

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, July 18, 2024 at 6 pm**

BOARD MEMBERS PRESENT

Wayne O. Jones, Chairman
Steve 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
Ellen G. Boone, Commissioner of the Revenue
Elizabeth Cooper,
Deste J. Cox, Treasurer
Jeffrey Gary, Public Works Director
Ernest Giles, Sheriff
Almetia Hardman, Deputy Commonwealth's Attorney
(Virtual) Michael Kessinger, Captain
Kelly W. Moore, Finance Director
Michael Poarch, Planner
Nick Sheffield, Emergency Services Chief
Regina Sykes, Commonwealth's Attorney
Beverly Walkup, Planning Supervisor
Victor White, Solid Waste Coordinator
Shilton R. Butts, Asst. to the County Administrator/
Clerk to the Board of Supervisors

1. Commencement

1.01 Call to Order/Determine Quorum

Chairman Jones called the July 18, 2024 regular meeting of the Sussex County Board of Supervisors to order.

1.02 The Invocation

Supervisor Tolliver offered the Invocation.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04. Agenda Amendments

Supervisor Fly requested to move Consent Agenda Item 2.08 CSA Revolving Fund Temporary Cap Increase under Item 6. Action Items, as Item 6.04.

Administrator Douglas added the introduction of New Hope Baptist Church newly installed Pastor.

1.05. Approval of Regular Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the July 18, 2024 regular agenda as amended to include (1) moving Item 2. Consent Agenda, Item 2.08 CSA Revolving Fund Temporary Cap Increase to Item 6. Action Items, as Item 6.04; and (2) adding as 3.03 Introduction of New Hope Baptist Church Pastor. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) June 3 Joint BOS-PC, June 20 Special, June 20 Regular, June 25 Personnel Committee and June 26, 2024 Special Board Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports; (e) Davenport Invoice for Financial Services; (f) Kroger Opioid Settlement Resolution; (g) Victim Witness Grant Award #25-O1439VW22Approval; and (h) Wakefield Police Service Agreement Amendment. All Board members present voted aye.

3. Recognitions/Awards/Presentation

3.01 The Introduction of Solid Waste Coordinator, Victor White

Public Works Director Jeff Gary introduced Victor White, who is serving as the County's Part-Time Solid Waste Coordinator and managing the County's Solid Waste Convenience Centers.

Mr. White introduced himself and thanked the Board

3.02 RESOLUTION: Recognition of Mr. Calvin C. Tyler, Sr. 100th Birthday

Supervisor Tyler's dad, Mr. Calvin C. Tyler, Sr., celebrated his 100th birthday in June 20, 2024. Mr. Tyler recognized his dad on this major milestone.

By consensus, the Board approved the resolution:

WHEREAS, Calvin Coolige Tyler, Sr. was born on June 11, 1924 to the parents of Judge Tyler and Clara Tyler in Greensville County as the 6th child, and,

WHEREAS, Calvin Tyler siblings were Judge Tyler, Jr., Charlie Tyler, Sr., Roosevelt Tyler, Sr., Sue Tyler, Amelia Tyler, Herman Tyler, Cornelius Tyler and Garfield Tyler; and

WHEREAS, he attended elementary in Sussex County and was a member of the First Baptist Church in Jarratt serving as an Usher for several years; and,

WHEREAS, Calvin Tyler married Mozell Virginia Jefferson Tyler on November 27, 1945 and birthed seven children to this union namely: Calvin Tyler, Jr., Rita Tyler, Nathan Tyler, Linrod Tyler, Rochelle Tyler, Honorable Rufus Tyler, Honorable Welton Tyler and Yvette Tyler Wyche; and subsequently moved to Sussex County in 1966; and,

WHEREAS, Calvin Tyler, Sr. at an early age joined the Shiloh Baptist Church in Emporia, Virginia and later joined the Morning Star Baptist Church where he served on the Usher Board and subsequently becoming President for over 20 years; and,

WHEREAS, Calvin Tyler, Sr. is one of the original Tyler Brothers who traveled throughout the United States singing gospel; He later joined his family gospel group, “The Gospel Tears” until November 20, 2004; and

WHEREAS, Calvin Tyler, Sr. occupational skills included carpentry, farming and concrete finisher. However, he retired from Tredgar Steel Company as a Crew Supervisor in 1975 after being diagnosed with colon cancer; and,

WHEREAS, Calvin Tyler, Sr. was 100 years old on June 11, 2024, and was honored by family and friends for his years of community service and leadership.

Therefore, be it Resolved, that Sussex County Board of Supervisors hereby recognize and honor Calvin C. Tyler, Sr. on this day for his years of service as a resident of Sussex County.

The resolution will be presented to Mr. Calvin Tyler, Sr. at the August meeting.

A copy of the resolution was included in the Board packet.

3.03 Introduction of Newly Installed Pastor Ulric L. Eley, New Hope Baptist Church

Commissioner Boone gave a brief background of the newly installed Pastor of New Hope Baptist Church, Waverly, Virginia.

4. Public Hearings

4.01 Ordinance Amendment #2024-02, Chapter 14: Environment and Natural Resources, Article II. Erosion and Sediment

A public hearing is scheduled to receive comments on the Article II, “Erosion and Sediment Control,” of Chapter 14 titled “Environment and Natural resources,” of the Sussex County Code,

as amended, to update the County’s Erosion and Sediment Control Program in accordance with the State Code. Consistent with current State regulations and laws effective July 1, 2024, staff has provided the appropriate amendments to the County’s Erosion and Sediment Control Ordinance for adoption by the Board of Supervisors.

Michael Poarch, Planner, provided the staff report as follows:

Ordinance Amendment #2024-01: An ordinance to Amend Article II, “Erosion and Sediment Control,” of Chapter 14 titled “Environment and Natural Resources,” of the Sussex County Code, as amended, to update the County’s Erosion and Sediment Control Program in accordance with the State Code.

Summary:

As of July 1, 2024, Chapters 68 and 758 of the 2016 Acts of Assembly become effective. Those Acts, referred to as the “Consolidation Bill,” combine stormwater management and erosion and sediment control requirements under the Virginia Erosion and Stormwater Management Act (VESMA), §§ 62.1-44.15:24 through 62.1-44.15:50 of the Code of Virginia. Requirements for a Virginia Erosion and Sediment Control Program (VESCP) are in the Erosion and Sediment Control Law (ESCL) for Localities Not Administering a Virginia Erosion and Stormwater Management Program, §§ 62.1-44.15:51 through 62.1-44.15:66 of the Code of Virginia. With the Consolidation Bill and VESM Regulation becoming effective on July 1, 2024, local ordinances for the administration of a Virginia Erosion and Sediment Control Program 2 (VESCP) or Virginia Stormwater Management Program (VSMP) will need to be updated to reflect both the new law and regulations.

Consistent with § 62.1-44.15:27 of the Code of Virginia, the Virginia Department of Environmental Quality (DEQ) has prepared a Virginia Erosion and Sediment Control Program (VESCP) Model Ordinance to assist in the development of the appropriate local ordinances.

Since Sussex County does not administer its own stormwater management program and relies on DEQ for administration, staff has provided the applicable updates to the Erosion and Sediment Control Ordinance. Some of the major changes include the following:

1) Sec. 14-22. Definition

- Inclusion to allow a farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed to be executed under an Agreement in lieu.
- Add definitions
 - Farm building or structure
 - Natural channel design concepts
 - Percent impervious
 - Runoff volume
 - VPDES Permit

2) Formatting and other minor edits/clarifications.

Staff recommended approval to the Board of Supervisors of the amended Erosion and Sediment Control Ordinance to be consistent with the current state regulations and laws effective July 1, 2024.

Copies of the Memorandum of the Department of Environmental Quality and Model Ordinance Draft of the amended Sussex County Erosion and Sediment Ordinance (tracked-changes version and clean version.) and the Notice of Public Hearing were included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby opened the Public Hearing on Ordinance Amendment #2024-02, Chapter 14: Environment and Natural Resources, Article II. Erosion and Sediment. All Board members present voted aye.

