

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 Drive, Courtland, Virginia on November 22, 2004 at 6:00 p.m.

Supervisors Present

Dallas O. Jones, Chairman  
Walter L. Young, Jr., Vice Chairman  
Walter D. Brown, III (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

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

County Administrator Johnson read a letter from E. Beale Carter, Jr. expressing his thanks and appreciation for allowing him to serve as the interim appointee to the Board of Supervisors from the Newsoms District following the death of Mrs. Charleton W. Sykes. He stated in the correspondence that he had never worked with a more helpful and dedicated group of people. Mr. Carter stated that Southampton County was very fortunate in having the leadership it had through the Chairman of the Board, members of the Board of Supervisors, County Administrator, Assistant County Administrator and the other very talented members of the county government that worked in conjunction with the Board. He continued by stating that being a member of the Board of Supervisors had been a learning experience for him and he had thoroughly enjoyed all of it. He felt that he now had a far better understanding of the complexities and challenges that face the Board of Supervisors. He wanted to thank each and every Board member along with the other personnel who worked so hard for Southampton County.

Minutes of the regular meeting held on October 25, 2005 were presented for consideration. There being no corrections or additions, the minutes were approved as recorded.

Chairman Jones recognized Mr. Randolph Cook, Resident Engineer, Virginia Department of Transportation.

Mr. Cook advised that bids had been received for covering concrete for two more miles from Capron to Southampton High School. He advised that they were able to secure enough maintenance money to do two more miles.

Mr. Johnson referred to a copy of VDOT Commissioner Shucet's report for the first quarter of FY 2005. It notes that the agency is in excellent position to hit its targets for completing construction and maintenance projects on time and within budget.

Supervisor West stated that he would appreciate Mr. Cook looking at resurfacing New Road again. He advised that he continued to get complaints.

Also, Supervisor West reported that Browns Avenue and Proctors Bridge Road from the Town limits of Ivor, the ditches have collapsed and water was standing for approximately one mile.

Supervisor West also reported that coming from Isle of Wight County under the railroad underpass, there were holes that needed repair.

Mr. Cook advised that he would contact Isle of Wight County in regard to the needed repair.

Supervisor Young reminded Mr. Cook about Bethany Church Road.

Chairman Jones reported that water was standing on Ivy Tract Road.

The County Administrator announced that two vacancies existed on the Southeastern Tidewater Opportunity Project, Inc. (STOP). He noted that the positions were actually appointed by the STOP Board, but that Mrs. Jones informed that she would welcome any recommendations the Board of Supervisors may have. One of the appointees must represent business, industry, labor, religious organizations, social services, education or a community group. He pointed out that the other appointee should adequately represent the low-income population of Southampton County.

Mr. Johnson continued by stating that the Board had discussed in August that Supervisor Brown expressed an interest in the appointment as representative of a community group, the Cheroenhake Tribal community. He stated that with Mr. Brown vying for election at that time, the Board deferred action until conclusion of the election.

Chairman Jones inquired if Supervisor Brown was still interested in serving on the STOP Board.

Supervisor Brown responded in the positive.

**Supervisor Young moved, seconded by Supervisor Wyche, that Supervisor Walter D. Brown, III be recommended to the Southeastern Tidewater Opportunity Project, Inc. (STOP) to represent the low-income population of Southampton County. The motion was approved unanimously.**

Supervisor Faison reminded the Board that Mrs. Vanless Worrell of Newsoms had expressed a desire to serve on STOP as a community group member and this appointment was delayed because of the election process.

**Supervisor Faison moved, seconded by Supervisor Wyche, that Mrs. Vanless Worrell be contacted to see if she was still interested in service on the STOP Organization Board representing the community group and, if so, a recommendation forwarded to the STOP Organization on her behalf. The motion was approved unanimously.**

The County Administrator advised that notice had been received from the Western Tidewater Community Services Board that the respective terms of Louis W. Clayton and James M. Wilson would expire on December 31, 2004. He pointed out that both gentlemen were eligible for reappointment. He asked if the Supervisors from the Capron and Drewryville respectively, would find out if these gentlemen would be willing to be reappointed.

Supervisor Wyche and Chairman Jones had already acquired the information necessary for reappointment.

**Supervisor Wyche moved, seconded by Supervisor Young, that Louis W. Clayton and James M. Wilson be reappointed to the Western Tidewater**

**Community Services Board for a four year term commencing January 1, 2005 and ending December 31, 2008. The motion was approved unanimously.**

Mr. Johnson also reported that notice had been received from the Tidewater Emergency Medical Council, Inc. (TEMS) that the term of Mr. Robert S. Grizzard would expire on December 31, 2004. He stated that Mr. Grizzard was eligible for reelection at the Council's election on January 27, 2005 and nominations are due by December 7, 2004. He informed the Board that Mr. Grizzard had attended five of seven meetings over the past year.

Supervisor West stated that he had spoken to Mr. Grizzard and he is willing to be reappointed.

**Supervisor West moved, seconded by Supervisor Young, that Robert S. Grizzard be recommended to continue to serve on the Tidewater Emergency Medical Services Council, Inc. (TEMS) The motion was approved unanimously.**

The County Administrator presented correspondence from Ms. Linda Filppi in which she resigned her position on the Southampton County Community Policy Management Team (SCCPMT). Ms. Filippi has been named Executive Director of the Tidewater Regional Group Home Commission. She is recommending the appointment of Mr. David Hawkins, to succeed her as a member of the SCCPMT, representing the Tidewater Regional Group Home Commission.

Mr. Johnson advised that the SCCPMT manages and administers services and funding for troubled and "at-risk" youth and their families in Southampton County. The SCCPMT seeks to provide child-centered, family-focused and community-based services while assessing the particular needs of a troubled child. In addition to parent representatives, the SCCPMT has representatives from our local Community Services Board, Social Services, Health Department, Group Home Commission, Court Services Unit, Public Schools, Sheriff's Office and County Administrator's Office.

The County Administrator stated that a motion was needed to appoint Mr. Hawkins to succeed Ms. Filippi as the agency representative from the Tidewater Regional Group Home Commission on the Community Policy Management Team.

Supervisor Young inquired if the County Administrator or any Board member knew David Hawkins.

Mr. Johnson responded that he did not know him but knew that he was Deputy Director of the Tidewater Regional Group Home Commission.

**Supervisor Young moved, seconded by Supervisor Faison, that David Hawkins be appointed to serve on the Southampton County Community & Policy Management Term for an indefinite term. The motion was approved unanimously.**

The County Administrator advised that a letter of resignation had been received from Ms. Barbara J. Greene from the Suffolk Shelter for the Homeless. Ms. Greene has a scheduling conflict with her continuing education activities. He asked that Chairman Jones assign the responsibility to a Supervisor to seek a successor to Mrs. Greene on the Board of Directors for the Suffolk Shelter for the Homeless. He advised that prospective candidates should

- have a good understanding of the local economy;
- have the ability to get things done;
- have a vision for the future; and
- have the ability to raise or contribute \$500 annually.

Chairman Jones asked Supervisor West if he would be willing to fill this appointment.

Supervisor West felt that he would be able to provide a candidate at the next meeting that the Board would approve of.

