sussex County Board of Supervisors to order.

**1.01a Approval of Board Member Participating Virtually under Board Remote Participation Policy**

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve Chairman Jones participating remotely at the Thursday, October 17, 2024 regular Board meeting. All Board members present voted aye.

**1.02 The Invocation**

The Invocation was offered by Supervisor Tolliver.

### 1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

### 1.04 Agenda Amendments

Supervisor Fly requested to move under Item 2. Consent Agenda, Item 2.06 Crater Youth Care Commission to Item 6. Action Items, as Item 6.02. This item was tabled.

Supervisor Baicy requested to table Item 9.01 Clerk of Court Salary Increase Request, under Item 9 New Business.

Vice Chairman White requested to table Item 6.01, Recommended FY25-FY29 Capital Improvement Program.

Vice Chairman White requested to table Item 8.01 Contract for Professional Architectural/ Engineering Services for Fire/EMS/Design under Item 8. Unfinished Business. After discussion, this item was moved to Item 3. Presentations, with no action as Item 3.06. (This item will be discussed at the Board Retreat.)

Supervisor Futrell requested a Closed Session with the Sheriff's Office regarding personnel matters.

### 1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the October 17, 2024 regular agenda as amended to include (1) moving Item 2. Consent Agenda, Item 2.06 Crater Youth Care Commission to Item 6.02 Crater Youth Care Commission to Item 6. Action Items, as Item 6.02; (2) tabling Items 9.01 Clerk of Court Salary Increase Request, under Item 9 New Business and Item 6.01, Recommended FY25-FY29 Capital Improvement Program and the new Item 6.02 Crater Youth Care Commission, under Item 6. Action Items; (3) moving 8.01 Contract for Professional Architectural/ Engineering Services for Fire/EMS/Design under Item 8. Unfinished Business to Item 3. Presentations, as Item 3.06; and (4) adding under Item 11. Closed Session, as Item 11.01 Sheriff's Office regarding Personnel. All Board members present voted aye.

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

ON MOTION OF SUPERVISOR TOLLIVER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the Consent Agenda inclusive of the following: (a) September 12 Finance Committee and September 19, 2024 Regular Board Meetings minutes; (b) Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports; and (e) Sheriff FY24 Expenditure Reimbursement Request. All Board members present voted aye.

*Supervisor Tyler arrived at 6:12 p.m.*

### **3. Recognitions/Awards/Presentations**

#### **3.01 Resolution Recognizing the Retirement of Dr. Dale L. Cupp, DVM**

The Board of Supervisors recognized Dr. Dale Cupp, DVM, for his recent retirement and years of service to the residents of Sussex County and Sussex County Animal Services.

Administrator Douglas read resolution honoring the career of Dr. Dale L. Cupp, DVM and his dedicated service to Sussex County, to-wit:

WHEREAS, Dr. Dale L. Cupp, DVM, has positively impacted the residents of Sussex County for more than 25 years, providing extraordinary care of animals through his veterinary practice located on Cabin Point Road from 1997 to September 2024, as part of a veterinary career spanning more than 50 years; and

WHEREAS, Dr. Cupp began serving as the veterinarian for Sussex County Animal Services in 2000, treating and saving thousands of animals over the past 24 years, serving without hesitation to care for animals in need, especially those in emergency situations; and

WHEREAS, a native of Cherokee, Iowa, and son of a horse trainer and farmer, Dr. Cupp attended the University of Missouri, earning a BS in Animal Science in 1968, and Doctorate of Veterinary Medicine in 1970; and

WHEREAS, after serving as a Captain in the US Army at Fort Eustis in Newport News, he worked in private veterinary practice in the Hampton Roads area for 25 years, before establishing his practice in Sussex County that initially focused on equine services but transitioned into a mixed animal practice serving the region; and

WHEREAS, Dr. Cupp is well-known as a compassionate veterinarian and advocate for animals, and has been noted to “always lift your spirits, even if you’re having a bad day;” and

WHEREAS, Dr. Cupp has been married nearly 40 years to his wife Cynthia, who has faithfully played a significant role in his veterinary practice, and he is the father of four children and grandfather of seven grandchildren; and

WHEREAS, Dr. Cupp has been active in professional leadership positions, including President of the Virginia Veterinary Medical Association, and was selected as the Distinguished Virginia Veterinarian of the Year in 2010.

NOW, THEREFORE BE IT RESOLVED, that the Sussex County Board of Supervisors expresses its sincere appreciation to Dr. Dale L. Cupp, DVM, for his tireless devotion to the veterinary profession and for his many years of dedicated service to the residents of Sussex County, contributing to the health and well-being of thousands of animals; and

BE IT FURTHER RESOLVED, that the Sussex County Board of Supervisors wishes Dr. Cupp the best in his retirement and future endeavors, while continuing to assist Sussex County Animal Services; and

BE IT FURTHER RESOLVED, by the Sussex County Board of Supervisors, that this resolution be presented to Dr. Cupp, and a copy spread upon the minutes of this meeting. By general consensus, all Board members present voted aye.

Dr. Cupp was in attendance and was presented with a gift basket. He stated that he has enjoyed working Sussex County in regards to Animal Services. He stated that he retired six weeks ago. He thanked the Board for the recognition and gift basket.

### 3.02 Resolution Recognizing the Retirement of Earnest Greene, Dominion Energy

The Board of Supervisors recognized Mr. Earnest Greene, External Affairs Manager for his upcoming retirement from Dominion Energy and years of service assisting Sussex County.

Administrator Douglas read the resolution in resolution in recognition of Earnest Greene, to-wit:

WHEREAS, Mr. Earnest Greene has been employed by Dominion Energy for over 33 years, serving many years in the capacity of External Affairs Manager; and

WHEREAS, in his role as External Affairs Manager, Mr. Greene has served as a liaison to Sussex County, its Board of Supervisors, administration, and staff; and

WHEREAS, during his tenure, Mr. Greene has supported Sussex County and its residents and businesses through numerous inclement weather events, working diligently to restore electricity as quickly as possible; and

WHEREAS, Mr. Greene has consistently demonstrated professionalism and exceptional customer service, while building strong working local government partnerships during his career with Dominion Energy; and

WHEREAS, Mr. Greene has always been accessible and responsive to the needs of Sussex County, communicating information in a professional and friendly manner.

NOW, THEREFORE BE IT RESOLVED, that the Sussex County Board of Supervisors expresses its sincere appreciation to Earnest Greene for his many years of dedicated service to the residents of Sussex County; and

BE IT FURTHER RESOLVED, that the Sussex County Board of Supervisors wishes Mr. Greene the best in his upcoming retirement and future endeavors; and

BE IT FURTHER RESOLVED, by the Sussex County Board of Supervisors, that this resolution be presented to Mr. Greene and a copy spread upon the minutes of this meeting. By general consensus, all Board members present voted aye.

Mr. Greene was in attendance and was presented with a gift basket. He thanked the Board and noted his appreciation.

### 3.03 Resolution Recognizing Retirement of Frank Irving, Sussex Service Authority

The Board of Supervisors recognized Mr. Frank Irving for his recent retirement and service to the Sussex Service Authority as Executive Director.

Administrator Douglas read the resolution in recognition of Frank Irving, III, to-wit:

WHEREAS, Mr. Frank H. Irving, III, has been employed by the Sussex Service Authority for over 20 years, hired as Finance Director in April 2004; and

WHEREAS, Mr. Irving was promoted to Executive Director in January 2012, serving in this role for the past 12 years; and

WHEREAS, Mr. Irving brought to the Sussex Service Authority 25 years of experience in accounting and financial management, including designation as a Certified Public Accountant; and

WHEREAS, during his tenure, Mr. Irving has worked diligently with Sussex County and the towns of Waverly, Wakefield, and Stony Creek to meet the water and wastewater needs of residents, businesses, and industries; and

WHEREAS, Mr. Irving also served the residents of Sussex County by being an active member of the Sussex County Planning Commission for eight years from 2015 to 2022; and

WHEREAS, Mr. Irving has been a long-time resident of the Town of Waverly, married to the late Susan Irving, and actively engaged in church, school, and community organizations over the years.

NOW, THEREFORE BE IT RESOLVED, that the Sussex County Board of Supervisors expresses its sincere appreciation to Frank H. Irving, III, for his many years of dedicated service to the residents of Sussex County; and

BE IT FURTHER RESOLVED, that the Sussex County Board of Supervisors wishes Mr. Irving the best in his upcoming retirement and future endeavors; and

BE IT FURTHER RESOLVED, by the Sussex County Board of Supervisors, that this resolution be presented to Mr. Irving and a copy spread upon the minutes of this meeting. By general consensus, all Board members present voted aye.

Mr. Irving was in attendance. He thanked the Board and the prior Boards for their help for their support. He noted that he had already stepped down as the Finance and Executive Director. Mr. Irving that Mr. Kearns is now the Executive Director. He noted that he stayed on to train the new Finance Director, Mr. Brandon Walton. Mr. Irving's retirement date is October 31, 2024.

#### 3.04 ISO Building Code Effectiveness Grading Schedule Results - Building Official Matt Westheimer

Building Official Matt Westheimer provided a brief overview of the recently completed ISO Building Code Effectiveness Grading Schedule survey completed earlier in March 2024.

Mr. Westheimer explained that Building Code Effectiveness Grade Schedule (BCEGS®) assesses grading schedule, community building codes and their enforcement, with special emphasis on mitigation of losses from natural hazards. Evaluations are conducted every five years. Localities with well-enforced, up-to-date codes should demonstrate better loss experience, which can be reflected in lower insurance rates. The prospect of lessening catastrophic damage and ultimately lowering insurance costs provide an incentive for communities to enforce their building codes rigorously.

The anticipated benefits are safer buildings, less damage, and lower insured losses from catastrophes. The BCEGS program assesses a community's building code enforcement in three areas: Code administration, plan review and field inspections,

ISO collects 1,243 data points to calculate two scores: One for one- and two-family residential construction and another for commercial or industrial construction. Internal scoring ranges from a minimum of 0 to a maximum of 100. For insurance rating guidance, ISO translates the scores to a scaled class rating of one (exemplary commitment to building code enforcement) to 10 being the worst. Mr. Westheimer noted that it is not possible to get a rating of one in the state of Virginia, because of the way the State does their Code Adoption Cycle. He stated in order to get the maximum points, the code must be adopted within 12 months of being published. Virginia is on a 36-month cycle. Mr. Westheimer stated that for reference, the natural average score for residential and commercial construction score is 4. Virginia is received a four for residential and three for commercial. Sussex County received three for both commercial and residential construction, which is a dramatic increase of previous review done in 2018, where Sussex County received a score of 10.

Administrator Douglas noted that he appreciated Mr. Westheimer's leadership and his Building Services team in doing an outstanding job, reflecting in the tremendous improvement of the County's Building Code Effectiveness Grading Classification.

The ISO Survey and letter were included in Board packet.

### 3.05 Review of Sussex County Fund Balance/Review - Treasurer Deste Cox

Treasurer Deste Cox provided a presentation of the state of the historical use of Reserve and Fund Balance.

Ms. Cox reviewed this historical use of the Reserve and Fund Balance. The use of the of Reserve was shown for the last ten years. The use of the Reserve was broken by General Fund and Other Funds (CSA, VPA, Capital Projects); the use of the Fire/Rescue Escrow; and, the use of General Fund Balance.

She noted in FYE20 the General Fund Balance was used. Any additional appropriations came out of the General Fund Balance. Ms. Cox stated that the Board asked to change this. Any additional appropriations would come from the Reserve Funds. This would make it easier to for the Finance and Treasurer's offices.

In 2024, there was over \$2 million use of Reserve and Fund Balance. The majority of which was to the General Fund, EMS new contract, and departmental overage, totaling \$950,000 of the \$2 million. It was noted that \$372,232 was used for CSA services. It was noted that in 2015, there was \$5 million use of Reserve and Fund Balance for Capital Projects for the purchase of the radio system for the Sheriff's Department and EMS. It was also noted that FYE16 was also for the radio system.

Ms. Cox stated that Unallocated Fund will basically show what hasn't been allocated in both Reserve and General Fund Balance. It was noted encumbrances were accounted since 2018. The Unallocated Fund balance includes both fiscal years FYE2018.

The Treasurer went over the A 10 Year Review of revenue source from tax revenue from Real Estate, Personal Property, Machinery and Tools, Merchants Capital, and Public Service. It was noted that encumbrances were accounted during the year, which was anything brought over from the prior fiscal year. She explained any use of the Reserves were accounted for under the Reserve Fund Balance.

It was noted that a 45% increase in taxes levied over the last ten years equaled to \$4.67 million increase in tax revenue.

Landfill tipping fees were reviewed.

Current obligations for Debt Service was reviewed, as well as principal debt and Annual Debt Service Payments. It was noted that annual debt service should decrease as those debts are paid. They should be paid out in FYE33.

There was discussion of recovering delinquent taxes.

A handout was provided to the Board members for the information reviewed.

### 3.06 Contract for Professional Architectural/ Engineering Services for Fire/EMS/Design

This item was moved during agenda amendment for presentation only.

