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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 October 25, 2005 at 8:30 a.m.

Supervisors Present

Dallas O. Jones, Chairman
Walter L. Young, Jr., Vice Chairman
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
Julian Johnson, Director of Utilities

Chairman Jones called the meeting to order and after the Pledge of Allegiance, Supervisor Faison gave the invocation.

Minutes of regular meetings held on August 26, 2004 and September 27, 2004 were presented for consideration. There being no corrections or additions, the minutes were approved as recorded.

County Administrator, Michael W. Johnson, referred to follow-up correspondence from James McDaniel, a Linden Street resident, regarding chronic stormwater drainage problems in the vicinity of Court and Rochelle Street(s) in the Town of Courtland. Mr. McDaniel was pleased that we are working cooperatively with the Virginia Department of Transportation to address these issues. He stated that a number of tests have been completed on home drain pipes and a solution was still being sought for that issue.

Mr. Johnson advised that confirmation had been received from the Virginia Department of Transportation that Deer Trail Drive has been officially been accepted into the Secondary System of Highways in response to the Board's resolution of May 24, 2004.

Supervisor West reported on the collateral part of Route 603 and 635 in Unity. He advised that there was construction going on but that there were no shoulders as they were caving in.

Monthly reports were received from the Financial Department, Sheriff's Office, Communications Center Activities, Animal Control, Building Inspections, New Housing Starts, Cooperative Extension, Treasurer, Delinquent Tax Collections, Daytime E.M.S. Contract and Public Safety Radio System Status.

Under Personnel, the County Administrator advised that Rosemary B. Horne had been employed in the Treasurer's Office effective September 27, 2004 at an

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annual salary of \$18,671; also the salary of A. Lynn Banks in the Courtland Wastewater Department had been increased effective October 1, 2004 because of receiving license to an annual salary of \$23,160; the annual salary of Ricky H. Wilson in the Sheriff's Department had been increased effective October 1, 2004 because of a 12 month regrade to \$26,075 and the salary of Raymond K. Parker in the Sheriff's Department had been increased effective October 1, 2004 because of promotion to \$34,053; Ronald E. Landers resigned from the Sheriff's Department effective September 30, 2004; Jesse W. Vick retired from the Courtland Wastewater Department effective November 1, 2004 and Raymond E. Merkh, in the Sheriff's Department effective January 24, 2003 and Derek W. Ayers in the Sheriff's Department effective September 1, 2004 were on military leave serving in Iraq.

Bills in the amount of \$1,112,575.16 were received.

Supervisors West and Young and inquiries about bottled water, lunches, portable toilets and collision insurance on trash trucks. Mrs. Williams, Finance Director, and Sheriff Vernie W. Francis, Jr. answered the inquiries to the Supervisors satisfaction.

Supervisor Young moved, seconded by Supervisor West, that bills in the amount of \$1,112,575.16 be paid and that checks # 65399 through # 65861 be drawn in payment of bills. The motion was approved unanimously.

Under Project Updates, Chairman Jones requested that the County Administrator report on the Indoor Air Quality at the Southampton County Office center.

Mr. Johnson reported that on October 7, representatives of Industrial Consulting International, Inc. returned to the Southampton County Office Center to reevaluate indoor air quality. He stated that their most recent evaluation, contained in a written report received on October 15, was based upon the visual inspection on that day as well as the results of 10 random air samples and 2 random bulk samples collected throughout the facility.

The County Administrator continued by stating that their report concludes that there is presently "no cause for concern within the indoor environment" and that "current conditions can be described as 'normal' and should provide a safe indoor air quality work environment." He related that a copy of their complete report, less the photographs and lab analyses, were attached to the agenda for the Board's reference. He advised that the air and bulk samples were tested for more than 20 separate strains of mold spores with *virtually none detected in any sample collected from inside the facility*. He noted that employees have been notified of the findings and copies of the report have been made available to them.

Mr. Johnson noted that while he was pleased that the indoor air quality was substantially improved, as he had shared with the Board last month, he did not believe that source of the problem (high humidity) had been effectively mitigated by the HVAC improvements to date. He related that, without further action, he fully anticipated recurrence of mold inside the building early next summer, once the average outdoor relative humidity exceeds 70%. Accordingly, he advised, he has asked John T. Moore & Associates to develop plans and specifications for HVAC controls and reheat coil upgrades, which should be finished by the end of the month. He related that the county was scheduled to interview a number of HVAC controls contractors on October 26 and he hoped to have specific recommendations for Board consideration at the November Board meeting. He noted that he would like to, as soon as the bids come in and funding has been identified for the project, move to have those improvements installed no later than February 2005, well in advance of the summer cooling season.

Supervisor West inquired if the County Administrator felt confident that as a result of the improvements the problem would be cured.

Mr. Johnson responded affirmatively. He pointed out that they were 98% sure that chronic, excess humidity in the space was the source of the mold.

Chairman Jones then asked the County Administrator to proceed with the Preliminary Plat Approval for Regency Estates Subdivision - Section IV.

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The County Administrator advised that a copy of the Southampton County Planning Commission's report regarding preliminary plat approval for Section IV of the Regency Estates Subdivision was attached in the agenda for Board perusal and consideration.

Mr. Johnson stated that the plat depicts seventeen (17) residential building lots, each to have a minimum of 100' frontage and 20,000 square feet in area, the required minimum standards in a Residential R-1 zoning district.

The County Administrator stated that the Planning Commission recommends approval of the preliminary plat, subject to six (6) specific recommendations, outlined in their report, which address provision of streetlights, and performance and maintenance bonds for road, drainage, water, sewer and electrical improvements. Those recommendations were:

- 1) Performance bond in the amount of \$105,000 for road and drainage improvements;
- 2) Maintenance bond in the amount of \$5,000 for annual road maintenance;
- 3) Performance bonds in the amounts of \$29,195 for sewer improvements and \$29,790 for water improvements;
- 4) Performance bond in the amount of \$10,650.25 for underground electrical improvements;
- 5) Payment for installation of the three streetlights (\$1,109,07) and the five year operational expense (\$2,045.42) for said streetlights;
- 6) Payment of appropriate plat approval fees.

Mr. Johnson continued by stating that once the preliminary plat is approved, the developer has six months to prepare a final plat and make satisfactory arrangements for surety to warrant installation of all improvements. The final plat is then reviewed by the Board, and, if approved, must be recorded within 60 days of final approval.

The County Administrator advised that included in the Board's agenda was an excerpted copy of Chapter 14, Article II, "Plats," from the *Southampton County Code* for the Board's reference.

Supervisor Young moved, seconded by Supervisor Wyche, to accept the Planning Commission's recommendation and approve the preliminary plat, subject to the six (6) conditions outlined in their report. The motion was approved unanimously.

Chairman Jones asked the County Administrator to report on Crater Criminal Justice Training Academy's proposed building plans.

The County Administrator stated that in July 2002 the Board entered into a service agreement with Crater Criminal Justice Training Academy to conduct training for our law enforcement officers and jail staff. He noted that Southampton County is one of 19 members of the Academy, including 13 political subdivisions, 2 regional jail authorities, the Capitol Police and the Capitol Region Airport Commission. He advised that the Academy's programs are supported by annual appropriations from each of its members based upon the number of law enforcement officers in each organization. He remarked that the County's FY 2005 annual budget includes \$13,275 for the Academy to support their cost of operations.

Mr. Johnson advised that the Academy has always leased its training grounds, first from Richard Bland College and, later, from Prince George County Schools. He related that the existing lease agreement with Prince George County Schools expires next year, and the Academy has been notified that Prince George County has other plans for the facility.

The County Administrator continued by stated that the Academy Board of Directors (of which Sheriff Francis is a Board member) has voted to proceed with development of plans to construct its own facility, to be located on the same site as the Petersburg City Jail Farm and Crater Juvenile Detention Center, on Route 460 west of Disputana. He informed the Board that the estimated cost is \$2 million, the majority of which would be financed over a 20-year term,

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with an annual debt service requirement of \$134,210. Based on continued full participation by all its members, Southampton County's pro-rata share of the annual debt service is estimated at \$8,204, he advised.

Mr. Johnson noted that because of the timing of the bond sale, the Board of Directors must make a final decision of whether to proceed at their next meeting. Accordingly, he stated, that have provided notice of their intentions to each governing body in order to gauge each member's interest in continued participation.

The County Administrator advised that Sheriff Francis supports the decision to build a new facility and was available at this meeting to answer any questions from the Board.

Supervisor West clarified that there would be an increase in the appropriations which was sent to Crater Criminal Justice Academy from \$13,275 to \$21,479 (\$13,275 + \$8,204).

Sheriff Francis advised the Board that the facility was needed and Criminal Justice Academy had to have a facility to conduct training for law enforcement officers and jail staff. He stated that Southampton County had been a member of the Crater Justice Academy since the early 70's. He remarked that the building will be on 100+ acres of land that the Academy presently owns which was purchased four or five years ago. He noted that the firing range and other tactical facilities are already at that particular site. He felt that it was logical to construct a building on that site. He explained that the proposed building would be a Butler-type building on a concrete slab with diverse training rooms and offices. He advised that statute requires mandated training with various levels of training, numbers of hours in specific classes and participation must be held with some particular academy. He related that this site was physically the closest to Southampton County and was the cheapest.

Supervisor West inquired if building plans were in hand.

Sheriff Francis responded that they already had some architectural drawings. He noted that in addition to the financial support that the Academy gets from the localities, they are also one of the nine regional academies throughout that state that the General Assembly provides funding through the Department of Criminal Justice Services. He advised that the funding source was a combination from the State Department of Criminal Justice Services and the various nineteen localities.

The Board agreed by consensus, that it continue its membership in the Crater Criminal Justice Academy.

Chairman Jones asked the County Administrator to report on the Virginia Department of Game & Inland Fisheries - Study of Local Firearms - Hunting Ordinances.

The County Administrator reminded the Board that at its May 24 session, Senate Joint Resolution No. 38 from the 2004 Session of the Virginia General Assembly requested the Department of Game & Inland Fisheries to study local firearms hunting ordinances to see how they may be made more uniform and consistent across the state, with particular attention paid to model ordinances that may lead to an easier understanding by the public of hunting laws. He related that presently there were 73 different local ordinances across the state, leading to significant confusion for sportsmen that hunt in more than one locality.

Accordingly, Mr. Johnson stated, the VDGIF has reviewed the aforementioned 73 ordinances, classified them into one of eight broad, general categories and then developed model language for 8 respective regulations that could be adopted by Virginia localities.

The County Administrator stated that VDGIF is seeking the Board's review of the suggested model ordinances and consideration of whether the model ordinances meet the needs here in Southampton County. They have asked for a response no later than November 5, he advised.

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Mr. Johnson had attached a copy of Section 10-26 of the *Southampton County Code* for reference.

Supervisor West stated that he was interested in why it is unlawful to transport, possess or carry a loaded rifle in any vehicle while on the road from October 1 through February 15 (Item 19 on Local Firearms, Ordinances, Laws and Regulations). This is entirely different from Item 8 in the suggested Model Ordinances which states that it shall be unlawful to transport or possess a loaded shotgun or rifle in any vehicle on any public street, road or highway.

Supervisor Carter stated that he thought there was some interest in eliminating the possibility of people poaching and spot lighting deer at night with high powered rifles.

Mr. Railey stated that what Supervisor Carter had stated was very logical.

Supervisor West inquired if VDGIF was proposing to reduce the ordinances from 73 to 8.

Mr. Railey stated that the proposed ordinances would be cut down to eight, but these eight address different things. The first five are talking about one scheme of regulation, six, seven and eight are talking about a different situation. He stated that it does go back to what is in the book about Supervisor West's first point. He related that it seemed to him that Item 2 was exactly what we have in Southampton County now; 8 does not address exactly what we have or perhaps it should because as Supervisor West pointed out, 8 is different from Item 19 in the book. He noted that Item 7 was a completely different issue.

Mr. Railey added that it looked to him, just for the purposes of this survey, that the Board was not making law, just responding to a survey that the General Assembly is asking the Department of Game & Inland Fisheries to do, if the Board stated that Item 2 and 6 would meet the needs of Southampton County, he thought it could stop right there and be fine.

Supervisor West noted that Mr. Railey serves on the Board of the Department of Game & Inland Fisheries.

Mr. Railey responded in the positive and stated that this was why he was saying that this was just a survey that the Directors wanted after which the Directors will make a recommendation to the General Assembly.

