

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administration Center Drive, Courtland, Virginia on March 26, 2012 at 7:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)  
Dr. Alan W. Edwards Vice-Chairman (Jerusalem)  
Glenn H. Updike (Newsoms)  
Carl J. Faison (Boykins-Branchville)  
Barry T. Porter (Franklin)  
Ronald M. West (Berlin-Ivor)  
S. Bruce Phillips (Capron)

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)  
Jon Mendenhall, Assistant County Administrator  
Lynette C. Lowe, Finance Director  
Sandi Plyler, Information Technology Manager  
Julien W. Johnson, Jr. Public Utilities Director  
Richard E. Railey, Jr., County Attorney  
Cynthia J. Edwards, Administrative Secretary

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

Chairman Jones sought approval of the minutes for the Budget Workshop, February 15, 2012, Regular Session of February 27, 2012 and for the Budget Workshop of March 14, 2012.

Supervisor Porter stated that on page 251 four paragraphs down it should read 47% instead of 57%. The minutes were approved with this correction.

Chairman Jones stated the next item of business was item two which is highway matters.

Mr. Michael Johnson stated that item A. was Route 460 Origin Destination Traffic Study. He stated that VDOT and its consultant recently notified us of their plans to perform an origin-destination study for the U.S. Route 460 corridor. In addition, they will be conducting other survey and geotechnical work along the corridor over the next twelve months. An aerial survey was conducted in early March and soil borings will be collected along the corridor over the next year. Property owners will be notified by mail prior to entry on private property by VDOT or its consultants. A copy of the sample landowner notification is attached for your information.

Supervisor West said he had an observation as he noticed the budget money for VDOT is very limited and the struggle for the tunnel traffic and building new tunnels for the Norfolk, Portsmouth, and Chesapeake area. He said it was his understanding that it was going to require \$500 million dollars of VDOT money, public money along with the private. No one has really been open about this. He said it is going to happen. He knows that. They are going to do it when they want to and how they want to. There is very little information for the public except the little bit that came out tonight. He said he sees from these letters that they can come out and drill holes on your property and cover them back up. He wanted to know what Mr. Michael Johnson's feel is on this. He said he had talked with people who thought 60 to 65% and less likely hood that this is going to happen. He asked if Mr. Michael Johnson knew or if he wanted to take a venture to guess.

Mr. Michael Johnson said that would be all it would be would be a guess. He said he can tell you that where we are in the process right now is that VDOT has accepted three conceptual proposals. VDOT has asked all three of the consequenceurs to go back and put together detailed proposals which will be due later this year which will really spell out exactly what that state subsidy will be. At that point we will have something concrete to discuss. The \$500 million that you were

referring to is simply an estimate. We will have to wait and see when we get those detailed proposals back in.

Supervisor West said it is about eight or nine miles of the new 460. He said he understands that there is going to be traversing Southampton County and he understands there will be additional efforts to build business or direct businesses towards that area. Not only will you have that corridor of 180 feet. It will be business associated with getting on and off the ramp. He asked if Mr. Michael Johnson understood that as well.

Mr. Michael Johnson stated that is correct. Some of the legislation that just went through the session this year in General Assembly this year is targeted towards economic development in that corridor. He stated there is one interchange proposed for Southampton County on Ivor Road.

Supervisor West said Hwy. 616. He said initially he was told they would cul-de-sac some of the roads and others would have overpasses and that this Board would have some control of that. Then he was told all would be under consideration for overpasses. He asked Mr. Michael Johnson if he knew anything about that.

Mr. Michael Johnson said the term he remembers wasn't "control" it was "input" which is substantially different. At this point they have made no decision which roads would terminate or which will be served by overpasses. They will wait until they get those final proposals in and that will be part of that process.

Supervisor West said there are a couple of century farms that will be split right in half. There will be mileage required to go around to get to the property. That is inconsiderate in some way, but that had to be done. He knew that. He says he is objecting.

Chairman Jones asked if there were any other comments on Hwy. 460. There being none he moved on the item B – Six-Year Plan.

Mr. Michael Johnson said we've been in consultation with VDOT staff and are coordinating to schedule the annual joint public hearing to discuss secondary highway construction priorities at your April meeting. Attached for your reference (pages 2-8 through 2-12) please find the proposed construction allocations for the next six years (only \$70,372 annually) and the construction priorities that were established last year. The top priority is improvement to Rose Valley Road in order to accommodate the truck traffic that Enviva's project will generate. Most of the funding has already been set aside and will be adjusted once the project is bid. The second priority is completion of improvements to General Thomas highway (Rt. 671) from Delaware Road to Shady Brook Trail (which will serve Dominion's conversion to biomass) – all funding is in place for that project and it is expected to be bid next fall. The third priority was to pave Indiantown Road from Popes Station to Cary's Bridge Road – this work was recently completed by VDOT forces with funds transferred from another project, so that project will now rotate off the list. The fourth priority is improvement to Fullers Mill Road (projected 2017), the fifth is paving of Rawlings Road (projected 2014), and the sixth is Governor Darden Road (projected 2017). While there's limited funding available, the priority list for paving unpaved roads is included on page 2-12.

Chairman Jones asked if anyone had any input.

Supervisor Faison asked if there was any possibility that Fuller's Mill Road could be treated like Indiantown Road.

Mr. Michael Johnson said probably not. That is a pretty expensive project. Fuller's Mill road if you look on page 2-9 that project's total cost with engineering, right of way, and construction is about \$3.1 million dollars. The Indiantown Road project was \$136,000. There is currently about \$82,098 that is earmarked for that project and you can see they are projecting to earmark \$63,000 each year for the next six years towards that. So majority of your allocation will go towards that project over the next six years, but that leaves \$2.8 million to come up with at the end so he doesn't know how soon that project will advance.

Supervisor West said the Norfolk/Southern Bridge on Hwy. 635 was on last year's list in some

way and he thought there was \$300,000 dollars and he thought there was a 2016 date. He asked Mr. Michael Johnson if he had anything like that in his memory. He stated the bridge had been closed now for a while and it has certainly changed the traffic pattern.

Mr. Michael Johnson said he would check with VDOT, but his recollection was that was a railroad project. He said he would have to double check that, but maybe that was why it wasn't showing up here.

Supervisor West said it was a one lane bridge.

Mr. Michael Johnson said he was familiar with it.

Supervisor West said it was dilapidated.

Mr. Michael Johnson said he wouldn't want to drive across it.

Supervisor West stated that it had been closed for a good six months.

Mr. Michael Johnson said right.

Supervisor West said he had asked Mr. Ben Bryant about it several times and he had indicated that the work that Norfolk/Southern had done had been inspected by their engineers and VDOT engineers had inspected it and everybody had agreed that the inspections were okay and as a result they were waiting for a final notice allowing cars (3 or 4 tons vehicles), but that has been going on now for a while and no one seems to have an answer.

Mr. Michael Johnson said he would get him an answer next month.

Chairman Jones asked if there was anything else.

Supervisor Updike said one of the biggest problems we have in the county that is not even on the list is the drainage in Newsoms. VDOT had worked with Newsoms to develop and maintain the roads and drainage in the Newsoms area. That should have been on the agenda for many, many years. There have been problems and we have got to address that. That should be one of the top priorities for VDOT.

Mr. Michael Johnson said keep in mind that this is a construction project. Maintenance is a different budget – a different pot of money.

Supervisor West said he agrees with what Supervisor Updike is saying and he heard what Mr. Michael Johnson just said, but is there any way this Board would consider addressing to the General Assembly to request some sort of funding for farmers that would be willing to go in and clean out those outfall ditches as far as getting a tax credit is concerned. He said maybe they could initiate something like that because he understands that the environmental issues are such that the VDOT people can't go in there because there may be a crawdad and when they exit the ditch they have to have the same level of dirt when they cross the path. You just can't mess with this dirt. Is there any way this Board could consider some language to the General Assembly to consider a tax credit for a farmer or landowner to have the ditches cleaned out. A lot of this has been done over the years by erosion, the hurricane, deterioration, junk falling in, debris, loggers, etc. That is the vast, vast majority of the water problems on the road today.

Supervisor Edwards said he agreed with that, but they need to learn how to do a budget first.

Supervisor West said that he couldn't help either way. He said he thought we could get some support from farming communities.

Mr. Michael Johnson said part of the problem with that Supervisor West is even if they have farmers that are willing they are still going to be subject to the same permit requirements, the same regulatory requirements regardless of who does the work. He is not sure any private individual is going to want to open up that can of worms and assume that responsibility.

Supervisor West said he wasn't thinking about breaking the law, but he's thinking about breaking the law. It scares him they we are so tied up now due to these restrictions.

Supervisor Updike said he wasn't familiar with all the laws rules and regulations but if the ditch is already there it can be done without any improvements. The ditches are already there. They don't want to clean them out because they don't want to go on private property, but the ditches are already there. He said according to the rules and regulations if the ditches are already there you can maintain them so that provision will allow individuals or farmers to do it without getting all these permits. It will be half as cheap.

Mr. Michael Johnsons said what he had always heard, Supervisor Updike, and he said he wasn't the expert either; they only define maintenance as what you can go in there and remove by hand. If you use any mechanized equipment in that ditch, it is considered more than maintenance. He stated that is the problem we run into is very few of our problems can be resolved by hands.

Supervisor Updike said there are farmers in the area who have asked and they have been given permission to do it with equipment. They said as long as the ditches are there, and you can't go in the woods or dig new ones without permits, but if it is there you can maintain it period. They said go to it. If you don't have to have it, you don't have to have it.

Supervisor Phillips said his experience was that as long as you didn't dig it any deeper than it was already originally when it was put there at least on the farm you can do that.

Supervisor West said years ago they were discussing this problem and it even came that they join in with Isle of Wight or other counties and purchase a piece of equipment that could be leased out to get these jobs done.

Mr. Michael Johnson said that is the problem that they encountered is getting access. Even if you got one of these spider machines and put it in the ditch you have to have mechanized equipment or access to remove the storm material back out which was the problem.

Chairman Jones said we need to get with VDOT and find out which you can and can't do.

Supervisor West said one time we had VDOT coming before us every month, but now they have the luxury of not having to show any more. He stated it would be nice at least on a quarterly basis.

Mr. Michael Johnson said he understands that they are going to start coming on a quarterly basis.

Supervisor West said he knew it was uncomfortable answering these questions sometimes for people in their positions, but nonetheless it would be good to directly get an answer. It would be good to bring an EPA person or DEQ, or whoever along to answer those questions.

Chairman Jones said we would move on to item C – monthly concerns.

Mr. Michael Johnson asked if we were good with the construction priorities as they are for the purpose of advertising.

Chairman Jones asked if there were any changes that needed to be made. There being none Chairman Jones told Mr. Michael Johnson to go ahead with what he had.

Chairman Jones stated that we would move on to the monthly concerns.

Supervisor Faison said he had the same problem with the bridge over in his area is ongoing so it probably needs to be looked at again.

Supervisor West said he had been dealing with Mr. Ben Bryant and they had been doing a great job in cleaning ditches in the Berlin/Ivor District and he is appreciative of that.

Supervisor Phillips said he had been dealing with his superintendent and they seem to be getting his area done.

Supervisor Updike said there are a couple of places where trucks went in ditches on Statesville Road. When trucks go in the ditch the shoulder is completely gone. Now they have come by and cleaned out the ditches and like Supervisor West said they have the best job they have done in thirty years cleaning out the ditches. These places where the trucks went in are deeper than the ditches and there are no shoulders whatsoever so they need to build those shoulders back up. He had a request from people on Odom Chapel Road between Sands and Statesville to get on the list for the ditches to be cleaned out.

Mr. Michael Johnson said shoulders on Statesville Road and ditches on Odom Chapel Road.

Supervisor Updike said to put them on the list was the request.

Chairman Jones said we would move on to item number 3 – reports. They are Sheriff's Office, Communication Center Activities, EMS and Fire Department Activities, Traffic Tickets, Civil Papers, and Animal Control.

Supervisor Updike he noticed since last month they have had more adoptions than they have in many months. He said keep up the good work and see if we can get more adopted instead of euthanizing them.

Other reports were Litter Control, Building Permits, New Housing Starts, Solid Waste Quantities, and Personnel.

Mr. Michael Johnson said two personnel items. We had one new hire in the month Cynthia M. Sherrill in the Sheriff's Office effective March 15, 2012 with salary of \$29,843. We had one reclassification based on a six-month re-grade Cynthia J. Edwards annual salary now \$26,296.

Chairman Jones asked if there were any questions. The last report was Cooperative Extension.

Chairman Jones stated the next item was item number 4 – financial matters. He asked if anyone had any problems with the bills.

Supervisor Updike said he would like to take a few minutes on financial matters. He said his apologies to the audience and his fellow Board of Supervisors. He said he was going to go from the smallest amount to the highest amount. On the lowest amount he noticed the voting stations are charging anywhere from \$0 to over \$300.00 every time they have a vote. That could be as much as \$900.00 per year. Most of these stations are tax exempt, supposed to be community service organizations, and yet they are charging an absorbent fee. He thinks that we should write these stations a letter and tell them our financial situation, which is that we have a \$2 million short fall; we don't have the funds to support it at that rate. He said they call him a bean counter so he's counting the beans. The next thing he said he has been confronted by this problem ever since he had been on the board, was that county vehicles going back to homes, grocery stores, etc. People want to know how the county can afford this when you look at the cost of parts, gas, fuel, motor overhauls. Running vehicles is not cheap. He doesn't think we can support the fringe benefits of providing vehicles for personal use.

Chairman Jones asked Supervisor Updike which vehicles he was talking about. He asked if he was referring to the county vehicles that have to run from polling place to polling place in the county.

Supervisor Updike said no that wasn't the car he was talking about.

Chairman Jones asked well what cars are you talking about.

Supervisor Updike said you can ask Mr. Darden and he would be able to tell you. He said he could tell you, but he won't. He stated this is in the past, but he feels these things have got to be corrected.

Supervisor Edwards asked Mr. Michael Johnson what the county policy was on this. What is personal and what is not.

Mr. Michael Johnson asked if he was talking about to go home at night or talking to use for county business.

Supervisor Updike said he thought they should be used for county business only and that is all. We can't afford any luxuries at this stage of the game.

Mr. Michael Johnson said the only county cars that go home and he said he is speaking for the county employees that he couldn't speak for the Sheriff's Office or the School Board, or Social Services that's why he wants to try to figure out what he is talking about.

Supervisor Updike said all he knows is that they have the state emblems on them. He said they don't give him the names and he doesn't want the names.

Mr. Michael Johnson said this Board doesn't control the Social Service's fleet. You don't control the Sheriff's fleet. You don't control the School Board's fleet. So that puts it down to a fairly small number of vehicles. He told Supervisor Edwards that the vehicles that go home the policy is that if you are on call the vehicles go home so you can respond from home. If you don't have any on call responsibilities, then the vehicle doesn't go home with you.

Chairman Jones said that Mr. Michael Johnson was the only one he knows with a county vehicle.

Mr. Michael Johnson said no, the department of public works has two. The department of utilities has three.

Chairman Jones said but they are on call all the time. They are the only vehicles we control.

Supervisor West said so you are saying six vehicles.

Supervisor Porter said he didn't think the people that are complaining are complaining about people taking the vehicle home. He thought it was when they saw the vehicle pull up at Wal-Mart, get out go in, then come back out, get in the car and leave. He said he has had more complaints about the vehicles that we don't control than the ones we do control. He said he hadn't had any complaints about the vehicles we do control.

Mr. Michael Johnson said he hadn't either that's why he is asked the question.

Supervisor Porter said he hears all the time about other entities vehicles. He said all we can do is ask those guys for better adherence to the policy.

Chairman Jones said we can ask that is all we can do.

Supervisor Porter said well we need to because there are some people in the county looking for people misusing the vehicles. He said that is one of his number one complaints. People are complaining that this vehicle is going to Wal-Mart, and this vehicle is going to Hardee's. We need to get those groups off the road. Unfortunately we can't do that, but we need to reinforce to these agencies that they need to be aware that there are people observing their habits of driving county cars.

Supervisor Updike said his third item was that thank goodness this Board has a consensus at the last meeting that we would not outsource the comprehensive plan which means we will probably save \$50,000 or \$60,000 dollars. He stated that consultants had bugged him for years. Consultant fees burn him up. If you look at this month alone we paid the Timmons Group approximately \$165,000. Previous year it was up in the billions of dollars. We do not have the funds. We have got to do a better job on how we negotiate and do business with consultants. We just can't leave consultants to do what they want to. He stated he would give an example. He said the water tanks out here they recommended a 750,000 gallon tank. He said do you know why they did that. It's because the more expensive projects the more money they get. They don't care one I odor about the counties problem. They want the money for themselves. He said he thought they needed to be informed how much they are charging before-hand. Before the year is over he doesn't know how much it will cost. He stated that consultants rub him the wrong way and they have got to do something about that.

Chairman Jones asked if anyone else had any comments.

Mr. Michael Johnson said nothing other than some of the things just were not factually correct. For example the Timmons Group on the water tank, we paid them a flat fee to design the tanks so regardless of which option you chose you the fees were the same. They simply bid it as a based bid of 500,000 gallons with an alternate for 750,000 gallons, but there fee was the same regardless of which bid you accepted. All the contracts that you have the Timmons are working on right now were contracts that were signed two or three years ago and they are to do the engineering work to design the infrastructure for your industrial park.

Chairman Jones said we don't have anybody to that.

Mr. Michael Johnson said we don't have an engineer on staff. These things have to be professionally engineered.

Supervisor Edwards said but when you see this Timmons Group \$20,000 and \$20,000 he thought they needed to know from some itemized bill or something exactly what this is going for.

Mr. Michael Johnson said he could give them that if they wanted that level of detail. It was not a problem. He said they have signed contracts for every task that they do. We get itemized statements every month as to the percentage of completion. We can show you exactly what the deliverables are. Just let us know what you want to see.

