

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 November 24, 2003 at 6:00 PM.

SUPERVISORS PRESENT

Reggie W. Gilliam, Chairman
Eppa J. Gray, Jr., Vice-Chairman
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald M. West
Walter L. Young, Jr.

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

Chairman Gilliam sought approval of the minutes of the October 27, 2003 regular meeting. They were approved as recorded, as there were no additions or corrections.

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

Mr. Michael Johnson, County Administrator, announced that he made a brief appeal for the East Courtland interchange to Secretary Clement, Commissioner Shucet, and three Commonwealth Transportation Board members at the FY 2005 Preallocation Hearing on November 6 in Hampton. He noted that a copy of his remarks was included in the agenda. Also included was correspondence from Commissioner Shucet updating us on the overall financial health of VDOT, which alluded to the fact that recent Hurricane-related costs would have a direct effect on their ability to fund new transportation projects.

Mr. Randolph Cook announced that they were moving along on Route 671 and hoped to have piping completed by Christmas. He advised that improvements to the second section of Route 671 were in the Six-Year Plan.

Supervisor Young asked what were they doing on Route 671 now? Mr. Cook replied that Dominion Virginia Power was moving poles.

Supervisor Jones advised that eastbound on Route 58 at Valley Protein, there were concrete pop outs.

Supervisor West asked how the shortfall was really going to impact us? Mr. Cook replied that there would be a long term hiring freeze and snow removal would be reduced. He was also worried about the second phase of Route 671.

Moving forward to appointments, regarding the appointment of a successor for Reverend James W. Browder, III on the Blackwater Regional Library Board of Trustees (his term expired June 30, 2003 and was not interested in reappointment), **Vice-Chairman Gray** advised that he had found a successor. He then **made a motion to appoint Dorothy Harris as successor for James W. Browder, III on the Blackwater Regional Library Board of Trustees.** **Supervisor Jones seconded the motion. All were in favor.**

In regards to the Virginia 2007 Community Program, Mr. Johnson reminded that as discussed at the August meeting, each Board member agreed to seek 2 appointees from their respective districts to form a Virginia 2007 Community Program in Southampton County. The purpose of the committee was to promote and coordinate 2007 activities in coordination with Jamestown's quadricentennial

celebration. The committee would be charged with examining our own local history and perhaps develop reunions, festival and other special events. It was recommended that the committee include active representatives of local government, civic groups, churches, historical societies, schools, businesses, cultural and ethnic organizations, and other groups or organizations that contribute to the quality of life in Southampton County.

Supervisor Young submitted the name of Jim Holland for appointment from his district (Franklin). Supervisor Jones submitted Lynn Ramsey and Marilyn Tennessee from his district (Drewryville). Vice-Chairman Gray (of the Jerusalem District) submitted the names of Phyllis Bradshaw and Cindy Cave. Supervisor West submitted Elna Graves from his district (Berlin-Ivor). The remaining supervisors were not prepared to submit any names of appointees.

Vice-Chairman Gray moved, seconded by Supervisor Jones, to make the aforementioned appointments. All were in favor.

Regarding the Industrial Development Authority (IDA), Mr. Johnson announced that Mr. J. Edward Hatfield's and Mrs. Teresa Beale's respective terms would expire December 30, 2003. Mr. Hatfield represented the Franklin District and Mrs. Beale, at the time of appointment, represented the Jerusalem District. Both were statutorily eligible for reappointment to another 4-year term, even though Mrs. Beale currently resided in the City of Franklin, as the enabling legislation provided that IDA directors could reside in an adjoining locality. He noted that a copy of the statutory qualifications for directors and the powers of the authority were included in the agenda.

Supervisor Young made a motion to reappoint Mr. J. Edward Hatfield to the IDA. Supervisor Jones seconded the motion. All were in favor.

No action was taken on the appointment of Mrs. Teresa Beale.

Finalizing appointments, Mr. Johnson announced that Mrs. Julia G. Williams's term on the Western Tidewater Community Services Board (WTCSB) would expire December 31, 2003. The WTCSB provided service programs in mental health, mental retardation, and substance abuse for Southampton County residents. Terms were for 3 years meaning that it would run from January 1, 2004 to December 31, 2007. Mrs. Williams was eligible for reappointment.

Supervisor Jones moved, seconded by Supervisor Young, to reappoint Mrs. Julia G. Williams to the WTCSB. All were in favor.

Proceeding to monthly reports, Mr. Johnson received various reports and provided them in the agenda. They were Financial, Sheriff's Office, Traffic Tickets for 2003, 9-1-1 Sign Repair, Animal Control, and Building Inspections. Also New Housing Starts, Cooperative Extension, Treasurer's Office for September 2003, Delinquent Tax Collection, Daytime E.M.S. Contract, and Personnel.

In reference to the personnel report, Mr. Johnson announced that Frank A. Turner, Sr. was hired in Public Utilities effective 11/03/03 at an annual salary of \$19,611. Raymond L. Bryant, Jr. was hired as Public Utilities Supervisor effective 11/17/03 at an annual salary of \$34,000. There were 2 employees who had salary adjustments. The annual salary of Jim I. Vick, Jr. of the Sheriff's Department was adjusted to \$25,501 effective 11/01/03 as a result of a 12-month regrade by the Compensation Board. Also the annual salary of William G. Jarratt, Jr. of the Sheriff's Department was adjusted to \$25,501 effective 11/01/03 as a result of a 12-month regrade. Joseph P. Hopko, IV of the Sheriff's Department resigned effective 11/16/03. He reminded that J. Michael Blythe and Raymond E. Merkh of the Sheriff's Department remained on active military leave.

Moving forward to financial matters, Mr. Johnson announced that bills in the amount of \$2,341,977.26 were received. **Vice-Chairman Gray moved, seconded by Supervisor Young, that the bills be paid with check numbers 59240 through 59762. All were in favor.**

Proceeding to the request for financing approval by the Western Tidewater Community Services Board (WTCSB), Mr. Johnson announced that included in the agenda was correspondence from Joshua Pretlow, Jr., legal counsel for WTCSB, seeking the Board's favorable consideration of a resolution authorizing them to purchase the facility presently serving as its administrative headquarters on Godwin Boulevard in Suffolk. The WTCSB contemplated issuing a \$1,372,500 Lease Revenue Bond through the City of Franklin Industrial Development Authority (IDA), payable with revenues paid by the WTCSB to the City of Franklin IDA through its annual operating budget. Bank of America was underwriting the transaction. He informed that by issuing the bond through the

City of Franklin IDA, the associated interest would enjoy a tax-exempt status, resulting in an interest rate lower than conventional financing, thereby reducing the WTCSB's cost of borrowing. § 37.1-197, *Code of Virginia*, provided that any loan accepted by a Community Services Board must be authorized and accepted by the governing bodies of the political subdivisions that it represented. He advised that Mr. Pretlow was present to answer any questions.

