

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 May 29, 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

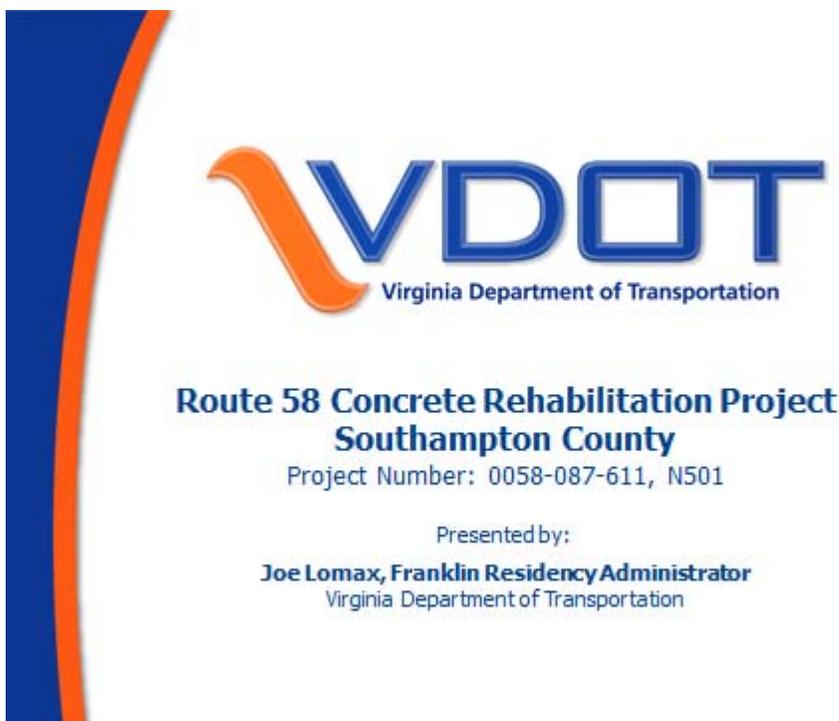
Michael W. Johnson, County Administrator (Clerk)
Jon Mendenhall, Assistant County Administrator
Lynette C. Lowe, Finance Director
Sandi Plyler, Information Technology Manager
Julien W. Johnson, Jr. Public Utilities Director
Richard E. Railey, Jr., County Attorney
Cynthia J. Edwards, Administrative Secretary

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, March 28, 2012; the Budget Workshop, April 4, 2012; the Budget Workshop, April 11, 2012; the Budget Workshop, April 18, 2012; the Budget Workshop, April 23, 2012, the Budget Workshop, April 25, 2012 and the Regular Session of May 2, 2012. Supervisor West made a motion to approve the minutes, seconded by Supervisor Edwards. The motion was carried unanimously.

Chairman Jones stated the next item of business was number two – highway matters.

Mr. Joe Lomax, Residency Administrator for the Franklin Residency which includes Isle of Wight, Southampton, Sussex, and Greensville addressed the Board. He stated he was here to talk to us a little bit about the U. S. Route 58 Project. He gave the following presentation:





Project Overview Constructed in 3 Phases

PHASE 1

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PHASE 2

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PHASE 3

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Benefits

- Will add life expectancy to Route 58
- Updated signs and road markings
- Updated shoulders and drainage system
- Temporary access road to be constructed along westbound Route 58

Challenges

- Speeds through construction will be reduced from 60 mph to 50 mph
- Traffic will be reduced to one lane
- Traffic shift from westbound lanes to single eastbound lane to occur in late June.

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Phase One



- Begins July 28, 2012
- Completed September 20, 2012
- One-third mile
- Complete reconstruction of section
- Tubular markers at Route 653 intersection for emergency vehicles
- Temporary access road north side of westbound lane
- Median break for business access located between Route 653 and Route 761

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Phase Two

Phase Two prioritized in schedule to lessen impact on school transportation

- Began May 24, 2012
- Completed September 20, 2012
- 2.2 miles in length
- 7 inch unbonded concrete overlay and patch on existing roadway
- Temporary median crossovers
- Temporary gravel road

- Lane shifts from westbound lanes into eastbound lane at both ends of Phase 2
- Right turns only on eastbound lane
- Double-faced concrete barrier between construction and traffic
- Emergency Access at Rawlings Road (Route 654)



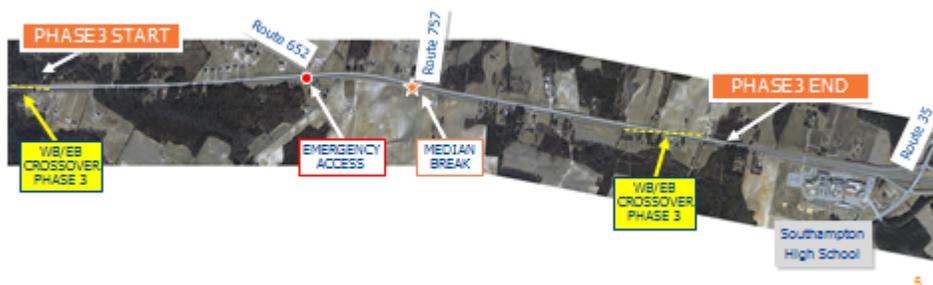
*also location of EB/WB crossover during Phase 3.

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Phase Three

- Begins July 28, 2012
- Completed September 20, 2012
- 2.8 miles constructed
- 4 inch bonded overlay
- Reinforce eastbound right shoulder
- Temporary median crossovers
- Temporary access road
- Lanes shift from two eastbound lanes to single lane
- Double-faced concrete barrier between construction and traffic
- Emergency access at Buckhorn Quarter Road (Route 652)



Communication Plan

- Residents and businesses in project area
- Trucking associations
- Faith Community
- Resort realtors and tourism agencies (Lake Gaston/Kerr Dam)
- Local EMS, fire stations and police
- Public Information Meeting
 - June 4, 4 p.m. to 7 p.m.
 - Southampton Middle School
 - Open House format



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Where to get more Information

Find out more about the project:

- www.virginiadot.org/projects/hamptonroads/route_58_rehabilitation_concrete_project.asp
- VDOT Contact information:
Kristopher Purzycki
Public Information Officer
757-925-3606
- hamptonroadspublicinfo@VDOT.Virginia.GOV



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Supervisor West asked what is unbounded, bonded, four inches, and seven inches. You said a whole lot of things the general public doesn't understand.

Mr. Joe Lomax said he didn't either that is why they are having the public information session. It has something to do with the tie into the existing surface.

Supervisor West said so you don't know the criteria for unbounded and bonded.

Mr. Joe Lomax said no sir it will be on the email tonight and tomorrow morning.

Supervisor West said but you are going to put seven inches or four inches on top of a bed of concrete already.

Mr. Joe Lomax said yes sir.

Supervisor West said really.

Mr. Joe Lomax said yes sir; from what he understands it is done in squares with preselected places for crack control. So hopefully we won't have just in the square anywhere; there will only be cracks where they are designed to be so even if we have to go back and do patching later which you always have to do with concrete they won't have to take out as much of the road.

Supervisor West said during his working career in going to Emporia every day you patched and it was a network of this, but going to Greenbrier that concrete is just a smooth run the whole way on Interstate 64. He said he didn't understand the difference because this up here is irregular.

Mr. Joe Lomax said for one thing that at Greenbrier was a brand new project.

Supervisor West said this Hwy. 58 was too a few years ago.

Mr. Joe Lomax said he wasn't here when that was done. He had just patched this out here on Hwy. 58. He said there is a difference between patching. The second thing that they did at Greenbrier is they milled and smoothed it after they finished; so they machined it afterwards. He said he asked specifically that question a few years ago in Emporia. In this case he is not sure what the requirements are, but he will ask about milling and machining. He knows they had a plant on site and actually created the concrete on site on Interstate 64 so they had everything right there and they did shave it. It amounts to shaving the irregulars out of concrete. It will never be perfect; but if you shave it with that machine you can shave it down to 100th of an inch he thought. That is something we haven't had, but he said he would ask about the possibility of using that machine.

Supervisor West said he wasn't going to beat a dead hog over this thing, but it would be nice to see it smooth and well finished. He thanked Mr. Joe Lomax

Chairman Jones asked if anyone else had any questions or concerns.

Supervisor West said he thinks they had started mowing – was that correct.

Mr. Joe Lomax said yes sir.

Supervisor West asked where and when. He said three times this summer he was told by Mr. Jerry Kee. You know just a thought, Mr. Lomax you did a good job throwing the stuff out of the ditches where you could throw it in open fields. He said he knew Mr. Lomax was not able to use it along the wooded land; however that being said now this straw and weeds are so tall they are half way up his waist and you have go there and you have an interesting thing to do. You send a tractor through and then you send another one to dissimulate and you are chunking that stuff back in the ditch that just got dug. He said he didn't understand a lot of things, but he finds it remarkable to let the weeds and things get

so high and then cut it and then push it back in the ditch that you just cleaned out.

Mr. Joe Lomax said there are two things. He focused on the roads this year so they did get behind on the mowing and ditches. You may have noticed they had more pipes installed along the ditches on Kellos Mill and Hwy. 666. He said he was spending more time on the surface and less on the aesthetics so he would take that hit. They plan on catching up on the mowing. He said he would find out why they are throwing it back. Also they do have a contractor that is cutting the primaries and some of the secondaries. He said they were dissatisfied and probably if the contractor didn't tighten up they are probably going to have to get rid of him and go back to doing it themselves until they put out another bid because he has been in Southampton for three weeks now and he has three counties to do. So it is a combination of things and he said he would go back and check into it. One of the reasons they were behind was because he was pushing them to get some of the paving, pipework, and ditching done. He said that was his fault. He was trying to focus on the structure of the road and get in front of some of these contractors we have coming in here for surface treatments.

Supervisor Phillips said on Popes Station Road west of the intersection with Cary's Bridge Road there is a dead pine tree that is on the left side of the road. He said he put two bands of pink tree flagging around it, but it is leaning to the road and is going to start dropping limbs pretty soon. It has been there since Hurricane Isabelle.

Mr. Joe Lomax said they were going to get the contractor back in here. He said they had a contractor that comes in here about every two months and they would get it taken care of.

Supervisor Phillips thanked Mr. Joe Lomax.

Supervisor Updike said he had expressed his concerns to Mr. Joe Lomax and he is going to take care of it tomorrow. When you talk to the head boss you feel like it is going to be done.

Chairman Jones thanked Mr. Joe Lomax.

Chairman Jones stated the next item of business was reports. There were the following reports: Financial Report, Sheriff's Office, Animal Control, Litter Control, Building Permits and Treasurer's Report.

Mr. David Britt, Treasurer, addressed the Board. He said he wanted to give a monthly update on where we are on our collections. Currently they are getting started with the booting program and they have booted 84 vehicles in the last 30 days bringing in about \$24,000.00. They have also done some liens in the last two weeks since he had gotten some part time help for the summer. Over the last 30 days they have collected \$304,000 dollars and of that \$219,000 dollars is personal property and \$84,000 is real estate. He stated at the last meeting Supervisor Porter had some questions concerning the sales of the property we hadn't been able to collect the taxes on. From non-judicial sales they were able to collect on one property \$893.00, but they were also able to bring in an extra \$2,000.00 surplus from items after they have been in escrow for two years. Some of the other properties did not bring enough to cover the taxes which we still collected \$1,483.00 so we are looking at having to write that off; however with the \$2,000.00 we will still be to the good in a couple of years. He stated we had one other property that will bring us about \$1,000.00 and maybe a little bit of surplus. As far as judicial sales it was the same thing there. Some of the properties brought us home and some did not. His estimation is that we will collect about \$12,681.00 off the judicial sales and probably lose and have to write off about \$9,800.00 dollars. In the same sense one property did bring in an additional \$34,352.00 that will go into escrow for a two year period. If no one claims that it will revert over to the county. He asked Supervisor Porter if that cleared up the questions he had.

Supervisor Porter said yes. He asked if these properties were back on the tax rolls now.

Mr. David Britt said yes so hopefully someone will be paying the taxes on them on a

yearly basis.

Supervisor Porter said he assumed the assessments were higher than the sale prices.

Mr. David Britt said yes.

Supervisor West asked didn't he understand that Mr. David Britt said some time ago that booting on real estate delinquency would be taking place or is taking place. He asked what was the status.

Mr. David Britt said it can be done. It is a more tedious process because real estate properties do not have social security numbers associated with them like personal property. So if you have John Doe you have got to make sure that it is the right John Doe before you go out there and boot his car for real estate taxes. You have got to make sure that you have the right John Doe.

Supervisor West said he would think that on any of them.

Mr. David Britt said that was right, but the social security number helps in making sure you have the right John Doe.

Supervisor West asked as far as delinquent taxes what percentage would you say is real estate and what percentage is personal property.

Mr. David Britt said that was in the handout he gave them tonight. There is \$663,000 outstanding in personal property and \$802,000 outstanding in real estate

Supervisor West asked what page that was on.

Mr. David Britt said on the fourth page.

Supervisor West said he hadn't seen this until tonight.

Supervisor Edwards said it looks like everybody has found out that we are getting real serious about it, the word is getting around, and you guys are doing a good job so we are getting some of this back.

Mr. David Britt said hopefully we can get the programs going more full steam and bring in a few more dollars in the next couple of months.

Other reports were New Housing Starts, Solid Waste Quantities, Cooperative Extension and Personnel.

Mr. Michael Johnson stated that we had three personnel changes to report for the month. We had one resignation effective May 4, 2012 in the Inspections Department. There were two separations in the Sheriff's Office: Jody L. Brown effective May 3, 2012 and Tyrece D. Scott effective May 7, 2012.

Chairman Jones stated we would move on to item number four – financial matters.

Mr. Michael Johnson stated that item A is a copy of the proposed budget synopsis, as advertised in the Tidewater News on May 6. If you continue with the schedule set forth at your January meeting tonight is the night to take action on that. A motion is required to adopt the FY 2013 annual budget as attached (page 4-3), or as may be amended from the floor.

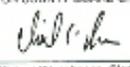
**SOUTHAMPTON COUNTY, VIRGINIA
NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2013**

The Southampton County Board of Supervisors will hold a public hearing on the following proposed county budget, school budget and associated property tax levies for the fiscal year beginning July 1, 2012 and ending June 30, 2013 on Monday, May 21, 2012 at 7:00 p.m. in the auditorium of Southampton High School, 23550 Southampton Parkway, Courtland, Virginia 23857.

