

April 11, 2023 Council Meeting Minutes

This meeting was available on Zoom.

Mayor McPhaul asked everyone to rise for the Pledge of Allegiance.

Councilman T. Jones led the prayer.

Mayor McPhaul adjourned the March 14, 2023 meeting and called the April 11, 2023 meeting to order at 6:29 p.m. with all members of Council present. Town Attorney Richard Matthews was also present.

Adopt Agenda:

Mayor McPhaul made note that there needed to be a change to the agenda by adding item I. Rural Leadership Conference under New Business. On a motion by Council President Cox, seconded by Councilman T. Jones and carried the proposed agenda was approved as amended.

Presenters:

There were no presenters.

Citizen's Wishing to Appear:

- A. **Dr. Phyllis Tolliver** – spoke to Council and citizens about how successful the Soccer Camp was that was hosted by the Jessica Ann Moore Community Center on April 5 & 6, 2023 from 10am to 2pm. She stated there were over 50 participants and are now looking to establish a soccer team.

Clerk's Report:

- A. **Reading/Approval of March 14, 2023 Council Meeting Minutes** – On a motion by Councilman T. Jones, seconded by Council President Cox and carried the reading of the March 14, 2023 meeting minutes were dispensed with as they are a matter of public record and previously provided to Council and were approved as presented.

Treasurer's Report:

- A. **Treasurer's Report** – Mrs. Morman gave a brief update on the status of the general operating fund as of April 3, 2023. Mrs. Morman also noted she is continuing to work on the operating budget for Fiscal Year 2024. She would like to schedule a Budget Workshop on Tuesday, April 25 at 6:00pm. The audit is wrapping up. On a motion by Councilman Bernstorff, seconded by Councilman T. Jones and carried the Treasurer's Report was accepted as presented.
- B. **Bills Paid and Presented for Payment** – On a motion by Councilman Bernstorff, seconded by Council President Cox and carried the Bills Paid and Presented for Payment were approved as presented.

Sussex Service Authority Report:

Chairperson Valarie Patterson-Ricks was in attendance. She addressed the Bank St. pump station project by asking Council to consider helping fund a portion of the project. As they were recently denied a grant due to their billing rates being so low. Ms. Ricks advised she would have some financial figures next month to present as she was not prepared with figures this evening.

Planning Commission Report:

Ms. Yvonne Williams advised they had a Public Hearing last week to address amending the ordinance section regarding nonconforming lots, buildings and uses. They voted to

adopt the amendment. Therefore, the Planning Commission recommends Council have a Public Hearing to officially adopt the amendment to the Land Development Ordinance of the Town of Waverly.

Zoning Administrator:

Mr. Copeland was in attendance and introduced himself to Council. There was no report given.

Mayor's Report:

Mayor McPhaul advised of the upcoming events and the recent Easter events that had taken place. Mayor McPhaul noted the Waverly 5K will be on April 29, 2023, proceeds this year will go to the James House. There will be a National Day of Prayer to take place on May 4, 2023 at 12:00 pm at the Playground. Then on May 5, 2023 the Chamber of Commerce is hosting a Cinco de Mayo Spring Fling event in downtown Waverly.

Departmental Reports:

- A. **Police** – Sheriff Giles was not in attendance, but Mayor McPhaul made note of recent promotions for 18 Sheriff's Department employees and of those 7 had either started in Waverly or are assigned to the Town currently.
- B. **Public Works** – Mayor McPhaul stated that Public Works has taken down the American Legion trailer on Bank St. beside the park. Public works is continuing to take down dilapidated structures as needed.

Standing Committee Reports:

- A. **Health & Safety** – Councilman T. Jones stated he is continuing to looking into having CPR classes. He has realized that it is not something that is free or of a low cost to most, the minimum cost per person is \$65.00. He has a few ideas and is looking to speak with the Sheriff.
- B. **Finance** – Councilman Bernstorf stated he had no report.
- C. **Memorial/Beautification** – Councilwoman Norris stated she had no report.
- D. **Public Property** – Council President Cox stated the roof has been completed at Town Hall, and the park bathroom project is almost complete as well. Mayor McPhaul also added that the shade sails will be put back up later this week, and more picnic tables have been ordered for the park.
- E. **Streets** – Councilman K. Jones presented Council with a handout of items he has been working on since the last meeting. These items included damaged or missing street signs, railroad crossing issues at W. Main St. and Maifeld Ave., repairs and patchwork completed by Virginia American Water and VDOT's approval to extend the "no parking" zone in front of the pharmacy.

Old Business:

- A. **Carpenter Museum** – Mayor McPhaul stated we are continuing to wait on the State Corporation Commission to send back the paperwork that makes note of everything has been updated.
- B. **Industrial Revitalization Fund Grant** – Mayor McPhaul advised this grant is intended for the establishment of a brewery. There will be more discussion with items in New Business.
- C. **Update to Town Code** – Attorney Matthews advised the update is moving along. He fronted a deposit on our behalf in order to keep the pricing from increasing.

- D. **Park Bathroom Sewer** – Mayor McPhaul advised the bathroom is almost complete. We are working on a schedule to have the bathroom opened and closed on a daily basis.
- E. **Investment of Water Sale Funds Ordinance** – there was no discussion.

New Business:

- A. **Appeal Letter from Sussex County Youth & Adult Recreational Association, Inc** – Mr. William Ricks, President of the Sussex County Youth and Adult Recreational Association and General Contractor Mac McFerrin appeared before Council to appeal a zoning violation letter sent from Mr. Copeland, Zoning Administrator. Mr. Ricks advised SCYARA has received grant funding from several foundations and in the next 2 weeks work should begin. Mr. Copeland has concerns in regards to the safety of the fencing around the pool. Mr. Matthews asked if the pool has a liability insurance policy and if the Town was named an additional insurer, this to Mr. Ricks responded “yes” to liability insurance and “no” as an additional insurer. Per Mr. Matthews’ recommendation this appeal hearing should be continued for sixty (60) days to see the progression of the project, and it was asked if a written progress report could be presented to Council at thirty (30) days as well.
- B. **Set Public Hearing Date**
 - a. **Investment of Water Sale Funds Ordinance** – Mayor McPhaul set this Public Hearing to be held at the May 9, 2023 Council Meeting at 6:30 pm
 - b. **Nonconforming Lots, Buildings, and Uses** – Mayor McPhaul set this Public Hearing to be held at the May 9, 2023 Council Meeting at 6:30 pm.
- C. **FY 2024 Anthem Insurance Rates** – Mayor McPhaul went over a hand out that broke down the new Anthem Insurance rates that will go into effect July 1, 2023. The new Individual rate will be \$892.00 a month and the Town is required to pay at least 80% leaving the policy holder the 20% balance. On a motion by Council President Cox, seconded by Councilman T. Jones and carried the new Anthem rates were approved
- D. **Fire Department Estimate for E-Tools** – Mayor McPhaul stated this had been brought to Council a few months ago and tonight Mr. Peebles from Waverly Volunteer Fire Department has come to ask for funding for new tools to equip their newest engine. After some discussion Councilman T. Jones motioned to fund one-third of the cost of the e-tools. This motion was seconded by Councilman K. Jones and carried.
- E. **CBL Grant Proposal** – Jeff Sadler explained the use of the Community Business Launch Grant and in how its intended use is to expand or bring three new businesses and a minimum of 5 full time positions to the Town. Mr. Sadler advised the grant is for \$50,000 from the state and the Town has to match \$12,000 with business skills classes and a business pitch competition to be held for potential candidates. On a motion by Council President Cox, seconded by Councilman T. Jones and carried it was approved to accept the proposal for \$3,200 from Complete Community Economics, LLC.
- F. **Economic Development Authority (EDA)** – Jeff Sadler advised the establishment of an EDA is a requirement of having a revolving loan fund. An EDA board is to consist of five members. On a motion by Council President Cox, seconded by Councilman T. Jones and carried it was approved to establish an Economic Development Authority (EDA). On a motion by Councilman T. Jones, seconded by Council President Cox and carried the EDA bylaws were adopted. On a motion by Council President Cox, seconded by Councilman K. Jones and carried the appointed members of the EDA Board will be as follows: Kevin Jones, Allen Bernstorf, Tara Norris, Franklin Cox and Angela McPhaul.
- G. **Letter of Intent** – Jeff Sadler explained the letter of intent between the Town and Mr. Sheldon with the Brewery. On a motion by Council President Cox, seconded

by Councilman Bernstorf and carried it was approved to give Mayor McPhaul the authority to sign the letter of intent.

- H. **Quote for Demolition of 126 New St.** – Mayor McPhaul stated there have been several letters from Mr. Copeland through the years to have this building demolished. At this point there is no other solution but to have the building taken down and assess his taxes for the fees the Town incurs. On a motion by Councilman Bernstorf, seconded by Councilman K. Jones and carried the quote was approved to have the building demolished.
- I. **Rural Leadership Conference** – Mayor McPhaul stated that VCU Professor Dr. Accordino had nominated her for a Rural Leadership Conference. After an application and interview process she was informed yesterday that she had been accepted to attend 4 leadership conferences over the next 8 months. The \$3500 cost includes all the lodging and meals. On a motion by Councilman T. Jones, seconded by Council President Cox and carried it was approved to allow Mayor McPhaul the opportunity to attend the four conferences.

Closed Session:

Council President Cox moved that Council go into closed session at 7:55 p.m. under Section 2.2-3711(A)(7) of the Code of Virginia to discuss legal matters and to include in this session the Mayor, Council, and the Town Attorney. This was seconded by Councilman K. Jones and carried on a roll call vote with all members of Council present and voting in the affirmative.

Rise and Certify Closed Session:

Council rose from Closed Session at 8:15 p.m.

Council President Cox moved that Council certify the Closed Session under Section 2.2-3712(d) that to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under this chapter and only such business matters as were identified in the motion by which the Closed Session was convened were heard, discussed or considered in the meeting by the public body. This motion was seconded by Councilman Bernstorf and carried on a roll call vote with all members of Council being present and voting in the affirmative.

Closed Session Report:

On a motion by Council President Cox, seconded by Councilman K. Jones and carried it was approved to give Howard Jones and Randy Ellis a \$2000.00 bonus each, and Joseph Jones and Tyrice Burrow a \$500.00 bonus each.

As there was no further business to come before Council the meeting was adjourned at 8:19 p.m. on a motion by Council President Cox, seconded by Councilman T. Jones and carried.


Clerk of Council


Mayor