The resolution is as follows:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SOUTHAMPTON, VIRGINIA
WITH RESPECT TO THE LEASE FINANCING
OF THE WESTERN TIDEWATER COMMUNITY SERVICE BOARD'S
ACQUISITION OF A HEADQUARTERS BUILDING**

The Western Tidewater Community Services Board (the "Borrower") was created under Chapter 10 of Title 37.1 of the Code of Virginia of 1950, as amended (the "Act"), and has been designated an "operating board" as defined in the Act for the City of Franklin, the City of Suffolk, the County of Isle of Wight and the County of Southampton (collectively, the "Member Localities"). The Borrower desires to acquire the facility currently serving as its Headquarters Building, the contiguous warehouse building and the real estate related thereto (collectively, the "Building") by entering into a lease financing arrangement (the "Lease Financing") with the Industrial Development Authority of the City of Franklin, Virginia (the "Issuer") and Bank of America, N.A.

In accordance with the Act, the Borrower has the power to apply for and accept loans as authorized by the governing bodies of the political subdivision that established it. Accordingly, each of the governing bodies of the Member Localities must authorize the Lease Financing of the Borrower.

The County of Southampton, Virginia (the "County") recognizes the need of the Borrower to obtain financing for the acquisition of the Building through the issuance by the Issuer of its \$1,372,500 Lease Revenue Bond (Western Tidewater CSB Headquarters Acquisition), Series 2003 (the "Bond"). The Issuer will issue its Bond to acquire the Building and will lease the Building to the Borrower pursuant to a Lease Agreement, tentatively dated as of November 1, 2003 (the "Lease Agreement"), between the Issuer and the Borrower.

The Bond will be payable solely from revenues derived by the Issuer from the "Basic Rent" to be paid by the Borrower pursuant to the Lease Agreement, which has been calculated to be sufficient to pay the principal of and interest on the Bond, from certain "Additional Rent" to be paid by the Borrower pursuant to the Lease Agreement and from funds established in the Bond Purchase Agreement to be dated the date of the issuance of the Bond (the "Bond Purchase Agreement") among the Issuer, the Borrower and Bank of American, N.A., as the holder of the Bond (the "Bank"). The obligations of the Issuer to the Bank will be secured by the Assignment of Rents and Leases, tentatively dated as of November 1, 2003 (the "Assignment") between the Issuer and the Bank, and by the Deed of Trust, tentatively dated as of April 1, 2003 (the "Deed of Trust") from the Issuer to the deed of trust trustees named therein. Subject to the terms of the Lease Agreement, the obligation of the Borrower to pay Basic Rent and Additional Rent will be an unconditional obligation of the Borrower.

The Lease Agreement, the Bond Purchase Agreement, the Assignment and the Deed of Trust are referred to in this Resolution as the "Basic Documents."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SOUTHAMPTON, VIRGINIA:

1. Request for and Approval of Financing. The Board of Supervisors of the County ("Board") hereby approves the transaction contemplated by the Basic Documents and particularly the Borrower's Lease Financing of the Building and entry into the Lease Agreement. The Board considers the Building to be an essential public need. The Board approves the issuance of the Bond and sale thereof to the Bank in such principal amount, with such interest rate per year, and with a maturity, all as to be determined by the Issuer or the Borrower. The sale price of the Bond to the Bank shall be equal to the principal amount thereof, and the prepayment provisions and other terms of the Bond shall be as provided for in the form of the Bond. The Board further approves the Borrower's use of its funds to make such payments as may be required under the Lease Agreement

and expresses its intent that the County remain a Member Locality of the Borrower for the term of the Lease Agreement.

2. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

Adopted: November 24, 2003

Vice-Chairman Gray made a motion to approve the resolution. Supervisor Young seconded the motion.

CERTIFICATION

The undersigned Clerk of the Board of Supervisors of the County of Southampton, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of the County of Southampton, Virginia at a meeting duly called and held on the 24th day of November, 2003, and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended:

<u>Board Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Reggie W. Gilliam, Chairman	Present	Yea
Eppa J. Gray, Jr., Vice-Chairman	Present	Yea
Carl J. Faison	Present	Yea
Dallas O. Jones	Present	Yea
Charleton W. Sykes	Present	Yea
Ronald M. West	Present	Yea
Walter L. Young, Jr.	Present	Yea

WITNESS, my hand and the seal of the Board of Supervisors of the County of Southampton, Virginia, this 24th day of November, 2003.

 Clerk, Board of Supervisors of the County of
 Southampton, Virginia

(SEAL)

Moving forward, Mr. Johnson announced that Mr. Charles E. Turner, Superintendent of Southampton County Public Schools, had requested to make a brief school accreditation presentation.

Mr. Turner addressed the Board and presented a PowerPoint presentation on the accreditation of Southampton County Public Schools. He informed that school accreditation ratings for 2003-04 were based on student achievement on Standards of Learning (SOL) tests in English, mathematics, history/social science, and science administered during 2002-03 or an average of achievement during the three most recent years. He explained that each school would receive one of four possible ratings: 1) **Fully Accredited** – A school was fully accredited if students achieved pass rates of 70 percent or above in all four content areas. 2) **Provisionally Accredited / Meets State Standards** – A school received this rating if the school was not fully accredited but students met or exceeded all of the following benchmarks:

CONTENT AREA	STUDENT PASS RATE
English	70 percent
Mathematics	70 percent
History/Social Science	55 percent
Science	70 percent

He noted that such schools were counted as meeting the commonwealth’s achievement objectives for the year. 3) **Provisionally Accredited / Needs Improvement** – A school received this rating if pass rates in one or more subject areas were below the benchmarks listed above unless the school was

Accredited with Warning. 4) **Accredited with Warning** – A school received this rating if pass rates were 20 or more points below the benchmarks listed above in one or more subject area. Such schools would undergo academic reviews and were required to adopt and implement school improvement plans. Schools that were Accredited with Warning in English and/or mathematics were additionally required to adopt instructional programs proven by research to be effective in raising achievement in those subjects.

Mr. Turner then presented the chart below illustrating the 2003-04 Virginia School Accreditations for each of the Southampton County Public Schools.

2003-04 VIRGINIA SCHOOL ACCREDITATION

SCHOOL	GRADE LEVELS	ENGLISH	MATH	HISTORY	SCIENCE	ACCREDITATION STATUS 2003-04
Capron Elem.	PreK-5	73	59	73	90	Provisionally Accredited / Needs Improvement
Hunterdale Elem.	PreK-5	82	71	75	67	Provisionally Accredited / Needs Improvement
Meherrin Elem.	PreK-5	76	72	64	77	Provisionally Accredited / Meets State Standards
Nottoway Elem.	PreK-5	72	70	90	75	Fully Accredited
Southampton High	9-12	89	83	81	76	Fully Accredited
Southampton Middle	6-8	64	62	77	76	Provisionally Accredited / Needs Improvement

He pleasingly reported that Southampton High School and Nottoway Elementary School both received the status of Fully Accredited, as their students achieved pass rates of 70 percent or more in all four subject areas. Meherrin Elementary School received the status of Provisionally Accredited / Meets State Standards, thus was counted as meeting the commonwealth's achievement objectives for the year. He noted that Meherrin was only 6 percent away in the history subject area from receiving the status of Fully Accredited. He reported that Southampton Middle School, Capron Elementary School, and Hunterdale Elementary School all received the status of Provisionally Accredited / Needs Improvement. He pointed out that Hunterdale Elementary and Capron Elementary met the requirements of Fully Accredited Status in three subject areas, and Capron was only 3 percent away and Hunterdale 11 percent away, in a fourth subject area from meeting Fully Accredited Status. Southampton Middle School met the requirements of Fully Accredited Status in two subject areas, and was only 6 percent away in a third subject area, and 8 percent away in a fourth subject area from meeting Fully Accredited Status. Thus, he stated, that although only 2 of our schools received the status of Fully Accredited, all of the other schools had very good scores and were on track to becoming Fully Accredited. We all could be proud of the great progress that all of our schools and students had made.

Proceeding to the disposition of the \$1 house in Branchville, Mr. Johnson reminded that at the April 28, 2003 regular meeting, the Board authorized him to purchase the single family dwelling at 32076 The Hall Road, Branchville, from the U.S. Department of Housing and Urban Development (HUD). The home had been acquired by HUD as a result of foreclosure actions, and after they were unable to sell the home following 6 months on the market, it made the property available to the County for \$1. He stated that they closed on the property June 9, 2003. He advised that their contract agreement with HUD provided that the property would be subsequently conveyed to the STOP Organization, which would rehabilitate and sell it to a qualified low-and-moderate-income homebuyer. The net proceeds from the sale were to be utilized by the STOP Organization to rehabilitate another qualified home(s) in Southampton County. He noted that information regarding the STOP Organization and their housing programs was included in the agenda. He advised that § 15.2-1800, *Code of Virginia* provided that no real property may be disposed of by the County until it had held a public hearing regarding the disposition of such property. He was seeking the Board's consideration in authorizing him to advertise this matter for public comment at the December 15, 2003 regular meeting.

Supervisor West made a motion to authorize the County Administrator to advertise this matter for public comment at the December 15, 2003 meeting. Supervisor Young seconded the motion. All were in favor.

Moving forward to the memorandum of understanding, Mr. Johnson announced that included in the agenda was correspondence from the Fifth Judicial District Community Corrections Program (CCP) seeking the Board's consideration of a written Memorandum of Understanding (MOU) outlining the

responsibilities of the CCP and the funding obligation of Southampton County to support its services. Among other things that agreement provided that the CCP would continue to: A) Supervise all adult offenders referred to its program by any Southampton County Court; B) Conduct substance abuse screenings for adult offenders, as required by law or court order; C) Conduct random drug and alcohol testing on offenders and probationers identified by the Court; and D) Place probationers at designated community service sites and monitor their performance. He advised that the agreement also provided that Southampton County would provide to the CCP annual funding in the amount of \$2,054, which was the amount included in the FY 2004 budget. He mentioned that the CCP served 54 Southampton County defendants in FY 2002. He noted that included in the agenda was participant information from the draft '04 budget book.

The Memorandum of Understanding is as follows:

**Memorandum of Understanding (MOU) between the Fifth Judicial Community
Corrections Program and Southampton County**

I. Purpose:

This MOU is designed to outline the responsibilities of the Fifth Judicial District Community Corrections Program (CCP) and the annual funding contribution to be provided by Southampton County to support services provided by CCP in administering supervision of individuals referred to CCP by Courts in the Fifth District.

II. Responsibilities:

A. Fifth Judicial District Community Corrections Program agrees to the following:

1. Pursuant to appropriate statutes, supervise and assist all adult offenders, residing within the jurisdictions served and placed on local probation by any judge of any court within jurisdiction he/she serves;
2. Ensure probationer compliance with the orders of the court;
3. Keep such records and make such reports as required by the Commonwealth of Virginia Department of Criminal Justice Services;
4. Seek a capias from any judicial officer in the event of failure to comply with conditions probation or supervision on the part of any offender placed under supervision to comply, provided that such non-compliance presents a risk of flight, a continued risk to public safety or risk to the offender;
5. File a motion to Show Cause for cases requiring subsequent hearing before the court;
6. Assist any law enforcement officer with the return to custody of defendants placed on supervision for which a capias has been sought.
7. Conduct, as required by law or as ordered by the court, substance abuse screenings and, where applicable, conduct or facilitate the preparation of assessments pursuant to state approved protocols;
8. Conduct random drug and alcohol tests on offenders and probationers whom has been identified by the court (or the probation officer has reason to believe) as engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol or prescribed medication;
9. Facilitate placement of offenders in a substance abuse education or treatment program or other education or treatment program based on the needs of the offender;

- 10. Investigate and report on any appropriate case in any court in the Fifth District before a judge and facilitate any screening, assessment, evaluation, or testing required as a condition of probation;
- 11. Place probationers at designated community service sites and monitor the performance of court-ordered labor;
- 12. Assist the courts, for offenders placed on probation, by monitoring the collection of court costs, fees, fines and restitution to victims of crimes;

B. Southampton County agrees to:

- 1. Provide financial support to CCP annually in order that CCP can secure the resources needed to perform the duties stated above in section IIA;
- 2. Southampton County will provide to CCP annual funding in the amount of \$2,054.

III. Terms of agreement:

The terms of this agreement between the Fifth Judicial District Community Corrections Program and Southampton County will remain in effect unless a party otherwise decides to withdraw from the agreement. Should either party decide to terminate the agreement, the party desiring to terminate the agreement must state its reason for such actions in writing and inform the other part of their intentions ninety days in advance as to not cause the other party any undo hardship.

The Fifth Judicial District Community Corrections Program reserves the right to request an increase in annual funding from Southampton County should courts in the Fifth District increase the number of defendants referred to CCP for services. A request for additional funds must be submitted to the County’s Administrator’s office no later than March 1 of each year.

Fifth Judicial District Community Corrections

Date

Representative from Southampton County

Date

Supervisor Young moved, seconded by Supervisor Faison, to authorize the County Administrator to execute the Memorandum of Understanding on behalf of Southampton County. All were in favor.

The Board took a 5-minute recess.

Proceeding to public utilities matters, Mr. Johnson advised that the FY 2004 annual budget provided for the creation of a maintenance division. He then provided a status update on that Division. He pleasingly reported that organizational issues were taking shape and that the Division should be fully functional by mid-February, as the following progress had been made: **Staffing** - all positions had been filled and all new employees would be on the job by December 1. All positions were filled at, or below, salary levels included in the FY 2004 budget. Julien Johnson was hired as Utilities Director, Raymond Bryant, Jr. as Utilities Supervisor, and Frank Turner, Wesley Vick, Ernest Darden, and Kerry Epps were hired as Public Service Workers/Equipment Operators. **Headquarters-** the contract for the Maintenance Division’s shop and office was signed with W.T. Riddick & Co. on October 7. The pre-engineered building had been ordered and site preparation work was expected to begin next week. The building would be erected adjacent to the former Boykins Elementary School, maximizing the use of the existing school entrance and parking area. The building was identical in size and similar in layout to the Public Works building. He expected the cost of the building and furnishings to come below FY 2004 budget estimates.

