

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 May 24, 2004 at 6:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)
Walter L. Young, Jr., Vice-Chairman (Franklin)
E. Beale Carter, Jr. (Newsoms)
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
Susan H. Wright, County Administration Executive Secretary

Chairman Jones called the meeting to order at 6:00 PM, and after the *Pledge of Allegiance*, Supervisor Faison gave the invocation.

Chairman Jones sought approval of the minutes of the April 20, 2004 Public Hearing (Re: Muzzleloading) and April 26, 2004 Regular Meeting. They were both approved as recorded, as there were no additions or corrections.

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

Mr. Johnson announced that included in the agenda was correspondence from Michael Estes, VDOT's Local Assistance Division Director, advising of pending changes in the state statute addressing taking certain streets into the secondary system of highways, commonly referred to as "rural additions". It appeared that the definition of "speculative interest" had been broadened and the amount of time funding could accrue for those projects had been increased from 4 to 5 years. The changes appeared favorable for localities.

Mr. Johnson advised that in regards to "rural additions", included in the agenda was correspondence and photos from 12 residents and property owners along First Baptist Drive in Burdette. He reminded that a number of those citizens appeared at the Board's public hearing on the Six-Year Plan last November. They were obviously frustrated by what they perceived as a lack of progress, which was understandable. He informed that he had prepared a response to those 12 property owners, a copy of which was included in the agenda, attempting to explain the somewhat complex process of having a highway taken into the secondary system and also communicating the status of their project.

It was consensus of the Board to authorize Mr. Johnson to prepare and mail personal copies of that letter to each of those 12 property owners.

Mr. Johnson announced that in front of them were 3 resolutions for their consideration that were late arriving. The streets that were the subject of those resolutions, Jill Circle, Deer Trail Drive, and Hunter Point Road, had all been built in accordance with VDOT's standards at the expense of the original developer. The subdivisions now had the number of residences on the streets that were required by VDOT to be taken into the secondary system. Mr. Cook had reviewed them and it was necessary that the Board adopt resolutions requesting VDOT to take those streets into its secondary system of highways.

Vice-Chairman Young moved, seconded by Supervisor Faison, to adopt the following resolution regarding Jill Circle:

Whereas, the Resident Engineer for the Virginia Department of Transportation has advised the County Administrator, the streets in Delaware Woods, Section II, Franklin Magisterial District, meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

Whereas, the County and the Virginia Department of Transportation have entered into an agreement for all stormwater detention/retention facilities in the County.

Therefore, upon consideration whereof, and on motion of Vice-Chairman Young, seconded by Supervisor Faison, it is resolved that the roads in Delaware Woods, Section II, Franklin Magisterial District, be and they hereby are established as public roads.

And be it further resolved, that the Virginia Department of Transportation, be and is hereby requested to take into the Secondary System, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, the following:

Name of Street:	Jill Circle
Drive Length:	0.15 miles
From:	Shady Brook (S.R. 650)
To:	Dead End (cul-de-sac)
Right-of-Way Width:	50 feet

All were in favor of the motion.

Vice-Chairman Young moved, seconded by Supervisor Faison, to adopt the following resolution regarding Deer Trail Drive:

Whereas, the Resident Engineer for the Virginia Department of Transportation has advised the County Administrator, the streets in Country Roads Subdivision, Franklin Magisterial District, meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

Whereas, the County and the Virginia Department of Transportation have entered into an agreement for all stormwater detention/retention facilities in the County.

Therefore, upon consideration whereof, and on motion of Vice-Chairman Young, seconded by Supervisor Faison, it is resolved that the roads in Country Roads Subdivision, Franklin Magisterial District, be and they hereby are established as public roads.

And be it further resolved, that the Virginia Department of Transportation, be and is hereby requested to take into the Secondary System, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, the following:

Name of Street:	Deer Trail Drive
Drive Length:	0.35 miles
From:	Storys Station Road (S.R. 650)
To:	Hunter Point Road
Right-of-Way Width:	50 feet

All were in favor of the motion.

Vice-Chairman Young moved, seconded by Supervisor Faison, to adopt the following resolution regarding Hunter Point Road:

Whereas, the Resident Engineer for the Virginia Department of Transportation has advised the County Administrator, the streets in Country Roads Subdivision, Franklin Magisterial District, meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

Whereas, the County and the Virginia Department of Transportation have entered into an agreement for all stormwater detention/retention facilities in the County.

Therefore, upon consideration whereof, and on motion of Vice-Chairman Young, seconded by Supervisor Faison, it is resolved that the roads in Country Roads Subdivision, Franklin Magisterial District, be and they hereby are established as public roads.

And be it further resolved, that the Virginia Department of Transportation, be and is hereby requested to take into the Secondary System, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Requirements, the following:

Name of Street:	Hunter Point Road
Drive Length:	0.25 miles
From:	Storys Station Road (S.R. 650)
To:	Deer Trail Drive
Right-of-Way Width:	50 feet

All were in favor of the motion.

Mr. Cook advised that he wanted to update them on the Courtland Bridge at Hancocks that was unfortunately hit last week. They planned to invite contractors out for a showing on June 1 and hoped to have bids by June 4. They were probably looking at 60 days to get it repaired, but certainly before school started. The cost was estimated at \$250,000-\$300,000, but he thought that might come down some. He would let Mr. Johnson know when they received the bids.

He informed that because of that detour, there was quite a bit of traffic coming to the Route 58 interchange, which had caused a lot of traffic to take the cut-through – Old Bridge Road (Route 742). Thus, he had requested traffic engineering to look into a speed reduction there as soon as possible.

Mr. Cook advised that there was a tragic accident on Story's Station Road last week. He had contacted his survey party and traffic engineering group and asked them to investigate it from all angles, from the possibility of cutting the hill down, signage, or whatever might be necessary, and provide him with a recommendation soon. He would keep Mr. Johnson informed and have a report for the Board next month.

He advised that Mr. Watson informed him that he had done some small patching in between the rails at the railroad crossing at Delaware Road. He noted that he had not yet crossed it. Supervisor Young stated that you could not tell it. Mr. Cook advised that he would take a look at it. He also advised that Mr. Watson promised to redo the whole crossing by July 1.

Mr. Cook informed that they were mowing in all of the districts. All of the primary roads and intersections at curves that might be a safety issue had been mowed. They were working on mowing all of the roads as fast as possible. Supervisor West thanked him for the mowing.

Supervisor Wyche expressed safety concerns about the school buses having to cross the Route 58 interchange (due to the Courtland Bridge at Hancocks being closed). Mr. Cook advised that Mr. Grizzard (of the school system) had directed the buses to use the cut-through (Old Bridge Road) because it was better sight distance there and he did not want to clog up the interchange, which he agreed with. Mr. Cook noted that he would talk to Sergeant Wrenn and Sheriff Francis about at least having their presence at the interchange in the mornings and afternoons.

Supervisor West brought up the blind hill on Seacock Chapel Road near Appleton Road that he had mentioned at a previous meeting. Mr. Cook advised that it had been investigated and it had sufficient sight distance. Supervisor West stated that that was amazing. Mr. Cook advised that he had a copy of that report and would try to get something to him.

Supervisor West informed that there was a lot of truck traffic on Proctor's Bridge Road. The edges were deteriorating and if there was pothole money, that road needed immediate attention if possible.

Supervisor West advised that there were problems with ditches on Warrigue Road near Broadwater Road immediately onto Warrigue, and also on Seacock Chapel Road coming out of Isle of Wight County into Southampton County up towards the church, particularly in that curve. Mr. Cook advised that he would take a look at them.

Supervisor West mentioned that at the intersection of Proctor's Bridge Road and Route 460 in Ivor, there was a garage right on the corner and the gentleman operating it had a tendency to park vehicles

blocking the view onto Route 460. Also, there was a VDOT sign to the right that blocked the westbound view of traffic. Mr. Cook stated that they could take care of that.