REVENUE ESTIMATES							
	2011-2012	2012-2013	%A		2011-2012	2012-2013	%A
COUNTY SOURCES							
General Property Taxes	\$ 12,154,370	\$ 12,854,714	1.06	BUILDING FUND	492,578	487,339	(1.04)
Other Local Taxes	1,447,346	1,855,158	12.82	Utility Taxes	278,251	644,173	156.40
Permits, Fees, Licenses	123,336	192,552	15.62	Charity - 100% Reserve	62,258	162,586	165.14
Fines & Penalties	693,900	547,356	1.40	Hotel Taxes/Hotels	124,622	110,520	(11.28)
Use of Money & Property	25,000	4,300	(88.57)	TOTAL BUILDING FUND	<u>1,542,507</u>	<u>1,407,897</u>	(14.74)
Charges for Services	246,664	1,793,548	729.40	REVENUE FROM COMMODITIES-TI			
Miscellaneous Revenue	674,126	624,922	(7.43)	Non-Designated Aid	130,000	100,000	(23.08)
TOTAL COUNTY SOURCES	<u>17,819,001</u>	<u>22,070,858</u>	<u>123.85</u>	Capital Aid	3,438,236	3,368,425	(2.03)
OTHER COUNTY SOURCES							
Transfer from General Fund Reserve	1,400,777	487,260	(65.71)	Other Designated Aid	447,584	558,227	124.70
Transfer-Interlocal Exchange	103,000	217,313	211.00	School A-3 School Capital	11,436,807	13,706,426	201.00
Grants-Funds (School Pool)	421,000	400,300	(14.49)	School A-3 School Food	21,000	29,620	41.00
Grants-Funds (School Operating)	2,046	35,700	1743.00	School A-3 (State Tax)	2,837,756	2,968,884	104.61
TOTAL OTHER COUNTY SOURCES	<u>1,972,517</u>	<u>1,867,873</u>	<u>(94.26)</u>	TOTAL STATE REVENUE	<u>22,220,848</u>	<u>22,573,429</u>	<u>1.21</u>
ENTERPRISE REVENUE							
Water Service Fees	205,000	316,398	15.43	REVENUE FROM FEDERAL SOURCES			
Sewer Service Fees	174,000	173,795	(0.12)	School A-3 (School Capital)	11,800	686,147	5811.00
Other Fees/Donations	49,818	68,710	137.97	School A-3 (School Operating)	1,752,400	1,908,856	109.34
Capital Asset	623,444	623,444	100.00	Other	1,642,000	2,142,000	130.44
TOTAL ENTERPRISE REVENUE	<u>1,552,262</u>	<u>1,182,347</u>	<u>(76.18)</u>	TOTAL FEDERAL REVENUE	<u>2,427,600</u>	<u>2,737,003</u>	<u>112.75</u>
				TOTAL REVENUE - ALL SOURCES	<u>\$ 22,142,581</u>	<u>\$ 22,913,258</u>	<u>1.03</u>

EXPENDITURE ESTIMATES							
	2011-2012	2012-2013	%A		2011-2012	2012-2013	%A
GENERAL FUND							
General Government Administration	\$ 188,732	\$ 185,806	(1.57)	REVENUE FUND	2,640,640	2,666,183	1.01
Board of Supervisors	267,871	274,389	10.28	Distribution/Event	173,000	221,611	128.10
County Administration	262,717	264,847	1.01	Construction/Water	7,840,949	7,742,947	(1.26)
Commissioner of the Revenue	211,212	222,222	105.21	BUILDING FUND			
Board of Assessors	214,817	262,222	122.07	Capital Projects/Debt Service	2,210,071	1,358,253	(61.45)
Treasurer	4,000	15,556	388.90	SCHOOL FUND			
Deputy/Tax Collector	311,121	225,547	72.81	Salaries	10,660,764	11,700,478	109.80
Assessing	212,012	241,240	113.78	Administration: Awareness & Health	1,220,000	1,142,041	(6.46)
Data Processing	227,823	208,233	(8.61)	Management & Director - Transportation	2,070,191	2,001,252	(3.33)
Insurance/County Clerk	174,422	156,873	(8.94)	Operation and Maintenance Services	2,387,000	2,162,000	(9.22)
Registrar	2,062,044	2,105,045	102.06	Student Food Service and Non-Operating	12,016	14,564	121.20
Adult Administration	34,880	54,235	155.51	Food Aid	191,006	134,000	(70.16)
Child Care	22,823	19,544	(15.27)	Debt Service	2,024,281	2,271,185	112.21
Combined Child Care	908	888	(2.20)	Technology/Technical Operating	402,256	402,144	(0.03)
Senior Magistrate	470,458	499,583	106.21	Special Projects	31,175	166,242	533.55
Sherriff - Sheriff	285,161	261,028	(8.45)	Technology	263,000	230,522	(87.65)
Sherriff - Sheriff	285,161	261,028	(8.45)	Adult Care - Year Old	40,000	40,000	100.00
Commissioner of the Revenue	497,148	510,723	102.53	Early Reading Intervention	40,000	40,000	100.00
Victim Witness Assistance Program	70,070	75,263	107.41	Federal School Funds	623,276	820,578	131.65
Public Safety	1,647,790	1,890,573	114.75	Tuition	667,250	877,254	131.46
Sherriff - Law Enforcement	143,360	151,693	105.82	Tuition - Post-Secondary	23,022	46,987	204.08
Sherriff - Sheriff	40,020	47,547	118.80	Pre-School Incubator	12,497	12,598	100.83
Sherriff - Sheriff	50,506	52,327	102.63	Life Skills Training and Recreational	104,000	120,408	116.70
Volunteer Fire Department	523,278	547,012	104.53	Life Skills, Ed. Tech.	4,449	-	(100.00)
Volunteer Fire Department	21,730	21,730	100.00	Openly, Inc.	10,000	10,000	100.00
State Forestry Service	2,627,230	2,788,498	105.76	Total School Funds	<u>33,922,327</u>	<u>37,485,962</u>	<u>110.50</u>
Sherriff - Sheriff	157,370	157,370	100.00	SCHOOL FOOD			
Inspection	58,031	61,816	106.52	Student Food	1,312,833	1,137,625	(86.66)
Animal Control	500	500	100.00	MISC. PUBLIC ASSISTANCE FUND			
Medical Examiner	112,025	112,025	100.00	Digitally Aware Studies	1,304,782	1,022,711	(78.41)
Emergency Services	6,282,745	6,282,745	100.00	Service Administration	714,270	732,106	102.64
Public Works				Health Programs	227,242	629,356	277.18
Streetlights	48,887	48,888	100.00	TOTAL EXPENDITURES - ALL FUNDS	<u>\$ 22,112,861</u>	<u>\$ 22,511,206</u>	<u>1.02</u>
Arboriculture	54,279	51,589	(4.99)				
Public Collection	718,488	761,754	105.99				
Public Collection	1,214,583	1,110,000	(91.40)				
Buildings & Grounds	374,522	408,732	109.13				
Health & Welfare	2,964,887	2,626,025	(88.58)				
Health Department	304,000	304,000	100.00				
Welfare	66,044	66,974	101.41				
Health Services	15,000	15,274	101.82				
Comprehensive Services Act	140,147	288,148	205.52				
STDP Organization	687,691	663,715	(96.53)				
Parks, Recreation & Cultural	2,442	5,141	210.53				
Community Center Association	17,062	15,373	(8.99)				
Southampton Area	31,412	25,523	(81.25)				
W.C. Parks Library	228,928	227,107	(0.80)				
Community Development	272,538	269,448	(99.24)				
Planning	532,310	231,788	43.53				
Economic Development	120,000	120,000	100.00				
Southampton Area	4,768	5,708	119.71				
Cooperative Relations	41,215	45,661	110.79				
Non-Departmental	13,700	13,158	(95.97)				
Non-Departmental	13,700	13,158	(95.97)				
TOTAL GENERAL FUND EXPENDITURES	<u>\$ 12,647,406</u>	<u>\$ 13,538,917</u>	<u>106.99</u>				

This publication is intended as a brief synopsis of the proposed budget for informational and fiscal planning purposes only. Full copies of the proposed budget are available for public inspection in the County Administration Office, 20022 Administration Center Drive, Courtland, Virginia during normal business hours of 8:00 a.m. to 5:00 p.m. or online at www.southamptoncounty.org. All citizens of Southampton County are invited to attend the hearing and state their views thereon.

SOUTHAMPTON COUNTY BOARD OF SUPERVISORS
By: 
Michael W. Johnson, Clerk

Chairman Jones asked what the Board had to say.

Supervisor West made a motion that we adopt the proposed budget as advertised in the Tidewater News and any other local paper which has been heard and spoken of for some time in Southampton County.

Supervisor Edwards seconded the motion.

Chairman Jones said he had a motion and a second and asked if there was any further discussion on this.

Supervisor Faison said he has some concerns. He said if you remember at the public hearing there was a lot of concern spoken about the school and the library. Those are two things that the county certainly has taken advantage of and he would love to see this budget address those more.

Supervisor Updike said that everybody he talks to is saying some more money is coming down the road from the state. He would like to make a motion that any additional funds that come in are used to pay off some of our debt. We are over \$70 million in debt and we are going to continue to go down- hill unless we do something to control our debt. He made a motion that any additional funds that come in after the approval of the budget go to offset our debt service.

Chairman Jones said we already have a motion on the floor we have got to deal with first.

Supervisor West said you have a motion and a second to the original motion, but you don't have a second to take the amended motion, correct.

Mr. Richard Railey said unless the one who made the original motion withdraws it.

Supervisor West said he was not going to withdraw it.

Chairman Jones said he was going to take a vote on the original motion then he would address Supervisor Updike's motion.

Mr. Richard Railey said you can see if there is a second to Supervisor Updike's motion.

Chairman Jones asked if he had a second to Supervisor Updike's motion.

Supervisor Edwards said he would second Supervisor Updike's motion because he would like to see what is involved.

Chairman Jones asked Mr. Richard Railey if they could vote on them both together.

Mr. Richard Railey said you vote on the amendment first. What you are voting on is to amend the original motion.

Supervisor West asked what monies they were talking about securing and holding. He asked if they were talking about anticipation of new school funds that may come down from the State of Virginia.

Supervisor Updike said he was talking about any additional funds that come down from any state or federal source. We can offset it and designate it as XYZ then the same amount of money will be withdrawn from the county support.

Supervisor West said the debt is well leveraged. The debt is going to be paid off in a structured manner over a period of time. There is no reason whatsoever to delve into that. If you have got \$70,000 to put towards \$70 million that is just not much. He knows that every penny counts; he understands that real well. He tells you that is the wrong approach when \$70,000 may keep a teaching position or some fundamental thing going that we need going. He thinks that is being too picky. He will not support that.

Supervisor Faison said he agreed 100%.

Supervisor Edwards said we have got a budget and all of that is being supported. We are talking about money outside of that. He agrees with Supervisor Updike he wants to see what it looks like too.

Supervisor Faison said would vote to earmark that right now. Once it comes in we can make a decision on that without us doing at this point and having it already designated for something. He disagrees with it.

Supervisor Updike said if we don't make a decision to do it tonight you can kiss it goodbye and you can kiss every effort to control spending down the drain.

Supervisor Faison said that if it comes into the county the county has it regardless of where

it is used. It is not kissed goodbye. He thought we would put it to good use whenever the time arises for us to do that.

Supervisor West said he thought every department and every organization that is supported by this Southampton County Government and through the tax process understands that there will be an extra eye, an extra look and to make sure that every dollar is spent wisely and as carefully as they can. There is only so much that you can do in one year. You can stop government if that is what your preference is. It is not his reasoning to do that in any way. He thinks you are counter-productive to do this right now. He asked what anticipated funds are you talking about. He asked Supervisor Updike if he had an inkling of, what have you heard, do you want to reveal that, is there anything that you will say at this time, sir.

Supervisor Updike said according to all the information the representatives, the governor has \$881 million dollars surplus to go around and he hadn't been able to get a hold of how much appropriation was going to be divvied out to any group. So if funds are coming, we can spend it wisely by paying off the debt. We have got a budget. I expect you to live within that budget that you are going to vote on tonight and not get excess funds that may be coming down the road and spend that. Then next year you are going to be back in the same rut. If we have x number of personnel and we use the governor's surplus and then we have these people on board and that is happening over and over again. If we don't put in some restraints in some way, shape, or form we are lost.

Supervisor Faison said we are going to be the same people down the road as we are tonight. If we received something down the road he would want to look at it and evaluate it then. He did not want to make a decision on it tonight.

Chairman Jones said we have two motions on the floor. He asked if there was any more discussion on this.

Supervisor Porter said he was sitting here and trying to think of the big picture and see how it all fits together. We are voting on the budget if we approve it we have all the appropriations to follow those. Any additional monies that come into the county have to be appropriated prior to the usage. One usage would be to pay down debt.

Supervisor West said that is a possible usage.

Supervisor Porter said yes that was a possible usage. There are other possible usages.

Supervisor West said sure.

Supervisor Porter said he has no objection to paying down debt. We are too much in debt. He said he hated it when he looked at the debt repayment schedule as we are looking at paying between \$5.5 and \$5.7 million dollars over the next five years. That just hamstring us. Knocking \$100,000 dollars off of that would be nice. He is struggling with what the benefit of the amendment to the budget is. He asked does it actually add value or is it redundant to something that we should do independently of approving the budget.

Supervisor Updike said we need something to hold the feet to the fire that has already been approved so it cannot be taken and given to any group or anything or some whim that comes down the road in the future.

Supervisor Porter said he would be open to this. We pass the budget and any additional funds that come in have to be balanced against what funds we give the different operations in the county. If someone gets an additional half million dollars which he doesn't think they will, but if they get \$10,000 then any local funds by the county would be reduced by \$10,000. He doesn't know at this point without knowing the big picture that he can support paying the debt down. If at the time we get some funds paying the debt is the right thing to do at that time then we should pay it down. If we have some additional expense maybe that would be the appropriate thing to do with it.

Supervisor Edwards said that may be the appropriate word.

Supervisor Phillips said we have a line item of operating efficiencies at \$452,262. If we vote for this amendment we are going to jump right over top of that. That money has to be okayed. He said he thought we were stepping toward what we set our goal for as this budget; otherwise we would be backing up again. He agrees we need to pay down our debt. He is absolutely 100% in favor of that, but with this line item here he thinks they have got to find that money whether it comes from the state or from operating efficiencies that they establish ongoing from this night on to balance this budget as it is passed tonight.

Supervisor Updike said he interpreted it in different ways. He said that money that is saved by making government more efficient; there are monies that he is talking about coming into the county. So it is two different ballgames. One is operating more efficient and the other is getting funds from other sources.

Supervisor Porter said let him offer another alternative. Let's have it in there if additional funds from state and federal sources come in, and this may be redundant, before those funds can be used or appropriated they have to come before the Board for a decision.

Supervisor Faison said he agreed with that.

Chairman Jones said that is going to happen anyway. That's just the way it works it comes to us anyway.

Supervisor Porter said this is just formalizing it or making clear that if the Sheriff's Office gets \$50,000 more in funds that is coming from the budget of the state he doesn't have the authority to spend \$50,000. That money has to come before the Board to be appropriated prior to any of that money being spent. That may be redundant, but it sends a clear message to everybody that the money we have in this budget is what we are appropriating and authorizing you to spend not any additional funds and then come before this Board hoping we are going to forgive you for spending it. We are not going to forgive you for spending it. It is just to make it clear.

Chairman Jones asked if everybody was clear on this.

Supervisor West said no.

Supervisor Edwards said there is absolutely nothing wrong with that. What we are just saying is we have a budget, if any extra money comes in we simply want it to run by us to see where it needs to be spent.

Chairman Jones said well that is going to happen.

Mr. Richard Railey said you have got a motion and now you have an amendment to the motion.

Chairman Jones said he had three motions.

Supervisor West said you only have an amendment to a motion with a second to it. And the last one was just a rephrasing of the amendment. That was not another motion.

Supervisor Porter said he was simply offering an alternative to the wording of it.

Mr. Richard Railey said the first question would be does the party who made the amending motion and the party who seconded it yield to the interpretation.

Chairman Jones said let's pass the budget and then deal with the amendment.

Supervisor Faison asked if they could pass it before you have the amendment attached to it first.

Mr. Richard Railey said if you don't yield to the amendment then you are going to have to have to vote the first amendment either up or down.

Chairman Jones asked Supervisor Updike if he would yield.

Supervisor Updike said the answer is no because if we don't make some effort in the form of an amendment that we have got to do it then it is just going to be hogwash.

Supervisor Edwards asked can we not vote on the budget and then vote on the amendment.

Mr. Richard Railey said you are going to have to take care of the amendment first.

Chairman Jones said let's go with the amendment first. He asked if there were any more questions before they took a vote. He called for a vote on Supervisor Updike's amendment. The motion was lost. Now he said they would go to the budget.

Supervisor Porter said he would like to present his revised amendment and maybe it was redundant but it makes it clear to everybody that any additional funds that come in do not get spent.

Supervisor Phillips said before coming before this Board.

Supervisor Porter said the budget you are getting is the budget you are getting from us. Any additional money that comes in has to come before the Board for a formal vote before any action is taken with respect to that money.

Mr. Richard Railey asked if he got a second to his motion

Supervisor Edwards said yes that he was seconding it.

Chairman Edwards said that was seconded. He said they would vote on Supervisor Porter's motion that any extra money coming to the county would have to come before the Board before it is spent. He asked if there were any further question before they took a vote.

Supervisor Faison said if money comes in that is earmarked for a certain department we can't say that money doesn't go to that department so what recourse are we talking about.

Supervisor Porter said we can rescind the funds that we have given that department.

Supervisor Faison asked after we approve the budget we can rescind the funds that we have appropriated for a department.

Supervisor Porter said we can at the end of this.

Supervisor Faison asked can we do that. After you approve a budget and give a department a certain amount of money can we rescind the funding.

Mr. Richard Railey said yes isn't that the way you interpret it Mr. Michael Johnson.

Mr. Michael Johnson said yes. Keep in mind that you typically do a semi-annual appropriation in June starting in July and you do a second semi-annual appropriation in December for the second half of the fiscal year. So obviously you are not appropriating all the funds so if a grant came in in November you would simply reduce the December appropriation by a compromable amount to accomplish what Supervisor Porter suggested. The problem may come in if a grant comes in very late in the fiscal year, say in May or June, and you have already appropriated the local funding.

Chairman Jones asked Supervisor Faison if he understood that. He asked if everyone was ready to vote on Supervisor Porter's motion which carried unanimously.

Chairman Jones stated now we would vote on the budget. The budget motion carried with Supervisor Updike voting nay.

Chairman Jones stated we would move to item B.

Mr. Michael Johnson said item B is an ordinance which establishes the 2012 (FY 2013) tax levy. It is on page 4-4 in your agenda. It establishes a real estate tax rate of \$0.75 and all the other local taxes remain the same.

TAX ORDINANCE

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia, that for the year 2012 (FY 2013) there is hereby levied:

1. A tax of \$0.75 per \$100.00 assessed valuation on all real estate in Southampton County, including manufactured homes.
2. A tax of \$5.00 per \$100.00 assessed valuation on all taxable, tangible, personal property located in Southampton County, except household goods and personal effects.
3. A tax of \$1.95 per \$100.00 assessed valuation on all farm machinery and farm implements, save and except machinery described in paragraph 4 herein below, located in Southampton County.
4. A tax of \$1.25 per \$100.00 assessed valuation on all farm machinery designed solely for the planting, production or harvesting of a single product or commodity, located in Southampton County.
5. A tax of \$0.75 per \$100.00 assessed valuation on all real estate and \$5.00 per \$100.00 assessed valuation on all taxable, tangible personal property of public service corporations based on the assessment fixed by the State Corporation Commission of Virginia.
6. A tax of \$2.40 per \$100.00 assessed valuation on all machinery and tools.
7. A tax of \$0.50 per \$100.00 assessed valuation on merchant's capital.
8. A tax of \$2.40 per \$100.00 assessed valuation on all heavy construction machinery, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting equipment and ditch and other types of diggers.
9. A tax of \$2.40 per \$100.00 assessed valuation on all motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce.

All levies shall be due on or before December 5, 2012.



**SOUTHAMPTON COUNTY
BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

Notice is hereby given pursuant to Section(s) 15.2-1427 and 58.1-3007, *Code of Virginia*, 1950, as amended, that the Southampton County Board of Supervisors will hold a public hearing on Monday, May 21, 2012 at 7:00 p.m., or as soon thereafter as may be heard, in the auditorium of Southampton High School, 23350 Southampton Parkway, Courtland, Virginia 23837 to consider an ordinance to impose the following tax levies for 2012 (fiscal year 2013). All levies will be due on or before December 5, 2012:

	EY 2012	PROPOSED FY 2013
REAL ESTATE		
General	\$0.77/\$100	\$0.75/\$100
Public Service Corporations	\$0.77/\$100	\$0.75/\$100
PERSONAL PROPERTY		
General	\$5.00/\$100	\$5.00/\$100
Machinery & Tools	\$2.40/\$100	\$2.40/\$100
Mobile Homes	\$0.77/\$100	\$0.75/\$100
Public Service Corporations	\$5.00/\$100	\$5.00/\$100
Merchants Capital	\$0.50/\$100	\$0.50/\$100
Farm Machinery	\$1.95/\$100	\$1.95/\$100
Farm Machinery/Single Product	\$1.25/\$100	\$1.25/\$100
Construction Machinery	\$2.40/\$100	\$2.40/\$100
Motor Carriers	\$2.40/\$100	\$2.40/\$100

A full copy of the proposed ordinance is on file and available for public inspection at the County Administrator's Office, 26022 Administration Center Drive, Courtland, Virginia during normal business hours. Any persons wishing to speak in favor of or in opposition to the above referenced ordinance are encouraged to appear and be heard at the aforementioned place and hour. Any persons wishing to attend this hearing who may have special needs should contact the County Administrator at (757) 653-3015, preferably seven days prior to the hearing.

Southampton County Board of Supervisors
Michael W. Johnson, Clerk

Chairman Jones stated he needed a motion.

Supervisor Phillips made a motion to adopt the ordinance establishing the 2012 annual tax levy.

Supervisor Porter seconded the motion which carried unanimously.

Chairman Jones stated we would move forward.

Mr. Michael Johnson said item C is an ordinance to establish the water, sewer, and solid waste fees for FY 2013. A motion is required to establish the ordinance.

WATER, SEWER AND SOLID WASTE FEES

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia, that beginning for the billing period after July 1, 2012, the following fees are hereby prescribed:

WATER FEES:

Base rate: \$26 per month for the 1st 4,000 gallons
Over 4,000 gallons: \$5 per 1,000 gallons or any fraction thereof

Multi-family units shall be assessed the base rate times the number of connected residential units plus \$5 for each 1,000 gallons (or fraction thereof) above the number of connected residential units times 4,000.

Example: 50 residential units using an aggregate of 250,000 gallons

$(50 \times \$26) + (\$5 \times 50) = \$1,550.$

SEWER FEES:

Base rate: \$34 per month for the 1st 4,000 gallons
Over 4,000 gallons: \$7 per 1,000 gallons or any fraction thereof

Multi-family units shall be assessed the base rate times the number of connected residential units plus \$7 for each 1,000 gallons (or fraction thereof) above the number of connected residential units times 4,000.

Example: 50 residential units using an aggregate of 250,000 gallons

$(50 \times \$34) + (\$7 \times 50) = \$2,050.$

NARRICOT INDUSTRIES INDUSTRIAL WASTEWATER\$1.50 per 1,000 gallons

Any residential wastewater customers who are connected to privately-owned wells shall be assessed the base sewer rate each month.

SOLID WASTE FEE:

\$200.00 annually for each occupied residential household

A COPY TESTE:

Michael W. Johnson, Clerk
Board of Supervisors



**SOUTHAMPTON COUNTY
BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

Notice is hereby given pursuant to Section(s) 15.2-107 and 15.2-1427, *Code of Virginia*, 1950, as amended, that the Southampton County Board of Supervisors will hold a public hearing on Monday, May 21, 2012 at 7:00 p.m., or as soon thereafter as may be heard, in the auditorium of Southampton High School, 23350 Southampton Parkway, Courtland, Virginia to consider an ordinance to impose the following fees pursuant to Section 15.2-2119, 15.2-2604, and 15.2-928 of the Code of Virginia, 1950, as amended:

	FY 2012	PROPOSED FY 2013
WATER		
Monthly Residential Base Rate (≤ 4,000 gal.)	\$24.00	\$26.00
Monthly Commercial Base Rate (≤ 4,000 gal.)	\$24.00	\$26.00
Monthly Rate per 1,000 (> 4,000 gal.)	\$5.00	\$5.00
SEWER		
Monthly Residential Base Rate (≤ 4,000 gal.)	\$32.00	\$34.00
Monthly Commercial Base Rate (≤ 4,000 gal.)	\$32.00	\$34.00
Monthly Rate per 1,000 (> 4,000 gal.)	\$7.00	\$7.00
Narricot Industries per 1,000 (Industrial Process)	\$1.40	\$1.50
SOLID WASTE		
Annual Solid Waste Management Fee (per residential household)	-	\$200.00

A full copy of the proposed ordinance is on file and available for public inspection at the County Administrator's Office, 26022 Administration Center Drive, Courtland, Virginia during normal business hours. Any persons wishing to speak in favor of or in opposition to the above referenced ordinance are encouraged to appear and be heard at the aforementioned place and hour. Any persons wishing to attend this hearing who may have special needs should contact the County Administrator at (757) 653-3015, preferably seven days prior to the hearing.

Southampton County Board of Supervisors
Michael W. Johnson, Clerk

Chairman Jones asked if anyone had any questions.

Supervisor Updike said he had one question. He said it looks like the residents and the business that cost us over \$800,000 for repairing the sewage system is only paying \$1.50 per 1,000 gallons. He doesn't think they are carrying their fair share of the water and sewage fees.

Supervisor Edwards said it was the same percentage calculated. It is around 8%.

Supervisor Updike said there is a big problem with these percentages. If you remember last year they gave a 2% salary increase. The guys were making \$130,000 and you've got \$2,600 in benefits and \$20,000.00 only got \$400.00. These percentages when they are going up are great but when it is coming down it is a horse of another color. Using the percentages is not a fair way to increase or decrease salaries or cost because the low man on the totem pole isn't carrying his fair share and will never carry his fair share.

Chairman Jones asked if there were any other comments on this. He said if not he needed a

motion.

Supervisor West made a motion that we establish the water, sewer, and solid waste fees for FY 2013 as presented with that 4,000 gallon base range and with the comment that the it sounds like the federal government is figuring that if you have something or the richer you are take it away from you and give it to somebody else. He said he was sick of that judgment of the way doing it. Businesses are what we need in this county and if the percentage is 8% it fits all sizes and everyone should go with that. That is his personal opinion. The motion is on the floor sir.

Supervisor Porter seconded the motion.

Chairman Jones asked if anyone wanted to discuss it further before they took a vote. Chairman Jones called for the vote which carried unanimously.

Chairman Jones stated the next item was item D.

Mr. Michael Johnson stated that in item D. we have two appropriation resolutions for your consideration. The first resolution provides a total appropriation of \$547,773.43, all of which is associated with the General Fund. This appropriation consists of a combination of expenditure refunds, reimbursements, and grants. Revenues have been received from the sources indicated. This appropriation includes \$180,052.00 of "new money" that was not included in the adopted FY 2012 budget. The majority of this (120,698) represents our state mandated share of providing services to at-risk children under the Comprehensive Services Act and the balance is associated with demolition of the Ivor Elementary School. A motion is required to adopt the attached appropriation resolution (page 4-10 and 4-11).

NEW MONEY REQUIRED FOR MAY 2012 APPROPRIATION

GENERAL FUND - NEW MONEY

120,666.00	COMPREHENSIVE SERVICES ACT/LOCAL MATCH FOR STATE FUNDS
10,904.00	BOARD OF SUPERVISORS/IVOR SCHOOL DEMOLITION/TANK REMOVAL
23,700.00	BOARD OF SUPERVISORS/IVOR SCHOOL DEMOLITION/ASBESTOS ABATEMENT
24,750.00	BOARD OF SUPERVISORS/IVOR SCHOOL DEMOLITION/FINAL DEBRIS REMOVAL
<u>180,052.00</u>	TOTAL NEW MONEY/GENERAL FUND

GENERAL FUND - CARRY-OVER FUNDS

847.90	COMPREHENSIVE SERVICES ACT/CARRYOVER OF ADMIN FUNDS FROM FY2011
<u>847.90</u>	TOTAL CARRYOVER FUNDS/GENERAL FUND

APPROPRIATION - May 29, 2012

11010 BOARD OF SUPERVISORS	(1) Ivor School demolition-tank removal (\$10,804.00) NEW MONEY (2) Ivor School demolition/Asbestos Abatement (\$23,700.00) NEW MONEY (3) Ivor School demolition/final debris removal (\$24,750.00) NEW MONEY (4) Correction of Feb appropriation (\$75.00)
12110 COUNTY ADMINISTRATOR	Redistribute funds among expenditure lines (-0-)
12410 DELINQUENT TAX COLLECTION	(1) Allocation of unappropriated revenue to match with delinquent collection efforts (for salary \$2500 and postage \$1000) (2) Fees collected for Virginia Auction Company (\$37.18)
12550 INSURANCE/COUNTY CODE	(1) Reimbursement received from retirees for SCBS-Jan Feb Mar (\$21,105.00) (2) Appropriation needed to allocate unemployment insurance to proper department--unemployment insurance is paid quarterly--funds are originally budgeted in one department; (-0-)
21100 CIRCUIT COURT	State reimbursement received for jurors & witnesses (\$8,720.00)
21600 CLERK OF COURT	(1) Copier fees collected (\$3141.48) (2) Passport postage collected (\$80.16) (3) Additional Comp Board funds for Technology Trust (\$5,653.36)
22100 COMMONWEALTH ATTORNEY	(1) Revenue budgeted by Comp Board (\$9285.00)
22200 VICTIM WITNESS	Increase in Grant funds - Other - (\$1,044.00)
31200 SHERIFF LAW ENFORCEMENT	Reimbursement from Selective Ins for vehicle that was involved in an accident (\$5,111.47)
32200 VOLUNTEER FIRE DEPTS	Reimbursements rec'd from Sedley Vol Fire and Drewryville Vol Fire for electrical services (\$1,052.44+\$288.36)
32300 VOLUNTEER RESCUE SQUADS	State Funds/Four-for-Life (\$17,527.12) Boykins, Capron, Courtland, and Ivor Rescue Squads
43000 BUILDINGS & GROUNDS	(1) Reimbursement received from Dept of Social Services and Health Dept for telephones (\$1,180.82 - \$1,191.38) (2) Funds received for RMA electrical costs allocated to cover expenses from RMA water overflow (1072.95)
53500 COMPREHENSIVE SERVICES ACT	(1) Increase to mandated CSA budget-supplemental funds (\$244,099.00) and required new local funds (\$120,698.00) NEW MONEY (2) Rollover of CSA Administrative funds not utilized in FY 2011 (\$947.90) CARRYOVER (3) Reimb of funds via Social Svcs (\$2670.89) (4) Reimb of funds via WTCSB (\$300.00)
72200 HAWLS MUSEUM ARTS	Grant funds received (\$5000.00)
82500 SOIL & WATER CONSERVATION	Reimbursement rec'd for personnel costs Dec 11, Jan 12, Feb 12 (\$32,853.91)
92000 HOME PROGRAM FUNDS	Reimbursement of funds from City of Suffolk for work on Measonfield Rd (445.00)

APPROPRIATION - May 29, 2012

At a meeting of the Board of Supervisors of Southampton County, Virginia on Tuesday, May 29, 2012.

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the following appropriations be and hereby are made from the Fund to the Fund for the period of July 1, 2011 through June 30, 2012 for the function and purpose indicated:

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

6-100-11010-3330	SERVICE CONTRACT - DEMOLITION	10,804.00
11010-3330	SERVICE CONTRACT - DEMOLITION	23,720.00
11010-3330	SERVICE CONTRACT - DEMOLITION	24,750.00
11010-5648	PAUL D CAMP COMMUNITY COLLEGE	75.00
12110-2900	HOSPITAL PLAN	(6,001.00)
12110-2700	WORKERS COMPENSATION	190.90
12110-3182	CONSULTING SERVICES	1,001.00
12100-3600	ADVERTISING	3,300.00
12110-5001	OFFICE SUPPLIES	4,000.00
12310-2700	WORKERS COMPENSATION	168.04
12410-2700	WORKERS COMPENSATION	162.10
12410-1300	PART-TIME SALARIES	2,500.00
12410-3220	COLLECTION FEES	37.18
12410-5210	POSTAL SERVICES	1,000.00
12430-2700	WORKERS COMPENSATION	135.76
12510-2700	WORKERS COMPENSATION	87.31
12550-2700	WORKERS COMPENSATION	(57,240.96)
12550-2300	HOSPITAL PLAN	21,105.00
13200-2700	WORKERS COMPENSATION	89.58
21100-2700	WORKERS COMPENSATION	22.96
21100-3045	JURORS & WITNESSES - STATE	9,720.00
21600-2700	WORKERS COMPENSATION	302.02
21600-2700	WORKERS COMPENSATION	52.08
21600-3320	MAINTENANCE SERVICE CONTRACTS	5,141.48
21600-5210	POSTAL SERVICES	380.18
21600-3847	TECH TRUST FUNDIMAGING	5,883.38
21700-2700	WORKERS COMPENSATION	3,184.38
22100-2700	WORKERS COMPENSATION	242.48
22100-6001	OFFICE SUPPLIES	5,285.00
22200-6001	SUPPLIES & OTHER EXPENSES	1,044.00
31200-2700	WORKERS COMPENSATION	9,786.15
31200-3310	REPAIR & MAINTENANCE	5,111.47
32200-0110	ELECTRICAL SERVICES	1,052.44
32200-0110	ELECTRICAL SERVICES	288.89
32300-6043	STATE FUNDS/FOUR-FOR-LIFE	17,527.12
35100-2700	WORKERS COMPENSATION	16,440.82
34000-2700	WORKERS COMPENSATION	1,054.81
35100-2700	WORKERS COMPENSATION	422.01
41500-2700	WORKERS COMPENSATION	400.35
42000-2700	WORKERS COMPENSATION	8,301.98
42300-2700	WORKERS COMPENSATION	6,752.19
43000-2700	WORKERS COMPENSATION	2,056.65
43000-5241	TELECOM-SOC SER/HEALTH	1,181.30
43000-5241	TELECOM-SOC SER/HEALTH	1,180.82
43000-0100	COUNTY BLDG REPAIR	572.95
53500-1300	PART-TIME SALARIES	784.00
53000-2100	FICA	83.90
53000-5967	STANDARD ALLOCATION	364,797.00
53000-5967	STANDARD ALLOCATION	2,670.88
53500-5967	STANDARD ALLOCATION	300.00
72200-5991	CONTRIBUTION-GOVT CHALLENGE/VA COMM	5,000.00
81-00-2700	WORKERS COMPENSATION	1,378.02
82500-1100	SALARIES & WAGES REGULAR	22,681.26
82500-2100	FICA	1,701.62
82500-2210	RETIREMENT	2,058.46
82500-2215	RETIREMENT-EMPLOYEE	1,134.08
82500-2400	GROUP INSURANCE	93.51
82500-2900	HOSPITAL PLAN	4,815.00
82000-8201	HOME REHABILITATION	440.00
	TOTAL APPROPRIATION	547,773.43

REVENUE APPROPRIATION May 29, 2012
 (REVENUE RECEIVED FOR ABOVE EXPENDITURES)

GENERAL FUND

3-100-11010-0002	1st YEAR DELINQUENT REAL ESTATE	3,500.00
3-100-11050-0010	TAXING AUTHORITY SERV/DELINQ TAXES	37.18
3-100-16120-0001	REIMB-SOIL & WATER SALARIES	32,953.91
3-100-16040-0002	ELECTRICAL RMA	872.95
3-100-16040-0003	REIMBURSEMENT VFD-VRS	288.39
3-100-16040-0003	REIMBURSEMENT VFD-VRS	1,052.44
3-100-16090-0001	HEALTH-TELEPHONE	1,191.36
3-100-16110-0001	SOCIAL SERVICES-TELEPHONE	1,180.82
3-100-18030-0003	EXPENDITURE REFUND	2,670.89
3-100-18030-0003	EXPENDITURE REFUND	300.00
3-100-18030-0003	EXPENDITURE REFUND	75.00
3-100-18030-0004	INSURANCE CLAIMS & DIVIDENDS	5,111.47
3-100-18030-0005	BLUE CROSS/BLUE SHIELD	21,105.00
3-100-18030-0095	REIMB HOME PROGRAM FUNDS	445.00
3-100-18990-0004	PASSPORT APPLICATION MAIL COST/CLERK	369.16
3-100-18990-0005	COPIER REIMB/CLERKS OFFICE	3,141.48
3-100-23010-0005	COMMONWEALTH ATTORNEY OTHER COST	9,285.00
3-100-23070-0006	CLERK TECHNOLOGY TRUST FUND	5,883.36
3-100-24040-0002	VICTIM WITNESS ASSISTANCE GRANT	1,044.00
3-100-24040-0014	JURORS & WITNESSES	9,720.00
3-100-24040-0016	EMERGENCY MEDICAL SERVICE	17,527.12
3-100-24040-0052	COMPREHENSIVE SERVICES ACT	244,099.00
3-100-24040-0056	VA COM FOR ARTS-RMA	5,000.00
3-100-41050-0005	TRANSFER IN-GENERAL FUND RESERVE	847.90
3-100-41050-0005	TRANSFER IN-GENERAL FUND RESERVE	120,698.00
3-100-41050-0005	TRANSFER IN-GENERAL FUND RESERVE	10,904.00
3-100-41050-0005	TRANSFER IN-GENERAL FUND RESERVE	23,700.00
3-100-41050-0005	TRANSFER IN-GENERAL FUND RESERVE	24,750.00
		=====
	TOTAL APPROPRIATION	547,773.43

A copy teste: _____ Clerk
 Michael W. Johnson

Southampton County Board of Supervisors
 05/29/2012

NEW MONEY REQUIRED FOR MAY 2012 APPROPRIATION

GENERAL FUND - NEW MONEY

\$	10,156.00	Board of Supervisors/Computer equipment access, and supplies
\$	<u>10,156.00</u>	TOTAL NEW MONEY/GENERAL FUND

APPROPRIATION - May 29, 2012

11010 BOARD OF SUPERVISORS	Expenditures for computers, electronic access and supplies (\$8,561.00 + 1,550.00 + 45.00)
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At a meeting of the Board of Supervisors of Southampton County, Virginia on Tuesday, May 29, 2012

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the following appropriations be and hereby are made from the Fund to the Fund for the period of July 1, 2011 through June 30, 2012 for the function and purpose indicated:

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

4-100-11010-5230	TELECOMMUNICATIONS	\$ 1,550.00
4-100-11010-6001	SUPPLIES	\$ 45.00
4-100-11010-8201	EQUIPMENT	\$ 8,561.00
		=====
	TOTAL APPROPRIATION	\$ 10,156.00

REVENUE APPROPRIATION May 29, 2012
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

GENERAL FUND

3-100-41050-0005	TRANSFER IN-GENERAL FUND RESERVE	\$ 10,156.00
		=====
	TOTAL APPROPRIATION	\$ 10,156.00

A copy teste: _____, Clerk
Michael W. Johnson

Southampton County Board of Supervisors
05/29/2012

Chairman Jones asked if there were any questions on this appropriation resolution.

Supervisor Porter asked of that \$120,000 how much is local funds.

Mr. Michael Johnson said our local match rate is 32%.

Supervisor Porter said about \$40,000.00

Mrs. Lynette Lowe said no this is the local share.

Mr. Michael Johnson said information is provided and asked Mrs. Lynette Lowe for the page number.

Mrs. Lynette Lowe said page 4-9.

Mr. Michael Johnson said it is under comprehensive services act where it says increase the mandated CSA budget supplemental funds \$244,099 and the local money is \$120,698.

Supervisor Porter asked how did we miss that much.

Mr. Michael Johnson said we don't know. According to what's in here it all depends on what court ordered services and residential placements there are. Some years that could be a big number.

Supervisor Porter asked if we could have a surprise like that next year.

Mr. Michael Johnson said you could have a surprise like that any year.

Supervisor West said that goes back to that distribution of money that we can receive and if tied back in one thing to reduce the debt then you have taken away your options to use it in appropriated ways and this has happened for a greater amount. He remembers that.

Supervisor Porter said so we don't have a choice.

Supervisor Phillips said you don't have a choice.

Mr. Michael Johnson said it is state mandated.

Chairman Jones asked if they were ready to adopt the resolution.

Supervisor West made a recommendation to adopt the appropriation resolution as presented.

Supervisor Faison seconded the motion which carried unanimously.

Mr. Michael Johnson said the second resolution provides a total appropriation of \$10,156.00 and is related to the purchase of computer equipment, supplies and internet access for 3 Board members as we transition to paperless agendas beginning in FY 2013. A motion is required to adopt the appropriation resolution.

Chairman Jones asked if there were any comments on this. He said this is what you asked for. He said he needed a motion; you asked for it.

Supervisor Porter made a motion to adopt the appropriate resolution.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones stated the next item is the monthly bills. He asked if anyone had any concerns with the bills.

Supervisor Updike said he certainly does. He has major concerns.

Chairman Jones asked what were those concerns.

Supervisor Updike said this invoice from the Timmons Group is a concern. When a group comes before us and says they will do it the most efficient way to provide you services and they come up with an invoice like this of \$12,000 for things done at the Turner Tract. There are charges for \$125.00 for a manager, technicians which are the workers \$85.00, soil scientist \$85.00, mileage from six or seven different place, and meals. It goes on and on. He knows that there are people in here that went before the Board of Equalization because we disagreed with the assessments. Over 600 parcels were under review. He says with this bill from Timmons to go back and negotiate. He personally, if this bill came to his home, he would not pay it until he had set down and negotiated a decent, fair, and equitable arrangement in price. He said he doesn't care what anybody says; he says not to pay this bill until a fair and equitable price can be made. That is \$12,000.00 in additional money on the Turner Tract. This is an absolutely ridiculous bill. He doesn't know how many more ridiculous bills because this is the first time we have actually received an invoice. The first time it just said we said so many thousands of dollars. He says let's negotiate. Go back to the Timmons Group and say this bill is out of line.

Chairman Jones asked if there were any other comments.

Supervisor West said before the word meals gets misconstrued it is \$5.75 so \$5.75 for the record. This bill has been incurred and he honestly believed future bills need to be looked at more diligently. We need to get on with business. This is an expense that has been incurred and we need to pay the bill tonight and move forward. Your points are well taken. We need to pay our bills on time, sir.

Supervisor Updike said if we pay bills that are inflated they will think that we will pay anything that comes down the turnpike and we will never get our bills under control. We have got to start somewhere.

Supervisor Edwards said he agreed that we need to pay the bills, but he also concurs that not a one of them up there knew what the heck they were paying this for. He said he didn't know if anyone setting up here tonight could tell him what they were buying here.

Chairman Jones said the only thing he knew was that we had to have an engineer on the Turner Tract.

Mr. Michael Johnson said he could answer that question of course we have that on an agenda item later, but we can talk about it now we can.

Supervisor Edwards said maybe to save time we go ahead and we need to pay this bill there is no way we can stop this. We have it coming up later for an extended discussion.

Supervisor Porter said he wanted to ask one question first. He wanted to know if we have anyone who authorizes these services or if the Timmons Group just decide when and how to do this.

Mr. Michael Johnson said most of the contracts with Timmons are lump sum agreements and they have a specified scope of work. This particular contract related to this billing is a time and material contract that is why you see the breakdown on the reimbursable items, the breakdown on the time with the hourly positions. We will talk about that, but this is the one contract that is time and material.

Supervisor Updike said one thing that bugs the life out of him in this whole shebang is that this money doesn't come here and stay in the county; it is going to Richmond. It is going somewhere else. Look at the place where they got the shrubbery. If the money stayed here in the county and we hired our own people to do these jobs we could have done them at a third of the price and if the money was spent here he wouldn't have nearly as bad a taste in his mouth as taking the money and shipping it to somebody else or letting somebody come in and take it away from us. The citizens are being ripped off twice.

Chairman Jones asked if there were any other comments.

Supervisor Phillips made a motion, seconded by Supervisor Faison to pay the bills in the amount of \$1,351,404.36 to be paid by check numbers 125845 through 126252. All were in favor with the exception of Supervisor Updike voting nay.

Chairman Jones stated we would go to item number five – appointments.

Mr. Michael Johnson stated as you recall from last month, FSEDI is seeking nominations for their Board of Directors. Their organizational bylaws provide that the Board of Supervisors shall submit a slate of three nominees, one of which will be elected to serve. Mr. Harrell Turner, our current representative on the Board was nominated last month. Supervisor Faison has given him a call with a prospective nominee. Again you can have a total of three that are submitted.

FS Franklin Southampton
ECONOMIC DEVELOPMENT, INC.

601 N. Mechanic Street • Suite 300 • Franklin, VA 23851 • 757-562-1958
Fax 757-562-0486 • www.franklinsouthamptonva.com

March 22, 2012

RECEIVED MAR 23 2012

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

Dear Mike,

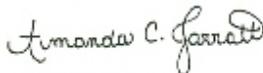
In accordance with the Bylaws of Franklin Southampton Economic Development, Inc. (FSEDI) it is time to nominate the successor to the Board of Directors named by the Southampton County Board of Supervisors.

The second term for C. Harrell Turner is coming to a close as of June 30, 2012. At this time the FSEDI Board of Directors requests that the Southampton County Board of Supervisors submit a slate of three nominees of which C. Harrell Turner could be included, to serve a new three year term. Mr. Turner has indicated that he is more than willing to serve another term.

The current FSEDI Bylaws specifically state that elected officials of Southampton County and the City of Franklin, the County Administrator of Southampton and the City Manager of Franklin are ineligible to serve on the Board while serving in those other capacities.

Please forward the Southampton County slate of board nominees to me no later than June 1, 2012.

Sincerely,



Amanda C. Jarrett
President

Member of Virginia's Hampton Roads
Economic Development Alliance

5-2

Chairman Jones asked the Board what they wanted to do. He asked if they wanted to have three.

Supervisor Updike said he would like to put in a nomination of Mr. Randolph Cook.

Supervisor West said if that takes a second he would second that motion.

Supervisor Faison said he would like to nominate Mr. Robert Rudzik.

Chairman Jones said let's take care of Mr. Randolph Cook first. He called for the vote to nominate Mr. Randolph Cook for this position. The motion carried unanimously.

Supervisor Phillips said Mr. Chairman we aren't appointing him we are giving FSEDI these names.

Chairman Jones said we are still appointing.

Mr. Michael Johnson said we are nominating not appointing.

Mr. Richard Railey the appointment will be made from the list of nominees.

Chairman Jones said Mr. Randolph Cook will be appointed.

Supervisor West said nominated.

Chairman Jones said Mr. Randolph Cook will be nominated. He said he was way out there.

Supervisor Edwards said we know what you are talking about.

Chairman Jones said he is being nominated to the Economic Development Board.

Supervisor Phillips it is a slate of nominees so can we just vote on all three of them.

Chairman Jones said let's do it all at once.

Mr. Michael Johnson said you have already done one.

Chairman Jones said we need to vote on Mr. Harrell Turner.

Supervisors West and Edwards said he had already been voted on.

Chairman Jones said so we need to vote on Mr. Robert Rudzik.

Supervisor West said asked Supervisor Faison wasn't Mr. Robert Rudzik his motion.

Supervisor Faison said yes.

Supervisor West said he was going to second that motion.

Chairman called for a vote on Mr. Robert Rudzik to be nominated to the Economic Development Board which passed unanimously.

Supervisor Phillips asked about Mr. Randolph Cook.

Chairman Jones said we already did him.

Supervisor West said got Mr. Randolph Cook.

Mr. Michael Johnson said item B is the Administrative Board – Department of Social Services. He said that Mrs. Michelle Stivers has indicated to me that the term of their Board Chairman, Sharon Ricks, will expire at the end of June. Because she has already served 2 terms, she is ineligible for reappointment. It is my understanding that Supervisor Phillips is seeking a nominee to succeed Ms. Ricks.

mikejohnson

From: Stivers, Michelle (VDSS) [Michelle.Stivers@dss.virginia.gov]
Sent: Tuesday, May 15, 2012 2:21 PM
To: Johnson, mike
Subject: DSS Board Appointments

Hey Mike,

As you are aware, our Board Chair, Sharon Ricks, leaves our DSS Board in June, as her 2 terms are over. I have already spoken to Moses, who is still willing to serve in her place. I left a voicemail for Bruce to discuss it with him. Also, Mr. Faison's term is up in June, as he is filling the unexpired term of Moses as Supervisor member. He needs to be reappointed by the BoS. Can you take care of that? I'll let you know as soon as I hear from Bruce so the 2 can be together on the agenda. Thanks!
Michelle

Michelle Davis Stivers

Director
Southampton Co, DSS
P.O. Box 550
Courtland, Virginia 23837
757-653-3122
757-556-2623

"To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived: this is to have succeeded." Ralph Waldo Emerson.

5-3

5/15/2012

Supervisor Phillips said he had a meeting with Mrs. Michelle Stivers. He said he had a tour of the Department of Social Services. He said she expressed concern that she needed somebody. Tonight he is prepared to nominate Mr. Moses Wyche who has served on that Board in the past to fill that position.

Supervisor West seconded the motion with carried unanimously.

Mr. Michael Johnson stated that in addition, Supervisor Faison is the Board of Supervisors' liaison to the DSS Administrative Board. His term will also expire at the end of June – he is eligible for reappointment.

Supervisor Edwards said Supervisor Faison has done an excellent job so he thought he should stay on there. Supervisor Edwards made a motion that Supervisor Faison be reappointed to the DSS Administrative Board.

Supervisor Phillips seconded the motion which carried unanimously.

Mr. Michael Johnson stated there was one final appointment to be made. He apologized that it did not make your agenda. Mrs. Michelle Stivers also made him aware that Mrs. Barbara Ellsworth term will expire at the end of June and she is eligible for reappointment. She represents the Drewryville District.

Supervisor Edwards made a motion that Mrs. Barbara Ellsworth be reappointed.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones stated that we would move to item number 6 – Public Hearings.

Mr. Michael Johnson said the first public hearing tonight is held pursuant to 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by Lloyd and Trina Johnson, owners, for a change in zoning designation from A-1, Agricultural, to CRR, Conditional Rural residential to create one single family residential lot. The parent property is located on the west side of Plank Road (Rte. 35) at its intersection with Wakefield Road (Rte. 628). The proposed lot is approximately five (5) acres in size and is located approximately 650' north of the intersection of Plank Road and Wakefield Road. The property is known as Tax parcel 44-28A is in the Capron Voting and Jerusalem Magisterial Districts. The notice of this public hearing was published in the Tidewater news on May 13 and May 20, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on March 8, 2012, the Southampton County Planning Commission voted unanimously to recommend approval of the request, subject to the proffered condition. After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate. Mrs. Beth Lewis, our Director of Community Development and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views.

REZ 2012:02

Lloyd and Trina Johnson, owners/applicants

Application Request: Zoning map amendment (Rezoning)

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation: Agriculture/Forest/Open Space/Rural Residential

Current Zoning: A-1, Agricultural District

Requested Zoning: CRR, Conditional Rural Residential

Acreage: 5 acres +/-, portion of a 41.11 acre tract

Proposed Use: One (1) single family detached residence

Tax Map No.: Portion of 44-28A

Location: West side of Plank Road (Rte. 35) at its intersection with Wakefield Road (Rte. 628)

Magisterial District: Jerusalem

Voting District: Capron

Adjacent Zoning: North: A-1, Agricultural District
South: A-1
East: A-1
West: A-1

Adjacent Land Use: North: Agriculture and forestry
South: Agriculture and forestry
East: Agriculture and single family residential
West: Agriculture and forestry

LAND USE ANALYSIS

Overview

The subject property is a 41.11 acre parcel that is in forestry use. This was part of a larger tract that has been in use for forestry for many years. The specific request seeks to amend the zoning of five (5) acres of the property to Conditional Rural Residential to construct a single family residence. The property is on the west side of Plank Road, just north of its intersection with Wakefield Road. The property is designated on the Comprehensive Plan as Agriculture/Forestry/Open Space/Rural Residential, so the requested zoning amendment to Conditional Rural Residential conforms to the Comprehensive Plan.

The property owner is seeking to create one residential lot under the Rural Residential designation. Under those requirements, the original lot size must be at least 25 acres. The requirements permit the creation of one lot for the first 25 acres and additional lots are permitted

at one lot for each additional 40 acres. As such, this is the only lot that can be created of the original 41 acre lot unless lots exempt from the Subdivision Ordinance are created, as with a family transfer. The property owners have included the typical \$1728 proffer per lot in their request.

Site Topography and Characteristics

The site is wooded. The portion nearest Plank Road, where the five acre tract for the homesite is being created through this request, is flat per Southampton County GIS. The western portion of the tract drops toward the creek, and is partially within the floodplain. However, that portion of the parent tract is not planned for development. It appears by the survey that the 5 acre tract planned for the Rural Residential zoning classification is not within the floodplain, as is noted by the line that shows the Zone A portion of the tract and the Zone X portion of the tract.

Transportation:

The property is accessed by Plank Road, SR 35. A driveway permit will be required through the Virginia Department of Transportation prior to construction.

Environmental

Per GIS, the five acre tract does not appear to be within the floodplain, although the western portion of the parent tract is within the floodplain. The floodplain line, the division between Zone A and Zone X, is shown on the survey.

Utilities

The site will be served by private water and wastewater facilities and existing overhead power lines.

Development Requirements

Should the requested zoning map amendment be approved, the zoning ordinance provides development criteria as follows:

- Development will take place under the Sliding scale provision of the zoning ordinance (Sec. 18-179). Each tract of at least 25 acres may be allowed one division. One additional division shall be permitted for each 40 acres of the tract, so the planned lot is the only division permitted.
- Each homesite is limited to five acres in size.
- The residual property, in this case the remaining 36.11 acres, will retain its agricultural zoning designation.

Community Comments

The staff received no questions or comments concerning the request.

CONCLUSION

Strengths of application:

- The proposed development meets the requirements of the Comprehensive Plan in the Agriculture/Forest/Open Space/Rural Residential designation and no Plan amendment is requested or required.
- The proposed development meets the requirements of the Rural Residential zoning classification.
- There are similar single family homesites in the area, so limited residential development is not unusual.

6-4

Mrs. Beth Lewis said the piece of property was part of a larger piece that was owned by International Paper and it has divested over the years. The entire piece that the Johnsons own which is just over 40 acres which if this is approved will retain its A-1 Agricultural Zoning Designation. It has been timbered so it is cutover. The back part of the property is in the flood plain, but not the part that they have pulled out to put their house on. Their rear property backs up to the mussel, but this property is not in the flood plain. There were no comments at the Planning Commission meeting and the Planning Commission made a unanimous recommendation of approval. This meets all the requirements for the rural residential zoning designation. If you have driven up Plank Road and seen where the sign is you will see there is a driveway already there. She stated she would be glad to answer any questions.

Supervisor Edwards said this looks like a very appropriate place to put a house. It wasn't prime agricultural land to begin with so we aren't losing anything from primary agricultural land. The proffer was paid and it was done on a sliding scale. The only question that was brought up was something about land use taxation. He asked Mr.

Michael Johnson if that had been checked on. Whoever owned this property before would come under the land use taxation where they would have to pay the penalty.

Mr. Michael Johnson said the roll-back tax.

Supervisor Edwards said the roll-back.

Mr. Michael Johnson said correct. He thought the question was who paid it and he thinks Mr. Richard Railey has answered that it was subject to negotiation between the buyer and the seller.

Mr. Richard Railey said that is correct. The general practice would be that when it rolls back five years it would be a negotiation between the buyer and the seller. He stated that both are liable for it.

Supervisor Edwards asked if that had been settled.

Mr. Richard Railey said he didn't know. It was up to these people. He said he didn't know if they had closed on it or not.

Supervisor West said the treaty was broken by the owner of the property to begin with because the man purchasing it was purchasing it as it is and he could see a negotiation there but still the treaty to buy and sell that property was broken by the first party, the ones who owned that land to begin with. It looks like to him it should go back to the first party like you said subject to negotiation.

Mr. Michael Johnson said the roll-back taxes would be assessed by the Commissioner's Office. It will be assessed to the current owner. Now whether that current owner will go back to the former owner he didn't know.

Supervisor Edwards said in other words it has been taken care of.

Mr. Michael Johnson said that is correct.

Supervisor West said that when the buyer signs that paper to transfer ownership he should be notified of that.

Supervisor Faison said the assessment and obligation to the county would go to the current owner and the county would not go back to the previous owner at all.

Mr. Michael Johnson said that's correct.

Chairman Jones opened the public hearing for anyone for or against this application.

There being no one to speak Chairman Jones closed the public hearing.

Supervisor Edwards said he recommended they go ahead and go with the Planning Commission's recommendation. The Planning Commission had a unanimous recommendation and everything was in order. He didn't see any problems with it and they didn't either. He made a motion to accept the Planning Commission recommendation and rezone the property.

Supervisor Phillips seconded the motion which carried unanimously.

Chairman Jones called for item B. Comprehensive Plan Agreement – William T. Kemp.

Mr. Michael Johnson this public hearing relates to a comprehensive plan amendment. This public hearing is held pursuant to 15.2-2204, Code of Virginia, 1950 as amended to receive public comment on a request by William T. Kemp, owner, for a change in Comprehensive Plan designation from Agriculture/Forestry/Open Space/Rural Residential to Commercial for a parcel known as a portion of Tax Parcel 70-1 and 2. The parent property is located on

the north side of Southampton Parkway (US 58), 3,500' east of its intersection with Drewry Road (Rte. 659). The proposed lot is approximately 6.27 acres in size and is in the Drewryville Voting and Magisterial Districts. The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on April 12, 2012, the Southampton County Planning Commission voted 8-1 to recommend approval of the request. After conclusion of this public hearing the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate. Mrs. Beth Lewis, our Director of Community Development and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views. If the Board is so incline, a motion is required to accept the Planning Commission recommendation and amend the Comprehensive Plan designation.

RZA 2012:03
William T. Kemp, owner

Application Request: Zoning Map Amendment (Rezoning)

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation: Agriculture/Forestry/Open Space/Rural Residential
 Current Zoning: A-1, Agricultural
 Requested Zoning: CB-1, Conditional Local Business
 Acreage: 6.27 acres of a 14.23 acre parcel
 Proposed Use: Restaurant with gift shop
 Tax Map No.: Portion of 70-(1&2)
 Location: North side of Southampton Parkway (US 58) 3,500 feet east of its intersection with Drewry Road (Rt. 659).
 Magisterial District: Drewryville
 Voting District: Drewryville
 Adjacent Zoning: North: A-1, Agricultural
 South: A-1
 East: A-1
 West: A-2, Agricultural
 Adjacent Land Use: North: Forestry/Agriculture
 South: Forestry/Agriculture
 East: Communication tower
 West: Forestry/Agriculture

LAND USE ANALYSIS

Overview
 This request seeks to amend the zoning designation of property to permit a restaurant and gift shop. It is paired with a Comprehensive Plan request to amend the Plan designation from Agriculture/Forestry/ Open Space/ Rural Residential to Commercial. The property is located on Southampton Parkway east of Drewryville. While the surrounding properties all have agricultural zoning

Mrs. Beth Lewis said this is a comprehensive plan amendment. That area has a comprehensive plan designation of agricultural, forestry, open space, and rural residential. It abuts the eastern boundary of the Drewryville planning area. It is just outside of the

Drewryville planning area. Just to the east of this property is a cell tower so there is a curb cut in Southampton Parkway so traffic can get into and out of this property without making any U turns. If you remember that stretch of highway there is the old Drewryville Elementary about a quarter of a mile east of Drewry Road which is no longer owned by Southampton County. It is in private ownership. In the year and a half that she had been in Community Development they had worked with the owners to at least keep it boarded up and keep the grass cut, but it is not any asset to Southampton County. The hope is that if this property is developed, that the owner of the Drewryville Elementary School will say perhaps there is an opportunity for another business in that area. It might spur redevelopment of that old elementary school. There were quite a few comments at the Planning Commission Meeting. There was a lot of discussion. There are residents in the Drewryville area who were not in favor of this request. The Planning Commission struggled with it and there was not a unanimous vote, but they understood their role in economic development and that although this property is by the time you take out the setbacks about five developable acres. It will be a 2400 square foot restaurant with 40 seats and five or six employees; it is not another IP, but it is economic development on the small scale. Small businesses owners are the backbone of the American economic system so the Planning Commission did make a recommendation of approval on this comprehensive plan amendment. It was a vote of 8 to 1 and the property owner is here.

