

April 26, 2004

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive, Courtland, Virginia on April 26, 2004 at 8:30 AM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)
Walter L. Young, Jr., Vice-Chairman (Franklin)
Carl J. Faison (Boykins-Branchville)
Anita T. Felts (Jerusalem)
Ronald M. West (Berlin-Ivor)
Moses Wyche (Capron)

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
J. Waverly Coggsdale, III, Assistant County Administrator
Richard E. Railey, Jr., County Attorney
Julia G. Williams, Finance Director
Cynthia L. Cave, Community/Economic Development Director
Julien W. Johnson Jr., Public Utilities Director
Susan H. Wright, County Administration Executive Secretary

Chairman Jones called the meeting to order at 8:30 AM, and after the *Pledge of Allegiance*, Supervisor Faison gave the invocation.

Chairman Jones sought approval of the minutes of the March 22, 2004 Regular Meeting, April 7, 2004 Budget Workshop, and April 14, 2004 Budget Workshop. They were approved as recorded, as there were no additions or corrections.

Regarding highway matters, Chairman Jones recognized Mr. Jerry Kee of the Virginia Department of Transportation (VDOT), filling in for Randolph Cook, Resident Engineer.

Mr. Kee advised that the surfacing scheduled started today in Ivor. He informed that Route 671 would be complete this afternoon.

Vice-Chairman Young advised that he was still having the same problem with the railroad at Delaware. Mr. Kee stated that they had been trying to get that taken care of but could not get the railroad to do anything.

Supervisor West asked where VDOT was financially? Mr. Kee replied that they were holding where they were.

Moving to appointments, Mr. Johnson announced that as discussed last month, Mr. Henry Hicks tendered his resignation from the Social Services Board on March 11. Supervisor West was seeking a successor from the Berlin-Ivor District to fill the balance of his term, through June 30, 2007.

Supervisor West advised that he had met with Mrs. Jane Maddrey, Social Services Director, and they were submitting the name of Alice West Scott of 32027 Seacock Chapel Road, Ivor. **Supervisor West then moved, seconded by Vice-Chairman Young, to appoint Alice West Scott to fill the unexpired term of Henry Hicks on the Social Services Board. All were in favor.**

Mr. Johnson announced that as mentioned last month, the following six Planning Commissioner's terms were set to expire on April 30, 2004: 1) Ira H. Barham, Capron District, 2) Benjamin J. Bryant, Newsoms District, 3) Douglas A. Chesson, Berlin-Ivor District, 4) Freeman J. Harrell, Franklin District, 5) Oliver W. Parker, at-large, and 6) Keith Tennessee, Drewryville District.

The Board members advised that they had spoken with their respective representatives and all of them accepted another term. **Supervisor Wyche moved, seconded by Supervisor West, that the aforementioned six Planning Commissioner's be reappointed. All were in favor.**

Mr. Johnson announced that Mrs. Lavenia McGhee's term on the Blackwater Regional Library Board would expire June 30, 2004. Because she had already served two consecutive terms, she was

ineligible for reappointment. Terms were for four years. Board meetings were held monthly on the third Wednesday at 2:00 PM and rotated between the various branch libraries in Southampton, Franklin, Isle of Wight, Sussex, and Surry. There were also committee assignments which may require additional meetings throughout the year. He noted that in addition to Mrs. McGhee, other current members of the Board from Southampton County were Alice Joyner (Berlin-Ivor), Dorothy Harris (Jerusalem), Joy Collier (Franklin), and Edward Gardner (Newsoms). He stated that Mrs. McGhee's successor may come from the Capron, Drewryville, or Boykins District. The appointment needed to be made no later than the June meeting.

Chairman Jones indicated that he had someone in mind but had not spoken to that person yet. Supervisors Faison and Wyche agreed to try and seek someone to serve if the person Chairman Jones had in mind did not work out.

Regarding monthly reports, Mr. Johnson received various reports and provided them in the agenda. They were Financial, Sheriff's Office, Traffic Tickets, 9-1-1 Sign Repair, Animal Control, Building Inspections, and New Housing Starts. Also Cooperative Extension, Treasurer's Office for Feb. 2004, Delinquent Tax Collection, Daytime E.M.S. Contract, Radio System Needs Analysis, and Personnel.

Mr. Johnson clarified for Chairman Jones that a part-time person working under the Sheriff's Office was assigned primary responsibility for maintenance of the 9-1-1 signs and was handling it very well. He noted that they had changed the hardware used on the signs, particularly in the problematic areas.

In reference to the personnel report, Mr. Johnson announced that Charles C. Edwards of the Sheriff's Department resigned effective 04/12/04 and Mary D. Cribb of the Sheriff's Department retired effective 04/30/04. Raymond E. Merkh of the Sheriff's Department was on active duty serving in Iraq. He asked that they continue to keep he and his family in their thoughts and prayers.

Proceeding to financial matters, Mr. Johnson announced that bills in the amount of \$1,337,012.11 were received. **Supervisor West moved, seconded by Supervisor Wyche, that the bills in the amount of \$1,337,012.11 be paid with check numbers 62142 through 62640. All were in favor.**

Moving forward, Mr. Johnson announced that included in the agenda was a copy of the draft ordinance which had been proposed for their consideration with regard to the use of muzzleloading weapons. In order to become effective next hunting season, the ordinance must be lawfully adopted and transmitted to the Virginia Department of Game and Inland Fisheries no later than May 1. A motion and affirmative vote was necessary to enact the ordinance. If the Board had no interest in further pursuing the matter, no action was required. He advised that in response to Vice-Chairman Young's recent inquiry regarding the potential of a voter referendum to dispense with the issue, § 24.2-684, *Code of Virginia*, provided that "No referendum shall be placed on the ballot unless specifically authorized by statute or charter." He was unaware of any specific statutory authority that provided for referenda regarding the use of hunting weapons. (A Public Hearing on this item was conducted on April 20, 2004 in accordance with the *Code of Virginia*, and the item was on the agenda this morning for disposition.)

The ordinance to be considered is as follows:

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended as follows:

Sec. 10-26. Hunting weapons restricted.