Supervisor Wyche asked about Old Place Road. Mr. Cook advised that it was number 3 on the priority list, but he may need his help on the right-of-ways. He thought they should at least have a date set by next year.

Mr. Cook confirmed for Vice-Chairman Young that he did receive his message about beaver control and they had 2 persons working in the county.

Vice-Chairman Young advised that the railroad crossing at Isaac Church was rough. Mr. Cook stated that it belonged to Norfolk Southern and there was a local person he could deal with face to face.

Moving on to appointments, Mr. Johnson announced that as discussed last month, Mrs. Lavenia McGhee's term on the Blackwater Regional Library Board would expire on June 30, 2004. Because she had already served two consecutive terms, she was ineligible for reappointment. Chairman Jones and Supervisors Faison and Wyche had agreed to collaborate in searching for a successor.

Supervisor Wyche submitted the name of Paige Sturdifen of 18039 Barrow Road, Capron. **Supervisor Wyche then moved, seconded by Vice-Chairman Young, to appoint Paige Sturdifen to the Blackwater Regional Library Board. All were in favor.**

Mr. Johnson announced that as they were aware, Supervisor Sykes was the Board's representative on a number of regional Boards and Commissions, including the Hampton Roads Planning District Commission, Southampton County Social Services Board, and Senior Services of Southeastern Virginia, all of which now had vacancies. It was incumbent upon the Board of Supervisors to appoint one of its members to each. He noted that included in the agenda was information about each of those Boards including meeting dates/times and functions.

It was consensus of the Board to think about it and be prepared to make the appointments next month.

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

In reference to the personnel report, Mr. Johnson announced that Gwen Gainey was hired in the Sheriff's Department effective 05/03/04 at an annual salary of \$23,854. Eric L. Richardson was hired in the Sheriff's Department effective 05/17/04 at an annual salary of \$23,854. He advised that the salary of McCoy L. Eaton was increased to \$26,075 effective 05/01/04 as a result of a 12-month regrade. The salary of Teresa L. Malcolm was increased to \$29,142 effective 05/01/04 as a result of a promotion. He informed that Nicholas A. Blount of the Sheriff's Department resigned effective 05/17/04. Kerry D. Epps of Public Utilities was terminated effective 04/30/04. He advised that Raymond E. Merkh of the Sheriff's Department remained on active military leave in Iraq.

Proceeding to financial matters, Mr. Johnson announced that included in the agenda was an appropriations resolution with a total appropriation of \$171,295.73. All funding had been received from the sources indicated, and with the resolution, would be appropriated for use by the School Board (\$128,122.73) and County Administrator's Office (\$43,173) for specified expenses. No new money was required.

The appropriations resolution is as follows:

APPROPRIATIONS - MAY 24, 2004

NO NEW LOCAL FUNDS

43000 BUILDINGS &
 GROUNDS

Reimbursement received from insurance for hurricane
damage for paid invoices as of above date
(\$43,173)

- SCHOOL BOARD
- (1) Expenditure refunds received--see attached letters
 - (2) Reimbursements received for Day Care and School Activities--see attached letters
 - (3) Reimbursements received for Donations and for E-Rates--see attached letters
 - (4) Transfer of expenditure lines--see attached letters
 - (5) Additional state and federal funds received--see attached letters

At a meeting of the Board of Supervisors of Southampton County, Virginia on Monday, May 24, 2004

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the following appropriations be and hereby are made for the period of July 1, 2003 through June 30, 2004 for the function and purpose indicated:

From the General Fund to the General Operating Fund to be expended only on order of the Board of Supervisors:

4-100-35500-3310	REPAIR & MAINTENANCE	692.00
43000-8105	COUNTY BUILDING REPAIR	42,481.00
	TOTAL	43,173.00

From the General Fund to the School Operating Fund to be expended only on order of the Southampton County School Board:

4-205-61100-1140-002-2-100	TECHNICAL SALARY-SP	2,686.74
61100-2100-002- -100	FICA BENEFITS	205.54
61100-3000-002-2-100	OTHER INST COSTS-SP	875.00
61100-3000-003-1-100	OTHER INST COSTS-REG	1,230.00
61100-3000-003-1-100	OTHER INST COSTS-REG	637.00
61100-3000-003-1-100	OTHER INST COSTS-REG	607.75
61100-3000-003-1-100	OTHER INST COSTS-REG	8,057.50
61100-6000-002-1-100	MATERIAL & SUPPLIES-REG	345.00
61100-6000-002-1-100	MATERIAL & SUPPLIES-REG	318.14
61100-6000-002-6-100	MATERIAL & SUPPLIES-HUNTERDALE	3,000.00
61100-6000-003-1-100	MATERIAL & SUPPLIES-REG	202.35
61100-6007-002-1-100	IP GRANT FOR ALPHAKIDS-HUNTERDALE	500.00
61310-1120-003-6-100	INSTRUCTIONAL SAL-SUMMER SCH	2,087.50
61310-2100-003- -100	FICA BENEFITS	159.69
62110-5500	TRAVEL (MILEAGE)-REG	660.00
62110-5500	TRAVEL (MILEAGE)-REG	1,652.36
63200-6008	VEHICLE & POWERED EQUIP-FUELS	3,999.00

May 24, 2004

63200-6009	VEHICLE & POWERED EQUIP	3,691.54
63200-6009	VEHICLE & POWERED EQUIP	4,700.00
64200-6002	REPAIR & MAINTENANCE SUPPLIES	15.68
64500-3310	REPAIR & MAINTENANCE SERVICE	2,005.55
	TOTAL	<u>37,636.34</u>
ACTIVITY REIMBURSEMENTS		
4-205-69001-1140	TECHNICAL SALARY	1,835.00
69001-1170	OPERATIVE SALARIES	8,007.01
69001-2100	FICA BENEFITS	739.47
69003-1170	OPERATIVE SALARIES	212.51
69003-2100	FICA BENEFITS	16.27
69004-1170	OPERATIVE SALARIES	437.75
69004-2100	FICA BENEFITS	33.48
69005-1170	OPERATIVE SALARIES	72.25
69005-2100	FICA BENEFITS	5.53
69007-1170	OPERATIVE SALARIES	229.50
69007-2100	FICA BENEFITS	16.63
	TOTAL	<u>11,605.40</u>
MEHERRIN DAY CARE, PROGRAM 220		
4-205-61100-1140-002-5-220	TECHNICAL SALARY-DAY CARE	3,812.00
61100-2100-002- -220	FICA BENEFITS	277.13
	TOTAL	<u>4,089.13</u>
CAPRON DAY CARE, PROGRAM 225		
4-205-61100-1140-002-5-225	TECHNICAL SALARY-CAPRON DAY CARE	960.00
61100-2100-002- -225	FICA BENEFITS	73.26
	TOTAL	<u>1,033.26</u>
TECHNOLOGY PLAN, PROGRAM 265		
4-205-61100-8250-003-1-265	INTERNET SERVICE	53,120.49
	TOTAL	<u>53,120.49</u>
AT RISK FOUR YEAR OLDS, PROGRAM 400		
4-205-61100-1120-000-1-400	INSTRUCTIONAL SAL-REG	(3,151.00)
61100-2210-000- -400	VRS RET	(678.00)
61100-2600-000-1-400	VIRGINIA EMPLOYMENT COMMISSION	103.00
61100-2700-000- -400	WORKER'S COMPENSATION	26.00
61100-3000-000-1-400	IN SERVICE	1,900.00
61100-5500-000-1-400	TRAVEL (MILEAGE)-REG	1,900.00
61100-6000-000-1-400	MATERIAL & SUPPLIES-REG	(1,000.00)
61100-9000-000-1-400	PARENT INVOLVEMENT	900.00
	TOTAL	<u>0.00</u>
READING INTERVENTION, PROGRAM 450		
4-205-61100-1140-002-1-450	TECHNICAL SAL-REG	1,734.00
	TOTAL	<u>1,734.00</u>