Supervisor Edwards said he thought they needed that. Like you said there is \$165,000 bucks here.

Supervisor Updike said it is \$116,000 on the Boykin's Waste Water Treatment Upgrade.

Supervisor Edwards said if they are under contract and we are going to write a check that big we need to know what the money is going for. He stated that he writes a check and pays his taxes every year, but at least he knows what it is going for.

Chairman Jones asked Mike if he could furnish them with this information.

Mr. Michael Johnson said any questions you have specifically we will be glad to provide it for you.

Supervisor Updike asked what kind of contract we have with the Timmons Group. He said his calculation runs anywhere from 15% to 20% of the bill of their fees.

Mr. Michael Johnson said he didn't think any of them ran that high, but they were based on percentages. They are all lump sum contracts based on the work. You have a contract for design of the industrial access road going into the industrial park. You have a contract for design of improvements to Rose Valley Road. You have got a contract for the design of the elevated water tank. You have got a contract design for the onsite water and sewer improvement including the pump station. You have got a contract for design of the off-site utility improvements going back to the intercepting pump station. So you have got four or five contracts with Timmons right now.

Supervisor Phillips asked if this was in addition to Boykin's.

Mr. Michael Johnson said yes.

Supervisor Porter asked if they were competitively bid.

Mr. Michael Johnson said we used a process for professional services called competitive negotiations yes, but it is not low bid wins. Your work based contract is based on qualifications. There is a request for proposals that goes out and it gives them a chance to provide their proposals, negotiating fees and then decide who to award the contract.

Supervisor Phillips asked if that was done with the plant also.

Mr. Michael Johnson said the Boykin's plant was awarded what we call an annual contract which is basically procured on five year intervals for general engineering projects. The Boykin's contract was done with the annual contract. All the improvements for the Turner Tract were done under a separate RFP.

Chairman Jones asked if there was anything else.

Supervisor Updike said those three billing items were what he was concerned about. He said there is nothing we can do about the past billings, but all three of these items need to be looked at to see how we can get it done cheaper. We need to get the job done at more reliable fees.

Mr. Michael Johnson said he was not sure how they wanted him to proceed. The Board moves by motions, seconds, and adopted votes and he is not sure what to do with comments.

Chairman Jones said he didn't know what to do with that either.

Supervisor Updike said from budget standpoints we can't operate like we have in the past with \$2 million hanging over our heads so we might as well get used to cutting every corner we can to get the job done for the most reasonable price we can for the citizens.

Chairman Jones said we can look at that when we get ready to do the budget.

Supervisor Updike said that would be fine.

Chairman Jones said right now these bills have to be paid.

Supervisor Updike said he wasn't arguing with that. That is hind sight.

Chairman Jones said when the budget comes up we can look at those things and see what you all want to do. He asked for a motion to pay the bills.

Supervisor Phillips made a motion, seconded by Supervisor Faison to pay the bills in the amount of \$2,751,135.88 to be paid by check numbers 124953 through 125481. All were in favor.

Chairman Jones stated the next item of business was number 5 – appointments.

Mr. Michael Johnson said the first appoint was the Western Tidewater Community Services Board (WTCSB). He stated that he regret having to inform you that Ms. Kathleen Holloway resigned from the Board of Directors of the Western Tidewater Community Services Board in January. Her unexpired term runs through December 31, 2013.

The WTCSB is one of the forty Community Services Boards that serve the Commonwealth of Virginia and they serve the Cities of Franklin and Suffolk, and the Counties of Isle of Wight, and Southampton. Their responsibility is assuring the delivery of community-based mental health, intellectual disabilities, and substance abuse services to the citizens with those disabilities. They provide a full range of mental health and/or substance use disorder and intellectual emergency psychiatric & crisis management services; medical, nursing, and medication management; counseling; anger management and substance abuse groups; school based services including counseling, tutoring and after-school parent skill development workshops; and alcohol and drug free counseling and prevention services, among others.

WTCSB has a 12-member board that oversees its daily operation and ensures the delivery of quality behavioral healthcare services to the citizens. Three of the 12 are Southampton County representatives – Dorothy Jones (Capron) and June Steele (our staff accountant) are our other current representatives.

The Board meets bi-monthly on the third Tuesday of January, March, May, July, September, and November at 9:30 a.m. Meetings are held at 5268 Godwin Blvd. Suffolk, Virginia.

We will need a member to volunteer to search for a successor to fill Ms. Holloway's unexpired term through December 31, 2013.

Supervisor West stated that Mrs. Holloway was formerly selected from the Berlin/Ivor District. If anyone desired to make this choice it was fine, but if you don't desire to he would seek another appointment.

Chairman Jones asked if there was any one else that they would like to appoint to this Board.

Supervisor West said Mrs. Holloway had served several years.

Mr. Michael Johnson said four years he thought.

Chairman Jones asked if there was any else wanted the opportunity.

Supervisor West stated that he had someone in mind but he hadn't made any contact at all.

Chairman Jones said they would just have to wait until Supervisor West had a chance to make the contact.

Mr. Michael Johnson said he would put it back on the agenda for next month.

Mr. Michael Johnson said item B was the Planning Commission. He stated that six of the nine Planning Commissioner's terms are set to expire on April 30, 2012 including:

Ira H. Barham, Capron District  
Douglas A. Chesson, Berlin-Ivor District  
Michael G. Drake, Newsoms District  
Freeman J. Harrell, Franklin District  
Oliver W. Parker, at-large  
Keith Tennessee, Drewryville District

Terms are for four years. With the exception of Supervisor Edwards, each Supervisor should be prepared to make an appointment no later than the regular session in April.

Each Supervisor should be prepared to make the referenced appointment at or before the April meeting.

Supervisor Edwards asked if they could be reappointed.

Mr. Michael Johnson said they could all be reappointed.

Supervisor Edwards said if you pick anybody new they should know they have two years to get their certification done. So that is a commitment they will have to make. Don't let it be a surprise to them.

Supervisor West said he had spoken with Mr. Doug Chesson and he would like to submit his name to continue for another four year term on the Planning Commission. He stated at this time he would like to nominate Mr. Douglas A. Chesson for the Ivor District.

Supervisor Faison said he would like to do the same for Mr. Oliver Parker as he wants to continue.

Chairman Jones said let's get Mr. Doug Chesson first. He asked if he could get a second on Mr. Douglas A. Chesson.

Supervisor Urdike seconded the motion with it being carried unanimously.

Supervisor Faison made a motion to reappoint Mr. Oliver W. Parker to the Planning Commission.

Supervisor West seconded the motion with it being carried unanimously.

Supervisor Edwards asked Chairman Jones if all these people had agreed to being reappointed.

Supervisor Faison stated that Mr. Oliver W. Parker had agreed to another term.

Supervisor West stated that he had spoken with Mr. Douglas A. Chesson and he agreed to serve another term.

Chairman Jones stated that he hadn't had a chance to speak with Mr. Keith Tennessee but he knew he would.

Supervisor Updike said he had talked with Mr. Michael G. Drake who is Chairman of the Planning Commission and he had agreed to serve another term. So he nominated Mr. Michael G. Drake.

Supervisor West seconded the motion with it being carried unanimously.

Chairman Jones stated they would get the rest by next month.

Supervisor West stated that a year and a half ago he chose to be a part of the RC&D Counsel South Center Corridors. It works with students and local communities in advocating agricultural things and he thinks that Mr. Young's son was a part at the time and then M. L. Everett also. He said it meets distantly where it is not convenient and with the other things he has going on he would like for them to seek someone else at this time to take that position.

Chairman Jones asked if there was someone on the Board who would take position.

Supervisor West said it didn't have to be from the Board because that was at large people or community people.

Chairman Jones asked if there was anyone on the Board who would like to appoint or assign an appointee to replace Mr. Ronald West.

Supervisor West stated that the meetings are generally in the Dinwiddie, Petersburg, South Hill, Emporia area. Southampton's representation is not as strong. Mr. M. L. Everett does good, but he's saying the funding is not towards us along with we give \$6,000 or \$7,000 a year towards this in addition to U.S.D.A. funds they receive each year. There are a lot of good things that are done, but it is primarily within cities, towns, schools, and things of this nature. It does a good job in its own way. He doesn't think Southampton gets a lot of the advantages. He had to be careful how he worded that.

Chairman Jones asked Mr. Michael Johnson if he could give them the duties of this position at the next meeting.

Mr. Michael Johnson said sure.

Mr. Michael Jonson said he had one other appointment that just came to his attention today. There is federal funding that comes from Congress to what is known as the Emergency Food and Shelter National Board Program and then they distribute it to localities based on population and unemployment. That money is actually distributed by a local board which is administered by the Department of Social Services. The Board only meets a couple of times annually. Formally Supervisor Young was the Board representative on that Board. They will be meeting again next month. They asked him to be sure and get a Board member appointed from this Board for that group next month.

Chairman Jones asked if anyone wanted to volunteer for this Board. He called on Supervisor Faison.

Supervisor Faison said he would do it.

Chairman Jones stated the next item of business was number 6 – Update on Wireless Broadband Services Buggs Island Telephone Cooperative.

Mr. Michael Johnson stated as you may recall, Buggs Island Telephone Cooperative applied for \$18.9 million in federal stimulus funding in 2009 to develop a rural broadband system in a 15-

county area of Southside Virginia, including Southampton County. We provided them a letter of support for the application at that time. Their grant application was approved in April 2010 and they've been working diligently towards implementation over the past two years.

He stated we had invited their General Manager, Mickey Sims. He asked if Mr. Mickey Sims was here. He stated he didn't see him, but we were looking for him to be here. Apparently he is not here yet. With broadband access presently limited to our towns and larger villages, rural residents have long been relegated to dial-up access, or an expensive satellite or air-card connection. Affordable broadband access is an economic game-changer for rural communities, opening doors and providing opportunities for rural residents that have long been beyond their reach. We will try to get Mr. Sims scheduled again for next month.

Chairman Jones stated we would move on to item number 7 – Capital Funding Request Boykin's Volunteer Fire Department and Rescue Squad.

Mr. Michael Johnson said attached for your reference; please find a capital funding request from the Boykin's Volunteer Fire Department and Rescue Squad, Inc. to assist them in servicing debt associated with their 2008 Brush Truck.

Capital funding in specified amounts has been set aside annually for each fire department and rescue squad since FY 2000. These funds are held in escrow until a request to draw them down is approved by the Board of Supervisors. Escrowed funds continue to assure for each department/squad if they are not drawn down on an annual basis.

The attached table indicates the status of capital appropriations since FY 2000. As you can see, we are holding \$21,000 (FY 2012) in escrow for Boykin's.

To date, we've collectively appropriated \$1,584,500 for fire and rescue improvements and are holding \$245,500 in escrow.

A motion is required to approve the capital funding request for Boykin's Volunteer Fire Department and Rescue Squad in the amount of \$21,000.

STATUS OF CAPITAL APPROPRIATIONS  
Fire & Rescue  
March 19, 2012

	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Boykins Fire & Rescue	\$ 12,000	\$ 13,000	\$ 14,000	\$ 14,500	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 21,000
Branchville Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	10,000	12,000	14,000
Capron Fire & Rescue	12,000	13,000	14,000	14,500	15,000	15,000	15,000	18,000	19,500	21,000
Courtland Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Courtland Rescue	4,000	4,500	5,000	5,000	5,000	5,000	5,000	6,000	6,500	7,000
Drewryville Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Franklin Fire & Rescue	12,000	13,000	14,000	14,500	15,000	15,000	14,000	18,000	19,500	21,000
Hunterdale Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Ivor Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Ivor Rescue	4,000	4,500	5,000	5,000	5,000	5,000	6,000	6,500	7,000	
Newsoms Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Sedley Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
	\$ 100,000	\$ 107,500	\$ 115,000	\$ 120,000	\$ 125,000	\$ 125,000	\$ 124,000	\$ 150,000	\$ 162,500	\$ 175,000

	FY 2010	FY 2011	FY 2012	Appropriated	Escrow
Boykins Fire & Rescue	\$ 21,000	\$ 21,000	\$ 21,000	\$ 199,000	\$ 21,000
Branchville Fire	14,000	14,000	14,000	146,000	-
Capron Fire & Rescue	21,000	21,000	21,000	136,000	84,000
Courtland Fire	14,000	14,000	14,000	132,000	14,000
Courtland Rescue	7,000	7,000	7,000	53,000	21,000
Drewryville Fire	14,000	14,000	14,000	146,000	-
Franklin Fire & Rescue	27,500	14,500	21,000	184,500	35,500
Hunterdale Fire	14,000	14,000	14,000	146,000	-
Ivor Fire	14,000	14,000	14,000	146,000	-
Ivor Rescue	7,000	7,000	7,000	46,000	28,000
Newsoms Fire	14,000	14,000	14,000	104,000	42,000
Sedley Fire	14,000	14,000	14,000	146,000	-
	\$ 181,500	\$ 168,500	\$ 175,000	\$ 1,584,500	\$ 245,500

Held in escrow pending request

**Boykins Volunteer Fire Department & Rescue Squad, Inc.**  
P. O. Box 347  
Boykins, VA 23827  
(757) 654-6660  
www.boykinsfire.com

---

March 16, 2012

**Southampton County**  
Attn.: Mr. Mike Johnson, County Administrator  
26022 Administration Center Drive  
P. O. Box 400  
Courtland, Virginia 23837

Reference: Capital Improvement Funds

Dear Mr. Johnson:

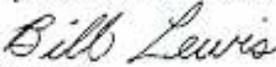
Boykins Volunteer Fire Department & Rescue Squad greatly appreciates Southampton County's continued support of our organization's community efforts. We take extreme pride in our organization and strive to provide the best fire and emergency medical services to our area. The county's support is greatly appreciated and needed especially with steadily rising maintenance, repair and operational costs. These factors have put more of a financial burden on our department requiring us to make even more expenditure cutbacks in other areas to account for this increase.

We are requesting continued assistance, via Capital Improvement funds, to go towards the expense of the 2008 F-450 Brush Truck that we purchased in February 2008 as well as a future purchase of a new fire engine. We are in the process of pricing new trucks compared to refurbishing our existing main pumper to determine which way as a department we want to proceed.

Any assistance the county could provide will be greatly appreciated. The members of Boykins Volunteer Fire Department & Rescue Squad dedicate much time and energy to providing top quality emergency response services to our community. The services that we provide are greatly enhanced by being able to purchase modern and advanced equipment.

Thank you for your continued support.

If you have any questions, please feel free to contact me at 654-0187 (Home) or 800-421-0561 (Work).

Sincerely,  
**Boykins Volunteer Fire & Rescue**  
  
Bill Lewis  
Treasurer

Cc: Jackie Robertson, President

Supervisor Faison moved that we approve this capital funding request.

Supervisor Edwards seconded the motion with it be carried unanimously.

Chairman Jones stated that we would go to item number 8 – Citizen Request to Address the Board.

Mr. Michael Johnson stated attached for your reference please find correspondence from the Honorable Spier Edwards, Jr. Mayor of the Town of Boykins, relative to three (3) matters that he wishes to present for your consideration:

1. Litter on county highways;
2. Parking at the Community Development Office; and
3. Delinquent taxes

His request is consistent with Sec. 2-45 of the Southampton County Code and he has been advised that the matters have been placed on your agenda.

### Town of Boykins

Richard S. Edwards, Jr., Mayor  
Pat Droper, Town Clerk/Treasurer  
George Brozzo – Town Sergeant



P.O. Box 363  
18206 Virginia Ave.  
Boykins, Virginia 23827  
Phone: (757) 654-6361

boykins@townofboykinsva.com

March 16, 2012

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

Dear Mr. Johnson:

1. I request that I be allowed to be put on the Agenda for the Board of Supervisors' meeting to be held on March 26, 2012
2. The reason for being put on the agenda is:
  1. To discuss the litter problems on the highways in Southampton County.
  2. Parking situation located at 23305 Main Street in Courtland.
  3. Southampton County Delinquent taxes.

Thank you.

*R.S. Edwards, Jr.*  
R.S. (Spier) Edwards, Jr.  
Mayor

March 26, 2012

## SOUTHAMPTON COUNTY

26022 Administration Center Drive  
P. O. Box 400  
Courtland, Virginia 23837



757-653-8015  
Fax: 757-653-0227

March 19, 2012

Hon. R.S. (Spier) Edwards, Jr., Mayor  
Town of Boykins  
P.O. Box 363  
Boykins, VA 23827

Dear Mayor Edwards:

I am pleased to acknowledge receipt of your letter of March 16 requesting time at the next Board of Supervisors meeting to discuss:

1. Litter on county highways;
2. Parking at the Community Development Office; and
3. Delinquent taxes.

The meeting will begin promptly at 7:00 p.m. on Monday, March 26, 2012 in the Board of Supervisors Meeting Room, Southampton County Office Center, 26022 Administration Center Drive, Courtland. This matter will appear as agenda item #8.

Chairman Jones will call for your comments at the appropriate time.