Mr. Johnson advised that the term of Mr. E. Beale Carter, Jr. in the Industrial Development Authority of the County of Southampton would expire on December 31, 2004. He noted that Mr. Carter had served on the Authority since its creation in February 1969 and was currently serving as Chairman.

Chairman Jones asked Supervisor Brown to contact Mr. Carter to see if he would be willing to continue serving on Industrial Development Authority.

Reports were received from the Financial Department, Communication Center Activities, 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 reported that John T. Randall had been employed in the Commonwealth Attorney's Office effective November 1, 2004 at an annual salary of \$44,022; Becky K. Armbruster had been employed in the Sheriff's Office effective November 15, 2004 at an annual salary of \$23,854; David L. Joseph had resigned from the Sheriff's Department effective November 30, 2004 and Eric Richardson of the Sheriff's Department had been terminated effective October 22, 2004. It was also noted that two county employees, Raymond E. Merkh and Derek W. Ayers, both from the Sheriff's Department, were on military leave serving in Iraq.

Supervisor West stated that Ms. Colleen Flick was present. He asked that she be allowed to make a statement to the Board about the 4-H program at Cooperative Extension Office.

Ms. Colleen Flick thanked the Board for giving her the opportunity to work with the youth and adults of Southampton County through her role as the 4-H Assistant. Ms. Flick read a letter which listed the highlights that had been accomplished in the past one and one-half years in 4-H. She related to the Board that due to increase in state funds counties all over the state had been granted permission to hire 4-H agents to full-time service. She remarked that she had applied for this position, but had not been granted the opportunity to interview. She thanked the Board for having had the opportunity to work with the county's greatest resource, its youth. She stated that her last day as 4-H Assistant would be November 25 but that she would stay until the 4-H Agent position was in place. She thanked the Board for its support during her employment as 4-H Assistant in Southampton County.

The County Administrator presented an appropriations resolution with a total appropriations of \$348,412.22. He advised that this sum represented the balance of local funding budgeted for school operations in FY 2004 that had not been expended by the School Board. He reported that, consistent with Board policy over the past nine years, he was recommending that these funds be appropriated for the School Board's use in FY 2005. He noted that the funds were equally divided for instructional costs for elementary and secondary schools. The resolution read as follows:

#### 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 July 1, 2004 through June 30, 2005 for the function and purpose indicated:

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

4-205-61100-3000-002-9-100	Other Instructional Costs-District Elem.	\$ 174,206.11
4-205-61100-3000-003-9-100	Other Instructional Costs-District Sec.	174,206.11

Total  
\$ 348,412.22

TOTAL  
APPROPRIATI  
ON \$  
348,412.22

REVENUE APPROPRIATION NOVEMBER 2004  
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-205-41-50-0001  
Transfer in  
From Other  
Funds  
\$  
348,412.22

TOTAL APPROPRIATION                      \$  
348,412.22

GENERAL FUND ENTRIES FOR ABOVE APPROPRIATION:

	4-100-93000-9200	
	Transfer Out to Schools	
		\$ 348,412.22
3-100-41050-0005	Transfer In-General Fund Reserve	348,412.22

**Supervisor Young moved, seconded by Supervisor Wyche, that appropriations resolution be adopted. The motion was approved unanimously.**

Bills in the amount of \_\_\_\_\_ were presented.

Supervisor Young had an inquiry about meals and mileage expenses reported in the Registrar's Office. Mrs. Doyle explained that these expenses had been for refreshments during a training meeting of the Electoral Board.

**Supervisor West moved, seconded by Supervisor Young, that bills in the amount of \$1,035,284.34 be paid and that checks #65862 through checks # 66457 be ordered drawn in payment of bills. The motion was approved unanimously.**

Mr. Johnson related that in keeping with past traditions, he was seeking authority to provide early payroll for all employees in December. He requested a motion to issue payroll checks to all employees for the December pay period on Monday, December 20, 2004.

**Supervisor Wyche moved, seconded by Supervisor Young, that the County Administrator be authorized to issue early payroll disbursement on December 20, 2004. The motion was approved unanimously.**

Mr. Johnson presented a request from Courtland Volunteer Fire Department for capital funding in the amount of \$10,000. He reminded the Board that in FY 2000 the Board had agreed to set aside \$1.2 million over a ten year period for capital improvements for fire and rescue, The allocable share for each fire department in FY 2005 is \$10,000 and for each rescue squad, \$5,000. He advised that funds are earmarked annually for each department or squad and held in escrow pending specific approval by the Board of Supervisors. He noted that escrowed funds will continue to accrue for each department/squad over the ten year period if not drawn down. He advised that proceeds from the Courtland Volunteer Fire Department request would be used to supplant department funds that were recently utilized to make a note payment on Courtland's newest fire engine. He advised the Board that Courtland's request was in order.

**Supervisor Wyche moved, seconded by Supervisor Young, that the request made by Courtland Volunteer Fire Department for capital improvements funds in the amount of \$10,000 be approved. The motion was approved unanimously.**

The County Administrator reminded the Board that in regular session in April 2003 the Board resolved to release seventy percent of its delinquent tax liens on the property located at 32119 South Main Street, Boykins, formerly known as the "Rock Super Market," to facilitate redevelopment of the existing derelict structure by Mr. James Howell, a North Carolina resident.

Mr. Johnson advised that the resolution was subject to final approval by the Board of a satisfactory performance agreement obligating Mr. Howell to certain tasks, including demolition of certain portions of the building, closure of existing openings in the masonry exterior, and removal of all debris from inside the derelict structure.

The County Administrator presented a three-party contract by and between Mr. Howell, Southampton County and the Town of Boykins in which Mr. Howell agrees to accomplish the tasks described above within 120 calendar days, in exchange for the County's and Town's willingness to release 70% of their respective delinquent tax liens. He related that the proposed contract is consistent with Board actions of April 28, 2003 and it was necessary to move ahead with redevelopment of the subject parcel. He advised that the contract has been reviewed and found acceptable by counsel.

**Supervisor Faison moved, seconded by Supervisor Young, that the three-way contract be approved and that the County Administrator be authorized to endorse it on the County's behalf. The motion was approved unanimously.**

Mr. Johnson referred to correspondence received from Hampton Roads Development, LLC seeking Board cooperation in requesting the extension of utilities from the City of Franklin to a proposed new subdivision that straddles the City of Franklin/Southampton County line, known as "Brandywine." He advised that "Brandywine" is contiguous to Regency Estates and includes one proposed arterial street, eventually connecting to Clay Street to Council Drive and three minor streets, each terminating in cul-de-sacs. He remarked that it includes a total of 60 lots, with 34 situated in the City of Franklin and 26 in Southampton County.

He noted that the minimum lot size is 20,000 square feet and minimum width is 100'.

Mr. Johnson reminded the Board that from the September 2004 regular meeting, there was another utilities extension request pending, phase 5 of Regency Estates, for a total of 18 residential lots. He noted that it was his understanding that this matter is on the City of Franklin's agenda for this evening.

**Supervisor Young moved, seconded by Supervisor Faison, that the County Administrator be directed to officially request from the City of Franklin an extension of utilities to serve Brandywine subdivision on behalf of Hampton Roads Development, LLC. The motion was approved unanimously.**

The County Administrator presented correspondence from Dr. Val Livingston, Executive Director of *The Genieve Shelter* seeking a letter of support for their proposed transitional housing project. If granted, the letter will accompany a number of state and federal grant applications, as visible evidence of Southampton County's support.