Regarding the **equipment**, Mr. Johnson stated that the FY 2004 budget included \$358,000 for equipment purchases, broken down as follows:

Meter Replacement/Installation	\$150,000
Meter Reading Equipment	13,000
Backhoe	60,000
Dump Truck	50,000
Pump Truck	60,000
Trailer	10,000
Miscellaneous Tools/Equipment	<u>15,000</u>
	<u>\$358,000</u>

He advised that in order to maximize the dollars available for equipment purchase, Julien had worked extensively over the past 60 days to locate high-quality, high-value, used equipment. He pleasingly reported that they had already made (or authorized) the following used equipment purchases:

1998 GMC Dump Truck	\$ 23,500
1998 International Pump Truck (Chassis)	28,500
Vacuum Pump, Tank for Pump Truck	7,500
9-Ton Trailer	4,400
1998 Air Compressor	5,000
1998 Welder-Generator	4,000
Mudhog	0
Underground Pipe Camera & Pipe Locator	10,975
Pipe Transmitter	757
4-Gas Monitor	<u>1,325</u>
	<u>\$ 85,957</u>

He then showed slides of photographs of the equipment listed above that had been purchased.

Mr. Johnson advised that in addition, they had located two pieces of used, high-value, digging equipment. A 2000 Takeuchi Compact Excavator for \$43,000 and a 1999 Case 580 L Backhoe for \$31,500. Because the cost of those items exceeded the "small purchase" exemption in the Public Procurement Act, they were required to publish a Request for Proposals (RFP) before purchasing those or similar items. They were working on that RFP post-haste and hoped to make those purchases in the next several weeks. He informed that they were presently in the process of evaluating meter-reading equipment and software, which would come in below the budget estimate of \$13,000. They were also evaluating several models of "touch-read" meters for the new water meters that needed to be installed. He noted that Julien was confident that the new Maintenance Division would be able to install those meters themselves well-within the \$150,000 budget estimate.

Continuing with public utilities matters, Mr. Johnson announced that in order to take advantage of the value of the used equipment, it was necessary that they purchase it in advance of arranging for the long-term financing, so they up-fronted the cost. Thus, it was necessary that the Board adopt the resolution, included in the agenda, declaring their intent to reimburse themselves with the proceeds from the Utility Equipment Financing.

The reimbursement resolution is as follows:

RESOLUTION OF THE BOARD OF SUPERVISORS OF
SOUTHAMPTON COUNTY, VIRGINIA DECLARING ITS INTENTION
TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE
FINANCING FOR UTILITY EQUIPMENT

The Board of Supervisors of Southampton County, Virginia (the "County") has determined that it may be necessary or desirable to advance money to pay the costs of acquiring certain utility equipment (the "Equipment").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY, VIRGINIA:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.
2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of acquiring the Equipment from the proceeds of its debt or

other financings. The maximum amount of debt or other financing expected to be issued for the Equipment is \$358,000.

3. This resolution shall take effect immediately upon its adoption.

Supervisor Gray moved, seconded by Supervisor Young that the resolution be adopted.

The foregoing resolution was adopted by the Board of Supervisors at its meeting on November 24, 2003 by the following roll call vote:

<u>Member</u>	<u>Vote</u>
Reggie W. Gilliam, Chairman	Yea
Eppa J. Gray, Jr., Vice-Chairman	Yea
Carl J. Faison	Yea
Dallas O. Jones	Yea
Charleton W. Sykes	Yea
Ronald M. West	Yea
Walter L. Young, Jr.	Yea
 <u>Absent</u>	
None	

Clerk, Board of Supervisors, Southampton County,
Virginia

Finalizing public utilities matters, Mr. Johnson announced that with the assistance of the County’s Financial Advisors, Davenport & Company, they obtained five competitive financing proposals for the utilities equipment purchases. The best proposal for the 7-year financing option, which was what they budgeted for, was from SunTrust Bank at 2.94%. At that rate, the annual debt service would be \$57,097.04 annually for 7 years. He noted that they budgeted \$58,813 for debt service in FY 2004. Included in the agenda was a resolution prepared by McGuire-Woods, the County’s Bond Counsel, authorizing the lease financing for the water and sewer equipment and authorizing him to accept the proposal of SunTrust Bank for the financing.

The lease finance authorization resolution is as follows:

RESOLUTION

**BOARD OF SUPERVISORS
COUNTY OF SOUTHAMPTON
SOUTHAMPTON, VIRGINIA**

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room, Southampton County Administration Center, Southampton, Virginia on the 24th day of November 2003:

PRESENT:

VOTE:

Reggie W. Gilliam, Chairman	Yea
Eppa J. Gray, Jr., Vice Chairman	Yea
Carl J. Faison	Yea
Dallas O. Jones	Yea
Charleton Sykes	Yea
Walter L. Young, Jr.	Yea
Ronald M. West	Yea

On motion of Supervisor West, seconded by Supervisor Jones, which carried by a vote of 7-0, the following was adopted:

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
SOUTHAMPTON COUNTY, VIRGINIA AUTHORIZING
THE LEASE FINANCING OF CERTAIN WATER AND
SEWER SYSTEM EQUIPMENT**

WHEREAS, the Board of Supervisors of Southampton County, Virginia (the "County") has determined that it is necessary and advisable to finance the cost of acquisition of certain water and sewer system equipment ("Equipment") for the County, which will be used by the County and to obtain financing for the Equipment through a financing lease or other financing agreement providing financing for the cost of acquisition of the Equipment, including the costs of the financing, in the maximum principal amount of \$358,000;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY, VIRGINIA:

1. Acceptance of Proposal; Authorization and Execution of Documents. The County Administrator, or such officer as he may designate, is authorized and directed to accept a proposal to provide financing for the Equipment that the County Administrator or his designee determines to be in the County's best interest. The County Administrator and the Chairman of the Board, or either of them, or such officers as either of them may designate are authorized to execute and deliver on behalf of the County an equipment lease purchase agreement or other similar financing agreement (the "2003 Lease") and to execute and deliver such instruments, agreements, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

2. Nature of Obligations. The obligation of the County to make payments under the 2003 Lease will be subject to appropriation each year by the Board of Supervisors. Nothing in this Resolution or the 2003 Lease shall constitute a debt or a pledge of the faith and credit of the County.

3. Designation for Bank Qualification. The County's obligations under the 2003 Lease are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended ("Code"). Neither the County nor any "subordinate entities" (within the meaning of Section 265(b) of the Code) has issued any tax-exempt obligations (not including private activity bonds for entities other than organizations described in Section 501(c)(3) of the Code) during calendar year 2003, and the reasonably anticipated amount of tax-exempt obligations (not including private activity bonds for entities other than organizations described in Section 501(c)(3) of the Code) which will be issued by the County and all "subordinate entities" thereof during calendar year 2003 will not exceed \$10,000,000. The County will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b) during calendar year 2003.

4. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Southampton County, Virginia, certifies that the foregoing resolution was duly adopted at a meeting of the Board of Supervisors duly called and held on November 24, 2003.