With kind regards, I remain

Sincerely,

Michael W. Johnson  
County Administrator

8-3

Mr. Spier Edwards addressed the Board. He stated he is a citizen of the Town of Boykins, the Mayor of the Town of Boykins and Chairman of the Citizens for Responsible Government. He comes before us tonight to discuss three issues that need to be brought to your attention. The first item being litter on county highways, second item parking at the Community Development Building, and third delinquent taxes. He is not here tonight to condone or criticize any person or organization, but to help find avenues to improve these issues. First is the litter on the highways. The roads in Southampton County are a disgrace to our county. The beauty of our county is a vital asset to the economic development of our county. We have scenic highways and rivers in our

county that are being overrun with trash. At this time he showed some pictures of the highway. He showed several pictures of trash in the Boykins – Newsoms area. Several of the pictures were taken on Highway 671 and some on Highway 35. He stated he had been contacted by Mr. Blair Bunn concerning one of the VDOT contractor employees working to clean up the trash who had actually kicked a can out of the right of way so they didn't have to pick it up. Mr. Blair Bunn asked Mr. Spier Edwards to come over and take some pictures. Some of these pictures actually show the litter left along the highway after the clean-up crews bags were picked up. There was several trash items left along the highway along with a tire after the contractor had finished picking up trash. He stated he had talked to Jerry Kee about the contractor not doing the job. Mr. Jerry Kee immediately got in touch with the contractor. They were told to pick up any trash that was seen from the highway, but they did not do what they were supposed to do. He said as you can see from the pictures it is a problem in our county. The following are things to help clean up our highways. 1. He said he had talked with Mr. Jerry Kee, the assistant resident administrator for the Hampton Road District about asking the Southampton County Detente Center to assist VDOT in cleaning up litter. 2. He has written a letter to Southampton County Sheriff Jack Stutts asking his assistance in using his jail inmates in helping to clean up litter now and in the future along the highways. 3. Our litter control counsel is trying to educate our school children about the prevention of litter on the highways. 4. They have put up cameras in certain areas in the county to catch people littering. They have also put up corporal signs asking people not to litter. 5. The litter control counsel also prompted our county to adopt a new littering ordinance that includes a \$500 fine up to a \$2500 fine for littering. The old ordinance did not include any dollar amount for fines. We now ask the judicial system to strictly enforce the penalty for littering on the highways. 6. The citizens have the ability to adopt a portion of the highway to keep it clean. If you want to adopt a portion of the highway then they ask that you contact VDOT and they will work with you on that. He stated he spoke with Mr. Jerry Kee today and there proposal for this year is that they will cut the grass and pick up the trash along the road 4 times this year on the primary roads and 3 times on the secondary roads. What will actually happen is they will probably stop picking up in September that will leave October, November, December, January, February, and March that they will not be picking up any trash; therefore we need to try to get some of these other organizations to come in and work with that. He said that Mr. Jerry Kee and Mr. Ben Bryant are a great asset to the citizens of this county and it is his pleasure to work with them. He stated that with your help and support we can make a difference.

The second thing he would like to speak on is parking at the Community Development Office. He showed some pictures of the Community Development Office and space across the street where some parking could be offered also. What he is suggesting is to allow parking to the right beside the ramp that goes into the Community Development Building. Right now there is a fire lane on both sides. If the fire lane was done away with they could put in two handicapped parking areas and two to three regular parking areas. The road at that point is 29 feet wide and you have to walk 204 feet from the parking lot now. This parking is necessary to accommodate older citizens and people that have a hard time walking, especially in bad weather. The cost involved is one handicapped sign and some paint to do the stripping. The cost involved should be less than \$75.00. He has permission to use the town of Boykin's stripping machine to do the stripping if this project goes further. This project will be a great asset to the citizens of this county. He has also contacted Mr. Jerry Kee and they will give us a post to put the handicapped sign on. He asked the Board to please consider this proposal.

He stated that he and some other citizens are concerned about the amount of delinquent taxes that are outstanding in the amount of \$2, 260,000 that are owed to the county. He said he understands that \$650,000 is for 2011 real estate taxes that are due. \$778,000 is for 2011 personal property taxes due with a total of \$1,428,000. \$832,000 is taxes that are one year and older going back into the 1990 and the 2000. These are the totals as of February 27, 2012. These figures were given to him and the town clerk on March 15, 2012 when they met with Mr. David Britt. They feel that possibly another approach to collecting these delinquent taxes should be looked into. More emphasis should be directed to tax liens which include wages, bank income tax returns. They also have a DMV block that could be used. He felt sure that some of these are being used. He stated that they need to emphasize this more. Also there is the Virginia Auction Company used to boot vehicles. Last is a collection of attorneys that some of the accounts have been turned over to. The county has had three different collection attorneys to collect delinquent taxes and now they are getting ready to hire another firm since Kaufman & Knoles has stopped collecting on real estate taxes. Unfortunately when you change attorneys the collection process starts all over again

because it becomes a new account. One of the major problems is that the collection attorneys don't seem to be doing their job. When tax papers haven't paid their taxes it puts a negative impact on the county and the small towns that depend on these funds. The town of Boykin's has had a delinquent account along with the county for the past seven years which the county has turned this account over to two collection attorneys and neither has been able to collect anything on this account. The twelve years. The collection for real estate taxes is twenty years. The collection for personal property is five years then after that you lose it which leaves a lot of taxes being written off and not physically collectable. He asked how many taxes have been written off for the county in the last ten or twenty years. In closing, they feel that it is the duty of the treasurer as an elected officer for the citizens to stay on top of the collection process and to provide an updated report to the Board of Supervisors on the amount of taxes collected and when it was collected. With the collection of these taxes the county will be able to pay down on the county debt of approximately \$70 million which includes \$880,000 for the Boykin's Waste Water Plant. He thanked the Board of Supervisors for listening to the concerns of the citizens these issues and they hope by working together we can improve these issues.

Chairman Jones thanked Mayor Spier Edwards. He asked if anyone had any questions.

Supervisor West said he had one question going back to the parking at the Community Development office. He said he noticed there is a fire line posted there. He asked if it was posted because it was required by the law and safety. He asked if that was something that could be moved as simple Mayor Spier Edwards said.

Mr. Michael Johnson said he hadn't spoken with the State Fire Marshall. Mayor Spier Edwards indicated that he had so he stated he would let him answer that question.

Mayor Spier Edwards spoke with the State Fire Marshall last year and he indicated to him that the road was wide enough to have just one fire lane. He said he didn't know what the stipulation on the width of fire lanes is, but that was what was told to him. That is when he talked to some of the members on the Board of Supervisors. Then everything kind of went down. He talked to some of the ones in the Community Development office and they said a lot of the building contractors had complained and he had complained himself about having to walk the distance especially in bad weather. Therefore, he felt like there should be some steps taken to correct this.

Supervisor West asked if it was made handicapped accessible would there not be a requirement to drop the curbing or was there an opening in the curbing in order to manage a wheelchair.

Mr. Michael Johnson stated that there was curb cut back up closer to the old lunch room building that you could place the access close to that. It moves it further from the building but that is the only cut out in the curbing.

Mayor Spier Edwards stated that if you came in a van or a car when you opened the vehicle door you would just put the wheelchair right there and you would have access to the ramp; it wouldn't be necessary to put a cut off there.

Chairman Jones stated that was something they need to take care of.

Supervisor Edwards made a motion for Mr. Michael Johnson to look into this and get back with them at the next meeting so they could see what they could do about this.

Supervisor West seconded the motion with it being carried unanimously.

Chairman Jones stated that as far as the taxes our Treasurer is voted in just like they are. He stated they can suggest things to him, but they can't tell him what to do. It is left up to him who he hires and who he fires. They don't have any say so in it. So that is where we are now in the process. He stated that Mr. David Britt does listen to them when they make suggestions, but they cannot tell him how to collect taxes.

Supervisor West said it is somewhat a distressful thought that those people in the county that pay on time that they are supporting for the ones who after so many years of evading and eluding and you walk away with nothing – you pay nothing and no one has sold their house or property or

whatever during that period of time. Before that time of write off occurs something should have been taken or filed against that property or person to at least retain the statute of limitations to make sure these people don't walk away. As you said this person in the Town of Boykins for X number of years had not paid, he's walking around laughing and saying I beat you again. He stated he resents that. He asked Mr. David Britt if he had any idea how much write off had occurred.

Mr. David Britt said about \$200.00 last year on real state. The county has 12,500 parcels of land that he is responsible for and they pretty much take a priority basis collection on the real estate property. He stated that the Town of Boykins only has 379 parcels. He stated he knows their taxes are just as important to them, but they have to look at the whole picture of the county as well as looking at the town. The towns have an option; they can do a bill and equity sale just like the county can a bill and equity sale for their town taxes. In fact he had been informed today that the Town of Courtland maybe going to file suit on three properties. So that is an option for the towns to recoup their taxes. He said what they are trying to do is find the oldest and the largest and collect those.

Supervisor West said for public record he thought that needed to be stated. Thank you.

Supervisor Edwards said the problem with a legal firm collecting our taxes is that there is not much money in it. He said maybe Mr. Richard Railey could back him up on this. It is hard to get one of these big groups to take an interest in it because it is just not profitable. He asked Mr. Richard Railey if that was correct.

Mr. Richard Railey said there is a tendency with collection attorneys to cherry pick. You pick the good stuff the first few years there and you make good money and then you are left with the stuff that maybe you have a sale and it doesn't bring the cost of advertising. He asked wasn't that an accurate statement. Remember the fundamental difference between real and personal property. The real property is always here. The personal property can leave then you have got have just got a bad debt. You have other ways to collect it, but we are moving so far with boots and things like that, but personal property is much more of a problem. Real property can't leave the county and move to Florida.

Supervisor Edwards asked Mr. Richard Railey asked what his opinion was on what we can do to fix that.

Mr. Richard Railey said he looked at the contract that is in your agenda and he has talked to Mr. David Britt about it at length. This is a new group that has some highly qualified people who perhaps are good as anybody in the business in the Commonwealth. If you want to know what the history is this Kauffman and Knoles went after lots of municipal and local government business for a while and then it turned out that they didn't want to do it so they contracted it. Then they lost a key man to cancer and then lost a key man to another law firm and contracted it out to him and he didn't think that he had the same enthusiasm that they did in the beginning. There comes a time when there has to be a change.

Mr. David Britt asked if he could interrupt for a minute. He stated that he wasn't looking to make a change because they have had cases in the process for a while. He stated that if they stop those cases, like Mayor Spier Edwards said, they would have to start all over. What he is trying to do is start out the new business with the new firm.

Mr. Richard Railey said exactly.

Mr. David Britt said if they don't have the enthusiasm to collect why keep giving them work if they don't want to go out there and earn the money. Instead let's find somebody who is enthusiastic and will get the money in.

Mr. Richard Railey said Mr. David Britt made a good point. Once a suit has been filed it is very counterproductive to shift courses in midstream. What he is doing is exactly what he just said, he has somebody new to take on the cases as they come in and they will continue to come in.

Mr. David Britt said the head attorney of this firm was the chief legal counsel to the Treasurer of

Arlington County so they do know how to go about doing this. They have their own staff to do bill and equity sales in a large county like that. Now he has decided he can make more money in the private sector doing the same job for us.

Chairman Jones asked if there were any other questions for Mr. David Britt.

Supervisor Updike stated he was always asking stupid questions. His professors always said that the question that was stupid was the one not asked. He wants to know of the collection agencies that he had hired in the last year how much in fees were they getting paid.

Mr. David Britt stated they were not getting anything other than the 20% they are allowed to tack on to the tax bill. We get a 100% return on the collections.

Supervisor Updike asked how much did Mr. David Britt collect last year from these attorneys.

Mr. David Britt said there was a sheet in the packets he left for them. He stated that David, Camp, & Frank from November 2010 – March 2012 collected \$145,000 for them. Kauffman and Knoles who no longer work for them, January 2010 – June of 2011 collected \$155,000 plus they got \$18,000 from the tax sale. Taxing Authority, who has been looking at this contract, is doing just personal property has collected \$104,000 over the last eighteen months.

Supervisor Updike said that was where he was leading to. With the tax collecting attorneys it looks like they have collected a considerable amount of money. Right off the top of his head it looks like \$50,000 or \$60,000 or more. He wants to know if his department and the county go together and hire a full time attorney for collection of taxes and running the county business as a joint effort. It looks like it would be more efficient. And the collection with 20% it looks like we could hire a full time attorney.

Mr. David Britt said if we hire a full time attorney and do it in house then we can't charge 20%. Because they are a collection agency that is the fee they earn.

Supervisor Updike asked how much we can charge.

Mr. David Britt said we can't charge anything other than a \$30.00 administrative fee.

Chairman Jones asked if there were any other questions. He thanked Mayor Spier Edwards.

Supervisor Edwards said he would like to get back to the litter. He said our county roads are a disgrace. You go to other counties you see cut grass and you don't see this litter. He has people come visit him from other places and they ask him if we just had a storm or something. There is litter all over the roads. He would like to see this Board send a letter to the Sheriff's Office and ask them to come to this Board and let us know what kind of program they have, what they plan on doing, and how aggressive they want to be on enforcing these anti-littering laws. He stated he would like to ask Mr. Richard Railey if this Board had the authority to set fines on ordinances.

Mr. Richard Railey said yes within the restraints of the Dillon Rule. This board can set fines but they have to be as allowed by the General Assembly.

Supervisor Edwards asked if these fines are not set high enough to deter anybody or just what is going on.

Mr. Richard Railey said his seat of the pants reaction is that they probably aren't as high as they could be.

Mr. Michael Johnson said he thought they are now. He thought they just amended it recently to the statutory maximum.

Mr. Richard Railey stated that is correct.

Supervisor Edwards said he thought the Sheriff's Department needed to know that the citizens in this county are concerned and the Board is concerned about it. When people go down the

highways they comment on how beautiful the water, trees, deer, and turkeys are and then you have this trash all over the roads. He would like to see the Board take a strong stance on that and get the Sheriff's Department down here and outline what kind of program they want to do and push them to get real with this. This has come to this Board year after year for a while now and we don't seem like we get anywhere.

Supervisor West said at one time they had a program that was being utilized quite a bit with different organizations taking care of different sections of the roads. He thought VDOT shot itself in the foot when they failed to maintain cutting the shoulders of the road and a lot of people aren't willing to get over on the side of the road when the grass is whatever and the leaves and ticks and everything that goes with it. That has been self-defeating from VDOT's standpoint. They need to be involved in this. He heard just a minute ago four times on primary and three times on secondary so that would be an improvement over last year which was like one or two. He knew we needed to work with VDOT and see if we can get more involvement from Ruritan Clubs and various other organizations. He stated he knew the Sheriff's Department already maintained a section of the roads as does this office here does it not.

Mr. Michael Johnson said they maintain the section in front of the Turner Tract.

Supervisor West said people may have forgotten the program because of the condition of the roads. That is part of it, but he thinks the Sheriff can be a real asset in this just like Supervisor Edwards said.

Supervisor Edwards said it might be a story for the Tidewater News. He stated our roads are a disgrace there is no doubt about it. We've got tires and all kinds of trash along the roads. He said he picks up a bag full of trash on his back road every Friday evening when he comes home the next Friday evening there is another bag full waiting for him. He said most of it was fast food cups and bottles or whatever and once in a while you will find somebody's trash that got out of their pickup truck on the way to the dump, but that is not that common. He would really like to see our law enforcement take this seriously, let us know what their program is and see if we can put a dent in this and do something about it.

Supervisor West said anywhere near a convenience store in the county when you pull onto the highway people have to shed their trash. It is an automatic as soon as you peel it back chunk it out. It is a situation where people obviously don't take pride. There is a thing called home owner pride or maintenance. The way those people live is trashy. I don't think you can expect them to turnaround and change.

Supervisor Edwards said with \$2,500.00 fines you would think people wouldn't.

Supervisor West said he suggested more signs everywhere.

Supervisor Edwards said we needed more signs and the Sheriff is going to have to crack down on it too. He asked Mr. Michael Johnson if he would get the Sheriff to talk to us about it.

Mr. Michael Johnson said he would.

Chairman Jones stated the next item of business was number 9 – Discussion Regarding a Code of Ethics for Elected and Appointed Officials.

Mr. Michael Johnson stated as discussed and directed last month, I have placed the draft Code of Ethics back on your agenda for further discussion. As you recall, its purpose is to assure public confidence in the integrity of our Board of Supervisors and any boards, commissions, or committees that it may establish (Planning Commission, IDA, etc.).

The Code of Ethics is intended to be self-enforcing; however, the Board Chairman has the additional responsibility of intervening when members appear to be in violation. The full Board may impose sanctions, including reprimand or formal censure, if necessary.

If the Board is so inclined, a motion is required to adopt the Code of Ethics (as may be modified or amended following discussion).

Chairman Jones said they had had the opportunity to look at the draft code of ethics and ask if anyone had anything they would like to add or change.

Supervisor Updike said there was only one that he had heard people make comments on.

Chairman Jones asked which one was that.

Supervisor Updike said number 14 concerned some of the citizens and him personally. It is not conclusive for local government.

Supervisor Edwards asked Supervisor Updike if he could get into the specifics of that please.

Supervisor Updike said mainly the last sentence which says "Inquiries to staff shall be made through the County Administrator or the appropriate department manager or director." He stated that if the department heads or bosses aren't here you can't talk to the employees that you might want to get involved with or need some information from. He said he feels it is not conclusive to an open type of government.

Chairman Jones stated that if they are hired by Mr. Michael Johnson the employees are under him. He stated that he didn't think he needed to go to the employees he could go to Mr. Michael Johnson if he saw a discrepancy with any of them.

Supervisor Updike said this would be to obtain information not to complain to them personally.

Mr. Richard Railey said he thought the key word there was "interfere".

Chairman Jones said that is right "interfere". He said that's what they would be doing if they change that.

Supervisor Porter said strictly if you look at this one he has violated the code because he has asked people in this building questions about their job and how we could do things to make things better. So literally he has violated the code; however, he didn't think his actions would fall into something he would classify as unethical. He said that Mr. Michael Johnson knew he had talked to some people about things, he has asked questions and he hasn't made it a secret. He talked to this person about this issue and asks if they had recommendations for making it better. That is the concern he has with this last sentence. He feels that it cuts off a benefit both for them understanding what they do and maybe asking questions to spark some new ideas as to what they can do to make the government better. He asked if there is some way they can carve that out to not make that a problem.

Mr. Michael Johnson said it was not a problem with him one way or the other. It is fairly standard language for the form of government we have, the council manager form. For him personally it will be perfectly alright if you want to carve it out.

Chairman Jones called on Supervisor Phillips for his opinion.

