

**At a Regular Meeting of the  
Sussex County Board of Supervisors  
Held in the General District Courtroom  
Thursday, March 21, 2024 at 6 pm**

**BOARD MEMBERS PRESENT**

Thomas W. Baicy, III  
C. Eric Fly, Sr.  
Alfred G. Futrell  
Wayne O. Jones  
Phyllis T. Tolliver  
Steve E. White

**BOARD MEMBERS ABSENT**

Rufus E. Tyler, Sr.

**STAFF PRESENT**

Richard Douglas, County Administrator  
Danielle Powell, County Attorney  
Ellen G. Boone, Commissioner of the Revenue  
Deste J. Cox, Treasurer  
Jeffrey Gary, Public Works Director  
Ernest Giles, Sheriff  
Almetia Hardman, Chief Deputy Commonwealth's Attorney  
Michael Poarch, Planner  
Nick Sheffield, Fire & Rescue Chief  
Regina Sykes, Commonwealth's Attorney  
Gary M. Williams, Circuit Court Clerk  
Shilton R. Butts, Assistant to the County Administrator/  
Clerk to the Board of Supervisors

**1. Commencement**

**1.01 Call to Order/Determine Quorum**

Chairman Jones called the March 21, 2024 regular meeting of the Sussex County Board of Supervisors to order.

**1.02 The Invocation**

The Invocation was offered by Supervisor Baicy.

**1.03 The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

#### 1.04 Agenda Amendments

Chairman Jones requested to add under Item 8. Unfinished Business, as Item 8.01 Appointments to Personnel and Finance Committees.

Supervisor Baicy requested to move under Item 3. Recognition/Awards/Presentation, Item 3.03 Overview of Historic Courthouse/Complex Site Assessment and Conceptual Design/Cost Estimate Process to Item 3.04; and add Item 3.03 Gary Williams, Sussex Circuit Court Clerk.

#### 1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved the March 21, 2024 regular meeting agenda inclusive of adding under Item 8. Unfinished Business, as Item 8.01 Appointments to Personnel and Finance Committees and moving under Item 3. Recognition/Awards/Presentation, Item 3.03 Overview of Historic Courthouse/Complex Site Assessment and Conceptual Design/Cost Estimate Process to Item 3.04; and add Item 3.03 Gary Williams, Sussex Circuit Court Clerk. All Board members present voted aye.

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

ON MOTION OF SUPERVISOR TOLLIVER, seconded by SUPERVISOR BAICY and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) February 22 Special (Rescheduled regular) Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports; and (e) Acceptance of Health Insurance Plan/Rates. All Board members present voted aye.

### **3. Recognitions/Awards/Presentation**

#### 3.01 RECOGNITION: Honoring Susan Pope Irving

On February 15, 2024, Susan Irving, the former Mayor of the Town of Waverly, passed. A resolution was prepared recognizing the late Susan Pope Irving for her outstanding efforts as a devoted servant and community leader for the Town of Waverly and the Sussex community.

The Board extended their sincerest prayers and condolences to her husband, Mr. Frank Irving, and the family for their loss.

Mr. Irving, her family and friends were be in attendance to receive the resolution.

A copy of Resolution recognizing the late Susan Pope Irving and Dr. Leming Support letter for resolution were included in the Board packet.

WHEREAS, Susan Pope Irving, a devoted public servant and community leader, passed away February 15, 2024; and

WHEREAS, Susan Pope Irving was a lifelong resident of Waverly, born to the late Leverette and Eloise Pope; and

WHEREAS, Susan Pope Irving was elected as Mayor of the Town of Waverly, serving from 2000 to 2010; and

WHEREAS, Susan Pope Irving was a long-time member of the Waverly Rescue Squad and an Advanced Life Support provider, serving the residents of Sussex County for 17 years, and mentoring dozens of members of the Waverly Rescue Squad; and

WHEREAS, in addition to reaching the rank of Captain of the Waverly Rescue Squad, she was named Outstanding Squadsman of the Year in 1979 and 1982, and Squadsman of the Year in 1984; and

WHEREAS, she also chaired Waverly Rescue Squad membership drives and fundraisers vital to the operations of this volunteer organization, including the Waverly Labor Day parade and festival fundraiser for a number of years; and

WHEREAS, Susan Pope Irving was well known throughout Waverly and Sussex County from an early age, helping her father run his local grocery store in Waverly until it closed in 1987; and

WHEREAS, Susan Pope Irving was strong in her faith, teaching Sunday school for many years at Waverly Baptist Church, and enjoying fellowship and worship as a member of the Waverly United Methodist Church; and

WHEREAS, Susan Pope Irving will be remembered for her compassion to others and support to her community, and remembered by friends as someone who “gave of herself wherever she saw the need,” “kind to everybody,” and “there for others”; and

THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors hereby extends its sincere sympathy on the passing of Susan Pope Irving to husband Frank, sons Greg and Matt, stepchildren Mandy and Mark, and other family and friends; and

BE IT FURTHER RESOLVED that the Sussex County Board of Supervisors hereby recognizes Susan Pope Irving for her many contributions and years of service to Sussex County and its residents; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this meeting of the Sussex County Board of Supervisors, this 21<sup>st</sup> day of March, 2024. By general consensus, all Board members present approved the resolution.

302 Waverly Solar Response to Site Screening and Stormwater Management Concerns

Supervisor Fly requested this item to be placed on the agenda, based on ongoing concerns related to vegetative screening and stormwater management at the Waverly Solar site under construction along/near Route 40 west of Waverly.

Supervisor Fly discussed and gave a brief summary of the problem of the trees being cut down and the buffer. He also mentioned the amendment to the CUP for this project.

There were discussions of increasing shielding and buffers. There was also discussion of corrective action. There was also discussion of entrenchment.

There were inquiries of preparation for rain.

Sean Hershberger, along with other representatives of Energix Renewables, were in attendance. They provided a progress report and answered questions on the Waverly Solar site.

### 3.03 Gary Williams, Circuit Court Clerk

The Honorable Gary M. Williams, Circuit Court Clerk, spoke briefly about his concerns regarding the 1950 Annex. He noted that he didn't want the traffic to County Administration. Mr. Williams noted that he wasn't consulted.

### 3.04 Overview of Historic Courthouse/Complex Site Assessment and Conceptual Design/Cost Estimate Process

Russell Pearlman, architect, with The Wooten Company, provided an overview of the Historic Courthouse/complex site assessment and conceptual design/cost estimate process completed over the past couple of years. This presentation was in advance of consideration of contract authorization for architectural services for the courthouse renovation/construction project with Glave & Holmes. John Spain with Glave and Holmes was in attendance, as well.

There were discussions of renovation/preservation, Administration building costs, and the demolition of 1950 addition. There was also discussion of affordability noted by Davenport.

There was discussion regarding space, saving integrity and costs. There was inquiry of whether costs were \$22 million or \$17 million.

There was inquiry of whether any study was done to build new in lieu of renovation.

Mr. Pearlman noted that he spoke with the Circuit Court Clerk. Mr. William's concern was not losing space. He noted that Mr. William's office space is currently 3,000 square ft. During discussion of office space needs, he noted that in the complex site assessment and conceptual design, the Clerk's office space is 4,000 square feet.

He also noted that he listened to the Judges.

## **4. Public Hearings**

There was no Public Hearing.

## **5. Appointments**

There were no appointments.

## **6. Action Items**

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

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). Glave & Holmes has significant experience in major historic preservation projects. Their work with historic properties are highly regarded.

Staff has been negotiating contract fees as outlined in the RFP but has not finalized by the time this memo was prepared and plans to share at the board meeting. Staff is requesting authorization to execute a contract with Glave & Holmes for project architectural/engineering services (design, bid package, construction administration, etc.).

Copies of Glave & Holmes Proposal and RFP #2023-02 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 tabled the Consideration of Contract for Professional Architectural/Engineering Services for Renovation and Construction of Historic Courthouse and Related Facilities (RFP #2023-02). All Board members present voted aye.

## **7. Citizens' Comments**

- Susan B. Moore (Wakefield District) – Hunting Ordinance; hunting season return phone call.
- Millard “Pete” Stith (Community Coalition) –Thinking outside the box; suggestions for County Administration building and costs.

## **8. Unfinished Business**

### 8.01 Adoption of Board Rules and Procedures

Vice Chairman White noted that under Section 7-2 Standing Committees Roles and Guidelines of Board of Supervisors Bylaws, Subsection A. language, “Finance Committee: A Finance Committee should be appointed by the Chairman promptly after each annual meeting” should be changed to “Finance Committee: A Finance Committee “shall” be appointed....

Chairman Jones requested this item during agenda amendments to appoint the Personnel and Finance Committees. This item was previously tabled.

Administrator Douglas noted that surrounding localities no longer have Personnel and Finance committees.

Chairman Jones appointed Supervisors Baicy, Futrell and Tyler to the Personnel Committee. Supervisor Baicy was appointed Chairman of the Personnel Committee.

Chairman Jones appointed Supervisors Tolliver, White and Fly to the Finance Committee. Supervisor Tolliver was appointed the Chairman of the Finance Committee.

There was discussion of Section 2-5 Cancellation or Rescheduling of Meetings. There was discussion of if any members of the Board objects, the regularly scheduled meeting may proceed as originally planned. County Attorney Powell interpreted that noted that it stated “may”. The Chairman and the Vice Chairman had the discretion to decide whether to proceed. She advised and recommended striking the sentence in Section 2-5 Cancellation

Supervisor Fly requested to be removed from Virginia’s Gateway Region Board. He noted that he was on other Boards.

A copy of the BOS Bylaws was included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the following:

- In Section 7-2 Standing Committees Roles and Guidelines of Board of Supervisors Bylaws, Subsection A. language, “Finance Committee: A Finance Committee should be appointed by the Chairman promptly after each annual meeting” should be changed to “Finance Committee: A Finance Committee “shall” be appointed....
- Appointing Supervisors Baicy, Futrell and Tyler to the Personnel Committee. Supervisor Baicy was appointed Chairman of the Personnel Committee.
- Appointing Supervisors Tolliver, White and Fly to the Finance Committee. Supervisor Tolliver was appointed the Chairman of the Finance Committee.
- In Section 2-5 Cancellation or Rescheduling of Meetings, striking the sentence, If any member of the Board objects, the regularly scheduled meeting may proceed as originally planned.

All Board members present voted aye.

#### 8.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action

Vice Chairman White noted that they were working on draft plan. Vehicle has been purchased. Once Stony Creek Volunteer Rescue Squad and Fire and Rescue Chief is complete, it will be brought to the Board.

## **9. New Business**

### 9.01 Regional Cigarette Tax Opportunity

Administrator Douglas stated that effective July 1, 2020, the Virginia General Assembly authorized all counties to levy tax on cigarettes (under previous law, only cities, towns, and two counties were authorized to tax cigarettes). Several counties and cities in the broader region have been considering or have committed to a regional cigarette tax, and county staff have been invited to participate in an upcoming discussion on potential interest to pursue this regional tax. Staff will participate in these discussions if the Board is interested in considering a cigarette tax ordinance and participation in a regional cigarette tax program.

Supervisor Fly disclosed that he works for Davis Oil.

There was inquiry as to whether the Region would receive funds from taxes or whether the County would receive all funds.

It was recommended to have Treasurer Cox research as to whether it was better to have a County cigarette tax or a Regional Cigarette Tax. It was also recommended to reach out to the towns of Wakefield and Waverly.

There was inquiry of employment for the County. County Attorney Powell noted that the employees would not be County employees. The tax authority would hire employees. The employees would be paid from the revenue received from the taxes.

There was a question/statement regarding local taxes not being on the agenda and not being able to amend the agenda due to the full Board not being present. County Attorney Powell clarified that not be able amend the agenda due to the full Board not being present only applies to Special meetings.

County Attorney Powell discussed making motions on items discussed during regular meeting that aren't on the agenda.

There was discussion of whether the tax would be a local cigarette tax for the County.

Staff is not requesting formal consideration at this time, but rather a general consensus for staff to participate in discussions regarding a potential regional cigarette tax.

Copies of a Cigarette Tax Ordinance, letter regarding Regional Cigarette Tax Board, an example of Cigarette Tax Board Agreement, Article 11, Sections 4.11-1 through 17 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 approves the County Administrator to

Voting aye: Supervisors Futrell, Jones, Tolliver, White

Voting nay: Supervisors Baicy, Fly

Absent: Supervisor Tyler

## **10. Board Member Comments**

10.01 Blackwater District – Agenda and citizens’ comments on each Action Item; citizen has to sign up online.

10.02 Courthouse District – Seventh Annual Easter egg hunt 3/30/24 from 1 p.m. -3 p.m.; Sussex County pageant – 3/23/24.

10.03 Henry District – absent

10.04 Stony Creek District – Report on County owned property.

10.05 Wakefield District – Reminder of Public Hearing at 4-H Center Monday, 3/25/24 at 6 p.m.; addressed statement that he had an assistant; VDOT – Wakefield Safety issue to fix.

10.06 Waverly District – Thanked County Administrator for work with seniors in Wakefield; transportation for seniors; thanked Jones Limo Services for transporting seniors.

10.07 Yale District – none for Yale; for Supervisor Baicy- Annual Spring Fling at Stony Creek Park – 4/6/24 at 9 a.m. – 3 p.m.; vendors

## **11. Closed Session**

There was no Closed Session.

## **12. Adjournment**

### 12.01 Adjournment

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR WHITE and carried: RESOLVED that the March 21, 2024 regular meeting of the Sussex County Board of Supervisors hereby adjourned at 7:59 p.m. All Board members present voted aye.