May 24, 2004

SLIVER GRANT, PART B, PROGRAM 570

4-205-61100-1120-002-2-570	INSTRUCTIONAL SALARY-SP	2,300.00
61100-2100-002- -570	FICA	178.00
61100-3000-002-2-570	PURCHASED SERV-SP	600.00
61100-8210-002-2-570	CAPITAL OUTLAY ADD'L HDWRE-SP	2,949.00
	TOTAL	<u>6,027.00</u>

CLASS SIZE REDUCTION INITIATIVE, PROGRAM 625

4-205-61100-5800-002-1-625	OTHER SERVICES	3,305.00
61100-6000-002-1-625	MATERIALS & SUPPLIES-REG	(3,305.00)
	TOTAL	<u>0.00</u>

PRE-SCHOOL INCENTIVE, PROGRAM 900

4-205-61100-6000-002-2-900	INSTRUCTIONAL & EDUC MAT'L	9,521.42
61100-8200-002-2-900	CAPITAL OUTLAY ADD'L	3,355.69
	TOTAL	<u>12,877.11</u>

TOTAL SCHOOL APPROPRIATION 128,122.73

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TOTAL APPROPRIATIONS 171,295.73

REVENUE APPROPRIATION MAY 2004

(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

GENERAL FUND REVENUE

3-100-18030-0004	INSURANCE CLAIMS & DIVIDENDS	43,173.00
	TOTAL GENERAL FUND REVENUE	<u>43,173.00</u>

SCHOOL REVENUE

3-205-16120-0010	DAY CARE CENTER	5,122.39
3-205-18990-0100	EXPENDITURE REFUNDS	3,893.89
3-205-18990-0100	EXPENDITURE REFUNDS	1,890.00
3-205-18990-0100	EXPENDITURE REFUNDS	345.00
3-205-18990-0100	EXPENDITURE REFUNDS	4,700.00
3-205-18990-0100	EXPENDITURE REFUNDS	4,552.23
3-205-18990-0100	EXPENDITURE REFUNDS	3,113.30
3-205-18990-0100	EXPENDITURE REFUNDS	3,000.00
3-205-18990-0100	EXPENDITURE REFUNDS	14,948.78
3-205-18990-0100	EXPENDITURE REFUNDS	318.14
3-205-18990-0101	DONATIONS	875.00
3-205-18990-0110	SCHOOL ACTIVITY REIMB	10,905.39
3-205-18990-0110	SCHOOL ACTIVITY REIMB	700.01
3-205-18990-0200	E-RATES REFUNDS	53,120.49
3-205-25020-0775	READING INTERVENTION	1,734.00
3-205-33020-0290	PRE-SCHOOL INCENTIVE	12,877.11
3-205-33020-0330	IDEA PART B SLIVER GRANT-570	6,027.00
	TOTAL SCHOOL FUND REVENUE	<u>128,122.73</u>

TOTAL APPROPRIATION

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171,295.73

A copy teste: _____, Clerk

Michael W. Johnson

Southampton County Board of Supervisors

05/24/04

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

Mr. Johnson announced that bills in the amount of \$917,310.55 were received. Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$917,310.55 be paid with check numbers 62641 through 63170. All were in favor.

Moving to presentations, Mr. Johnson introduced Mr. Rick Franklin, District Field Representative of the Honorable J. Randy Forbes, Representative of the 4th Congressional District in the U.S. House of Representatives.

Mr. Rick Franklin addressed the Board. He advised that when Mrs. Charleton Sykes passed away, he knew that they should honor her at the federal level. He talked to Congressman Forbes about it and told him that for 21 years, Mrs. Sykes had called their office always seeking assistance for somebody else. She was truly a public servant and a grand lady. He appreciated his liaison with her over the past 21 years since he had been with the U.S. House of Representatives. Tomorrow, the letter of commendation, which he was about to share, would be entered into the official record of the U.S. House of Representatives where it would remain a permanent part.

He asked her family to come forward while he read the following letter of commendation:

IN MEMORY OF CHARLETON WILHOIT SYKES

CONGRESSMAN J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Extension of Remarks – May 19, 2004

Mr. Speaker, I rise today to remember a true public servant, the Honorable Charleton Wilhoit Sykes. Mrs. Sykes served on the Southampton County Board of Supervisors and in other positions in Virginia government for 24 years. She contacted my office often seeking assistance for others, but not once for herself. Ms. Sykes was also a businesswoman and was a U.S. Navy veteran of World War II. She knew no strangers and cared for everyone.

I join the Honorable Dallas Jones, Chairman of the Southampton Board of Supervisors, when he said that he was "shocked and saddened" by Ms. Sykes death. "She was a strong voice for Newsoms district on this board," Jones said. "She will be sorely missed by everyone." Southampton County Administrator Mike Johnson noted that Ms. Sykes was "a woman of sound judgment, outspoken candor and unquestionable commitment. Her leadership and friendship will be sorely missed."

Ms. Sykes was also a loving mother and friend who will be missed most by those closest to her. Still, her legacy lives on in her family and in the fruits of her faithful service to a caring community and a grateful nation.

He presented her family with a framed copy of that letter of commendation.

Mr. Johnson reminded that the Board adopted a proclamation at their March meeting recognizing the tremendous contributions that the Franklin-Southampton Area Chamber of Commerce made to the citizens and community, particularly in light of their 50th anniversary. He advised that he had invited Mr. Pete Clark and Mrs. Teresa Beale, the organization's respective President and Executive Director, to the meeting tonight.

Mr. Johnson read aloud the following proclamation and presented Mr. Clark and Mrs. Beale with a framed copy:

PROCLAMATION

WHEREAS, the businessmen of Franklin began organizing the Franklin Chamber of Commerce in February 1954 and the office was opened on April 1, 1954 and,

WHEREAS, on July 23, 1954 the Chamber of Commerce received its Certificate of Incorporation and,

WHEREAS, the Franklin Chamber of Commerce was reorganized in December 1968 to become an area Chamber of Commerce and was renamed the Franklin-Southampton Area Chamber of Commerce and,

WHEREAS, the Franklin-Southampton Area Chamber of Commerce is celebrating fifty years of dedicated service to the community and,

WHEREAS, the Franklin-Southampton Area Chamber of Commerce is committed to promoting a favorable business climate for its membership and community and,

WHEREAS, it is important for the residents and businesses in our area to recognize and appreciate the countless contributions that the Franklin-Southampton Area Chamber of Commerce has made to enhancing the quality of our lives.

NOW, THEREFORE BE IT PROCLAIMED that in special recognition of the tremendous contributions that the Franklin-Southampton Area Chamber of Commerce makes to our citizens and our community that I, Dallas O. Jones, Chairman, Southampton County Virginia Board of Supervisors, hereby proclaim the month of April as "Local Chamber of Commerce Month" in the County of Southampton, Virginia.

In Witness Whereof, I have hereunto set my hand and caused the seal of Southampton County, Virginia to be affixed this twenty-second day of March in the year of our Lord two thousand four.