Supervisor West inquired of Mr. Railey if he supported the 8 suggested Model Ordinances.

Mr. Railey explained that he had seen these 8 before, or something very similar, and all staff did was go through the book and say that law enforcement could accomplish the same thing with just these 8 Model Ordinances. What is being done is the Directors of the Department of Game & Inland Fisheries is sending it out to the localities and asking if they agree or disagree.

Supervisor West inquired if these 8 Suggested Model Ordinances require any changes in our present laws.

Supervisor Carter pointed out that the suggested ordinance relates to unlawful transport of a loaded shotgun or rifle. Presently, Southampton County only regulates the transport of loaded rifles.

Mr. Railey responded that no changes would be required right now. Ultimately, if, after this data has gone through, and if the Board recommends to the General Assembly that these 8 Ordinances would take care of it, then Southampton County might be called upon to read. Arguably, as Supervisor Carter stated, you were beginning down a path, he stated.

Supervisor West talked about enforcing 100 yards hunting from any primary or secondary highway. He stated that he had seen hunters discharge firearms in front of him and that was dangerous.

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Mr. Railey responded that the Game Warden was supposed to enforce that. He stated that before you get into that situation, it was probably safer in some places in Southampton County to have somebody on the road than 100 yards over in a culvert where they can't see the road. He asked if you could imagine anything more dangerous.

Mr. Railey asked the Board that if they were in the position where the 8 Suggested Model Ordinances was all that could be adopted - what did the Board feel would be necessary to cover the needs of Southampton County as far as regulations?

Supervisor West inquired why there was such urgency in responding to VDGIF.

Mr. Johnson responded that the urgency is that VDGIF needs to report back to the General Assembly which will convene in January. Ultimately, he suspected, what the Board may see from this is a revision of Section 29.1-528 which is enabling legislation which grants localities the authority to adopt local ordinances to regulate these things. He expected to see a change there that would simply say that if you choose to regulate these areas, then this is the language you will use. He remarked that it would not require the Board to regulate these things, would not require them to adopt these things, but if you choose to do these things, then this is the language you will use.

Mr. Railey commented that this was correct and this was the first step in the process and this is the step where the Board has some control over what is going to be in a model ordinance.

Mr. Johnson thought the Board needed to give consideration to, if this is the case, looking at the current ordinances, compare them to the list of model ordinances and decide if the model ordinances address what the Board would like to have addressed if it were forced to adopt any of the model ordinances.

Supervisor Carter stated that Mr. Railey's suggestion that Items 2, 3 and 6 say what our current ordinance says is correct.

Mr. Johnson noted that, if this was the case, the Board's response could simply be the model ordinances sufficiently address the needs of Southampton County.

Supervisor Carter stated that the Board would not have to adopt them all because some of them contradict one another.

Mr. Railey pointed out that Southampton County could work within the parameters of these model ordinances.

Supervisor Faison commented with regard to the danger of riding down the road and having to load and reload a shotgun or rifle. If the Board approved the model ordinances, would the Board be obligated to adopt Item 8 of the Suggested Model Ordinances.

Mr. Railey responded that the Board did not have to adopt Item 8. He thought it came back down to what the County Administrator had stated. He advised that what was being said was that they were trying to have a model ordinance where if you are going to regulate these areas, you would use a particular language. A response to VDGIF would be to say that the language in the 8 Model Ordinance would cover Southampton County situations.

Mr. Johnson stated that the only exception was, if you really want to simply regulate the use of transporting loaded rifles and not loaded shotguns, you would not have that authority under this language.

Mr. Railey opined that if you were going to regulate loaded rifles, you ought to regulate loaded shotguns too. If the Board wants to fine-tune the letter, it could say "except that Item 8 would not address and we feel like we need what we have."

Supervisor Carter inquired if Southampton County could amend this later if it needed to.

Mr. Railey responded in the positive.

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The County Administrator was directed to respond to the VDGIF that Southampton County agrees with the suggested Model Ordinances.

The County Administrator advised that Mrs. Shelley Huntington would be unable to make a presentation with regard to the Annual Report of the Blackwater Regional Library due to an illness in family. The Report was received as information. Overall, the Regional Library in the past year saw 117% increase in computer use, 29% increase in circulation of items and a branch-by-branch summary is given as well as all the services and programs they provide. He remarked that the library does an excellent job and is an outstanding resource for this community.

