

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 October 24, 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

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 Regular Session of September 26, 2011.

Supervisor Felts stated that on pages 440 and 441 the last couple of lines were repeated.

The minutes were approved with this correction.

Regarding highway matters, Mr. Michael Johnson, County Administrator, stated that attached for your reference, please find copied correspondence from Margie Ray seeking your consideration in providing a letter of support for the Route 460 project. VDOT is submitting a federal application for a low interest loan to reduce its portion of the proposed cost of the project. A sample letter is attached for your consideration – it is due no later than Wednesday, October 26. If the Board is so inclined, a motion is required authorizing the County Administrator to execute the attached letter of support for the project.

Supervisor West said the he felt that better money could be spent in better ways than on this 460 project.

Chairman Jones stated that it is out of our hands almost.

Supervisor West said that it is cutting the community in half. With the turmoil in the VDOT system and the needs of road systems today to spend this kind of money with a public/private partnership does not make sense. The last public/private partnership I've seen (Fannie Mae and Freddie Mac) tells you what kind of mess you can get into.

Supervisor Brown stated that he is in favor of this project. The reason being he is hoping that this vibe with bring about a reduction in mandates we get from the state. Governor McDonnell has initiated a program to get local officials involved in seeing what mandates we have at a local level that can be done away with or whatever to reduce taxes.

Supervisor Faison stated that he is in favor of this. He thinks it is a situation that is going to happen. If they can secure a loan with reduced rates he thinks that it is good.

Supervisor Felts stated she thought the low interest rate sounds like a good deal. Her only concern is she feels like they should try to do improvements on the current 460. It would be fewer dollars and cut off some of these interchanges. Some of the businesses are going to be left out in the cold; and I hate to see businesses close due to the fact that they were cut off from the normal traffic they have.

Supervisor Wyche said might as well go ahead and support it. It is something that is going to happen anyway. We don't have any control over it.

Supervisor West said this is not a good thing at this time. Our community is being disregarded and our way of life is being changed and we are asked to bear the burden and brunt of what is going to take place. A loan for sure, from the state of Virginia to the federal funds which is borrowed from China, again you are borrowing money you don't have. I don't care whether you pay zero interest you have got to pay it back at some point. The point is private and public partnerships have failed in the past. I see even the local people Mr. Billy Barlow and Mr. Martin are opposed to it and these people are directly affected. Mr. West reiterated his opposition.

Chairman Jones asked if anyone wanted to make a motion on this.

Supervisor Young made a motion authorizing the County Administrator to execute the letter of support.

Supervisor Wyche seconded with the motion passing.

Supervisors Felts and West were opposed.

mikejohnson

From: Ray, Margit W [Margit.Ray@VDOTVirginia.gov]
Sent: Wednesday, October 19, 2011 7:27 AM
To: mikejohnson
Subject: Route 460, Request for Letter of Support

Mr. Johnson,

VDOT will be submitting an application for a TIGER grant on October 31. TIGER is part of President Obama's investment in America's infrastructure and the American Reinvestment and Recovery Act. In our request we will be seeking a TIGERITIFIA loan to the project, which will help to reduce costs to the Commonwealth through a low interest loan to the project. As this project is an important transportation link for economic development in the region and the Commonwealth, I am requesting your support to the project through submission of a letter of support. I have attached a template letter that we developed that you can use or adapt in whatever manner you see fit.

Please let me know if this is something that you are willing and able to do for us. We hope to submit the application on Friday, October 28 and would need the letter in advance of that date. If you could return the letter to me by close of business on Wednesday, October 26 this would ensure inclusion in the package going to the TIGER office.

Thank you for your consideration and support,

Margie Ray
Route 460 Program Manager
Office of Transportation Public Private
Partnerships
804-786-9537

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: TIGER Discretionary Grant Application - U.S. Route 460 Corridor Improvements Project

Dear Mr. LaHood,

[I/We] [am/are] writing this letter to express my/our support for the U.S. Route 460 Corridor Improvements Project. This Project represents a critical improvement to the Commonwealth in its efforts to address the growing economic, livability and logistical needs throughout Virginia.

For the residents and businesses along the corridor, the Commonwealth's existing Route 460 is an inadequate and ineffective facility. Conflicts between Port of Virginia-generated heavy truck traffic and the local commuting demographic are a major source of concern for corridor residents while suppressed speeds, traffic lights and frequent on-off traffic inhibit safe and efficient movement of people and goods. Without a major investment to provide a viable alternative route in the region, the Commonwealth's vision of a true multi-modal experience to accommodate projected economic growth is significantly challenged.

The U.S. Route 460 Corridor Improvements Project represents the preferred alternative solution to address these issues. The Project involves construction of a new 55-mile east-west four-lane, limited access, divided highway extending from the existing U.S. Route 460 near its interchange with Interstate 295 in Prince George County to the U.S. Route 58 bypass in the City of Suffolk.

In addition to addressing the issues stated above, the Project will seek to meet the following objectives:

- Improve safety - reduce vehicular conflicts between local travel and heavy truck traffic by providing an appropriately designed alternative;
- Provide adequate hurricane evacuation capability - develop a safe and effective west-bound emergency evacuation route in the region;
 - Accommodate increasing freight movements - establish an effective alternative and multi-modal connectivity for the growing port freight, distribution and logistics industries;
- Improve military strategic connectivity - improve operational efficiency and strategic mobility for the region's military presence; and
- Support local economic development plans - create opportunity for jobs and economic development in the local communities.

There is consensus support for the Project from the Commonwealth's political bodies, local government leaders and, industry representatives. Further, the private sector has responded positively to this investment opportunity and has developed strong teams to design, build, finance, operate and maintain

Mr. Ray LaHood

[Date]

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the project for many years to come. That these factors have aligned in support of the us. Route 460 Corridor Improvements Project is a great statement of advocacy for its merits.

This Project signifies enormous opportunity and benefits to the region in the form of economic development, job creation and livability improvements. TIGER/TIFIA funds would be a meaningful component of the financing package needed to accelerate delivery of this important Project.

Thank you for your consideration in helping make the us. Route 460 Corridor Improvements Project a success.

Sincerely, [Name]

[Title]

[Entity Name]

Mr. Michael Johnson stated that attached for your reference please find information regarding the Commonwealth Transportation Board's upcoming public hearing with regard to the 2013-2018 Six Year Improvement Plan. The meeting is tonight in Chesapeake. Mr. Mendenhall will provide remarks in support of the Courtland interchange.

Comment on Multimodal Transportation Investments Your Transportation Dollars at Work

The Commonwealth Transportation Board (CTB) is holding public meetings so that citizens may view projects that are currently funded in the Six-Year Improvement Program (SYIP) and provide comments for the development of the Fiscal Years 2013-2018 Six-Year Improvement Program.

Projects include interstate highway, road, rail, bicycle, pedestrian and public transportation initiatives. These projects emphasize bridge and reconstructive pavement projects, along with projects for safety and congestion improvements to Virginia's transportation system. All SYIP projects eligible for federal funding will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate its federal funds.

Representatives from the Departments of Transportation, Rail and Public Transportation, Aviation, Motor Vehicles, the Port Authority and the Motor Vehicle Dealer Board, along with Metropolitan Planning Organizations and Planning District Commissions will be in attendance to highlight their transportation programs.

You are encouraged to attend and provide your comments during one of the following meetings:

Monday, October 3, 2011
Kirkley Hotel & Conference Center
2900 Candler Mountain Road
Lynchburg, VA 24501

Tuesday, October 4, 2011
Southwest Virginia
Higher Education Center
One Partnership Circle
Abingdon, VA 24210

Thursday, October 20, 2011
VDOT Fredericksburg District Auditorium
87 Deacon Road
Fredericksburg, VA 22405

Monday, October 24, 2011
Hampton Roads
Planning District Commission
723 Woodlake Drive
Chesapeake, VA 23320

Tuesday, October 25, 2011
VDOT Northern Virginia District Office
4975 Alliance Drive
Fairfax, VA 22030

Wednesday, October 26, 2011
Montgomery County Government Center
755 Roanoke Street
Christiansburg, VA 24073

Wednesday, November 2, 2011
Broadway High School
269 Gobbier Drive
Broadway, VA 22815

Thursday, November 3, 2011
Germanna Community College
Daniel Technology Center
18121 Technology Drive
Culpeper, VA 22701

Wednesday, November 30, 2011
VDOT Central Office Auditorium
1221 E. Broad Street
Richmond, VA 23219

6-6:30 p.m. - Open house displays and general discussion
6:30 p.m. - Moderated public meeting

* Find the localities that make up each district on VirginiaDOT.org or by calling 1-800-367-7623.

If you cannot attend, please send your comments on rail, public transportation and transportation demand management to Public Information Officer, DRPT, 600 E. Main St., Suite 2102, Richmond, VA 23219, or DRPTPR@drpt.Virginia.gov and on highway projects to Programming Director, VDOT, 1401 E. Broad St., Richmond, VA 23219, or Six-YearProgram@VDOT.virginia.gov. Comments will be accepted until December 12, 2011.

The Secretary of Transportation's Office ensured nondiscrimination and equal employment and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need special assistance for persons with disabilities or limited English proficiency, contact Corina Herrera at 804-786-2730, 1-800-367-7623 (TTY/TDD users, call 711).



RECEIVED SEP 21 2011

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
HAMPTON ROADS DISTRICT
1700 NORTH MAIN STREET
SUFFOLK, VIRGINIA 23404

Gregory A. Whirley
Commissioner

September 20, 2011

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

Dear Mr. *Michael* Johnson:

The Secretary of Transportation and the Commonwealth Transportation Board will conduct nine public meetings across the state in October and November 2011 to give stakeholders the opportunity to review and provide comments on projects and programs to be included in the Fiscal Year 2013-2018 Six-Year Improvement Program (FY13-18 SYIP), including highway, rail and public transportation initiatives. It is important that we hear from you and your constituents about those projects you feel are the highest priority for the state's limited transportation funds.

These meetings will consist of an open house format from 6:00 P.M. to 6:30 P.M. where attendees can review materials produced by agency staff and discuss specific projects or issues. Following the open house, an opportunity will be provided for comments from the public and transportation stakeholders. Written comments may also be submitted during this informal session, or they may be mailed or e-mailed until December 12, 2011.

Representatives from all of Virginia's modal agencies - the Virginia Department of Transportation, Virginia Department of Rail and Public Transportation, Virginia Department Aviation, Virginia Department of Motor Vehicles, Motor Vehicle Dealer Board and Virginia Port Authority - will attend and provide information on current initiatives.

In addition, all Metropolitan Planning Organizations (MPOs) and Planning District Commissions (PDCs) are invited to participate in the meetings in their region. Space will be reserved at each meeting location for the respective MPO and PDC staffs to display presentation materials regarding regional initiatives and priorities.

The Fall Multimodal Meeting in the Hampton Roads area will be held on Monday, October 24th at the Hampton Roads Planning District Commission, located at 723 Woodlake Drive in Chesapeake. The meeting will begin at 6:00 P.M. with a formal comment session at 6:30 P.M.

WE KEEP VIRGINIA MOVING

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I encourage you to come and speak with our transportation agency representatives. If you cannot attend the meetings, you may send your comments to Diane Mitchell at 1401 E. Broad Street, Richmond, VA 23219 or e-mail them to Six-YearProgram@vdot.virginia.gov by December 12, 2011. I truly appreciate your attendance at this session. If you have any questions prior to the meeting, please contact Ms. Lauren Hansen, Hampton Roads District Public Affairs Manager, at (757) 925-1660.

Sincerely,



Dennis W. Heuer, P.E.
District Administrator

WE KEEP VIRGINIA MOVING

Chairman Jones asked if anyone had any VDOT concerns.

Supervisor Young said there is still water standing in the road and the ditches are full every time we get an inch of rain. He said he had several calls on the Dominion property about how tall the weeds are and that it is a disgrace to the county.

Supervisor Felts said there is water standing in the ditches in Sedley also. She asked if someone was cutting down trees and putting them in ditches and leaving them.

Supervisor West stated that with a combination of VDOT and FEMA, anything that was damaged by the wind is being loped off if it could potentially fall into the road along the right of way.

Supervisor Felts stated that someone had brought the matter of tree trimming to her attention. They weren't in her district but she told them she would check on it.

Mr. Michael Johnson stated that hazardous trees in the right-of-way would be removed by VDOT.

Supervisor Felts stated that there is a hole in the asphalt on Peachtree Street along in front of the

Methodist church. It looks like there is a pipe underneath. If the hole is sinking there may be more underlying problems. She also stated that on the dirt end of Darden Scout Road it is like riding on a wash board at 25 mph.

Supervisor West reiterated the concerns he has heard concerning the water and debris in the ditches. On October 31, Tucker Swamp is having their Harvest Festival. They would like to request closing of New Road adjacent to the church proper from 4 to 7 pm. They are going to need to use both parking lots due to the fact they will probably have in access of 300 children attending.

Supervisor Wyche stated they needed an update on the work on Indian Town Road that VDOT is supposed to be paving.

Supervisor Brown stated that he noticed that dead trees were being marked to be cut down. He had some calls from citizens regarding the pickup of debris from the hurricane. He said it is his understanding that the local VDOT Franklin Residency has no control over that whatsoever. Crews have been picking up material although there is a pile of debris across from BB&T in Newsoms which has not yet been picked up.

Chairman Jones stated that he had a question on the re-topping of the pavement of the 58 Bypass. They had repaved all the way down to Turner Road. Now they are digging it back up. He wants to know why and what the problem is. Why are they going to put it down and dig it up, and then put it down again?

Regarding reports, various reports were received and provided in the agenda. They were 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, Solid Waste Quantities, and Personnel.

Supervisor Brown stated that they are putting up liter control signs. He hopes these are going to make a difference in people passing through throwing out trash.

Extension Agent, Neil Clarke thanked the Board for the opportunity to address them. He said the first item of good news was that the Virginia Pesticide Control Board had presented an award to Southampton County for their top efforts again in collecting the most pesticide jugs to be recycled. Mr. Clarke introduced Mr. Terry Patterson who is the new 4-H Agent for Southampton and Isle of Wight counties. Mr. Patterson has a Bachelor's Degree in Parks and Recreation from West Virginia, a Masters in Recreation and Public Administration from NC State, and currently is a PhD candidate of NC State. He directed the 4-H Center in Jamestown from 2001 to 2005. He then directed a center in West Virginia since that time. He brings 18 years of experience to the county.

Mr. Terry Patterson thanked the Board for the opportunity to be here. He stated he had met some of the Board and looked forward to meeting the rest of the Board Members soon. He brought some gifts of water bottles and some 4-H paraphernalia. He said if you know of anyone interested in volunteering to work with 4-H please let him know.

Supervisor Brown commented on the 3.4 million dollar savings on the solid waste which was steady climbing. It was a big savings to the tax papers of Southampton County by using these sites

Mr. Michael Johnson stated that in the area of personnel we had two new employees hired and three employee reclassifications in October as listed in the agenda.

Chairman Jones called for the next item of business, being appointments.

Mr. Michael Johnson stated that as you recall from last month, Supervisor West agreed to seek a local nominee to succeed Mr. Robert Grizzard on the tidewater Emergency Medical Services

Council. Mr. Grizzard's unexpired 2-year term runs through March 2013. A board member position description is attached for your reference. The Board meets quarterly. A motion is required to nominate a local representative to the Tidewater Emergency Medical Services Council.

mikejohnson

From: Jim Chandler [chandler@vaemsorgJ]
Sent: Monday, September 12, 2011 9:50 AM
To: mikejohnson@co.southampton.state.va.us
Cc: George M. Yacus
Subject: TEMS Board Representative for Southampton Co

Mr. Johnson, as I'm sure you know, and a great loss to all of us, was the death of Robert "Roscoe" Grizzard in July. This leaves a vacancy on the Tidewater EMS Council Board of Directors representing Southampton County. Would you please follow your normal process to identify and provide us with a nomination for Roscoe's replacement? The current 2-year term runs through March 2013. I am attaching the board member position description. Our board meets quarterly with the next meetings this calendar year on September 29 and December 15. Thank you. Jim Chandler

C. George Yacus, PhD, TEMS Governance Chair

James M. Chandler, CAE
Executive Director
Tidewater EMS Council,
Inc.
6353 Center Dr Ste 101
Norfolk, VA 23502
tel 757 963-0632 x 308
fax 757 963-2325
www.tidewaterems.org

Tidewater Emergency Medical Services Council, Inc.

Board of Directors

Position Description

The directors of the Tidewater EMS Council, Inc. are nominated by the various jurisdictions and organizations represented on the Council, and elected by the board. Persons who are engaged in the delivery of emergency medical services as well as residents of the region who have no professional or financial interest in emergency care are eligible for board membership in accordance with the Council's Articles of Incorporation and Bylaws.

Duties of a board member include:

1. Serve as a representative of the public, in the public interest, for the entire region served by the Council I.
2. Establish policies and direct the affairs of the Corporation, each director being entitled to one vote.
3. Elect the directors and officers of the board as provided in the Articles of Incorporation and Bylaws.
4. Establish and review, from time to time, goals and objectives necessary to further the purpose of the Council.
5. Sponsor such committees as necessary to carry out the objectives of the Council.
6. Arrange for the raising of funds to support the program of the Council and control the disbursement of these funds.
7. Employ and authorize the employment of such qualified persons as may be necessary to carry out the objectives of the Council.
8. Enter into such agreements with government or private agencies which will further and be consistent with the objectives of the Council. Meet as a body at least quarterly for the purpose of conducting the business of the Corporation. Board members are expected to attend at least half of all regularly scheduled board meetings during a term, and members who miss more than two meetings in a row will be subject to review by the Executive Committee.
9. Allow the president and duly authorized officials of the Council to publicly represent Council positions on issues, and authorize those officials as appropriate. Board members shall individually refrain from representing Council positions unless so authorized.

Conflicts of Interest and Financial Disclosure: Directors are required to comply with provisions of the Virginia State and Local Government Conflicts of Interest Act (§ 2.2-3100) with the exception of annual disclosure reporting to the Secretary of the Commonwealth. In case of a conflict of interest or need for a financial disclosure during the course of activities as a Director, such conflict or disclosure will be made known to the Board of Directors at the time that a conflict or need for financial disclosure is identified by a Director.

Revised 7/27/2006

Supervisor West stated that he had spoken with three men, the last one being Brian Stillman. He still has not given him an answer. When he hands out a copy of the expectations and requirements it slows people down because it is rather complicated and involved. Please give him one more month and he thinks Mr. Stillman would be the man. He would like to have that opportunity.

Chairman Jones stated they would allow Mr. West that opportunity.

Mr. Michael Johnson stated that the next appointment was the Virginia Alcohol Safety Program. In your agenda for reference please find copied correspondence from Anthony Carmichael relative to reappointment of Mr. Gene Drewery to the policy board for the Virginia Alcohol Safety Action Program. Mr. Drewery has represented Southampton County since 2008 and his current term will expire in November. He has recently accepted the position of Secretary. Southampton County has participated in this program with the cities of Chesapeake, Franklin, Portsmouth and Suffolk and Isle of Wight since 1987. A motion is required to reappoint Mr. Gene Drewery to represent Southampton County on VASAP's policy board.

October 3, 2011

Southeastern VASAP
Virginia Alcohol Safety Action Program
Don't Drink and Drive

Administrative Office
505 Washington Street
Suite 710
Portsmouth, VA 23704

Southampton County
26022 Administration Ctr. Dr.
P. O. Box 400
Courtland, VA 23837

ATTN: Mr. Michael W. Johnson,
City Administrator

Dear Mr. Johnson,

Mr. Gene Drewery represents Southampton County by serving on the policy board of the Southeastern Virginia Alcohol Safety Action Program. He continues to be a member in good standing and has recently accepted the position as Secretary. If it is his desire, we would very much like for him to continue on with us.

Mr. Drewery's term ends in November of this year (2011). At the appropriate time, would you please make arrangements to process the necessary documents for reappointment? We also request a copy of the reappointment letter for our records.

Thank you for your attention to this matter. And as always, it is a pleasure to conduct business with your office. We do look forward to hearing from you soon.

Anthony L. Carmichael, MHRM
Director, Southeastern VASAP
505 Washington, St. Ste: 710
Portsmouth, V A 23704
(757) 396-6980 x209
acarmichael@vaasap.org

Chairman Jones asked for a motion.

Supervisor Young made a motion to reappoint Mr. Gene Drewery to represent Southampton County on VASAP's policy board.

Supervisor Faison seconded which carried unanimously.

Chairman Jones called for the next item of business, being Financial Matters.

Mr. Michael Johnson stated that attached in the agenda for your consideration please find a salary appropriation resolution which reflects the 2% cost of living adjustment for county employees effective November 1. Please note that the Social Security Administration just announced a 3.6% cost of living adjustment effective in January for more than 55 million retirees. A motion is required to adopt the attached appropriations resolution.

At a meeting of the Southampton County Board of Supervisors held in the Board of Supervisors Meeting Room, Courtland, Virginia on Monday, October 24, 2011.

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia, that annual salaries of personnel be and hereby are fixed as indicated, effective November 1, 2011,

BOARD OF SUPERVISORS

| | |
|-----------------------|-------|
| Jones, Dallas O. | 7,300 |
| Young, Walter L., Jr. | 6,700 |
| Brown, Walter D., III | 5,500 |
| Faison, Carl J. | 5,500 |
| Felts, Anita T. | 5,500 |
| West, Ronald M. | 5,500 |
| Wyche, Moses | 5,500 |

COUNTY ADMINISTRATION

| | |
|---------------------|--------|
| Johnson, Michael W. | 99,339 |
| Mendenhall, Jon M. | 66,447 |
| Edwards, Cynthia J. | 25,780 |

ACCOUNTING

| | |
|----------------------|--------|
| Lowe, Lynette C. | 69,003 |
| Steele, June W. | 47,800 |
| Anderson, Melissa L. | 31,336 |

PLANNING

| | |
|---------------------|--------|
| Lewis, Elizabeth H. | 61,346 |
| Jenkins, John P. | 42,789 |

INSPECTIONS

| | |
|---------------------|--------|
| Copeland, Lee D. | 44,472 |
| McClelland, Kenneth | 35,238 |

DATA PROCESSING

| | |
|---------------------|--------|
| Plyler, Sandra P. | 64,012 |
| Faulk, Christine J. | 43,356 |
| Wright, Susan | 44,879 |

REFUSE COLLECTION

| | |
|------------------|--------|
| Council, W. Hart | 60,143 |
|------------------|--------|

| | | |
|-----------------------------|--------------------------------------|---------|
| | Council, Jesse | 34,231 |
| | Murphy, Millard, Jr. | 26,822 |
| | Shearin, Michael B. | 28,665 |
| | Wyche, Charlie W. | 28,665 |
| | Bryant, Garland M. | 25,780 |
| BUILDING & GROUNDS | | |
| | Vick, Jackie D. | 50,416 |
| | Mason, Gloria B. | 20,373 |
| | Darden, Dorothy B. | 19,062 |
| | Mitchell, Linda S. | 18,688 |
| SEWER SYSTEM | | |
| | Johnson, Julien W., Jr. (1/2 salary) | 33,888 |
| | Harness, M. Jeanne (1/2 salary) | 21,175 |
| | Jackson, R. Keith | 44,227 |
| | Christenson, Timothy A. | 27,609 |
| | Hyman, Charles D. | 31,963 |
| | Beale, Dennis E. | 28,990 |
| | Fowler, Daniel L., Jr. | 27,609 |
| | Billups, Milton A. | 26,296 |
| | Whichard, Bruce W., Jr. | 31,963 |
| | Griffin, S. Gerald, Jr. | 31,963 |
| WATER SYSTEM | | |
| | Johnson, Julien W., Jr. (1/2 salary) | 33,888 |
| | Harness, M. Jeanne (1/2 salary) | 21,176 |
| | Smith, Michael D. | 62,182 |
| | Bryant, Raymond L., Jr. | 50,575 |
| | Holloman, Hugh R. | 26,818 |
| | Pearson, Mitchell T. | 25,544 |
| | Jarrett, Linwood | 25,544 |
| | Joyner, David L., Sr. | 27,609 |
| | Joyner, S. Lee, Jr. | 23,851 |
| | Snyder, Matthew A. | 26,296 |
| REGISTRAR/ELECTORAL BOARD | | |
| | Davis, Leona W. | 48,119 |
| | Davis, Peggy L. | 24,328 |
| | Felts, Robert M., Jr. | 3,756 |
| | Sykes, Marie W. | 1,878 |
| | Herring, Joan V. | 1,878 |
| COMMISSIONER OF THE REVENUE | | |
| | Carr, Amy B. | 67,045 |
| | Everett, Jeannette S. | 34,231 |
| | Bradshaw, Jackie L. | 29,570 |
| | Smith, Patricia P. | 25,544 |
| TREASURER | | |
| | Britt, David K. | 73,194 |
| | Griffin, Rhonda V. | 34,231 |
| | Bunn, Frances H. | 35,906 |
| | Horne, Rosemary B. | 28,161 |
| COMMONWEALTH'S ATTORNEY | | |
| | Cooke, Eric A. | 117,973 |
| | Duncan, Toni M. | 60,270 |
| | Laney, Tiffany A. | 47,223 |
| | Bulger, Steven | 47,223 |
| | Rice, Joan P. | 46,222 |
| | Gryder, Sharon F. | 33,813 |
| VICTIM WITNESS PROGRAM | | |
| | Falkins, Cora L. | 45,076 |

CLERK OF CIRCUIT COURT

| | |
|----------------------|---------|
| Francis, Richard L. | 106,405 |
| Beatty, Linda E. | 24,328 |
| Cross, Melanie H. | 37,294 |
| Everett, Kathleen B. | 37,294 |
| Jarratt, Dorothy U. | 48,119 |
| Kannan, Theresa L. | 31,782 |
| Simmons, Heather R. | 34,295 |

SHERIFF – BAILIFF

| | |
|---------------------|--------|
| Busching, Robert W. | 35,319 |
| Covington, Wanda V. | 46,436 |
| Neave, Robbie Lynn | 41,923 |
| Wyche, Josh A. | 48,119 |
| Vacant – Harvey | 29,843 |
| Vacant – Parker | 29,843 |

SHERIFF – LAW ENFORCEMENT

| | |
|-------------------------|---------|
| Francis, Vernie W., Jr. | 101,075 |
| Bell, Kimberly C. | 28,161 |
| Blythe, J. Michael | 38,939 |
| Carpenito, Suzette B. | 43,645 |
| Darden, Michael L. | 45,524 |
| Davis, Tryphena L. | 25,544 |
| Drewery, Gene H. | 60,434 |
| Drewery, William D. | 27,609 |
| Fuller, James H. | 31,480 |
| Griffith, E. Greg | 42,087 |
| Griffith, Scott T. | 32,970 |
| Holland, William B. | 40,817 |
| Prince, Lisa C. | 28,161 |
| Rollins, Shana P. | 28,161 |
| Rose, Teresa G. | 33,970 |
| Smith, Jerry L. | 36,584 |
| Stevens, Robert T. | 42,087 |
| Stutts, John B. | 80,922 |
| Turner, Bruce W. | 30,440 |
| Turner, Mark B. | 38,175 |
| Vacant – Ricks | 29,843 |
| Vacant – Edwards | 29,843 |

SHERIFF – DETENTION

| | |
|--------------------------|--------|
| Angel, Joshua J. | 31,480 |
| Armbruster, Becky K. | 32,970 |
| Barksdale, Thomas D. | 31,480 |
| Barnes, Beverly A. | 26,356 |
| Bowden, Jonathan M. | 38,939 |
| Carr, Robert M. | 30,440 |
| Clasp, Nina R. | 33,184 |
| Cobb, Camden S. | 31,480 |
| Cook, Loretta B. | 23,477 |
| Davis, Waymon D. | 33,184 |
| Doyle, Scott A. | 51,895 |
| Edsall, Jeremy C. | 31,480 |
| Fancher, Evelyn | 31,480 |
| Forren, Dwayne A. | 35,319 |
| Gray, Christy J. | 37,001 |
| Griggs, John W., Jr. | 35,319 |
| Hannah, Jerry J. | 29,843 |
| Jarratt, William G., Jr. | 36,584 |

Chairman Jones asked if he had a motion.

Supervisor West moved to adopt the appropriation resolution.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones stated that the next item under financial matters was the monthly bills. A motion is required to authorize payment of the monthly bills.

Supervisor Young moved, seconded by Supervisor West, that the bills in the amount of \$1,471,322.81 be paid with check numbers 122838 through 123187. All were in favor.

Chairman Jones called for the next item of business which was a Citizen Request to Address the Board.

Mr. Michael Johnson stated that attached to the agenda for your reference please find correspondence from Ash Cutchin requesting time to speak with regard to:

1. Composition of local boards and commissions;
2. County debt; and
3. The November 8, 2011 election

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

Courtland, VA 23837

September 26, 2011

Mr. Michael Johnson, County Administrator
Southampton County
26022 Administration Center Drive
Courtland, VA 23837

Dear Mr. Johnson:

I respectfully request to be placed on the agenda for the October meeting of the Board of Supervisors to comment on three things which concern me and many of my fellow citizens. The items upon which I would like to comment are:

1. The composition of local boards and commissions
2. The county's debt
3. The upcoming local election

As per your usual criteria for such presentations, I will limit my comments to a maximum of fifteen minutes (less time, if possible). I have not yet organized my comments.

Thank you for complying with my request. I look forward to receiving your reply (email will suffice) at your earliest convenience.

Sincerely,



Ash Cutchin

ashappraz@charter.net

October 24, 2011



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

757-653-3015
FAX: 757-653-0227

October 18, 2011

Mr. Ash Cutchin
29018 Darden Point Road
Courtland, VA 23837

Dear Mr. Cutchin:

I am pleased to acknowledge receipt of your letter of September 26 requesting time at the October Board of Supervisors meeting to discuss:

1. The composition of local boards and commissions;
2. The county's debt; and
3. The November 8, 2011 election

The meeting will begin promptly at 8:30 a.m. on Monday, October 24, in the Board of Supervisors Meeting Room, Southampton County Office Center, 26022 Administration Center Drive, Courtland. This matter will appear on agenda item #6.

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

With kind regards, I remain

Sincerely,

Michael W. Johnson
County Administrator

Mr. Ash Cutchin addressed the Board. He said the last time he read his comments it took about 14 minutes and he had asked for 15. He asked if they were going to interrupt him at 9:00.

Chairman Jones said they were not going to interrupt him. He could go ahead and take as much time as he liked.

Mr. Cutchin thanked the Board of Supervisors for giving him the opportunity to address them today. He stated that he resides at 29018 Darden Point Road, Courtland, VA; and that Mrs. Felts is his Supervisor. He stated that the reason he wanted to address the Board concerned three issues:

1. Composition of local boards and commissions
2. County debt and
3. Upcoming local election

He said he had already stated in public how embarrassed he was on behalf of the county by the events on the night when the Board of Zoning Appeals did not have a quorum at the August 2011 meeting to address the issue of dog training. I understand that you have made an attempt to correct this issue by appointing alternates to that Board. In September he heard Mr. Copeland's plea to appoint or suggest members who are qualified. In other words people who can read a map, and take the time to visit the site of the location before voting on an issue. He doesn't know how we can improve the county's image when such things occur. He thinks we need to re-evaluate just how such boards and commissions are structured. I know it is difficult to get people to serve on such committees, boards, and such. He remembers back in 1961 or 62 when he was helping clean up after a party at a fraternity lodge and he was complaining. He said one of his buddies told him that what he didn't understand was that there are two types of members "doers" and "joiners". You will be lucky if you can get 10% of the members to do any work. Unfortunately, his prediction turned out to be true. Sadly he sees the same thing in other organizations church, civic, county, and so forth. It appears to him and others we can improve the way we do things which does not involve cronyism, seniority rules, or a person remaining on a board just because he or she has served for several years. One suggestion he would like to make and this was initiated at the September 28th board meeting, is to have the school board elected instead of appointed. This is a contention issue with some other localities he knows, but he suggested they at least consider it, investigate it, and seek broad citizen input regarding such an issue. Too often things are done in a certain way simply because someone says that's the way we have always done it.

Mr. Ash Cutchin stated item number two was regarding debt and expenses. He stated he had talked to us before about debt and expenses. As our budget was revealed earlier this year he was much concerned about the near 3 million dollars budgeted to debt service within the school fund as well as the 2.6 million dollar debt service under the building fund. I don't see how we can expect to make progress towards controlling our budget expenses if we keep spending money we don't have. A few days ago Mr. Johnson gave him some figures regarding our 69.5 million dollar debt. He reviewed the figures Mr. Johnson gave him. It included our annual payments up through 2038 which is 27 years from now, when theoretically the 69.5 million will be paid down to 0. He analyzed those figures and put them on a spreadsheet. He calculated the figures in the difference in the cumulative debt services on one hand versus the debt reduction in the first column. He came up with a difference or delta of 42,780,688 dollars. That's interest ladies and gentlemen. In other words in order to retire that 69.5 million debt; we are going to pay nearly 43 million in interest. I think that's the cost of spending money we don't have. Children born this year in Southampton County if they remain in the county will still be paying that debt 10 years after they finish high school. Mr. Faison I would like to point this out to you. You seem to be especially concerned about our children and take every opportunity to support Mr. Turner's budgets and you are an advocate for our children and their future which is commendable. But can you not see you are spending them into debt well into their adulthood. I asked you today, "Has the county's debt position improved over the last few months?" According to Mr. Johnson's figures the annual debt

service payments of 4.8 million next year in 2012 will increase to more than 5 million per year up through the year 2021. So for the next ten years our debt service payments will be 5 million per year or more. Are we better off financially than we were a year ago, six months ago? Are we making progress? Well, just last month I sat out here on this bench and observed you vote to spend more than \$27,000 dollars to demolish some unsafe buildings in the Newsoms District. You agreed that the property owners which if they were not forth coming to pay that money and also in paying their unpaid taxes you would seize these properties and sell them. Supervisor Brown suggested at the forum that they were potential crack houses. He may be right. Not once did a single one of you ask how much the vacant lots are assessed for or what they might realistically bring at an auction sale after the buildings have been demolished. Surely we have records on the ratio of sells to assessed value in the past. My suspicion is that the vacant lots will sell for much less than the \$27,000.00 demolition cost as opposed to possibly having the volunteer fire department use these building as training aids and burn them. Has the presence of asbestos actually been confirmed or is it just suspected? We support our volunteer fire folks financially which is a good thing. Supervisor Brown even bragged about securing a grant for the Newsoms Fire Department. Why not provide them with some on the job training by burning these abandoned buildings while protecting the neighborhood. Also, is our own public works department capable of demolishing these buildings? We have a backhoe and excavator. Is that against the law to have our local public works department to do it?

This is not a topic of request, but at the forum I heard the word jobs used at the forum more times than I could count. I also heard the presentation by the lady from VDOT, Margie Ray, whose name has already been mentioned a few minutes ago. At her presentation last month it was discussed how we were going to pay for this project. Mr. West has already stolen a little bit of my thunder, but not once did I hear a single one of you suggest or remind her that because they are GSE's or Government Supported Enterprises they will get us nowhere. Fannie Mae and Freddie Mac are also public/private partnerships and where have they gotten us? Can you spell the word bailout? Also, I was very disappointed that not a single one of you asked her if there were any guarantees in a public/private partnership deal to building a new 460 that any of these jobs, which they are hyping, will go to legal, US citizens and not to sub-workers who the contractors bring in from somewhere else. I think that at least two of these private contractors are European. I've seen European companies haul their people all around the world and I know what kind of people they bring in from these countries to do the jobs. They usually are not German, French, or Italian; they are from India or Yemen or somewhere like that.

I also heard various figures on our debt at the forum. Based on the 2010 census by my calculations our approximately 69.5 million public debt means that every one of the counties' 18,570 residents which included the prison population I think owes 3,743 dollars just for the debt not counting our normal operating expenses. Many of those residents are children as you know and many others don't pay some kind of taxes or get tax credits so the burden of the 69.5 million will fall if paid in the next 27 years disproportionately on fewer than 18,570 people. I don't think our prison population pays property taxes. Surely we don't want to copy of duplicate what our Congress has been doing for several generations. If we continue to pass these gigantic expenses along to our children and grandchildren, and what's worse the federal government continues to borrow money it doesn't have just like we do just to support someone's pet project just like this Solyndra Solar Panel Project, which is another public/private partnership I might remind you, in that case the Washington Buracrats and Cronies have now even subordinated the Amercian citizens debt position with Solyndra so now that Country has declared bankruptcy after a 535,000 million dollar loan guarantee. Some of the big time investors with political ties come again to the taxpayers for whatever funds may be recovered. Now I see that the company officials have exercised their 5th amendment right. Can you believe it? I have to wonder if this kind of situation is a fore taste of the 460 project in a few years, when the private partner will meet up there taking the 5th amendment so they don't have to pay back the money. Of course looking at the same census our 14.7 trillion dollar federal deficit comes to about 47,600 dollars for every man, woman, and child of the 307,000 billion that the census says lives in the country. That 47,600 figure may make our local debt of 3,743 seem nothing, but remember we owe both. As I stand here right now my portion of the federal debt and the county debt is over 50,000 dollars. And sadly it appears

that as every year goes by and we can see this in our local tax situation some of them our neighbors join the ranks of those who don't pay their taxes. With this said I am afraid for the upcoming election. I am trying to stay current with the political candidates at least those who will be on my ballot. I think all of you performed reasonably well at the forum with good answers to tough questions in regard to our future. I was glad to hear someone, Mr. Wyche, finally admit that it is easy to spend someone else's money. He said it with kind of a chuckle but it was a serious item. Mr. Cutchin said he has a very serious concern and he would like to remind you that he is not normally one who believes in rumors or helps spread them. But some issues had come across his voice mail and e-mail in the last few weeks which concern him deeply. He feels that these issues should be investigated. His wife tells him it is just politics as usual and he should stay clear. What he has heard and he is still trying on a daily basis to verify the source which meets the type of political style that has become known as the Chicago style. We should all be ashamed of it. More than one person has told him that one very high ranking county employee in a supervisory position has exerted influence and pressure over subordinates by strongly suggesting how they should vote next month. If that is true it is not fair. He has also heard another extremely disturbing situation concerning economic development and the possibility of a company coming into the county and bringing jobs. Yet they are strongly being advised, some say threatened not to locate on their first choice of a site. He stated it seemed he was not the only one aware of this situation some of you are also. Mrs. Felts told us at the forum of certain confidentially requirements by economic prospects. She said most of the time the Supervisors don't even know who the company is or who plans to come here. They are identified by a code XYZ, PDQ, or whatever, but they aren't told the name of the company. I have to ask if this confidentially agreement was side stepped or broken because somebody went to that company with some strong words. I suggest that if any of you Supervisors, economic employees, or other officials are aware of improprieties and you remain silent then you not are serving the best interest of the county citizens. If pursuing a personal endeavor or being an accomplice to such an action, while it may seem perfectly legal to some, in his mind it is unethical. Mr. Johnson told us at one of our citizens for responsible government meetings, he believes it was back in January, that there is no code of ethics required for members of the Board of Supervisors. Mr. Cutchin profession he is proud to say does have a code of ethics and he is required to take periodic classes to ensure he abides by that code. Many of you are familiar with my work either through the county board or as a private individual. Every federal report I sign contains several statements which attest to my adherence of that code. Every appraisal report he signs is available for review by the state appraisal board and the appraisal institute. He is not allowed to favor the interest of his client. I am not allowed to be influenced by anyone whether someone seeking either a certain value opinion or certain conditions such as a real estate closing. In other words I am required to remain impartial to make sure creditable appraisals and guaranteed fairness. He cannot pursue a personal agenda. Mr. Cutchin states that in his opinion this board should have to do nothing less. There should be a code of ethics required for Supervisors. You should be required to sign it; and you should be required to adhere to it. Not one of you should be allowed to threaten a business man whose company wants to create jobs in this county by telling him that you will fill this room with so many of your friends that the project would never be approved. Not one of you should tell a company or anyone else that they will endure a public relations nightmare if they try to locate on a certain site. None of you should ask for 35 acres or any amount of land in return for not opposing the county's plans. I respectfully suggest that if any one of you has done such things as these that you admit it right here and right now in this public setting. Apologize to all of us and then offer your resignation as a Supervisor. Thank you for giving me the time to express my opinion. Are there any questions?

Chairman Jones asked if anyone had any questions or comments for Mr. Cutchin.

Supervisor West said he had a couple of comments he would like to make. He said that was a big report and he was sorry that Mr. Cutchin felt an obligation to make this report unannounced. He was sorry he was in the position that he had observed these situations. He said he did have an opportunity through his church to seek property adjacent to the church. He had evaluated it for the customer and he did talk to him in with the possibility of getting some information from him. He stated that Mr. Cutchin points were well taken on the BZA. Supervisor West agreed that an appointed school board may not be the best; we may be better with an elected one. He feels it

would give more interest for the schools themselves having individuals come forward who want to run and do so. He was disturbed about the debt load. This \$3,743.00 per person that each one of us owes concerns me a lot. I do realize that sometimes we are spending money that we don't have. I did vote against tearing down those houses. I think sometimes we may not use due diligence there, but that is only an opinion. These rumors that you have heard do concern me. This county employee that is in high ranking that you have spoken of exerting some influence on subordinates concerns me.

Mr. Ash Cutchin stated that this information was third hand that's why I still say it's a rumor. It came from someone, to someone else, to me. That's why I still say it's a rumor.

Supervisor West asked if it was a general thing like the Board of Supervisors to someone else, or just the Board of Supervisors, or what.

Mr. Ash Cutchin stated that this particular incident didn't involve the Board of Supervisors.

Supervisor West stated that was pretty strong and he appreciated what Mr. Ash Cutchin had brought to their attention.

Mr. Ash Cutchin said he hoped that wasn't true, but the people who told me tell me they are convinced it is true.

Mr. West asked Mr. Ash Cutchin about some other people coming to him concerning an influence over potential businesses coming into the county.

Mr. Ash Cutchin stated yes they did, but these were still rumors too. A party told a friend of mine, who told me. Again it is third hand. He stated he had made phone call after phone call and people just aren't willing to stand up here like I am. There are people who know exactly what happened, and he is still working on it.

Supervisor West stated he supposed that anytime a business decided to locate or relocate that the owner of the land certainly has some contact with the person at that point and then imagine that some cases they are sworn to secrecy and then sometimes they are not. That then becomes information spread to the community and even though we have a desire to keep things in this group it can still get out quickly. Can you see where I'm coming from?

Mr. Ash Cutchin said he could see where Supervisor West was coming from, but if you have a confidentially agreement with a company, say XYZ gadget makers, and you don't know who it is, how is it that someone can go to that company and make threats. The word threat was used when I heard it.

Supervisor West said he knew that the rumors Mr. Cutchin stated were nothing that would be acceptable from this board.

Mr. Ash Cutchin stated that was what he had heard from several people and he couldn't imagine anybody fabricating this Mr. West. Everybody in the county realizes that we need jobs here and they want companies to come here offering jobs and paying taxes. If somebody goes to that company and says you can't build here you need to go down the road a ways that's not right.

Supervisor West said he trusts Mr. Ash Cutchin with highest regards and appreciates his code of ethics. He said that he hopes Mr. Cutchin would hold them to the highest code of ethics; and nobody had asked him to sign a code of ethics, but he would be willing to sign one if asked.

Chairman Jones called on Supervisor Young.

Supervisor Young agreed he stated he had a lot of respect for Mr. Ash Cutchin and had for a long time. This third hand rumor stuff bothers him. He stated he remembered his father telling him not

to believe anything he heard, only half of what he saw, and not to tell any of it. He said it had been good for him. He stated he's caught up in politics. Some of it he was aware of and some of it he was not. He stated he agrees with electing the school board.

Supervisor Faison stated he appreciated Mr. Ash Cutchin coming forward. He thinks it is good when a person comes forward and expresses their ideas. As far as the information he brought today he appreciated his opinion. As far as a code of ethics, even though they don't have one he thought the board was expected to live by one. When that is not done it certainly would be disappointing. But he emphasizes what Mr. West had said that it was third hand information. A rumor may have some validity to it, but at this point I hope no board member is involved with something like this that is not ethical. If they are that certainly is a problem.

Supervisor Felts thanked Mr. Ash Cutchin for coming today to express his concerns. She stated she felt that electing the school board would be a good thing. She stated that even though the board does not have a code of ethics, she stands on a code of ethics and has always tried to do what is best for the county. She thanked him for all the work he does for the county. She stated that he does quite a bit that most people don't even realize.

Supervisor Brown stated he had three things he would like to comment on. One is centered on the county's 69 million dollar debt. He stated that he was looking at it in a controlled environment which means the debt was being looked at with no catalyst involved, no additional jobs or revenue coming into the county which could actually speed up the repayment of the debt. When you look at the time frame of 2020, but one third would be upper of 2036 or 2037 when all debt would be offset. You also have to look at the forecast of all possibilities of additional jobs and revenues coming into the county which would speed up the repayment process. Supervisor Brown stated that he believed that they had looked at the crack houses in Newsoms concerning the possibility of burning them and that they do contain asbestos and declined not to burn them.

Mrs. Beth Lewis stated she had met out at the houses in Newsoms with the Fire Chief of Newsoms and one of the other firefighters, and Gray & Sons Company. The closest house to Newsoms is already on the ground and the fire department said they would have to bring in material to burn that one down so they declined to do that. The eastern most one is closest to an inhabited house and the property owner of the inhabited house came out and spoke to the fire department. The property of the inhabited house has a problem with the fire department setting a house that close to his on fire so the fire department declined to burn that one also. The two middle houses contain no asbestos. There are three propane tanks and an inoperable vehicle so the fire department says in order for them to burn them down there would have to be a 20 foot path cleared into the property from the road and around the house. The propane tanks would have to be removed and the vehicle removed then they would burn them down. She is waiting for a letter from Gray and Sons. Between the work that Gray & Sons would have to do if they do the job completely or if they do the prep work for the fire department to prepare for the burns to be done the cost would be the same. They said they are more than glad to work with the fire department so they could burn those houses down to get the practice, but between the prep work and the more intense clean up after the burn the price was going to be the same. But they will work with the fire department to have the practice to burn the middle two houses.

Supervisor Brown stated that second item he wanted to address was the European jobs. He hoped that any business coming into the county would have a portion of their contract negotiation which would be showing that they would hire X percentage of the businesses from here in the county. Mr. Ash Cutchin asked if that was in the contract agreement.

Supervisor Brown said no. He is saying in his opinion it should be a part of the contract negotiation. The other thing is the code of ethics. He spent 20 years in the U.S. Army. He had numerous classes on ethics. Anybody who is an elected official should never violate their code of ethics. He thanked Mr. Ash Cutchins for his comments and stated that he respected his opinion. A majority of the comments were very valid in reference to the county's debt and other things associated with the county.

Mr. Ash Cutchin asked if he could respond.

Chairman Jones granted Mr. Ash Cutchin the opportunity to respond.

Mr. Ash Cutchin stated to Supervisor Brown that instead of telling him he should have told Mrs. Ray at the meeting last month. She has some control over it or her office does and he doesn't. The people in Richmond who are going to sign on the dotted line should be the ones told they have got to hire some local businesses and people. You were in the military for 20 years you have traveled some too, but I've been several places and seen huge construction jobs and all the workers were India or Hindu. They fly them in by the plane loads. You don't know whether they may bring in 500 to 1,000 people to build 460. It is entirely possible that if this company is based in Spain or Belgium that they have contracts with laborers in other parts of the world. But you missed the opportunity to tell Mrs. Ray.

Supervisor Brown stated he agreed; but he was basically referring to the local side. We should stress using local businesses to do the work.

Mr. Ash Cutchin asked again was it in the contract to use local businesses. Were local businesses used in clearing the Turner Tract because he didn't know because he didn't go there when the work was being done?

Chairman Jones addressed Supervisor Wyche to speak.

Supervisor Wyche thanked Mr. Ash Cutchin for his thoughts. He stated that Mr. Ash Cutchin's thoughts will be taken into consideration. He said they had done a good job in appointing the school board. If the citizens want to elect the school board, he has no problem with it. He said he appreciated Mr. Ash Cutchin comments and concerns.

Chairman Jones stated that he knew about the debt. He stated that the board doesn't just spend money to spend that most of what was spent was because they needed to spend it. You might be able to knock off two or three hundred dollars but that's about it. They don't just spend money for the devil of it. Chairman Jones stated that he had been on the board longer than anyone else. He tells new Supervisors from day one that they are representing the county and they have to carry themselves that way every day. He said he was proud to represent Southampton County. He said he hasn't been any where that he hasn't upheld the county. He said that if anyone has anything against him to stand up now and bring it to him now and he would beg their pardon or whatever it took to make it right. He stated he was representing 18,000 folks not just 4 or 5. He thanked Mr. Cutchin for bringing up these issues.

Supervisor Brown stated that part of the debt was from the waste water treatment plant. He thought the board was very proactive at the last budget hearing. Originally they had asked for a three cents tax increase but based on additional revenues that were coming into the county the board was able to cut the three cents tax increase. You have to forecast additional funds coming in to the county. He thought the board took a very proactive approach in reducing the proposed tax increase. He thanked Mr. Ash Cutchin again for coming to address the board.

Chairman Jones stated that the farm use program in the county offset the county debt because the money was given to the farmers. The tax rate is high because we had to offset what we gave to the farmers.

Mr. Cutchin said he was willing to pay more tax on his house and acre or two for land use in the county.

Chairman Jones stated that all we can hear right now is a tax rate of \$0.79. We are the highest in the state almost. The taxes are high because we gave the farmers a break.

Mr. Ash Cutchin said yes the farmers are getting a break, but before that break they were selling lots on the road front.

Chairman Jones stated that you have to take all of these things into consideration.

Supervisor West asked Mr. Cutchin if he anticipated any forth coming accusations that you have stated regarding the high ranking official.

Mr. Ash Cutchin said that everyone he had asked to verify it and some people who were in a position to be impacted by it weren't aware of it.

Supervisor Young apologized for missing the forum but it was unavoidable. His wife's health was much more important than that. But every time he hears about it he gets an entirely different view and he had talked to people on the stage and in the audience both. About the forum he was sorry he didn't make it. He stated that he wasn't aware they didn't have a code of ethics.

Chairman Jones thanked Mr. Ash Cutchin and told him not to hesitate to come back.

Chairman Jones called for item number 7 – public hearing.

Mr. Michael Johnson stated that attached for your reference please find information related to the scheduled public hearing regarding ordinance amendments for the keeping of livestock in certain residential zoning districts.

This public hearing is held pursuant to 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend and reordain Section(s) 18-127, 18-177, and 18-450 of the Southampton County Code as they relate to the keeping of livestock in Residential R-1 and Rural Residential (RR) zoning districts.

The notice of this public hearing was published in the Tidewater News on October 9 and October 16, 2011 as required by law. At its regular meeting on September 8, the Planning Commission unanimously recommended approval of the ordinance.

After conclusion of this public hearing the Board of Supervisors will consider the comments offered this morning and may adopt the ordinance 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 approve the ordinance.

Mr. Michael Johnson stated that at this time, Planning Commission Secretary Beth Lewis would give a report on this.

SOUTHAMPTON COUNTY
Board of Supervisors
Notice of Public Hearing

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended that the Southampton County Board of Supervisors will hold a public hearing on Monday, October 24, 2011 at 8:30 a.m., or as soon thereafter as may be heard, in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following:

1. Amendment to Sec. 18-127 of the Municipal Code to add as follows:
(16.1) Livestock, with a Conditional Use Permit
2. Amendment to Sec. 18-177 of the Municipal Code to add as follows:
(16.1) Livestock, with a Conditional Use Permit
3. Delete Sec. 18-450 of the Municipal Code as follows:
Sec. 18-450. Keeping livestock on land zoned residential.

Copies of items associated with these matters are on file and available for public inspection in the County Administrator's office, 26022 Administration Center Drive, Courtland, Virginia during normal office hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

Any person desiring to be heard should appear at the time and place referenced herein above and offer his or her comments to the Board of Supervisors.

The hearing is held at a public facility designed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facility, need for reasonable accommodations or need for interpreter services for the deaf must notify Michael W. Johnson, Clerk, at (757) 653-3015 or mikejohnson@co.southampton.state.va.us at least seven (7) days prior to the hearing.

Southampton County Board of Supervisors
Michael W. Johnson, Clerk

An ordinance amending and reordaining Chapter 18 of the Southampton County Code as it relates to the keeping of livestock on land zoned residential.

The ordinance to be considered is as follows:

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

Add Sec. 18-127(16.1)

Livestock, with a Conditional Use Permit

Add Sec. 18-177(16.1)

Livestock, with a Conditional use Permit

Delete Sec. 18-450

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, 1966, 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, 1964, 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, 1964. The zoning administrator shall keep all information submitted under this section on file in his office.~~

~~(Ord. of 6-18-93, § 19-45.5)~~

As you recall there were some conflicts with the zoning ordinance. The R1 single family residential and the RR rural residential required additional use permits for a stable for livestock in those two zoning districts. So that was brought to this boards' attention and they asked the Planning Commission to look into it and they did. Their recommendation is to add "livestock as a conditional use in those two zoning districts. So there is a conditional use for the stable and a conditional use for the animals to put into it. If you were to request there would be one meeting, one filing fee, one process; but if you were to request to have some type of livestock that you didn't need a stable for under the current zoning ordinance if you read the R1 & RR you don't need any conditional additional use permit for it. The stable is not the noisy part. It is the animals they keep in it. So this change requires a conditional use permit for livestock in R1 single family and RR rural residential and keeps the conditional use permit for the stable in those two districts and deletes section 18-450 which prohibited livestock at all in residential zoning districts. There was a discussion at the Planning Commission meeting one of the concerns was the cost of having to file for a conditional use permit. There is a \$500.00 fee because there are public hearings at the Planning Commission Meeting and at this board and it has got to be an impediment to people. However, with two public hearings, there are two sets of ads that go in the newspaper and two mailings that go out and the \$500.00 filing fee doesn't even cover the cost of the ad in the newspaper so the cost could be lowered if that is your choice, but that difference would need to be made up through the general fund in advertising. The Planning Commission did recommend unanimous approval. She stated she would be glad to answer any questions.

Chairman Jones asked if anyone had any questions for Planning Commission Secretary, Beth Lewis.

Supervisor Brown stated the he had one comment. He stated he was in favor of this; however he was somewhat concerned that this may be opening up Pandora's Box. Realizing that a person has a farm and a farm house and that farm house sits on an acre of land and they have horses, chickens, peacocks, or ducks, he wants to make sure somewhere down the road that this Pandora's box we are looking at doesn't make it to the pet house.

Secretary Beth Lewis stated that this is only R1 and RR and Ms. Sandi Pylyer provided a map that the Planning Commission looked at. And this doesn't apply in this case.

Supervisor Brown stated that's why he wanted to make sure we weren't opening up Pandora's Box. He wanted to make sure it wasn't being taxed as such.

Secretary, Beth Lewis stated that was not the issue.

Supervisor West stated he hated to restrict agriculture period. He was recently contacted by someone over on Unity who sold property and the owner had a pony. The deed agreement of the owner who had purchased a number of the properties said that you could not put the pony there because we have an ordinance or some kind of signed agreement that states that you cannot put the pony in your backyard. He had the typical acre which is 40,000 square feet so he had done the minimum requirement there. She wanted to put a small stable in the backyard behind the house and I know the ordinance is so far from the line, and so far from the back, and only so far you can put this, and then put the pony in there. It's in the middle of A1. He is really bothered by anyone and any person who owns a piece of property and starts throwing out those types of restrictions on you having an animal a chicken or a pony or a duck. He will never vote for that. It is a civil matter between that person and he doesn't want us to get into a situation where the county becomes a policeman and watchdog for these situations and have to respond each time. He will never vote for that. It is an individual right to own an animal. You can have a dog or five dogs and they can run anywhere in my yard they want and poop in my yard and there is nothing I can do, and I can't say one word about it. That's because it's a dog. I don't like that anymore than you saying my pony is going to come over too. We have to be real careful where we are going

with this thing. Too many restrictions are not good.

Secretary Beth Lewis stated that this ordinance that requires a condition use permit about there being a stable is already an ordinance. This only cleans up the inconsistency that was later in the ordinance that states you can get a conditional use permit for the stable in the R1 and RR areas, but you can't have the animals.

Supervisor West stated that now you can have animals.

Secretary Beth Lewis stated that yes you can have the animals if you come before the Planning Commission Board and get the approval just as you have to do for the stable itself for all these years.

Supervisor Faison stated that he understood the fact that you have to have clarity. He has some concerns when it comes to livestock in residential areas. He thinks that a person has a reasonable expectation if they are moving into a residential area that there will be people living in houses; if they move into a rural area there may be livestock. He feels that it is a good thing to have to come before the Planning Commission for these things because in our comprehensive plan for the county it defines residential versus agricultural and rural areas. We should maintain that expectation.

Chairman Jones says that he didn't disagree with that. This is just clarifying that you can have an animal in rural housing. I don't think it's perfect, but it is better than it was. You don't have to come back once to get the permit for the animal and another for the stable.

Supervisor Young stated that it wasn't perfect, but it was a whole lot better than it was. It could still use some tweaking, but he didn't know how.

Chairman Jones asked if there were any other questions or comments.

Chairman Jones opened the public hearing on this issue.

Lloyd Johnson residing at 17640 Rosemont Road, Sedley, VA addressed the board. Under this program that you have proposed, he has had livestock at the intersection of Sycamore and Hunterdale/Sedley road for 30 years. His uncle had farmed that land for years since he was a small child. He was always under the impression that land was under A1 and A2. He has come to find out that the whole property is R1, the whole 24 acres. He doesn't understand how that could have been agricultural for so long and then be changed to R1. Part of his question is that they had drain tile installed under that property as early as 1959. That drain tile is still there. He questions if the land would even perk if it was zoned R1. We are talking in terms of an agricultural area, Mr. West. It has always been an agricultural area. People built houses out there when it was agricultural. They did not come into an area that was residential and then someone put livestock there. As far as he is concerned and as far as his son is concerned it is agricultural and they intend to keep it agricultural. This is an agricultural area. That's one reason he moved back here in 1977 to have a job that would allow him to raise livestock. At one time he had cows, but he no longer has cows now. He has 55 head of sheep. Those sheep were started as a 4-H project for his daughter with only 12. My problem with the R1 restriction (and Mr. Terry with the 4H is here) is that it may put a burden on kids wanting to raise a lamb or chickens or sheep for a 4H project that is 60 days long. I don't see where a conditional permit needs to be done for something like that. Something was said about opening Pandora's Box and I think maybe we have opened Pandora's Box. Currently where his sheep are there is no barn. My sheep live outside. I do have one barn at my house which is zoned R1 where I take my sheep to have their lambs. So you need to look at this on an individual basis and it is Pandora's Box. I know it may be a burden, but I think it needs to be looked at in that way. If it is a residential area and someone does have some livestock there I can see where there may be some problems. If someone wants to do a 4H project and raise some chickens to educate people, you need to take these things into consideration.

Chairman Jones stated that Mr. Lloyd Johnson's situation was taken into consideration at the Planning Commission and that he was grandfathered in.

Supervisor West stated that Mr. Lloyd Johnson's property was grandfathered in since he already had the animals there and he could go ahead and put a shelter there because there is no condition or restriction there. Even though you are in R1 and didn't know that, it did help you in that manner.

Chairman Jones asked Supervisor West if he thought they should be looked at on an individual basis.

Supervisor West stated that he thought they should all be looked at on an individual basis.

Supervisor Young asked weren't they all looked at on an individual basis.

Chairman Jones said yes they were all looked at on an individual basis. He emphasized again to Mr. Lloyd Jones that the board knew about his sheep and that they had already taken that into consideration and he was grandfathered in.

Supervisor Young stated that Mr. Lloyd Johnson was special one time.

Virginia Cutchin of 29018 Darden Point Road, Courtland, VA addressed the board. If you come before the board for your barn and you pay your \$500.00 and you say you can put your animals in later; is there something requiring you to come back and say what kind of animals? We are not limiting hogs or anything here. There needs to be some way of knowing what's going on these properties especially in residential.