Mr. Johnson continued by advising that the Shelter is seeking to raise \$380,000 to provide transitional housing for victims of domestic violence in Western Tidewater (Suffolk, Franklin, Isle of Wight and Southampton). They propose a four to six unit apartment, each with at least two bedrooms, providing bed space for between sixteen to twenty-four individuals. Battered women and their children would be allowed to reside in the apartments for up to two years while counseled with regard to workforce readiness, budgeting and saving, household planning, and time management. Children would also receive after-school tutoring. The desired outcome is for these families to establish a financially viable independent living situation within two years. Residents would pay rent, not to exceed twenty percent of their income, and would also be required to save a specified portion of their incomes.

The County Administrator advised that currently, *The Genieve Shelter* operates three emergency shelters throughout the region, with a total of eighteen beds, in which victims are limited to ninety days of safe refuge and crisis counseling. In FY 2004, the agency provided crisis and support services to 925 victims and emergency shelter for 31 families. He stated that it was important to note that 110 other families were turned away due to lack of space.

Mr. Johnson reported that the transitional housing project is proposed to be located somewhere in the City of Suffolk, primarily because of the availability of public transportation in Suffolk. It is also noted that the Shelter will seek \$100,000 in funding from the four respective local governments, although an official funding request from the local governments has not yet been made.

**Supervisor Brown moved, seconded by Supervisor Faison, that the County Administrator be authorized to provide an official letter of support for *The Genieve Shelter's* proposed transitional housing project.**

Supervisor West inquired as to the amount that the county appropriated in the budget for *The Genieve Shelter* and at what rate would the county be asked to provide funds.

Mrs. Julia Williams, Finance Director, advised that \$5,000 was appropriated in the FY 2004-05 budget to *The Genieve Shelter*.

The County Administrator expected that each entity's share would be pro rated based on population. He did not expect *The Genieve Shelter* to request equal contributions from each of the jurisdictions.

**The motion that we provide an official letter of support for *The Genieve Shelter's* proposed transitional housing project was approved unanimously.**

Mr. Johnson reminded the Board that the Southeastern Public Service Authority (SPSA) was a public body politic, created pursuant to the *Virginia Water and Waste Authorities Act*, and has eight members: the Cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk, and Virginia Beach, and the Counties of Isle of Wight and Southampton. SPSA manages the region's solid waste through an integrated system, comprised of a waste-to-energy power plant, refuse-derived fuel plant, regional landfill, eight transfer stations, a tire-chipping facility, a metals recovery facility, and a yard waste compost facility, among other components. The Authority manages more than 1.2 million tons of solid waste annually.

The County Administrator continued by stating that in 1984 all eight members entered into agreement with SPSA for "use and support" of all disposable solid waste generated within their respective boundaries. These agreements became effective on January 22, 1985 and remain in effect until January 2018. They are the financial cornerstone of SPSA, guaranteeing a waste stream (and ultimately a revenue source) to pay the authority's operational expenses (an \$83 million annual budget) and service its debt (more than \$247 million outstanding on June 30, 2003). Member communities currently pay SPSA \$49 for each ton of waste that is disposed of.

Mr. Johnson advised that over the course of the past 11 months, he had the privilege of serving on an ad-hoc committee to develop and recommend an "amended and restated" agreement to assure that SPSA lives on after 2018. He stated that he had worked closely with Anne Odell (Chesapeake), John Keifer (Norfolk), Wade Kyle (Virginia Beach), and the SPSA staff and counsel to develop an initial draft agreement for consideration by the eight member communities. It was the consensus of the committee that any new agreement would be identical for all eight communities - in other words, no special deals. Other business relationships (for instance, communities that permit SPSA to develop disposal facilities within their jurisdiction) may be addressed in separate agreements.

The County Administrator reported that the draft agreement was presented to the SPSA Board at its October 27 session, and Board members have been advised to begin initial discussions with their respective Boards and Councils. He stated that he invited SPSA staff to make a presentation to the Board at the January 2005 regular session, but he wanted to provide a brief preview of this matter today in order that the Board may be better prepared with questions and comments in January. He stated that it is hopeful that each member community will ratify the amended agreements by December 2005, although the time line is subject to change.

Mr. Johnson had attached, in the agenda, a copy of the draft "amended and restated agreement" and remarks that he had presented to the SPSA Board on October 27 regarding the benefits and value of SPSA, and the urgency of considering this matter now.

The County Administrator noted that at the Board's January session, the Board will focus on the key revisions and further discuss the adoption process and time line. He noted that the draft agreement includes options on three specific policy issues. They were:

- whether a locality would be obligated to deliver all or substantially all of its waste;
- the manner in which household waste would be delivered to SPSA facilities in private vehicles and how that service is paid for; and
- whether the agreement should cover recycled materials.

Mr. Johnson advised that he had also attached a briefing paper, prepared by SPSA's counsel, that highlights the implications of these three policy options. He thought the Board would find it helpful in their deliberation. He stated that he would be pleased to address any questions that the Board may have or receive any

comments that the Board may wish to make. Otherwise, he stated, he asked that the Board simply take this matter under advisement and that the topic be placed on the January 2005 agenda for presentation and discussion.

Supervisor Brown inquired as to the total tonnage for Southampton County.

Mr. Johnson responded that the average was just over 1,000 tons per month.

Supervisor West added that it was 5.84 pounds per day, per citizen, in Southampton County. He added that Southampton County had more trash than anybody else within the membership localities.

The County Administrator stated that Southampton County spends \$1.2 million collectively to collect and dispose of solid waste annually. He noted that this was one of the biggest items in the annual budget.

The County Attorney, Richard E. Railey, Jr., stated that the "amended and restated" agreement was extremely well crafted - once you get in, you can get out but you still have to pay.

Mr. Johnson advised that correspondence had been received from the Rock Church of Franklin seeking consideration in providing financial assistance to assist them in feeding the hungry during the holiday season. The Rock Church partners with the Foodbank of Southeastern Virginia and serves approximately 250 families in Franklin/Southampton County. Food boxes are distributed monthly, on the second Saturday, to pre-screened recipients, with eligibility based upon household income and the number of household occupants. The majority of recipients are senior citizens on fixed incomes who have a difficult time making ends meet on a monthly basis. In addition to the regular food distribution program, during the holiday season, Rock Church seeks to supplement the monthly food boxes with turkeys and trimmings donated by local businesses and residences.

Accordingly, the County Administrator stated, they are seeking Board consideration in providing a special appropriation to their food distribution ministry during the holiday season. Mr. Johnson advised that, **regrettably, Section 15.2-953, Code of Virginia, prohibits the appropriation of public funds to institutions controlled in whole or in part by any church.** He added that he had found out that if the Board wished to support feeding the hungry in Southampton County, the Board could consider an appropriation to the Foodbank of Southeastern Virginia and they would make sure that those appropriations would be earmarked specifically for residents of Southampton County.

Mr. Johnson clarified this information by stating that the Board could not support the Rock Church in its request, but if the Board wished to help feed the hungry the Board could do it through the Foodbank of Southeastern Virginia.