Chairman Jones stated that a First Reading would be held with regard to a Draft Outdoor Entertainment Ordinance.

The County Administrator reminded the Board of a discussion held several months ago. He remarked that staff had developed the following draft ordinance for consideration as it related to outdoor entertainment events, an amendment to Chapter 7, Article IV.

Supervisor West inquired about the issue of insurance and would the county be assuming liability for negligence.

The County Administrator stated that a Certificate of Liability would have to be submitted with the permit.

Mr. Railey stated that Southampton County upon approving the permit certainly assumes the moral obligation that the permit has been reviewed and that they have insurance if somebody gets hurt. As to whether there is a legal liability for the county, we would probably have immunity. But, he stated, immunity is something that has been favored in the past and is water in the wave as time goes on. He thought it would be a very unwise public policy if you put a permit on something that you did not require that the people have liability insurance.

Supervisor West inquired whether the insurance should be equal to what the county has.

Mr. Johnson responded that this could be something that could be considered with each permit. We would ask that they submit a Certificate of Liability and as the Certificate is reviewed, if the Board feels the coverage is inappropriate, the Board could address that particular issue. As time goes on, he stated, the limits may need to be addressed. He noted that what is appropriate today may not be appropriate ten or fifteen years from now. He suggested that the Board not tie the ordinance to a specific limit.

The County Administrator read the following draft ordinance:

CHAPTER 7
ARTICLE IV
OUTDOOR ENTERTAINMENT

Sec. 7-61. Purpose of Article.

This chapter is enacted pursuant to section 15.2-1200 of the Code of Virginia, for the purpose of providing necessary regulations for the holding of temporary outdoor gatherings, festivals or entertainment in open spaces or temporary structures specifically constructed for such purpose, to protect in the interest of public health, safety, welfare and property of persons attending the gathering and the citizenry in general.

Sec. 7-62. Definitions.

For the purposes of this article:

Board shall mean the County Board of Supervisors.

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Civic Organization shall mean a nonprofit organization pursuant to Sec. 501(c) of the Internal Revenue Code of 1954 and for which no part of the net earnings of the organization inures to the benefit of any private shareholder or individual.

Event shall mean any outdoor entertainment gathering regulated by this article.

Outdoor entertainment shall mean any gathering of groups or individuals as a spectator, to observe or to participate in entertainment that is conducted in open spaces not within a permanent enclosed structure to which members of the public or other than the property owners are invited or admitted for a charge or for free of charge, including, but not limited to, the exhibition riding of horses, motor bikes or bicycles, music festival, target "turkey shoots" or which other performing arts are provided.

Temporary shall mean that no permitted event or activity may be for more than two consecutive days and no more than once in any twelve month period unless authorized and approved by the Board of Supervisors.

Temporary structure shall mean any and all ramps, stairs, platforms, stages, lighting mast, etc. that is constructed to be used for the period of time that an outdoor event has been permitted for, and that will be dismantled and removed there after.

Sec. 7-63. Exemptions.

Civic organizations holding outdoor gatherings on property owned, rented or leased by the organization and organized and conducted by such civic groups and their members shall be exempted from the provisions of this article.

Sec. 7-64. Violation of Article.

Any person that violates any provision of this article shall be guilty of a class 1 misdemeanor. Each individual violation shall constitute a separate offense. The Board of Supervisors may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent the violation of this article.

Sec. 7-65. Hours of Operation.

There shall be no activity or operation of any permitted outdoor entertainment gathering between 11:00 p.m. and 8:00 a.m.

Sec. 7-66. Permit.

No person shall stage, promote or conduct any outdoor entertainment in the unincorporated areas of the county, unless he or she first obtains a permit to do so and is issued pursuant to the provisions of this article.

Sec. 7-67. Application.

Application for a permit required by this article shall be in writing, on forms provided for the purpose, and submitted with the required fee of one hundred dollars (\$100.00) to the county administrator at least sixty (60) days prior to the date of the proposed outdoor entertainment event. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article.

Sec. 7-68. Documents, plans, etc, to accompany applications.