Dallas O. Jones, Chairman
Board of Supervisors

Attest:

Michael W. Johnson, Clerk

Proceeding to consideration of the FY 2005 annual budget and associated tax levies and utility fees, Mr. Johnson announced that the budget synopsis as advertised for public comment was as follows:

FY 2005 REVENUE ESTIMATES

REVENUE FROM COUNTY SOURCES

General Property Taxes	\$ 12,013,902
Other Local Taxes	770,583
Permits, Fees, Licenses	91,250
Fines & Forfeitures	462,507
Use of Money & Property	25,000
Charges for Service	131,378
Miscellaneous Revenue	663,284
TOTAL REVENUE/COUNTY SOURCES	<u>\$ 14,157,904</u>

OTHER COUNTY SOURCES

Transfer/General Reserve	\$ 922,000
Transfer/Building Fund	153,348
School Funds (School Food)	563,870
School Funds (School Operating)	<u>2,000</u>
OTAL REVENUE/	
OTHER COUNTY SOURCES	<u>\$ 1,641,218</u>

E-911 REVENUE

Transfer from E911 Reserve	\$ 23,800
Wireless 9-1-1 Grant	33,710
E-911 Revenue (Telephone Surcharges)	<u>144,000</u>
OTAL REVENUE/E-911	<u>\$ 201,510</u>

ENTERPRISE REVENUE

Water Service Fees	\$ 262,890
Sewer Service Fees	696,890
Other Fees/Connections	38,442
Note Proceeds - Series 2004	<u>2,250,000</u>
OTAL REVENUE/ENTERPRISE FUND	<u>\$ 3,248,222</u>

BUILDING FUND REVENUE

Utility Tax - Electricity	\$ 464,000
Utility Tax - Telephone	250,000
Rental of Property	60,556
Note Proceeds/Public Safety Radio	2,320,000
Building Fund Carryover	<u>704,073</u>
TOTAL REVENUE/BUILDING FUND	<u>\$ 3,798,629</u>

REVENUE FROM THE COMMONWEALTH

Non-Categorical Aid	\$ 165,652
Categorical Aid	2,882,225
Other Categorical Aid	381,094
School Aid	11,619,690
School Aid/Cafeteria	13,755
School Aid/Sales Tax	2,423,568
Public Assistance	<u>1,679,384</u>
TOTAL REVENUE FROM	
THE COMMONWEALTH	<u>\$ 19,165,368</u>

REVENUE FROM FEDERAL SOURCES

School Aid/School Operating Fund	\$ 11,500
School Aid/Federal Programs	1,477,706
School Aid/School Food	<u>480,000</u>
TOTAL REVENUE/FEDERAL	<u>\$ 1,969,206</u>

TOTAL REVENUE/ALL SOURCES	<u>\$ 44,182,057</u>
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FY 2005 EXPENDITURE ESTIMATES

GENERAL FUND

GENERAL GOVERNMENT ADMINISTRATION

Board of Supervisors	\$ 143,349
County Administration	260,346
Commissioner of the Revenue	207,075
Board of Assessors	162,000
Treasurer	191,722
Delinquent Tax Collection	56,700
Accounting	151,000
Data Processing	193,378
Insurance/County Code	98,605
Registrar	118,612

JUDICIAL ADMINISTRATION

Circuit Court	59,411
Combined District Court	19,523
Special Magistrates	1,338
Clerk of Circuit Court	125,799
Sheriff-Bailiff	366,423
Courthouse Security	35,199
Commonwealths Attorney	345,398

PUBLIC SAFETY

Sheriff	1,208,603
School Resource Officer	32,064
Volunteer Fire Departments	245,779
Volunteer Rescue Squads	573,699
State Forestry Service	13,257
Detention	2,081,212
Probation	61,165
Building Inspections	50,738
Animal Control	70,485
Medical Examiner	1,500
Emergency Service/Civil Defense	28,250

PUBLIC WORKS

Street Lights	41,000
Refuse Collection	358,992
Refuse Disposal	942,669
Buildings & Grounds	395,808

HEALTH & WELFARE

Local Health Department	268,133
Mental Health Services	64,600
State/Local Hospitalization	8,039
Transportation Program - Elderly	5,265
Comprehensive Services Act	61,935
STOP Organization	1,706

ARKS, RECREATION & CULTURAL

Community Concert Series	3,500
Rawls Museum Arts	10,000
Historical Society	3,500
Walter C. Rawls Library	172,188

COMMUNITY DEVELOPMENT

Planning/Zoning	156,308
Economic Development	135,659
Soil & Water Conservation District	9,410
Cooperative Extension Service	47,483

NON-DEPARTMENTAL

Non-Departmental Operating	<u>94,000</u>
OTAL GENERAL FUND EXPENDITURES	<u>\$ 9,682,825</u>

E-911 FUND

E911	<u>\$ 201,510</u>
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ENTERPRISE FUND

Water Service	\$ 471,067
Sewer Service	852,210
Rt. 671 Utility Extension	<u>2,378,000</u>
TOTAL ENTERPRISE FUND	<u>\$ 3,701,277</u>

BUILDING FUND

Capital Projects	<u>\$ 3,314,234</u>
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SCHOOL FUND

Instruction	\$ 14,470,906
Administration, Attendance & Health	1,028,235
Other Direction & Management	2,008,771
Operation & Maintenance Services	2,524,690
School Food Service & Non Operating Costs	67,756
Facilities	124,026
Debt Service	2,060,283
Rental Textbook	127,215
Technology	206,000
Drop Out Prevention	41,301
At Risk 4 Year Olds	38,869
Early Reading Intervention	29,914

FEDERAL SCHOOL FUNDS

Chapter I	601,500
Title VI-B Flow-Through	515,192
Title VI Innovative Education Program	22,195
Vocation Special Education	60,336
Substance & Drug Prevention	20,470
Preschool Incentive	15,442
Sliver Grant	18,617
Title II-A Training and Recruitment	157,897
Community Service Grant	50,000
Title IID Ed. Tech	16,057
TOTAL SCHOOL FUNDS	<u>\$ 24,205,672</u>

SCHOOL FOOD

School Food	<u>\$ 1,057,625</u>
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VIRGINIA PUBLIC ASSISTANCE FUND

Eligibility Administration	\$ 597,472
Service Administration	450,341
Joint Administration	334,047
Benefit Programs	554,520
Energy Administration	18,911
VIEW Administration	<u>63,623</u>
TOTAL PUBLIC ASSISTANCE	<u>\$ 2,018,914</u>

TOTAL EXPENDITURES ALL FUNDS	<u>\$ 44,182,057</u>
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Unappropriated General Fund Reserve	\$ 2,109,544
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TAX LEVIES

	<u>FY 2004</u>	<u>PROPOSED FY 2005</u>
REAL ESTATE		
General	\$0.65/\$100	\$0.68/\$100
Public Service Corporations	\$0.65/\$100	\$0.68/\$100
PERSONAL PROPERTY		
General	\$4.00/\$100	\$4.00/\$100
Machinery & Tools	\$2.40/\$100	\$2.40/\$100
Mobile Homes	\$0.65/\$100	\$0.68/\$100
Public Service Corporations	\$4.00/\$100	\$4.00/\$100
Merchants Capital	\$0.50/\$100	\$0.50/\$100
Farm Machinery	\$1.95/\$100	\$1.95/\$100
Farm Machinery/Single Product	\$1.25/\$100	\$1.25/\$100
Construction Machinery	\$2.40/\$100	\$2.40/\$100
Motor Carriers	\$2.40/\$100	\$2.40/\$100

ENHANCED 9-1-1 TELEPHONE SURCHARGES

<u>FY 2004</u>	<u>PROPOSED FY 2005</u>
\$1.25/mo.	\$1.75/mo.

Mr. Johnson advised that in light of the additional forthcoming state revenues for education, he was recommending that the advertised budget be amended as follows:

Total advertised revenue	\$44,182,057
Additional state revenue for public education	833,490
Real property taxes	(96,652)
Transfer/General Reserve	(96,652)
	<u>\$44,822,243</u>
Total advertised expenses	\$44,182,057
Solid waste disposal	(36,624)
School Fund	676,810
	<u>\$44,822,243</u>

He advised that the substance of those changes were summarized as follows:

- The proposed tax rate would be reduced from \$0.68 to \$0.67;
- The required transfer from the unappropriated fund reserve would be reduced by an additional \$96,652 to a revised figure of \$825,348;
- Another variation they might wish to consider was to allow the unappropriated fund reserve transfer to remain constant at \$922,000 and further reduce the proposed real estate tax rate to \$0.66;
- Proposed state revenue for schools was increased by \$833,490;
- Proposed local revenue for schools was decreased by \$156,680;
- Additional state revenue for constitutional officers' salary adjustments and jail per-diems would be specially appropriated later in the year, as they had no impact on the proposed tax rate.

He noted that should they accept that recommendation, the School Fund total budget would be revised per the sheet included in the agenda.

Vice-Chairman Young advised that he would like to see a \$0.01 real property tax increase (\$0.66 tax rate) rather than a \$0.02 increase (\$0.67 tax rate).

Supervisor West proposed the idea of going with the amended real property tax rate of \$0.67 from \$0.68, but instead of reducing the general reserve transfer by \$96,652 as a result of that change, giving that \$96,652 back to the farmers by way of a reduction in the farm equipment tax.

The other Supervisors did not concur with Vice-Chairman Young's preference of a \$0.01 real property tax increase (\$0.66 tax rate), but were in favor of the amended \$0.02 increase (\$0.67 tax rate), as they indicated that they did not want to dip into the reserve any further. Also for that reason, along with the fact that only a handful of people would be affected, they were not in favor of Supervisor West's idea.

Supervisor Wyche moved, seconded by Supervisor Faison, to adopt the FY 2005 annual budget with the amendments described above. All were in favor.

Mr. Johnson advised that following was the ordinance, as advertised, establishing the 2004 (FY 2005) tax levy:

TAX ORDINANCE

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia, that for the year 2004 there is hereby levied:

1. A tax of \$0.68 per \$100.00 assessed valuation on all real estate in Southampton County, including manufactured homes.
2. A tax of \$4.00 per \$100.00 assessed valuation on all taxable, tangible, personal property located in Southampton County on the first day of January, 2004, except household goods and personal effects.
3. A tax of \$1.95 per \$100.00 assessed valuation on all farm machinery and farm implements, save and except machinery described in paragraph 4 herein below, located in Southampton County on the first day of January, 2004.
4. a tax of \$1.25 per \$100.00 assessed valuation on all farm machinery designed solely for the planting, production or harvesting of a single product or commodity, located in Southampton County on the first day of January, 2004.
5. A tax of \$0.68 per \$100.00 assessed valuation on all real estate and \$4.00 per \$100.00 assessed valuation on all taxable, tangible personal property of public service corporations based on the assessment fixed by the State Corporation Commission of Virginia.
6. A tax of \$2.40 per \$100.00 assessed valuation on all machinery and tools.
7. A tax of \$0.50 per \$100.00 assessed valuation on merchant's capital.
8. A tax of \$2.40 per \$100.00 assessed valuation on all heavy construction machinery, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting equipment and ditch and other types of diggers.
9. A tax of \$2.40 per \$100 assessed valuation on all motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce.

All levies shall be due on or before December 5, 2004.

Supervisor Wyche moved, seconded by Supervisor Felts, to adopt the ordinance amending number 1 and number 5 to reflect a tax of \$0.67 per \$100 assessed valuation on all real estate. All were in favor.

Mr. Johnson advised that following was the ordinance, as advertised, to increase the E-9-1-1 system tax from \$1.25 monthly to \$1.75 monthly in accordance with the adopted FY 2005 annual budget:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15 OF THE SOUTHAMPTON COUNTY CODE, 1991, SO AS TO AMEND SUBDIVISION (B), SECTION 15-1 INCREASING THE TAX IMPOSED FOR THE E-9-1-1 EMERGENCY TELEPHONE SYSTEM FROM \$1.25 PER MONTH TO \$1.75 PER MONTH.

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is amended and reordained so as to amend subdivision (b), Section 15-1, and reading as follows:

Section 15.1. E-9-1-1 emergency telephone system tax.

(b) There is hereby imposed, in addition to any tax imposed and levied under section 15-117 hereinbelow, upon every purchaser of local telephone service a tax in the amount of ~~one dollar and twenty-five cents (\$1.25)~~ *one dollar and seventy-five cents (\$1.75)* per month per separate telephone or trunk line. This tax shall be paid by the purchaser to the telephone company selling the local telephone service (hereinafter referred to as "seller" in order for the county to pay for the maintenance costs of its E-9-1-1 system.

This ordinance shall become effective at 12:01 a.m., July 1, 2004.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: May 24, 2004

Vice-Chairman Young moved, seconded by Supervisors Carter and Faison, to adopt the ordinance as advertised. All were in favor.

Moving forward, Mr. Johnson reminded that they recently solicited competitive proposals from qualified firms to provide general engineering services on an as-needed basis for Southampton County. The evaluation committee, consisting of Supervisors Felts and West, Waverly Coggsdale, Cindy Cave, and Julien Johnson, conducted interviews on May 6th with 5 of the 10 engineering firms submitting proposals. A copy of the committee's recommendation was included in the agenda. He advised that based on the factors involved in the Request for Proposals (RFP), there was a strong consensus among the committee that the best proposal was submitted by the Timmons Group, based out of Richmond. They had the ability to advise and assist the County in numerous areas, including water and wastewater design, economic development, site development, environmental services, and land/community planning, among other things. He stated that they were seeking the Board's authorization to negotiate and execute a contract for services that would clearly define the business relationship between Timmons and Southampton County, subject to requirements contained in the original RFP and terms and provisions of Timmons' written proposal. He noted that by itself, execution of the contract had no fiscal impact since specific projects would be assigned on an "as-needed" basis with the scope of work and compensation subject to negotiation prior to each assignment, and confirmed with an advance written work order. It was a three (3) year contract with an option to renew for an additional two (2) years. The most immediate project on the horizon was the water and wastewater design for the Route 671 utility extension.

Attorney Railey confirmed for Supervisor Carter that he was in agreement with it.

Supervisor Carter moved, seconded by Supervisor Faison, to authorize the County Administrator to negotiate and execute a contract for general engineering services with the Timmons Group. All were in favor.

In regards to risk management issues, Mr. Johnson announced that as part of their overall risk management program, he met annually with Virginia Municipal League (VML) Insurance Programs, a workers' compensation self-insurance program with more than 470 municipal members across Virginia, for a safety consultation. Notwithstanding an excellent safety record in the past, VML had recommended the Board's consideration of the following three policies as they related to workers' compensation issues:

- 1) Adoption of a ***Policy Statement*** which would state that the County's goal was to provide a safe and healthful working environment for employees and would establish minimum guidelines for a safety and health program;
- 2) Establishment of a ***Physicians Panel*** for treatment of all work-related accidents or injuries; and
- 3) Adoption of a ***Return-to-Work Policy Statement***, which would establish a deliberate, organized effort to return injured employees to productive employment as early as possible, subject to physical restrictions and good medical practices.

He noted that included in the agenda were both policy statements and information associated with establishment of a physicians panel.

Supervisor West asked why this was coming up specifically? Mr. Johnson replied that it was just part of the overall risk management strategy. The County had an excellent safety record. VML was just suggesting that to minimize the County's liability in the future, the Board might want to consider those policies. He noted that incidences might have come up in other counties without such policies in place that created some problems.

Supervisor West moved, seconded by Supervisor Wyche, to adopt the Policy Statement and Return-to-Work Policy Statement and establish a Physicians Panel, all as presented and provided in the agenda. All were in favor.

Moving to fireworks permit applications, Mr. Johnson announced that included in the agenda was an application for a fireworks permit from the Sedley Recreation Association. The display was scheduled for July 5, 2004 at approximately 9:15 PM. The rain date was July 6. Permits had been granted annually since 1991 without incident. The application was in order and a draft permit was included in the agenda for the Board's consideration.

Supervisor Felts moved, seconded by Vice-Chairman Young, to approve issuance of the fireworks permit for Sedley Recreation Association. All were in favor.