Supervisor West stated that Tucker Swamp Baptist did the same thing - preparing approximately 125 boxes per month for families in Franklin and Southampton. He noted that Ivor Food Bank tends to cater to residents of Isle of Wight County. He remarked that Ebenezer Church has a food pantry as well. He stated that it concerned him that residents would be hungry at this time of year. He commented that the Tucker Swamp project was a substantial investment and a big investment by the church. He knew that the turkeys alone cost over \$1,000.

Mr. Johnson inserted that it had been indicated to him that Wal Mart was a big corporate sponsor and he understood that Wal Mart donates the turkeys to Rock Church.

Supervisor Brown inquired if it was known how many churches in Southampton County engaged in the same venue.

Mr. Johnson stated that he could advise the Board which churches were affiliated with the food bank because the food bank publishes the list and there are two, Boykins United Methodist Church in Boykins and Ebenezer Baptist Church in Ivor. In Franklin there is the Faith Fellowship Church of God and the Rock Church that are affiliated with the food bank.

Supervisor Felts inquired if the Board approved of making a donation to the Southeastern Virginia Foodbank.

Supervisor Brown commented that the Board should be very careful about handing out donations because he knew there were other organizations, including civic organizations, who furnish food to the hungry. He noted that if a donation is given to one entity, other entities will be pressing for donations from the county. He felt that an assessment needed to be done to see what is really being done for Southampton County residents by churches, civic organizations, etc.

Supervisor West agreed that an assessment needed to be done.

Supervisor Wyche also agreed that an assessment needed to be done. He felt that a decision did not need to be done tonight until further information was available.

Supervisor Faison commented that when people are hungry they need food. He stated that we can contribute to that. He wondered whether there was some way we might circumvent the thing that would stop us from donating to the cause. He stated that it might be that we donate to several churches who would be able to feed the hungry people in our area. He stated that he was not trying to exclude anybody but taking the opportunity to feed somebody who would not get fed.

Supervisor West commented that Thanksgiving season is almost past and Christmas is upon us. He thought that this issue was something that could be examined during the next budget season. By that time information would be accumulated to us with regard to participating churches and participation organizations. He suggested that anyone involved with food-giving go to the Foodbank and make donations through them.

Supervisor Felts commented that she thought a lot of local churches already make boxes and meals for people in their immediate area, not only their church family.

Supervisor Faison stated that he would like to see the Board of Supervisors put forth some effort to become involved even if it were through the Foodbank or through a church organization.

The County Administrator remarked that the Board had discovered in recent meetings with the Southampton County School Board, based on a recently conducted demographic evaluation, projected student enrollment will exceed the rated capacity of our four existing elementary schools by 431 pupils over the next five years. In addition, based on an architectural building evaluation, Hunterdale Elementary School is now evaluated as "below average" and Capron Elementary is "marginally average." Capron is presently 100 students above its rated capacity and Hunterdale is nearly 120 students above rated capacity. Additionally, on the high school level, enrollment is expected to exceed rated capacity by 175 students in 2006-07, before receding to below-capacity enrollment in 2010.

Mr. Johnson stated that the School Board has developed a 5-year priority list for capital improvements that includes three specific projects:

- 1. Construct a new school to replace Hunterdale Elementary that will meet existing and future needs of eastern Southampton County and accommodate some**

**overflow from an already-overcrowded Nottoway Elementary;**

- 2. Address the short-term space shortage at Southampton High School with temporary mobile classrooms and consider a permanent addition to SHS sometime after 2011; and**
- 3. Construct a new Capron Elementary School in 2008.**

The County Administrator stated that the estimated cost of both new schools is roughly \$23.8 million. Based on a fiscal impact analysis by our financial advisors, Davenport & Company, LLC, the projects are estimated to impact the county's real estate tax rate by an equivalent increase of 7¢ to 9¢.

Mr. Johnson stated that the School Board has expressed some sense of urgency in the first priority given the already-overcrowded conditions and the predictable enrollment increases. They are awaiting direction from the Board of Supervisors before proceeding further.

The County Administrator stated that he had placed this matter on the agenda simply to get some idea of the manner in which the Board wishes to proceed. What additional information will the Board need to make a good decision? Are there other alternatives or ideas that the Board would like the School Board to consider and evaluate? How does the Board wish to engage the public in this matter? When does the Board expect to be able to provide the School Board with some direction?

Chairman Jones asked the Board members to express their feelings that this time.

Supervisor Felts asked the County Administrator if he was talking about having a public hearing for public input on the issue.

Mr. Johnson stated that it was certainly up to the Board of Supervisors but he would certainly expect that with a capital project of that magnitude, we would surely want to provide the public an opportunity to comment in advance of making any specific plans.

Supervisor Faison stated that any comments made now would certainly be preliminary. But, with the reported overcrowding that is happening, we certainly have to do something and it is not something that we can close our eyes to.

Supervisor Felts commented that with the urgency of the matter, she thought the Board should indeed hold a public hearing if that would be the next step in the process.

Supervisor West commented on the County Administrator's statement regarding enrollment, before receding to below-capacity enrollment in 2010 - so we are looking at the school 2005 coming up. You are talking about building schools to take care of capacity even greater than the capacity within the next two or three years - and then talking about the below capacity enrollment would be less than it presently is, or less than the capacity of the new schools.

Mr. Johnson stated that looking at the demographic trends in calendar year 2004-2005 of all four elementary schools the aggregate sum is that we have 131 more students than we have current capacity for. That number is projected to rise to 138 in 2005-2006, rise to 193 in 2006-2007, and rise to 243 in 2007-2008, rise to 338 in 2008-2009 and rise to 431 in 2009-2010. This is based on current trends and does not take into account any significant changes in the growth pattern in Southampton County.

Supervisor West commented that seven to nine cents was a pretty steep increase to address at one time.

The County Administrator commented that people always want to know what is the affect? You may look at other alternatives, but this certainly puts it on the table and puts it in perspective.

Supervisor Wyche stated that he thought the Board needed to get input from the public. He knew that they would probably holler when there is talk about increasing taxes.

Supervisor Brown stated that it was clear that the numbers being used in forecasting growth of children in our community will be a constant growth and this could not be stopped. He commented that Hunterdale Elementary is over capacity so somewhere there must be an initiation of a fix for that. His main concern was the revenue sharing. Where is the money going to come from? The only source we have is real estate taxes. He thought that we also needed to get involved in some forecasting modeling that applies to economic development. You are not going to be able to tax your community to death. Were there other entities by which additional funds could be raised?

Unfortunately, the County Administrator stated, the State dictates where you get your revenue from. He advised that Virginia operates under the Dillon Rule and the county is very restricted where local taxes are levied and the State has left localities with few options, except property taxes.

Supervisor West stated that fire and rescue needs have been expressed from localities. He noted that there was a tremendous amount of need in the community for expanded services in the county. He pointed out that people are paying more but are not really seeing additional services. He knew good educational opportunities were the key to success anywhere. He added that the issue at hand was describing a significant amount of increase at one time and he knew that during the last two months both Boards had discussed this for a short period of time. But now, he stated, it is an immediate, got-to-do-it, situation. Typically, he added, the Board works slowly and look at these issues with a long range impact in the county. He stated that he was concerned that the Board was being asked to make a decision this morning without the additional information that was needed to make a competent decision. He knew that the county needed economic development but still the Board needs to look at the entire picture.