- 1. The application shall have attached to it a copy of the ticket or badge of admission to the event, containing the date or dates and the time of the event, together with a statement by the applicant of the total number of tickets to be**

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offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.

2. A statement of the name and address of the promoters of the event, the financial backing of the event and the names of all groups participating at such event.
3. A statement of the location of the event, the name and address of the owner of the property on which the event is to be held and the nature and interest of the applicant therein. If the applicant is not the owner of the property, a letter from the property owner must be attached to the application authorizing the use of the property for the event.
4. A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the event, including a valid letter of requirements from the state health department, the plan shall meet the requirements of all state and local regulations and will not be accepted unless approved by the health official.
5. A plan if providing food, water and lodging for the persons at the event. The plan shall meet the requirements of all state and local regulations.
6. A plan for adequate medical facilities for persons at the event.
7. A plan for adequate parking facilities and traffic control in and around the event area, including a security plan indicating the number of deputies (if required) approved by the sheriff's department.
8. A plan for adequate fire protection, (if required) such plan will not be accepted unless approved by the county building official.
9. A statement specifying whether any outdoor lights or lighting to be utilized and if so, a plan showing the location of such lights and any shielding device, such plan will not be approved unless approved by the county administrator.
10. A statement from the building official that all plans have been reviewed and approved. Any required permits or a letter of compliance must be attached to the application.
11. A statement whether alcoholic beverages will be sold or served. If alcohol will be served, a copy of the Virginia Alcohol Beverage Control license allowing alcoholic beverages to be served at the event must be attached.
12. A certificate of the liability insurance carrier covering the liability loss, if any, incurred in the operation of the event.

Sec. 7-69. Applicant to furnish right of entry.

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No permit shall be issued under this article unless the applicant shall furnish to the county administrator permission for the administrator, his lawful agents and duly constituted law enforcement officers to go upon the property at any time.

Sec. 7-70. Issuance or denial.

The Board of Supervisors shall act on an application for a permit under this article within sixty (60) days from the filing of the same. If granted, the permit shall be issued in writing on a form provided for the purpose, and mailed to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein.

Sec. 7-71. Revocation.

The county administrator shall have the right to revoke any permit under this article upon noncompliance with any of the provisions and conditions of the permit or the provisions of this article.

Supervisor Carter moved, seconded by Supervisor West, that the draft ordinance be advertised for public hearing on November 22, 2004 at 7:00 p.m. The motion was approved unanimously.

Chairman Jones referred to correspondence from the County of Cumberland with regard to State Parks Funding.

The County Administrator reported that the County of Cumberland was seeking Board consideration in ratifying a resolution entitled "Rebenchmarking the Staffing and Operational and Maintenance Funding for Virginia State Parks."

Mr. Johnson related that the resolution cites concerns with understaffed and underfunding state park facilities and implores the Governor and General Assembly to support budget amendments in 2005, as necessary, to address the urgent staffing and funding deficit in the Virginia State Park system.

The County Administrator continued by stating that a 2002 report prepared for the *League of Conservation Voters Education Fund* noted that there was, at that time, a \$12.2 million gap between state park needs and available funding. He noted that the funding needs include a staff shortage of 112 full-time equivalent positions and \$1.5 million in deferred preventive maintenance.

Mr. Johnson remarked that there are 44 state parks in Virginia, with at least one within an hours drive of any place in the Commonwealth. He noted that the closest parks to Southampton County are Chippokes (Surry County) and False Cape and First Landing (both in Virginia Beach).

The resolution read as follows:

WHEREAS, the Cumberland County Board of Supervisors commends Governor Warner and the Senate of Virginia and House of Delegates for working cooperatively with the Department of Conservation and Recreation in their support of Virginia's state park system; and

WHEREAS, Virginia's state parks were voted "America's best managed" in 2001 and became recipients of the National Gold Medal Award; and

WHEREAS, Virginia's state parks rank fiftieth in state funding among the fifty states in both per capita and proportion of the state budget dedicated to state parks; and

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WHEREAS, our state park system is a major component of Virginia's outdoor recreation and tourism offerings and contributes more than one hundred fifty million dollars annually to the state and local economies; and