Supervisor Phillips said he read the same thing and heard the same comments. He said it was not their job to interfere with the operation of the county. Mr. Michael Johnson is the administrator. He stated if they could delete the last sentence he thinks everyone would be more at ease, both the staff and the Board members. He thinks the intent is not to interfere, but to be able to get input from the staff. We are looking a code of ethics here and we want to do the right thing. He thinks if that last sentence was deleted it may solve that issue.

Supervisor Faison said he looked at that too. He wouldn't want to see it deleted. Maybe they could be specific as to what type of inquiries or something. He thought they needed something there to make sure the county administrator is the person who is in charge and that people are not undercutting him.

Supervisor Phillips said the word is "interfere" whether you are undercutting or interfering.

Supervisor Edwards said the main thing is to make sure a Board member does not get into a personal conflict with somebody on the administration staff. The Board member stays on his road and the Administrator stays on his road and we don't want to get in his road. He thinks what is should mean is if you have a problem with somebody you don't go there, you go to Mr. Michael Johnson and he takes care of that. He thinks that is what the total intent of this should be in some stronger language.

Supervisor Porter stated that the last sentence is just so broad it just precludes any communication with anybody except Mr. Michael Johnson.

Chairman Jones asked how you would like us to word it.

Supervisor Porter stated that it leaves them up to individual interpretation so it is like Supervisor Porter said they have probably all violated this rule by somebody else's standards. He stated that if you didn't like him, you could say he violated because he went to XYZ and asked for some material or information.

Supervisor Edwards said so no questions could be directed to the staff the way it is worded so if he called Jon and asked him what the time of the next meeting was he was violating this code technically.

Supervisor Porter stated that's right.

Supervisor Updike said that's what we are saying.

Supervisor West stated that in common sense most people didn't consider that a violation even though he realizes it is out of bounds but you don't consider that, but he goes back to the other word "interfere". When you interfere he assumes that is what that paragraph is dealing with and that would interference by someone outside the staff of this administration building.

Supervisor Porter said he agrees with you there, but when you look at a sentence that is so specific you can't even talk to the people that is inconsistent.

Supervisor West said that would never have crossed his mind.

Supervisor Porter said it wouldn't have crossed his mind except that he had talked to several people.

Supervisor West said he would go to Mr. Michael Johnson with any situation and it would not be any chastisement or complaint from him but simply to say Mr. Michael Johnson I just talked to so and so and such and such. When you went to that person you want to find out about the job, what do you think, what can we do to be helpful, he said he doesn't see that as interfering at all. He sees that as being supportive.

Supervisor Porter said it is not how you see it. It is how everybody sees it. Right now when you take that last sentence it says you can't talk to anybody but Mr. Michael Johnson. He stated that he would see Mr. Jon Mendenhall in the hall and say what do you think about this and then they would have a few minutes and then he would tell Mr. Michael Johnson that he and Mr. Jon Mendenhall had talked about this and this is what we are doing. He didn't think that was an unethical act, but by this sentence it violates this code of ethics.

Chairman Jones asked if they just wanted to delete this.

Supervisor Faison said he thought something needed to be there.

Supervisor Porter said maybe we could say something like we will not direct or get involved in personal matters with the staff.

Supervisor Edwards said that members should not interfere directly with administrative functions of the county or professional duties of the staff.

Supervisor Porter said no, no. I think that is covered before that. He said he didn't want to micromanage his staff and that is not the Board's job. He didn't want to tell them directly what to do. He just wants to be able to have a sounding board or be able to answer their questions if they have a question that I can some expertise on.

Supervisor Edwards said he agreed.

Chairman Jones asked if they had any wording they would have to have on it. He asked if you want to take this out or change it what would you like to have to replace it. Chairman Jones said Supervisor Updike you brought it up so what would you like to have in place of it.

Supervisor Updike said he would like to have that last sentence taken out because he had violated the rules too. He stated he had been to Mrs. Lynette Lowe's office and asked for a budget. Under this process you have he has been sanctioned because he went to her and asked her for a school budget. By going to her and asking for the information he didn't interfere with her, he just wanted the information. He thought this type of management was complete control. He stated he wanted an open type government where he can talk to the employees and they can talk to him. We want a two way communication. If he was ever abusive to them, he wanted to be called on the carpet.

Supervisor Edwards said that last sentence could read "inquiries concerning staff problems shall be made to the County Administrator or the appropriate department". The whole intent he thought was that they have no business getting into personal conflict with people in administration.

Supervisor Porter said or directing their activities.

Supervisor Faison said he thought the staff needed to feel some level of protection because this can be interpreted in a lot of ways. The person coming with the question might unintentionally threaten a person simply by approaching them so he thought something needed to be in there for Mr. Michael Johnson to protect his staff. He is not saying anybody would deliberately come in and do anything like that, but he is comfortable with Mr. Michael Johnson being the person that things have to go through.

Mr. Michael Johnson said the idea is Biblical. A man can only serve one master. That is the whole idea behind it. The example that Supervisor Updike just gave would be fine if you want to go to a department head. In fact it says you can do that. It's when you go below a department head level directly that you run into problems.

Supervisor Edwards said that the last sentence says they can't do that.

Mr. Michael Johnson no says it says it should be made through the County Administrator or the appropriate department manager or director. There is nothing wrong with that.

Supervisor Phillips said his concern is for both members of the Board and the staff. If they just have a suggestion they may not be able to make that suggestion through any other person or maybe do not feel comfortable. His point is they are making this too narrow. He thinks the language in the paragraph before that says "Members, therefore, shall not interfere with the administrative functions of the County or the professional duties of county staff; nor shall they impair the ability of staff to implement Board policy decisions". He stated that is very specific. When it goes to the point of saying inquires to staff, he didn't know if an inquiry was simply walking up to Jon and talking about the schedule of the next meeting or not. He is thinking if it were not there, he thinks the staff and he would feel more comfortable. He doesn't think this sentence is the hinge of anything in particular other than causing a concern at this point.

Chairman Jones said give me some words to put in place of it.

Supervisor Phillips said make a motion.

Chairman Jones said we need to know what to put there. He said he had been here long enough he had talked to just about every member on the staff in one way or another and he had never had anybody say that he had been out of the way or anything.

Supervisor Phillips asked if the intent of this sentence for them for a protocol to approach from the top down.

Chairman Jones said he didn't see it that way.

Supervisor Phillips asked if that was correct.

Mr. Michael Johnson said what the sentence says is if you have an inquiry you need to either go through me or the appropriate department head with that inquiry rather than going straight to an employee that has no supervisory responsibility.

Chairman Jones said that is all it says right there.

Supervisor West said he didn't see any problem with it.

Chairman Jones said he didn't either. He said he wasn't going to anyone in here and tell them what to do.

Supervisor Phillips said that is not what we are saying.

Supervisor Edwards said it says for an inquiry it doesn't say assignments.

Supervisor Faison said he thought it was appropriate for it to go through Mr. Michael Johnson.

Chairman Jones said let's do something with it.

Supervisor Updike made a motion that the last sentence of item number fourteen be struck from the record.

Supervisor Phillips seconded the motion.

Chairman Jones asked if there was any more discussion before we went any further.

Supervisor Edwards asked on number fourteen.

Chairman Jones said yes and that is what we have been doing ever since we've been here so he doesn't see any problem with it the way it is.

Chairman Jones called for a vote. The vote carried with a 4 to 2 vote with Supervisors West and Faison voting nay.

Supervisor Edwards said he had one other question concerning item number 18 on Enforcement the second paragraph is extremely vague. If somebody knows he has chickens and somebody calls you and tells you I'm selling eggs and chickens in my backyard without a license what are you going to do. He asked what would be his rights as far as defending himself. He doesn't see what you call fearing practice here because you have got to be able to defend yourself against any rumors or end you windows that are out there.

Chairman Jones asked which item he was referring to.

Supervisor Edwards said item number eighteen compliance and enforcement.

Supervisor Faison asked if it was the whole thing or a certain paragraph.

Chairman Jones asked which paragraph he was referring to.

Supervisor Edwards said if somebody accused you of something inappropriate he thinks it should be outlined the method that it goes down and what rights you have to defend yourself. He asked Mr. Richard Railey if that made sense.

Mr. Richard Railey said he hearing him say that you need to promulgate a hearing that guarantees

you due process rights that sets out how the hearing is set, whether you have a court reporter, or whether you have a right to counsel, and so forth and so on. You don't have to be as elaborate as he just put it but it makes sense. He said he will remind you that under this you are still taking away rights when you talk about censoring somebody. You wouldn't have the authority to kick somebody from this Board. It doesn't give you impeachment rights; it gives you rights to censor somebody and that is basically for people to know they acted inappropriately. If you did something really bad, you could remove somebody from office for malfeasance of office, but that is not what this is about. Your policy is not about what goes on in the courts away from this Board. He still thinks maybe some kind of aspirational language such as in making a determination or to discipline somebody the Board shall protect the due process rights of those charged or something of that nature and give them a fair opportunity to be heard so we don't have what we call a star chamber procedure.

Supervisor Edwards said the next to the last sentence in paragraph two says that appear to be in violation of the code.

Chairman Jones said the way he looked at that before he brought something against you he was going to get with his attorney before he said anything about what you had done or whatever it is to see if what he thinks you have done is in violation.

Supervisor Edwards said the term fair hearing practices should be in there so that anybody accused has the right to defend themselves and go through the due process of a fair hearing.

Supervisor Porter asked why don't we have that sentence that you just said put in.

Mr. Richard Railey said that due process is guaranteed by the constitution.

Supervisor Edwards made a motion to add that to the second paragraph of item number 18.

Mr. Michael Johnson asked if Supervisor Porter could repeat that.

Supervisor Porter said he didn't know if he could.

Chairman Jones called on Mr. Richard Railey.

Mr. Richard Railey stated "In enforcing the provisions of the code of ethics the Board shall take reasonable steps to assure a fair hearing guided by the principals of due process that is guaranteed by the Constitution of the Commonwealth of Virginia and the 14<sup>th</sup> Amendment of the Constitution of the United States."

Supervisor Porter said he understood that.

Chairman Jones asked if there was anything else.

Supervisor Updike seconded the motion to add the sentence that Mr. Richard Railey stated to number eighteen in the Code of Ethics. The motion carried unanimously.

Chairman Jones asked with those changes were they ready to vote on the Code of Ethics.

Supervisor Porter made a motion to adopt the Code of Ethics with the changes that were made tonight.

Supervisor Edwards seconded the motion which carried unanimously.

**SOUTHAMPTON COUNTY  
BOARD OF SUPERVISORS  
CODE OF ETHICS**

**Preamble**

The citizens and businesses of Southampton County, Virginia, are entitled to fair, ethical, and accountable local government, which serves as a model for integrity. Effective democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting them; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of mutual respect and civility.

To this end, the Southampton County Board of Supervisors has adopted this Code of Ethics for members of the Board and of the County's boards, commissions, and committees, to assure public confidence in the integrity of local government and its effective and fair operation.

**1. Act in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Southampton County and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Southampton County Board of Supervisors, or its appointed boards, commissions, and committees.

**2. Comply with the Law**

Members shall comply with the laws of the United States, the Commonwealth of Virginia, and Southampton County in the performance of their public duties. These laws include, but are not limited to: the United States and Virginia constitutions; the Code of Virginia; the Code of the County of Southampton; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and unmodified county ordinances and policies.

**3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Board of Supervisors, its appointed boards, commissions, and committees, the staff or public.

**4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the Board of Supervisors and its boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board of Supervisors by county staff.

**5. Conduct of Public Meetings**

Members shall fully prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

**6. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

**7. Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the Board of Supervisors or its boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

**8. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal or business relationship to the parties in any matter coming before them. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matters come before them.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

**9. Gifts and Favors**

A member should never accept for himself/herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

**10. Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the County. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

**11. Use of Public Resources**

Members shall not use public resources that are not available to the public in general, such as county staff time, equipment, supplies or facilities, for private gain or personal purposes.

**12. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of the Board shall not appear on behalf of the private interests of third parties before the Board of Supervisors or any board, committee, commission, or proceeding of the County, nor shall members of boards, committees, or commissions appear before their own bodies or before the Board of Supervisors on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

**13. Advocacy**

Members shall represent the official policies or positions of the Board of Supervisors, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions, members shall explicitly state they do not represent their body or Southampton County, nor will they allow the inference that they do.

**14. Policy Role of Members**

The Board of Supervisors determines the policies of the County with the advice, information, and analysis provided by the public, boards, commissions, and committees, and county staff. The Board of Supervisors delegates authority for the administration of the County to the County Administrator.

Members, therefore, shall not interfere with the administrative functions of the County or the professional duties of county staff; nor shall they impair the ability of staff to implement Board policy decisions.

**15. Independence of Board and Commissions**

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Board of Supervisors shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

**16. Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive workplace environment for county employees and for citizens and businesses dealing with the County. Members shall recognize their special role in dealings with county employees and in no way create the perception of inappropriate direction to staff.

**17. Implementation**

As an expression of the standards of conduct for members expected by the county, the Southampton County Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with and embrace its provisions.

For this reason, these ethical standards shall be included in the regular orientations for candidates for the Board of Supervisors, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Southampton County Code of Ethics. In addition, the Board of Supervisors, boards, committees, and commissions, shall annually review the Code of Ethics and the Board of Supervisors shall consider recommendations from boards, committees, and commissions to update it as necessary.

**18. Compliance and Enforcement**

The Southampton County Code of Ethics expresses standards of ethical conduct expected of members of the Southampton County Board of Supervisors, and its boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Chairman of the Board of Supervisors have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

The Board of Supervisors may impose sanctions on members whose conduct does not comply with the County's ethical standards, such as public or private reprimand, formal censure, or loss of seniority or committee assignment. Where allowed by law, the Board of Supervisors also may remove members of Board-appointed boards, committees, and commissions from office.

In enforcing the provisions of this code of ethics, the Board shall take reasonable steps to assure a fair hearing guided by the principles of due process that is guaranteed by the Constitution of Virginia and the 14<sup>th</sup> amendment of the Constitution of the United States.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Board of Supervisors, board, committee, or commission

decision.

**SOUTHAMPTON COUNTY BOARD OF SUPERVISORS,  
AND ITS BOARD, COMMITTEE, AND COMMISSION APPOINTEES  
MEMBER STATEMENT**

As a member of the Southampton County Board of Supervisors, or of a Southampton County board, committee, or commission, I agree to uphold the Code of Ethics for elected and appointed officials adopted by the County and conduct myself by the following standards. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, County staff, and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Southampton County;
- Treat all people with whom I interact in the manner I wish to be treated.

I affirm that I have read and understand the Southampton County Code of Ethics.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Office or Position: \_\_\_\_\_

Chairman Jones stated they would move to item ten – 2012 Plastic Pesticide Container Recycling Program.

Mr. Michael Johnson stated that you have a copy of the Memorandum of Agreement for the 2012 Plastic Pesticide Container Recycling Program. Under the terms of the agreement, VDACS provides reimbursement up to \$1,875 to Southampton County for expenses associated with the program.

VDACS provides jet-rinse nozzles and granulation equipment which is operated with assistance by our Extension Agent and volunteers.

Southampton County pays for the program expenses and costs and is then subsequently

reimbursed by VDACS.

Two enclosed truck trailers are positioned behind the Extension Office for collection of containers. Chris Drake will inspect them to assure that they've been properly rinsed prior to granulation. He said he was assuming Mr. Chris Drake or Mr. Neil Clark would inspect them.

Mr. Chris Drake verified that they would be inspected to make sure they have been rinsed.

A motion is required authorizing the County Administrator to execute the attached Memorandum of Agreement.

Chairman Jones asked if there were any questions on this memorandum review. If not he needed a motion to pass it.

Supervisor West made a motion to authorize the County Administrator to execute the 2012 Plastic Pesticide Container Recycling Program Agreement.

Supervisor Phillips seconded the motion which was carried unanimously.



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

Division of Consumer Protection

Office of Pesticide Services

P.O. Box 1165, Richmond, Virginia 23218

Phone: 800-552-5963 or 804-371-6558 • Fax: 804-786-9149 • Hearing Impaired: 800-828-1121  
www.vdacs.virginia.gov

March 15, 2012

Matthew J. Fuhr  
Commissioner

**MEMORANDUM**

**TO:** Chris Drake, Extension Agent  
Southampton County

**FROM:** Jeffrey Rogers, Environmental Program Planner  
Office of Pesticide Services

**SUBJECT:** 2012 Plastic Pesticide Container Recycling Program – MOA

Attached is the Memorandum of Agreement (MOA) for the 2012 Plastic Pesticide Container Recycling Program. The MOA details the responsibilities of your locality and the Virginia Department of Agriculture and Consumer Services (VDACS).

Please review and forward to your County Administrator/City Manager (or other authorized official) requesting their signatures as execution of the MOA. Please return the signed MOA to me for execution by VCE and VDACS. Upon Department execution, a copy of the MOA will be returned for your files.

If you have any questions, please do not hesitate to contact me at 804-371-6561 or at [jeffrey.rogers@vdacs.virginia.gov](mailto:jeffrey.rogers@vdacs.virginia.gov).

Thank you.

Attachment

**MEMORANDUM OF AGREEMENT**  
between  
**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**  
and  
**SOUTHAMPTON COUNTY**

**PURPOSE:**

This Agreement establishes the roles and responsibilities of the Virginia Department of Agriculture and Consumer Services (VDACS) and Southampton County in conducting the 2012 Plastic Pesticide Container Recycling Program. The Virginia Plastic Pesticide Container Recycling Program assists agricultural producers, pesticide dealers and pest control firms to recycle properly rinsed plastic pesticide containers.

**PROJECT PERIOD:** January 1, 2012 through December 31, 2012.

**VDACS RESPONSIBILITIES:**

1. **Administer the statewide Program.** VDACS shall administer and provide oversight of the statewide Program by:
  1. establishing guidelines for statewide Program;
  2. approving local government programs;
  3. scheduling the granulation of containers; and,
  4. monitoring each local program to ensure their adherence to established guidelines.
  