Supervisor West added that he was concerned about the smaller school in Capron and the Hunterdale School proposal. He remarked that as a boy he had traveled from Ivor to Southampton. He thought that the trip from Capron to Courtland and the trip from Franklin to Courtland did not seem, to him, as being a long trip for a student to ride. He pointed out that the talk was about 175 students at Capron. Are we getting the best bang for our buck? he asked.

Chairman Jones advised that a public hearing was scheduled at 7:00 p.m. He suggested that the Board resume discussion about this issue after the public hearing.

The County Administrator advised that the proposed ordinance amendment regarding outdoor gatherings and entertainment had been duly advertised for public hearing in accordance with direction from the Board last month. He noted that while he had received no strong objections, a number of minor, but viable concerns have been raised. Those concerns that were addressed to him included:

- 4. How the ordinance may apply to family reunions conducted outdoors that include some form of entertainment (band or DJ). It was the understanding**

**that the Southampton Fairgrounds are rented by some families for this purpose;**

- 5. How this ordinance may apply to charitable fund raising events that are conducted by groups that may not have 501 (c) status (such as local Relay for Life teams);**
- 6. How this ordinance may apply to events routinely held at the Bronco Rod and Gun Club (outdoor wedding receptions, anniversary and birthday parties, etc., where live music is provided);**
- 7. How this ordinance makes no provision for overnight camping that may be associated with some events (motorcycle racing, bluegrass festivals, etc.); and**
- 8. How this ordinance requires outdoor entertainment events to conclude by 11:00 p.m. - suggestions were made to allow for**

events to continue until 1:00 a.m.

Mr. Johnson continued by stating that it certainly is appropriate to proceed with the scheduled public hearing and consider these suggestions along with any others that may be heard this evening. He stated that he would not recommend that the ordinance be immediately adopted - rather, allow staff additional time to take these and other comments into consideration, suggest minor revisions, and present a recommendation back to the Board at the regular session of December 20, 2004.

The County Administrator added that written comments submitted by Phil Bain this afternoon were placed at the Supervisors' places. He read the correspondence received from Mr. Bain. It read as follows:

Mr. Michael W. Johnson, County Administrator  
Southampton County  
P. O. Box 400  
Courtland, Va. 23837

Dear Mr. Johnson:

After reviewing the draft ordinance (Article, Sect 7-61 through 7-71) for outdoor entertainment activities I would like to pass along some of my personal thoughts and questions. They are as follows:

Sec. 7-62. Definitions:

Civic Organization - hunt clubs, churches and many other non-profit organizations do not file a Sec. 501(c) tax return, therefore, how would they be handled?

Outdoor Entertainment - the way this is written this would include any private gathering of friends, family or any other invitee.

Temporary - this definition is too strict (ex: hunting season which has 43 hunting days) and once per year should be increased to 3 or 4 times per year.

Sec. 7-63. Exemptions:

Does this include hunting, horse, motorcycle, nudist, religious clubs, Girl & Boy Scouts, Ruritan, Rotary, Women's Club, fire & rescue,

group homes, YMCA, libraries, public and private schools, American Heart Association, American Cancer Society, American Diabetes Association and other health related charities; fairs and carnivals, Ducks Unlimited and National Wild Life Turkey Federations gatherings?

Sec. 7-65 Hours of Operation:

8:00 a.m. is late and gatherings should be allowed to begin earlier.

Sec. 7-67. Application:

60 days prior to the date is too strict and should be changed to 30 days.

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

#3. Instead of a letter from the property owner, would a lease agreement be sufficient?

#5 Will overnight lodging (camping) be allowed?

#12 This should be of no concern to the county. This is between the landowner and the civic organization. The county has no jurisdiction over this.

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

The permission should be granted only during hours of operation of the event. The way this is written it seems to give access to County Officials (law enforcement) at any time, throughout the year. This seems to be in direct violation of Virginia Code.

Thank you for your time.

Phil Bain

Chairman Jones advised that a public hearing was being held pursuant to Section 15.2-1427, Code of Virginia, as amended, to receive public comment on a proposed ordinance amending the Southampton County Code by adding a new Article IV, Chapter 7, providing necessary regulations for the conduct of temporary outdoor gatherings, festivals or entertainment in open spaces or temporary structures. After the conclusion of the public hearing, the Board of Supervisors will take all comments under advisement and consider adoption of this measure, as may be amended, at its regular session of December 20, 2004.

The ordinance amendment read as follows:

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 the 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.

*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 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 apart 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 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.**

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.

Chairman Jones recognized Mr. Bert Blythe.

Mr. Blythe inquired if this proposed ordinance would affect having an auction sale on a farm.

Mr. Blythe was advised that the ordinance amendment would not affect auction sales on a farm.

Chairman Jones recognized Mr. Richard Fowler.

Mr. Fowler asked how the ordinance amendment would affect family reunions, when people come down once or twice a year to enjoy the fellowship with family and friends.

Mr. Johnson stated that this was one of the problems that was picked up. It was the intent not to regulate family reunions or gatherings. He noted that the present language is not clear and this is why it has been suggested to not adopt the proposed ordinance this evening. He stated that no action would be taken tonight and Mr. Fowler's comments regarding the effect of this ordinance on family reunions would certainly be taken into account.

Chairman Jones recognized Mr. Duane Preston.

Mr. Preston inquired as to just what exactly is it, as it is printed now, covering. What is being regulated on reunions that is not being regulated?

Mr. Johnson responded that the definition of outdoor entertainment is 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 other performing arts.

Mr. Preston stated that he understood that it was either family members, or non-family members. What exactly are we looking for to regulate?

Mr. Johnson responded that gatherings of all groups of people that may have affects.

Mr. Preston inquired if there was a number.

Mr. Johnson responded in the negative.

Chairman Jones recognized Ms. Colleen Flick.

Ms. Flick stated that it had been said to a gentleman earlier that it was not the intent for family gatherings. She wanted to know what is the intent? What is the intent of having control of whatever? Is it noise? Is it traffic? What specifically is it? she asked.

Mr. Johnson responded all of those issues. When you look at what is required to be submitted, along with the application to the event it would include a plan for adequate sanitation facilities, garbage, trash and sewage disposal for persons at the event, adequate medical facilities for persons at the event, adequate parking facilities and traffic control in and around the event area, adequate fire protection, a statement as to whether any outdoor lights or lighting to be utilized and a plan showing how those lights will be shielded so as not to affect other properties, a statement whether alcoholic beverages will be sold or served.

Chairman Jones recognized Mr. Ernest Joyner.

Mr. Joyner inquired if the proposed ordinance would affect church gatherings now or in the future.

Mr. Joyner was advised by Supervisor West that church gatherings would absolutely not be affected by the proposed ordinance amendment.

Chairman Jones recognized Ms. Catherine Hunnicutt.

Ms. Hunnicutt stated that she was a Probation Officer for the Fifth District Circuit Court serving Southampton and Isle of Wight Counties. She advised that she was present on behalf of Tidewater Dirt Riders.

Ms. Hunnicutt stated that the Tidewater Dirt Riders had an interest in this ordinance and having it passed so they could hold events in Southampton County. She added that their first event, thirty years ago, was in Portsmouth. Like so many other things, urban America has encroached and it has been found increasingly difficult for the Dirt Riders to hold events for their families. She remarked that she was a Probation Officer but her most important job was the mother of a fifteen year old. To keep a fifteen year old occupied is a full-time job; he plays soccer, he rides motor cycles, he plays the guitar and anything she could push him into and spend time with him. She advised that the Dirt Riders was a wonderful organization and it was one where people can spend time with their families. She noted that at one point in time she had eleven members of her family riding motor cycles. She stated that they were increasingly supportive of the community - they had a gate fee and that gate fee is donated to rescue squads because unfortunately, at time, they have had to use the rescue squads. She noted that they also had fund raisers within their series who had become seriously ill. She remarked that once they had donated \$19,000 to one of the older riders who came down with cancer. She stated that their last race was at Pipsico in Surry and actually raced on the Boy Scout land the proceeds of which were donated to the Boy Scouts. They also race in Newport News. She pointed out that there was no alcohol involved in the races. It was a

place for good family fun - people arriving on Saturday because they had people traveling from up and down the east coast.

Ms. Hunnicutt continued by stating that she had read “everybody is moving out to the country and then they complain that they get behind a tractor when they are trying to get home.” This is what the club had been faced with. Most of the members live in Suffolk, Chesapeake and Virginia Beach so they are having to find land, at least 200 acres, to put on a race. She pointed out that their races scrambled through the woods - they are not motocross. They cut a trail through the woods. This was their fun and this was how they kept their kids entertained. She asked that the Board consider this and the benefit that they could bring to the community.

Chairman Jones recognized Mr. Moses Joyner.

Mr. Joyner stated that they were losing control. They get together with family yearly and he asked what they were doing wrong.

Supervisor West responded that it was not the intent at all. He felt that the young lady who spoke prior to Mr. Joyner summarized it best. There is no place in Portsmouth, Chesapeake, Virginia Beach or Suffolk for them to hold their activities. Everything, he stated, is moving this way. The users of the land are not the owners of the land. They enjoy the same space that we do. He thought that the Board needed the time and effort to review the proposed ordinance to protect the citizens of Southampton County. He stated that the Board wanted the people to be able to enjoy it as the citizens did and the Board was not out to stop any family reunions, church social gatherings or church sponsored outings but the Board did want to look at what is coming toward Southampton County and be prepared. Many times there are too many demands to be addressed and it is best to address them before the events occur in order to protect the citizens of this county.

Ms. Flick remarked that she was not sure how you go about having a family gathering now because she was new in the county. She stated that she just saw people having fun. What is the rule for people who have family gatherings now? Do they have to apply?

The response to Ms. Flick was in the negative.

Ms. Flick suggested that the county could have something called a Risk Management Plan in place. When someone does want to do something it would be a simple procedure to go through, as for first aid, traffic control, alcohol, etc., etc. and would give them something to write down and have a plan in place. In other words, she stated, if they want to hold a gathering, make application, get a Risk Management Plan and fill it out, perhaps talk to a staff member to see if anything was missing in the plans.

Supervisor West advised Ms. Flick that the ordinance had nothing to do with family outing, church outing, or Sunday School class events. He stated that it was his assumption that the ordinance is designed to protect greater numbers of people, blocks of folks, that are coming to this area. Obviously there is no intent to restrict but was the intent to protect the environment and to protect the people who live next door. He remarked that Southampton County is a good place to live and a lot of folks are finding that out.

Mr. Preston stated that he was the landowner who allowed the Tidewater Dirt Riders to ride on his property for over four years and had not received one complaint from any neighbor. There was not any outside group participating - it was strictly recreational riding of two-wheel dirt rider motorcycles through the woods. He stated that he had received a letter from the county saying “cease and desist illegal operation.” He remarked that three weeks after the Tidewater Dirt Riders and he had parted company because he had cut approximately 120 acres of timber which was not what they wanted to ride in. He related that when he called the county person whose name was on the letter and requested to know what was

illegal about what he was doing, the information was not available. He asked if he could ride his motorized vehicle on his farm and the response was told absolutely yes; he asked if his son could ride his and he was told absolutely yes; could his wife ride hers and he was told absolutely yes; could their friends ride and was told absolutely yes; could a hunt club, if he leased his property or allowed a hunt club to use his property, and the response was absolutely yes. Why, he asked the person, did he receive the letter. He stated that there was no answer to that question. He asked if the county was going to outlaw people riding? Today, he stated, no group rides on his property. But, he stated, this past Sunday he had approximately seven people riding on his farm, less than the number of people that were out there hunting on Saturday. Is that a group?

Supervisor Faison commented that the ordinance amendment was not an effort to restrict entertainment in the county. But, he stated, there had to be some control, otherwise, things can get out of hand. That is why tonight is so important. The Board can look and listen to all that is being related tonight and hopefully come up with something that the county and everyone can live with.

Chairman Jones recognized Mr. Robert M. Felts, Jr.

Mr. Felts stated that he could be partly to blame for some of this because back in the early 80's he hosted the first trail on his farm that had been there for fifteen years. There had been riding one to two Sundays for over a year. He remarked that it was competitive riding and everyone had a good time. Mr. Felts stated that he would like to know if this ordinance would affect incorporated towns if it were held within corporate town limits.

The response to Mr. Felts was that it would not affect incorporated towns.

Mr. Felts related that he could see what the Board was trying to get to and why the Board needed to get there but thought the issue needed a whole lot more study. He felt that the largest event now was the Franklin/Southampton County Fair that is held in August. He noted that they had big bands with low amps and the event draws three to four or five thousand people with beer being sold. You could see why it was urgent to have the Sheriff's Department and fire and rescue squads present. He noted that it was a controlled event and it goes along without any problems. He noted that he had been to great big ball games at Southampton High School where went to have a good time. You did not see at Southampton High School the problems that were seen in Clemson, South Carolina or NBA fights. He noted that we could have good events in Southampton County where people would come to enjoy themselves and then go back where they came from. He thought the Board had its work cut out for it to try to fine tune this ordinance. He thought the reason and logic behind it was well meant - but he thought there must be some input received to find out where to go and what to do with the ordinance. He felt the Board was on the right track.

Chairman Jones recognized Mr. George Greer.

Mr. Greer stated that he lived in Isle of Wight County. He advised that he had kids that ride and he had a grandson that rides. He remarked that in all of his years with dirt bike riding there had been no police calls, no fighting and no drunkenness. He thought this spoke well of the families that participated and the organizers of the events. He advised that he had been a scout leader, a baseball coach and he had seen parents that had gotten upset at ball games. He had never seen anybody approach somebody in a confrontational manner. He stated that he was proud to be associated with the dirt riders. He assured the Board that they would not find a better crowd of people.

Chairman Jones recognized Mr. Ralph Benhart.

Mr. Benhart stated that he was a member of Tidewater Dirt Riders. He stated that he had been working with two prospects in Isle of Wight to get two

pieces of property for racing purposes; one was a family member and the other was a hunt club. Those avenues were being pursued. He noted that it was not that they did not want to go to Isle of Wight, it was just that they preferred to keep the event in this end of the state so that the events could be equaled out. He also requested that the Board consider allowing overnight camping because they did have a lot of families that come from out of, and across, state. He remarked that this was another tool that they used to raise funds for local charities.