WHEREAS, Virginia voters demonstrated both in 1992 and 2002 support for improving and expanding state parks with nearly seventy per cent support for general obligation bond referendums in state-wide elections; and

WHEREAS, the need for a major rebenchmarking of funding and staffing for state parks has been identified and supported by the former Commission on the Future of Virginia's Environment (2002 Senate Document 4); and

WHEREAS, preventive, cyclical and maintenance reserve projects have been deferred for many years as those funds have been by necessity redirected to operations resulting in hundreds of millions of dollars in deferred maintenance; and

WHEREAS, the expansion in facilities and responsibilities made possible by the 1992 and 2002 general obligation bond projects has placed unreasonable and extraordinary stress on our state park system and its staff; and

WHEREAS, the new facilities under construction and to be built by proceeds from the 2002 GOB will greatly exacerbate the current park staffing and operational unmet needs and may lead to delayed openings and indefinite land banking of new park land acquisitions; and

THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors urges Governor Warner and the members of the Virginia Senate and House of Delegates to support budget amendments that address this critical need in the 2005 legislative session.

Supervisor West commented that parks do a tremendous amount of advertising making the sites available and then folks in Richmond have really dropped the ball in funding the state parks.

Supervisor Young moved, seconded by Supervisor Faison, to ratify the hereinabove resolution. The motion was approved unanimously.

Chairman Jones advised that the next agenda item was for consideration of quarterly half-day work sessions.

Mr. Johnson reported that Supervisor West requested that time be set aside at this meeting to discuss the possibility of quarterly, half-day work sessions for Board and staff. These sessions could serve to monitor progress towards long range goals, explore selected issues in greater depth than time allows at regular monthly meetings, build consensus on future goals and objectives, and exchange ideas in a slightly more relaxed environment from the regular meeting.

The County Administrator related that the format might involve a working lunch (or dinner, if the Board preferred) that affords an opportunity to bring in guest speakers on topics of particular interest to the Board, or simply designates time to discuss meaningful issues.

Mr. Johnson pointed out that he had received a number of favorable comments from the Board regarding the annual strategic planning retreats that were conducted but several have lamented that having them only once annually is not conducive to building positive momentum.

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The County Administrator advised that if the idea appealed to the Board, he would suggest that the Chairman appoint a special committee of two supervisors to develop a schedule and itinerary for 2005 that may be further considered next month.

Supervisor West felt that a lot of good information is gathered from the planning retreats but he also felt that there are some issues or items that come up each month that should be brought back and kept in the forefront throughout the year. He maintained that this would be an opportunity to keep those items in the forefront and back up what the Board says in the planning retreats.

Chairman Jones asked, and Supervisors Faison and West agreed, to serve as the committee of two to develop a schedule and itinerary for 2005 for further consideration by the Board.

Mr. Johnson reported that Supervisors Jones, Young, Carter, Felts, West and Wyche are registered and lodging reservations are confirmed for the annual conference of the Virginia Association of Counties. He stated that in addition to the conference agenda, he had attached in the agenda, copies of respective room confirmations and, for those staying at the Warm Springs Inn, a map and description of accommodations. He advised that he had made advance arrangements for the county's entire delegation to attend the annual banquet on Sunday evening, and, for those staying at the Warm Springs Inn, tickets for the event would be included in their conference registration packages. He stated that it was his understanding that Supervisors staying at the Homestead would not receive tickets in their packages, but should advise the wait-staff of their respective room number when served at the banquet.

The County Administrator also noted that correspondence had been received from Paul Ferguson of Arlington County, who was a candidate for the position of Secretary-Treasurer, seeking the county's endorsement. Finally, he stated, he had attached a full copy of VACo's draft legislative agenda for the Board's advance review and consideration. He commented that this was the cornerstone of the business meeting on Tuesday morning of the conference and the Board would be called to vote on this.

Mr. Johnson referred to copied correspondence from the Virginia Department of Health to Synagro Mid-Atlantic, Inc., issuing them a permit effective October 1, 2004 to land apply biosolids at 746.8 acres in Southampton County. Synagro has provided the requisite notice, filed the appropriate documents, and posted the property in accordance with the local ordinance adopted last month. He stated that land application were expected to have commenced on October 21 and 22.