Mr. Johnson advised that also included in the agenda was an application for a fireworks permit from Charles B. Darden, Jr. The display was scheduled for July 3, 2004 at approximately 9:15 PM. The rain date was July 4. The application was in order and a draft permit was included in the agenda for the Board's consideration.

Vice-Chairman Young moved, seconded by Supervisor Faison, to approve issuance of the fireworks permit for Charles B. Darden, Jr. All were in favor.

Moving forward, Mr. Johnson announced that with the September 11, 2001 tragedies, they all became acutely aware that terrorism on American soil was very much a reality. Even before then, our local emergency responders had recognized that Hampton Roads might be at risk and needed to be prepared. He advised that the cities and counties of Hampton Roads had joined together and developed a regional plan for a Metropolitan Medical Response System (MMRS). Its purpose was to develop and sustain a comprehensive medical response capability for the Hampton Roads communities to the health and medical consequences of weapons of mass destruction terrorist acts and natural or technological disasters. Through preparation and coordination, law enforcement, fire, hazmat, EMS, hospital, public health, emergency management and other "first response" personnel planned to more effectively respond in the first 48 hours of a public health crisis. One of the purposes of the MMRS was to address emergency medical needs in the aftermath of a terrorist attack, during the first 24 hours, including procurement and provision of appropriate pharmaceuticals, equipment, and supplies. It included plans for command, control, and notification procedures, crime scene security, centralized communication, patient tracking and crowd control, among other things. He informed that the U.S. Department of Health contracted with the region for \$2 million to develop the plan and buy the necessary pharmaceuticals and equipment to assist with its implementation. The 16 communities of Hampton Roads provided the sustainment funding to replace expired pharmaceuticals and equipment and to support training, oversight and program management, through a portion of their annual contribution to the Hampton Roads Planning District Commission (\$0.20 per capita annually). He advised that included in the agenda for the Board's consideration was a mutual aid agreement establishing the terms and conditions under which Southampton County would receive or render aid through the MMRS, and a memorandum of understanding addressing the sponsorship, staffing, and training requirements for jurisdictions supporting the MMRS strike team.

The mutual aid agreement is as follows:

**Hampton Roads Metropolitan Medical Response System
Mutual Aid Agreement**

This AGREEMENT entered into on the 24th day of November, 2004, by and between the member jurisdictions of the Hampton Roads Metropolitan Medical Response System ("HRMMRS"), being the cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg; the counties of Gloucester, Isle of Wight, James City, Southampton, Surry, York; and the town of Smithfield, each duly and lawfully represented by the contracting officer executing this instrument:

RECITAL

Whereas, each of the parties hereto support the Hampton Roads Metropolitan Medical Strike Team; and

Whereas, each of the parties hereto maintains equipment and personnel for emergency response within its own jurisdiction; and

Whereas, it is deemed mutually beneficial to the parties hereto to enter into an agreement concerning mutual aid and cooperation with regard to emergency medical responses to suspected terrorism events, and natural and man-made catastrophes, that are conceivably beyond the abilities and/or resources of the affected party; and

Whereas, the parties hereto desire to augment their emergency medical response resources in times of mass casualty, disaster or terrorism events; and

Whereas, the parties hereto desire that the terms and conditions of this HRMMRS Mutual Aid Agreement be established:

Therefore, the parties hereto mutually agree as follows:

AGREEMENT

1. In the event of a medical emergency in a party's jurisdiction that may necessitate the need of a mutual aid response, it shall be the duty of the requesting jurisdiction's incident commander to assure that the request for the mutual aid response is communicated per the requesting jurisdiction's policy.

2. In the event a request for a mutual aid response is properly made by the requesting jurisdiction, the responding equipment and personnel will be under the control of their own supervisor(s), the senior supervisor reporting to and taking directions from the requesting party's incident commander.

3. The incident commander of the requesting jurisdiction shall assume full command of the operations, but if that incident commander specifically requests the senior officer of the mutual aid response to assume command, that requesting party's incident commander shall not, by relinquishing command, be relieved of his/her responsibility for the operation.

4. The requesting party shall be responsible for designating a radio communications system for use by all emergency personnel. Should radio systems be incompatible, the incident commander and the senior officer of the mutual aid response shall coordinate communications.

5. The services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities from liability enjoyed by the local government within its boundaries shall extend to its participation in rendering assistance outside its boundaries. It is understood that for the purposes of this Agreement, the mutual aid response is rendering aid once it departs its own jurisdictional boundaries.

6. All pension, disability, worker's compensation, life and health insurance and other benefits enjoyed by personnel participating in the mutual aid response shall extend to the services they perform under this Agreement whether inside or outside of their respective jurisdictions. Each party agrees that provisions of these benefits shall remain the responsibility of the participating personnel's jurisdiction.

7. Each party hereto agrees to waive any and all claims against all other parties hereto which may arise out of their participation in HRMMRS activities inside or outside of their respective jurisdictions.

8. The parties participating in this Agreement shall not be liable to each other for reimbursement for injuries to personnel or damage to equipment incurred when going to or returning from another jurisdiction. No party shall be liable to any other party for any other costs associated with, or arising out of, the rendering of assistance by a mutual aid response pursuant to this Agreement; except, however, the responding jurisdiction may request reimbursement to replenish

equipment and supplies. However, should the incident be declared a disaster by the President of the United States and/or Governor of Virginia, it shall be incumbent upon the requesting jurisdiction to coordinate with the mutual aid team(s) the calculation of actual costs incurred for use of personnel and equipment. The requesting party shall also, upon receipt of reimbursement funds, coordinate with the mutual aid team(s) the disbursement of those funds related to personnel and equipment provided by the mutual aid team(s).

9. Nothing contained in this Agreement should in any manner be construed to require any of the parties to respond to a request for services when the service personnel of the jurisdiction to whom the request is made are, in the opinion of the jurisdiction, needed or are being used within the boundaries of that jurisdiction, nor shall any such request require the requested jurisdiction to continue to provide services to another jurisdiction when its service personnel, vehicles or equipment are, in the requested jurisdiction's opinion, needed for other duties within its own boundaries.

10. Nothing in this Agreement is intended to, nor shall it be interpreted to override, supercede, nullify or in any way change any mutual aid agreement or understanding currently enjoyed by any party, jointly or severally.

11. Any of the parties hereto may withdraw from this Agreement by giving thirty (30) days written notice to that effect to each of the other parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers, with their respective official seals affixed hereto and attested by their respective city, county or town clerk, and indicated thereafter the ordinance or resolution authorizing the execution.

ATTEST:

Michael W. Johnson, County Administrator
Southampton County

Adopted: May 24, 2004

The memorandum of understanding is as follows:

**Hampton Roads Metropolitan Medical Response System
Metropolitan Medical Strike Team Response Memorandum of Understanding**

This Memorandum of Understanding will address the sponsorship, response, staffing, and training requirements for civilian agencies supporting Hampton Roads Metropolitan Medical Strike Team (HRMMST) members and for localities supporting HRMMST members under the provisions of the Hampton Roads Metropolitan Medical Response System Mutual Aid Agreement.

1. A HRMMST member requested to respond to a Hampton Roads Metropolitan Medical Response System ("HRMMRS") activation, or participate in training and regional exercises, will be provided coverage under the individual member's sponsoring jurisdiction's or agency's liability and compensation policies and plans, including, but not limited to, health, liability, and worker's compensation benefits. To the extent authorized by law, each participating jurisdiction and agency will provide for the payment of compensation and death benefits to its injured members of the responding HRMMST if such member(s) sustain injuries or are killed while rendering aid pursuant to this Memorandum of Understanding, in the same manner and on the same terms as if the injury or death were sustained within the member's own jurisdiction or agency.

2. HRMMST members responding to an incident will report to the areas designated when notification of an incident is received. Use of sponsoring jurisdiction or agency official vehicles is preferred.