Ms. Flick stated that it seemed as though there were two different issues being discussed. She remarked that she heard motorized gatherings and she heard people gatherings. She felt that these were two different things - there is a sound decibel that is a whole lot higher with motorized as you would with a large van compared people just laughing and talking. She asked if there would be a differentiation between those two.

Chairman Jones replied that there would be a differentiation between the two.

Chairman Jones recognized Mr. Chuck Hunnicutt.

Mr. Hunnicutt stated that he was a resident of Isle of Wight County and he first raced with this series. He remarked that was not something that had been on the table for just fifteen or twenty minutes - all the Board members had had the opportunity to attend events. He advised that the best way to learn about the series was to attend the event and see the good family atmosphere. There will be no alcohol served or no ABC license. He stated that events had been held in Southampton County since 1972 and nobody had complained as to why they were held and where they were held. He noted that there was not one person present complaining about the events, only people speaking in favor of the events.

Chairman Jones recognized Mr. Phil Bain.

Mr. Bain advised that he is the landowner who had allowed the dirt riders to ride on his land for the past two years. He stated that the proposed ordinance amendment has the potential to impact a great number of events, especially non-profit organizations. He asked that the Board carefully review the ordinance and consider all the comments made tonight.

No other persons appeared in favor of or in opposition to the proposed ordinance amendment.

Chairman Jones declared the public hearing closed.

Chairman Jones advised that the Board would look further into the ordinance amendment and take all the comments given tonight under consideration and hopefully come up with something that the county could live with.

Chairman Jones advised that the Board would again discuss the matter of Capital Improvement Program Funding for Southampton County Schools.

Supervisor Felts commented that Supervisor West had previously mentioned riding the school bus. She related that her grandchildren, in Sedley, go to Hunterdale Elementary School. She advised that the bus trip from Sedley to Hunterdale took one hour. She felt that this was a long time for a five-year-old to be on a school bus. She related that she was not saying that the Board needed to jump on the bandwagon and go ahead and do this.

Supervisor West responded that he was just saying that all avenues need to be exhausted - and he felt the Board had done that. He added that he was bringing it for consumption and thought. He again repeated there was a need for good education and he was thankful that the schools had done so well on the SOLs. He felt that this was an accomplishment that speaks well of the schools. He felt that

between \$.07 and \$.09 raise in real estate taxes was a big raise, especially with the reassessment coming up. He asked how much burden can each citizen handle? And what affect will it have? He stated that the well was the same well and we are digging deeper and deeper in that well to draw money from real estate and the landowner. He stated that it positively scared him.

Supervisor Felts stated that it scared her too but she was saying that if the Board is going to do this, the Board would need to think about the two schools versus the one school.

Supervisor West also noted that there would be pressure coming to the Board regarding the need for fire and rescue - full-time all over the county. Also, the radio system that is being implemented and paid for. He knew there were a lot of things that the Board needed to look at.

Supervisor Brown stated that everything should be done for the kids of our community and it started with education. At least give consideration to the request made by the School Board this year.

Supervisor Faison stated that the School Board has stated what they need insofar as capital improvements. He did not think the Board of Supervisors could not say they were not going to do it, there was no choice in the matter. The Board could certainly look at all the options with regard to taxes, etc. and see how the Board could best come up with and support the School Board's request.

Supervisor Wyche suggested that the Board move forward with the request.

Supervisor Young stated that he was in favor but not by raising taxes.

Supervisor Faison wanted to know if there were other options and asked where the Board would go from here.

Chairman Jones inquired as to the next step.

County Administrator Johnson responded that clearly the School Board had done all the background study they could do without beginning to spend money. He felt that the next step to move ahead is to identify and acquire sites and engage an architect to design a building. Until the Board of Supervisors is prepared to give the School Board the green light, there was not a whole lot more they could do.

Supervisor West advised that a public hearing was needed. The people need to express their views on the request made by the School Board.

Mr. Johnson did not suggest that a public hearing be held in December. He believed it would be a good idea to place this item back on the agenda next month and perhaps schedule a public forum for after the first of the year. At that time a graphic analysis can be presented, fiscal impact can be presented, and he did not think the Board would want to wait until the FY 2006 budget process.

Chairman Jones suggested that the item be placed on the December Board agenda.

The County Administrator advised that the matter would be placed on the December Board agenda and perhaps the Board members would pick out a date in January for a public forum.

Supervisor Felts commented that she thought the Board would be surprised at the number of people that will attend - she knew that taxes would be a factor - and she knew it was 23.8 million - but children's education was most important. She stated that she was speaking for Hunterdale - parents from Hunterdale school were asking what they needed to do. She stated that she could not speak for the rest of the schools

Mr. Johnson referenced a report and recommendations from the Land Development Task Force. He advised that the 16-member group was commissioned in March 2004 upon recommendation of the Planning Commission to study current and future land development trends (including strip development) and develop appropriate policy recommendations for Board consideration. Their report focuses on four key areas and offers the following recommendations:

9. **Southampton County should consider a mechanism providing for acceptance of voluntary cash proffers when needs generated by future rezoning applications warrant;**
10. **Southampton County should consider implementation of Land Use Value Taxation to provide financial incentive for the preservation of agricultural and forestal lands;**
11. **Southampton County should consider amendments to its zoning and subdivision ordinances to discourage residential development in outlying rural areas and the practice of “piano-key” development (i.e., the stripping of rural roads with residential building lots); and**
12. **Southampton County should consider immediate and substantive limitations on its development standards in the Agricultural zoning districts.**

The County Administrator advised that these recommendations were presented to the Planning Commission at its meeting earlier this month where it felt compelled to immediately address the 4<sup>th</sup> recommendation by developing a proposed ordinance that would limit the number of further divisions of any agricultural parcel. Essentially, upon adoption of the proposed ordinance, no more than 2 lots could be cut from a parent parcel, as the parent parcel exists on the date of adoption. A copy of the proposed ordinance was attached to the agenda for Board reference.

Mr. Johnson stated that the Planning Commission held its official first reading and suggested that the Board consider holding its first reading today and subsequently, schedule a joint public hearing for both bodies, sometime in December. Mr. Johnson asked for direction from the Board in how to proceed in this regard.

The Planning Commission has not held its public hearing he advised. Mr. Johnson noted that one thing that this ordinance would consider is to allow the Planning Commission to proceed to conduct its public hearing. Perhaps, he stated, after that public hearing they may alter their recommendation, perhaps not. That is one option available to the Board and allow the Planning Commission to proceed with their public hearing.

After discussion, it was the consensus of the Board that it await a specific recommendation from the Planning Commission, following its public hearing (not a joint hearing), before further considering this matter.

The County Administrator advised that Section 2.2-4303, Code of Virginia, provides that competitive negotiation, as opposed to competitive sealed bids, may be utilized for procuring certain goods, if a determination is made in advance, in writing, by the governing body that competitive sealed bidding is not practicable or fiscally advantageous to the public.

He reported that competitive negotiation involves issuance of a written Request for Proposals indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal. Selection is then made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal. Negotiations are then conducted with each of the contractors so selected. Price may be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the County selects the offeror which, in its opinion, made the best proposal, and awards the contract to that offeror.