As requested by the Board of Supervisors at the July regular board meeting following a discussion of staff-recommended architectural services for two county fire/EMS stations,

RFP 2024-1 (Professional Services for Fire/EMS Station Design for Sussex County) was issued to solicit interest from architectural firms for the design of fire/EMS stations in Stony Creek and Waverly. A review team consisting of the County Administrator, Chief of Fire and Rescue, Waverly Fire Chief, and Stony Creek Fire Chief narrowed the list of proposals and interviewed five architectural firms. The unanimous choice of the review team was Guernsey Tingle of Williamsburg (to include as additional partners Stewart-Cooper-Newell Architects, Timmons Group, and Thompson Consulting Engineers). Staff has negotiating terms of a proposed contract for design-related services with the selected firm, and if approved by the board, staff would work

with the County Attorney to prepare a contract. It is critical to move forward with this project as quickly as possible in order to have facilities completed to accommodate county EMS crews in 2026.

Fire and Rescue Chief Sheffield presented the fire station overview from an engineering and architecture perspective. He noted that this project was part of the 24-month plan. He noted that it was the next step in replacing and updating some stations He noted Ms. Amanda Running form Guernsey Tingle to answer any questions the Board may have.

An overview of Guernsey/Tingle was provided. They are located in Williamsburg, Virginia. There teams consists of Timmons Group, Stewart-Cooper-Newell (Fire Station Design Expert); Thompson Consulting Engineers (Mechanical, Electrical, Plumbing, Fire Suppression); TAM Consultants Structural Engineering) GET Solutions, Inc. (Geotechnical & Environmental Testing); Downey & Scott, LLC – (Cost Estimating) and STRUCTR (Sustainable Design).

The Design Proposal was discussed including basic design services; supplemental and additional design services, as well as other factors and assumptions that were assumed in their proposal. The factors and assumptions. Design process including programming, schematic design were discussed. Design consideration including prototype stations and building systems were reviewed. Design Cost Management were discussed to include a step-by-step approach; reduce risk and associated fee as assumptions become fixes and prototype or previous designs.

#### **4. Public Hearing**

There was no Public Hearing

#### **5. Appointments**

There were no appointments.

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

##### 6.01 Recommended FY25 - FY29 Capital Improvement Program - Planning Director Beverly Walkup

This item was tabled.

##### 6.02 Crater Youth Care Commission Budget Amendment

This item was moved during agenda amendment. After discussion, this item was tabled.

#### **7. Citizens' Comments**

Comments were heard from:



- Molly Dawless (Property Owner in Wakefield) - Thanked the Board for voting against the Blackwater Solar project; concerns with Big Solar Project; blighted solar facility; DEQ violations with Waverly Solar site; represent citizens; thanked Board services; seek other alternatives for revenue.
- Nick Sheffield (Sussex F & R Chief) - Introduced Chris Bailey as the new Assistant Chief of Fire and Rescue.
- Chris Bailey (Sussex F & R Asst. Chief) - Thanked the Board; glad to be with the County and have the opportunity to help build something new in Sussex County; available and happy to help.
- Lisa Garrison (Courthouse District) - Adjacent property owner; concerned and against Big Pine Solar; location of solar farm near conservation pond that has endangered species of fish;

## **8. Unfinished Business**

### 8.01 Contract for Professional Architectural/Engineering Services for Fire/EMS Design

This item was tabled.

## **9. New Business**

### 9.01 Clerk of Court Salary Increase

This item was tabled.

## **10. Board Members Comments**

10.02 Courthouse District – Trunk or Treat October 31, 2024 at 5:30 p.m. at the Jessica Ann Moore Foundation.

10.03 Henry District – Octoberfest at the former Jefferson Elementary School for Sussex County on October 23, 2024 at 10 a.m.

10.04 Stony Creek District – none

10.05 Wakefield District – Eastern Senior Citizens' Sneaker Ball Saturday, October 19, 2024 from 1 p.m. at the Wakefield Foundation; listen to what's presented to the Board before taking sides.

10.06 Waverly District – none

10.07 Yale District - none

## **11. Closed Session**

### 11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session, pursuant to (1) consideration, or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, applicable Va. Code Section 2.2-3711(A)1, certain county employees and invite Sheriff Giles. All Board members present voted aye.

#### 11.02./11.03. Reconvene to Open Session/Certification

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

FURTHER RESOLVED THAT 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 inconformity 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 Closed Session Item.

## **12. Adjournment**

### 12.01 Adjournment

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the October 17, 2024 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 8:05 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, November 21, 2024.