Chairman Jones asked if there were any questions for Mrs. Beth Lewis.

Chairman Jones opened the public hearing for anyone for or against this application.

Mr. William T. Kemp addressed the Board. He stated that he lives in Virginia Beach although he owns several parcels here in Southampton County most of those being in the Drewryville District. He said they are anticipating opening a small restaurant. He said a local resident there Mrs. Romona Richards and he are in this as a joint venture. They are hoping it will be successful. What they are looking at is a breakfast and lunch situation only at this time. They are anticipating 40 seats and that is contingent on the land use permits they get from the engineering studies. With these 40 seats they anticipate hiring six people when they start. These will hopefully be local hires. He said they had extensive discussion on this before so he said he wasn't going to burden us with all the details; however he did want to point out to us that they had received very favorable comments from most of the folks they had talked to. He said he hadn't heard any negative comments himself although he was aware of some being filtered. When they started this venture they anticipated a very small, inexpensive restaurant that would have very good food and reasonable pricing. The initial investment has gotten away and from an economic standpoint he would tell us where they are if this goes through. The land item value they are guessing is going to be \$150,000 and they would generate some revenue there. Taxes, construction, engineering fees and permits and the like they are anticipating over \$200,000 that is going to be spent on this restaurant so they are going to have to sell a lot of biscuits. As mentioned earlier, there is already a turn lane going into this property directly in front. He said he talked to the engineers in Suffolk today relatively to VDOT and they are telling him they do not need a turn lane going eastward on the property, but they will put some type of apron in there. He said he would entertain your questions should you have any.

Chairman Jones asked if there were any questions for Mr. William T. Kemp.

Supervisor Updike said you said tentative plan and that scares him. If you are going to start off with breakfast and lunch, what is your total plan.

Mr. William T. Kemp said thank you for that question. He said they anticipate breakfast and lunch and they are hoping to open at 6:00 in the morning and close by 2:00 PM depending on what the traffic offers. With talking to some of the local restaurant owners and restaurant owners in downtown Emporia and based on the information they are getting from them there is a need for this. The one community restaurant that we had closed and another one is closing and there is just not a place for locals to go and sit and have coffee in the mornings or to have a place to go eat and relax. Also they anticipate that they will have a meeting place for local civic groups should they desire to use the restaurant it would be available even though they are closed. After a few months they will be able to tell if it is

feasible to stay open for full service, that is not their immediate plan, but he thinks that is going to happen.

Chairman Jones asked if there were any further questions.

Supervisor West asked if he would give us a vision of what the restaurant was going to look like whether it be A frame, cinder block building, brick, wood structure, or whatever.

Mr. William T. Kemp said they had submitted that to someone. He wasn't sure where it was. What they have is a colonial type setting. It looks like a house. It is an A frame with three dormers across the front and it has seven or eight windows across the front on the bottom with a porch and chairs. They are not copying Cracker Barrel and they are not copying the Virginia Diner, but he thought they would scare some of them when they get started. That is the type of thing they are going to do. He is going to have an access ramp at the front door and two handicapped spaces. It is going to be kind of a colonial country setting and they are going to pride themselves in local country cooking. Mrs. Romona Richards is a very good cook. Many of you may know her. She will put pounds on you; he can tell you that. That is what they are anticipating doing.

Supervisor West said he wished them great success.

Chairman Jones asked if there were any further questions.

Supervisor Edwards said you had mentioned a gift shop. He asked if that was still going to be there.

Mr. William T. Kemp said they were going to do a gift shop similar to Cracker Barrel and the Virginia Diner. He said they had talked to local peanut suppliers. They had talked to some of the ham distributors. They had envisioned having a gift shop that is going to sell Virginia products. There are some local artists who are going to put their products in the store. There will be hand made products and the like. The portion of the building for the gift shop will probably be 15 x 30 or 40 feet. Here again we are going to try to do as much local stuff as they can. Like he said they had talked with peanut people and ham people, but they haven't signed any contracts yet. They don't want to put their business selling Jones hams next to somebody else who is selling Jones hams if you can understand.

Chairman Jones asked if there were any further questions.

Supervisor Updike said he happened to be attending the Planning Commission meeting and this is not for or against, but he asked Mr. William T. Kemp if he and his neighbors had come to some mutual ground instead of fussing and fighting.

Mr. William T. Kemp said Supervisor Updike was going to have to ask someone else because he had not been participating in that whatsoever. He talked to anyone for or against that situation. To the best of his knowledge that was litigated a long time ago and even though he lost he was satisfied with the outcome and has no desire to carry that any further. You may hear something but it wasn't coming from them. That is closed at this point as far as he is concerned.

Chairman Jones asked if anyone had any further questions.

A member of the audience wanted to know if they anticipated selling alcohol.

Mr. William T. Kemp said at this time they do not have any anticipation of serving alcohol. They do not want a bar. Mrs. Romona Richards and he are not into that. He said a year or two down the road or whatever the case might be if the situations arises that the community wants to have mimosas in the mornings like some of the local restaurants here do; they might entertain that. As far as hard drinking and coming in sitting down have several drinks and then going home will not happen.

Chairman Jones asked if there was anyone else to speak. There being none the public

hearing was closed.

Chairman Jones asked what was the pleasure of the Board.

Supervisor Faison made a motion that they accept the Planning Commission recommendation and rezone the property.

Supervisor Phillips said he would second that motion with these comments. He said we need business in the county. He trusts that Mr. William T. Kemp will be a good neighbor and if he follows through with what he said tonight the civic organizations and the farmers can have a place to go.

Mr. Richard Railey asked if this motion is just on the comprehensive plan.

Supervisor Edwards said the comp plan.

Chairman Jones said this is just on the comprehensive plan.

Supervisor Edwards said for those of you who don't understand in order to make this legal and rezoning follow the normal statues we had to have a comprehensive plan amendment. Otherwise it would be spot zoning, so we have to change the comprehensive plan to accommodate the situation. It is a little bit backwards.

Chairman Jones called for the vote which carried unanimously.

Chairman Jones said we would move to item C.

Mr. Michael Johnson said again this public hearing is held pursuant to 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by William T. Kemp, owner, for a change in zoning designation from A-1, Agricultural, to CB-1, Conditional Local Business District to establish a restaurant and gift shop on a parcel known as a portion of Tax Parcel 70-1 and 2. The parent property is located on the north side of Southampton Parkway (US 58), 3,500' east of its intersection with Drewry road (Rte. 659). The proposed lot is approximately 6.27 acres in size and is in the Drewryville Voting and Magisterial Districts.

The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on April 12, 2012, the Southampton County Planning Commission voted 8-1 to recommend approval of the request, subject to the proffered conditions.

After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate.

If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and rezone the property.

He turned it over to Mrs. Beth Lewis to make the introductory remarks.

Mrs. Beth Lewis said this is the public hearing where more specifics take place. A 2400 square foot restaurant with 40 seats brings about questions concerning traffic. The institute of transportation engineers study shows that for a 2400 square foot restaurant the biggest number of trips in a day is lunch hour traffic which is 47 trips a day. When a car pulls in that is one trip. When a car pulls out that is one trip. So 47 lunch hour trips is only 23 cars. Fortunately one quarter of them will work there. The PM peak which is between 4:30 PM and 6:30 PM is the busiest time of the day so even if the restaurant serves dinner that is only 26 trips in those two hours. So traffic is not planned to be a big issue here. Keep in mind that Mr. William T. Kemp just plans to have the restaurant and gift shop. The sketch showed a parking lot that was big enough to accommodate the vehicles that will

need to serve this building and should truck drivers want to pull in and have a biscuit or lunch a place big enough for them to park their vehicle. This is not planned to be a truck stop, but there may be truck drivers who want to have a nice meal on the way to wherever they are going. There is a break opening in Southampton Parkway and the driveway to the restaurant will line up without breaking the access. Just to the east is a cell tower so it is not conducive to a residential use. Right now the property is in forestry part of which has been timbered, but some of it hasn't. The whole piece of property is about 14 acres, but this restaurant plan is only going to use about six acres that means the back half of the property will be left in agricultural and forestry use.

Chairman Jones asked if there were any questions for Mrs. Beth Lewis.

Chairman Jones opened the public hearing for anyone for or against this application.

Chairman Jones closed the public hearing as there was no one to speak.

Chairman Jones asked what the Board had to say.

Supervisor West said we took step one so we have to go to step 2 now. He made a motion that they accept the Planning Commission recommendation to rezone the property.

Supervisor Edwards said it is a conditional rezone. There are 43 items in B-1. This is number 27. If the applicant wants to do anything else in B-1 he needs to go through the Planning Commission Board process again.

Supervisor West said conditional suits him find.

Supervisor Edwards said excuse me.

Supervisor West said conditional rezoning suits him find.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones stated we would move to item D.

Mr. Michael Johnson stated that our fourth public hearing relates to a conditional use permit by Sedley Recreation Association, Inc. This public hearing is held pursuant to 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by the Sedley Recreation Association, Inc., applicant, for Frank and Judy Drake, owners, for a Conditional Use Permit to establish a ball field and attendant facilities, and parking lot on a parcel at the southeast corner of Fourth Street (Rt. 1003) and Sycamore Avenue (Rt. 641) in the Sedley Community Area. The property is zoned R-1, Residential, and is approximately 2.6 acres in size. The property is known as Tax Parcels 47A2-1-131C and 47A2-1-115A and is in the Jerusalem Voting and Magisterial Districts. The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on April 12, 2012, the Southampton County Planning Commission voted unanimously to recommend approval of the request. After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate. Mrs. Beth Lewis, our Director of Community Development and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views. If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and approve the conditional use permit.

CUP 2012:01

Sedley Recreation Association, Inc., for Frank and Judy Drake, owners

Application Request: Conditional Use Permit for a recreational facility (ball field)

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation: Single Family Residential in the Sedley Community Area

Current Zoning: R-1, Residential District

Acreage: Approximately 2.6 acres

Proposed Use: Recreational facility consisting of a ball field with lighting, dugouts, bleachers, concession stand, restroom, tot lot, parking lot, built in two phases

Tax Map No.: 46A2-1-115A
46A2-1-131C

Location: Southeast quadrant of the intersection of Fourth Street and Sycamore Avenue

Magisterial District: Jerusalem

Voting District: Jerusalem

Adjacent Zoning: North: M-1, Limited Industrial
South: R-1, Single Family Residential
East: R-1
West: R-1

Adjacent Land Use: North: Hubs Peanuts
South: Single family residential
East: Single family residential
West: Single family residential

Mrs. Beth Lewis said that Sedley now has one ball field and a parking area. This is for a second ball field. They have teams that are practicing in people’s yards and they have several teams practicing on the field at the same time. It is difficult to find a place for all the young people in Sedley to practice who want to play ball. This property is in the process of being obtained by the Sedley Recreation Association at a price that is advantageous to them so they are requesting a conditional use permit for a ball field. This is right across the street from Hubs. The plan is to have a 50 space parking lot right along the space in front of Hubs and have the ball field top lot. They plan to add concession stands, bathrooms, and lighting as they get funds over the years. At the meeting a member from the Sedley Recreation Association spoke and a representative of an abutting property owner who submitted a petition which you have a copy of in your agenda, signed by many if not all of the abutting property owners. It was seen by the Planning Commission as the Sedley Recreation Association providing a great service for people that live in the Sedley area. A ball field is certainly an expected use in the middle of a neighborhood. Its recreation facilities are not uncommon in the middle of a residential neighborhood. The parking lot will be nice to be able to be used by the public when it is not being used by the

ball field. Sedley has gridded streets and small lots so if somebody has overflow parking at their homes they will be able to use the parking lot. The playground will be open to the public as well. It was seen as a positive addition to the Sedley neighborhood. A representative from the Sedley Recreation Association is here if you have any questions.

Chairman Jones asked if anyone had any questions for Mrs. Beth Lewis.

Chairman Jones opened the public hearing for the Sedley Recreation Association. He called for anyone wishing to speak for or against the application.

Mrs. Anita Felts of 17527 Johnson's Mill Road, Sedley, VA in the Jerusalem District addressed the Board. The reason that the Sedley Recreation Association is trying to purchase this property as Mrs. Beth Lewis eluded to is that they have lots of children in the Sedley community that play softball and baseball. Their current ball field is not large enough to accommodate all this many children. They are practicing two teams at the time and sometimes three and like Mrs. Beth Lewis said there are times when they are practicing in people's yards. The people that currently own the property are Frank and Judy Drake and they live in Ohio. They have given her the power of attorney to apply for this conditional use permit for them. Once it is approved, the Sedley recreation Association will be purchasing the property from the Drakes. They have been very blessed with in the Sedley community with citizens who have donated funds for them to purchase this property. It will be community property which is managed and cared for and scheduled by a board of directors which is the Sedley Recreation Association. It will be done in the same way the current ball field, the Rogers Memorial Park has been handled. They are a 501-3 (C) non-profit organization. She said she was sure they had all that information in their packets. There are a lot of things they would like to do there, but they will be done in phases as money becomes available. The parking lot as Mrs. Beth Lewis said will be used for parking for community events in the event of overflow. It is not going to be a huge parking lot by any means, but it will be available to be utilized for that. She thinks it was a wonderful thing that they need this because when you have that many children and you run out of space and they want to play an organized sport it keeps their minds busy and keeps them off the streets. She said if there was anything else they would like to know of if they had any questions she would be glad to answer them.

Chairman Jones asked if there were any questions for Mrs. Anita Felts.

Chairman Jones asked if anyone else wished to speak.

Mr. Ash Cutchin of the Jerusalem District near Sedley addressed the Board. He is one of the people who Mrs. Anita Felts was talking about who donated some, but not every much money for the purchase of the property. He would like to give a little bit of history. He said he used to go to the ball field when his oldest grandson played there in 1984, 1985, or 1986. He was about knee high when he played there and they placed the ball up on the little piece of plastic, T-ball he thought they called it. Now his grandson is eighteen years old and lives in Alabama and had continued in baseball and has been offered a scholarship by a college in Mississippi. He got his start in Sedley so he strongly recommends they approve this project.

Chairman Jones closed the public hearing as there was no one else to speak.

Supervisor Phillips made a motion that they approve this conditional use permit.

Supervisor Faison seconded the motion which was unanimously approved.

Chairman Jones stated they would move to item E.

Mr. Michael Johnson stated that item E is a conditional use permit application by the Department of Game and Inland Fisheries. This public hearing is held pursuant to 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by the Virginia Dept. of Game and Inland Fisheries, applicant, on behalf of Ashland, Inc., owner, for a Conditional Use Permit to establish a public boat landing under Sec. 18-282(a)(47) of

the Zoning Ordinance. The property is zoned M-1, Limited Industrial, is a 1.5 acre portion of Tax Parcel 91-39, and is located on the northwest corner of Gen. Thomas Hwy. (Rte. 671) and Shady Brook trail (Rte. 650). The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on May 10, 2012, the Southampton County Planning Commission voted unanimously to recommend approval of the request. After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate. Mrs. Beth Lewis, our Director of Community Development and the Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views. If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and approve the conditional use permit. He asked Mrs. Beth Lewis to give opening comments.

CUP 2012:02
Virginia Department of Game and Inland Fisheries, applicant, for Ashland Inc., owner

Application Request: Conditional Use Permit for a public boat ramp

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation: Commercial in the Courtland Planning Area

Current Zoning: M-1, Limited Industrial District

Acreage: Approximately 1.5 acres of a 47.09 acre tract

Proposed Use: Public boat ramp with a single lane concrete boat ramp, an 8' X 48' boarding dock, 20 vehicle/trailer parking spaces, 2 standard parking spaces, 1 handicapped parking space

Tax Map No.: portion of TP 91-39

Location: Northwest quadrant of the intersection of General Thomas Highway and Shady Brook Trail

Magisterial District: Franklin

Voting District: Franklin

Adjacent Zoning: North of parent tract: A-1, Agricultural and R-1, Residential (remainder of parent tract is M-1)
South: M-1, Limited Industrial
East: M-1 and R-1
West: A-1, west of Nottoway River

Adjacent Land Use: North of parent tract: Single family residences (remainder of parent tract contains some recreational uses while a portion is vacant)
South: Hercules plant
East: Single family residential and industrial uses
West: Nottoway River

LAND USE ANALYSIS

Overview
The applicant seeks a Conditional Use Permit to establish a public boat ramp on the Nottoway River. The proposed ramp will replace the existing public boat ramp on the south side of General Thomas Highway that will be closed prior to VDOT intersection improvements which will close the entrance to the existing boat ramp. The proposed boat ramp site now contains the remnants of an abandoned boat ramp that had been in private use. The plans for the proposed boat ramp facility include parking sufficient for vehicles towing trailers, a concrete boat ramp, a boarding dock, and vehicle and handicapped parking spaces. In total, 23 parking spaces will be provided, 20 of them for use with a boat trailer.

Mrs. Beth Lewis stated that is in the residential zoning district. Recreational uses are only

permitted with a conditional use permit that is the same as with the industrial zoning district. This property is on the northwest corner of General Thomas Highway and Shady Brook Trail. On the southwest corner of Shady Brook and General Thomas there is an existing boat ramp. That boat ramp is going to be closed when VDOT starts work on General Thomas Highway so that boat ramp will not be available in the next few months. The Department of Game and Inland Fisheries has worked with Ashland to get property across the street to build a new boat ramp. Just north of this property there is already a recreational facility. There is a clubhouse, a baseball backstop, and a covered picnic pavilion. This is not going to take its place. This is going to be between that recreational facility and General Thomas Highway. You have in your packet a letter of recommendation from the Department of Conservation and Recreation. They are the body that has designated the Nottoway River as a State Scenic River. This will be another asset to the State Scenic River and will provide further recreational facilities for the residents of Southampton County. The plans are for twenty parking spaces big enough for vehicles that are pulling a boat trailer. There will be two parking spaces that are just for a vehicle and one handicapped parking space. There will not be any restrooms. There will not be any other buildings there at all. There will just be the boat ramp and then a loading dock for people to get in and out of the boat. There is an old boat ramp there now that was in private use. That one is going to be removed. There is a concrete drive that goes down to it which will continue to be used. We learned at the Planning Commission meeting that the boat ramp will be 16 feet wide so there will be room for one boat there at a time. There will be three places to tie up boats that are waiting to get put back on the cars or trucks. There were a number of people at the Planning Commission who spoke in favor of this request. The representatives of the Department of Game and Inland Fisheries are here if you have any questions.

Chairman Jones asked if there were any questions for Mrs. Beth Lewis.

Chairman Jones opened the public hearing for anyone for or against the Department of Game and Inland Fisheries.

Chairman Jones closed the public hearing as no one wished to speak.

Chairman Jones asked what the Board had to say.

Supervisor Edwards made a motion that they go with the Planning Commission recommendation and approve the conditional use permit.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones stated they would move to item F.

Mr. Michael Johnson stated this is public hearing ordinance amendment as it relates to the hunting of groundhogs and coyotes. This public hearing is held pursuant to 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Section 10-26 of the Southampton County Code to provide for the hunting of groundhogs and coyotes with rifles larger than .22 caliber outside the general firearms deer season.

The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening before considering adoption. If the Board is so inclined, a motion is required to adopt the attached ordinance.

AN ORDINANCE TO AMEND CHAPTER 10 OF THE SOUTHAMPTON COUNTY CODE
BY REVISING SECTION 10-26 TO PROVIDE FOR THE HUNTING OF
GROUNDHOGS AND COYOTES WITH RIFLES LARGER THAN .22 CALIBER
OUTSIDE THE GENERAL FIREARMS DEER SEASON

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended by revising paragraph (a) of Section 10-26 to provide for the hunting of groundhogs and coyotes with rifles larger than .22 caliber outside the general firearms deer season:

1 **Sec. 10-26. - Hunting weapons restricted.**

2
3 (a) It shall be unlawful to hunt with a rifle larger than twenty-two one hundredths of an inch
4 (~~.22~~) caliber rim fire except rifles of a larger caliber may be used for hunting groundhogs
5 between March 1 and August 31; *It shall be unlawful to hunt with a rifle larger than .22 caliber,*
6 *except rifles of a larger caliber may be used for hunting groundhogs and coyotes outside the*
7 *general firearms deer season;*

8
9 (b) It shall be unlawful to hunt with a muzzle-loading rifle at anytime;

10
11 (c) It shall be unlawful to hunt with a muzzle-loading shotgun loaded with slugs or sabot
12 slugs; and

13
14 (d) Any person violating the provisions of this section, upon conviction, shall be guilty of a
15 Class 3 Misdemeanor and shall be punished accordingly.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : May 29, 2012

H:\Ordinance\Hunting coyotes.tif

Chairman Jones opened the public hearing for anyone for or against this application.

Mr. Ash Cutchin of Jerusalem District stated he had some questions. He said this leads to a question about shooting from the highway. He said he was headed to Salisbury, MD several years ago running late to catch a flight and he was driving up Route 13 near the turn off to Chincoteague if any of you have ever been up there. It is a flat field in that area and a pick-up truck maybe three car lengths in front of him slammed on brakes, pulled over to the shoulder, the driver got out and he threw a rifle across the hood and before he knew what happened he killed a deer right there in the middle of the field. He said he passed him and looked back over his shoulder and two guys ran out there and grabbed the deer and threw him in the truck. In about two minutes the whole deal was done. His question is this – how will high caliber rifles and the distance they are allowed in Southampton County to hunt from the road be affected by this because he sees deer hunters in the winter time sitting in an easy chair right on the shoulder of the road. His question is whether the temptation to shoot a coyote right across the road is it going to be a safety hazard to vehicles. Otherwise he is in favor of it.

Mr. Richard Railey said you are looking at me.

Mr. Ash Cutchin said he is looking at him because he doesn't know the distance to hunt from the shoulder of the road and he doesn't know if it will change. He said it was legal to hunt from the road right now.

Supervisor Phillips said no.

Mr. Ash Cutchin asked what was the legal distance you have to be from the pavement on a secondary road in Southampton County to be legal regarding deer hunting.

Mr. Richard Railey said first of all it would generally be classified as reckless use of a fire arm if you shoot across the road. It is a class one misdemeanor.

Mr. Ash Cutchin asked what is the distance you have to be from the pavement of the road to be considered illegal in the use of a firearm to be shooting across the road.

Mr. Richard Railey said he thought it was 50 yards off the road.

Mr. Ash Cutchin said he didn't think so.

Mr. Richard Railey said it is 50 feet.

Mr. Ash Cutchin said that is a big difference. He said he shot .30 caliber rifles in the military and they could hit steel targets 500 yards easy. So his question is that going to be a safety issue or people driving down the road seeing a coyote on your farm and jumping out and shooting it. That is all that he asked. If it is not a safety issue, kill all the coyotes you can kill.

Chairman Jones asked if anyone else wanted to speak.

Mr. John Burchett of Sebrell addressed the Board. The question for him is the same as for Mr. Cutchin. It is safety. We have this rule in Southampton County where there are no high- power rifles. In this flat county a high powered rifle slug will go for miles depending on the caliber and the elevation that it is shot. Once a year they have the Department of Game and Inland Fisheries biologists come to their hunt club and talk to them about game. He said he wouldn't call his name because he had called him, but he didn't return his call. He said he told them in order to have any impact on the coyote population you would have to kill over 50% of them every year. They are prolific reproducers. Is it worth a chance on a farm shooting a coyote and taking that chance on that slug killing somebody. He said he was like Mr. Ash Cutchin he would like to be there when the last one dies because they serve no purpose as being any good to anybody. The law that we have in this county on high powered rifles does serve a purpose. It is for the protection of the people and he is opposed to allowing it for coyotes. He looked at the hunting rules today and he believes it said you can use a higher powered rifle for hunting groundhogs, but he is not sure why.

Chairman Jones asked if anyone else wished to speak.

Mr. Bob Rudzic, a Southampton County resident, addressed the Board. He said he had a prediction and that was that this wouldn't be allowed in Southampton County. He said even if you pass it, it will not make it through Richmond. It won't make it through Richmond because there are people in Southampton who have friends in the Virginia Department of Game and Inland Fisheries. These same people will not take a step in the direction of allowing high power rifles into Southampton County. Personally he is in favor of all forms of hunting in Southampton County. He believes that all forms of hunting have been proven safe in counties just as flat, and even more populated than Southampton County, counties such as Chesapeake, Suffolk, and neighboring counties in North Carolina who have been using rifles for years. It should be pointed out that most coyote hunting takes place at night when they are active. He is not so sure that shooting a high powered rifle at night is any less dangerous than using them from elevated stands in daylight hours.

If this would be permitted the safety argument for hunting with muzzleloaders or high powered rifles would no longer be an issue. As he said he predicts it will not be allowed in Southampton County.

Chairman Jones asked if anyone else wished to speak.

Mr. Ed Knight from Ivor addressed the Board. The ordinance we are talking about is not a new ordinance. You have always been able to hunt groundhogs with a high powered rifle from March 1 to August 31. So we are not changing anything or making anything dangerous that doesn't already exist. He said he didn't know any statistics about how many people have been hurt hunting groundhogs. The problem exists because he likes hunting coyotes but he is not very good at it because he can't call them in close enough to shoot them with a shotgun. He sees plenty of them at 75, 85, or 90 yards. All this ordinance is doing is changing an existing law to allow people to hunt coyotes. He said he understood them to say outside the deer season because right now about the second week in January is when coyotes become very active because the young from last year are breaking up and they are looking for new territory because breeding season starts in February and runs through about mid-March. The season definitely needs to run everywhere except for gun season. He doesn't want it to interfere with the fire arm season of course. The time period from March 1 to August 31 just doesn't cover enough of the year outside of deer season. It is already the law for groundhogs.

Chairman Jones asked if there was anyone else to speak.

Mr. William T. Kemp said he just had to get in on this one. He stated that coyotes are tough to kill and if you don't think you have got their close attention just call the Sheriff's Office. He said he had an interest in a goat herd and they have lots of little goats running around. Little goats are called kids. When you call the Sheriff's Office or the Game Warden and tell them the coyotes are killing the kids you get their attention very quickly. These things are prolific and they are hard to get rid of and they do a lot of damage to small game herds as well as to chickens and what have you. Last year they called the Department of Game and Inland Fisheries and told them they were having a problem and ask them if it was okay to shoot them at night with a high powered rifle and they said absolutely yes, but make sure you have a coyote call or some type of predator call and don't go driving your truck in a field and shooting across somebody's field with a light. He asked Mr. Richard Railey why he was smiling. He said the coyotes are a real problem and they are coming here faster than most folks think. You can find young deer dead in the fields just about every time you go in a field. If you see one coyote you can rest assured there are probably a lot more.

Chairman Jones asked if anyone else wished to speak.

Supervisor Phillips said we have representatives from the Department of Game and Inland Fisheries here if you want him to speak.

Chairman Jones asked the representative if he wanted to come up and tell them what they needed to know.

Officer Bowen with the Department of Game and Inland Fisheries, Conservation Police Officer, commonly known as the Game Warden. They do receive numerous calls from farmers, livestock farmers, who have problems with coyotes. Unfortunately people who do hunt coyotes are restricted by your county ordinance that is why you are having this hearing today to make an amendment to this ordinance. Being a representative of the Department of Game and Inland Fisheries he can't say whether he is for or against it. He has to stay completely neutral. He can answer any questions that you have, but he can't take a side.

Chairman Jones asked if any of the Board members had a question.

Supervisor Faison asked Officer Bowen if he saw this as a safety issue.

Officer Bowen said from a statistical standpoint no. They have other counties in the area that do allow high powered rifles and they have zero incidents with humans being hit. Probably 80% of hunting and shooting incidents involve shotguns. He said his district covers here, Greenville, Sussex, Surry, and Prince George which do allow rifles except for Sussex. Surry has limited rifle use. He said in the nine years that he has been here they have never have to investigate a rifle shooting.

Chairman Jones asked if there were any other questions.

Supervisor West stated that he thought our ordinance said from a half hour after sunrise to a half hour before sunset; therefore there would be no night time hunting which he would not favor period because we have enough trouble with people shooting in the bushes for something sometimes they do not see and then they would be given the free rein to shoot a high powered rifle through the dark, x number of hundreds of yards. He said no he didn't trust you hunters that well do you understand him. He has seen your stuff. He has had hunters fire across the road in front of him traveling trying to kill a deer. Then you are going to let them use a rifle. These are idiots. They don't worry about safety. He sees them fire and fire comes out the barrel of the gun. These are hunt club members, classy dudes. So he will tell you know we don't need that extra. He does want to protect the farmer who has the herd of animals and is losing them on a regular basis or your poor little poochy poodle is running across the back yard and he becomes game and bait and it chewed up or your cow that is out in the yard a young baby. You understand the point I'm trying to make. You say unless you turn over more than 50% a year you aren't getting anywhere. That is wonderful if you can turn over more than 50% however one less is one less. If you can get him, get him. We need to do this and the sooner the better because if we don't we are going to have more problems. He said but not at night time and not across the road. If you are going to enforce the law and you are supposed to be 50 foot off the road he doesn't want to see anyone sitting in a chair that has a gun or hunts shooting across the road. You know where I stand.

Officer Bowen said just to make some clarification; the Southampton County ordinance 10-26 reflects there is no time restriction on that only the time of the year

Supervisor West said we would propose that would we not from sunrise to sunset.

Mr. Richard Railey said the proposed one in your agenda did not have the day time restriction. I think what you are referring to is an alternative that is going to be proposed by Supervisor Phillips.

Chairman Jones asked if there were any other questions.

Chairman Jones closed the public hearing.

Supervisor Phillips said he had heard from several constituents. He said Supervisor Faison had approached him and brought this to his and the Boards attention. He said previously the law read that it shall be unlawful to use a rifle caliber larger than .22 except for that groundhogs may be hunted with a caliber larger than .22 rim fire between March 1 and August 31. He farms for a living and Supervisor Updike farms for a living. By the way coyotes are not mentioned so you can only shoot a coyote with a .22 rim fire or a 12 gauge shotgun legally so what we are trying to do is make it legal for the landowner to protect his livestock or to kill a coyote by extending the March 1st to August 31st dates to include anything except the general firearms season for deer. That way we don't have people walking around with rifles at night during deer season. We have also addressed the issue of nighttime hunting. As this ordinance has been given to him there is one modification and if he may he will read that for the record. It shall be unlawful to hunt with a rifle larger than .22 one hundredths of an inch (.22 caliber rim fire) except rifles of a larger caliber may be used to hunt groundhogs and coyotes outside the general firearms season from one half hour before sunrise to one half hour after sunset. He thinks that will address the concerns about safety. The game commission representative says they have not had any shootings as a result of using rifles. The coyotes are here. The groundhogs are here. All we are trying to do is make it legal for somebody to shoot a coyote if you are carrying a rifle to

shoot groundhogs already.

Supervisor Edwards asked how was this advertised in the paper. He said we will have to re-advertise it because you can only vote on what you had advertised in the paper tonight.

Mr. Richard Railey said you certainly want this out there. He looks at this as just a weakening of the ordinance; it is not expanding the ordinance, in fact it makes it more restrictive in a sense so he doesn't think they have to re-advertise. Any ordinance that you put out there is subject to minor adjustments.

Chairman Jones said our attorney says we can go on with it.

Mr. Richard Railey said if you feel more comfortable you can re-advertise. That is a decision that you have got to make. If you want to re-advertise so the public can relook at it that is fine, but what you are doing is you had a broader ordinance and you are restricting it as opposed to expanding it.

Supervisor Faison said there is a restriction that the rifle be limited to .22 caliber, this one doesn't restrict the size of the rifle at all.

Supervisor Edwards said that is .22 rim fire. Rim fire is the key there.

Supervisor Faison said this one doesn't restrict the size at all so do we need to consider that.

Supervisor Phillips said if you are shooting a groundhog it is usually a .22 semi fire rifle or some caliber close to that. There is such a thing as overkill. He thinks by virtue of what you are doing will determine what you use.

Supervisor Faison said this is reason if you are just killing a coyote, but do we need to restrict it someone who feels like they can use any rifle at all.

Supervisor Phillips said as the ordinance is written if you have a rifle it allows you to use it.

Supervisor West asked could you use a black powder.

Supervisor Phillips said it does restrict that.

Supervisor West said well they are rifles and that depends upon the bore and the cut and the bullet. This goes so dangerously close to where we have had a fight and he's not getting into this fight any more. He is going to leave it alone. The technicality he doesn't understand and that is okay, but we do have a problem and that is the issue to address. That is the problem with the coyote and the danger they pose to livestock, domestic animals, and anything else. He sees the need for this to be done with the language cleaned up to be legitimate. He thinks they need to research it and he doesn't want a technicality tonight to slip through. He thinks they need to re-advertise it for the safety of everybody in this room to say well they did that. Let's do it the right way and come back and do it another time.

Supervisor Phillips said this ordinance couldn't be enacted before next May so if we need to we can do that.

Supervisor Edwards said he agreed with Supervisor Phillips because we can't get it in this year anyway.

Supervisor West said get it right and do it right and get everybody's little point in there so it can be signed, sealed, and delivered.

Chairman Jones said you are asking us to re-advertise and come back is that what you are asking us to do.

Supervisor West said yes he is. That way you can get more input from farmers who need to have that input and you can get information from other organizations whether it be hunt clubs or whoever else. He said he liked this 50 foot thing off the road too.

Supervisor Phillips said the law is the law already.

Supervisor West said well it should be enforced.

Mr. Richard Railey said if you are so inclined to go back and re-advertise it then you need to make a motion that you have a first reading on what Supervisor Phillips is proposing and then you advertise that. That would be the way you accomplish that.

Chairman Jones said so you need to have a first reading.

Supervisor West said assuming this is okay do you really need to jump the gun on it tonight when you can't handle it until next May.

Supervisor Phillips said you need to start the process.

Supervisor Edwards made a motion that they re-advertise the public hearing for the next meeting as discussed tonight.

Supervisor Phillips seconded the motion.

Supervisor Updike said he would like to inject one thing. He said the farmers had lost close to \$5,000.00 worth of animals to coyotes. People in Greenville are the same way. Some had as many as twenty animals killed this year. If we don't get where we can start to control them from your own livestock we are going to be in trouble. He said he doesn't want any restriction on when you can kill them day or night or anything else when they are attacking your livestock because they aren't there saying they are waiting until sunrise to kill them. The coyotes can be there 24 hours a day and the farmers should have the right to pick up a rifle and shoot them. He didn't want the farmers to be penalized or fined for using a rifle to kill a coyote that is destroying their property.

Supervisor West said that is the reason to wait on this thing and consider it for the reasons you just said. You have an attractive nuisance for that animal to come to. You have something that he wants and he is much more likely to come to your yard than he is mine because there is plenty of game for him. He wants to protect the farmer and your right to protect your property. He wants to make sure this ordinance is going to be correct from the get go.

Supervisor Updike said he agreed with everything Supervisor West said but if you disturb them you get them out you can make them go elsewhere.

Chairman Jones asked what they wanted to do.

Supervisor Phillips said they could advertise for the next meeting.

Supervisor Porter said he was sitting here thinking. He said a week ago he didn't have an opinion on it, but now he has talked to people and he is trying to understand the value of delaying the decision. He said he knew the cost of running two more ads would be about six hundred dollars. We are looking at trying to save every dollar they can and he is trying to think because we are trying to restrict an ordinance that we have already published which he agrees with Mr. Richard Railey he didn't think that would require a new public hearing. He doesn't feel that we haven't given adequate notice to the public on this. He said do we need to spend the money to re-advertise in these tough times. That is what we have got to ask ourselves in these tough times.

Mr. Richard Railey just so perhaps you can understand what his opinion was, and I think you got it, if we took this ordinance tonight and said ok we have got it out here and

discussed it so let's expand it to all game, yes then you would have to go back and re-advertise. What you are doing is taking what you have already put out there and restricting it a little bit. A prime example is an analogy when Mr. William Kemp's application came in front of the Planning Commissions it was just for a rezoning and I think Supervisor Edwards said tonight in B-1 there are 43 uses. It was advertised and valid to be passed for any one of those applications. What we did with the same advertisement was restrict it down to one use – 1 out of 43. As long as he understands the law, he understands we are talking about due process, as long as you make it more restrictive you are fine. The point is don't catch the public off guard. Don't advertise this and go today this is good for all game animals. That is his point.

Supervisor Porter said he agrees with Mr. Richard Railey. That is exactly what he said.

Supervisor West said he didn't think that was the question all game animals. He thinks it is just getting the coyote thing right as to when and how much. When can they do it, what time of day, and what size caliber these are the things that he wants them to look at. Make sure the farmer is fully protected because he has much more concerns than the average person in this room. He said he may hit one with an automobile, but he's not going to shoot one.

Supervisor Porter said he agreed, but he didn't see the value of having another public hearing. Based on what he knew when he came tonight and based on Supervisor Phillip's proposal he would be perfectly comfortable with that.

Supervisor West said that it should that be read to the public and let comments be made by the public then.

Supervisor Porter said he didn't think that was necessary since it is a restriction on the proposal notice that was published. It is not making it bigger. It is making it narrower. I don't understand why you would get additional comments on something when you are making something smaller instead of bigger.

Supervisor Edwards said Supervisor Updike said he wants to shoot at night.

Supervisor Updike said that is when your animals are being destroyed. The coyotes come in at night and kill them. They don't have any time tables. He said he was saying at night when your animals are being attacked. He didn't say that hunters hunt them at night.

Supervisor Phillips said we have gone around on this several times, but he would like to ask the Game Commission Representative to come up one more time please. He said you heard the ordinance read concerning shooting one half hour before sunrise and one half hour after sunset, if Supervisor Updike is in his field and sees or hears a coyote killing one of his calves or goats is he in the wrong to shoot one of these animals under this ordinance when he is protecting one of his livestock. He asked is that legal or do they have to address that specifically with this ordinance. It says here to hunt not to protect.

Officer Bowen said it is in the state ordinance that permits you to protect your livestock, but he didn't recall exactly how it was worded.

Mr. Richard Railey said you can protect your livestock if you actually see it in danger. If you see a coyote jumping in your chicken house, then sure you can kill it. The question that comes to his mind however is whether this ordinance is a fire arms ordinance as opposed to hunting. It doesn't restrict hunting it restricts the type of fire arm that can be used in Southampton County. It becomes a question of whether you are hunting a coyote or whether you are pursuing a pest. He is tempted to say you are just pursuing a pest, but I think we are addressing it like we have addressed groundhogs for 25 years which is restricting what you can use to shoot a groundhog and what we are doing here is restricting what you can use to shoot a coyote. You are right there is an ordinance just like if you see one of my dogs jumping up and hurting an officer you have a right to shoot my dog. No question about it and that is the ordinance that you are referring to.

Officer Bowen said under animal welfare.

Mr. Richard Railey said yes.

Supervisor Faison said there is a burden of proof on the individual doing the shooting isn't there rather than just saying it was for protection.

Officer Bowen said typically you will see some type of damage. Sometimes they have dogs that will attack goats and kids and there is some type of physical damage that will provide evidence that you were justified in shooting the animal.

Supervisor West said suppose he isn't but you know he is roaming the property and you know he's there and you want to get rid of him and this is an opportunity, but he hasn't attacked and there is no blood or anything – than what.

Officer Bowen said you would be in violation at that point because you are acting out of the guidelines of the ordinance because he isn't attacking.

Supervisor West said so you have got to deal with the issue one way or the other to either include night time or not include night time. He said if it is going to help the farmer he favors that.

Officer Bowen said absolutely.

Supervisor West said we want in every way to keep this privilege and protect the property and the farming industry and these animals are bad.

Supervisor Faison asked why we are excluding night time – was it because of a safety issue. He asked is that why we are excluding night time.

Supervisor Phillips said he believed that we had addressed Supervisor Updike's concern that he could kill a coyote as needed if they are killing his livestock and anybody else it they are killing their dog or their cat. What we are trying to do is give the farmer an opportunity if is carrying a rifle to shoot a groundhog and he sees a coyote he can legally shoot the coyote. We are restricting it so that people are not riding around at night with high powered rifles and lights. They have also opened it up to the point where it is not from March 1 to August 31. Coyotes or groundhogs don't leave the county after that period of time. We are just trying to make this a more serviceable ordinance.

Chairman Jones asked if we are going to re-advertise this or do it tonight.

Supervisor Phillips said the motion is out there we've got to make a decision.

Supervisor Updike said go ahead and do it tonight.

Mr. Michael Johnson said I think you have a motion on the floor.

Supervisor Edwards said I didn't realize we already had one.

Mr. Richard Railey said there was no motion made tonight on the original ordinance.

Supervisor Phillips said thank you.

Mr. Richard Railey said there was a motion made to re-advertise and that has got to be voted up or down.

Supervisor West said some things you don't put a price on it. For \$600.00 you don't put a price on it. You want to get it right to begin with. He said he realized it was \$600.00 and he realized they were trying to save every penny, but the bottom line is he wants to get this thing right. He wants to protect the population, and his family and the people, and he wants to protect the farmer who wants to destroy these animals that are damaging his

property any time days, nights, or Sundays.

Supervisor Porter asked how is re-advertising going to do that.

Chairman Jones said we have a motion and a second on the floor.

Supervisor West said stop and think about this thing. If you just go ahead and open this thing wide open you have got to designate the farmer somehow in this thing. You know you will have people from the beach and everywhere else coming down saying let's go hunting today in Southampton County you can kill anytime day or night. I'm going to carry my big gun and I'm going to have a real good old time.

Mr. Richard Railey said he didn't think they could put in an ordinance that it was only good for farmers.

Supervisor West said I'm just saying look at the whole picture.

Mr. Richard Railey said he didn't think they could as much as he would like to saying it was only good for people living in Southampton County. You can't do that it is unconstitutional.

Chairman Jones said we have a motion on the floor to relook at it.

Supervisor Updike said he was going to make a suggestion. We don't have to make a decision and we don't have to advertise again to continue the discussion. It doesn't have to be done tonight. You can table it to continue it at the next meeting or down the road two months from now. You can study it and put things together and it is just a continuation.

Supervisor Edwards said you can't open it for public discussion then. This is the public discussion unless you re-advertise it.

Chairman Jones said this is the public hearing unless we re-advertise it.

Supervisor West said doesn't what he said have virtue where we can get back to some additional things because Mr. Richard Railey said we are defining the gun and the animal that is it period, no more and no less. Everybody in the room is in agreeable with that and the question is that it is fine tuning. In the mean time we get to talk to the hunt clubs and other people who want to talk to us and give us some insight. We might talk to some more Game and Inland Fishery People and then we as a Board come back with the input and put it together. Do not re-advertise it and go from there. That does make sense to him.

Supervisor Porter said he agreed.

Mr. Richard Railey said understand you can table it, but you have got to close the public hearing because if you have another public hearing you have got to re-advertise.

Supervisor West said we aren't going to have a public hearing any more.

Mr. Richard Railey said you can just table it then.

Supervisor Porter said unless we broaden the arguments on this we are not required to have a public hearing. If we restrict it we are okay. He said before they run off and spend another \$600.00 in advertising they had to decide whether or not we are going to follow that path.

Mr. Richard Railey said he concurs.

Supervisor West said the people in the audience get to us and say what about this.

Supervisor Edwards said does not Virginia law say that you can hunt coyotes at night.