2. **Reimburse Southampton County up to the amount of \$ 1,875 to support the costs of the Program.** VDACS shall reimburse Southampton County for actual local program expenses for the administration of the 2012 Plastic Pesticide Container Recycling Program incurred during the project period (January 1 – December 31, 2012) up to \$1,875. All expenses must be directly related to the Plastic Pesticide Container Recycling Program and may include: construction, rental, and material costs related to the establishment of a collection site; salaries, wages, and fringe benefits for container inspection and administration of the Program; travel expenses, safety equipment purchases, incentives and training materials related to the Program. Reimbursement shall be made upon receipt of an activity report and expense reimbursement request, including receipts, for the project period (January 1 – December 31, 2012).
  
3. **Provide educational materials for use by Southampton County for distribution to participants.** VDACS shall provide, upon request, educational materials (slide series, videotapes, pamphlets, etc.) which illustrate the proper procedures for rinsing pesticide containers, pesticide container inspection checklists, wellhead protection and the overall recycling program. VDACS shall also assist Southampton County in educating participants in the recycling program, upon request.

4. **Provide training for pesticide container inspectors.** VDACS shall, upon request, train Southampton County pesticide container inspectors to properly inspect pesticide containers for cleanliness and educate participants in proper rinsing procedures. All pesticide container inspectors must complete this training.
5. **Provide jet-rinse nozzles as requested.** VDACS shall provide, upon request, a limited supply of jet-rinse nozzles to Southampton County to assist in promoting the recycling program, upon request. The jet-rinse nozzles shall be distributed to agricultural producers, pesticide dealers and pest control firms who agree to recycle their plastic pesticide containers, until supplies run out.
6. **Coordinate the scheduling for the granulation of pesticide containers.** VDACS shall coordinate the scheduling for the granulation of pesticide containers at Southampton County collection site. It is anticipated that 1-2 visits will be made during the 2012 Program to granulate the collected containers.

**SOUTHAMPTON COUNTY RESPONSIBILITIES:**

1. **Develop plan to administer the Recycling Program.** Southampton County shall develop a written plan for implementing and administering the Plastic Pesticide Container Recycling Program for their locality and submit the plan to VDACS for concurrence. The written plan must address the following topics:
  1. location of collection site(s);
  2. collection site(s) hours of operation;
  3. method for storing accepted containers;
  4. pesticide container inspection personnel; and,
  5. handling containers rejected by granulator.
2. **Administer the Plastic Pesticide Container Recycling Program in Southampton County.** Southampton County shall administer the local Program by:
  1. establishment of a secure, covered recycling site;
  2. employment and supervision of container inspector(s);
  3. removal of all plastic pesticide sleeves or labels prior to placement in the recycling storage facility;
  4. inspection of all plastic pesticide containers to assure cleanliness in accordance with established guidelines;
  5. assisting the recycling contractor during the processing and granulation of the containers; and,
  6. submission of an activity report and expense reimbursement request, including receipts, for the project period (January 1 – December 31, 2012) to VDACS by January 31, 2013.

3. **Execute documentation transferring container ownership to granulator.** Southampton County shall execute and sign the documentation transferring ownership of the containers to the recycling contractor.
4. **Educate agricultural producers about proper pesticide container rinsing procedures and the Recycling Program.** Southampton County, through Virginia Polytechnic Institute and State University through its Virginia Cooperative Extension (VCE), shall promote the value of recycling plastic pesticide containers to the agricultural community. VCE shall educate agricultural producers about proper pesticide container rinsing procedures and the Recycling Program through the distribution of educational materials and presentations at growers' meetings.
5. **Distribute jet-rinse nozzles to participating agricultural producers.** To promote the recycling program and encourage participation, Southampton County, through VCE, shall distribute VDACS-supplied jet-rinse nozzles to agricultural producers, pesticide dealers and pest control firms agreeing to participate in the Program.

This Memorandum of Agreement has been reviewed and is recommended for approval:

  
 \_\_\_\_\_  
 Liza J. Fleeson  
 Program Manager  
 Virginia Department of Agriculture  
 and Consumer Services

\_\_\_\_\_  
 Edwin J. Jones, Ph.D.  
 Director  
 Virginia Cooperative Extension

\_\_\_\_\_  
 15 March 2012  
 DATE

\_\_\_\_\_  
 DATE

Approved by:

\_\_\_\_\_  
 Michael W. Johnson  
 County Administrator  
 Southampton County

\_\_\_\_\_  
 Matthew J. Lohr  
 Commissioner  
 Virginia Department of Agriculture  
 and Consumer Services

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

Chairman Jones states the next item of business was number eleven – Future Solid Waste Options.

Mr. Michael Johnson stated that he gave a presentation to the Planning Commission earlier this month as it relates to our future solid waste options. Vice-Chairman Edwards, who is the Board liaison on the Planning Commission, asked me to repeat the presentation for the Board of Supervisors so that everyone is aware of our options. He stated that he thought before we start talking about the future it was important we know a little about how we got to where we are. He

gave the following presentation:

**The Future of Solid Waste**

*Presented to the Southampton County Planning Commission*  
March 8, 2012



11-2

**A Little History**

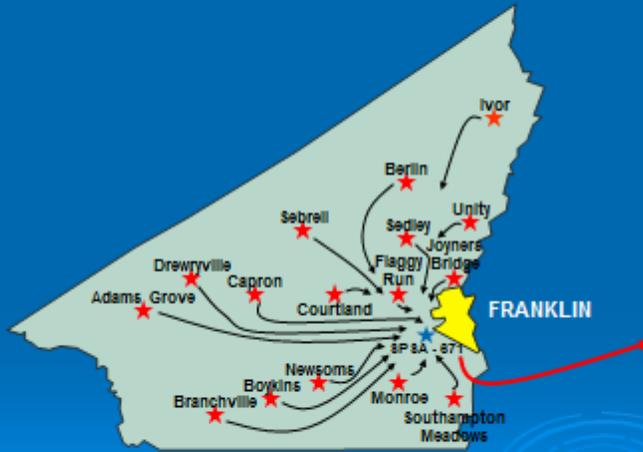
- **January 24, 1973** – the Councils of the Cities of Chesapeake, Franklin, Nansemond, Norfolk, Portsmouth, Suffolk and Virginia Beach and the Counties of Isle of Wight and Southampton agreed to form a water authority and incorporated – its purpose was to develop a supply of potable water for the long range needs of Southeastern Virginia – named “The Southeastern Water Authority of Virginia”
- **January 15, 1976** – Articles of incorporation were amended to add to its purpose development of a regional garbage and trash collection and disposal system – name changed to the “Southeastern Public Service Authority of Virginia,” or SPSA, for short
- **July 15, 1983** – Articles of incorporation again amended – dropped development of a water supply from its purpose and focused exclusively on solid waste

11-3





## Solid Waste Convenience Sites



11-10

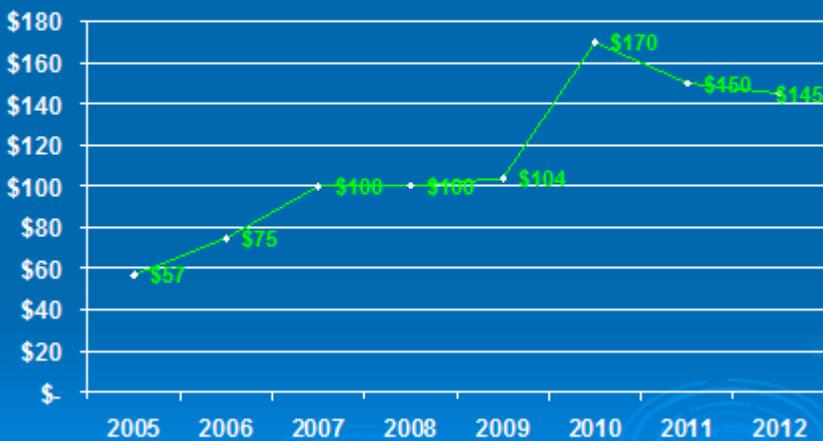
## Southampton County FY 2012

Solid Waste Collection	\$ 715,488
Solid Waste Disposal	<u>1,274,300</u>
	\$ 1,989,788

1. Collection – property leases for convenience sites, site operation costs, part-time site attendants, full-time public works employees, operation of refuse trucks
2. Disposal – Tipping fees to SPSA, which covers transportation and disposal at the Regional Landfill, tipping fees to Waste Management (5% of our waste is diverted), and recycling program

11-11

## Tipping Fees Per Ton



11-12



- ### Next Steps
- Continue participation in SPSA and keep that option open
  - Continue dialogue with Isle of Wight and Franklin and refine costs of regional collaboration
  - By 2016, negotiate purchase of the Franklin Transfer Station or identify site and funding for new Transfer Station
  - FY 2017 – include funding for acquisition or construction of Transfer Station
  - January 2017 – issue Request for Proposals for transportation and disposal services
- 11-14

Chairman Jones asked if anyone had any questions on Mr. Michael Johnson’s presentation.

Supervisor Phillips asked if there were any other options available with SPSA as a buy out where we could get out of our current agreement.

Mr. Michael Johnson said no.

Supervisor Phillips said because of the language of the agreement.

Mr. Michael Johnson said yes you are locked in until January 24, 2018.

Supervisor Phillips asked the value of the transfer station just to get a sense of what we are facing if we have to build one.

Mr. Michael Johnsons stated somewhere between a half and three quarters of a million dollars. It is not a huge ticket item, but it is substantial.

Chairman Jones asked if there were any other questions.

Mr. Richard Railey said that Chesapeake tried to get out of their SPSA agreement, but couldn't.

Mr. Michael Johnson said that they spent a million dollars along the way in legal fees.

Supervisor West said but we have been asked by SPSA to provide intent prior to that time period of January 24, 2018.

Mr. Michael Johnson said SPSA obviously needs to begin to make its plans. They want to know what they will be asked to do after 2018. He asked whose waste they will be asked to manage. Until they can get their arms around which communities are most likely going to stay and which ones are going to leave, they have got to have an answer from the communities. Now they had rather have that answer sooner rather than later. They would like it today, but he doesn't know that any community is ready to make that decision. They have asked by 2015 at the latest that everybody declare their intent. There is no statutory requirement. You can ride that option as long as you want to ride it. At some point they may begin to make preparations to move ahead without you if you fail to tell them you are in.

Supervisor Edwards said that question would be governed by how much we are paying whether we are getting a good deal or not most likely.

Supervisor West said we can remain a member of SPSA after 2018 and not as a customer.

Mr. Michael Johnson said that is correct. You are a member until either you withdraw by giving notice or until it dissolves.

Supervisor West said currently we have you and one other member from Southampton county as the two voting voices for Southampton of which there are sixteen, but the potential for the new SPSA would be proportional amount of trash which may mean eight for Virginia Beach and one for Southampton.

Mr. Michael Johnson said as long as SPSA remains the amendment of that would have to be approved by unanimous vote. He stated that what he thought would happen in all practically, Supervisor West, is that SPSA will be dissolved in 2018 and some new authority formed with whatever members decide to participate. That way they will not have members sitting at the table that are not customers.

Supervisor Faison said in 2018 it is up to Southampton County whether or not it belongs. It is not up to SPSA.

Mr. Michael Johnson said that is correct.

Chairman Jones said we are obligated from now until 2018. We can get out, but you are still going to have to do what you are doing already. We are stuck.

Supervisor Updike stated that Mr. Douglas Chesson had done an outstanding job for the county but I understand he has moved to Isle of Wight. He asked if that means we have only one voting delegate since he has moved to Isle of Wight.

Mr. Michael Johnson said that he presents Southampton as the Governor's appointee.

Supervisor Updike said Mr. Michael Johnson was the only one that resides in Southampton County; Mr. Douglas Chesson resides in Isle of Wight so that means we only have one vote.

Mr. Michael Johnson said keep in mind that Mr. Douglas Chesson is appointed by the Governor. The gubernatorial appointment is a four year appointment. It is not a requirement that gubernatorial appointments have a residency requirement. It requires this Board nominate three individuals of which Mr. Douglas Chesson was the one that was chosen, but it is not a residency requirement. The appointment is not locality specific.

Supervisor West said but he has done and is very active and knowledgeable of what is going on and he does live in Isle of Wight or wherever and that being said he still has our interest at heart and he had a full paying job. He asked Mr. Michael Johnson to address that.

Mr. Michael Johnson said he works for the City of Newport News Department of Public Works.

Supervisor West said he knows the ins and outs of these types of things and he thinks he has our best interest at heart.

Chairman Jones thanked Supervisor West.

Chairman Jones stated the next item of business was item number twelve – Consideration of Grant Opportunity for the Drewryville Waterworks.

Mr. Michael Johnson stated we are seeking your consideration in applying for a federal pass-through grant administered by the Virginia department of Health to assist with improvements to the Drewryville community water system. The grant is for a maximum of \$150,000 and is structured as a forgivable loan with no local match requirements.

The Drewryville system was constructed in 1972 and subsequently acquired by Southampton County in 1986. It consists of one 8-inch diameter well drilled to a depth of approximately 240 feet with a 120 gpm submersible pump. The well discharges into a 2,060 pressurized hydro-pneumatic tank which flows into a distribution system consisting of 6, 4, and 2-inch waterlines. There are also eleven 2-inch blow-off hydrants on the system. It currently has 74 residential connections.

In 2006, we purchased a used 20,000 gallon ground storage tank from Christian & Pugh when it was taken out of service from a Suffolk subdivision. The tank has since been stored on site in Drewryville but never placed in service due to lack of funding. In addition, in 2009, we received a \$25,000 grant from VDH to install a second well for redundancy, which was drilled in August 2010, but never placed in service due to lack of funding.

We intend to pursue this funding to:

1. Complete a preliminary engineering report to assess current regulatory requirements and status of the system as it exists today, and then develop specific recommendations for improvements;
2. Develop plans and specifications to place the 2010 water well into service;
3. Develop plans and specifications to place the ground storage tank into service;
4. Install all necessary pumps, piping and controls to accomplish items 2 and 3 above.

Funding applications are due April 2. Please find a resolution attached for your consideration that will authorize us to pursue this opportunity.

A motion is required to adopt the attached resolution.

Chairman Jones said he hoped everyone read the resolution. We are trying to get the funds without it costing us anything else.

Supervisor Faison made a motion that we adopt this resolution.

Supervisor Phillips seconded the motion with it being carried unanimously.

SOUTHAMPTON COUNTY  
VIRGINIA

Southampton County  
26022 Administration Center Drive  
PO Box 400, Courtland, VA 23837



Phone (757) 653-3015  
Fax (757) 653-0227

---

MEMORANDUM

---

TO: Mr. Michael W. Johnson, County Administrator  
FROM:  Jon M. Mendenhall, Assistant County Administrator  
SUBJECT: Drewryville PWS Proposed Upgrades  
DATE: 3/7/12  
ENCL: Supporting Resolution, Solicitation Cover Page  
CC: File

---

Southampton County working in partnership with the Virginia Department of Health (VDH) has identified a funding opportunity to assist in upgrading the Drewryville Public Water Supply system. A summary of the funding opportunity is outlined below:

VDH Financial and Construction Assistance Programs (FCAP)

This funding opportunity is a pass-thru federal grant administered by the Commonwealth of Virginia's Department of Health. Southampton County proposes to apply for the funding opportunity under the \$150,000.00 threshold to assist with public utility improvements to the Drewryville Public Water Supply including: erection of a ground mounted storage tank and appurtenances thereto. Financing for this funding opportunity is structured as a forgivable loan as outlined in the Solicitation Cover Page.

While this funding opportunity is competitive, the County has been in conversations with the local VDH office and believes that given the resiliency issues the need to upgrade the Drewryville PWS would make an application for funding rather competitive. It has been a pleasure working with our Department of Public Utilities and the Virginia Department of Health and I look forward to seeing our partnerships and our funding applications continuing to be fruitful in the future.



A RESOLUTION  
AUTHORIZING AND CERTIFYING A CDBG APPLICATION

WHEREAS, various State and Federal agencies provide funds for local governments to meet public health needs through the provision of safe drinking water; and

WHEREAS, the Virginia Department of Health provides for and administers such funds for the Commonwealth of Virginia in a program known as the Financial and Construction Assistance Programs (FCAP); and

WHEREAS, the Financial and Construction Assistance Programs (FCAP) has funds available to public water systems to make necessary provisions for safe drinking water; and

WHEREAS, the Drewryville Public Water Supply is a small rural public water supply system; and

WHEREAS, the Drewryville Public Water Supply could be enhanced, improved, and otherwise made more resilient for the benefit of the water supply customers; and

WHEREAS, the Southampton County Board of Supervisors, working in partnership with the Commonwealth of Virginia, finding it necessary and proper to do so, further intends to develop the partnerships already fruitfully established by continuing in like fashion.

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

That, Southampton County will substantially comply with all Federal, State, and local laws, regulations, and ordinance pertaining to the project and to Federal and State funding opportunities pertaining thereto.

That, the County Administrator or his authorized representative is hereby authorized to develop, execute and file an application on behalf of Southampton County to appropriate Federal and State agencies to secure funds for improvements to the Drewryville Public Water Supply.

That, the County Administrator or his authorized representative is hereby authorized and directed to furnish such information as the appropriate government agencies may request in connection to the Drewryville Public Water Supply; to make assurance and certifications to the same, and to execute such other documents as may be necessary and appropriate to further the application for Financial and Construction Assistance Programs (FCAP) funding.

Adopted this 26th day of March, 2012.

BOARD OF SUPERVISORS

Dallas O. Jones, Chairman

ATTEST:

Michael W. Johnson, Clerk

12-4

Chairman Jones stated the next item of business is legal matters.

Mr. Michael Johnson stated that for your consideration, please find three resolutions prepared by Mr. Railey which assert liens on ten (10) parcels of property which have been the subject of enforcement actions by the Department of Community Development for violations of Sections 10-6 (Non-Compliant Buildings or Structures) and 10-48 of the Southampton County Code (Weeds, Grass and Unhealthy Growth).

Whereas, after due notice, the owners failed to respond, Southampton County contracted to have the work performed, the cost of which is now chargeable to the owners of the property.

Included are:

RESOLUTION 1 – NONCOMPLIANT BUILDINGS

Location	Demolition	Legal	Total Lien
23172 Thomaston Road	\$ 5,450.00	\$311.54	\$ 5,761.54
23214 Thomaston Road	7,550.00	311.54	7,861.54
23226 Thomaston Road	7,520.00	311.54	<u>7,831.54</u>
			\$ 21,454.62

RESOLUTION 2 – NONCOMPLIANT BUILDING

Location	Demolition	Legal	Total Lien
23240 Thomaston Road	\$ 7,850.00	\$115.54	\$ 7,965.54

RESOLUTION 3 – GRASS CUTTING

Location	Grass Cutting	Legal	Total lien
3182 Bell Road	\$ 200.00	\$ 60.54	\$ 260.54
29266 Delaware Road	75.00	60.54	135.54
27037 Flaggy Run Road	200.00	60.54	260.54
Lot 38K – Appleton Road	150.00	60.54	210.54
21469 Barrow Road	172.50	60.54	233.04
3117 Meherrin Road	50.00	60.54	110.54
			<u>\$ 1,210.74</u>

Separate motions are required to adopt each of the three (3) attached resolutions.

Chairman Jones asked if anyone had any questions on any of these items.

Mr. Richard Railey stated that these fees included postage and the cost of advertising in the Tidewater News.

Chairman Jones asked if he had a motion on resolution number one.

Supervisor Porter made a motion to adopt resolution 1 – noncompliant buildings.

Supervisor Faison seconded the motion with it being carried unanimously.

Chairman Jones asked if he had a motion on resolution number two.

Supervisor Phillips made a motion to adopt resolution 2 – noncompliant building.

Supervisor Faison seconded the motion with it being carried unanimously.

Chairman Jones asked if he had a motion to adopt resolution number three.

Supervisor Updike said before we go any further he would like to make a comment. With the economic conditions of the county he does not think we need to go in this direction any more. We cannot afford the demolition of houses that we know we are not going to get a red cent out of. These houses that were torn down you won't be able to sell; they are wet and won't perk. You won't get \$500.00 for them. With legal fees and everything else we just can't afford to do these enforcements any more – at least for the next few years until economic conditions change. Since these have already been done, he stated he moved that we adopt resolution number three.

Chairman Jones asked if anyone else had any comments about the cutting of the grass. If your house of lot is next to these properties you will have deal with this.

Supervisor West said there is a lot of difference between \$8,000.00 and \$120.00. It is one thing to say \$8,000.00 to take it down and \$300.00 and some change for legal fees. This is a lot of difference between say \$120.00 for grass mowing, but if you live next door it is not a pleasant sight. It produces rats and this and that and everything else. Notices have been tried and everything else. He sees that the people that primarily have the grass problem they don't live on the property they live away. He said you have to look at each situation individually. The \$28,000 spent down the Newsoms way was a big bite. It really was, but when you are living next to someone who doesn't care you need to have some avenue or resource that will be able to force them to do something. This will get their attention. How much do you want to pay for \$120.00 is what it says - \$60.00 legal and whatever. He thinks it will get the attention of most people or they will sell the property.

Supervisor Faison said he thought they needed to do this without it putting any obligation on them in the future.

Supervisor West said yes and your point is well made and Supervisor Updike is concerned about

the initial large amount but the point is to look at each one in the future.

Chairman Jones said he needed a motion for resolution number three.

Supervisor Updike said he made it.

Supervisor West seconded the motion with it being carried unanimously.

**RAILEY AND RAILEY, P.C.**  
ATTORNEYS AND COUNSELLORS AT LAW

RICHARD E. RAILEY, JR.  
R. EDWARD RAILEY, III  
RICHARD E. RAILEY 1922-2004

RECEIVED MAR - 2 2012

Reply to: 22237 Main Street  
P.O. Box 40  
Courtland, VA 23837  
(757) 653-2351  
Fax: (757) 653-0950

March 1, 2012

10451 General Malone Highway  
P.O. Box 98  
Wakefield, VA 23888  
(757) 899-2145  
Fax: (757) 899-2146  
E-mail: [edward@raileyandrailey.com](mailto:edward@raileyandrailey.com)

Mr. Michael W. Johnson, Administrator  
Southampton County  
Post Office Box 400  
Courtland, VA 23837

Re: Resolution as to Creation of Liens Securing the Costs and Expenses Incurred in Removing, Repairing or Securing Non-compliant Buildings in Accordance with the Provisions of Sec. 10-6 of the Southampton County Code

Dear Mike:

I am enclosing herewith a proposed Resolution for adoption at the March 26, 2012 meeting of the Southampton County Board of Supervisors. Please let me have your questions and comments.

With kind personal regards, I am

Very sincerely,  
  
Richard E. Railey, Jr.

abr

Enclosure

pc: Ms. Beth Lewis

RESOLUTION AS TO THE CREATION OF LIENS SECURING THE COSTS AND EXPENSES INCURRED IN REMOVING, REPAIRING OR SECURING NON-COMPLIANT BUILDINGS, IN ACCORDANCE WITH THE PROVISIONS OF SEC. 10-6 OF THE SOUTHAMPTON COUNTY CODE

**WHEREAS**, Sec. 10-6, Buildings, other structures; removal, repair, etc., provides in pertinent part, as follows:

(a) The owners of property in Southampton County, Virginia shall at such time or times as the Board of Supervisors, through its agents or employees, may prescribe, remove, repair, or secure any building, wall or any other structure that might endanger the public health or safety of the other residents of Southampton County, Virginia.

(b) Southampton County, through its agents or employees, may secure any building, wall or other structure that might endanger the public health or safety of other residents of Southampton County, Virginia, if the owner and/or lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure the buildings, walls or other structure.

and

**WHEREAS**, said Sec. 10-6 further provides, in pertinent part

For the purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner, and (ii) published once a week for two (2) successive weeks in a newspaper having general circulation in the locality; and

**WHEREAS**, said Sec. 10-6 further provides, in pertinent part

(c) In the event Southampton County, Virginia, through its agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the costs or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by Southampton County, Virginia as taxes are collected; and

(d) Every charge authorized by this section with which any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid real property taxes and enforceable in the same manner as provided in Articles Three (§58.1-3940 et. seq.) and Four (§ 58.1-3965 et. seq.) of Chapter 39 of Title 58.1 of the 1950 Code of Virginia, as amended; and

**WHEREAS**, Southampton County, Virginia, through its agents or employees, has provided reasonable notice to the below listed landowners in Schedule "A" attached hereto and made a part hereof, in accordance with the provisions of Sec. 10-6; and

**WHEREAS**, in removing said structures after complying with the notice provisions of said Sec. 10-6, Southampton County has incurred costs and/or expenses chargeable to and to be paid by the owners of such property, and collected by Southampton County as taxes are collected; and

**WHEREAS**, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, such liens securing the costs and expenses of such demolition shall not bind or affect a subsequent *bona fide* purchase of the real estate for valuable consideration without actual notice of the lien unless, at the time of the transfer of record of the real estate to the purchaser, a statement containing the name of the record holder of the real estate in the amount of such unpaid charges is entered in the Judgment Lien Book in the Clerk's Office where deeds are recorded or is contained in the records maintained by the Treasurer for real estate liens, pursuant to §58.1-3930 of said Code; and

**WHEREAS**, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, it is necessary that a statement containing the name of the record owner of the real estate and the amount of such unpaid charges be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and in the Southampton County Treasurer's Office.

**NOW, THEREFORE**, be it resolved by the Board of Supervisors of Southampton County, Virginia, that in accordance with Sec. 10-6 of the Southampton County Code and §§15.2-906 and 15.2-104 of the 1950 Code of Virginia, as amended, a lien is hereby asserted

against each lot or parcel of land identified herein and Schedule "A" attached hereto for the amount identified beside such said parcel of land; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that notwithstanding said lien hereby asserted, the amount secured by said lien should continue to be the obligation of owner of said real estate at the time at the time said costs and expenses are incurred; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that a statement, as provided in §15-104 of said Code, containing the name of the record holder of said real estate, the amount of such unpaid charges, and such other information as may be pertinent in identifying such real estate be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and the Southampton County Treasurer's Office, as provided in §15.2-104 of said Code; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that all actions taken by the agents or employees of the Southampton County Board of Supervisors, in accordance with the provisions of Sec. 10-6 are hereby **RATIFIED, CONFIRMED and APPROVED**.

The undersigned Clerk of the Board of Supervisors of Southampton County, Virginia certifies the foregoing constitutes a true, complete and correct copy of the Resolution adopted at the regular meeting of the Southampton County Board of Supervisors of Southampton County, Virginia, held on March 26, 2012.

---

Clerk, Board of Supervisors, Southampton County,  
Virginia

**SCHEDULE "A"**

Lots or parcels for which a lien is asserted in accordance with the provisions of Sec. 10-6 of the Southampton County Code are as follows:

Property Address:	23172 Thomaston Road Newsoms, VA 23874;
Last Known Owner:	Mary Falkins 23172 Thomaston Road Newsoms, VA 23874;
Type of Work:	Structure demolished;
Costs of Demolition:	\$5,450.00;
Legal and Related Costs:	\$311.54;
Property Address:	23214 Thomaston Road Newsoms, VA 23874;
Last Known Owner:	Ora Whitfield 23214 Thomaston Road Newsoms, VA 23874
Type of Work:	Structure demolished;
Costs of Demolition:	\$7,550.00;
Legal and Related Costs:	\$311.54;
Property Address:	23226 Thomaston Road Newsoms, VA 23874;
Last Known Owner:	Anita Cutler 23226 Thomaston Road Newsoms, VA 23874;
Type of Work:	Structure demolished;
Costs of Demolition:	\$7,520.00;
Legal and Related Costs:	\$311.54;
<b>TOTAL COSTS</b>	<b>\$21,454.62</b>

**R & R**

RECEIVED MAR 13 2012

**RAILEY AND RAILEY, P.C.**  
ATTORNEYS AND COUNSELLORS AT LAW

PERSONAL INJURY LAW SINCE 1948

RICHARD E. RAILEY 1922-2004

RICHARD E. RAILEY, JR.  
R. EDWARD RAILEY, III

WALLACE W. BRITTE, JR.

March 8, 2012

Reply to:  
P. O. Box 40  
Courtland, VA 23837  
E-mail: [edward@raileyandrailey.com](mailto:edward@raileyandrailey.com)

Mr. Michael W. Johnson, Administrator  
Southampton County  
Post Office Box 400  
Courtland, VA 23837

Re: Resolution as to Creation of Liens Securing the Costs and Expenses Incurred in Removing, Repairing or Securing Non-compliant Buildings in Accordance with the Provisions of Sec. 10-6 of the Southampton County Code (Harris property, 23240 Thomaston Road, Newsoms, Virginia)

Dear Mike:

I am enclosing herewith another proposed Resolution for adoption at the March 26, 2012 meeting of the Southampton County Board of Supervisors. Please let me have your questions and comments.

With kind personal regards, I am

Very sincerely,



Richard E. Railey, Jr.

let

Enclosure

22237 Main Street  
P.O. Box 40  
Courtland, VA 23837  
(757) 653-2351  
Fax: (757) 653-0930

P. O. Box 189  
Waverly, VA 23890  
(804) 834-2599

10451 General Mahone Highway  
P.O. Box 98  
Wakefield, VA 23888  
(757) 899-2145  
Fax: (757) 899-2146

**RESOLUTION AS TO THE CREATION OF LIENS SECURING THE COSTS AND EXPENSES INCURRED IN REMOVING, REPAIRING OR SECURING NON-COMPLIANT BUILDINGS, IN ACCORDANCE WITH THE PROVISIONS OF SEC. 10-6 OF THE SOUTHAMPTON COUNTY CODE**

**WHEREAS**, Sec. 10-6, Buildings, other structures; removal, repair, etc., provides in pertinent part, as follows:

(a) The owners of property in Southampton County, Virginia shall at such time or times as the Board of Supervisors, through its agents or employees, may prescribe, remove, repair, or secure any building, wall or any other structure that might endanger the public health or safety of the other residents of Southampton County, Virginia.

(b) Southampton County, through its agents or employees, may secure any building, wall or other structure that might endanger the public health or safety of other residents of Southampton County, Virginia, if the owner and/or lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure the buildings, walls or other structure.

and

**WHEREAS**, said Sec. 10-6 further provides, in pertinent part

For the purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner, and (ii) published once a week for two (2) successive weeks in a newspaper having general circulation in the locality; and

**WHEREAS**, said Sec. 10-6 further provides, in pertinent part

(c) In the event Southampton County, Virginia, through its agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the costs or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by Southampton County, Virginia as taxes are collected; and

(d) Every charge authorized by this section with which any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid real property taxes and enforceable in the same manner as provided in Articles Three (§58.1-3940 et. seq.) and Four (§ 58.1-3965 et. seq.) of Chapter 39 of Title 58.1 of the 1950 Code of Virginia, as amended; and

**WHEREAS**, Southampton County, Virginia, through its agents or employees, has provided reasonable notice to the below listed landowners in Schedule "A" attached hereto and made a part hereof, in accordance with the provisions of Sec. 10-6 and, in addition, the owner has agreed and directed Southampton County to demolish the structure; and

**WHEREAS**, as a result of the agreement and direction of the property owner to demolish this structure, the newspaper publication as set out in § 10-6 of the Southampton County Code was not necessary; and

**WHEREAS**, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, such liens securing the costs and expenses of such demolition shall not bind or affect a subsequent *bona fide* purchase of the real estate for valuable consideration without actual notice of the lien unless, at the time of the transfer of record of the real estate to the purchaser, a statement containing the name of the record holder of the real estate in the amount of such unpaid charges is entered in the Judgment Lien Book in the Clerk's Office where deeds are recorded or is contained in the records maintained by the Treasurer for real estate liens, pursuant to §58.1-3930 of said Code; and

**WHEREAS**, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, it is necessary that a statement containing the name of the record owner of the real estate and the amount of such unpaid charges be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and in the Southampton County Treasurer's Office.

**NOW, THEREFORE**, be it resolved by the Board of Supervisors of Southampton County, Virginia, that in accordance with Sec. 10-6 of the Southampton County Code and §§15.2-906 and 15.2-104 of the 1950 Code of Virginia, as amended, a lien is hereby asserted

against each lot or parcel of land identified herein and Schedule "A" attached hereto for the amount identified beside such said parcel of land; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that notwithstanding said lien hereby asserted, the amount secured by said lien should continue to be the obligation of owner of said real estate at the time at the time said costs and expenses are incurred; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that a statement, as provided in §15-104 of said Code, containing the name of the record holder of said real estate, the amount of such unpaid charges, and such other information as may be pertinent in identifying such real estate be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and the Southampton County Treasurer's Office, as provided in §15.2-104 of said Code; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that all actions taken by the agents or employees of the Southampton County Board of Supervisors, in accordance with the provisions of Sec. 10-6 are hereby **RATIFIED, CONFIRMED and APPROVED**.

The undersigned Clerk of the Board of Supervisors of Southampton County, Virginia certifies the foregoing constitutes a true, complete and correct copy of the Resolution adopted at the regular meeting of the Southampton County Board of Supervisors of Southampton County, Virginia, held on March 26, 2012.

\_\_\_\_\_  
Clerk, Board of Supervisors, Southampton County,  
Virginia

**SCHEDULE "A"**

Lots or parcels for which a lien is asserted in accordance with the provisions of Sec. 10-6 of the Southampton County Code are as follows:

Property address:	23240 Thomaston Road Newsoms, VA 23874;
Last Known Owner:	Elmo Harris 260 Holland Avenue Somerset, NJ 08873;
Type of Work:	Structure demolished;
Costs:	\$7,850.00;
Legal and Related Costs:	\$115.54;
Total:	\$7,965.54.

RECEIVED MAR 13 2012

**RAILEY AND RAILEY, P.C.**  
ATTORNEYS AND COUNSELLORS AT LAW

RICHARD E. RAILEY, JR.  
R. EDWARD RAILEY, III  
RICHARD E. RAILEY 1922-2004

Reply to: 22237 Main Street  
P.O. Box 40  
Courtland, VA 23837  
(757) 653-2351  
Fax: (757) 653-0930

March 2, 2012

10451 General Mabone Highway  
P.O. Box 98  
Wakefield, VA 23888  
(757) 899-2145  
Fax: (757) 899-2146  
E-mail: [edward@raileyandrailey.com](mailto:edward@raileyandrailey.com)

Mr. Michael W. Johnson, Administrator  
Southampton County  
Post Office Box 400  
Courtland, VA 23837

Re: Resolution as to Creation of Liens Securing Expenses of Enforcement of the  
Grass Cutting Ordinance, Sec. 10-48 of the Southampton County Code

Dear Beth:

I am enclosing herewith a Resolution as to grass cutting expenses which needs to be adopted at the March meeting of the Southampton County Board of Supervisors. Please let me have your questions and comments.

With kind personal regards, I am

Very sincerely,



Richard E. Railey, Jr.

abr

Enclosure

pc: Ms. Beth Lewis, AICP  
Community Development Director

RESOLUTION AS TO CREATION OF LIENS SECURING EXPENSES OF ENFORCEMENT  
OF THE GRASS CUTTING ORDINANCE, SEC. 10-48 OF  
THE SOUTHAMPTON COUNTY CODE

**WHEREAS**, Sec. 10-48 of the Southampton County Code, entitled Weeds, Grass and Unhealthy Growth, provides in pertinent part

"A. It shall be unlawful for any owner, lessee or occupant, or any agent or representative, or employee of such owner, lessee or occupant, having control of any parcel of land in the County to allow, permit, or maintain any growth, weeds, grass or unhealthy growths thereon or along the sides thereof within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use in the County to a height exceeding twelve (12) inches."

and

**WHEREAS**, said Sec. 10-48 further provides that when any condition exists on any lot or parcel of land in the County in violation of subsection A of this section, it shall be the duty of a designee, as determined by the Board of Supervisors, to serve or cause to be served notice upon the owner, lessee, or occupant of such lot or parcel of land, requiring the owner, lessee or occupant of such lot to cut and remove the weeds, grass, or unhealthy growths existing upon such lot or parcel within ten (10) days of service of such notice upon such owner, lessee or occupant; and

**WHEREAS**, said Sec. 10-48 further provides that if such owner, lessee or occupant fails to act or remove the weeds, grass, or unhealthy growth within the time specified in such notice, the Board shall, through its agents or employees, have such weeds, grass or unhealthy growth cut, and in that event, the costs and expense thereof shall be chargeable to and paid by the owner of such property and may be collected by the County as taxes and levies are collected; and

**WHEREAS**, John P. Jenkins, Code Enforcement Specialist, acting on behalf of the Southampton County Board of Supervisors, has provided notice to the below listed landowners, in Schedule "A" attached hereto and made a part hereof, in accordance with the provisions of Sec. 10-48, as to their violations of said Sec. 10-48; and

**WHEREAS**, the owners listed on Schedule "A" attached hereto and made a part hereof have failed to respond to said notices and have failed to cure such violations; and

**WHEREAS**, in accordance with the provisions of said Sec. 10-48, said Code Enforcement Specialist has contracted for such weeds, grass or unhealthy growth to be cut so as to bring such lots into compliance with paragraph A of said Sec. 10-48; and

**WHEREAS**, in cutting said weeds, grass or unhealthy growth, Southampton County has incurred costs and expenses that shall be chargeable to and paid by the owners of such property,

and collected by the County as taxes and levies are collected, in accordance with the provisions of Sec. 10-48; and

**WHEREAS**, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, such lien securing the costs and expenses of such grass cutting shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien unless, at the time of the transfer of record of the real estate to the purchaser, a statement containing the name of the record owner of the real estate and the amount of such unpaid charges, as entered in the Judgment Lien Book in the Clerk's Office where deeds are recorded, or is contained in the records maintained by the Treasurer for real estate liens, pursuant to §58.1-3930 of said Code; and

**WHEREAS**, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, it is necessary that a statement containing the name of the record owner of the real estate and the amount of such unpaid charges be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and in the Southampton County Treasurer's Office.

**NOW, THEREFORE**, be it therefore resolved by the Board of Supervisors of Southampton County, Virginia, that in accordance with Sec. 10-48 of the Southampton County Code and §§ 15.2-901 and 15.2-104 of the 1950 Code of Virginia, as amended, a lien is hereby asserted against each lot or parcel of land identified herein in Schedule "A" attached hereto for the amount identified beside said parcel or tract of land; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that notwithstanding said lien hereby asserted, the amount secured by said lien shall continue to be the obligation of the owner of such real estate at the time said costs and expense are incurred; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that the said John P. Jenkins, acting on behalf of the Southampton County Board of Supervisors, shall cause a statement as provided by §15-104 of said Code, containing the name of the record owner of the real estate, the amount of such unpaid charges, and such other information as may be pertinent in identifying such real estate, to be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and in the Southampton County Treasurer's Office, as provided by §15.2-104; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Southampton County, Virginia, that all actions taken by the said John P. Jenkins, acting on behalf of the Southampton County Board of Supervisors, in accordance with the provisions of Sec. 10-48 are hereby **RATIFIED, CONFIRMED and APPROVED**.

The undersigned Clerk of the Board of Supervisors of Southampton County, Virginia certifies that the foregoing constitutes a true, complete and correct copy of the Resolution adopted at a regular meeting of the Board of Supervisors of Southampton County, Virginia held on March \_\_\_\_\_, 2012.

**SCHEDULE "A"**

**LOTS OR PARCELS FOUND TO BE IN VIOLATION OF SEC. 10-48 A. OF THE  
SOUTHAMPTON COUNTY CODE AND REQUIRING THE CUTTING AND  
REMOVING OF WEEDS, GRASS, OR UNHEALTHY GROWTHS EXISTING UPON  
SUCH LOTS OR PARCELS, IN ACCORDANCE WITH SEC. 10-48 B**

Property address:	3182 Bell Road Ivor, VA 23866;
Name and address of Owner:	Eugene Cassidy 32019 Riverdale Drive Franklin, VA 23851;
Date cut:	August 12, 2012 and October 19, 2011;
Costs:	\$200.00;
Legal and Related Costs:	\$60.54;
Total:	\$260.54;
Property address:	29266 Delaware Road Franklin, VA 23851;
Name and address of Owner:	Edward C. and Tricia D. Goodsell 29266 Delaware Road Franklin, VA 23851;
Date cut:	June 13, 2011;
Costs:	\$75.00;
Legal and Related Costs:	\$60.54;
Total:	\$135.54;
Property address:	27037 Flaggy Run Road Courtland, VA 23837;
Name and address of Owner:	Jason Dunaway 27206 Flaggy Run Road Courtland, VA 23837;
Date cut:	August 17, 2011;
Costs:	\$200.00;
Legal and Related Costs:	\$60.54;
Total:	\$260.54;

Property address:	Lot 38K- Appleton Road Ivor, VA 23866;
Name and address of Owner:	Sheila M. Perry 16113 Johnson's Mill Road Sedley, VA 23878;
Date cut:	October 19, 2011;
Costs:	\$150.00;
Legal and Related Costs:	\$60.54;
Total:	\$210.54;
Property address:	21469 Barrow Road Capron, VA 23829;
Name and address of Owner:	John L. Parker 21469 Barrow Road Capron, VA 23829;
Date cut:	August 8, 2010;
Costs:	\$172.50;
Legal and Related Costs:	\$60.54;
Total:	<del>\$233.04;</del> 233.04
Property address:	30117 Meherrin Road Boykins, VA 23827;
Name and address of Owner:	Turonto Gilchrest-Branch (owned subsequently by Eastern Savings Bank as a result of foreclosure) 30117 Meherrin Road Boykins, VA 23827;
Date cut:	August 6, 2010
Costs:	\$50.00
Legal and Related Costs:	\$60.54;
Total:	<del>\$110.54;</del> 110.54

Chairman Jones stated the next item was fourteen – Southampton Insurrection Trail.

Mr. Michael Johnson stated as you may be aware, Southampton County agreed to serve as grantee, fiscal agent, and project sponsor for the Southampton County Historical Society's development of the 1831 Southampton Insurrection Trail. In July of 2010, we were awarded a \$420,000 Transportation Enhancement Grant to connect travelers, tourists, students and residents with sites associated with the Nat Turner rebellion.

The project will include fabrication of orientation exhibits, installation of interpretive signage, acquisition of easements, construction of turnouts and production of a brochure and map. The Rebecca Vaughan House, located on the Museum of Southampton History campus in Courtland, will function as a Visitor's Center and trailhead. Here, the public will learn about the rebellion, explore the route traveled by Turner and his insurgents, and discover period artifacts, including Turner's sword and the lock from his jail cell.

Attached for your consideration are two items:

A. PROFESSIONAL SERVICES CONTRACT WSP SELLS

After issuing a Request for Proposals in accordance with the Virginia Public Procurement Act, we seek your consideration in awarding a professional services contract to WDP Sells, one of the top U.S. transportation engineering firms with a regional office in Cary, NC. A copy of the proposed contract is attached which includes an itemized scope of services as Attachment "A". Among the services are environmental site reconnaissance/documentation and geotechnical evaluation of the driving sites, development of the walking trail, design of all required improvements, preparation of construction estimates, and preparation of all state and federal permit applications. The estimated cost of their work is approximately \$214,000 – 80% of this cost will be covered by the grant and 20% will be matched by the Historical Society.

A motion is required authorizing us to enter into the attached contract with WSP Sells as described above.

B. SIGNAGE ON COUNTY PROPERTY

The project will include installation of education signage at a number of relative points on the Southampton Courthouse and Jail property. We are seeking your authority to work with interested stakeholders (Sheriff, Clerk of the Court, Commonwealths Attorney) in finalizing the design and location and subsequently erecting the signs on county-owned property.

A motion is required authorizing us to erect the educational signage on county-owned property.

Chairman Jones asked if there were any questions. They have a grant to cover 80% and the Historical Society is going to match 20% of that.

Supervisor West said we are going to use the \$420,000 transportation grant and now we are going to use \$214,000 of the grant. He asked where is the other \$206,000 portion of the grant was. He asked what that was being used for.

Chairman Jones said it was still there he guessed.

Supervisor Urdike said it was still in the available funds.

Supervisor West did it relate to this. He asked was this \$420,000 just a phase of it.

Chairman Jones said it was just a phase of it.

Supervisor West said that was all he needed to know is what is happening.

Supervisor Edwards made a motion that we enter into the contract with WSP Sells as described.

Supervisor Faison seconded the motion with it being carried unanimously.

Chairman Jones asked said they were going to put up the signs so people would know where they needed to go to. These signs will be similar to the ones down near the river.

Mr. Michael Johnson said Barrett's Landing. That is correct they would be very similar.

Chairman Jones asked if he had a motion to authorize the signs.

Supervisor West made a motion authorizing us to erect the educational signage on county-owned property.

Supervisor Faison seconded the motion with it being carried unanimously.

Mr. Michael Johnson stated that Supervisors Faison and Phillips asked that this matter be placed on your agenda for discussion. Currently, the Virginia state game regulations classify coyotes as a nuisance species and allow them be killed at any time, except they may not be killed with a gun, firearm, or other weapon on Sunday.

However, Section 10-26 of the Southampton County Code makes it unlawful to hunt with a rifle larger than .22 caliber except for hunting groundhogs between March 1 and August 31. The language in our county code mirrors the enabling legislation contained in 29.1-528 of the Code of Virginia:

### **LOCAL ORDINANCE**

Sec. 10-26. – Hunting weapons restricted.

- (a) It shall be unlawful to hunt with a rifle larger than twenty-two one hundredths of an inch (.22) caliber rim fire except rifles of a larger caliber may be used for hunting groundhogs between March 1 and August 31;
- (b) It shall be unlawful to hunt with a muzzle-loading rifle at any time;
- (c) It shall be unlawful to hunt with a muzzle-loading shotgun loaded with slugs or sabot slugs; and
- (d) Any person violating the provisions of this section, upon conviction, shall be guilty of a Class 3 Misdemeanor and shall be punished accordingly. (Code 1976, 11-361.1; Ord. Of 3-24-03(2))

**State law reference** – Authority for above section, Code of Virginia, 29.1-100, 29.1-519, and 29.1-528; prohibiting hunting with certain firearms, Code of Virginia 29.1-528.

### **STATE ENABLING LEGISLATION**

**29.1-528. Board to develop model ordinances for hunting with firearms; counties or cities may adopt.** –

- A. The Board shall promulgate regulations establishing model ordinances for hunting with firearms that may be adopted by counties or cities. Such model ordinances developed by the Board shall address such items as, but are not limited to, firearm caliber, type of firearm (e.g., rifle, shotgun, muzzleloader), and type of ammunition. The governing body of any county or city may, by ordinance prohibit hunting in such county or city with a shotgun loaded with slugs, or with a rifle of a caliber larger than .22 rim fire. However, such ordinance may permit the hunting of groundhogs with a rifle of a caliber larger than .22 rim fire between March 1 and August 31. Such ordinance may also permit the use of muzzle-loading rifles during the prescribed open seasons for the hunting of game species. Any such ordinance may also specify permissible type of ammunition to be used for such hunting.
- B. No such ordinance shall be enforceable unless the governing body notifies the Directory by registered mail prior to May 1 of the year in which the ordinance is to take effect.
- C. In adopting an ordinance pursuant to the provisions of this section the governing body of any county or city may provide that any person who violates the provisions of the ordinance shall be guilty of a Class 3 misdemeanor. (1976, c.443, 29-144.6; 1977 cc.20, 377; 1978, c.303; 1986, c.342; 1987, c. 488; 1989, c. 421; 2007, c. 642.)

Messrs. Faison and Phillips have been contacted by constituents with an interest in shooting coyotes with rifles larger than .22 caliber.

As you know, Virginia operates under what's known as the Dillon Rule – lawyers call it a rule of statutory construction. Simply put, the Dillon Rule construes power to localities very narrowly. Under the Dillon Rule, local governments have only those powers granted to them in express words and if there is a question about a local government's power or authority, then the local government does not receive the benefit of the doubt. In the absence of express authority, one must assume that the local government does not have the power in question.

Accordingly, if this is something you're interested in pursuing, Mr. Railey has suggested that you contact our local delegates and senators and ask them to introduce legislation at next year's session authorizing us to amend our local ordinance to permit larger caliber rifles for the hunting of coyotes.

If the Board is so inclined, a motion is required directing staff assistance from our state elected officials in amending the Code of Virginia as described.

Mr. Michael Johnson turned it over to Mr. Richard Railey for further comments.

Mr. Richard Railey said if you look at enabling legislation and give it a very strict, constructive viewpoint you can easily come to the conclusion that he did himself initially that you would have to change enabling legislation 29.1 -528 the Code of Virginia for us to change the local ordinance as we would like or as you may like. Supervisor Phillips read the book very closely that you get when you get a hunting license in Virginia. There are about eighty possibilities of different ways you put together ordinances and they both noticed that Louisa County changed their ordinance to very much the way that Supervisors Phillips and Supervisor Faison would like. In other words, it is saying that you can shoot coyotes just like you can shoot groundhogs. Then the other difference would be you wouldn't have that calendar restriction saying at any time other than in the general firearms season. He said he went to Louisa and he talked to the county attorney there and he said the fact that it just has coyotes is just an example. He feels like the General Assembly gave them a broad authority to regulate weapons. As he looked at the time it had been on the books up there he feels that he can make an argument that the enabling legislation would permit the changes in their ordinance as suggested by Supervisors Phillips and Faison.

Supervisor Phillips thanked Mr. Richard Railey.

Chairman Jones asked if there were any questions for Mr. Richard Railey.

Supervisor Phillips said his understanding on this is that in order to make the change they had to advertise a public hearing and notify the game commission before May so that the change could be published in the next game regulations. So he made a motion that they schedule a public hearing to make the change. If said if he may he would read the changes into the record so that everyone would know what we are trying to do. A number of his constituents have made comments that coyotes are becoming more of a problem. He stated that when Mr. Michael Johnson read this he read .22 caliber but it actually says .22 rim fire which actually restricts it even further. A .22 caliber could go to .22 250 or other things, but anyway. Currently the law in Southampton is listed as number 42 in the local ordinances. It shall be unlawful to use a rifle of caliber larger than .22 rim fire except that groundhogs may be hunted with a rifle of a caliber larger than .22 rim fire between March 1 and August 31 in elimination of coyotes. They are suggesting that the code of our law be changed to read "It shall be unlawful to hunt with a rifle larger than .22 caliber except rifles of a larger caliber may be used for the hunting of groundhogs and coyotes outside the general firearms deer season." That is plain and simple and that will give our landowners the opportunity to control the groundhogs and coyotes as they are getting to be a bigger nuisance. Don't put a time limit on it, but keep the rifles out of the woods when people are deer hunting.

Chairman Jones asked what the motion was to change.

Supervisor Phillips said we would be changing from number 42 to number 68.

Mr. Richard Railey said in terms of the local ordinance you will be changing 10.26A.

Chairman Jones asked if he had a second to the motion.

Supervisor Updike seconded the motion with it being carried unanimously.

Supervisor Edwards said he would like to make the recommendation that we extend that invitation to someone on the VDGF Board to be here for the public hearing to make sure there are no law enforcement problems. Just make it friendly.

Chairman Jones asked if he was still a part of the VDGF Board.

Mr. Richard Railey said not any more but he still knew the people there.

Chairman Jones asked Mr. Michael Johnson to find out from Mr. Richard Railey who the contact person is and get them to have someone attend the meeting.

Mr. Michael Johnson said yes sir.

Chairman Jones stated they would move on to item number 16 – Legal Services Agreement Delinquent Taxes.

Mr. Michael Johnson stated at Mr. David Britt's request, please find a proposed legal services agreement for delinquent tax collection attached for your consideration. As a Constitutional Officer, he has the authority to enter into the agreement without your approval, but wanted to keep you apprised of his plans and obtain your support.

He is considering contracting with Taxing Authority Consulting Services (TACS) for delinquent tax collection and sale services. The agreement provides that TACS is entitled to a fee of 20% of what it collects prior to filing suit, 25% of what it collects after filing suit, and 25% or the maximum statutory fee for all accounts collected after property is sold.

Please note that the Southampton County Code provides:

**Sec. 15-78.1. – Payment of administrative costs and fees, etc.**

- (a) There is hereby imposed on delinquent taxpayers a fee to cover administrative costs which shall be in addition to all penalties and interest, and shall not exceed thirty dollars (\$30.00) for taxes or other charges collected subsequent to thirty (30) or more days after notice of delinquent taxes or charges but prior to the taking of any judgment with respect to such delinquent taxes or charges, and thirty-five dollars (\$35.00) for taxes or other charges collected subsequent to judgment.
- (b) There is also imposed on delinquent tax payers reasonable attorney's or collection agency's fees actually contracted for, not to exceed twenty (20) percent of the taxes or other charges so collected.

While the Board is not party to the contract, Mr. Britt is seeking your support.

He stated he thought Mr. David Britt was still here if you have any questions.

Chairman Jones asked if anyone had any questions on this.

Supervisor Porter asked if this means that it is 20% that they can collect and not 25%.

Mr. David Britt said the 25% would be after they file suit in court which when they file suit there are fees that they have to charge for.

Supervisor Porter asked if our statutes allow that.

Mr. David Britt stated that these fees would be recoverable through the sale of the property.

Mr. Michael Johnson stated the sale may or may not cover that fee. It just depends on the sale price.

Supervisor Updike stated that is the kicker.

Mr. David Britt said this contract is basically the same contract we have had with other firms other than one thing being they are not asking for a retainer fee up front as far as advertising costs and things. They would ask us to pay those at the time the property goes up for sale that way we would not have our money tied up for a long period of time. The advertising costs are the first thing that would be recoverable when those properties are sold. He touched base on that with Mr. Sharp this morning.

Supervisor Edwards said we aren't going to stick our neck out until we are sure we are going to get something back.

Chairman Jones asked if there were any other questions for Mr. David Britt.

Below is copy of the agreement:

LEGAL SERVICES AGREEMENT  
*Delinquent Real Estate Tax Collection*

THIS AGREEMENT is made and entered into by and between TAXING AUTHORITY CONSULTING SERVICES, PC (hereinafter "TACS"), and SOUTHAMPTON COUNTY, by and through its Treasurer (hereinafter "TREASURER"), together the parties.

TACS shall furnish Legal Services as set forth in the attached Statement of Work.

1. The terms of this Agreement and the attached Statement of Work shall constitute the complete and exclusive statement of understanding between the parties relating to the subject matter of this Agreement.
2. TACS shall provide legal services to TREASURER with regard to the collection and sale of delinquent real estate. The legal services fees for this work have been negotiated as follows:
  - a. A fee of 20% of the assigned account balances it collects prior to filing suit; or
  - b. A fee of 25% of the assigned account balances it collects subsequent to filing suit; or
  - c. If appointed as Special Commissioner of Sale, the fee shall be the greater of 25% of all amounts due or the statutory fee allowed the Commissioner of Sale pursuant to Code of Virginia §8.01-109.
  - d. TACS shall not be paid for collection through the state set off debt program.
  - e. It is agreed that TACS shall receive payment any unreimbursed costs incurred resulting from the sale as set forth below.
3. TREASURER understands that certain costs will be incurred in the process of conducting judicial sales of properties subject to delinquent real estate taxes. Anticipated costs include, but are not limited to, title research, appraisals, surveys, court costs or service fees, publication costs and guardian ad litem fees that are ultimately the responsibility of the TREASURER to pay. Such costs shall be accounted for and paid to TREASURER first prior to any proration of recovered funds. TREASURER acknowledges that TACS may elect to perform services required in the collection of delinquent real estate taxes, including, but not limited to title research, with its own employees and may be reasonably compensated for such services performed.
4. TREASURER acknowledges that TACS may occasionally engage the assistance of co-counsel in the representation of accounts assigned hereunder. In such case, TACS remains the supervisory attorney involved in the management of matters for TREASURER. Any fees that such co-counsel may charge TACS may be included as a cost to be reimbursed from the proceeds of sale for such particular matters as the co-counsel is involved. In the event that proceeds from the sale are insufficient to cover such costs, TACS will be the responsible party for paying the cost of any co-counsel engaged hereunder subject to reimbursement under subsection 2e above.
5. Both Parties shall comply with all applicable Federal, State, and local laws, rules, regulations, ordinances, and directives, and all provisions required thereby to be included in this Agreement are hereby incorporated herein by reference.

6. This Agreement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Virginia. If any provision of this Agreement or the application thereof to any person or circumstance is held invalid, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby.

7. TREASURER acknowledges that TACS represents other governmental entities and hereby consents to such representation of other governmental entities that may also be seeking payment from the same debtor. In the event that TACS recovers payment from a debtor indebted to 2 or more client entities, such payment will be divided pro rata between or among the client entities unless otherwise dictated by the debtor.

8. The parties acknowledge that other collection services may be desired and agree that such services may be added to this agreement when such services are defined. Such new work, prior to being initiated, shall be specified in writing as mutually agreed to between the Parties.

9. This agreement shall remain in full force and effect until canceled or revoked by either party, upon 30 days written notice.

IN WITNESS WHEREOF, both Parties have caused this Agreement to be signed by their duly authorized representatives on the day and year first set forth herein above.

TACS, PC

SOUTHAMPTON COUNTY

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

## STATEMENT OF WORK

1. This Statement of Work describes the respective roles and responsibilities of TREASURER and TACS in performing the requested work.

TREASURER hereby assigns to TACS for collection accounts aged one (1) year or more from the due date of said account. TACS shall have full authority to perform all acts necessary to effect the collection of the accounts (the "Legal Services"), and is authorized to receive payments made on the accounts and to endorse TREASURER'S name on any checks or other negotiable instruments that may be received in payment on the accounts; to arrange for payments under such terms as TACS deems appropriate for any account; to commence a lawsuit on behalf of TREASURER and to use all other necessary legal proceedings for the recovery of the accounts; and/or place information regarding the accounts with one or more credit bureaus.

TREASURER acknowledges that the Collection Services will be performed by TACS as its attorney and that such work constitutes an attorney-client relationship.

### 2. TREASURER RESPONSIBILITIES

- 2.1. Upon assignment of the accounts to TACS, TREASURER will provide TACS with information reasonably necessary for TACS to perform the Legal Services. TREASURER represents and warrants to TACS that (a) the account information provided TACS and the account balances are accurate and complete; (b) TREASURER has not received notification that any of the account debtors are in bankruptcy and will immediately notify TACS if it receives notification of a bankruptcy filing by any of the account debtors; (c) all add-on charges such as interest, late fees and collection fees are just and owing and authorized by applicable law, by contract or both; (d) any previous collection agency engaged for the collection of the accounts has been instructed to cease and desist contact with the account debtor; and (e) upon notification by TACS of a dispute or request for verification of information with respect to any account, TREASURER will promptly furnish TACS such information.
- 2.2. TREASURER shall promptly notify TACS of any adjustments or corrections made to the amount due.
- 2.3. TREASURER shall report payments made by debtors directly to TREASURER on a timely basis that the TREASURER deposits in its bank. These payments will show on a remittance statement as payments made directly to the TREASURER and the TACS fee will be charged, or will be reported as otherwise agreed. The TREASURER may also choose to forward any payments received from the debtor to TACS for deposit and posting.

3. TACS RESPONSIBILITIES

- 3.1. TACS shall use any and all legal means available to locate and engage debtors to pay the entire amount of their outstanding accounts owed to the TREASURER.
- 3.2. TACS may not settle any account for less than the full amount owed, unless otherwise directed in writing, by the TREASURER.
- 3.3. TACS shall accept electronic account referrals from the TREASURER and referrals that require manual input into the TACS collection system. Accounts sent electronically will be in a mutually acceptable format by tape, diskette or via e-mail. TACS shall insure that its collection system for processing accounts and its reports are compatible with the TREASURER'S method of account referral and necessary accounting.

4. REPORTING/OTHER REQUIREMENTS

- 4.1 TACS will prepare a regular Remittance Report listing the account name, account number, credits to the accounts (for accounts involving litigation, recovered costs), total amount collected, and TACS fees associated with the collections.
- 4.2 TACS will prepare other such reports as may be reasonably requested by the TREASURER.

Chairman Jones stated the next item of business is number seventeen – Update on Ivor Elementary School.

Mr. Michael Johnson stated that he is pleased to report that the asbestos abatement has been completed and the floor tile adhesive tested negative for the presence of asbestos – accordingly, we have processed a change order for a \$5,000 credit. Both Gray & Sons and OESSCO were expected to mobilize this week and proceed with the demolition and UST removal. He hopes to be able to give a good report next month that it is gone.

Chairman Jones asked if there were any questions.

Chairman Jones stated the next item was number eighteen – Request to Close Livestock Waste lagoon at the Fairgrounds.

Mr. Michael Johnson stated as a follow-up to your request on March 21, he discussed this matter again with Steve Clark, President of the Fair Board. He has assured me that their plans are on hold and he promised not to initiate closure of the livestock waste lagoon without meeting with the Board of Supervisors again to further discuss their plans. He emphasized that they have no intention of jeopardizing the use of the livestock market. He was hopeful to be able to report back to you next month. Subsequently, Mr. Michael Johnson stated that he got a call from Mr. Walter Young today who indicated that he had been in discussions with the Department of Environmental Quality and it is pretty apparent that they will not be able to close that livestock waste lagoon. So they are evaluating other options and will report back next month.

Chairman Jones asked if anyone had any questions.

Supervisor Updike stated that he thought we still needed to repeal last month's vote because it is on record of voting to close it. He thought we need to take it back off the record.

Chairman Jones asked if Supervisor Updike wanted to make that a motion.

Supervisor Updike made a motion to appeal the prior vote to close the waste lagoon at the fairgrounds.

Supervisor West seconded the motion with it being carried unanimously.

Chairman Jones called for item number nineteen – Miscellaneous.

Mr. Michael Johnson stated that item A is a response from Old Dominion Electric Cooperative as it relates to the position the Board took on its Cypress Creek power plant last month.

Mr. Michael Johnson stated that item B is an abstract of votes for the Republican Presidential Primary Election that was held on March 6, 2012.

Mr. Michael Johnson stated that item C, he is pleased to report, is that our Department of Community Development has met the overall standards of effectiveness for administering the Virginia Erosion and Sediment Control regulations. Our program was evaluated by the Virginia Department of Conservation and Recreation in 4 key areas: Program Administration, Plan Review, Inspection and Enforcement. Please note that we received perfect scores in the Inspection and Enforcement categories. Also attached is a letter of commendation to Mr. John P. Jenkins from Mr. Copeland – Mr. Jenkins is responsible for the inspection and enforcement segments of the program.

Mr. Michael Johnson stated that item D is a Delinquent Tax Sale. Please find a flyer attached announcing the sale of 8 parcels of real property for unpaid real estate taxes on Friday, April 13.

Mr. Michael Johnson stated that item E is a variety of notices from the Virginia Department of Environmental Quality and the Virginia Department of Health. You also have articles of incoming and outgoing correspondence and articles of interest. He stated he would be glad to answer any questions you may have.

Chairman Jones asked if anyone had any questions for Mr. Michael Johnson.

Supervisor Updike asked on the selling of these properties is there any minimum accepted bids or are we just going to take anything that comes down the turnpike.

Mr. Michael Johnson said Mr. David Britt may want to speak to that.

Mr. David Britt said they have a commissioner that oversees the sale of the property and if they feel like the bid is not appropriate to take back to the circuit court judge they have the choice not to do that. If they do take the bid to the circuit court judge it is up to him whether or not he approves the sale.

Chairman Jones asked if there were any other questions.

Chairman Jones asked if there were any late arriving matters.

Mr. Michael Johnson said no.

Chairman Jones stated this is now the citizens comment period.

Mr. Ash Cutchin of Jerusalem District spoke. He stated Supervisor Edwards was his Supervisor. Three things came to his attention tonight as he listened to this procedure. One concerns the ditches. Several years ago he was a member of an RC&D (Resource Conservation & Development) organization in another county. They were able through the Soil and Water Conservation of the Department of Natural Resources to get a grant and they brought some people out and cleaned ditches 90 degrees to the road onto farm property. The landowners had to give permission and a group of about 15 people spent several months in Accomack County doing what Supervisor Updike has suggested that we improve the drainage from the road through the farms to the creeks. So it might be worth a try to contact the RC&D people to see if they have some sort of program still in effect.

Supervisor Edwards asked Mr. Ash Cutchin how long ago that was that he did that.

Mr. Ash Cutchin stated it was back in the mid 70's. It was long enough ago that something may not be in place now, but at that time it was an avenue they pursued and were able to do it. He stated that regarding vehicles he had talked with Mr. Charles Turner about this a few years ago, maybe three years ago, he was going from Courtland to Sedley one day and along about the area where the Forestry Department is and Burgess Trucking and a brown school board sedan passed his and he was sure he was going at least 60. He stated the car passed him like they were on a NASCAR track. It was a brown Southampton County School Board sedan and he happen to notice a little number on the bumper so he accelerated to try to keep up with car and he was going 70 mph and could not keep up with this car it was still just disappearing out of sight. He reported this to Mr. Charles Turner, but whether anything was ever done about it he does not. He thinks some of the problems with vehicle use are that like this vehicle it was 2:00 pm in that afternoon and there was only the driver in it. He feels the School Board is probably the biggest culprit of unauthorized use of vehicles. He knows they drive like a bat out of hell sometimes. His third comment is the parking across from the Community Development Building. He asked why can't they grade a little bit of that grassy spot between the Community Development Building and the church with room enough for eight or ten vehicles and put a couple of loads of crush and run in there and make a place for these contractors to park. He asked didn't we own that area.

Mr. Michael Johnson said sure.

Mr. Ash Cutchin said that is just a suggestion.

Chairman Jones asked if anyone else wished to speak.

Mr. Walter D. Brown of 33334 Sandy Ridge Road spoke. He stated he was retired from the U. S. Army former director for census 2000 having control over congressional district number four for Norman Sisisky and Virgil Goode's districts 1100 people, 7 cities, and 11 counties. He stated he said that because his first concern is pertaining to people. People are a very important commodity in any organization. One thing he learned as a second lieutenant that is a meal fight. One thing you don't do is give to the infants like you are micromanaging. He had a problem and he went beyond his platoon leader to two of his soldiers to inquire about a problem when he should have talked to his platoon leader. He caused the worst problem in his unit in morale and he kind of got chewed out on that. So when you micromanage or even give the idea that you are trying to micromanage people are going to come to you with their problems and concerns. If you approach them, he doesn't care how you approach them without going through the department head, without going to the county administrator, they are going to start coughing up to you and they are going to get the impression that you do that. What happens is you usurp good management and you bring about a problem with morale. He said he learned that lesson as a second lieutenant. He is not saying this Board will have a similar problem; but keep in mind that people are a very important commodity. You don't want to disrupt the good order and morale of your people because you are going to lose your productivity. The second thing he wants to speak on is litter and blight. He stated that litter and blight are one and the same. He served on the litter control committee and is still on it until Supervisor Updike tells him he can no longer be on it serving the Newsoms District. He said you cannot separate litter from blight; both give a bad impression of this county. He is so glad that the demolition took place on Thomason Road because you are getting rid of that blight which is the same thing as litter as far as he is concerned. The other thing he commented on was the approximately 2 million deficit that we are looking at. He has a serious concern when we talk about everybody biting the bullet and we don't look at the whole picture of every constituent in Southampton County to include those individuals that are major land owners in this county that live outside this county and are receiving a \$0.18 reduction on their property taxes. He stated he was talking about land use. He knew some people wouldn't like him because of this, but a lot of farmers in this county don't own the land; they rent land from major landowners that live outside this county. There are some members on this Board that have than 500 to 2,000 plus acres of land so he is sure when he talks about land use you are probably going to take an issue with that. He would say you to you if this issue comes before this Board again that those individuals should push themselves to look at that because you have individuals that own land here, but do not live it this county. He stated that his grandfather owned three farms when he died in 1959. It was divided between twelve children. His grandfather broke land in 1903. He stated he lives on a century farm that is still being farmed. The main concern is that those renters that rent the land, if the landowners have to pay higher taxes, the renters will have to pay higher rent. So that is one of the reasons people are against that. If you look across this board and look at the cuts this Board is talking about making if you don't include everybody, especially those individuals that own land that do not live in this county it doesn't make sense. He thanked the Board for the opportunity to speak.

Chairman Jones asked if anyone else wished to speak.

Chairman Jones stated that they would conduct a closed meeting after a five minute break.

After a five minute break Chairman Jones stated that at this time we would have a closed session.

Mr. Michael Johnson stated at this time it is necessary for this Board to conduct a closed meeting in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purpose:

- 1) Pursuant to Section 2.2-3711 (A) (5), to receive a report from Franklin-Southampton Economic Development, Inc. regarding prospective industries where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community;

- 2) Pursuant to Section 2.2-3711 (A) (1), to discuss performance of the Department of Utilities, where the evaluation will necessarily involve discussion of the performance of specific employees.

A motion is required to convene a closed meeting for the purposes described.

Supervisor Faison made a motion to convene a closed meeting for purposes as described.

Supervisor Edwards seconded the motion with it being carried unanimously.

There was some discussion concerning the soft spokenness of some people.

Mr. Michael Johnson said if you all want to improve the sound it would take a little money, but he could put lapel mikes on every one of you. We can fix the sound problem, but it takes a little money.

Supervisor Edwards read the certification 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.**

**Supervisor West made a motion to go back into open session.**

**Supervisor Faison seconded the motion with carried unanimously.**

**Supervisors Voting Aye: Dallas O. Jones  
Barry Porter  
Glen Updike  
Carl J. Faison  
Alan Edwards  
Ronald M. West  
Bruce Phillips**

**Supervisors Voting Nay: None**

Chairman Jones stated that they did not discuss anything that was not on the agenda.

Chairman Jones asked if there was anything else to come before them before they adjourned the meeting.

Supervisor West stated this question about this Board of Supervisors code of ethics and signatures and so forth, with the changed language sign these.

Mr. Michael Johnson stated they would be prepared for next month.

Supervisor Edwards stated that Supervisor West said that the meeting Wednesday night was here and he said it was at the high school. He asked wasn't it at the high school.

Mr. Michael Johnson stated that Supervisor Edwards was correct the meeting was at the high school.

Supervisor Edwards asked if all of the Wednesday night meeting in April were here in the Board room.

Mr. Michael Johnson stated yes. This coming Wednesday night meeting will be the last one at the Wigwam. The rest of them will be here until we get to the public hearing and then we will gauge how controversial it may be and decide the appropriate meeting place.

Supervisor West said that RC&D according to Mr. Gary Cross basically doesn't exist.

Supervisor Phillips said Governor Kaine used to have something to do with this.

Supervisor West said well it is gone now. They will still seek the amount of money from the localities although Stacie Bradshaw did not come last week.

There being no further business the meeting was adjourned.

---

Dallas O. Jones, Chairman

---

Michael W. Johnson, Clerk

\*\*\*\*\*THIS PAGE INTENTIONALLY LEFT BLANK\*\*\*\*\*



March 26, 2012