For the Board's reference, Mr. Johnson referred to a signed copy of the agreement approved last month for a waste generation study. He stated that SCS Engineers have indicated that the field survey will likely be complete by the 3rd week in November and the final report completed by the end of the calendar year.

Copied correspondence relative to the citizen comments received last month was received. The County Administrator advised that, as he had been directed, he had requested the Planning Commission to comprehensively review the supplementary sign regulations, the permitted signs in a Business B-1 zoning district, and the development standards in the Business B-1 zoning district.

Mr. Johnson referred to correspondence received from the Insurance Services Office, Inc. (ISO) regarding a planned reevaluation of the effectiveness of our Building Inspections program. After completing the evaluation, ISO gives the information to insurers, which may use the information to grant premium discounts for property insurance, if warranted. He advised that we were last evaluated in 2000, receiving a rating of 4 on a scale of 1-10, with 1 being the highest.

The advertisement for the surplus property auction sale, scheduled for Thursday, October 28, 2004, at the Southampton County Jail Farm was attached as information. Sheriff Vernie W. Francis, Jr. has volunteered to serve as auctioneer.

Several matters of incoming and outgoing correspondence were as follows:

1. From the Virginia Department of Health, Office of Drinking Water, to the Town of Courtland, a notice of violation for exceedence of total coliform bacteria in its water system during the month of September.
2. From Kemper Consulting, a briefing paper on Fluor Virginia's conceptual proposal for construction of the Hampton Roads Third Crossing.
3. From the City of Suffolk to Congressman Randy Forbes, correspondence regarding HUD's recent decision to withhold additional federal funding to the Western Tidewater HOME Consortium for 1 year.
4. From the State Corporation Commission, an order for notice and hearing regarding Verizon's application for an alternative regulatory plan that would enable it to raise the prices of its basic services closer to the actual cost of delivering them.
5. From The Genieve Shelter, interest in accessing unexpended HOME Program funds for transitional housing for victims of domestic violence.

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6. From Mildred and Glen Harris, a note of thanks for installation of the streetlight on Pretlow Road, approved by the Board in August.
7. Outgoing correspondence for reference.
8. Articles of interest for reference.

Supervisor West moved, seconded by Supervisor Faison, that a closed meeting 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)(3) Discussion or consideration of acquisition of real property (community water system) for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Section 2.2-3711 (A)(13) Discussion of strategy with respect to a siting agreement where discussion in an opening meeting would have an adverse effect on the negotiating position of the governing body and the establishment of terms,

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conditions, and provisions of such siting agreement.

Section 2.2-3711 (A)(7) Consultation with legal counsel as it relates to code enforcement.

The motion was approved unanimously.

Those remaining for closed session were Michael W. Johnson, County Administrator, J. Waverly Coggsdale, III, Assistant County Administrator, Richard E. Railey, Jr., County Attorney, Julia Williams, Finance Director, Cynthia L. Cave, Community/Economic Development Director, Julian Johnson, Director of Utilities and John Hadfield, Executive Director of Southeastern Public Service Authority and Louie Jordan of the SPSA.

Upon returning to open session, Chairman Jones advised that only those items previously assigned had been discussed in closed session.

Supervisor Young moved, seconded by Supervisor Wyche, that the following resolution be adopted:

RESOLUTION OF CLOSED SESSION

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, BIT 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

SUPERVISORS VOTING NAY: None

The resolution was adopted unanimously.

County Administrator Johnson reminded the Board members of a **joint meeting to be held with the City of Franklin on November 1, 2004** hosted by the Franklin/Southampton Alliance and a **joint meeting to be held with the Southampton County School Board on November 16, 2004** at the Southampton High School Wigwam.

Supervisor Carter stated that he wanted everyone to know from the bottom of his heart how much he had enjoyed being the representative from the Newsoms District and working with the other District Supervisors for the past six months. He related that the County was extremely fortunate to have the representatives they had and he felt the County was even more fortunate to have Michael W. Johnson as its County Administrator as he was doing an exceptional job.

Mr. Johnson related that the county did indeed thank Mr. Carter for his service to the County. He felt that the Board would invite him back to specifically make a presentation.

Chairman Jones personally thanked Supervisor Carter for the service he had given to Southampton County.

There being no further business, the meeting was adjourned at 11:50 a.m.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk