

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, September 19, 2024 at 6 pm**

BOARD MEMBERS PRESENT

Wayne O. Jones, Chairman
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
David J. Conmy, Deputy County Administrator/Economic
Development Direct
Danielle Powell, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
Stephanie Daniels, Accounts Payable (Virtual)
Ernest Giles, Sheriff
Michael Kessinger, Captain
Kelly W. Moore, Finance Director (Virtual)
Titiana D. Nicholson, CSA Coordinator
Michael Poarch, Planner
Nick Sheffield, Chief of Fire & Rescue
Regina Sykes, Commonwealth's Attorney
Beverly Walkup, Planning Supervisor
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 September 19, 2024 regular meeting of the Sussex County Board of Supervisors to order.

1.02 The Invocation

Supervisor Baicy 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 2.05 FY25 Community Service Board Performance Contract/Amendment and 2.06 Animal Services ACO Salary Adjustment/Budget Amendment to Action Items. 6.04 and 6.05, respectively.

Vice Chairman White requested to add under Action Items, as Item 6.06 Personnel Committee, as to the process. Vice Chairman White also requested to under Item 11. Closed Session, Employee salary determination - Fire & EMS and acquisition of real estate. He also requested to table Item 8.01 Proposed County Fiscal Operation Policy under the Item 8. Unfinished Business.

Supervisor Futrell requested to add under New Business, as Item 9.02 Eastern Virginia Seniors Citizens.

Administrator Douglas requested to table Item 3.04 Historical Review of Fund Balance, under Item 3. Recognitions/Awards/Presentations to the October meeting, at the request of Treasurer Cox.

1.05. Approval of Regular Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the September 19, 2024 regular agenda as amended to include (1) moving Items 2.05 FY25 Community Services Board Performance Contract/Amendment and 2.06 Animal Services ACO Salary Adjustment/Budget Amendment under the Consent Agenda, to Item 6. Action Items as Items 6.04 and 6.05, respectively; (2) under Item 3. Recognition, table Item 3.04 Historical Review of Fund Balance; (3) adding to Item 6. Action Items as Item 6.06 Personnel Committee; (3) adding a Closed Session pursuant to Employee Salary and Real Estate under Item 11. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR WHITE, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) September 12 Finance Committee and September 19, 2024 Regular Board Meetings minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports; (e) Opioid Funds Budget Amendment; (f) Opioid Funds Budget Amendment; and (g) Cameron Foundation Funding Award (Broadband Project) Budget Amendment. All Board members present voted aye.

3. Recognitions/Awards/Presentation

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

Delegate Otto Wachsmann was in attendance and presented resolutions honoring past Supervisor/Chair Susan Seward (HJR322) and Debbie Jones (HJR327), whose terms expired in December 2023.

The Honorable Susan Seward and the Honorable Debbie Jones were in attendance to receive their resolutions.

3.02 ISO Building Code Effectiveness Grading Schedule Results –Building Official Matt Westheimer

Administrator Douglas stated that Building Official Matt Westheimer was to provide a brief overview of the recently completed ISO Building Code Effectiveness Grading Schedule survey process; however, he was unable to attend the Board meeting.

He will be in attendance at the October meeting.

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

3.03 Children’s Services Act Program Update

Titiana Nicholson, CSA Coordinator, gave a brief presentation of the Children’s Services Act and funding challenges.

Ms. Nicholson noted that there are two different local CSA teams, FAPT and CPMT.

FAPT (Family Assessment Planning Team) is responsible for some assessments, determining eligibility for CSA and making service recommendations. FAPT members include representative from the local Department of Social Services, schools, Court Services Unit, and the Community Services Board. FAPT will also have a parent representative and may have other members such as the health department or a service provider.

CPMT (Community Policy Management Team) has local directors from the same agencies, the health department, a parent representative, a service provider and a representative of local county/city government. CPMT is responsible for developing local policies and procedures and approving funding for CSA services.

Ms. Nicholson discussed the Children's Services Act (CSA) and reported a significant increase in the number of children served, from 16 in 2021-2022 to 50 in 2024. The County's spending on CSA increased from \$600,000 in 2020 to \$1.8 million in 2024, with an average expenditure of \$37,667 per case. Sussex noted that 20.9% of children in the County were in the CSA program in 2022. The program reassesses cases every 30 days, and cases may be closed or additional services provided based on the child's progress. Sussex highlighted the high cost of providing services for a non-verbal child with an IEP, which could exceed \$750,000 annually. The need to address poverty as a priority and suggested investing in the community to reduce poverty levels was emphasized. Sussex also discussed the lack of foster care homes in the County, leading to the use of expensive foster care agencies. It was proposed to reach out to the community to find local

foster care providers and facilitate outreach to potential foster care providers. There were concerns expressed about the program's budget exceeding its allocated amount and suggested looking into grants or other funding sources.

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

3.04 Historical Review of Fund Balance

This item was tabled at the request of the Treasurer.

4. Public Hearings

4.01 Amendment to Code of Ordinance - Food and Beverage Tax (Meals Tax)

Administrator Douglas stated that as approved by the Board of Supervisors at its July 2024 regular board meeting, a public hearing has been scheduled and advertised to consider the adoption of a six percent food and beverage tax in Sussex County, or specifically to consider adoption of “Ordinance to Amend Chapter 28, Taxation, of the Sussex County Code of Ordinances to Add Article XIII, “Food and Beverage Tax” to Chapter 28 to Levy a Food Beverage Tax in Sussex County” as prepared by the County Attorney. At the conclusion of the public hearing, the board may wish to consider adoption of this ordinance with any amendments. As written the effective date of this tax is January 1, 2025, but it is important to note that staff is working with the Commissioner of Revenue to determine a reasonable implementation date that is fair and reasonable (the ordinance should be modified to reflect the effective date).

Staff recommends the adoption of the Food and Beverage Tax, amended to reflect an effective date as recommended by the Commissioner of Revenue.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby opened the Public Hearing on the amendment to the Code of Ordinance – Food and Beverage Tax (Meals Tax). All Board members present voted aye.

A. Board Comments

There were no Board comments.

B. Public Comments

Comments were heard from Kevin Bracy (Yale District).

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby closed the Public Hearing on the amendment to the Code of Ordinance – Food and Beverage Tax (Meals Tax). All Board members present voted aye.

C. Action

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts Amendment to Code of Ordinance - Food and Beverage Tax (Meals Tax), amended to reflect an effective date as recommended by the Commissioner of the Revenue.

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

Voting nay: none

Abstained: Supervisor Fly

5. Appointments

5.01 Appointments to Industrial Development Authority\.

DCA/Economic Development Director David Conmy stated that as part of Sussex County’s 2023 Virginia Business Ready Sites Program (VBRSP) grant award, the County was able to hire a consultant to provide a report on various policy recommendations to advance the County’s economic development goals, especially for Sussex Green Enterprise Park. Several of the recommendations focus on the County’s IDA, whose members are appointed by the County Board of Supervisors. County staff are recommending that the Board of Supervisors appoint new members to the IDA in order to give it a different perspective. Staff has engaged directly with all of the recommended appointees and solicited information on each recommended appointee for the Board’s review. Many of the existing IDA members’ terms expired, and §15.2-4904 of the Code of Virginia, as amended, states that “If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.”

Therefore, Sussex County staff recommend the following appointment terms be made for the duration of the unexpired terms:

Recommended Appointee	Term Start Date	Term End Date
Frances Chambers	5-15-2023	5-15-2027
Sharon Rogers-Moore	5-15-2023	5-15-2027
Chris Everett	5-15-2024	5-15-2028
Jesse Hellyer	5-15-2022	5-15-2026
Sarat Yellepeddi	5-15-2022	5-15-2026

Staff recommended appointments of the recommended appointees.

The Board discussed local appointees, the IDA inherit of power, i.e. bond issuance, acquisition of and owner of County property and being a separate entity.

There was discussion of appointing IDA Board with the County still having ownership of its properties, in which Mr. Conmy stated yes.

There was discussion of a Virginia Gateway member to be on the IDA Board.

IDA Appointment Applications were included in the Board Packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby tabled the IDA appointments until October. All Board members present voted aye.

6. Action Items

6.01 FY24 Virginia Business Ready Sites Program (VBRSP) Site Development Grant Award

DCA/Economic Development Director David Conmy reviewed a presentation on VBRSP Site Development Grant Award. He stated that on August 8, 2024, the Governor's Office awarded Sussex County \$1.5 million from the Virginia Economic Development Partnership (VEDP) VBRSP site development grant program. Grant funds will be used for the following activities to advance Sussex Green Enterprise Park: 1. Project Management 2. Construction Designs for Treated Wastewater Facilities 3. Electrical Demand Study 4. Natural Gas Pipeline (60% Design) 5. Natural Gas Point of Delivery (POD) Design (90% Design) 6. Natural Gas POD Easement Acquisition 7. Well Exploration 8. Economic Impact Study of Proposed Route 460 Water Line The total project cost is \$2,298,000. Sussex County is required to provide a 25% match (\$375,000). Staff recommend the following breakdown of funding sources: 1. Sussex County: \$366,750 2. Prince George Electric Cooperative (committed): \$25,000 3. Tobacco Region Revitalization Commission (pending): \$406,250 Please note that County staff also have a pending application submitted to the U.S. Economic Development Administration that will seek to supplant some/all of the \$366,750 local funding. This is a reimbursable grant so the County would need to appropriate the full \$2,297,100. Recommendation: Staff recommends the Board (1) authorize the County Administrator to execute the necessary agreement(s) for this project and (2) approve a budget amendment in the amount of \$2,298,000 for this special project.

Copies of the draft VBRSP Grant Performance Agreement and Scope of Work Budget Amendment were included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Board of Supervisors hereby approve a budget amendment in the amount of \$2,298,000 for this special project; and

FURTHER RESOLVED that the Board authorize the County Administrator to execute the necessary agreement(s) for this project. All Board members present voted aye.

6.02 Virginia Tobacco Region Revitalization Commission (TRRC) Business District Revitalization Grant

DCA/Economic Development Director David Conmy stated that on May 22, 2024, the TRRC awarded \$33,100 in funding to the County for the Sussex & Waverly Business District Revitalization project. These funds would support the following activities: 1. Designs, Feasibility

Study, Operational Plan, and Marketing Plan for the Miles B. Carpenter Museum 2. Hospitality Study, Designs, Construction Budget and Pro-Forma for the old Melody Inn Property in Waverly 3. Feasibility Study and Designs for a Co-Working Space in Waverly. Grants awarded by the TRRC require a 1:1 match. The proposed \$33,100 in matching funds would be split 50/50 between Sussex County and the Town of Waverly. An agreement between the County and Town would also govern how the project is administered with Sussex County chiefly taking on the role of fiscal agent and point of contact to the TRRC. Because this is a reimbursable grant and because \$16,550 of the total project cost would be funded by the Town of Waverly, a budget amendment in the amount of \$49,650 would be needed from the Board of Supervisors.

Staff recommended the Board (1) authorize the County Administrator to execute the necessary agreement(s) for this project and (2) approve a budget amendment in the amount of \$49,650 for this special project.

Copies of the Project Description; DRAFT County & Town Project Funding Contract and Budget Amendment were included in the Board packet.

After discussion this item was tabled.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR WHITE and carried: RESOLVED that this item was tabled. All Board members present voted aye.

6.03 Recommended FY25-FY29 Capital Improvement Program – Planning Director Beverly Walkup

Administrator Douglas requested to table this item.

6.04 FY25 Community Services Board Performance Contract/Amendment

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

Supervisor Fly stated that he would like to table this item unless it was time sensitive. He would like the full document to read.

Administrator Douglas noted that the document was time sensitive. All districts need approve by the end of September. If not approved, it would delay receipt of funding to District 19.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the FY24/25 Community Services Performance Contract/Amendments. All Board members present voted aye.

6.05 Animal Services ACO Salary Adjustment

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

Supervisor Fly noted appropriations placed on the Consent Agenda. He noted that the budget had already been adopted. This increase wasn't included. Supervisor Fly requested that the Board reject this item; however, it was reflection on the employee. Animal Services went over budget last year.

Administrator Douglas stated that the attached for your consideration is a memo from Animal Services Director Debbie Broughton, regarding a salary adjustment for Animal Control Officer Palmer. She made this request as part of her budget request, but it was an administrative oversight to not include in the County Administrator's proposed budget. ACO Palmer was promoted from within Animal Services to an open animal control officer position in 2023, at a pay rate less than typically offered to a certified ACO, with the understanding that her pay rate would be increased \$5800 upon completion of her certification training (to make her salary comparable of hiring salary of a certified ACO). ACO Palmer achieved the status of a trained animal control officer in May 2024 with graduation from the Crater Criminal Justice Academy, and has been an excellent county employee during her tenure in Sussex County.

Administrator Douglas stated that he took responsibility for not including this item.

The County Administrator recommended a salary increase of \$5,800, retroactive to July 1 with associated benefit increases, for Animal Control Officer Palmer.

Copies of the memo from Animal Services Director Broughton and Budget Amendment

ON MOTION OF SUPERVISOR BAICY, seconded SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors approve a salary increase of \$5800, retroactive to July 1 with associated benefit increases, for Animal Control Officer Palmer and Budget Amendment.

Voting aye: Supervisors Baicy, Jones, Tyler

Voting nay: Supervisors Fly, Futrell, Tolliver, White

After discussion, another motion was brought back on the floor.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconsider the vote. All Board members present voted aye.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors approve a salary increase of \$5800, retroactive to July 1 with associated benefit increases, for Animal Control Officer Palmer and Budget Amendment.

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

Voting nay: Supervisor Fly

6.06 Personnel Committee

This item was added during agenda amendments.

Vice Chairman White stated that it was brought to his attention, that during a previous administration, the authority to hire and fire an employee of the County was delegated to the County Administrator only. There was inquiry as to whether they removed the Personnel Committee.

Vice Chairman White stated that the hiring and firing along with the salary negotiations and everything else that's dealing with the employee should come before the Personnel Committee first.

He noted that the Personnel Committee and the County Administrator should be working hand in hand.

Administrator Douglas stated his concerns. He never had a personnel committee involved in hiring and firing. He stated to have something interjected that he process is stripping him of that authority to make personnel decision.

Vice Chairman White stated that he was not stripping the County Administrator of his authority. He was suggesting to work hand in hand with the County Administrator. The Personnel Committee should be aware.

Administrator Douglas stated he never had a governing Board who wanted to be involved in the process. He stated that it is not standard. He stated that it was not fair. It was not what he signed up for as County Administrator. He stated if the Board decides to take that authority away, they will have to find another county administrator. He could not operate under these conditions.

Supervisor White made the motion that the Personnel Committee should be an authority figure when it comes to personnel hiring, firing and salary negotiations of the County Employees, not Constitutional officers; however, there was no second to his motion.

County Attorney Powell stated that she was not aware of the things referenced that happened in the past. She couldn't speak to those things. County Attorney Powell stated that her general understanding of how governing bodies work is that the governing body appoints two positions. Those two positions are the County Administrator and the County Attorney. The County Administrator is the administrative head of the government. He's the person in charge of hiring and firing of employees. Personnel Committees generally, if they are formed, can review personnel policies and try and make sure the government is order that it needs to be.

County Attorney Powell stated that it doesn't sound like Vice Chairman White is asking to have authority to hire and fire. He's just asking to have for your information of hiring and firing. She noted that she has not seen Board members on interviews other than for the hiring of County Administrators and County Attorneys. She was happy to review any information that can be provided.

This item was tabled to the next meeting.

7. Citizens' Comments

Comments were heard from:

- Rodney Taylor (Blackwater District) - Chambliss Elementary School.
- Travis Taylor (Wakefield District) - Chambliss Elementary School
- Michael Jones (Brunswick County) - Works with Mr. Taylor on Chambliss Elementary School; Voice in community of what's happening; unified.

8. Unfinished Business

8.01 Proposed County Fiscal Operation Policy

This action item was tabled.

8.02 First Responders' Dinner

Supervisor Baicy stated that he talked to the County Administrator and the Chief of Fire & Rescue. He stated that the \$2,000 was already in place. Each of the four towns in the County has already offered \$500.00. He also noted that Mr. Millard "Pete" Stith donated \$100.

Supervisor Baicy stated that the County has \$4,100 at their disposal to show appreciation by giving the funds to the Chief of Fire & Rescue to be divided equally to be used when it's convenience for them.

Treasurer's office to handle the distribution of the funds.

It was noted that the budget amendment will be needed.

9. New Business

9.01 Reconsideration of Sunday Closure of Solid Waste Convenience Centers

Chairman Jones requested this item. After discussion.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved Solid Waste Convenience Centers to open Sunday and Monday, from 1 p.m. to 7 p.m., effective October 1, 2024.

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

Voting nay: none

9.02 Eastern Virginia Senior Citizens

Ms. Helena Clary, a member of the Eastern Virginia Senior Citizens, appeared before the Board on behalf of the Eastern Virginia Senior Citizens, stating the need of transportation for the organization and requested assistance.

Administrator Douglas advised that the agreement with Crater District Area Agency on Aging agreement was rescinded.

There was discussion of applying for grants.

10. Board Member Comments

10.01 Blackwater District – none

10.02 Courthouse District – none

10.03 Henry District – Passionate about some things; County fund balance

10.04 Stony Creek District – none

10.05 Wakefield District – Thanked everyone for coming out.

10.06 Waverly District – none

10.07 Yale District - none

11. Closed Session

11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR WHITE, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters Closed Session, pursuant to (1) personnel matters, discussion, 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, Fire & EMS Salary and (2) acquisition of real estate, where such consultation or briefing in open meeting would adversely affect the negotiating of the public body, applicable Va. Code Section 2.2-3711(A)3.

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

Voting nay: none

11.02./11.03. Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR WHITE, seconded by SUPERVISOR TOLLIVER 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 Closed Session Item.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR WHITE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the September 19, 2024 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 10:21 p.m. All Board members present voted aye.

12.02 Next Meeting

The next regular Board of Supervisors meeting is scheduled to be held, October 17, 2024.