Clerk, Board of Supervisors of Southampton
County, Virginia

Moving forward to public hearings, Chairman Gilliam announced that the first was to receive public comment on the Priority List for Proposed Improvements to the Secondary and Unpaved Roads of Southampton County, and the FY 2005 Secondary and Unpaved Road Construction Budget.

Mr. Randolph Cook, Resident Engineer of VDOT, addressed the Board. He advised that as they were aware, § 33.1-70.01, Code of Virginia, 1950, as amended, required the County Board of Supervisors, in conjunction with VDOT, to formulate a six-year secondary road improvement plan. This plan was for years 2004-05 through 2009-10. He noted that it only involved improvements to new construction of secondary systems, and did not include maintenance work. In updating the six-year plan, they followed the priority list approved in last year's six-year plan.

Mr. Johnson gave an overview of the following six-year plan information provided by Mr. Cook:

Secondary System
County: Southampton
Construction Program
Estimated Allocations

Fiscal Year	Incidental Construction	Regular Construction	Unpaved Construction	Total
2004-05	\$63,000	\$1,019,867	\$258,577	\$1,341,444
2005-06	\$63,000	\$1,030,517	\$260,504	\$1,354,021
2006-07	\$63,000	\$1,018,427	\$254,791	\$1,336,218
2007-08	\$63,000	\$1,032,060	\$257,219	\$1,352,279
2008-09	\$63,000	\$1,053,516	\$261,315	\$1,377,831
2009-10	\$63,000	\$1,053,516	\$261,315	\$1,377,831
Totals	\$378,000	\$6,207,903	\$1,553,721	\$8,139,624

Board Approval Date:: 11/24/2003

R. Randolph Cook
VDOT Resident Engineer Date

Reggie W. Gilliam
Chairman, Clerk, Co. Administrator Date

District: Suffolk

County: Southampton

Board Approval Date: 11/24/2003

SECONDARY SYSTEM CONSTRUCTION PROGRAM

(in dollars)

2004-05 through 2009-10

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count	Estimated Cost AD Date:	Scope of Work FHWA # Comments
Rt 8000 ID: CWI State Forces STATE County-Wide Incidental Pri # 0	Total County-Wide Allocation CWI TRAFFIC SER. NEW ADD. INSTALL ENTR PIPE, PRELIMINARY ENGR, 0	PE \$0 RW \$0 CON \$378,000 Total \$378,000	FERTILIZATION & SEED STATE FORCES
Rt 0671 ID: 17660 Contract STATE Regular Pri # 1	GENERAL THOMAS HWY 0671-087-264.C502 0.20 MI S RTE 58 ROUTE 687 1.28 MI 6958	PE \$75,000 RW \$90,000 CON \$3,308,929 Total \$3,473,929 10/15/2002	5 LANE WITH TURN LN 14003 PE FOR #3 & #5 FUNDED TO DO TOGETHER
Rt 0671 ID: 17661 Contract STATE Regular Pri # 2	GENERAL THOMAS HWY 0671-087-264.C501 ROUTE 687 ROUTE 650 0.85 MI 5054	PE \$100,500 RW \$76,830 CON \$2,368,598 Total \$2,545,928 3/1/2004	5 LANE WITH TURN LN 14003 PE FOR #3 & #5 FUNDED TO DO TOGETHER
Rt 0743 ID: 57325 Contract STATE Regular Pri # 3	FULLERS MILL ROAD 0743-087-267.M501 ROUT 671 0.70 MI S RTE 671 0.70 MI 313	PE \$284,000 RW \$491,684 CON \$1,566,000 Total \$2,341,684 8/1/2007	RECONSTRUCTION 16003
Rt 0646 ID: 57326 Contract STP Regular Pri # 4	GOVERNOR DARDEN RD 0646-087-268.M501 E.C.L. COURTLAND 2.5 MI E ECL COURTLD 2.50 MI 472	PE \$85,000 RW \$110,000 CON \$1,600,000 Total \$1,795,000	RECONSTRUCTION 14003
Rt 0646 ID: 57327 Contract STP Regular Pri # 5	GOVERNOR DARDEN RD 0646-087- M 2.5 MI E ECL CTLD ROUTE 641 2.62 MI 472	PE \$85,000 RW \$110,000 CON \$1,600,000 Total \$1,795,000	RECONSTRUCTION 14003

District: Suffolk
County: Southampton

Board Approval Date: 11/24/2003

SECONDARY SYSTEM CONSTRUCTION PROGRAM

(in dollars)

2004-05 through 2009-10

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count	Estimated Cost AD Date:	Scope of Work FHWA # Comments
Rt 1503 ID: 16396 Railroad STATE Regular Pri # 6	1503-201-225.FS721 0.07 MI N RTE 646 # 464-221J NS RAILROAD 320	PE \$10,000 RW \$0 CON \$75,000 Total \$85,000 12/1/2004	RR PROTECTIVE DEVICES 16012 RR SAFETY PROGRAM PROJECT; 90% FHWA FUNDED.
Rt 0616 ID: 10113 Contract STATE Regular Pri # 7	PROCTORS BRIDGE RD. 0616-087- M NCL IVOR ROUTE 617 1.79 MI 941	PE \$75,000 RW \$100,000 CON \$1,600,000 Total \$1,775,000	RECONSTRUCTION 14003
Rt 0616 ID: 12997 Contract STATE Regular Pri # 7	PROCTORS BRIDGE RD 0616-243- M ROUTE 460 N C L IVOR 0.20 MI 941	PE \$25,000 RW \$50,000 CON \$250,000 Total \$325,000	RECONSTRUCTION 14003 TOWN PORTION OF PROJECT.
Rt 0692 ID: 62573 SAAP STATE Unpaved Pri # 1	Whitehouse Road 0692-087-P69.N501 ROUTE 775 ROUTE 35/58 BUS 0.90 MI 80	PE \$5,000 RW \$0 CON \$357,727 Total \$362,727 8/14/2004	GRADE, DRAIN, & SURFACE TREAT 16003
Rt 0721 ID: 17666 SAAP STATE Unpaved Pri # 2	THREE BEES RD 0721-087-P72.N501 ROUTE 671 END OF MAINTENANCE 0.90 MI 129	PE \$2,500 RW \$0 CON \$175,000 Total \$177,500 10/1/2004	GRADE, DRAIN, & SURFACE TREAT 16003 UNPAVED ROAD FUNDS
Rt 0657 ID: 57355 Contract STATE Unpaved Pri # 3	Old Place Road 0657-087-P N501 ROUTE 658 EAST ROUTE 693 2.60 MI 56	PE \$50,000 RW \$0 CON \$806,138 Total \$856,138 7/15/2007	GRADE, DRAIN, & SURFACE TREAT 16003

District: Suffolk
 County: Southampton
 Board Approval Date: 11/24/2003

SECONDARY SYSTEM CONSTRUCTION PROGRAM
 (in dollars)
 2004-05 through 2009-10

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count	Estimated Cost AD Date:	Scope of Work FHWA # Comments
Rt. 0654 ID: 1787 SAAP STATE Unpaved Pri # 4	Rawlings Road 0654-087-P69,N501 ROUTE 609 ROUTE 58 0.90 MI 110	PE \$10,000 RW \$0 CON \$237,917 Total \$247,917	GRADE, DRAIN, & SURFACE TREAT 16003 REMOVE FROM STORAGE IN PPMS.
Rt. 0651 ID: SAAP STATE Unpaved Pri # 5	Indian Town Road 00651-087-P ,N501 Route 653 Route 609 1.3 90	PE \$15,000 RW \$0 CON \$300,000 Total \$315,000	Grade, Drain & Surface Treat 16003

Ms. Cleoria Shaw addressed the Board. She stated that First Baptist Drive was still a path and you could not get down there. She asked when was something going to be done about it? She stated that she paid taxes and the other people back there paid taxes. She thought they were being ignored.

Mr. Cook informed that First Baptist Drive was not in the system. There was no speculative interest and they needed a donated right of way. It was the #1 rural addition.

Mr. Eugene Bradshaw briefly addressed the Board. He stated that First Baptist Drive was bad, and there was no need to get a new car as long as you had to travel that path in the shape it was in.

Supervisor West asked how long the path was? Mr. Bradshaw replied about 1/2 mile. He stated that there was no way an ambulance could get back there.

Ms. Edith Evans addressed the Board. She stated that she was representing Bright Lily Church. She advised that in 2001, they requested paving of that road. It did not qualify per the VDOT requirement that 50 vehicles per day must travel the road. She stated that there was a problem with flooding on Bishop Poquoson Road from General Thomas Highway. It was sometimes not passable. There was also flooding from Charles Bridge Road. She understood that funds were limited but would like those items added to the calendar.

Mr. Burt Blythe addressed the Board. He advised that nothing had been done to Route 734 in the Handsom area. There were piles of debris that needed to be removed.

Mr. Cook informed that when Route 671 was built, Route 734 was discontinued.

Chairman Gilliam closed the public hearing.

Following is the resolution regarding the proposed improvements to **secondary (paved)** roads:

At a meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, November 24, 2003 at 7:00 PM.

PRESENT: Reggie W. Gilliam, Chairman
Eppa J. Gray, Jr., Vice-Chairman
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald M. West
Walter L. Young, Jr.

IN RE: Priority Lists – Proposed Improvements to the Secondary Highway System

Supervisor Jones moved:

WHEREAS, in accordance with Section 33.1-70.01 of the Code of Virginia, as amended, the Southampton County Board of Supervisors and the Virginia Department of Transportation held a joint public hearing in Southampton County at 7:00 PM on Monday, November 24, 2003 to present a Priority List of road improvements to use in formulating the 2004-05 through 2009-10 Six-Year Secondary Road Improvement Plan and Priority List of improvements to formulate the 2004-05 Secondary Road Construction Budget; and

WHEREAS, it is the desire of this Board to approve the Priority List of projects for the 2004-05 through 2009-10 Secondary Road Improvement Plan and 2004-05 Priority List of projects for the Secondary Road Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED that this Board does go on record as approving the 2004-05 through 2009-10 Priority List of Improvements to the Secondary Road System and the 2004-05 Priority List of projects for the Secondary Road Improvement Plan as attached herewith.

Seconded by Supervisor Young.

Voting on the Item: YES - Reggie W. Gilliam, Chairman
Eppa J. Gray, Jr., Vice-Chairman
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald M. West
Walter L. Young, Jr.

NO - None

A COPY TESTE:

Michael W. Johnson, Clerk
Southampton County Board of Supervisors

Following is the resolution regarding the proposed improvements to **unpaved** roads:

At a meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, November 24, 2003 at 7:00 PM.

PRESENT: Reggie W. Gilliam, Chairman
Eppa J. Gray, Vice-Chairman
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald M. West
Walter L. Young, Jr.

IN RE: Priority Lists – Proposed Improvements to Unpaved Roads

Supervisor Young moved:

WHEREAS, it is the desire of this Board to establish a priority list of the unpaved roads in Southampton County to provide a guide for the Virginia Department of Transportation in developing the Six Year Plan and Construction Budget; and

WHEREAS, the priority list for unpaved roads for Southampton County was presented by the Virginia Department of Transportation based upon previous priorities adopted by this Board, as may be amended.

NOW, THEREFORE, BE IT RESOLVED that this Board does go on record as approving the attached priority list of the unpaved roads in Southampton County as its priorities for FY 2004-05.

Seconded by Supervisor Jones.

Voting on the Item: YES - Reggie W. Gilliam, Chairman
Eppa J. Gray, Jr., Vice-Chairman
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald M. West
Walter L. Young, Jr.

NO - None

A COPY TESTE:

Michael W. Johnson, Clerk
Southampton County Board of Supervisors

Mr. Johnson announced that the second public hearing was to consider the following ordinance amendment:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18 OF THE
SOUTHAMPTON COUNTY CODE TO ADD PERMITTED USES IN THE
INDUSTRIAL DISTRICT, LIMITED, (M-1)

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

ADD the following uses to Section 18-282. Permitted Uses.

(26.1) General advertising sign, limited in area to two hundred (200) square feet and to a height of twenty-five (25) feet, with a special exception.

This ordinance shall be effective immediately upon adoption.

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

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

Mr. Johnson announced that the third and final public hearing was to consider the following ordinance amendment:

AN ORDINANCE TO AMEND CHAPTER 4 OF THE SOUTHAMPTON COUNTY CODE
BY PROVIDING A NEW SECTION 4-27.1 TO PROVIDE FOR
A 1.75% LEVY ON ALL BUILDING PERMITS

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, adding Section 4-27.1 to read as follows:

Sec. 4-27.1 Levy on building permits.

There is hereby imposed a 1.75% levy on all fees charged for permits issued under the provisions of the Virginia Uniform Statewide Building Code. The proceeds from such levy shall be collected and transmitted quarterly to the Virginia Department of Housing and Community Development to support training programs of the Virginia Building Code Academy.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: November 24, 2003

Supervisor West moved, seconded by Supervisor Jones, that the ordinance be adopted. All were in favor.

Moving forward to employee overtime, Mr. Johnson announced that as might have been expected, the response and recovery from Hurricane Isabel required a substantial amount of overtime from county staff. To date, county employees had recorded 3,764 hours of overtime at a cost of \$81,788.46. He informed that Southampton County would be reimbursed for 75% of that expense by FEMA under its public assistance program, and 20% by the Commonwealth. However, based upon the provisions of the *Fair Labor Standards Act*, there were certain county positions that were “exempted” and not entitled to overtime pay. Exempted employees included those that were paid on a salary basis and whose job duties were genuinely executive, administrative, or professional. He advised that between the Sheriff’s Office and the County Administrator’s Office, there were nine such “exempt” positions, excluding the Sheriff and County Administrator, who did not wish to be considered in this matter. Collectively, they had worked in excess of 350 overtime hours since the hurricane with no additional compensation. The “value” of their time was \$8,740.93 calculated at their average hourly wage, and \$13,113.04 if calculated at time and a half like non-exempt employees. He stated that managers and administrative personnel were expected to put in whatever time it took to get the job done. In this case, those nine persons performed admirably in the face of adversity without complaint. None of them requested to be compensated nor complained of their exempt status. Based on their outstanding performance, he wanted to remind the Board of the following statute:

§ 15.2-1508. Bonuses for employees of local governments. – Notwithstanding any contrary provision of law, general or special, the governing body of any locality may provide for payment of monetary bonuses to its officers and employee. The payment of a bonus shall be authorized by ordinance.

Mr. Johnson advised that if the Board was so inclined, as it was in 1999 following Hurricane Floyd, it may consider an ordinance to reward those overtime-exempt employees. Should the Board concur, he would suggest making individual bonuses equal to the number of hours worked times their average hourly wage, and not time and a half. The total cost to the county would be \$8,740.93, including FICA. He noted that a spreadsheet was included in the agenda illustrating the individual amounts.

Vice-Chairman Gray moved, seconded by Supervisor Young, to direct advertisement of such an ordinance to be considered at the December 15 meeting. All were in favor.

Proceeding to the discussion of continued merits of the toll-free telephone line, Mr. Johnson advised that the Board had funded the operation of a dedicated toll-free telephone line in the Southampton County Office Center since the early 1990’s. The number served the County Administrator’s, Commissioner of the Revenue’s, and Treasurer’s offices. The initial catalyst for the service was that

calls from the vast majority of local exchanges within the County to county offices were billed as long-distance. He informed that over the years, the local calling areas had been greatly expanded, and citizens were now able to call county offices toll-free from exchanges in Boykins, Capron, Franklin, Holland, Ivor, and Wakefield. Exchanges in Emporia and Windsor, which did serve a portion of the County, did not include Courtland in their basic local calling area, but he understood that their local call plan could be upgraded to include unlimited calls to Courtland for a nominal fee. He stated that in addition, with the proliferation of wireless telephone services and the number of "included monthly minutes", virtually every citizen within the County could now call county offices without incurring long-distance charges. The County was also accessible via the Internet. He advised that included in the agenda was a copy of the latest monthly bill for the dedicated toll-free telephone service, which was \$118.29. There was a minimum monthly surcharge of \$64.17. He noted that 36% of the calls last month came from out-of-state. He was open to the Board's direction.

Vice-Chairman Gray moved, seconded by Supervisor Young, to discontinue the dedicated toll-free telephone service. All were in favor.

Moving forward to consideration of early payroll disbursement, Mr. Johnson advised that in keeping with past traditions, he was seeking the Board's authority to provide early payroll for all employees in December. He was requesting a motion to issue payroll checks to all employees for the December pay period on Friday, December 19, 2003.

Supervisor Young made a motion to authorize early payroll disbursement on December 19, 2003. Supervisor Jones seconded the motion. All were in favor.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was a spreadsheet illustrating the volumes of vegetative storm debris that had been removed by the County's contractor, Crowder-Gulf, since Hurricane Isabel on September 18. Through November 14, the aggregate total was 185,200 cubic yards. Unofficial estimates were that we were roughly 80% complete, with operations expected to close out by mid-December. He advised that he was anticipating the final cost of debris disposal operations to exceed \$2.5 million, 75% of which was reimbursable by FEMA and 20% from the Commonwealth of Virginia. That would leave 5%, or about \$125,000, of the cost to Southampton County. He informed that because of complaints associated with smoke and ash from nearby neighbors, the County ceased open burning at the burnsite on November 12. Material collected thereafter would be ground at the burnsite and ultimately disposed of by Crowder-Gulf.

He announced that included in the agenda was a notice from the Virginia Department of Housing and Community Development (VDHCD) soliciting written public comment regarding the boundaries of Virginia's Regional Planning District Commissions. Also included was a map illustrating Virginia's 23 regions. He advised that Southampton County was presently included in PDC 23, the western-most community in the Hampton Roads Planning District Commission. Greensville and Sussex Counties were part of PDC 19, the Crater Planning District Commission. He noted that written comments, if the Board wished to provide them, were due to VDHCD by December 1.

Mr. Johnson announced that included in the agenda was a copy of *Shelter Standard*, a newsletter of the Suffolk Shelter for the Homeless.

Continuing with miscellaneous issues, Mr. Johnson pleasingly reported that the County's Inspections Department recently organized and hosted a half-day seminar on recent revisions to the Virginia Uniform Statewide Building Code. The seminar was very well received by the contracting community, as there were 40 participants. Robert Barnett, Lee Copeland, and John Jenkins facilitated the event with strong support from Sandi Plyler, Susan Wright, Jeanne Harness, and David Britt and his staff. It was a real success.

He announced that included in the agenda were August and September website statistics. He advised that peak days in August were those in advance of the County Fair, and in September, just-prior and just-following Hurricane Isabel, which indicated to him that many citizens were relying on the site for timely information.

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

- 1) From VDEQ, notice of a permit application by Cavalier Golf & Yacht Club for expanded groundwater withdrawal – the 30-day public comment period ends December 23, 2003;

- 2) From VDH, a copy of a Notice of Violation issued to the Nottoway Trailer Park for failure to collect 4 bacteriological repeat samples in September;
- 3) From VDH, a copy of a Notice of Violation issued to the Camp Darden Girl Scout Camp for exceeding the PMCL for total coliform bacteria in the third quarter of 2003;
- 4) From VDH, copies of the water quality reports for the Drewryville Water System – test results indicate that the system meets Primary and Secondary Maximum Contaminant Levels for all tested metals;
- 5) From VDH, copies of the water quality reports for the Drewryville Water System – test results indicate that the levels of Volatile Organic Compounds were below the detection limit of the testing equipment and that nitrate/nitrite analyses were below the Primary Maximum Contaminant Level;
- 6) From VDH, copies of the water quality reports for the Newsoms Water System – test results indicate that the nitrate/nitrite analyses were below the Primary Maximum Contaminant Level; and
- 7) From VDH, copies of the water quality reports for the Boykins-Branchville Water System – test results indicate that the levels of Volatile Organic Compounds were below the detection limit of the testing equipment.

He informed that the following incoming correspondence was received:

- 1) From Vernon Poe, Director of the Airfield Conference Center, thanking the Board for their appropriation of \$2,250 in the FY 2004 budget to support 4-H activities for Southampton youth;
- 2) From Susan Stone, Marketing Director at Southampton Memorial Hospital, thanking Mr. Johnson for a brief presentation made to their Senior Circle group last month;

Finalizing miscellaneous issues, Mr. Johnson advised that outgoing correspondence and various news articles of interest were included in the agenda.

Proceeding to late arriving matters, Mr. Johnson announced that included in the agenda was a resolution for the Board's consideration that would dedicate Three Bees Road as a "Rural Rustic Road", allowing it to be hard-surfaced, when funds became available, *within the existing right-of-way and ditch lines*, thereby avoiding the added expense of additional right-of-way acquisition and road widening activities.