(a) It shall be unlawful to hunt with a rifle larger than twenty-two one hundredths of an inch (.22) caliber rim fire except rifles of a larger caliber may be used for hunting groundhogs between March 1 and August 31;

(b) ~~It shall be unlawful to hunt with a muzzle loading rifle at anytime;~~ *It shall be lawful to hunt with muzzleloading rifles during the open season for the hunting of game species and any special season for the hunting of game species with a muzzleloading rifle, as prescribed by the Department of Game and Inland Fisheries; provided, however, that the use of any such muzzleloading rifle shall be only from a stand located at least ten (10) feet in elevation above the ground,*

provided, however, that such requirement shall be expressly inapplicable to persons with a permanent physical disability or disabilities prohibiting the person from using a stand located at least ten (10) feet in elevation above the ground. (For the purposes of this subsection, any person possessing a licensed medical doctor's written statement, based on a physical examination, declaring that such person has a permanent physical disability that prohibits the person from using a stand located at least ten (10) feet in elevation above the ground, may hunt with a muzzleloading rifle during such hunting seasons under the same rules, regulations, laws, and conditions that apply to other hunters using muzzleloading rifles, except that such disabled hunters shall not be required to hunt from a stand at least ten (10) feet in elevation above the ground);

~~(c) — It shall be unlawful to hunt with a muzzle loading shotgun loaded with slugs or sabot slugs; and Any person violating the provisions of this section, upon conviction, shall be guilty of a Class 3 Misdemeanor and shall be punished accordingly.~~

~~(d) — Any person violating the provisions of this section, upon conviction, shall be guilty of a Class 3 Misdemeanor and shall be punished accordingly.~~

This ordinance shall be effective at 12:00 midnight April ____, 2004.

State law references: Authority for above section, Code of Virginia, §§ 29.1-100, 29.1-519, and 29.1-528.

Supervisor West stated that he had found this to be a controversial issue that you really did not win either way. He went to the funeral of Mrs. Sykes and observed the handling of the flag on her coffin, the respect given to that flag, and realized that people were dying every day. People were in Iraq. They had an employee there defending freedom everywhere. The freedom and right to hunt was a basic right given to every American in this country. We seemed to want to fight over the type of gun we used to kill a deer. He found that amusing, amazing, unreal. It was a sport. In his opinion, it was not a safety situation that we should be overly concerned about. It was the right of a man to use the land as he so desired. He advised that he had looked at this thing, had talked to his friends, and had talked to his neighbors who had called him. They were going to be unhappy with the decision that he would make this morning, but either way, someone was going to be unhappy. He was looking at what this country stood for and the right of a man to use the land as he wanted to. If it brought in one economic dollar, that was one more than they had presently. He thought they should give those persons who wanted to use the muzzleloader the right to use that gun. **Supervisor West then made a motion to adopt the ordinance to permit muzzleloading in Southampton County.**

Supervisor Faison advised that before they voted, he would like to make a comment. This was an issue that was troubling and he probably shared some of the feelings of Supervisor West. But he did not see it as an issue of right or wrong. It was not a good versus evil situation. It was a situation where some people wanted it and some didn't. He had no problem with going either way, but he had to look at the number of people. On the surface, it looked as if this were a situation of muzzleloader hunters against hunt clubs. So what he did, although it was not scientific, was contact a lot of people who had no interest either way. By far, a vast majority of the people were just not interested in it. If there were compelling reasons for him to go against the majority, he had no problem doing so, but the reasons had to be compelling. In this situation, while the muzzleloaders gave good reason for us to have muzzleloading, if the county wanted it, it would work, but if the county did not want it, it would not work. He thought for him to vote for muzzleloading at this time would be more divisive in the county than they would benefit from it. He stated that they also talked about Southampton County as being one of the only counties in the State that did not allow muzzleloading. We could look at that a number of ways. We could say that all those Frenchmen couldn't be wrong and we needed to be like them, or we could say that there had to be some benefit in our uniqueness. He did not think that had really been explored. We were probably having some economic gains that we really had not thought about. At this point, there was no way that he could vote for it.

Vice-Chairman Young informed that he had received 57 phone calls and only 2 were in favor. He thought it was more a safety issue than anything else in the county and he definitely would not be in favor of it today.

Supervisor Wyche stated that it was sad that they were here at home raising hell over deer when we had people over in Iraq dying for us. However, 98% of the people in his area had said that they definitely did not want it. He was there to support the people in his area. He sympathized with those who wanted it but he had to go with his constituents and there was no way he could support it.

Supervisor Felts advised that she had received numerous phone calls, not only from her district, but from other districts as well. The consensus of the majority was that they were against it for any number of reasons, including safety issues. She felt that she should vote the way the majority of the people who had contacted her would like her to vote.

Supervisor West stated that he certainly respected that and thought they had done a good job in listening to the constituents. He had heard them loud and clear and was not going to push any issues. He just felt this was something that needed to be put to rest. His heart went out to all Southampton County residents. He wished he could turn back the clock to a lot of things that used to be in this county. Folks living over in Berlin-Ivor seemed to have more interest in it. He had many people call him and it was approximately 2-1 favoring black powder. They had to respect the opinions of the people in the county, as they were elected for that purpose. But sometimes they had to do what was right even if the prevailing opinion was something different. If a person deserved the right to use this particular season, he personally thought that they should grant this. He advised that he would love to see them at least try a 1-year period to permit the use of the muzzleloader in the county, and at the end of that period, review it. And if it were not acceptable, if there were problems, or if the public was still prevailing, he would not speak up in favor of it again as long as he was on the Board.

Chairman Jones informed that this was the 4th time it had come up to him. All 4 times, he only had one person in his district call him in favor of it; everyone else did not want it. They were his voters. They put him in and he had to go with their wishes. He noted that although it had no bearing, Mrs. Sykes, before she died, definitely did not want it. He stated that he just could not vote for it in any way. Those people put him in, and they could take him out. So where did they go from there?

Mr. Johnson advised that as a point of order, **the motion did not get a second.**

Proceeding to the citizen request to address the Board, Mrs. Diane Kropewnicki advised that she asked to speak on a matter that she found disconcerting and could have negative consequences for Southampton County. To her knowledge, there were currently 2 motorcycle races scheduled to be held in Southampton County in May. She believed this was in direct violation of Southampton County Code 18-282, Section 49. She was concerned about the proliferation of these events in Southampton County and the precedence that was being set by not complying with the code. She asked that the Southampton County Board of Supervisors reaffirm the zoning code and require that any such land uses for racing, race tracks, or race courses comply with the code and that they instruct the county administrator and staff to uphold the laws of Southampton County and that appropriate means be used to prevent these land uses in the County unless and until the code requirements had been met. She quoted that this section of the code stated, "Permitted Uses (a) in Industrial M-1, any structure or land to be used shall be for one or more of the following uses: (Section 49) Race track or course, any type, including horses, stock cars or drag strip, with a conditional use permit." This was the only section of code that listed race tracks or courses as permitted uses. Therefore, she believed this was the only zoning classification that may be used to allow a race track or course. Based on the zoning maps in the Comprehensive Plan, she did not believe that either of the two locations, one on Warrigue Road, and one on the south side of 622 off of Route 618 just outside of the Town of Ivor, were zoned M-1. Nor had she seen a conditional use permit application in the paper or at the Board of Supervisors' meetings for these races.

She informed that last year at the October 27 Board of Supervisors meeting, a public hearing was held on the application for a motorcycle track on New Road. Several people spoke in opposition, including herself. The applicant became angry when it appeared the hearing was not going in his favor. She quoted that the minutes of the meeting stated, "He stated that he had been told by his lawyer that this was going to go over and that he had spent a lot of money. His lawyer told him to let things cool down and that things were going to work out. It looked like they were not working out but he wanted everyone to know that across the road behind all of these people here, a track had been going on for 15 years with 300 people coming and going for a whole week and nobody said anything. Right down the street at the end of Tucker Swamp Road, there was another race track that had been going on for 15 years and there was going to be a big race. You could read all about it on the Internet. He did not see anybody in the county saying anything to anybody. It was like it was a big secret and nobody wanted to say anything or disturb it. He had been told that there was a deal with the fire department receiving 1/3 of the profits from these races. He advised that his lawyer told him to go ahead and go back there and build his track, as this had been going on in the county." She

quoted that the minutes further stated, "Supervisor West said that he had lived there for 57 years and was not aware of a race that was going on and was not aware of a deal with the fire department. He was aware of an arrangement of riding, not racing, on the property across the road from him, but thought that had ceased. A gentleman in the audience stood up and asked if this county had a double standard. Chairman Gilliam advised him that the public hearing was closed."

Mrs. Kropewnicki advised that after that meeting, she searched the Internet to see if she could find what the applicant was talking about. She found an organization called the Virginia Championship Hare Scramble Series that listed a race to be held in Ivor on November 2. She called Mr. West and the county administrator's office to inform them of what she had found. On November 2, the day of the race, she received several phone calls from people in that area who had seen her letter to the editor in the Tidewater News thanking the Board for denying the motorcycle track application. They were upset that this race was going on. Mrs. Gilde, an elderly black lady, told her that it was so noisy that she had to close her windows and move to the back part of her house to try and get relief from the noise. She told her that her husband was not well and the noise had "taken a toll" on him. She also told her that they were unable to drive down Warrigue Road on their way home from church that afternoon because the racers had blocked part of the road off and were racing across it. She had to take a long way around to get to her house with her ailing husband. She (Mrs. Kropewnicki) drove over to the location to see if she could see anything. Apparently some of the races had ended, as there were campers and trailers leaving the area. There were clearly marked trails going across the road at one point. Some riders were still racing through the woods – some of them dangerously close to the road. She took several pictures. About $\frac{3}{4}$ of a mile down the road there were spectators sitting in the road in chairs drinking beers while watching the racers go by. They effectively had the road blocked and were not happy with having to move their chairs so they could pass on the road. They cursed at she and her husband for asking them to move. She called the Sheriff's Office and reported that there were people sitting in the road blocking it.

She continued that she debated whether to file a complaint with the county, as the race did not directly affect her. But, she was concerned about the precedent being set by allowing this race to go on, and whether others would use it as justification for running more races, or if the race track applicant would use it for legal action against the county. On November 7, she wrote a letter to Mr. Barnett (Building Official) and Mr. Johnson with supporting documents and pictures. Mr. Barnett advised her that he, Mr. Johnson, and Mr. Railey (County Attorney) had agreed to allow the race to be held because it was supposed to be a charitable event with proceeds benefiting the fire department and rescue squad, but there was to be no camping or building of courses. He said that it had been told that it would be a small event with only a couple hundred people in attendance. She stated that apparently, they were misled. The ad on the Internet not only listed overnight camping for a \$5 fee, but an "enchanted forest" and a fundraising dinner on Saturday night before the Sunday race. In addition, there were numerous postings on the site of the Tidewater Dirt Riders, sponsors of the race, about all the work being done cutting trails and building bridges to prepare for the race. On the VA Championship Hare Scramble Series website, Ralph Denmark, President of the Tidewater Dirt Riders, posted a thank you from his organization describing the attendance of over 800 and the number of racers as over 365. Also, there were pages of the names of the racers and races they had registered for. Conspicuously absent in all postings was any mention of it being a fundraiser for the fire department. With a gate fee of \$3 per person and a race fee of \$20-\$25, the event probably made close to \$10,000. She wondered how much of it went to the fire department. One of the racers was injured and had to be transported to the hospital by the Ivor Rescue Squad. She wondered if they received any funds. While she thought that Mr. Barnett, Mr. Johnson, and Mr. Railey had good intentions, she did not believe their decision was in compliance with the Southampton County Code. She could find no mention in the code of allowing a zoning exception based on a decision by the county administrator, county attorney, and zoning administrator. As she said earlier, the only mention of race tracks in the code were in conjunction with Industrial M-1 zoning with a conditional use permit. In her opinion, they opened the proverbial Pandora's box.

Mrs. Kropewnicki informed that there were now 2 races scheduled in the VA Championship Hare Scramble Series in May 2004 in Ivor. The first, the Tidewater 100, was to be on May 16 at the Warrigue Road site about $\frac{1}{2}$ mile off of Proctors Bridge Road. It was being sponsored by the same people who put on the race in November and at the same location. A second race was scheduled for May 30 and advertised as Reddy Hole, with a map and directions indicating a location off of 618 and 622 just outside the Town of Ivor and within the County of Southampton. The ad for the Tidewater 100 first had the notation: *Overnight camping available for \$5 per vehicle*. That notation had now been removed. The Reddy Hole ad stated that primitive camping was available and showed an alternative RV route going through the Town of Ivor. The phone number for the Reddy Hole sponsor, Poor Boy Promotions, was a Chesapeake number. The phone number for the Tidewater 100

was a Suffolk number. To an observer, it certainly appeared that Southampton County was not following its own code and was applying a double standard in allowing these races to go on, when an application for a motorcycle track was denied a little over 6 months ago. It could leave the county vulnerable to a lawsuit. The code should be enforced equally for everyone. These organizations should be required to follow the rules and the landowners should have to apply for a M-1 Industrial rezoning and conditional use permit before these races were allowed to go on. This activity, as demonstrated by the November race, could greatly disturb nearby neighbors. The rezoning and conditional use permit process allowed residents to voice their opinions on the matter. If they did not have a problem with a race track in their area of the county, fine. But they should have the right to a public hearing to voice their opinion, instead of having these events spring up with no warning and possibly disrupt their lives. She asked that the Southampton County Board of Supervisors reaffirm the zoning code and require that any such land uses for races tracks or horses comply with the code, and instruct the county administrator and staff to adhere to and uphold the laws of Southampton County in a fair and equitable manner, and that appropriate means be taken to prevent these races from being held in Southampton County unless and until the code requirements had been met. She thanked them for their time and attention to this matter.

Supervisor West asked Mrs. Kropewnicki, regarding the information from the Internet that she passed around showing 15 events that were all sanctioned, did she know anything about the particular organization that sponsored these races? Was this a championship-type series? Mrs. Kropewnicki replied, per the information on the Internet, it was supposed to be a championship-type series. You had to belong to the organization and were assigned a number at the beginning of the year. You went to these races and at the end of the year, they had champions that were given prizes. They also had sponsors. In looking at the site, there were dollar signs by some of the classes indicating there were monetary rewards given. It appeared to be fairly well organized.

Supervisor West asked, to her knowledge, if it was not like an afternoon ride for kids and families coming on a property and just enjoying themselves? Mrs. Kropewnicki replied no, it was not casual riding. They had specific classes and types of races. Some of the races went on as long as 2 hours. It was racing; not just puttering around. She noted that she had some of their board meeting minutes.

Supervisor West advised that he too went to the event that afternoon on Warrique Road and he was blocked from passing through. He too was sworn at and cursed for attempting to go through. And there was an unfavorable attitude that he did not think Southampton County wanted to exhibit to the general public. From the standpoint of this being an acceptable action, with what was going on, he thought they were going to create problems for anyone coming back and saying that they wanted to also have one in their back yard, on their farm or wherever. He thought they were going to create problems by permitting one here and one there, even under the disguise of a charitable event.

Supervisor Faison stated that this certainly brought concern, but he would like to hear the County Administrator and Mr. Railey address this.

Mr. Johnson, County Administrator, advised that this particular issue had been the subject of numerous discussions in the past. There was no clear consensus on how to deal with it. What constituted a race track? Was it the fact that they kept score? Was it the number of people involved? What was the difference in a race track there and simply pleasure riding on any farm in the county? He did not remember the exact code section, but under the Agricultural A-1 permitted uses, it said recreational uses. If you looked at the farm that Mrs. Kropewnicki referred to, for 364 days a year it looked just like any other farm in Southampton County. That was the primary use. On 1 day a year, there was a charitable event held, according to the promoters. Did that constitute a race track? Did that constitute rezoning to an industrial use? He was not saying it was unanimous, but the consensus among the staff was no, that did not constitute a race track. He informed that regarding the case that was before the Board in December, they had a property owner who specifically came in with plans to build a race track course, and they acted on that. In this case, there was no application - it was a working farm. They did not build any special improvements for the race. They simply had people that came and raced 1 day a year. So did that constitute a race track? That was the issue.

Attorney Railey advised that he thought what Mr. Johnson said was exactly correct, but he was going to put it in the context of Southampton County. Southampton County was loaded with charitable events. Did they want to get to the point that for every Ruritan auction sale and for every event that every fire department and rescue squad had, did they have to come in and get a conditional use permit? Certainly, lots of events that fire departments and Ruritan clubs had across Southampton County were in violation. And certainly, Mrs. Kropewnicki was exactly right. There was nothing in the code that said there was a charitable exemption. But it was a "time-honored by practice"

exemption in Southampton County. He understood that this event got out of hand, but if they were going to say in this case that there was no charitable exemption, they had to be consistent.

Supervisor Faison stated that those were concerns, because a lot of times you could not just say a "blanket" no or yes to something. You had to consider all the ramifications. And certainly they did not want to stop some good things that were going on, but there had to be accountability. They (motorcycle organization) were saying that they gave to the fire department, but they had no proof of that. One control they could have was if a person came in and said this was what they were going to do, to make sure it was done. Obviously some people were disturbed by what was going on. That concerned him. Was it a disturbance that outweighed them coming in? He would certainly not be ready today to say yes or no to this, but he appreciated Mrs. Kropewnicki's report. He thought it was something they needed to look into, because they had to have control over things like this. Otherwise, they were letting things go on that would be to the county's detriment.

Mrs. Kropewnicki advised that she had information from that site as to the different races held and times they started, which were required. They even mandated how much they charged. It was not controlled just by the organization putting it on. It was controlled by the VA Championship Hare Scramble Series. She could not find how much money went to the VA Championship Hare Scramble Series and how much went to the Tidewater Dirt Riders. She also could not find in the Tidewater Dirt Riders minutes posted on their website, any mention of money being donated back to the fire department. Perhaps, they did. She did not know. But it concerned her that this type of racing was being allowed with over 800 people there and 365 racers and the kind of noise that it generated.

Supervisor West stated that he agreed with Supervisor Faison in that they needed to look further into this. He knew from a personal standpoint, with the road being blocked, that it had been a problem.

Mrs. Kropewnicki stated that if it was the fire department who had come forward and said that they wanted to put on this race, she would not be here. But it did not appear that this was being put on specifically as a benefit. It looked like it was for the benefit of the VA Championship Hare Scramble Series and Tidewater Dirt Riders and they were cloaking it as a charitable event in order to get around our zoning laws.

Attorney Railey asked Mrs. Kropewnicki, so you would not concede that there was nothing in the zoning laws that said charitable event? Mrs. Kropewnicki replied no, but there were exceptions allowed, but they required a hearing.

Attorney Railey stated that he thought she just said what their concern was. He asked her didn't she just say that if it were purely a charitable event, she would not be complaining? Mrs. Kropewnicki replied yes, but from everything she had seen, it did not seem to be purely a charitable event. She noted that nothing had been said about this second race on May 30 being a charitable event.

Supervisor Faison stated that even a charitable event needed to be done decently and in order. He thought she had brought up some concerns other than that, such as blocking the roads. In terms of control, he thought that was something they needed to look at too. They could not just let people come in and be disorderly. The control went further than just the charitable part.

Supervisor West asked Mr. Johnson if he had been contacted about the event on the 30th? Mr. Johnson replied no. He advised that when they were made aware of it last week, they had since contacted Poor Boy Promotions.

Chairman Jones asked Mr. Johnson if he could find out from this organization how much they were giving to the fire department? Mr. Johnson advised that they brought the group in that was planning to meet on the 16th about 3 weeks ago to specifically discuss this. At that time, they informed them that the gate receipts would all go to the hunt club. He was assuming Ivor Hunt Club, but did not know that for sure. They also informed that all proceeds from the benefit dinner on Saturday night would go to Tidewater Academy (located in Sussex County in Wakefield).

Mrs. Kropewnicki stated that in order to have a dinner on Saturday night, they had to be camping on the property. She thought that part of the discussion last year was that they were not supposed to be camping on the property. Mr. Johnson advised that they specifically told them no camping on the property. They said that they might be out there doing test runs and those things. They did mention that that created a problem for them. However, they in no way sanctioned or allowed camping.

Supervisor West advised that he thought they obviously needed to look more into this. One was requested last year and now two. He could appreciate that perhaps Mr. Scodes (the applicant who applied for a conditional use permit for a race track last year) may want to come back and request a similar event. They had to look out for their individual residents who paid the taxes in this county and stayed here every day, and not for the organization that came one day and then pulled out and headed in another direction. He would appreciate it if they could get back with those people and have a firm commitment in writing. He also wanted them to review the ordinance and protect the people.

Mrs. Kropewnicki stated that maybe they could adopt an ordinance where charitable organizations could be allowed to do things outside of the zoning, with a hearing and special exception or something. As long as people had the opportunity to voice their concerns about something that was going to come into their own back yard. She realized they would have to ask, what was a charitable organization? Would they require them to be a 501(c)3?

Attorney Railey advised that it was a complex problem. For years, any Ruritan club, fire department, etc. that had a raffle had to come before the Supervisors to get a permit. It was abused more than it was honored, and ultimately the General Assembly took that requirement away. He noted for what it was worth, the *Code of Virginia* did define a charitable organization and it covered a lot of territory.

Mr. Johnson advised that zoning enforcement, like all codes, always required a degree of objectivity. They certainly could look at the ordinances, but he cautioned that sometimes in trying to solve one problem, you could create two more.

Going back to the previous item of discussion, Chairman Jones asked Attorney Railey if there was anything they could do with muzzleloading, as this was the 4th time it had come up. Could they get rid of it or do something so it would not come back up? They were just spending time and money. Supervisor West stated that it was still a person's request to come before the Board. Anytime, they were saying that a person could not come back, for whatever reason, they had a problem. Chairman Jones stated that they needed a solution to this problem.

Attorney Railey advised that there would be a danger in passing a resolution saying that they would not consider it for a certain time period. Someone was coming on this Board to replace Mrs. Sykes, and that person was not bound by any agreement they had made. Nor, were any one of them bound if circumstances changed. So he thought a resolution would be of little effect. If the issue came up again, they could say that they were not going to public hearing or they had just considered it.

Supervisor West asked Chairman Jones, what if it came back as a lawsuit? Chairman Jones advised that he did not want to stop anybody from requesting anything. He apologized if he offended anyone and stated to just leave it as it was.

Moving forward, Mr. Johnson announced that as they may recall from the July 2003 session, they contracted with Roger D. Atkins Contracting and Restoration, Inc. to survey and repair 19 wooden windows and 4 wooden columns on the 1834 Courthouse, and to repaint all the exterior wooden finishes. The contract provided for remuneration on a cost-plus basis, not to exceed \$35,000, subject to further amendment. The funding source was identified as the Building Fund from the "Other Capital Projects" line, which contained an appropriation of \$45,982 in FY 2004. Notwithstanding the delays imposed by Hurricane Isabel, he was pleased to report that the work had been satisfactorily completed except for the installation of some small vents in the Courthouse columns, which were on order. He advised that through March, they had provided progress payments to Mr. Atkins in the amount of \$26,208.17. With the work complete, Mr. Atkins had presented him with his final invoices in the cumulative sum of \$24,858.31, making the total cost of the project \$51,066.48. Mr. Atkins indicated that there were a number of unforeseen issues that contributed to the additional expense – six of the windows encased in brick were severely damaged by termites and the small octagonal window in the portico was rotten and had to be completely rebuilt. He also repainted the colonnade and the 1960 addition to match the adjacent Courthouse. He reminded that the only other proposal they received for this project was a lump sum bid of \$110,000, which was the rationale for contracting on a cost-plus basis. The end result was that they finished with a quality project at a cost substantially lower than they otherwise could have contracted for.

He advised that to officially close this project out, he was recommending their approval of the following two actions:

- 1) A contract change-order in the amount of \$16,066.46 to reflect the additional time and materials necessary to complete the project, increasing the total value of the contract

- to \$51,066.48; and
- 2) A special appropriation of \$85,900 from the “Debt Service – Rt. 671 Extension” line item in the Building Fund to the “Other Capital Projects” line item to cover the project cost in excess of the original budgeted amount. Because of delays in negotiating the option agreement and completing the environment assessment, the funding for the Rt. 671 utility extension would not be needed in FY 2004.

Supervisor Faison asked, regarding the \$85,900, why that amount? Mr. Johnson replied that they were just moving the whole amount over, as it would not be needed at all. He noted that there was another item on the agenda they would talk about later.

Vice-Chairman Young moved, seconded by Supervisor Faison, to approve the change order and special appropriation described above. All were in favor.

Proceeding to consideration of polling place changes, Mr. Johnson announced that included in the agenda was correspondence from Voter Registrar, Mrs. Davis, seeking the Board’s consideration in relocating the following two polling places in Southampton County: 1) **Capron Precinct** – from the Capron Fire Department to the Capron Ruritan Club; and 2) **Newsoms Precinct** – from the Newsoms Fire Department to the Newsoms Ruritan Club. Her letter explained the reasons for the request. If they wished to favorably consider the matter, the process would involve the following four steps:

- 1) Contact the respective owners of the two ruritan clubs to determine their willingness to consider the County’s use of those facilities as polling places;
- 2) Survey the facilities to make sure they were fully accessible in accordance with the *Virginians with Disabilities Act*;
- 3) Negotiate agreements with the owners for use of those facilities; and
- 4) Follow the legal process – polling place changes required a public hearing and ordinance amendment by the Board of Supervisors. The changes were then submitted to the U.S. Department of Justice for preclearance, which would take up to 60 days. The registrar must then provide written notice to all affected voters at least 15 days in advance of any election.

He noted that the next general election was scheduled for November 2, 2004, which was roughly 190 days away. If this was a matter they wished to pursue, there was little time to waste.

Supervisor Wyche stated that he did not think Capron Ruritan Club was handicap accessible or had a telephone. Mr. Johnson advised that he knew of at least two occasions where the Board worked with private organizations to modify their buildings to make them accessible. He did not think the phone line was as much a critical issue as it used to be with the proliferation of cellular phones. Supervisor Felts noted that she thought they had cell phones available to precincts that did not have telephones.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to authorize the County Administrator to contact the respective owners to determine their interest in leasing the facilities as polling places and to further survey the facilities for accessibility. All were in favor.

Moving on, Mr. Johnson announced that the Edgehill waterworks served 89 single family residences in the Edgehill subdivision north of Franklin and consisted of two wells that pumped into an 8,000 gallon hydropneumatic tank. There was presently no auxiliary power supply for the system and because the tank was not elevated, customers were completely without water within minutes after a power failure. This was the last county-owned system lacking an elevated tank or auxiliary power system. He noted that last August, as part of a grant application to the VA Department of Health, they obtained competitive bids on a new generator set and transfer switch to serve this system. The estimated cost, including installation, was about \$35,000. Regrettably, the grant was not approved. He informed that with no funds included in the capital budget for this project, they had subsequently obtained a proposal from Tidewater Energy Services, LLC, a subsidiary of Community Electric Cooperative, to install and maintain a generator at Edgehill waterworks. The proposal was to furnish, install, and maintain a 40 kW 2004 Caterpillar generator and automatic transfer switch for 10 years at \$496 monthly, which equated to about \$5.57 per customer per month. If they simply borrowed \$35,000, assuming 4.5% interest for 10 years, the sum of all loan payments would be \$43,528. While the sum of the proposed lease payments was \$59,520, keep in mind that Tidewater Energy Services would assume responsibility for all maintenance, including parts and labor. The maintenance agreement included monthly monitoring of the equipment and required Tidewater Energy Services to respond to emergency calls associated with equipment failure. He advised that with the average generator service call typically running \$500–\$1,000, the additional \$16,000 appeared reasonable

given the time frame involved. The bottom line was if the equipment ran relatively trouble-free through its useful life, they probably paid a bit too much. But, the benefit of leasing was they were not subject to large maintenance and repair bills should the equipment experience serious problems, and the maintenance costs were fixed for 10-years, making it easy to budget for. Also with some efficiencies they were starting to see with their own utility maintenance crew, he was sure the annual cost of the generator lease, slightly less than \$6,000 a year, could be absorbed in the total water and sewer budget, which approached \$1 million, with minimal effort.

Supervisor West asked how far the Franklin water line came out? Mr. Johnson replied to the city limits. But there was no agreement in place between the City and the County to serve Edgehill. Their agreements specifically spoke to commercial and industrial connections and not residential.

Mr. Johnson confirmed for Supervisor West that sewage was hooked to the City. They went through that process in 1997 and put in a pump station where the lagoon used to be.

Supervisor West asked Mr. Johnson if it was ever a moneymaking process to have just your own water facility? He asked if he had any idea if the City of Franklin would have any interest in picking up the additional 89 customers in Edgehill? Mr. Johnson replied that theoretically, most of the time you could make money on water and would typically lose a little money on the sewer side, so it was optimal to hold both and balance the cost. He could not say whether or not the Edgehill system made money because it was merged in with all of their utility systems in one common account. He noted that they had spoken with the City of Franklin in the past about other types of extensions, and because of capacity issues, they had been somewhat reluctant to consider residential extensions. That was the case with the Cypress Manor area outside of Hunterdale.

Vice-Chairman Young moved, seconded by Supervisor West, to authorize the County Administrator to execute the lease. All were in favor.

The Board took a 5-minute recess.

Upon returning to open session, Mr. Johnson announced that with approval of item 8 on the agenda concerning the courthouse project closeout, the "Other Capital Projects" line in the Building Fund now contained a remaining appropriation of \$80,815.52 (the source of Supervisor Faison's earlier question). There were two other capital projects he would like to present for their consideration. The first was a reheat coil installation project at the Southampton Courthouse. Since the Courthouse renovation in 1997, they had experienced chronic humidity problems on the second floor of the Courthouse, particularly in the Circuit Court Judges Chambers and Jury Deliberation Room. The problem was so severe that they installed a freestanding dehumidifier several years ago in the Judge's office which frequently filled a one-gallon bucket several times a day. He had the problem evaluated by a licensed professional mechanical engineer last fall, and he determined that the air handler serving that space was oversized, causing it to sufficiently cool the air to the desired setpoint before removing all the humidity. Presently, when the space cooled down, the thermostat communicated with the air handler telling it that it was satisfied. The air handler then closed the chilled water valve until the thermostat told it that the space had warmed up again. He stated that the engineer proposed installation of a humidistat to monitor humidity in the space, which would communicate directly with the air handler. Because the chilled water valve would be opened longer to remove the excess humidity, they would need to install small electric heaters in the ductwork to keep the space from overcooling. This was not uncommon and frequently utilized in air conditioning systems, particularly when excess humidity was a problem. He stated that they had plans and specifications prepared for this work and were seeking the Board's authorization for them to bid and complete the project.

Mr. Johnson advised that the second project was air handling unit modifications at the Southampton County Office Center. Late last summer, they experienced indoor air quality problems in several areas of the Office Center, that was made manifest in the form of visible mold stains on ceiling tiles in the Board of Supervisors Room and in portions of the Health Department, among other places. One Health Department employee experienced a severe allergic reaction to the mold spores and others throughout the building complained of minor symptoms. He informed that they engaged the services of a certified industrial hygienist who performed an air quality and surface investigation throughout the entire facility. In summary, the testing confirmed elevated indoor levels of mold spores and the report recommended remediation by removing and replacing all contaminated ceiling tiles and wiping the ceiling grid track and HVAC vents with a mold growth inhibitor. He advised that this work was completed last fall as soon as they got that report. However, the report further indicated the need to engage the services of a licensed mechanical engineer to evaluate the HVAC systems in the facility to ensure proper distribution of air flow to keep moisture away and minimize

the future formation of mold. They had since had the systems evaluated and plans and specifications prepared to provide all new piping and insulation for the 5 air handling units, located in the balcony of the Office Center, to prevent the formation of condensation on the chilled water piping, which was believed to be the source of moisture that caused the formation of mold. The air handling units themselves would also be wiped down with mold and mildew retardant as part of the project. They were seeking the Board's authorization for them to bid and complete this project.

Supervisor Faison made a motion to authorize the County Administrator to bid the two projects and have the work completed, with the source of funding being the Building Fund, "Other Capital Projects" line. Vice-Chairman Young and Supervisor Wyche seconded the motion. All were in favor.

Regarding the request for funding assistance, Mr. Johnson announced that included in the agenda was correspondence from Woodie Walker, on behalf of the Blackwater/Nottoway Riverkeeper Program, seeking the Board's consideration of a one-time donation of \$250 to assist them with continued environmental outreach efforts. As they knew, the Riverkeepers had a busy April, planning and organizing the Clean River Forum on April 1, and organizing "Clean Rivers Day" the following Saturday, when 130 local volunteers united to collect more than 5 tons of litter and debris from area riverbanks, tributaries, and boat ramps. He advised that the \$250 donation they were seeking would be specifically targeted to refurbishing their "Eco-Cruise" pontoon boat, designed to take area students on field trips on the Blackwater and Nottoway Rivers.

Supervisor West highly recommended supporting this organization. He moved, seconded by Supervisor Faison, to provide a special, one-time appropriation of \$250 to the Blackwater/Nottoway Riverkeeper Program. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda were two resolutions for the Board's consideration. He advised that the first was in regard to Business Appreciation Week and read aloud the following resolution:

WHEREAS, Southampton County is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Southampton County; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefit; and

WHEREAS, these businesses also make significant contributions in our communities to promote educational opportunities for our children and promote a variety of activities which increase the quality of life of the area; and

WHEREAS, we recognize and appreciate these businesses;

NOW, THEREFORE, we, the Southampton County Board of Supervisors, hereby recognize our existing businesses, and by virtue of this proclamation give notice to our citizens that the businesses of Southampton County are exemplifying this year's theme of "Together We Make a Difference".

AND, further, that the week of May 16-22, 2004 is Business Appreciation Week in Southampton County.

Dallas O. Jones, Chairman Date
Southampton County Board of Supervisors

Vice-Chairman Young moved, seconded by Supervisor Wyche, that the resolution be adopted. All were in favor.

He advised that the second was in appreciation to Donna McCullough and read aloud the following resolution:

RESOLUTION OF APPRECIATION
to
Donna C. McCullough

WHEREAS, Donna C. McCullough has served as Executive Director of the Franklin-Southampton Area Chamber of Commerce for twenty-seven years and nine months beginning with her appointment in August 1976 and concluding with her retirement in April 2004; and

WHEREAS, Donna C. McCullough has been a passionate advocate for businesses in Southampton County and worked tirelessly to promote a strong local economy; and

WHEREAS, Donna C. McCullough has devoted countless hours in organizing and facilitating networking opportunities that allowed members to profile their products and services and increase their visibility in the business community; and

WHEREAS, Donna C. McCullough has provided creative leadership and effective coordination in solving community problems and in initiating constructive community action; and

WHEREAS, her passion for the community and warm personal demeanor have facilitated her public accomplishments and have earned for her the respect of her peers;

WHEREAS, her long tenure has resulted in conspicuous and significant progress for Franklin and Southampton County, the fruits of which will be enjoyed by the citizens of this region for many years to come.

NOW, THEREFOR, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that Donna C. McCullough is recognized and commended for her generous and devoted service to the citizens of this region and is presented this Resolution as visual representation of the high esteem in which she is held; and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this Board on the twenty-sixth day of April 2004 forever preserving and recording its gratitude.

Adopted this twenty-sixth day of April 2004.

BOARD OF SUPERVISORS

Dallas O. Jones, Chairman

ATTEST

Michael W. Johnson, Clerk

Supervisor West moved, seconded by Supervisor Faison, that the resolution be adopted. All were in favor.

Moving on, Mr. Johnson announced that as they may be aware, §24.2-226, *Code of Virginia*, required the board of supervisors to petition the circuit court to issue a writ of election to fill the vacancy created by Supervisor Sykes' death last week. By law, this petition must be made within fifteen days of the occurrence of the vacancy. He advised that Attorney Railey was in the process of preparing that writ of election and they needed the Board's authorization for him to file it with the court.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to direct Attorney Railey to petition the circuit court to issue a writ of election. All were in favor.

Mr. Johnson clarified for Chairman Jones that the interim appointment would be discussed in closed session.

Proceeding to miscellaneous items, Mr. Johnson announced that as Chief Holt mentioned at the Board's April 14 budget workshop, he (Mr. Johnson) made a brief presentation earlier this month to the Southampton Fire and Rescue Association regarding a proposal to study EMS fees for service. A copy of the meeting handout was in the agenda. He advised that Chief Holt had appointed the Advisory Committee to assist him (Mr. Johnson) in preparing a proposed plan of implementation. The plan was expected to be complete in late-2004 for consideration by the Association at its December meeting and the Board of Supervisors at its January 2005 meeting. If all went well and they obtained approval from both, EMS fees for service could effectively begin July 1, 2005.

He advised that included in the agenda was a copy of the statewide School Board profile, compiled by the Virginia School Board Association and published in their newsletter. He noted that 104 of 131 school divisions (79.4%) now had elected school boards. Six other school divisions in the state were appointed in a process similar to ours, which included a School Board Selection Committee.

He informed that included with the agenda, under separate cover, was a copy of a publication entitled "A Blueprint for Elected Officials", by the Virginia Economic Development Partnership. He stated that they could review it at their leisure and he thought they would find it very helpful.

Mr. Johnson reported that the following environmental notices were received:

- 1) From the Town of Courtland, regarding high levels of fluoride in the town's drinking water system;
- 2) From the Department of Health, Office of Drinking Water Programs, notice of a permit issuance to the 460 Café for a restaurant waterworks;
- 3) From the Department of Health, Office of Drinking Water Programs, to the Town of Ivor, continued correspondence regarding the high levels of total coliform in the town's drinking water system in February;
- 4) From the Department of Environmental Quality, notice of a groundwater withdrawal permit application by the Isle of Wight Department of Public Utilities to pump up to 18,630 gallons per day in the Days Point subdivision;
- 5) From the Department of Environmental Quality, notice of a groundwater withdrawal permit application by the Town of Courtland to pump up to 46,849 gallons per day;
- 6) From the Department of Environmental Quality, notice of an application by the City of Franklin to renew their VPDES permit to discharge up to 2 million gallons per day of treated wastewater into the Blackwater River;
- 7) From the Department of Environmental Quality, notice that they have completed their closure inspection for our emergency debris management site on VA Route 35 south of Courtland;
- 8) From the Department of Environmental Quality, notice of an application by S. W. Rawls, Incorporated to renew their VPDES permit to discharge up to 1000 gallons per day of treated stormwater into a tributary of the Blackwater River.

He advised that the following incoming correspondence was received:

- 1) From the J.R. Horsley Soil and Water Conservation District, thanking him for delivering the welcoming remarks at their recent Area VI spring meeting in Franklin;
- 2) From the Hampton Roads Partnership, a copy of a resolution adopted by the City of Virginia Beach in support of the City of Norfolk's efforts to attract Major League Baseball's (MLB's) Montreal Expos;
- 3) From the Hampton Roads Partnership, copies of a recently-completed internet survey regarding the quality of life in Hampton Roads – 20 Southampton County residents responded;
- 4) From the Town of Newsoms, a copy of their letter to DEQ requesting that SPSA be designated as the solid waste planning agency for the region;
- 5) From the Southampton County Department of Social Services, notice that they have formally adopted their FY 05 budget;
- 6) From the Southampton County Treasurer, a spreadsheet and graphs illustrating the number of dog licenses issued from 1996-2003; and
- 7) From the Southampton County Historical Society, notice of their recent note-burning ceremony and their upcoming beef barbeque (May 8, 2004).

He informed that outgoing correspondence and various news articles of interest were included in the agenda.

In reference to item 2 of incoming correspondence above, concerning a resolution adopted by the City of Virginia Beach in an effort to bring MLB to Hampton Roads, Mr. Johnson informed that he placed it under incoming correspondence because he did not know how high their interest was, but then he received a follow-up phone call asking the Board to consider it. It was sent to all 16 counties in the Hampton Roads Region. He advised that they could adopt a resolution identical to the one adopted by Virginia Beach that was included in the agenda, substituting "Southampton County Board of Supervisors" for "City of Virginia Beach City Council" in the appropriate places.

The resolution to be considered is as follows:

**RESOLUTION IN SUPPORT OF EFFORTS TO BRING
MAJOR LEAGUE BASEBALL TO THE HAMPTON ROADS AREA**

WHEREAS, the citizens of the Hampton Roads area are bonded together by years of mutual support, as well as their appreciation of outdoor recreation and sporting activities, and especially their enthusiasm for the national pastime of baseball.

WHEREAS, the Montreal Expos franchise is currently for sale, and the Hampton Roads area is the largest population center in the United States without a professional sports franchise;

WHEREAS, the Major League Baseball franchise would bring hundreds of millions of dollars of revenue deriving from payroll, construction and tourism, and incalculable excitement to the entire region;

WHEREAS, the Virginia Baseball Stadium Authority allows state taxes generated from the stadium site to be rebated to the Stadium Authority to sell bonds for stadium construction;

WHEREAS, our colleagues in the City of Norfolk have rallied behind the effort to bring a Major League Baseball franchise to the Hampton Roads area;

WHEREAS, Major League Baseball has recognized the efforts of the Mayor and Council of the City of Norfolk, the Hampton Roads Partnership, and the Norfolk Baseball Company by sending a site selection committee to the area in consideration of the bid;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the Board extends to its colleagues in the City of Norfolk, the Hampton Roads Partnership, the Norfolk Baseball Company, and all of those involved in this effort its sincere best wishes and whole-hearted support in their goal of acquiring the Montreal Expos and bringing a professional sports franchise to our region.

Adopted this 26th day of April, 2004.

Dallas O. Jones, Chairman
Southampton County Board of Supervisors

A COPY TESTE:

Michael W. Johnson, Clerk

Supervisor West stated that he would love to see any activity like this brought close by. He knew there was a big effort to bring a MLB team here and he certainly supported it.

Supervisor Wyche moved, seconded by Supervisor Felts, to adopt the resolution. All were in favor.

Regarding late arriving matters, Supervisor West advised that he was contacted by Ms. Barbara Green, the Board's appointee to the Suffolk Shelter for the Homeless Board, regarding a banquet and show that would take place on May 15 at the County Club in Franklin to benefit the Shelter. She was requesting that the Board participate and purchase a number of tickets at \$50 each. He noted that Mr. Johnson increased the Shelter's appropriation from \$500 to \$1,000, so it was seen as a worthy cause.

Supervisor West moved, seconded by Supervisor Felts, that they purchase a minimum of 5 tickets.

Mr. Johnson pointed out that they may want to consider an even number of tickets, as Supervisors typically took their spouses to these events. Supervisor Faison indicated that he supported it, but would not be able to attend. The other Board members showed an interest in attending the event and it was the consensus to purchase 10 tickets.

Supervisor Wyche amended Supervisor West's original motion and moved that the Board purchase 10 tickets at \$50 each. Supervisor West seconded the motion. All were in favor.

Chairman Jones announced that it was necessary for a closed meeting to be held in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purposes:

Section 2.2-3711 (A) (5) Discussion concerning prospective industries where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community;

Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members regarding specific legal matters (contract negotiations) requiring the provision of legal advice by counsel;

Section 2.2-3711 (A) (1) Discussion concerning prospective candidates for interim appointment to the Board of Supervisors representing the Newsoms Election District;

Section 2.2-3711 (A) (1) Discussion of performance of the County Administrator and County Attorney.

Supervisor Felts moved, seconded by Vice-Chairman Young, to conduct a closed meeting for the purposes aforementioned. All were in favor.

Richard Railey, County Attorney, J. Waverly Coggsdale, III, Assistant County Administrator, and Cindy Cave, Community/Economic Development Director, were present in the closed meeting. Mr. Julien Johnson, Public Utilities Director, was present for a portion of the closed meeting.

Upon returning to open session, **Vice-Chairman Young moved, seconded by Supervisor Wyche, to adopt the following resolution:**

RESOLUTION OF CLOSED MEETING

WHEREAS, the Southampton County Board of Supervisors had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Southampton County 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 matters as were identified in the motion convening the closed meeting were heard, discussed and considered by the Southampton County Board of Supervisors.

**Supervisors Voting Aye: Dallas O. Jones
Walter L. Young, Jr.
Carl J. Faison
Anita T. Felts
Ronald M. West
Moses Wyche**

The motion passed unanimously.

Supervisor West made a motion to continue this board meeting to May 6, 2004 at 6:30 PM. Supervisor Wyche seconded the motion. All were in favor.

Chairman Jones announced that as a result of the evaluations of Mr. Mike Johnson, County Administrator, and Mr. Richard Railey, County Attorney, the Board would give Mr. Johnson a 3% salary increase and Mr. Railey a \$5 per hour increase, (both effective 07/01/04).

Supervisor West advised that he would have Ms. Barbara Greene send Mr. Johnson the information regarding the benefit for the Suffolk Shelter for the Homeless.

There being no further business at that time, the meeting was recessed at 12:35 PM and continued until May 6, 2004.

May 6, 2004

Chairman Jones called the meeting back to order on May 6, 2004 at 6:30 PM. He advised that they would consider an interim appointment to the Board of Supervisors (to fill the vacancy due to the death of Supervisor Charleton Sykes of the Newsoms District).

Mr. Johnson announced that § 24.2-228, Code of Virginia provided that the board of supervisors should make an appointment within forty-five (45) days of a vacancy in office. The person appointed must be a qualified voter of the Newsoms District and would hold that office until the qualified voters fill the vacancy with a special election next November and the person winning that election qualified for office. He noted that he thought Vice-Chairman Young had spoken with a potential candidate.

Vice-Chairman Young advised that E. Beale Carter, Jr. had graciously accepted the appointment if he would not have to run for the office and if the Board would help him. Chairman Jones advised that Mr. Carter had communicated the same thing to him and that he was honored.

Supervisor Wyche moved, seconded by Supervisor Faison, to appoint E. Beale Carter, Jr. as the interim Supervisor for the Newsoms Election District. All were in favor.

There being no further business, the meeting was adjourned at 6:35 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk