

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 June 27, 2011 at 8:30 AM

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)  
Walter L. Young, Jr., Vice-Chairman (Franklin)  
Walter D. Brown, III (Newsoms)  
Carl J. Faison (Boykins-Branchville)  
Anita T. Felts (Jerusalem)  
Ronald M. West (Berlin-Ivor)  
Moses Wyche (Capron)

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)  
Jon Mendenhall, Assistant County Administrator  
Lynette C. Lowe, Finance Director  
Beth Lewis, Director of Community Development  
Sandi Plyler, Information Technology Manager  
Julien W. Johnson, Jr. Public Utilities Director  
Richard E. Railey, Jr., County Attorney  
Susan H. Wright, 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 Regular Session of April 25, 2011, Budget Public Hearing of May 16, 2011, Budget Work Sessions of May 18, 2011, and Regular Session of May 23, 2011.

Supervisor Brown indicated that there needed to be a correction made on page 270 of the April 25, 2011 Regular Session minutes. The third paragraph/sentence from the top needed to be corrected as follows: "Supervisor Brown stated that ditches were a problem throughout Southampton County ~~and he would provide Mr. Johnson with a list.~~

The minutes were approved with the correction offered by Supervisors Brown.

Regarding highway matters, Mr. Michael Johnson, County Administrator, announced that he had spoken to Mr. Jerry Kee, VDOT Assistant Resident Engineer, on Friday and he indicated that they had contacted each of the Board members regarding their concerns with the exception of Supervisor Faison.

Supervisor Faison advised that someone had gone out and looked at the problems he reported and would be following back up with him.

Vice-Chairman Young stated that all of his concerns had been addressed. He noted that the cutting VDOT had started really looked good.

Supervisor Felts indicated that she was playing phone tag with Mr. Ben Bryant, VDOT Superintendent, concerning her issue. She too was pleased with the cutting.

Supervisor West advised that Mr. Bryant had been very diligent in addressing his concerns, and he was not hearing any complaints from citizens. However, he did want to point out that there was a pothole on New Road next to Tucker Swamp Baptist Church that needed repairing.

Supervisor Wyche stated that the residents of Bryants Church Road were still waiting on their road sign to be placed on Route 58 westbound.

Mr. Johnson advised that Mr. Kee had indicated that VDOT could not put a sign on Route 58

westbound because there was no crossover in front of Bryant's Church Road. The next crossover was Buckhorn Quarter Road. If the residents of Bryant's Church Road wanted to give that as a landmark, VDOT could put up a sign on Route 58 westbound that said, "Next Intersection Buckhorn Quarter Road," as to provide some advance notice. Supervisor Wyche commented that something was better than nothing.

Supervisor Brown thanked Mr. Johnson for relaying their concerns to VDOT. He commented that grass cutting on the shoulders had begun in some areas.

Chairman Jones advised that the grass on Raymond Rawlings' property on Tennessee Road was overgrown and needed attention.

Regarding reports, various reports were received and provided in the agenda. They were Financial, Sheriff's Office (Communication Center Activities, EMS and Fire Department Activities, Traffic Tickets, Civil Papers), Animal Control, Litter Control, and Building Permits. Also New Housing Starts, Cooperative Extension, Treasurer's Report, Solid Waste Quantities, and Personnel.

In regards to Litter Control, Supervisor Brown advised that he anticipated Mr. John Jenkins of the Southampton County Litter Control Council to share with the Board the efforts that were being put forth by the Council.

In regards to Cooperative Extension, Mr. Neil Clark, Interim Agricultural Agent, advised that interviews had been completed locally for a new Agricultural Agent. He also informed that he had been providing pesticide training for County employees.

Supervisor Faison thanked Mr. Clark and Mrs. Michelle Stivers, Director of Social Services, for helping with the kids at his church this summer.

In regards to the Treasurer's Report, Chairman Jones recognized Mr. David Britt, Treasurer.

Mr. Britt advised that in April of this year, delinquent taxes totaled \$1.75 million. That total was down to \$1.6 million in May, and \$1.4 million in June 2011. They had collected \$199,000 over the past 30 days. They had implemented the vehicle boot/seizure program and it had been very effective. They had also issued 334 tax liens. He thanked Lynette Lowe, Finance Director, for identifying funding to hire a part-time person to send out the tax liens.

Mr. Britt stated that he wanted to address the article in the *Tidewater News* which reported that a gentleman's car got booted for unpaid personal property taxes but the person had paid. He explained that the gentleman owed money for a DMV stop and personal property taxes. When he came in to pay, the Treasurer's Office applied the payment to the DMV stop instead of the personal property taxes by mistake. So yes, the gentleman had paid his personal property taxes, but nevertheless, still owed the County money for the DMV stop.

Supervisor Brown commended Mr. Britt for his tax collection efforts.

In regards to Personnel, Mr. Johnson advised that the salary of Jerre W. Olson of the Sheriff's Office was increased to \$30,863 effective 06/01/11 as the result of a 12-month regrade. The salary of David L. Joyner of the Sheriff's Office was increased to \$30,836 effective 06/01/11. He stated that Brett A. Cessna of the Sheriff's Office resigned effective 06/07/11.

Moving to financial matters, Mr. Johnson announced that included in the agenda was a resolution with total appropriations of \$72,458.23. The appropriation was related to the General Fund (\$38,785.72) and School Fund (\$33,672.51) and consisted of a myriad of expenditure refunds, insurance reimbursements, grants and donations, and carry-over funds from previous fiscal years. The funding had been received from the sources indicated and was available for the itemized expenditures upon order of the Board. No new local funds were required.

The appropriations resolution is as follows:

**APPROPRIATION - JUNE 27, 2011**

**NO NEW LOCAL FUNDS**

12550 INSURANCE/COUNTY CODE	Reimbursement received from retirees for BCBS (\$16,520.00) For months of April and May 2011
21100 CIRCUIT COURT	State reimbursement received for jurors & witnesses (\$180.00 + \$1140.00)
21200 DISTRICT COURT	Refund for office supplies from Quill (\$57.25)
32200 VOL FIRE DEPTS	Reimbursement received from Drewryville (\$68.01) & Sedley Vol (\$251.18 + \$288.46) Fire Depts for electrical costs
42300 SANITATION WASTE REMOVAL	Oil recycling funds received (\$182.40 + \$220.16)
43000 BLDGS & GROUNDS	Reimbursements rec'd from Health Dept for telecommunications (\$301.28) and Social Svcs for telecommunications (\$343.87)
82500 CHOWAN BASIN SOIL & CONSERVATION	Reimbursement rec'd for all costs related to payroll & fringes (\$19,233.11) for March and April
SCHOOL BOARD	(1) Reimbursements received for expenditure refunds-- see attached letters  (2) Reimbursements received for retirees health insurance premiums--see attached letters  (3) Increase in Federal Funds for program 850 Opportunity Inc - see letter

At a meeting of the Board of Supervisors of Southampton County,  
Virginia on Monday, June 27, 2011

**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, 2010 through  
June 30, 2011 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:

4-100-12550-2300	HOSPITAL PLAN	16,520.00
21100-3848	JURORS & WITNESSES-STATE	180.00
21100-3848	JURORS & WITNESSES-STATE	1,140.00
21200-6001	OFFICE SUPPLIES	57.25
32200-5110	ELECTRICAL SERVICES	68.01
32200-5110	ELECTRICAL SERVICES	539.64
42300-6030	EQUIPMENT	182.40
42300-6030	EQUIPMENT	220.16
43000-5241	TELECOM-SOC SER/HEALTH	343.87
43000-5241	TELECOM-SOC SER/HEALTH	301.28
82500-1100	SALARIES & WAGES REGULAR	11,085.84
82500-1300	SALARIES-PARTTIME	3,093.84
82500-2100	FICA	1,067.28
82500-2210	RETIREMENT-EMPLOYER	1,250.48
82500-2215	RETIREMENT-EMPLOYEE	554.30
82500-2300	HOSPITAL PLAN	1,964.00
82500-2400	GROUP LIFE INSURANCE	31.04
82500-2600	UNEMPLOYMENT TAX	186.33
	GENERAL FUND APPROPRIATION	
	TOTAL	<u>38,785.72</u>