The resolution is as follows:

RESOLUTION

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

WHEREAS, this Board believes Route 721, Three Bees Road, should be designated a Rural Rustic Road, From: the Intersection of Route 671

To: 0.89 miles to dead end owing to its qualifying characteristics; and

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible to the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

Supervisor Jones moved, seconded by Supervisor Young, that the resolution be adopted. All were in favor.

Finalizing late arriving matters, Mr. Johnson announced that at their place was a resolution prepared by the Office of the Attorney General that would further help effectuate the conveyance of the former Southampton County Middle School property to VDOT. Among other things, the resolution: 1) ratified and confirmed the real estate purchase agreement date June 4, 2002; 2) approved and ratified the form of deed as prepared by the Attorney General’s office; 3) authorized the Chairman of the Board of Supervisors to execute and deliver the deed to the Commonwealth; 4) vacated the division line between the two parcels that comprise the property being conveyed; 5) authorized the county administrator to execute and approve any other settlement-related documents; and 6) provided that the draft deed, as prepared by the Attorney General’s office, shall be made an official part of the minutes of these proceedings.

The resolution is as follows:

**BOARD OF SUPERVISORS
COUNTY OF SOUTHAMPTON
SOUTHAMPTON, VIRGINIA**

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room, Southampton County Administration Center, Southampton, Virginia on the 24th day of November 2003:

PRESENT:

- Reggie W. Gilliam, Chairman
- Eppa J. Gray, Jr., Vice Chairman
- Carl J. Faison
- Dallas O. Jones
- Charleton Sykes
- Walter L. Young, Jr.
- Ronald M. West

VOTE:

- Yea

On motion of Supervisor Gray, seconded by Jones, which carried by a vote of 7-0, the following was adopted:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SOUTHAMPTON, VIRGINIA**

WHEREAS, after proper and timely legal notice and publication thereof, a public hearing was held on October 22, 2001, before the Board of Supervisors of the County of Southampton, Virginia (the “Board”), pursuant to Section 15.2-1800 of the Code of Virginia, 1950, as amended, to consider an offer by the County of Southampton, Virginia (“County”) to convey to the Commonwealth of Virginia, Department of Transportation (the “Commonwealth”) approximately eighteen (18) acres of real property owned by the County and located in the Capron Magisterial District on Meherrin Road,

formerly used as a high and middle school (the "Property"), at which public hearing no persons appeared in favor of or in opposition to the sale of the Property to the Commonwealth; and

WHEREAS, at the conclusion of the October 22, 2001 public hearing to consider the sale of the Property to the Commonwealth, the Board duly adopted a resolution unanimously approving the conveyance of the Property to the Commonwealth for a cash sum of \$100,000, all of which public hearing and actions were in compliance with § 15.2-1800 of the Code of Virginia, as amended, and other applicable laws and ordinances; and

WHEREAS, pursuant to the Board's October 22, 2001 resolution to sell the Property to the Commonwealth, the County and the Commonwealth entered into a Real Estate Purchase Agreement dated June 4, 2002 for the sale of the Property; and

WHEREAS, the Property consists of two parcels with a division line between them which the Commonwealth wants to be vacated; and

WHEREAS, the Commonwealth has submitted a form Deed, dated December 10, 2003 to the County Attorney for consideration and approval by the County.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the fully executed Real Estate Purchase Agreement, dated June 4, 2002, between the County and the Commonwealth, for the sale of the Property to the Commonwealth is hereby approved, ratified and confirmed.

2. That the proposed Deed, dated December 10, 2003, from the County of Southampton, Virginia, acting by and through its Board of Supervisors, to the Commonwealth of Virginia, Department of Transportation, and the conveyance of the property therein described, specifically, 18.122 acres of land in the Capron Magisterial District on Meherrin Road as shown and described on that certain plat of survey entitled "'Plat Showing Property of County of Southampton, Virginia as Described in Deed Book 409, Page 225 Et. Seq. To Be Conveyed to The Commonwealth of Virginia, Capron District – Southampton County, Virginia" prepared by Rouse-Sirine Associates, Ltd. and dated April 4, 2002, revised November 11, 2003," a copy of which plat will be recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia along with the Deed, and all the terms and provisions in said Deed, in substantially the same form as attached to this Resolution, subject to minor revisions as necessary to finalize the document, are hereby approved, ratified and confirmed, all in consideration of Ten Dollars (\$10.00) and other valuable consideration as set forth in said Deed.

3. That the Chairman of this Board is hereby authorized to finalize, execute, acknowledge and deliver said Deed to the Commonwealth on behalf of the County of Southampton, subject to prior approval of the form of the Deed by the County Attorney.

4. That the division line between the two parcels that comprise the Property is hereby vacated and the County Administrator is hereby authorized to evidence the same by affixing his approval on the plat referenced in the Deed conveying the Property to the Commonwealth.

5. That the County Administrator is further authorized to execute and approve such other settlement related documents, including affidavits required by the Commonwealth's title insurance company insuring the Property, as may be necessary to finalize the transfer and conveyance of the Property to the Commonwealth.

6. That a copy of the draft Deed, dated December 10, 2003, be attached to this Resolution as a part hereof, and that this Resolution be recorded and made a part of the official

minutes of the Board. The Clerk of the Board shall provide an attested copy of this Resolution to the Commonwealth.

Michael W. Johnson, Clerk

I attest that this is a True Copy of the Resolution passed at a duly constituted meeting with quorum present and voting of the Board of Supervisors of Southampton County, Virginia. I also attest that Reggie W. Gilliam is the duly appointed/elected Chairman of the Board of Supervisors of Southampton County, Virginia and that Michael W. Johnson is the duly appointed Administrator of the County of Southampton, Virginia. This Resolution was passed at the regular meeting of Southampton County, VA's Board of Supervisors on November 24, 2003.

Michael W. Johnson, Clerk

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

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

Section 2.2-3711 (A) (3) Discussion concerning the potential disposition of property in the Franklin Magisterial District acquired through the Hazard Mitigation Grant Program.

Vice-Chairman Gray made a motion to conduct a closed meeting for the purposes aforementioned. Supervisor Young seconded the motion. All were in favor.

Richard Railey, County Attorney, Waverly Coggsdale, Assistant County Administrator, and Cindy Cave, Community/Economic Development Director, were present in the closed session.

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

Vice-Chairman Gray moved, seconded by Supervisor Young, to adopt the following resolution:

RESOLUTION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Southampton County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed and considered by the Southampton County Board of Supervisors.

**Supervisors Voting Aye: Reggie W. Gilliam
Eppa J. Gray, Jr.
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald M. West
Walter L. Young, Jr.**

The motion was approved unanimously.

Vice-Chairman Gray asked Mr. Johnson what happened with the motorcycle race that was scheduled to be held in the County? Mr. Johnson replied that it was held. He advised that county officials had conducted a meeting in advance of the event and found their plans to be consistent with the zoning ordinance based on the following facts presented: 1) The event was to be an annual event, held no more than once each year; 2) All net proceeds from the event were to be donated to local charities; and 3) No physical improvements were to be constructed on the site.

There being no further business, the meeting was adjourned at 8:35 PM.

Reggie W. Gilliam, Chairman

Michael W. Johnson, Clerk