

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, September 21, 2023 at 6 pm**

BOARD MEMBERS PRESENT

C. Eric Fly, Sr.
Alfred G. Futrell
Debbie P. Jones
Wayne O. Jones
Susan B. Seward
Rufus E. Tyler, Sr.
Steve White, Tie Breaker (Virtual)

STAFF PRESENT:

Richard Douglas, County Administrator
David Conmy, Deputy County Administrator/
Economic Development Director
Danielle Powell, County Attorney
Jordan Baldwin, PT Kennel Technician
Ellen G. Boone, Commissioner of the Revenue
Debbie Broughton, Animal Services Director
Savannah Byrum, Kennel Technician
Deste J. Cox, Treasurer
Eric Danuser, IT Manager (Virtual)
Jeff Gary, Public Works Director
Ernest Giles, Sheriff
Tommy Hicks, Consultant
Michael Kessinger, Sergeant
Emmy Matthews, Animal Control Officer
Kelly W. Moore, Finance Director
Michael Poarch, Planner
Nick Sheffield, Emergency Services Chief
Shilton R. Butts, Asst. to the County Administrator/
Clerk to the Board of Supervisors

1. Commencement (6:17 p.m.)

1.01 Call to Order/Determine Quorum

Chairman W. Jones called the September 21, 2023 regular meeting of the Sussex County Board of Supervisors to order.

1.02 The Invocation

Supervisor Fly offered the Invocation.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04. Agenda Amendments

County Administrator Douglas requested to add under Item 2. Consent Agenda, as Item 2.09 Strickler, LLC Refund.

Supervisor Fly requested to add under Item 3. Recognitions/Awards/Presentation, as Item 3.05 Southeastern 4-H Conference Center presentation and as Item 3.06 Veteran's for Veterans.

1.05. Approval of Regular Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the September 21, 2023 regular agenda to include adding under Item 2, Consent Agenda, as Item 2.09 Strickler, LLC Refund; under Item 3. Recognitions/Awards/Presentation, as Item 3.05 Southeastern 4-H Conference Center Report from Director; and as Item 3.06 Veteran's for Veterans Presentation (Interest in Hunting County Property). All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) August 17, 2023 Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports; (e) CSA Revolving Loan Cap Increase; (f) Compensatory Leave Overage Payout Approval/Budget Amendment; (g) Gro52 Property Clawback – Contingency Reimbursement; (h) School Rollover Resolution; and (i) Strickler, LLC Refund. All Board members present voted aye.

3. Recognitions/Awards/Presentation

3.01 Sussex County Animal Services FY23 Update and Introduction of Staff

Debbie Broughton, Animal Services Director was in attendance to provide an update FY23 Animal Services update and introduce staff.

Ms. Broughton introduced new staff and gave a brief background on the staff to include Kennel Technician Savannah Byrum, ACO Emmy Matthews. ACO Christa Palmer was not in attendance; however, she's the second Animal Control Officer. She introduced Part-time Kennel Technician Jordan Baldwin. Katie Daniel, Sue Vaughn and Erica Vaughan are part time Kennel Technicians; however, they were not in attendance at the meeting.

Ms. Broughton brought some of the animals from the shelter to the meeting, that included Canine Wobble, as well.

Ms. Broughton reviewed the 2023 statistics to include:

- Intake to date - 675
- Returned to owner – 71
- Adopted – 134
- Transferred – 180
- In custody to the date – 84
- Highest total daily count – 111.

Other important facts included: (1) 650 calls for service through dispatch, not including telephone calls; (2) 82% live release rate; (3) two new cat community play room; (4) new floors through out kennels; thanks to Energix; and (5) a new outdoor kennels, thanks to Lamburtus Grant to help pay for equipment.

Ms. Broughton noted the partners of the animal shelter to include: (1) Dr. Cupp, DVM, (2) Richmond Animal League (RAL), (3) Erica Gunn Photography, (4) Animal Aid, (5) Symbiotic Rescue, (6) Richmond SPCA, (7) Coastal Paws Rescue, (8) Surry Animal Services, and (9) Dr. Kim Eaton, DVM.

Mr. Broughton provided the Board a handout of the update that included the staff information.

3.02 Sussex County Building Services FY23 Update

Building Official Matt Westheimer was in attendance to present a FY23 review of the Building Services program and progress made since the formation of the shared program with Surry County. It was noted that Mr. Westheimer, along with the Surry and Sussex County Administrators, will present a session, “Partnering for Virginia’s First Shared Building Services Program,” on September 30th at the ICMA Annual Conference in Austin.

Mr. Westheimer stated that he wanted to take this opportunity to give a quick update on the shared building services program now they we had completed one full fiscal year of the program.

He thanked them for the opportunity to serve you. He gave a special thanks to Mr. Douglas and Mrs. Rollins for selecting me for the position. He stated that in the past nearly 2 years some tremendous strides had been made in revamping the building inspections program. An overwhelming positive response from citizens, contractors, and other customers of the department has been received. Mr. Westheimer stated that he would be remiss if he did not to mention that the program has received so much positive feedback that they were selected to present an overview of the program at this year's ICMA annual conference in Austin Texas. He hoped that they are as pleased and as proud of the outcome of the program as he was! Most importantly, all staff is fully certified through the State, giving the program full accreditation through the Department of Housing and Community Development, and at the national level through the International Code Council. Our permit technician at Sussex, Ms. Monica Whitney is representing the County as an

instructor at the Department of Housing and Community Development. She has also been asked to serve as a co-chair for the permit technicians committee for 'the Virginia Building Code Officials Association. Mr. Westheimer stated that the County really has some great staff members that are willing to go the extra mile for each other and the customers.

Mr. Westheimer reviewed the numbers for the last fiscal year. He stated program wide, they conducted just over 1,200 inspections. Of the 1,200 inspections, 612 were conducted in Sussex County. All inspections were completed within 24 hours of being called in to the new inspection's hotline. All plans were reviewed and approved or given comments within 10 business days from being received by the Inspections Department.

They completed a revamp of the permit fee schedule. Because of this, the total fees collected for FY23 were \$425,828. The departmental budget was \$250,077, leaving a net positive revenue of almost \$176,000. Surry County saw a similar increase in revenue with a total of fees collected for FY23 being \$441,229 and net revenue thereof \$152,000. Mr. Westheimer noted that he doesn't see this happening every year, however, it was very nice to see since they have put so much time into the development of the program.

One of the last task that still has to be accomplished is updating the permitting software. Updating the software will allow for much better customer service to the customers. It will give real time inspection updates, allow for electronic plan review, easier online permit application submittals and a host of other features that is much more user friendly. He stated that he had cone several demos with numerous vendors; however, he is still looking for the best fit for both counties.

He thanked everyone again for the opportunity to serve and present the update.

3.03 Introduction of New VDOT Franklin Residency Staff and Update of Routes 35/40 Safety Improvements and Other Projects

County Administrator Douglas stated that Paul Matticks, Resident Administrator of the VDOT Franklin Residency, was expected to be in attendance to introduce himself and George Bowman, new Assistant Residency Administrator, who replaced Jerry Kee. In addition, Mr. Matticks will present an update on the Route 35/40 intersection and recommended safety improvements to be implemented in the near future.

The VDOT representative was not in attendance. This item was moved to the October agenda.

3.04 Revised Sussex County Debt Capacity and Affordability Analysis

County Administrator Douglas stated that as requested by the Board of Supervisors at the August regular meeting, Roland Kooch with Davenport & Company will present a revised debt capacity and affordability analysis, originally presented in May 2022. This analysis has been revised to reflect the most current figures through FY23, and is intended to help guide the Board of Supervisors in deciding the affordability of the proposed courthouse renovation/administrative facility project, as presented at the August regular meeting. Mr. Kooch will also review some possible financing option for this project.

Roland Kooch with Davenport was in attendance. Mr. Kooch presented the Debt Capacity and Affordability Analysis to the Board. As Financial Advisor to the Sussex County, Davenport and Company, LLC was requested to (1) provide an overview of the County's Existing Debt Profile which incorporates both tax supported debt and lease obligations; (2) analyze the County's potential Debt Capacity and Debt Affordability; and (3) provide an update to the County's multi-year funding strategy for its identified Capital Improvement Needs.

Davenport and Company, LLC was also requested, based on the County's Existing Debt Profile, provide a preliminary estimate of the revenues needed to fund the identified future capital needs and/or other potential obligations.

A handout of the Debt Capacity and Affordability Analysis was provided to the Board. Mr. Kooch reviewed the goals and objectives as requested.

No action is requested at this meeting, but staff is soliciting for design and construction administration services for consideration at the October regular meeting.

3.05 Southeast 4-H Conference Center

Ms. Kathy Guindon, Southeast 4-H Conference Center Director, was in attendance to provide a one-year update.

Ms. Guindon stated that in the spring the Board inquired about the number of Sussex County residents visiting the 4-H Center. At the time the numbers were low. She stated that the largest week of summer camp consisted of 199 people. Of that 199, 112 were Sussex residents in comparison to the 30-35 that attended last year. She noted that she worked with some members of Sussex County Coalition who reached out to some local churches, schools, etc. to get children to the camp.

The youth could choose three out of 14 classes during that week of summer camp. They participated in yoga, archery, shooting sports, canoeing, fishing, swimming class, leathercraft, nature and forestry, and the teaching of life skills.

Ms. Guindon stated that the 4-H Center had some grant support, as well as support from Sussex County. She stated that model that was used could be replicated in the 16 counties and cities that visit.

She stated that you do not have to be in 4-H to come the camp. The Camp is for everyone. A 2023 school field trip was started. Sussex school had a school field trip. There was a Mentor/Mentee Program where upper classman in which they did an overnight field trip. They participated/saw in campfire, S'mores, turtles, walk in the woods, field guides and ferns.

She reviewed some improvements made to include the roof, decking, new six feet pool fence and ropes, permanent Program Director (Joey Patterson), permanent Executive Director (Ms. Guindon), staff increasing, Crater Regional Workforce, monthly programming, work days and

upgrade to walking trails.

Crater Regional Workforce paid for six seasonal staff. The Backyard Marathon Ultramarathon was hosted in May.

New educational opportunities were provided. A grant was received. A 3-D Archery Range was installed. Fishing programs and clinics for all ages are in place, as well as Bees program, public gardens and a 5-Stand/Wobble Range-ASC.

There was inquiry of offering swimming lessons. It was advised that there was no swimming instructor on site. The pool will be open Memorial Day through Labor Day.

3.06 Veteran's for Veterans

Mr. Harrup, a Veterans for Veterans representative, a non-profit organization, was in attendance. He stated that he was a former fighter pilot and retired Major in the United States Air Force. He stated that he came up with an idea with a former chairman of Wings of Hope. The former chairman resigned from Wings of Hope to help him form and establish Veterans for Veterans. The idea of coming home and being able to use their blessings in life--great airline careers--and take their flying skills and use it to move disabled veterans and service dogs around the United States with donated corporate aircrafts. He stated that he owned a business in Dinwiddie County called Central Virginia Aviation Used Aircrafts that he holds to resale to do that as well and partner with Angel Flight. He stated that this had grown into the Disable Veterans Hunt. He stated that he was looking for land. Last year, he was fortunate enough to buy 200 acres in Sussex on Cabin Point Road next to the landfill.

He mentioned the County property off Highway 460, near Waverly, behind to old tank service station. He stated that his family was from Waverly and Dendron. His grandfather, Dennis Harrup, Sr., was the founder of Waverly Hunting Club. He discussed some of the clubs he hunted. He's familiar with the County and has a love for the County.

He stated that they had the opportunity to provide the County with some revenue or the wherewithal to purchase the land. He stated they looked forward to partner with other/surrounding hunting clubs.

He stated he didn't need the land for himself. He see a way to make things better and help the veterans and the County. He wanted the opportunity to discuss.

There was inquiry of whether he wanted to hunt County land. He stated that he was looking for a place provide hunting for veterans. He was advised that the County no longer allow hunting on the Mega Site property. The County is in the process of developing the property for economic development. There would be a liability and conflict due to developing it.

David Conmy, Deputy County Administrator and Economic Development Director, stated as an additional point of information that not only does the County need to protect the conflicts and liability, but many of the prospects visiting the Mega Site prefer almost like an aura of secrecy

because it could jeopardize the deal. He stated that the County has spent a considerable amount of money to acquire the Mega Site to grow its tax base. He stated that staff recommendation would be no to allowing hunting on the land.

4. Public Hearings

There was no Public Hearing.

5. Appointments

There were no appointments.

6. Action Items

There were no Action items.

7. Citizens' Comments

- Kenneth Young (Courthouse District) - Got wind of something (4-H Center) on Facebook; made a post on Facebook calling out Board members; given other information and made post apologizing; wanted to apologize to Board members in person; thanked Board members wanting the 4-H to uphold values.

8. Unfinished Business

Item 8.01 Design Services Task Order for DMV Select ADA Compliant Restroom

County Administrator Douglas stated that Russell Pearlman with the Wooten Company presented a proposed task order under their engineering term contract for design and construction services for the upgrade of restrooms at the Treasurer's Office, in order to meet ADA compliance necessary for DMV-Select operational requirements, but the board tabled this item for further discussion. The task order and budget amendment in the amount of \$44,200 are attached for your review and consideration.

While optimal for the design and management of this project by our contracted architect to ensure that the improvements are compatible with the proposed courthouse restoration/administrative building project, staff understands the concerns related to professional services costs for a relatively minor project. Therefore, based on these concerns and given that minimal structural improvements would be made to the building as reflected in the conceptual plan, staff is recommending either:

- 1) that the design-build method is utilized for this project to allow a contractor to work with its own design professional to ensure compatibility of the ADA improvements with the overall conceptual design of the larger project (this method should also expedite the implementation timeline); or

2) that architectural services be solicited for a more basic plan that accounts for ADA compliance while maintaining general conformance with the overall building plans. Under either scenario, staff would handle bidding and construction administration of the restroom project, and Mr. Pearlman has agreed to provide some minimal interaction with the selected architect to ensure overall compatibility.

Staff recommends the Board approves either option 1 or 2 as noted above, and approves to move forward with the design and bidding process and budget amendment.

There were inquiries as to the deadline and why an architect was needed. County Administrator Douglas stated that it cost would be \$3,000 to \$5,000 for the design. He stated that the Budget Amendment for \$44,000 was placed in the Board packet because it was what was presented at the August meeting.

Wooten Task and Budget Amendment #23-72 were included in the Board packet

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby gives the County Administrator the authority to go through procurement and obtain an architect, up to \$5,000, to make the design for the bathroom ADA compliance. All Board members present voted aye.

Supervisor D. Jones departed at 8:10 p.m.

8.02 Proposed ARPA Recommended Project List and Resolution

County Administrator Douglas stated that attached for the Board's consideration was a list of proposed ARPA expenditures utilizing the \$242,780.50 of remaining unallocated ARPA funds, which must be allocated by December 2023, and related budget amendment. For reference, this list includes all previously approved ARPA expenditures over the past couple years. It has been amended since being presented at the August regular meeting to reflect the expenditure of \$12,000 for Waverly Meadows road improvements (as approved by the board in the interest of public safety at the August regular meeting). The requested expenditures primarily reflect capital needs excluded from the current operating budget, as well as an update to the county's personnel policies and a pay/position classification plan that will improve the county's HR efforts moving forward.

Staff recommended approval of the ARPA expenditures as presented and the related budget amendment of \$242,780.50.

Kelly Moore, Finance Director, noted that the Board had until December 2024 to allocate funds.

The ARPA comprehensive list and Budget Amendment #23-81 were included in the Board packet.

After discussion, it was the consensus of the Board to not move forward with the approval of the ARPA list and budget amendment.

Supervisor Fly asked the Board to allocate \$40,000 of ARPA funds for the purchase of a used ambulance. There was discussion of storage and back up.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby allocate \$40,000 of ARPA funds for the purchase of a backup ambulance.

Voting aye: Supervisors Fly, W. Jones, Seward

Voting nay: Supervisor Futrell

Abstaining: Supervisor Tyler

Absent during Vote: Supervisor D. Jones

County Administrator Douglas stated that Nick Sheffield, Chief of Fire and Rescue, brought to his attention that the Board had indicated its interest in purchasing automated external defibrillators (AEDs) in the deputy vehicles and fire stations. An official appropriation was never done.

Supervisor Fly made the motion, seconded by Supervisor Seward to allocate \$50,000 for the deputy vehicles.

There was discussion of who would receive the AEDs. It was clarified the AEDs would be provided for the deputy vehicles. Supervisor Fly noted that the 4-H Conference Center had a project that the County needed to complete regarding providing another AED as only one of the two had been provided. He amended his motion to change the amount to \$55,000 and added providing an AED to the 4-H Center.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve \$55,000 for the automated external defibrillators (AEDs) in the Deputy Sheriff vehicles and one AED to the Airfield 4-H Conference Center. All Board members present voted.

8.03 Abbreviated FY24 Capital Improvement Plan

County Administrator Douglas stated that Section 15.2-2316.7 of the Code of Virginia establishes the process by which localities may enter into siting agreements with applicants for solar projects or energy storage projects. The siting agreement may include terms and conditions such as financial compensation to the host locality to address needs set out in the capital improvement plan adopted by the host locality.

Several years have passed since Sussex County adopted a Capital Improvement Plan (CIP), though County Administration intends to restart the formal CIP process soon. Meanwhile, the County has been approached by several applicants proposing solar projects and/or energy storage projects within the County. In the event that one or more solar projects and/or energy storage projects are approved by the County Board of Supervisors, then it will be imperative for the County to have a CIP in place to ensure that financial compensation provided in the siting agreement can be used to address capital improvement needs of the County.

The attached document identifies the most immediate capital needs of the County and which have been discussed by the County on several occasions. The document will serve as an abbreviated CIP in the event the County enters into a siting agreement with an applicant for a solar project

and/or energy storage project until a more formal CIP can be developed over a longer period of time.

Staff recommended the Board adopt the Abbreviated FY2024 Capital Improvement Plan.

A copy of the Sussex County Capital Improvement Plan FY2024 – FY2028 was included in the Board packet.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR FLY and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the Abbreviated FY2024 Capital Improvement Plan. All Board members presented voted aye.

9. New Business

Item 9.01 Proposed Lobbying Services for PILOT Issue

County Administrator Douglas that Staff has discussed possible lobbying services with the County Attorney and Supervisors Seward and Fly as a possible solution for addressing the reinstatement of payment in lieu of taxes (PILOT) from DOC for the two state prisons in Sussex County. Since 2009 the PILOT has not been made to Sussex County or other dozen rural counties containing state prisons, resulting in a minimal annual loss of \$500k, but estimated by Davenport to be much higher. Numerous attempts to reinstate the PILOT by a legislative budget amendment have been attempted unsuccessfully over the ten years, so staff is recommending that the board consider the solicitation of an experienced lobbying firm that can work to ensure the PILOT is reinstated through the Governor's proposed budget, or if necessary a legislative budget amendment.

Staff recommends that lobbying firms be solicited per the attached solicitation, and given time considerations related to the upcoming state budget process, approve staff to engage the services of a lobbying firm.

There was lengthy discussion of the pros and cons of the program to include

David Conmy provided a spreadsheet listing session years from 2009 through 2023 laying out the fiscal year, category, if it included pilot exemptions language; budget amendment patron, estimated amount and general notes and links.

It was noted that the Legislative Committee was formed, but never met.

There was discussion that if the County (Supervisors Seward and Fly, and DC/EDD Conmy) goes to the Governor's next week (the week of September 25th) and get in the Governor's budget, that the County would discuss with Greensville, Brunswick, other localities to contribute.

A Draft Solicitation for Lobbying Services for PILOT Issue and Small Purchasing Policy were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the draft proposal for solicitation, given time considerations related to the upcoming state budget process, approve staff to engage the services of a lobbying firm.

Voting aye: Supervisors Fly, Seward

Voting nay: Supervisors Futrell, W. Jones, Tyler

Absent during vote: Supervisor D. Jones

Motion failed. Vice Chair Seward offered a substitute motion.

ON MOTION OF SUPERVISOR SEWARD, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approve the Board would engage a lobbyist if the County is successful at getting included in the Governor's budget. All Board members present voted aye.

10. Board Member Comments

10.01 Blackwater District – none

10.02 Courthouse District – none

10.03 Henry District – none

10.04 Stony Creek District – absent during comments.

10.05 Wakefield District – Shout out appreciation to Nick Sheffield and EMS for assisting wife with transporting

10.06 Waverly District – none

Supervisor Tyler departed at 9:42 p.m.

11. Closed Session

11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors entered Closed Session for (1) discussion or disposition of the conveyance 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 Virginia Code Section 2.2-3711(A)3, property located at Mega Site; (2) discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, applicable Virginia Code Section 2.2-3711(A)5 prospective property; and (3) consultation of legal counsel for actual or probable future litigation, applicable Virginia Code Section 2.2-3711(A)7

Voting aye: Supervisors Fly, Futrell, W. Jones, Seward

Voting nay: none

Absent during vote: Supervisors D. Jones, Tyler

11.02/3 Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR FLY, seconded SUPERVISOR SEWARD and carried: RESOLVED that the Sussex County Board of Supervisors Personnel Committee hereby reconvened to Open Session.

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 Fly, Futrell, W. Jones, Seward

Voting nay: none

Absent during vote: Supervisors D. Jones, Tyler

11.04 Action Resulting from Closed Session, if any

There was no action on the Closed Session items.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the September 21, 2023 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 9:24 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, October 19, 2023 at 6 p.m.