A. Board Comments

Board comments were heard from Supervisors Tyler, Fly and Jones.

B. Public Comments

There were no public comments.

ON MOTION OF SUPERVISOR TOLLIVER, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby closed the Public Hearing on Ordinance Amendment #2024-02, Chapter 14: Environment and Natural Resources, Article II. Erosion and Sediment. All Board members present voted aye.

C. Action

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve Ordinance Amendment #2024-02, Chapter 14: Environment and Natural Resources, Article II. Erosion and Sediment.
Voting aye: Supervisors Baicy, Fly, Futrell, Jones, Tolliver, Tyler, White
Voting nay: none

5. Appointments

There was no appointments.

6. Action Items

6.01 Contract for Professional Architectural/Engineering Services for Fire/EMS Design (RFP #2024-01)

Administrator Douglas stated that 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). Chief Sheffield has been negotiating terms of a proposed contract with the selected firm, and should be able to recommend a contract maximum amount for design-related services for board consideration. 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.

The Board discussed getting numbers and information.

This item was tabled.

6.02 Commonwealth's Attorney Funding Request for Computer Software Purchase

Staff is requesting consideration for funding for case management software for the Commonwealth's Attorney Office, as requested as a "big ticket" item but not included in the proposed or adopted FY25 operating budget. Specifically, \$47,150 is requested to purchase Prosecutor by Karpel case management software from Karpel Solutions, as described in the attached proposal. A budget amendment was also attached for your consideration, appropriating \$47,150 in reserve funds for this purchase. Recommendation: Staff recommends approval.

Copies of Karpel Solutions proposal, Big Ticket Item Form, and Budget Amendment #24-115 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 approve Budget Amendment #24-115 for case management software for the Commonwealth's Attorney Office, as requested as a "big ticket" item, in the amount of \$47,150. All Board members present voted aye.

6.03 Sheriff's Request for Vehicle Purchase

Summary: Staff is requesting approval of the purchase/financing of ten equipped vehicles for the Sheriff's Department, as requested but not included in the county's FY25 proposed or adopted operating budget. As listed on the attached application, this request is for the purchase from Haley Auto Group four 2024 Ford F-150 Police Responder vehicles (ranging in price from \$61k to \$63k) and six 2024 Dodge Durango vehicles (\$58k each), for a total cost of approximately \$599k (five-year term), depending on the current interest rate (previous rate offered by Ford Motor Credit was 6.66 percent). The initial payment would be approximately \$136k, and would require approval of a budget amendment to provide funding from reserves (attached). Conversely, staff is working with Davenport to determine if these vehicles could be financed through the county's existing line of credit for public safety vehicles through Bank of America (likely recommended four-year term).

This method should not require any initial payment of funds nor approval of a budget amendment at this time (payment schedule would be determined by Bank of America). Staff should know the feasibility of this option and interest rate by the time of the regular meeting. Recommendation: Staff recommends approval of the requested purchase and financing of the ten vehicles for the Sheriff's Department, to be financed through whichever method offers the lowest interest rate and total cost.

Copies of Ford Motor Credit proposal and Budget Amendment #24-116 were included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors: RESOLVED that the Sussex County Board of Supervisors hereby approve Budget Amendment #24-116 requested to purchase and finance ten vehicles for the Sheriff's Department,; and

FURTHER RESOLVED that it is to be financed through whichever method offers the lowest interest rate and total cost.

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

Voting nay: none

6.04 CSA Revolving Fund Temporary Cap Increase

This item was removed from the Consent Agenda to Action Items during agenda amendments.

The CSA Coordinator is requesting that the CSA Revolving Fund cap be increased from \$250,000 to \$350,000 temporarily through September 30, 2024. This request is supported by the Finance Director, County Administrator, and Treasurer, and should allow for any outstanding FY24 CSA-related invoices to be paid and processed for state reimbursement prior to OCS's September 30 cut-off. Any FY24 invoices not processed by September 30 are ineligible for state reimbursement, resulting in all costs being the responsibility of the locality (staff has taken measures to eliminate this situation over the past couple years).

Staff recommends increase of CSA Revolving Fund cap to \$350,000 through September 30, 2024.

The Broad briefly discussed this item for clarification.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the increase of CSA Revolving Fund cap to \$350,000 through September 30, 2024.

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

Voting nay: none

Absent during vote: Supervisor Baicy

7. Citizens' Comments

Comments were heard from:

- Kevin Bracy (Yale District) - County spending
- Paula Bracy (Yale District) - Speakers need to turn on microphones/speak clearly and louder.
- Ulric L. Eley (New Baptist Church Pastor) - Installed as Pastor of New Hope Baptist Church; invited Board to church first Sunday in August Homecoming Service - 9 a.m.; fun events; welcomed public; revival 1st, 2nd, and 3rd Wednesdays in August; thanked Board for work in the community.

8. Unfinished Business

8.01 Contract for Professional Architectural/Engineering Services for Renovation and Construction of Historic Courthouse and Related Facilities (RFP #2023-02)

This action item was tabled after discussion at the April regular board meeting.

Administrator Douglas stated that Request for Proposals 2023-02—Professional Architectural/Engineering Services for Renovation and Construction of Historic Courthouse and Related Facilities was advertised in December 2023 to solicit proposals regarding the proposed courthouse project. Glave & Holmes, who along with the Wooten Company completed the initial building assessment and conceptual planning work related to this project, was the lone firm that submitted a proposal by the deadline (another firm submitted after the deadline and was not deemed as qualified as Glave & Holmes). Administrator Douglas noted that Glave & Holmes had significant experience in major historic preservation projects. They were highly regarded for their work with historic properties.

Staff is requesting authorization to execute a contract with Glave & Holmes for project architectural/engineering services (design, bid package, construction administration, etc.). In lieu of authorizing a contract to include \$624,140 in construction-related services, staff is recommending consideration of a contract to only reflect design-related services (\$1,432,455).

In consultation with Davenport, these fees can be covered by long-term financing, likely through USDA Rural Development. If the board chooses to limit the scope of a construction project or complete in individual phases, which could result in a more costly project over time, then staff would need to negotiate a new contract amount with the architect or advertise a new project. Recommendation: The Board authorize the County Administrator and County Attorney to prepare and execute a contract with Glave & Holmes for architectural/engineering design-phase services related to the courthouse project, for a cost not to exceed \$1,432,455, plus \$100,000 for project contingencies and reimbursable expenses. Attachment: Proposal for Professional Design and Construction Phase Services.

No action was taken.

9. New Business

9.01 Proposed Meals Tax Ordinance

Administrator Douglas stated that several board members have expressed interest in considering a “meals tax” for Sussex County, which now under state law can be adopted by ordinance rather than referendum. Attached for your review is the Amelia County Food and Beverage Tax Ordinance, which was recently adopted by the Amelia County Board of Supervisors. County Attorney Jeff Gore discussed the process that could be potentially used in Sussex County. If by consensus or vote the board wishes to move forward with consideration of a potential ordinance, staff will develop an applicable ordinance and schedule a public hearing for the September regular board meeting.

It was noted during discussion that this item can't apply to towns that have food taxes.

Staff recommends moving forward with the process of potentially considering a County meals tax.

A copy of Amelia County ordinance was included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved moving forward with staff developing an applicable ordinance and scheduling a public hearing for meal taxes.

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

Voting nay: none

Abstained: Supervisor Fly

10. Board Member Comments

10.01 Blackwater District - none

10.02 Courthouse District – Invitation to second soccer camp; begin toy drive.

10.03 Henry District – none

10.04 Stony Creek District – First Responder Appreciation Dinner Committee.

10.05 Wakefield District – East Senior Citizens went on the Spirit of Norfolk.

10.06 Waverly District – Seniors; Spirit of Norfolk; thanked Ms. Jones foundation; East Wakefield and Jarrett seniors.

10.07 Yale District - none

11. Closed Session

11.01 Convene to Closed Session

There was no Closed Session.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR TOLLIVER, seconded by SUPERVISOR TYLER and carried: RESOLVED that the July 18, 2024 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 8:49 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, August 15, 2024.