Mr. Johnson presented for Board consideration the resolution that is requisite in utilizing competitive negotiation for procurement of certain HVAC equipment (reheat coils) and a HVAC control system to address the issue of chronic humidity (and subsequent formation of mold) in the Southampton County Office Center and portions of the Southampton Courthouse (Judges' chambers and jury deliberation room).

The County Administrator related that he hoped to receive competitive proposals by December 13 and present a recommendation to the Board at its December 20 regular session. He advised that project design and oversight would be handled by John T. Moore & Associates, a Richmond-based mechanical engineering firm specializing in resolution of system deficiencies.

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

**A RESOLUTION AUTHORIZING COMPETITIVE NEGOTIATION  
AS THE METHOD OF PROCURING CERTAIN HVAC EQUIPMENT  
(REHEAT COILS) AND HVAC CONTROLS FOR THE  
SOUTHAMPTON COUNTY OFFICE CENTER AND  
PORTIONS OF THE SOUTHAMPTON COURTHOUSE**

**WHEREAS, it has been determined that installation of certain reheat coils and a new heating ventilation, and air conditioning controls system are necessary to resolve chronic humidity and subsequent formation of mold in the Southampton County Office Center and portions of the Southampton County Courthouse; and**

**WHEREAS, Southampton County recognizes that prospective offerors may utilize different equipment, techniques, and methods in meeting its needs, with equal success; and**

**WHEREAS, Southampton County seeks to encourage innovation, efficiency, and superior levels of performance in procurement of such equipment and controls; and**

**WHEREAS, there are many factors in addition to price that must be considered when procuring a HVAC control system, including, but not limited to the financial stability of the offeror, the qualifications of project**

personnel, a demonstrated experience in installing building control systems, and the offeror's ability to support and maintain such systems; and

WHEREAS, the process of competitive sealed bidding does not lend itself to the consideration of these and other factors when considering award of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that, in its judgment, competitive sealed bidding is not fiscally advantageous to the citizens of Southampton County for the reasons described herein above; and

BE IT FURTHER RESOLVED that this Board intends to utilize competitive negotiations to procure such goods and services and authorizes its County Administrator to publish and distribute a Request for Proposals, with such proposals to be received and evaluated by a committee appointed by the County Administrator; and

BE IT FURTHER RESOLVED that such committee shall competitively negotiate with such offerors it deems to be fully qualified and best suited based upon the evaluation criteria contained in the RFP, and shall make a recommendation to this Board for action at a future regular meeting.

The motion was approved unanimously by voice vote.

The County Administrator advised that Supervisor Brown, who was duly elected to fill the unexpired term of Charleton W. Sykes as Supervisor for the Newsoms District, had officially taken the Oath of Office on November 8.

Mr. Johnson reported that Supervisors West and Faison were continuing to make plans to develop itineraries for quarterly, half-day work sessions beginning in January 2005. They intend to present for Board consideration next month a list of tentative dates for the 2005 meetings and suggested topics for discussion. He suggested that Board members contact Supervisors West or Faison if they had any suggestions in this regard.

The County Administrator referenced a copy of his response to the Virginia Department of Game & Inland Fisheries regarding model hunting ordinances, based upon the direction the Board provided in October.

Mr. Johnson advised that Governor Warner has authorized additional holiday leave for state employees over the respective Thanksgiving and Christmas holiday periods. He stated that he had provided written notice to all county offices regarding these changes because the County's holiday leave policy is consistent with that of the Commonwealth.

The County Administrator presented correspondence, as Board information, from the Competitive Carrier Coalition seeking Board consideration of a resolution opposing higher basic telephone rates under the new regulatory plan filed by Verizon with the State Corporation Commission. He stated that he brought this information to the Board's attention so that they would be aware of the ongoing proceedings.

Mr. Johnson reported that environmental notices had been received for the following:

13. **A Notice of Violation from the Department of Health, Office of Water Programs, to the café at 31002 Smiths Ferry Road for failure to collect the required bacteriological samples for the 3<sup>rd</sup> quarter of 2004; and**

14. **A Notice of Violation from the Department of Health, Office of Water Programs, to Pino's Pizza at 23319 Jerusalem Road for failure to collect the required bacteriological samples for the 3<sup>rd</sup> quarter of 2004.**

The County Administrator advised that a follow-up on an unexpired notice to membership was received from the Hampton Roads Economic Development Alliance.

Mr. Johnson advised that a follow-up on an unexpired notice to membership was received from the Hampton Roads Economic Development Alliance.

Kemper Consulting. He reported that a full copy of the proposal was in his office if anyone was interested in viewing the document.

The County Administrator referred to correspondence from The Big Organizations in Southampton County Assembly, Inc. regarding their continued interest in BEOME Program funding.

Mr. Johnson stated that a response from the City of Suffolk to HFD was received regarding HFD's determination that the Western Tidewater BEOME Commission did not qualify for participation in FY 2005.

The County Administrator stated that correspondence was received from the Department of Environmental Quality in Southampton Correctional Center regarding their application to modify their VPKES permit for wastewater discharge.

Ongoing correspondence and articles of interest were reviewed as information.

Chairman Jones requested the Division Superintendent of Southampton County Public Schools wished to say a few words.

Comments were received from Mr. Charles E. Turner, Division Superintendent, Southampton County Public Schools, regarding the School Board's Capital Improvement Program Funding for Southampton County Schools. He stressed the importance of the request and his concerns about the re-allocating to the schools. He stated that he was hoping that the Board would make a commitment to the Capital Improvement Program being suggested by the School Board.

Supervisor Young moved, seconded by Supervisor Wych, that a closed meeting be held in accordance with the provisions set out in the Code of Virginia, 1996, as amended, for the following purposes:

Section 2.2-2714(A)(5) Discussion concerning prospective industries where no previous announcement has been made of the location or industry's interest in locating its facilities in the community;

Section 2.2-2714(B) Discussion on a consolidation of an acquisition of real property (commonly water conveyance for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and

Section 2.2-2714(C) Consultation with legal counsel and findings by staff members regarding specific legal matters (ordinances or amendments regarding the provision of legal advice by counsel.

The motion was approved unanimously.

Mr. Michael W. Johnson, County Administrator, Mr. Richard E. Bailey, Jr., County Attorney, Mr. J. Waverly Cagle, III, Assistant County Administrator, Mrs. Julia G. Williams, Finance Director, and Mr. Cynthia L. Cox, Community Economic Development Director remained for closed session.

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

Supervisor Young moved, seconded by Supervisor Faison, 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 2.2-2712(B) of the Code of Virginia, requires a certification by the Board that each 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 covering the closed meeting were heard, discussed and considered by the Southampton County Board of Supervisors.

SO BE IT.

Dorian G. Jones  
Michael G. Young, Jr.  
Richard E. Bailey, III  
Carl J. Brown  
James J. Faison  
Ronald W. West  
Maura Wrayne

SO BE IT. **RESOLUTIONS VOTING NAY:** None

The resolution was adopted unanimously.

There being no further business, the meeting was adjourned at 7:10 pm.

\_\_\_\_\_  
Dorian G. Jones, Chairman

\_\_\_\_\_  
Michael W. Johnson, Clerk