3. HRMMST members will respond to the incident with personal protective equipment and clothing and/or other equipment issued to them by the HRMMRS and/or the sponsoring jurisdiction or agency.

4. HRMMST members will be made available to meet the initial and annual continuing education and training requirements of the HRMMRS. Members will be made available both on and off duty to assure compliance with the training requirements, unless to do so would cause an undue hardship on the affected locality.

5. HRMMST members will be available to respond to HRMMRS activation inside or outside of their jurisdiction/work location, both on and off duty, unless to do so would cause an undue hardship on the affected locality. HRMMST members will respond at no cost to the affected/requesting locality provided they are responding to a properly executed HRMMRS incident

and are part of the Strike Team on call. If the incident is declared a "Disaster" by the Governor of Virginia and/or President of the United States, each jurisdiction and agency may be able to seek reimbursement as outlined by FEMA federally declared disaster requirements.

6. This Memorandum of Understanding may be modified with the approval of the agency directors and the managers of the various localities.

7. This Memorandum of Understanding may be terminated by providing written notice thirty (30) days prior to termination to the Hampton Roads MMRS Oversight Committee, c/o Tidewater Emergency Medical Services Council, Inc., 855 West Brambleton Avenue, Norfolk, Virginia 23510-1001.

Michael W. Johnson, County Administrator
Southampton County

Date Signed: May 24, 2004

Attorney Railey asked if Southampton County's insurance carrier had reviewed it to make sure the coverage would take care of the County in the event of a liability situation created by somebody else? Mr. Johnson replied no. Attorney Railey stated that he would like to see what the insurance carrier had to say before recommending passing it. Mr. Johnson advised that he had not spoken specifically with the County's liability insurer, but thought Southampton would be the last jurisdiction to adopt the agreement, so it had passed in 15 other localities. Attorney Railey suggested that if timing was important, to pass it on the condition that it was acceptable by the liability insurance carrier.

Vice-Chairman Young moved, seconded by Supervisor Faison, to authorize the County Administrator to execute the MMRS mutual aid agreement and memorandum of understanding on behalf of Southampton County provided that it was acceptable by the County's liability insurance carrier. All were in favor.

In regards to the public hearing, Mr. Johnson announced that the following public hearing was originally scheduled, but the applicant, **Site Improvement Associates**, had **WITHDRAWN** its application:

REZ 040804:01 Application filed by Site Improvements Associates (owners) requesting a rezoning of approximately twenty-four (24) acres from Residential District (R-2) to Residential-Manufactured Home (R-MH). The property is identified as Tax Map 60, Parcel 62, which is located off the south side of Flaggy Run Road (Route 611) approximately 0.9 miles northeast of the corporate limits of the Town of Courtland. The subject parcel is located in the Jerusalem Magisterial District and the Jerusalem Voting District.

Proceeding to the citizen request to address the Board, Mr. Ralph Benhart, Jr. thanked the Board for the opportunity to speak regarding motorcycle events in Southampton County. He introduced himself as a Lieutenant Commander on active duty with the U.S. Coast Guard, Past President of the Tidewater Dirt Riders, and current volunteer officer for the Virginia Championship Hare Scramble Series. He provided the Board with a package he had put together showing some of the things they had done in the community. At the front of the package, there were 2 letters regarding their meeting with Mr. Johnson last year about allowing their events to happen in Ivor. Within the package, there were letters of support from local charities and/or people who had benefited from their fundraisers. He noted that the week prior to their event, he went and talked to local residents on Proctor's Bridge Road and Warrigue Road to find out if they had concerns with the event. That was documented in the package and the 11 people addressed all had positive comments. Also in the package was a memo from their website's bulletin board about other events showing that other communities in Virginia saw them as very positive. There was also a recent article from the Tidewater Times discussing their event and a copy of the Surry Dispatch showing the donation they gave the Surry Rescue Squad in 2000. Also included were flyers as far back in Ivor as 1986 as well as 2002-2004 covering those events. He advised that their events held in Ivor benefited lots of things other than charities. Recently, the Blue Moose Restaurant on Route 460 in Ivor was nice enough to work a deal with them to give free drinks to riders and their families coming into the community for the event. They incurred about 70 additional families over a 24-hour period to come and purchase meals from them. The Ivor Rescue Squad, Ivor Volunteer Fire Department, Reddy Hole Hunt Club, and Millfield Baptist Church all benefited. The church had greatly benefited over the past couple of years, as they used the funds they had received to send youth on mission trips, to help purchase a new van, and to

install a wheelchair lift in an elderly lady's house in the community. He hoped the Board could see that there were some positive aspects to the motorcycle events happening in their community.

Mr. Benhart stated that he knew the Tidewater event had recently come under some scrutiny. There seemed to be a gray area as far as permits. He was not sure why that came about. It had been discussed in the paper and there were misconceptions. They were permitted to use the facility under the zoning for "recreational use". Their events did not fall under the description of a racecourse, which was a constructed track. Their races were held on trails and existing fire roads. All they built were bridges across any creeks as not to disturb the water running. He advised that back in April, they had a meeting prior to their event with Mr. Barnett (Zoning Administrator) and Mr. Johnson to clarify some things for the race to be allowed. At that point, they still did not know if the event was going to happen. He noted that included in the package was a letter listing 7 requirements they had to meet and agree to for the race to happen. On May 13, they went back to talk to Mr. Johnson and Mr. Barnett and clarified the requirements for the event. They agreed that the event would go on. That decision was made 1 week prior to the event. The next day, they were called in to meet with the local sheriff's department, state police, and ABC officers to make sure everything would be in compliance as far as open alcohol and road crossings. To his knowledge and in talking to people, there had been no problems or complaints about the event. There were no traffic problems. He talked to the officer that was there and he was happy to help them out and had no complaints from anybody. As he said before, it seemed there was a gray area as far as zoning. He advised that he thought he had a solution. When he met with Mr. Barnett and Mr. Johnson on April 13, they came up with the idea of possibly creating a new zoning permit that would encompass those types of events. Mr. Johnson asked if he would be willing to volunteer his time to head that up, but it would in no way guarantee that the event would happen. They could just take a hard look at it and see if it were some way they could make it happen once a year. He agreed to volunteer to do that and would be happy to work with Mr. Johnson at his earliest convenience. He thought such a permit would close up all the gaps and issues being raised regarding those motorcycle events. He welcomed any questions.

Supervisor West asked how they determined who received charitable benefits? Mr. Benhart replied that it was decided by the landowner, Mr. Bain. This year, Mr. Bain asked about 6 different groups and 3 of them agreed to do it. Supervisor West asked what percentage of funds went to any organization? Mr. Benhart replied that 100% of the gate fees were given to the hunt club. Supervisor West asked if he called that a charity? Mr. Benhart replied yes because they were allowing them to come in and raise money off of their event. He added that they also gave funds to the local volunteer rescue squad and fire department. In addition, the Southampton Academy Athletic Association came in and cooked and received 100% of those profits.

Supervisor West asked if any other areas (districts in Southampton County) had a similar request or been involved in any activity of that type? The Board members replied no.

Supervisor West stated that charitable events were wonderful. But if the County did not permit racing of any type, it would be a violation of the zoning, which was a problem. If you had a BBQ and sold tickets, he did not think that was a violation of any zoning laws. But racing was unless they addressed that particular subject.

Supervisor West asked if they had had any injuries at the site? Mr. Benhart replied yes. There were a couple of broken legs over the weekend. Supervisor West asked if they were fully insured? Mr. Benhart replied yes. There was a \$1 million policy that covered the landowners, the promoter of the event, and the Series officers. Supervisor West asked if he was familiar with the fatality that took place at Slades Raceway in Surry about 2-2 ½ years ago? Mr. Benhart replied yes. Supervisor West asked if they had regulations in place to control the traffic, racing, moving, or operation of the motorcycles in an orderly flow? Mr. Benhart replied absolutely. That fatality was a hard lesson to learn and he was sorry that it happened. They had things in place to control that, as they had people in a confined parking area and did not allow pit riding in there. Once the events were over, the bikes were parked and that was it for the day.

Supervisor West asked did they or had they altered the land in any way for that event? Mr. Benhart replied no. As he said before, it was on existing trails and fire roads and they only put in bridges over any creeks they would cross.

Supervisor West advised that he had heard support on both sides, but you had to work with the neighbors. He asked Mr. Benhart where he lived? Mr. Benhart replied Smithfield. Supervisor West asked if Isle of Wight County permitted those types of events? Mr. Benhart replied that he had not asked them yet. Supervisor West asked why? Mr. Benhart replied that with the land they had in

Southampton County and in Surry, they had not had the need to go and look for anything else. Supervisor West asked if he knew of an ordinance or zoning in place in Isle of Wight County to prevent it? Mr. Benhart replied no, he was not aware of one.

Supervisor West asked if they were seeking only one event per year? Mr. Benhart replied yes, their club would put on one per year in Ivor if they allowed them. Supervisor West asked what was the difference between the one that occurred on Warrigue Road and the one that would be called "Reddy Hole"? Mr. Benhart explained that it was two different clubs. The two gentlemen that put that event on were club members of Tidewater Dirt Riders, but that was a totally separate event run by an independent promoter. It had nothing to do with Tidewater Dirt Riders. It was just another promoter inside the Virginia Championship Hare Scramble Series.

Supervisor West asked if any members of the Tidewater Dirt Riders were local riders? Mr. Benhart replied yes, including himself. Supervisor West asked if he had invited his neighbor, Mr. Anthony Scodes? Mr. Benhart replied no. Mr. Scodes, who was in the audience, commented that he was there to listen.

Mr. Benhart confirmed for Supervisor West that they kept open books as a 501(c)3 nonprofit organization. Supervisor West asked if they would be open for scrutiny by anyone? What was the purpose of the organization? Was it just to have good fun and contribute to charities as a result? He knew they gave nice trophies as big as he was. Mr. Benhart replied that the basis of the Tidewater Dirt Riders was a family environment. They did things throughout the year such as take a trip to Kerr Dam and have a family fun day. When Slades was open they had a "hangover" race on New Year's Day in which 100% of the profits after expenses went to local charities. He clarified that it was called the "hangover" race only because it took place on New Year's Day.

Supervisor West informed that he went out to the Warrigue Road race last year and was stopped and not permitted to pass through that road. There were people with attitudes and abusive language. This year he thought some residents were not sure that anything occurred at all, which was a good change. But he would have a great problem with just turning them loose and saying that they could do it. Mr. Benhart advised that as far as the people blocking the road last year, he could not say whether they were with their event or not, as they could have been neighbors. Regarding this year's event, he thought he was right about the neighbors not being sure that the event was happening, because he stopped and talked to a gentleman who lived on the corner and he was not sure that they even ran the event. Supervisor West commended him for this year's event.

Moving to miscellaneous, Mr. Johnson announced that Supervisor West recently inquired about legislation introduced during the recent General Assembly session as it related to the use of muzzleloading rifles. He noted that a copy of his response to his inquiry was included in the agenda. Senate Bill (SB) 657, introduced by Senator Quayle, proposed among other things, to require localities that prohibit hunting with rifles to permit the use of muzzleloading rifles during the prescribed seasons. The bill was referred to a committee where it was subsequently incorporated into Senate Joint Resolution (SJR) 38. The end result was that the Department of Game and Inland Fisheries would study local firearms hunting ordinances and examine how they might be made more uniform throughout the Commonwealth. Their report was expected to be submitted to the 2005 Session of the General Assembly. Copies of SJR 38 and SB 657 were included in the agenda.

He informed that included in the agenda was correspondence from Jim Campbell, Executive Director of the Virginia Association of Counties (VACo) advising that VACo had recently eliminated its practice of paying dues on behalf of individual member counties to the National Association of Counties (NACo). Mr. Campbell highlighted a number of benefits to membership and encouraged counties to continue their memberships (\$360 annually). Mr. Johnson stated that notwithstanding an informative newsletter and resourceful website, he was inclined to allow Southampton County's membership to lapse, subject to the Board's concurrence.

It was consensus of the Board to allow the County's membership to lapse if that was the opinion of Mr. Johnson.

Mr. Johnson advised that included in the agenda was a copy of the advertisement for the Request for Proposals (RFP) for water meters, meter reading equipment, and software. Those proposals were due back by June 1. That item would be on the agenda next month.

He reported that the following environmental notices were received:

- 1) From the Department of Health, Office of Drinking Water Programs, notice of violation to the owners of the Darden Mill Estates waterworks for failure to collect the required lead and copper samples;
- 2) From the Department of Health, Office of Drinking Water Programs, notice of violation to the owners of the Jan's Country Kitchen (Ivor) for failure to collect the required bacteriological samples;
- 3) From the Department of Environmental Quality, notice of a groundwater withdrawal application by Ingenco to withdraw up to 615,000 gallons per month to support power generating facilities in northwestern Charles City County;
- 4) From Valley Proteins, Inc., notice of their intention to complete a DEQ application for a permit to withdraw groundwater.

He informed that the following incoming correspondence was received:

- 1) A note of gratitude from the family of Charleton Sykes to the Board for the spray of flowers and for its support over the years;
- 2) From William W. Cole, seeking consideration of the county's development of a professional commemorative program on the occasion of the 175th anniversary of the Southampton County Insurrection in August;
- 3) From the Southampton County Historical Society, a notice of thanks for the Board's FY 2004 appropriation;
- 4) From the Town of Courtland, notice of a pending conditional use permit application by Trent Fox and others (DBA Southampton Office Building) for a new office on his property adjacent to the Southampton County Office Center (behind Manry Rawls and FSA); and
- 5) From Diane Kropewnicki, a Freedom of Information Act request for specified information associated with motorcycle activity since 2001 (response attached).

In reference to item 2 of incoming correspondence above, concerning Billy Cole's seeking consideration of the county's development of a professional commemorative program on the occasion of the 175th anniversary of the Southampton Insurrection in August 2006, Mr. Johnson advised that he wanted to hear the Board's thoughts before responding to Mr. Cole. Supervisor Faison stated that his thoughts were very positive and would like to see them follow through with this. Ms. Cindy Cave indicated that she thought it was something they could incorporate with the Virginia 2007 (Jamestown Celebration) Committee. Supervisor West agreed.

Mr. Johnson advised that outgoing correspondence and news articles of interest were included in the agenda.

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 of salary for a specific county employee; and

Section 2.2-3711 (A) (3) Discussion of the acquisition of certain privately-owned community water systems where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the governing body.

Supervisor Felts stated that they skipped over "Late Arriving Matters". Someone had called her and wanted to make some comments and she was just checking to see if they still wanted to speak.

Mr. Roland Chapman, Chairman of the Southampton Academy Athletic Committee, approached the podium. Chairman Jones asked what was it concerning? Mr. Chapman replied the motorcycle event on Warrique Farm. Mr. Chapman advised that Phil Bain called and asked if they wanted to do

concessions. He and his wife had another obligation but he had 10 supporters from the Athletic Committee do the concessions. They made \$800-\$1,000. They were not under the school's budget. They were on their own and had to raise all of their own money. The motorcycle event greatly benefited them and he had no problem with it. He had been in Ivor for 23 years and did not see where it hurt anything in that area.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to conduct a closed meeting for the purposes previously read.

Richard Railey, County Attorney, J. Waverly Coggsdale, III, Assistant County Administrator, and Cindy Cave, Community/Economic Development Director, were present in 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.
E. Beale Carter, Jr.
Carl J. Faison
Anita T. Felts
Ronald M. West
Moses Wyche**

The motion passed unanimously.

There being no further business, the meeting was adjourned at 9:15 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk