

**At a Regular Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom on
Thursday, November 16, 2023 at 6 p.m.**

BOARD MEMBERS PRESENT

C. Eric Fly, Sr.
Alfred G. Futrell
Debbie P. Jones
Wayne O. Jones
Susan B. Seward (Remote Participation)
Steve White, Tie Breaker

ABSENT

Rufus E. Tyler, Sr.

STAFF PRESENT

Richard Douglas, County Administrator
David Conmy, Deputy County Administrator &
Economic Development Director
Jeff Gore, County Attorney
Ellen G. Boone, Commissioner of the Revenue
Deste J. Cox, Treasurer
Ernest Giles, Sheriff
Michael Kessinger, Sergeant
Faith McClintock, Economic Development Consultant
Kelly W. Moore, Finance Director
Titiana Nicholson, CSA Coordinator
Nick Sheffield, Emergency Services Chief
Beverly Walkup, Planning Director
Shilton R. Butts, Assistant to the County Administrator/
Clerk to the Board of Supervisors

1. Commencement (6:10 p.m.)

1A. Approval of Board Member Participating by Phone under Board Remote Policy Participation Policy

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved Vice Seward's remote participation.

1.01 Call to Order/Determine Quorum

Chairman W. Jones called the November 16, 2023 regular meeting of the Sussex County Board of Supervisors to order.

1.02 The Invocation

Supervisor D. Jones offered the Invocation.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

Chairman W. Jones requested to add under the Item 6. Action as Item 6.04 Allow One Day Hunting from 7 a.m. to 2 p.m.

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the November 16, 2023 regular agenda inclusive of adding under Item 6. Action Items, as Items 6.04 Allow One Day Hunting from 7 a.m. to 2 p.m. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent Agenda inclusive of the following: (a) October 19, 2023 Regular and October 25, 2023 Finance Committee Meeting minutes; (b) Warrants and Vouchers; (c) Treasurer's Report and Financial Update; (d) Departmental Reports; and (e) CSA Budget Amendment; (f) Waverly Police Services Agreement Budget Amendment; (g) Virginia Cooperative Extension Memorandum of Understanding (MOU); and, (h) Wakefield Police Services Agreement Budget Amendment. All Board members present voted aye.

3. Recognitions/Awards Presentations

3.01 Sussex County CSA Update and Audit Findings – Scott Reiner, Executive Director, Virginia of Children Services

Scott Reiner, Executive Director of the Virginia Office of Children's Services, was present and provided the OCS assessment of the Sussex County Children's Service Act (CSA) program and audit findings of their special review of the county's program covering July 2022 through February 2023. The findings of the audit resulted in a denial of \$9,579.18 in OCS funds, considerably less than \$45,000 in funds being denied in their 2020 audit, but still representing a number of concerns.

At the recommendation of OCS, the CSA program moved under County Administration in July 2023, with Titiana Nicholson serving as the new CSA Coordinator. The Sussex County Community Policy and Management Team (CPMT), chaired by the County Administrator, has worked closely with OCS staff and Ms. Nicholson to review and respond to these findings, and voted to accept these findings without appeal at its October regular meeting. In addition, the Berkley Group led the process to update all CSA policies and procedures, which have also been approved by the CPMT.

County Administrator Douglas acknowledged Ms. Titiana Nicholson, CSA Coordinator, who was in attendance at the meeting.

There was no action is requested the Board of Supervisors.

Copies of Sussex County CSA Audit Findings (Requested Special Review) and the County’s Response to Sussex County CSA Audit Findings Requested Special Review (June 2023) were included in the Board packet.

3.02 Sussex County’s Health Insurance/HRA Program Update – David Rowe, Bankers Insurance

David Rowe with Bankers Insurance will provide an update on the county’s revised health insurance/HRA program that became effective in July 2022. As you are aware, the County switched to a high deductible health insurance plan with Anthem, but with the addition of a health reimbursement account for each employee. This new health insurance program has been successful in reducing expenses while still providing for the health care needs of county employees at little to no cost.

Mr. Rowe provided overview of the previous health insurance arrangement (FY 2022) vs. current health insurance arrangement (ending FY 2023); prior insurance costs vs. new insurance costs plus HRA funding; and whether the program was a win for the County and the employees?

Mr. Rowe discussed how the new program impact the County employees impacted County employees other than the savings. The County continues to offer 100% paid health/pharmacy/dental/vision coverage to our employees. The County also increased their contribution to dual and family coverage, making our plan more affordable. Employees and their covered family members receive a 100% paid medical/pharmacy plan—extremely generous. This new strategy was a win for both the County and our employees. !

The FY 2023 Health Insurance Funding of the proposed and actual plans were discussed.

TLC Plan	Key Advantage Expanded	High Deductible Health Plan
Premium Funding per Employee	\$966	\$650
Employees	114	114

Total Annual Premium Funding	\$1,321,488	\$889,200
Total Annual Premium Funding	N/A	\$208,981
Total Annual HRA Funding	\$1,321,488	\$1,098,181
	Total Savings	\$223,307

The County continue to offer 100% paid health/pharmacy/dental/vision coverage to our employees. The County also increased their contribution to dual and family coverage, making our plan more affordable. Employees and their covered family members receive a 100% paid medical/pharmacy plan—extremely generous.

This new strategy was a win for both the County and our employees!

4. Public Hearing

4.01 Adoption of Sussex County Code of Ordinances

A public hearing was held to receive public comments regarding the codification process for county ordinances. A brief update on the codification process for county ordinances. Civic Plus (formerly Municode) recently completed the codification process, with the assistance of the County Clerk, Planning Director, and County Attorneys over the past two years. Staff reviewed the Code of Ordinances to ensure accuracy and that it includes all relevant adopted ordinances over the past few years. It was also noted that after adoption by the Board, the Code will be accessible online for public use.

ON MOTION OF SUPERVISOR D. JONES, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby open the Public Hearing. All Board members present voted aye.

Public comments were heard from Sheriff Giles regarding Department Heads reviewing their section of the Code.

There were no Board comments.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby close the Public Hearing. All Board members present voted aye.

Staff recommended adoption of the County Code of ordinances at the completion of the public hearing.

A copy of the Ordinance, Code table of contents, and copy of public hearing advertisement were provided to the Board members.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Ordinance No. 2023-04 adopting and enacting a new code for Sussex county, Virginia; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF SUSSEX COUNTY, VIRGINIA:

Section 1. Code adopted; existing ordinances continued.

Pursuant to Section 15.2-1433, of the Code of Virginia, as amended, the ordinances of Sussex County of a general and permanent nature adopted by the Board of Supervisors of Sussex County, as revised and codified and consisting of Chapters 1 through 34, are hereby approved, adopted, ordained and enacted as the Code of Sussex County, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments.

Section 2. Code on file; additions and amendments.

- A. In accordance with Section 15.2-1433, of the Code of Virginia, as amended, a copy of the Code has been filed in the office of the Clerk of the Board of Supervisors and made available for public inspection, and following adoption of this ordinance such copy shall be kept in the office of the Clerk and shall be available for public inspection during normal business hours.
- B. Additions or amendments to the Code when passed in such form as to indicate an intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 3. Notice; publication.

The Clerk of the Board of Supervisors shall cause notice of this ordinance to be given in the manner required by law. This notice coupled with the filing of the Code in the office of the Clerk as provided in Section 2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

Section 4. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional,

void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 5. Repealer.

1. All ordinances of a general and permanent nature enacted on or before November 16, 2023, and not included in the Code or recognized and continued in force by reference therein, are repealed.
2. The repeal provided for herein shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.
- 3.

Section 6. Subsequent Ordinances

Ordinances adopted after November 16, 2023, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. Changes in previously adopted ordinances; new ordinances.

In preparing the revision and codification of the ordinances, certain minor grammatical and nonsubstantive changes may have been made in one or more of said ordinances. It is the intention of the County Board of Supervisors that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.

Section 8. Altering or tampering with Code; violations and penalties.

Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be guilty of a Class 1 misdemeanor and punished as provided by state law for a Class 1 misdemeanor. Except as otherwise provided by law or ordinance: (1) With respect to violations of the Code that are continuous with respect to time, each day that the violation continues is a separate offense; and (2) With respect to violations of this Code that are not continuous with respect to time, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the county may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 9. When effective.

This ordinance shall take effect upon final passage as provided by law.

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

Voting nay: none

Absent: Supervisor Tyler

5. Appointments

There were no appointments.

6. Action Items

6.01 Finance Committee Recommendations – 10/25/23 Meeting with Rescue Squads – 24-Month EMS Plan

On October 25th, the Finance Committee (chaired by Supervisor Fly, and the other members being Supervisor Tyler and Chairman W. Jones) met to discuss current issues and concerns related to EMS within Sussex County, and the 24-month EMS plan, as presented by Chief Sheffield at the October regular meeting of the Board of Supervisors, that would provide for County-paid EMS staff operating from County facilities by January 2026 (the one-page plan summary is attached for your review). Minutes of the meeting are attached for your review as well, listing the two recommendations of the Finance Committee to the full Board of Supervisors (both approved unanimously):

- 1) To adopt the 24-month EMS plan to address the steps necessary to operate EMS with county paid staff by January 2026.
- 2) To request the County Attorney to work with the attorneys representing each rescue squad to develop a MOU with each rescue squad that will address EMS operations over the next 24 months.

There was discussion of acquisition of staffing.

Staff recommends approval of both recommendations of the Finance Committee.

A copy of the October 25th minutes of the Finance Committee and the 24-month EMS plan were included in the Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves (1) adopting the 24-month EMS plan to address the steps necessary to operate EMS with county paid staff by January 2026 and (2) requesting the County Attorney to work with the attorneys representing each rescue squad to develop a MOU with each rescue squad that will address EMS operations over the next 24 months.

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

Voting nay: Supervisor Futrell

Absent: Supervisor Tyler

6.02 2023 General Assembly Special Session Budget Increases/Salary Increases

As part of the recent special session of the General Assembly and state budget adoption process, the state Compensation Board is providing a two percent mandatory increase for all Compensation

Board-funded positions (Sheriff, Treasurer, Commissioner of the Revenue, etc.), and two percent increases have been budgeted for other state-funded positions as well. In the interest of equity for all county-employees and salary competitiveness with surrounding jurisdictions, staff recommends that all county employees receive the two percent salary increase, effective December 1st. The attached budget resolution is attached for your consideration, with an appropriation of \$43,000 in local funds to accommodate the two percent salary increase and associated benefit cost. The total appropriation of local and state funds is approximately \$150,000.

Staff recommends approval of the budget amendment providing for a two percent increase for all county employees, effective December 1st.

Copies of Budget Resolution #23-92 and Commonwealth of Virginia Email Memo, dated 9/15/23 were included in the Board packet.

ON MOTION OF SUPERVISOR FURELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves Budget Amendment Resolution #23-92 to provide for a two percent increase for all County employees, effective December 1st. All Board members present voted aye.

6.03 Virginia Business Ready Sites Program (VBRSP)

VBRSP is a discretionary program to promote development of sites to enhance the Commonwealth's infrastructure and promote its competitive business environment. The program has a Site Development component with the mission to establish a pool of potential sites across the Commonwealth that are well prepared and positioned for selection and development by economic development projects. To accomplish this mission, the Site Investment Committee awards funds for site development projects to assist with the costs necessary to improve a site's development status based on the following Program Priorities:

1. Improve project-ready site inventory
2. Create "high-win potential" sites
3. Advance sites from lower tiers
4. Focus on sites with the potential for regional and statewide impact
5. Ensure geographic diversity
6. Practice fiduciary stewardship

Sussex County was awarded VBRSP funding (matched with local dollars and a grant from the Tobacco Commission) during the last grant round for master planning, conceptual engineering design, policy development, business modelling, return on investment projections, and identification of target industrial sectors for the Sussex Megasite. A diverse team of talented individuals have helped facilitate these activities. Some activities are still unfolding, and they have yielded significant strategic insights that strategically positions the County for this next application round and will enable the County to better market and prepare the Sussex Megasite for success.

The next round of VBRSP grant funding was announced with a total pool of funding amounting to \$125 million and a final application deadline of January 11, 2024. Because Sussex County is classified as a double-distressed locality, the County would need to match the state award at a 3:1 match rate – meaning for every dollar that Sussex County can commit, it will leverage three times that amount from the program. While the match rate could impose some significant local costs, the County is under no obligation to appropriate the funds unless they (1) are awarded such funds and (2) enter into a Performance Agreement with VEDP.

Staff will provide a status update on the current VBRSP projects, present some scenarios of recommended projects and local matching requirements for the next application.

Staff recommends the Board of Supervisors endorse the project activities and associated costs – with required local matching funds – as presented.

The FY24 Business Ready Sites Program Overview was included in the Board packet.

No action was taken at this meeting.

6.04 Thanksgiving Day Hunting Lease

This item was added during agenda amendments. Chairman W. Jones gave a brief background about an educational program allowing youth to hunt one day from 7 a.m. to 2 p.m. He requested the Board to approve youth to hunt on Thanksgiving Day at the aforementioned time on the Megasite.

There was discussion the County Attorney would draft a Thanksgiving Day Hunting Lease for the Youth Hunting Educational program.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors approved the one Thanksgiving Day Hunting Lease for the Youth Educational Program; and

FURTHER RESOLVED that the County Attorney would draft the lease.
All Board members present voted.

7. Citizens' Comments

Comments were heard from Tom Baicy (Stony Creek Supervisor-Elect) regarding Sussex Service Authority attendance at the December meeting and Stony Creek water.

8. Unfinished Business

There was no Unfinished Business.

9. New Business

9.01 Salty Southern Route MOU

The Salty Southern Route (SSR) is an agritourism program jointly supported by the following localities: City of Franklin, Southampton County, Town of Smithfield, Isle of Wight County, City of Suffolk, and Surry County. The SSR seeks to promote the rich history of the region's peanuts, salt-cured hams, and pork products, but also attractions, shopping, accommodations, and local dining. Each community contributes financial and administrative support to sustain the SSR.

At one time, Sussex County participated in the SSR and there has been a renewed interest among stakeholders in the community and staff to re-enter this interlocal tourism program. The current slate of participating localities are working on developing a Memorandum of Understanding (MOU) that would establish the purpose, term, financial commitment, and other organizational matters of the SSR. From a financial perspective, the MOU establishes that each participating locality shall, subject to annual appropriation, contribute funds to further advance and finance promotional and marketing efforts of the SSR according to the following schedule: FY2024: \$1,500; FY2025: \$1,600; FY2026: \$1,700; FY2027: \$1,800; and FY2029: \$1,900.

Additionally, the SSR MOU establishes the Salty Southern Route Joint Committee to include one tourism official from each participating locality that would be tasked with (1) determining the most appropriate and efficient marketing strategies; (2) reviewing and approving expenditures that promote the Salty Southern Route; (3) reviewing and approving contracts to promote the Salty Southern Route; and (4) developing a mechanism to capture statistical data on the effectiveness of the marketing efforts.

Sussex County has been invited to rejoin the SSR and formally participate in this agritourism and marketing program. The attached MOU would facilitate this action as would adoption of an ordinance in support of the program.

Staff wasn't recommending action by the Board of Supervisors at the time. Formal consideration of this matter, including any associated draft ordinance, will be brought to the Board for consideration during their December 2023 regular meeting.

The SSR MOU 2023 was included in the Board packet.

9.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action

After the October 25th Finance Committee meeting regarding Sussex County EMS issues and concerns, Committee Chair Fly requested that the Stony Creek Volunteer Rescue Squad (SCVRS) provide an ERP compliance plan of action at the November regular meeting of the Board of Supervisors.

While the County's adopted Emergency Response Plan requires a maximum 20-minute response to EMS calls (90 percent of the time), staff has determined that weeknight response, provided by SCVRS members, has routinely exceeded this response time over the past several months. Due to software limitations, it is difficult to determine precise average response times, so staff has requested this data from the SCVRS. This request for the preparation of a plan of action is

consistent with language in the adopted ERP that states that staff should identify and work to address these deficiencies on a quarterly basis. Chief Sheffield has requested in writing that the Stony Creek Volunteer Rescue Squad leadership prepare this plan of action for review at the November board meeting.

Mr. Steve White with Stony Creek Rescue Squad was in attendance. There was discussion of meeting call requirements. There was also discussion of volunteers running Stony Creek and Waverly from July 1, 2022 to October 31, 2022 when LifeStar was no longer there.

Staff did not recommend any specific course of action, pending the response of the Stony Creek Volunteer Rescue Squad.

Supervisor D. Jones departed at 8:08 p.m.

10. Board Members Comments

10.01 Blackwater District – absent during comments.

10.02 Courthouse District – none

10.03 Henry District – absent

10.04 Stony Creek District – absent during comments

10.05 Wakefield District – none

10.06 Waverly District – none

11. Closed Session

There was no Closed Session.

12. Adjournment

The November 16, 2023 regular meeting of the Sussex County Board of Supervisors adjourned at 8:20 p.m.