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

4-205-61100-3000-003-4-100	OTHER INSTRUCTIONAL COSTS- G&T	1,340.60
61100-6008-002-1-100	MATERIALS & SUPPLIES PRE-SCH	8,000.00
62110-2300	HOSPITALIZATION	657.00
62110-2300	HOSPITALIZATION	655.00
62120-2350	RETIREE HEALTH INS PREMIUM	6,610.00
62120-2350	RETIREE HEALTH INS PREMIUM	683.00
62120-2350	RETIREE HEALTH INS PREMIUM	5,288.00
62120-2350	RETIREE HEALTH INS PREMIUM	689.00
63200-2300	HOSPITALIZATION	742.00
63200-2300	HOSPITALIZATION	742.00
64200-6001	HOUSEKEEPING & JANITORIAL SUPPLIES MAINTENANCE SERVICE	140.00
64300-3320	CONTRACTS	625.91
	TOTAL	<u>26,172.51</u>

OPPORTUNITY INC, PROGRAM 850

4-205-64200-1190- -850	SERVICE SALARIES	7,500.00
	TOTAL	<u>7,500.00</u>

TOTAL SCHOOL APPROPRIATION 33,672.51

TOTAL APPROPRIATION 72,458.23  
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REVENUE APPROPRIATION JUNE 27, 2011  
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-100-16120-0001	REIMB-SOIL & WATER SALARIES	19,233.11
3-100-16040-0003	REIMBURSEMENT VFD-VRS	68.01
3-100-16040-0003	REIMBURSEMENT VFD-VRS	539.64
3-100-16090-0001	HEALTH-TELEPHONE/CUSTODIAL, ETC.	301.28
3-100-16110-0001	SOC SERV/TELEPHONE, CUSTODIAL, ETC.	343.87
3-100-18030-0003	EXPENDITURE REFUND	57.25
3-100-18030-0003	EXPENDITURE REFUND	220.16
3-100-18030-0003	EXPENDITURE REFUND	182.40
3-100-18030-0005	BLUE CROSS BLUE SHIELD	16,520.00
3-100-24040-0014	JURORS & WITNESSES	180.00
3-100-24040-0014	JURORS & WITNESSES	1,140.00
		38,785.72
	REVENUE GENERAL FUND	
SCHOOL REVENUE		
3-205-18990-0060	SCHOOL BLUE CROSS BLUE SHIELD	8,009.00
3-205-18990-0060	SCHOOL BLUE CROSS BLUE SHIELD	683.00
3-205-18990-0060	SCHOOL BLUE CROSS BLUE SHIELD	6,685.00
3-205-18990-0060	SCHOOL BLUE CROSS BLUE SHIELD	689.00
3-205-18990-0100	EXPENDITURE REFUNDS	140.00
3-205-18990-0100	EXPENDITURE REFUNDS	1,966.51
3-205-18990-0100	EXPENDITURE REFUNDS	8,000.00
3-205-33020-0360	OPPORTUNITY INC-PROG 850	7,500.00
		33,672.51
	TOTAL SCHOOL FUND REVENUE	
	TOTAL APPROPRIATION	72,458.23

A copy teste: \_\_\_\_\_, Clerk  
Michael W. Johnson

Southampton County Board of Supervisors  
June 27, 2011

**Vice-Chairman Young moved, seconded by Supervisor Felts, to adopt the appropriations resolution. All were in favor.**

Mr. Johnson advised that included in the agenda was the semiannual appropriations resolution for the first half of FY 2012, with total appropriations of \$26,942,945.

The semiannual appropriations resolution is as follows:

**At a meeting of the Board of Supervisors of Southampton County,  
Virginia held in the Board of Supervisors Room on Monday,  
June 27, 2011**

**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 indicated for the period 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:

11010	Board of Supervisors	94,366
12110	County Administration	153,935
12310	Commissioner of Revenue	143,358
12320	Board of Assessors	105,606
12410	Treasurer	137,408
12415	Delinquent Tax Collection	5,000
12430	Accounting	105,860
12510	Data Processing	156,006
12550	Insurance/County Code	227,800
13200	Registrar	87,231
21100	Circuit Court	17,445
21200	Combined District Courts	11,419
21300	Special Magistrates	454
21600	Clerk of the Circuit Court	236,249
21700	Sheriff - Bailiff	194,090
21750	Courthouse Security	119,987
22100	Commonwealth's Attorney	248,552
22200	Victim Witness	35,045
31200	Sheriff	823,895
31400	Enhanced 911	81,940
31500	PSAP Wireless E-911	23,011
31750	School Resource Officer	25,264
32200	Volunteer Fire Departments	301,647
32300	Volunteer Rescue Squads	929,278
32400	State Forestry Service	21,730
33100	Detention	1,328,619
33300	Probation	51,350
34000	Building Inspections	65,689
35100	Animal Control	49,015
35300	Medical Examiner	250
35500	Emergency Service/Civil Defense	56,536
41320	Street Lights	22,993
41500	Assign-A-Highway Program	27,189
42300	Refuse Collection	357,744

42400	Refuse Disposal	637,150
43000	Buildings & Grounds	237,268
51100	Local Health Department	152,000
52000	Mental Health Services	68,944
53240	Sr Services of Southeastern	13,000
53500	Comprehensive Services Act	90,073
53600	STOP Organization	1,540
72000	Community Concert Series	5,400
72200	Rawls Museum Arts	14,000
72500	Historical Society	24,750
73200	Walter Cecil Rawls Library	114,343
81100	Planning/Zoning	101,159
81500	Economic Development	100,000
82400	Soil & Water Conservation District	9,768
83500	Cooperative Extension Service	20,507
91400	Non-Departmental Operating	19,100
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	<b>TOTAL</b>	<b>7,854,963</b>

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

89600	Enterprise Fund Water	356,514
89500	Enterprise Fund Sewer	1,420,420
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	<b>TOTAL</b>	<b>1,776,934</b>

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

94000	Building Fund	1,105,485
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	<b>TOTAL</b>	<b>1,105,485</b>

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

61000	Instruction	7,975,392
62000	Administration	610,328
63000	Other Direction & Management	1,409,095

64000	Operation & Maintenance Services	1,696,345
68000	School Food Service	64,909
66000	Facilities	77,013
67000	Debt Service	1,262,190
68000	Technology/School Operating	204,618
260	Rental Textbook	39,087
265	Technology	103,000
400	At Risk 4-Year Olds	100,166
450	Early Reading Intervention	22,664
500	Title I	329,138
525	Reading First Grant	-
550	Title VIB Special Ed-Flow Through	302,375
560	21st Century Community Learning Center	87,500
625	Title II-A Training and Recruitment	76,787
630	Title IID Ed Tech	2,429
650	Substance & Drug Prevention	-
800	Vocational Special Education	26,526
850	Opportunity Inc	50,000
900	Pre-School Incentive	6,448
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	<b>TOTAL</b>	<b>14,446,010</b>

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

65100	School Food Service	536,300
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	<b>TOTAL</b>	<b>536,300</b>

**From the Virginia Public Assistance Fund to the Virginia Public Assistance Operating Fund to be expended only on order of the Social Services Board of Southampton County:**

309	Welfare Administration (Eligibility)	502,394
310	Welfare Administration (Service)	357,188
313	Benefit Programs	363,671
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	<b>TOTAL</b>	<b>1,223,253</b>

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**TOTAL APPROPRIATIONS** **26,942,945**

**BE IT FURTHER RESOLVED that the Treasurer of Southampton County shall transfer to the accounts as indicated, the funds from time to time, as the need occurs and as funds become available.**

A copy teste: \_\_\_\_\_, Clerk

**Michael W. Johnson**

Southampton County Board of Supervisors

06/27/11

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to adopt the semiannual appropriations resolution. All were in favor.**

Mr. Johnson informed that bills in the amount of \$1,614,535.00 were received.

**Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$1,614,535.00 be paid with check numbers 121199 through 121565.**

Supervisor Felts asked, regarding sanitary waste removal, what was the difference in the electric bills. Mr. Johnson replied that some of the dump sites had compactors which used more electricity, and some did not.

**All were in favor of the motion.**

Moving to appointments, Mr. Johnson announced that included in the agenda was correspondence from the Blackwater Regional Library regarding the appointment of Mrs. Bernadette Whitley. Mrs. Whitley was initially appointed to fill the unexpired term of Ms. Dorothy Harris, which would end on June 30. Mrs. Whitley was eligible for reappointment.

Supervisor Felts indicated that she had spoken to Mrs. Whitley and she was willing to continue to serve.

**Supervisor Felts moved, seconded by Vice-Chairman Young, to reappoint Mrs. Bernadette Whitley to another term on the Blackwater Regional Library Board, through June 30, 2015. All were in favor.**

Mr. Johnson advised that the term of Mr. Franklin Dowless (Berlin-Ivor) of the Social Services Administrative Board was set to expire on June 30, 2011 – he had indicated that he did not wish to serve another term. Other members of the Administrative Board were Marcia Garriss (Boykins-Branchville), Barbara Ellsworth (Drewryville), Sharon Ricks (Capron) and Supervisor Wyche. Currently unrepresented were the Jerusalem, Franklin, and Newsoms Districts.

Supervisor Brown indicated that he was prepared to make a recommendation this morning. He submitted the name of Cynthia W. Banks.

**Supervisor Brown moved, seconded by Vice-Chairman Young to appoint Cynthia W. Banks to succeed Franklin Dowless on the Social Services Administrative Board. All were in favor.**

Proceeding to the public hearings, Mr. Johnson announced that the first public hearing was to consider the following:

CUP 2011:02 – Request by Bobby and Amy Pitts, owners, for a Conditional Use Permit to keep livestock for personal enjoyment on property with a zoning designation of R-1, Residential, per Section 18-127(16) of the Zoning Ordinance. Specifically, the request seeks permission to have a private stable to house three (3) miniature horses. The property is located at 29039 Darden Point Road, Courtland, VA in the Darden Mills Estates Subdivision and is known as Tax Parcel 46A-4-21. The property is located on Darden Point Road approximately 1150' west of the intersection of Darden Point Road (CR 1017) and Lakeside Drive (CR 1015). The property is in the Jerusalem Voting District and the Jerusalem Magisterial District.

Mrs. Beth Lewis, Director of Community Development and Secretary to the Planning Commission, advised that the applicants had 3 miniature horses in a stable in their back yard. The Zoning Ordinance, in the R-1, Residential Zoning District, did not speak to the animals, but to the stable. A stable was defined as anything that housed livestock. Accordingly, the applicants needed to request a conditional use permit (CUP) for a stable. The lot was 2.5 acres and 288' wide in the area of the stable. The stable was near the center of the lot, making it more than 100', as required by the Zoning Ordinance. It was also surrounded by a fence. The horses had been boarded off-site for some time, but family and economic circumstances had made it necessary for the owners to bring the horses to their home. The horses ranged from 26" to 35" tall. One was handicapped and had special needs. She noted that the fenced area was cleaned twice daily.

Mrs. Lewis informed that the Planning Commission held a public hearing on this application at its May 12, 2011 meeting and unanimously recommended approval, subject to the following conditions:

- 1) No more than 3 miniature horses will be housed on-site,
- 2) Waste generated by the horses will be composted on-site,
- 3) Feed and hay will be stored in the stable with the horses,
- 4) A fence (that had already been installed) will contain the horses; and
- 5) No commercial uses

Chairman Jones opened the public hearing.

Mr. Bobby Pitts, owner/applicant, spoke. He respectfully requested that the Board approve his conditional use permit so that he may house his 3 miniature horses in his back yard. He clarified that there would be no breeding of the horses.

Ms. Pat Sawyer spoke. She advised that she lived next door to the Pitts, who were good neighbors. They had dog walkers, golf cart drivers, chickens and roosters in their subdivision. The miniature horses were quiet and were family pets like cats and dogs. They also had an unfinished house in their subdivision that was an eye sore. She noted that they did not have an active homeowner's association. She supported the Pitts' request.

Mr. Ash Cutchin spoke. He stated that he lived diagonally across from the Pitts. He did not have anything against the horses, and had not experienced any problems with odor or pests. However, he wanted to point out that Section 18-450 of the Southampton County Zoning Ordinance contained language that contradicted Article 5 of the Southampton County Zoning Ordinance, which allowed livestock in the R-1, Residential district with a conditional use permit.

Section 18-450 of the Southampton County Zoning Ordinance is as follows:

**Sec. 18-450. Keeping livestock on land zoned residential.**

(a) In all subdivisions containing a minimum of six (6) lots and having lots with areas of less than one (1) acre, the plats of which have been recorded since January 1, 1968, it shall be unlawful for any person, owner, lessee or occupant to keep upon such lot any livestock. For the purposes of this section, the word "livestock" shall include, but is not limited to, hogs, cattle, sheep, goats, poultry, fowl, mules, horses and ponies.

(b) In those areas exempted above, upon which livestock were and continue to be kept, such livestock may remain; provided, that the number of livestock does not increase above the number certified as existing on the property on or before January 1, 1984, and the livestock are not objectionable because of dust, noise, odor, unsanitary conditions or damage to other properties in the

area and/or are not allowed outside the area of confinement. A violation of any of the foregoing shall constitute a violation of this chapter.

(c) All owners of "livestock," as herein defined shall submit to the zoning administrator's office information pertinent to the particular "livestock," on a form provided by the zoning administrator on or before July 1, 1984. The zoning administrator shall keep all information submitted under this section on file in his office.

Mr. Cutchin reiterated that he was not against the Pitts or their miniature horses. However, he recommended that they amend or rescind Section 18-450, as there was too much contradiction.

Supervisor Brown asked about the implied intent of Section 18-450.

Mr. Richard E. Railey, Jr., County Attorney, advised that he interpreted Section 18-450 to apply to subdivisions with small lots.

Supervisor West stated that he thought they should have the Planning Commission clarify Section 18-450. Supervisor Brown agreed.

Supervisor Brown advised that he was in favor of the conditional use permit request. Vice-Chairman Young agreed.

Supervisor Faison stated that he too was in favor of the request, but was in favor because of the good attitude of the residents of that area. We had a Comprehensive Plan that was supposed to identify R-1, Residential property (in which livestock was not typically present).

**Supervisor Felts moved, seconded by Supervisor Brown, to approve the conditional use permit, subject to all stated conditions. All were in favor.**

**Supervisor Felts moved, seconded by Supervisor Brown, to have the Planning Commission clarify Section 18-450 of the Southampton County Zoning Ordinance. All were in favor.**

Mr. Johnson announced that the second and final public hearing was to consider the following:

An ordinance to amend Section 14-76 of the Southampton County Code as it relates to the time for filing final subdivision plats.

The ordinance to be considered is as follows:

SCC.14-76. TIME FOR FILING

Once a preliminary subdivision plat is approved, it shall be valid for a period of five (5) years provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one (1) year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat.

However, no sooner than three (3) years following such preliminary subdivision plat approval, and upon ninety (90) days written notice by certified mail to the subdivider, the planning commission may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

"Diligent pursuit of approval" means that the subdivider has incurred extensive obligation or substantial expenses related to the final subdivision plat or modifications thereto.

The effective date of this ordinance shall be July 1, 2011.

For state law authority please see § 15.2-2260 (F) of the 1950 *Code of Virginia* as amended.

Chairman Jones opened the public hearing. No member of the public wished to speak. Chairman Jones closed the public hearing.

Attorney Railey noted that approval of the ordinance was necessary to bring us in compliance with state law.

**Supervisor West moved, seconded by Vice-Chairman Young, to adopt the ordinance. All were in favor.**

Moving forward, Mr. Johnson announced that Mr. David Britt, Southampton County Treasurer, had asked for a few moments on the agenda to allow a representative from Virginia Auction and Collections to discuss their efforts in collecting delinquent personal property taxes.

Mr. Britt introduced Mr. Jerry Tucker of Virginia Auctions and Collections (VAC).

Mr. Tucker thanked the Board for the opportunity to address them this morning. He advised that his company had implemented a License Plate Reader (LPR) system to assist localities in the collection of delinquent personal property taxes. The Treasurer's Office provided VAC with delinquent taxpayer information. Using the LPR system, VAC scanned the license plates of all parked cars in parking lots, driveways and streets. Once the LPR system located a license plate that matched a delinquent account, the VAC agent verified the vehicle's identification and then placed a "boot" on the car for potential towing later that evening. The agent also placed a warrant explaining the seizure on the vehicle. The person was asked to contact the Treasurer's Office immediately to settle his account, which included payment of the delinquent taxes, a booting fee, and a 20% collection fee. If payment was made prior to close of business that day, the vehicle would not be towed. If payment was not made, the vehicle would be towed to a secure compound. The person would then be responsible for towing and storage fees, in addition to the payment of the delinquent taxes, booting fee, and 20% collection fee. He noted that due to city and county liabilities, no booted vehicle could be left in parking lots or on the streets.

Mr. Tucker clarified that if a car was booted prior to the Treasurer's Office closing for the day, the person had the opportunity to contact the Treasurer's Office and pay the delinquent taxes and applicable fees. However, if a car was booted after hours or on the weekend, the person did not have such opportunity, and thus the vehicle would be towed. He noted that there was some disagreement on whether or not that was fair. However, VAC contended that all taxpayers should pay their taxes on time. Having the opportunity to contact the Treasurer's Office to settle the account prior to the vehicle being towed was a courtesy, not an entitlement, if a person's vehicle happened to be booted early enough in the day.

Mr. Tucker clarified that currently they could only seize vehicles for delinquent personal property taxes. However, the law was being re-written that would allow them to seize personal property (vehicles) on behalf of delinquent real estate taxes.

Supervisor Brown asked if the data he received from the Treasurer's Office was real-time data. Mr. Tucker replied no – an update was done daily. The Treasurer's Office was advising all citizens who may come in and paid their delinquent personal property taxes to place their receipt in the windshield of their car so VAC would be able to see that the taxes had been paid.

Supervisor Brown asked what if they booted a person's car that was parked behind/blocking another vehicle in a driveway. Mr. Tucker advised that they would go to the door and try to locate the person and tell them the vehicle had been booted. If they could not locate the person, they would likely move the vehicle over so it would not be blocking in another vehicle, and then they would boot the vehicle.

The Board thanked Mr. Tucker for addressing them this morning.

Moving forward, Mr. Johnson announced that they may recall from July 2009, in the absence of state funding for a grade-separated interchange, the Board reluctantly approved design of a proposed at-grade intersection at Southampton Parkway/Jerusalem Road/Old Bridge Road. As they knew, earlier this year, the proposed grade-separated interchange was included on the Governor's Initiative List of Projects and was expected to receive construction funding beginning in FY 2014. VDOT had already published a Request for Proposals for final engineering and design of the interchange. Additional right-of-way was expected to be acquired in FY 2013 with construction beginning the following year. The total project was now estimated at slightly less than \$28.3 million. Given the action taken by the Board in 2009, it was necessary to provide written approval of the proposed conceptual design for the grade-separated interchange. He noted that included in the agenda was a reduced scale copy of the design. A full-size copy of the design was available for their review.

**Vice-Chairman Young moved, seconded by Supervisor Brown, to approve the proposed conceptual design for the grade-separated interchange. All were in favor.**

Moving forward, Mr. Johnson announced that Supervisor Brown, in his capacity with the Southampton County Civil War Sesquicentennial Committee, had coordinated a visit from the Civil War 150 HistoryMobile on November 14-16, 2011 at the Southampton County Fairgrounds. The HistoryMobile was a museum-quality exhibit housed in a 53' expandable tractor-trailer that would be traveling throughout Virginia and the nation. The exhibit would debut on July 21, 2011 at the 150<sup>th</sup> Anniversary Commemorative Event at the Manassas National Battlefield Park. Designed in partnership between the Fredericksburg-Spotsylvania National Military Park and the Virginia Historical Society, the HistoryMobile would enable visitors to better understand the Civil War in Virginia from multiple viewpoints including soldier, civilian, and slave.

Mr. Johnson continued that in order to confirm the visit, it was necessary for the County to execute a Host Services Agreement, a copy of which was included in the agenda. He noted that while there was no charge associated with the visit, the agreement did impose certain obligations on the County, including:

- a. The cost of overnight security (provided by off-duty deputy sheriffs);
- b. Staffing by at least 3 volunteers each day;
- c. The cost of bottled water for exhibit staff;
- d. The cost of lodging at a local hotel/motel (up to 3 rooms);
- e. The cost associated with dissemination of press releases and promotion of the event;
- f. Coordinating participation of elected officials and local dignitaries (note – this event conflicts with the VACo annual conference);
- g. Provision of traffic control and parking services; and
- h. All liability that may arise from agreeing to serve as the host site.

The host services agreement is as follows:

VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION

*Civil War 150 HistoryMobile*  
**HOST SERVICES AGREEMENT**

This agreement, entered into by County of Southampton and the Virginia Sesquicentennial of the American Civil War Commission (Commission) on this 1<sup>st</sup> day of June, 2011, is part of the approved Scheduling Request Application, which is herein incorporated and made part of this agreement. For purposes of this agreement, "hosting organization" means a museum, school or university, state or federal park, organizer of a fair or festival, or state or local government organization. Information provided in the Scheduling Request Application and supporting documentation are specifically relied upon by the Commission as the basis for this agreement and any error, omission, or misstatement contained therein shall be grounds for voiding it.

The *HistoryMobile* is a 53' single-expandable tractor trailer that houses a complete museum-quality exhibition and is available to sites within Virginia at no charge. However, the hosting organization, which may work in collaboration with the local sesquicentennial committee, agrees to provide the following services at no charge to the Virginia Sesquicentennial of the American Civil War Commission, the Virginia Tourism Corporation, or the Department of Motor Vehicles:

**Section I. Fees**

1. The hosting organization agrees to waive or absorb the cost of all site permits, event fees, admission taxes, or otherwise hold the Commission harmless for any levy that may be assessed by the locality or other lawful entity at the site of the venue.
2. The hosting organization shall not charge an admission fee to the public for visiting the *HistoryMobile*. If the *HistoryMobile* is part of a larger event at which an admission fee is charged, such admission fee must be clearly stated and delineated in the Scheduling Request Application and supporting documentation and any such request shall be reviewed for acceptance by the Commission on a case by case basis.

**Section II. Site Requirements**

*Any event site requested in the Scheduling Request Application is subject to pre-event site visit by the Commission's appointed designee*

- J. The *History Mobile* requires a minimum deployment site area of 150 feet in length, up to 100 feet in width (when ancillary tent exhibits are deployed), with height clearing of 14 feet.
2. The deployment site shall be:
  - a. Suitable for the parking of a tractor-trailer and establishment of a display area
  - b. Composed of leveled asphalt, concrete, compressed gravel, or compacted soil with grass
  - c. Easily accessible for driving and parking 53' tractor trailer and support vehicle
3. It is required that the deployment site have:
  - a. Clean drinking water supply on site that is readily available to visitors and staff
  - b. Adequate visitor parking area within close proximity, including handicapped-accessible spaces
  - c. Trash receptacles on site that are maintained throughout the day

- d. Security during non-operational hours and location within a well-lit area (see Section V (3) for additional security requirements)

4. It is preferred that deployment site have:

- a. Indoor restroom facilities that are located within close walking distance of the *HistoryMobile*. If indoor facilities are not available, the hosting organization shall provide outdoor portable facilities in sufficient number. Any such request shall be reviewed by the Commission on a case by case basis.
- b. Nearby access to electrical sources (describe)
- c. <sup>1</sup> Access to 55-gallon drum water barrels for securing outdoor display tents, if needed

### **Section III. Tour Staff and Volunteer Requirements**

1. Hosting organization shall provide a designated contact who shall be available by phone at all times during a scheduled visit of the *HistoryMobile* and who shall be on site through the duration of the day's event, beginning 30 minutes prior to the scheduled opening time and remaining 30 minutes after the scheduled closing time.
2. In addition to the designated contact, the hosting organization or local sesquicentennial committee shall provide at least three volunteers who shall be available on site throughout the duration of each day's event.
3. The designated contact and volunteers shall report 30 minutes prior to opening time.
4. Volunteers shall either stay through the end of the event or be scheduled in shifts that cover the duration of the event. Volunteers shall assist tour staff by greeting and directing visitors, staffing exhibit tents, providing local information, breaking down exhibits at the completion of the event, and other duties as may be requested.
5. The hosting organization shall provide bottled water or clean drinking water for tour staff and volunteers for the duration of the event.
6. The hosting organization shall provide four portable or fold-up chairs for tour staff and volunteers.
7. The hosting organization, local tourism bureau, or local sesquicentennial committee shall provide complimentary hotel/motel lodging for tour staff (up to three rooms for the number of days agreed upon in this agreement). If complimentary hotel/motel lodging is not available, such shall be stated clearly and will be reviewed by the Commission on a case-by-case basis.

### **Section IV. Promotion and Public Relations Requirements**

- I. The hosting organization is responsible for dissemination of advance press releases, media coordination, and the promotion of the *HistoryMobile* visit, including pre-event media walk-through. All such press releases shall be submitted to the Commission for approval prior to dissemination.
2. The hosting organization is responsible for notifying elected officials and dignitaries of the *HistoryMobile* and coordinating their participation (subject to the approval of Commission and coordination with tour staff).

**Section V. Day(s) of the Event Requirements**

1. The hosting organization shall coordinate security, fire, and emergency medical services during operational hours, including a pre-event walk-through and safety review, with local emergency officials.
2. The hosting organization shall provide all necessary traffic control, parking assistance, and parking signage for the duration of the event.
3. A stationed officer or guard shall be located on site during non-operational hours of the *HistoryMobile*. Such security shall be provided through the use of sworn personnel of the state police, local police, or sheriffs department, or the hosting organization may elect to hire a private security firm at its expense. The hosting organization assumes liability for any damage to the *HistoryMobile* as a result of vandalism or criminal act during non-operational hours.

**Section VI. (Option 1) Waiver and Release of Liability Requirement (Not applicable for a Local Government or instrumentality thereof)**

1. The hosting organization agrees to the following liability release:
2. \_\_\_\_\_ (Hosting organization) hereby waives and releases, indemnifies, holds harmless, and forever discharges (the provisions of the Virginia T0I1 Claims Act, §§8.01-195.1 notwithstanding) the Virginia Sesquicentennial of the American Civil War Commission, Virginia Sesquicentennial of the American Civil War Foundation, the Virginia Tourism Corporation, the Virginia Department of Motor Vehicles, and the Commonwealth of Virginia, including its agents, employees, affiliates, successors and assigns, from any and all claims, demands, debts, contracts, expenses, causes of action, lawsuits, damages and liabilities, of every kind and nature, whether known or unknown, , that \_\_\_\_\_ (Hosting organization) may have arising from or in any way relating to its serving as a host site for the *Civil War 150 HistoryMobile*.

**Section VI. (Option 2) Insurance for Protection of Commission and other State entities (Applicable to a Local Government or instrumentality thereof)**

1. The hosting organization, when a local government or instrumentality thereof, shall provide liability insurance coverage issued by a company licensed by the State Corporation Commission pursuant to Title 38.2 of the Code of Virginia for the protection of the Virginia Sesquicentennial of the American Civil War Commission, Virginia Sesquicentennial of the American Civil War Foundation, the Virginia Tourism Corporation, the Virginia Department of Motor Vehicles, and the Commonwealth of Virginia, including it agents, employees, affiliates, successors and assigns, from any and all claims, demands, causes of action, lawsuits, damages and liabilities, of every kind and nature, whether known or unknown, that may occur as a result of Civil War ISO HistoryMobile's locating on the host site. The amount of said insurance coverage shall be in an amount to be determined by the Commission (currently estimated coverage is \$2 million).

**Section VII. Confirmed Event Information (TO BE COMPLETED BY DMVIVTC)**

Event location: *Southampton County Fairgrounds*

Address: *25548 New Market Road, Courtland, VA 23837*

Start date/day of week: November 14, 2011, Monday

End date/day of week: November 16, 2011, Wednesday

Hours of operation: 9am-5pm

Designated Contact: Walter D. Brown, III

Phone: (757)562-7760 office (757)334-5510 cell

**Certification of Authorization**

I understand and agree to the requirements of this agreement and I am authorized by the hosting organization or local government, as the case may be, to enter into this agreement and provide the services listed herein. I further understand and agree that the Commission reserves the right to cancel the event, or any portion of the event, at any time if the provisions of this agreement are violated, and that in such event, the hosting organization agrees to reimburse all direct costs that may have been incurred by the Commission in regard to the event.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

**On behalf of the Virginia Sesquicentennial of the American Civil War Commission:**

\_\_\_\_\_  
Cheryl Jackson, Executive Director  
Virginia Sesquicentennial of the American Civil War Commission

\_\_\_\_\_  
Date

Supervisor Brown noted that he tried to get earlier dates for the event, but the Fairgrounds were unavailable.

Chairman Jones advised that the Board needed to know the cost of the hotel rooms, advertising, security, etc.

Supervisor Brown stated that the County should not have to incur any advertising costs, as Amanda Jarratt with Franklin-Southampton Economic Development was looking at some grants. He planned to book rooms at the Palm Tree Inn in Courtland for \$40-\$50 per room per night.

Supervisor Felts asked about the cost of security. Supervisor Brown stated yes – the County would have to pay for security.

Supervisor Faison stated that this event was very important and cost should not prohibit it. Vice-Chairman Young agreed and noted that security would be the biggest expense.

**Vice-Chairman Young moved, seconded by Faison, to authorize Supervisor Brown to execute the Host Services Agreement. All were in favor.**

Moving forward, Mr. Michael W. Johnson, County Administrator, announced that The Line of Duty Act was created in 1966 by the General Assembly to provide a death benefit to public safety employees killed in the line of duty. Generally speaking, the Act covered law enforcement and correctional officers, firefighters, EMTs, and paramedics, including volunteer firefighters and rescue personnel. Up until now, the cost of providing these benefits was borne by the Commonwealth. However, in its 2010 session, the General Assembly approved a budget amendment which shifted the cost associated with the Line of Duty Act from the general fund onto local governments for their eligible employees and volunteers. We currently had 62 FTE's and

352 volunteers that would qualify for benefits. Last July, a Trust Fund was established by the VRS to pay for benefits. Effective July 1, 2011, all local governments must start paying the Line of Duty Trust Fund \$233.89 per eligible full-time employee and \$58.47 per eligible volunteer. Local governments had the option of opting out of the Trust Fund prior to June 30, 2012 and self-funding the benefit. If you do not opt out by that time, the decision to remain was irrevocable. A decision to leave was also irrevocable. Mr. Johnson advised that we had evaluated our options and concluded that it was in our best interest to opt-out of the VRS Trust Fund and join fellow counties in self-funding the benefit through the VACo Group Self Insurance Pool. Counties made up a relatively small share of past and future liabilities, but accounted for a large portion of eligible employees. Accordingly, it seemed reasonable that our costs would be lower if counties chose to self-fund as a collective group rather than participating in the larger group. Simply put, by joining the pool, we would avoid being blended with non-favorable performers (i.e., large cities), effectively reducing our future costs.

Mr. Johnson continued that the VRS Trust Fund was phasing in the cost of future liabilities over several years. Based on what we could reasonably foresee, a comparison of our annual cost looked something like this:

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
VRS Trust Fund	\$ 35,785	\$ 55,952	\$ 77,009	\$ 98,298
VACo Self Insurance Pool	\$ 31,500	\$ 41,321	\$ 51,352	\$ 66,463

Accordingly, there were two actions necessary today. First, the Board must adopt a resolution, irrevocably electing not to participate in the VRS Trust Fund. Second, the Board must amend their member agreement in the VACo Group Self Insurance Pool to self-insure through their risk pool. Funding was included in the FY 2012 budget.

The resolution to be considered is as follows:

**RESOLUTION**

**Irrevocable Election Not to Participate in Line of Duty Act Fund**

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the “Fund”) for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of Southampton County to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Southampton County hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the entities attached herewith on Schedule “A”, to the best of the knowledge of Southampton County, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, Southampton County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Southampton County on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, Southampton County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that Southampton County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Courtland, Virginia this 27th day of June, 2011.

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Michael W. Johnson, Clerk to the Board of Supervisors

SCHEDULE "A"

Southampton County  
Line of Duty Act  
Covered Entities

1. Southampton County Sheriff's Office
2. Boykins Fire and Rescue
3. Branchville Fire Department
4. Capron Fire and Rescue
5. Courtland Fire Department
6. Courtland Rescue Squad
7. Drewryville Fire Department
8. Ivor Fire Department
9. Ivor Rescue Squad
10. Newsoms Fire Department
11. Sedley Fire Department

The addendum to the VACo Self Insurance Pool Member Agreement is as follows:

LINE OF DUTY  
ADDENDUM TO THE  
MEMBER AGREEMENT FOR  
VIRGINIA ASSOCIATION OF COUNTIES  
GROUP SELF INSURANCE RISK POOL

THIS ADDENDUM IS EFFECTIVE IF THE APPROPRIATE CONTRIBUTION IS PAID FOR LINE OF DUTY COVERAGE.

THIS AGREEMENT, in addition to the general conditions and agreements contained in the Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool, which are incorporated herein and made a part hereof, the following provisions apply exclusively to Line of Duty coverage, pursuant to the Line of Duty Act, Chapter 4 of Title 9.1 of the Code of Virginia, between all the parties who are now or may hereafter become Members of the Line of Duty coverage of the Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP), a Group of political subdivisions;

WHEREAS, the Members of the Group have agreed to provide for joint and cooperative action to self-insure and to pool their separate liabilities arising pursuant to the terms of the Line of Duty Act ("LODA");

WHEREAS, the Members intend this Addendum as a mutual covenant of assumption of joint and several liability and shall not be deemed to form or to be a partnership;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and obligations contained herein, which are given by the Group and each Member to each other Member and so accepted by each Member and the Group, the parties hereto covenant and agree as follows:

1. Membership

Each Member hereby agrees that the Group may admit as Members of the Pool only acceptable political subdivisions in the Commonwealth of Virginia or agencies thereof as defined in Chapter 27 of Title 15.2 of the Code of Virginia. Subject to the provisions of Chapter 27 of Title 15.2 of the Code of Virginia, and rules adopted thereunder relating to the approval of Members and the Group's bylaws, the Board shall be sole judge as to whether or not an applicant shall be admitted to membership. Each Member agrees that a Member may, at the sole discretion of the Board, be terminated from membership in the Pool at any time after ninety (90) days notice in writing has been given to such Member, except that a Member may be terminated at any date after thirty (30) days written notice to such Member for non-payment of contributions or assessments. Except as otherwise expressly provided, no liability shall accrue to the Pool or to the remaining Members for any liability of any terminated Member arising subsequent to the date of termination specified in said notice and such terminated Member shall be separately and solely responsible for any liability arising thereafter.

2. Limit of Liability

Each and all of the Members jointly and severally agree to assume, pay and discharge any liability under LODA of any and all Member employers; and each Member agrees to pay such assessments as may be required pursuant to paragraph 15 of the Member Agreement.

Liability of VACoRP to the employees of any Member is specifically limited to such obligations as are imposed by law against the employer Member under LODA to the extent applied for and approved by the Group. Upon approval by the Board, liability of VACoRP extends to certain volunteer employees of a Member as specified in LODA upon the Member's compliance with the requirements of LODA.

3. Inspection of Member's Facilities and Records

The Board, the Administrator, the Service Agent, and any of their agents, servants, employees or attorneys, shall be permitted at all reasonable times to inspect the Member's work places, plants, works, machinery, and appliances covered by this Addendum, and shall be permitted at all reasonable times within two (2) years after the final termination of the membership to examine Member's books, vouchers, contracts, documents, and records of any and every kind which show or tend to show or verify the contribution which is payable under the terms hereof.

4. Risk Management

In the event of an accident or a reported claim, each Member agrees to make immediate provision for the care of his employee, and to give immediate notification of the accident to the Service Agent on the prescribed forms. Costs of such care shall be paid by the Group to the extent required by LODA.

5. Punitive or Exemplary Damages

The coverage of the Group shall not apply to punitive or exemplary damages asserted or awarded by or to any employee of any Member under LODA whether because of bodily injury to an employee employed in violation of law, or otherwise.

6. Disbursements

The Members jointly and severally covenant and agree that there shall be no disbursements to Members or former Members of the Group out of funds of the Group by way of dividends or distribution of claim reserves until after provision has been made for all obligations of the Group under LODA and except at the discretion of the Board upon application to and approval by the State Corporation Commission, Bureau of Insurance.

7. Miscellaneous

a. The Group, the Member which is a party hereto, and each other Member, whether now or to become a Member, agree to be bound by all the terms and conditions of this Agreement

b. If any provision of this Agreement is held invalid, such invalidity shall not affect other provisions of this Agreement which can be given effect without the invalid provision, and to that end the provisions of this Agreement are severable.

c. The Association and each Member agree with each other Member, whether now or to become a Member, to be bound by all the terms and conditions to this Agreement.

IN WITNESS WHEREOF, this Addendum is executed on behalf of the Member named herein and by the Group on behalf of the Members collectively, each by a duly authorized representative.

By: \_\_\_\_\_  
Authorized Representative Date

Name: \_\_\_\_\_  
Member Organization Name

VIRGINIA ASSOCIATION OF COUNTIES  
GROUP SELF INSURANCE RISK POOL (VACoRP)

By: \_\_\_\_\_  
Authorized Representative

Supervisor West commented that it made economic sense.

Supervisor Faison remarked that there seemed to be some disagreement between VACo and VRA.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to adopt the resolution to opt out of the VRS Trust Fund. All were in favor.**

**Vice-Chairman Young moved, seconded by Supervisor Brown, to approve the addendum to the VACo Self Insurance Pool Member Agreement. All were in favor.**

Moving forward, Mr. Johnson announced that the *Code of Virginia* required each local government to periodically undertake a comprehensive planning process for development and establishment of a water supply plan and submit the plan to the Virginia DEQ. As a member of the Hampton Roads Planning District Commission, Southampton County had historically met this requirement by participating in the regional water supply planning process. Our Director of Utilities, Julien Johnson, represented our interest in this regard. He advised that the regional plan had recently been updated and it was necessary for the Board to adopt a resolution approving it. For the sake of brevity, the full document (252 pages) was not included in the agenda. However, copied excerpted pages that were specific to Southampton County were included to give them a good sense of what was in the plan. Basically, it identified our existing sources of water, quantified our existing water usage, and projected future demands.

The resolution to be considered is as follows:

RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL  
WATER SUPPLY PLAN FOR SUBMISSION TO THE  
VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments were required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, Southampton County is part of the Hampton Road Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Southampton County hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Southampton County at a meeting held on June 27, 2011.

Supervisor Brown asked if the water coming out of the Nottoway River was included. Mr. Johnson replied yes. Supervisor Brown asked how many gallons/day were withdrawn from the Nottoway River. Mr. Johnson replied that he did not recall but knew it was less than 1 million.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to adopt the resolution. All were in favor.**

Moving forward, Mr. Johnson announced that the Indoor Plumbing Rehabilitation (IPR) program provided 0% interest, forgivable loans in eligible localities for the installation of indoor plumbing to owners of substandard housing where indoor plumbing did not exist, or where the existing water delivery or waste disposal systems had failed. Loan repayments were determined by the homeowner's ability to make payments. The program also provided for general rehabilitation of these units, and for accessibility improvements to units occupied by disabled persons or where overcrowded conditions existed. The Virginia Department of Housing and Community Development (VDHCD) contracted with locally appointed sub-recipients, including local governments, nonprofit housing providers, and housing authorities, to administer the program. Sub-recipients were responsible for most program operations, including outreach, application intake, beneficiary and property eligibility determination, and construction management.

Mr. Johnson continued that for the past 12 years or so, the STOP Organization had been designated as our subrecipient. Prior to that, for a brief period in the mid 1990's, Southampton County accessed more than \$2.5 million directly to rehabilitate more than 100 substandard homes in the Boykins, Branchville and Newsoms area. After discussing this matter internally with our staff, he recommended that we return to the practice of accessing these funds directly in FY 2012. They were awarded on a first-come, first-served basis with more than \$6.4 million available statewide. Our Office of Community Development would manage the intake/application process, summarize the scope of work for each project, develop the bidding documents, and oversee the project. Our Accounting Department would assume responsibility for drawing down all funds, paying the contractors, and making sure that the terms of the grant were met. He noted that he intended to move forward with this at a very deliberate pace – perhaps 6 or so homes per year.

Mr. Johnson clarified for Supervisor Felts that we did look at the whole county.

Supervisor Felts asked if a person had to live in an area with a public water system in order to be eligible for the program. Mr. Johnson replied no.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to enter into contract negotiations with the Virginia Department of Housing and Community Development to administer the FY 2012 IPR Program internally. All were in favor.**

Moving forward, Mr. Johnson announced that several years ago, our auditor (Creedle, Jones & Alga, P.C.) suggested that we periodically write-off certain uncollectible utility accounts so that our annual financial report did not overstate the accounts receivable in our enterprise fund. We last did this in 2008. Included in the agenda was a spreadsheet containing 24 water and sewer accounts, all of which had been disconnected for 5 years or more. Despite diligent attempts by our staff to collect the accounts, most of them were now deemed uncollectible for various reasons (deceased, moved into a nursing home, moved out of state, moved with no forwarding address, etc.). The collective principal sum of the accounts was slightly less than \$3,000, but with accrued penalties and interest, was reflected in our annual audit as an accounts receivable of more than \$6,000. It was the recommendation of our auditor that the Board write the accounts off as bad debt to avoid overstating the enterprise revenues in the annual audit. Notwithstanding this action, should any of these customers ever return to open another account, we would collect all charges, penalties, and accrued interest through the date that the Board wrote off the debt.

The spreadsheet of uncollectable debt is as follows:

CUST#	NAME	ADDRESS	CUTOFF DATE	WATER   SEWER   RECONNECT   GARBAGE	PENALTY INTEREST   TOTAL	NOTES
2006 or older						
402718	Artis, Brenda	22114 Bateman Street - Courtland	10/21/06	\$54.91	\$19.45	\$130.39 bad address - mail returned
403412	Boone, Jennifer	22253 Linden Street - Courtland	08/03/06	\$17.16	\$4.67	\$149.33 bad address - mail returned
403445	Bradshaw, Buck	24272 Bream Street - Courtland	05/31/06	\$40.63	\$7.06	\$85.09
403552	Branch, Marvland	22392 Thomaston Road - Newsoms	10/11/06	\$84.66	\$29.98	\$435.72 bad address - mail returned
403211	Cannady, Annette	30382 Tuckers Drive - Boykins	09/01/06	\$20.16	\$2.55	\$65.23 bad address - mail returned
402428	Cheeks, Shelia Ann	23025 Drewv Road - Drewryville	11/02/06	\$141.82	\$24.93	\$319.45 bad address - mail returned
403644	Deshields, Gabriel	32168 Broad Street/Apt 4 - Boykins	08/03/06	\$48.04	\$19.08	\$240.63 bad address - mail returned
402337	Everett, Linda S	22146 Ball Park Road - Newsoms	11/01/06	\$137.86	\$49.13	\$767.22
403367	Gillette, Diane	18114 Virginia Avenue - Boykins	10/03/06	\$88.00	\$33.24	\$443.20 bad address - mail returned
403121	Green, Horace Jr	30417 Tuckers Drive - Boykins	10/30/06	\$52.55	\$22.06	\$285.07 bad address - mail returned
403577	Haynes, Latsha	26283 Moreland Street - Courtland	09/13/06	\$15.64	\$8.72	\$129.62
403536	Holloman-Jones, Tabetia	25504 Bruce Street - Courtland	09/26/05	\$106.50	\$24.98	\$278.38 bad address - mail returned
403555	Iversen, Jani	32070 Graham Street - Boykins	11/02/06	\$58.69	\$27.25	\$287.97 bad address - mail returned
402348	Joyner, Wendy	25461 Glyndon Street - Courtland	11/30/06	\$8.94	\$12.90	\$120.63
403634	Lankford, Corey & Sandy	30451 Tuckers Drive - Boykins	10/01/06	\$96.87	\$27.22	\$337.60
403384	Mattox, PeaQY Lynn	22331 Drewv Road - Drewryville	10/20/06	\$61.03	\$7.07	\$117.60 bad address - mail returned
403669	Peden, John W Jr	18327 Commerce Street - Boykins	10/11/06	\$85.22	\$19.02	\$279.84 bad address - mail returned
403601	Person, Vickie	17453 Pittman Road - Branchville	12/08/06	\$45.71	\$11.45	\$162.19
403323	Riddick, Annie	23200 Thomaston Road - Newsoms	12/11/06	\$75.24	\$17.02	\$238.35 bad address - mail returned
403413	Russell, Shonetta	18257 Delcatche Avenue - Boykins	06/08/06	\$92.75	\$26.84	\$367.46 bad address - mail returned
403027	Sebrell, Bobby	16122 Pittman Road - Branchville	04/30/06	\$65.58	\$18.59	\$236.72
403567	Taylor, Lorenzo	26285 Moreland Street - Courtland	01/05/06	\$8.23	\$3.70	\$78.49
403662	Tompkins, Justin	32136 Wilson Street - Boykins	12/07/06	\$12.31	\$10.73	\$79.91 bad address - mail returned
403604	Vaughan, Laurie	29034 N Main Street - Newsoms	09/07/06	\$74.41	\$23.96	\$373.06 bad address - mail returned
				\$59.20	\$461.15	\$6,008.15

Numerous attempts have been made to collect on the above accounts. They have been deemed uncollectable for one or more of the following reasons:

Deceased; on disability or social security (cannot put lien on these funds); moved out of state; no social security number

**Vice-Chairman Young moved, seconded by Supervisor Felts, to write off the aforesated accounts as bad debt. All were in favor.**

Moving forward, Mr. Johnson announced that they may recall from 2008, a proposal that our Clerk of the Circuit Court, Rick Francis, accepted from the Brantley Association of America to photograph certain genealogical court records and convert them to a digital format at not cost to the County. The proposal was subject to the County's willingness to make the records publicly available on a website, at no cost, once the project was complete. The records included Court Order Books, Marriage Records, Minute Books, etc. from 1749 through 1880. Work began in February 2009 and more than 50,000 records had now been converted to digital format. Mr. Francis had worked to develop a 3-party agreement between the Brantley Association, Southampton County, and FamilyLink.com to collaborate so that internet users may access the internet and reap the harvest of Mr. Brantley's work.

Chairman Jones recognized Mr. Rick Francis.

Mr. Francis thanked the Board for the opportunity to address them. He advised that he had worked on an agreement between the 3 parties so that this project could extend beyond his and Mr. Brantley's life. The digital records were on a cloud server. He was asking for \$350 to provide for cloud server backup. He was fairly certain there was money available in the budget that could be utilized for this purpose. He noted that he had originally planned to share the agreement with the Board today, but would like to continue the discussion with Attorney Railey and come back and share this information at next month's Board meeting.

Supervisor Brown commended Mr. Francis for his efforts. He remarked that it was a shame they could not digitize records beyond 1880, but he was appreciative of what had been done.

Vice-Chairman Young moved, seconded by Supervisor Brown, to authorize the Clerk of the Court to execute the agreement on behalf of Southampton County.

Attorney Railey pointed out that Mr. Francis was not seeking authorization today, as he wanted to bring it back next month.

Vice-Chairman Young and Supervisor Brown rescinded the motion and second respectively.

**Supervisor Brown moved, seconded by Supervisor Wyche to table the item until next month's meeting. All were in favor.**

Moving forward, Mr. Johnson announced that at their June 2009 meeting, in establishing the Trust Fund to manage the assets associated with providing post-employment benefits other than pensions (OPEB), the Board appointed a local finance Board pursuant to Section 15.2-1547 of the *Code of Virginia* with three (3) Trustees: our Treasurer, our Finance Director, and himself (personally and not in his capacity as County Administrator). Southampton County began phasing in our OPEB liability over a ten year period in FY 2009. At the end of May, the balance of the OPEB Trust Fund was \$73,765.50. Our net OPEB obligation on June 30, 2010 was \$461,127. Based on the actuarial study two years ago, our annual contribution to the trust fund increased by \$16,000 each year - \$48,000 was included in the FY 2012 annual budget. He advised that assets were managed by Davenport & Company with dual objectives of growth in capital and income. The portfolio was comprised of cash and short-term investments (5% to 30%), fixed income investments (30% to 60%), and domestic and foreign equities (40% to 65%). While the Treasurer's and Finance Director's appointments were related to their positions and would remain in perpetuity, his term actually expired on June 22. He noted that if the Board was so inclined, it was necessary to reappoint him to OPEB Trust Fund Finance Board.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to reappoint Mr. Michael Johnson to the OPEB Trust Fund Finance Board. All were in favor.**

Moving to the citizen request to address the Board, Chairman Jones recognized Mrs. Barbara E. Story.

Mrs. Story stated that at the last meeting, a woman asked questions about tax exemption for disabled veterans (which was the subject of a public hearing). Mrs. Story alleges that she was totally disabled in her back and should get fringe benefits also. Ronnie Jones stole her trailer and her house was not built for a totally disabled woman. She wanted her stolen trailer back and her

house extended. If a person was not living with her a full year, she should not have to pay taxes on that person.

Supervisor Brown stated that on June 15 he advised her of legal recourse she could take. He encouraged Mrs. Story to apply in the Commissioner of the Revenue's office for tax relief for the disabled. Mrs. Story advised that she already had.

Moving forward, Mr. Johnson reminded that adoption of their FY 2012 annual budget anticipated several changes in the adopted Pay and Classification Plan. As housekeeping measure, included in the agenda were copies of the changes. He was asking the Board to formally adopt the changes, which included:

- a. Creation of a new position, Information Systems Coordinator. The job description was included in the agenda. In addition to providing daily support to a stressed IT department, this position would assume responsibility for GIS and website maintenance, both of which were presently outsourced. This should improve department responsiveness and efficiency and generate long-term cost savings. The position is a grade 28 with a salary range of \$39,993 to \$61,988. Mrs. Susan Wright would be reassigned to this position effective July 1 with a beginning salary of \$44,879;
- b. Reclassification of Mrs. Sandi Plyler's position, Information Technology Manager, from grade 33 to grade 34. The job description was included in the agenda. The salary range moved from \$53,594 - \$83,071 to \$56,274 - \$87,225. Mrs. Plyler's annual salary, effective July 1 would be \$64,012;
- c. Reclassification of Mrs. Melissa Anderson's position, Fiscal Technician, from grade 18 to grade 22. The job description was included in the agenda. The salary range moved from \$25,780 - \$39,959 to \$31,336 - \$48,570. Mrs. Anderson's annual salary, effective July 1 would be \$31,336. The reclassification was based upon increased responsibilities which were underlined on the job description;
- d. Reclassification of Mrs. Wright's current position, Administrative Assistant, from grade 22 to grade 18. The job description was included in the agenda. The salary range moved from \$31,336 - \$48,570 to \$25,780 - \$39,959. The position had been advertised at a starting salary of \$25,780. The reclassification was based upon removal of certain typical tasks, some of which were reassigned to the Fiscal Technician position.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to amend the Pay and Classification Plan as outlined herein above. All were in favor.**

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was a copy of the U.S. Department of Justice's response to our adopted Redistricting Plan. They raised no objections; accordingly the Voter Registrar was working collaboratively with the State Board of Elections to notify registered voters of the changes.

Mr. Johnson advised that included in the agenda was a registration form from Dr. Patsy Joyner seeking the County's sponsorship of the Paul D. Camp Community College's (PDCCC) 8<sup>th</sup> annual golf tournament on August 29 at Cypress Cove Country Club. The county had provided a gold sponsorship (\$500) each of the last several years. A contribution of \$500 provided for 4 greens fees and 1 hole sign. All proceeds from this event were used by the Community College to endow scholarships or contribute to other staff or faculty needs.

Supervisor West stated that this event was for a good cause. Last year, we were the only municipality sponsor and PDCCC was very appreciative.

**Supervisor West moved, seconded by Supervisor Felts, to contribute \$500 to PDCCC to serve as a sponsor for its 8<sup>th</sup> annual golf tournament. All were in favor.**

Supervisors Brown and West indicated that they were interested in participating.

Mr. Johnson stated that various notices, incoming and outgoing correspondence, and articles of interest were also included in the agenda.

Chairman Jones asked if there was anything else to come before this Board before convening a closed meeting.

Mr. Charles Turner, Division Superintendent of Southampton County Schools, thanked everyone who came out to the high school graduation. It was an excellent affair and over 2,000 people

enjoyed it. There were 193 graduates out of 200, which was outstanding. Those who did not graduate would complete their studies in the summer. Graduating seniors were awarded over \$3 million in scholarships, which was phenomenal. Some students were graduating as licensed cosmetologists. He advised that all Southampton County Schools would be fully accredited, despite that fact that special education students must now test with everyone else. He thanked the Board for their support.

Vice-Chairman Young stated that he attend the graduation and did not think it was as orderly as last year, but it was still a great affair.

**Mr. Johnson announced that it was necessary for the Board to conduct a closed meeting in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purposes:**

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

**Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members related to actual litigation where such briefing in an open session would adversely affect the litigating posture of the public body.**

**Vice-Chairman Young moved, seconded by Supervisor West, to conduct a closed meeting for the purposes previously read.**

Jon Mendenhall (Assistant County Administrator), Richard Railey (County Attorney), and John Smolak (President of Franklin-Southampton Economic Development, Inc.) were also present in the closed meeting along with Mr. Johnson and the Board.

**Upon returning to open session, Vice-Chairman Young moved, seconded by Supervisor Wyche, to adopt the following resolution:**

#### **RESOLUTION OF CLOSED MEETING**

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

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

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

**Supervisors Voting Aye: Dallas O. Jones  
Walter L. Young, Jr.  
Walter D. Brown, III  
Carl J. Faison  
Anita T. Felts  
Ronald M. West  
Moses Wyche**

**The motion passed unanimously.**

There being no further business, the meeting was adjourned at 11:15 AM.