Chairman Jones asked Secretary Beth Lewis if she would address the question.

Secretary Beth Lewis stated that in the request for conditional use permit you would state what type and how many animals you plan to have and then you would be granted a conditional use permit for twelve chickens and one rooster or one goat, or whatever you planned to have. Your conditional use permit states very clearly what type of structure you are building and what kind of livestock you are putting in and the number.

Chairman Jones asked if any other questions.

Supervisor Young stated no guinnees.

Mr. Charles Wayne White of 18246 Sedley Road, Sedley, VA addressed the board. He stated his representative was Mrs. Felts. He stated he was a retired Virginia State Trooper. When he graduated from the state police academy they sent him to Arlington County. On his first tour of duty up there, he studied the entire state of Virginia and he realized he didn't want to stay in Arlington County. He picked Southampton County to come to raise his family. He bought a house in Scottswood right there on Country Club. He stated that it was so small and confined that he said he wanted a piece of land. So supervising the inspection station, he talked to Walter Barton about wanting a piece of land. Mr. Walter Barton called him one night and told him there was a nice farm for sale in Sedley. He bought Mr. Jim Williams' strawberry farm, which used to belong to Mr. L.L. Poole before he sold it to Mr. Jim Williams. I bought that farm on foreclosure which was 18 acres. Walking his kids back and forth to the school bus, Bill and Marsha Billings loved next door and they had horses up and down that driveway and he fell in love with horses. So he put horses on that farm 28 years ago. When he bought this farm three prominent farmers approached him wanting to farm the land. Mr. Ryland Beale has been farming it for 28 years. I had the honor of serving on the board of equalization in 2000 representing the county, so I know something about land use. Some years ago Mr. Ryland Beale approached me and said you need to put your farm in farm use. He filled out all the paper work, wrote his check, and came over here to see Mr. Harrup. Mr. Harrup looked at everything and said it was fine, let's go over to the zoning

office. They went to the zoning office and looked to find his farm is in R1. It has been farmed ever since Mr. Poole had it. All of a sudden I'm R1. I've got a 40 acre farm. When I bought that land Mr. Wesley Wills told me point blank that the road frontage will never perk and you will never be able to sell lots. Mr. Wayne White stated that he didn't buy it to sell lots. I bought it because it was a piece of farm land. In checking this out they said that in 1968 when the county was zoning everything, they said let's put everything in Sedley in R1. This is my road frontage. Mr. Johnson is my neighbor. We are R1 when we are really nothing but farm land. You can't use it for anything but farm land. I'm paying taxes on R1 yet Ryland Beale is farming a field of soybeans there. I've got a stable back there. I've got horses back there. I can't afford \$500.00 to come before the zoning commission to get it farm land because I've trying to save \$4,000.00 to pay my taxes before December 5th. I can't afford to pay \$500.00 to get a use permit to put up a stable back there that I've already got. The federal government back in 1963 when they made the car manufacturers put seat belts in the cars, they didn't make everybody who had cars manufactured prior to 1963 go back and have seat belts put in. In January 1, 1968 they came up with shoulder belts, they didn't make everyone go back and put in shoulder belts. They were grandfather cloused in. I've got a piece of land that I'm paying R1 taxes on that has got 12 acres of soybeans on it in my front yard. I appreciate your time. I know every one of you on the board here. I enforced the rules and regulations the whole time. If you make a rule or regulation, I'm going to abide by it, but I would oppose this one especially pertaining to the people in Sedley. In 1968 when they said let's make everything in Sedley residential why didn't they go and see what the land was being used for. Mr. Poole was proud of those 40 acres. Mr. Poole sold 18 acres to Mr. Jim Williams and 22 acres to Bill Billings and when I bought everything and put the farm back together, he came to my house and cried and thanked me for putting his farm back together like it should be.

Supervisor Brown asked when the property was zoned R1 and when Mr. White purchased the property.

Mr. Wayne White stated that the land was zoned R1 in 1968 and he bought the land in 1982.

Supervisor Brown asked Mr. Wayne White didn't he know the land was zoned R1 when he bought it in 1982.

Mr. Wayne White stated that he did not know the land was zoned R1 until Mr. Ryland Beale came to him in 1986 and said let's get your land in farm use to keep it farm use. I got all my paper work together and came up here to put it in farm use and came up here to see Mr. John Robert Harrup who was Commissioner of Revenue. Mr. Harrup looked in the book and said we can't do it. It's zoned R1. When I started talking to people, I found out that in 1968 when they rezoned everything they said let's put everything in Sedley in R1.

Supervisor Brown asked how many years the land had been farmed.

Mr. Wayne White said he did not know specifically. Mr. Wayne White asked Mr. Richard Railey if he knew how long Mr. Poole had the farm before he sold it to Mr. Jim Williams and Mr. Bill Billings.

Mr. Richard Railey said he told him many times, but he can't remember.

Mr. Wayne White asked Mrs. Felts if she agreed because she was aware of it. Then in 1968 they said let's make everything is Sedley residential. He stated he thinks he had talked with Mr. Mike Johnson about this one time before. I don't think it should be R1. He can't do anything with it, but farm it.

Supervisor Brown stated that it came under the grandfather clause and that it could be changed.

Chairman Jones said to let Mrs. Beth Lewis address it.

Mrs. Beth Lewis stated that since the stable is already there and the animals are already there and they have been there for years and years, just like the people before this land is grandfathered and the existing use can continue. Nothing in this ordinance will change existing uses anywhere.

Supervisor Brown stated that his concern is that the farm has been farmed all these years. That's the grandfather he's talking about. That should be land use. That is what he is referring to. That's just common sense.

Supervisor Faison said what they are questioning is the zoning being residential instead of agricultural aren't they.

Chairman Jones said he thought that he was questioning the zoning of it.

Supervisor Felts said she thought he was just stating a fact that it was in R1 now and he can't put it in land use to have that extra savings. Mr. White thought it was because he was told it was and a lot of Sedley is R1. I mean Mr. White had no idea what it was until he talked to Mr. John Harrup.

Mr. Wayne White showed the map he had which showed everything going into Sedley as R1.

Supervisor Brown said getting back to what Mr. Faison was saying you have continuity for farming there. What he is saying is that because of this continuity and because it has been used for farming since somebody in 1968 said we are going to make it R1; there is adequate reason to have that corrected. That is not right to be denied land use because people like to farm in this county and this property is being used for agriculture for farming. So he didn't think Mr. Wayne White should have been denied putting it in agriculture based on his personal view. That land should have been grandfathered in.

Supervisor West stated that he agreed with Supervisor Brown. In R1 or even R2, when we set the land use ordinance in place did that restrict R1 from having a right for land use. Even though it was grandfathered it was always done that way because I know that there have been surrounding areas of small towns over the years that have been designated this way for future growth. I know we talked about it one time did we not about kind of handling all of them without having each of them pay the \$500.00 fee individually but handle as a group, but he didn't think they followed up on it. He asked if that was a reasonable thing to do because he thought the way it was wasn't fair.

Mr. Hunter Darden, III spoke. He stated that he came up here and tried to get the county to do a one-time change over and Mr. Jay Randolph said they wouldn't do it because it was tax based. They want these taxes on R1. They should have been A2 because they are next to residential. They would not agree to let the people in the county at least add some of them with 1 acre in the middle of a hundred acre farm that is residential. They want to do away with it but the county won't let them do it. You have got to come and pay \$500.00 to get to ask to have it rezoned. There is some land at Four Brothers, which Mr. Walter Young knows about, that won't hardly support crawfish, that is residential and they couldn't rezone it because they didn't want to lose the tax base. They asked for a one time to get your ducks together and come to the county and do them all at one time and be done with it because if they aren't going to build on the land why should it be R1. We have been through this one time before and the county just dropped it.

Supervisor Felts asked if this was something that could be put on our agenda and let Mrs. Beth Lewis do some research as to how many properties there are like Mr. Wayne White's and Mr. Lloyd Johnsons' and if we decide we want to do that just give them a time frame.

Supervisor West said we need to set the date in stone.

Chairman Jones asked Mr. Richard Railey what the procedure was on this.

Mr. Richard Railey responded that we can put it on the agenda and certainly talk about it. You can certainly talk about it. He said he didn't disagree with Mr. Wayne White or Mr. Lloyd Johnson,

but he thought that there were some other people that would think that it was a bonanza that it was zoned R1. For instance the piece of property across from the Food Lion that S. V. Camp owned that belonged to Mr. Cedric Pittman and upon his death was sold by the family. Well S. V. Camp took that as a bonanza because that property was zoned R1 and it was a wonderful opportunity. Depends on what you want to do with your property. I think what Hunter Darden III brought up is a good point and you can take a look at doing that. You have got to make sure you know what people want. He said he could go back even further because he knew a little bit about this property. When his wife's grandfather, Mr. Poole owned the property back when the road came through there was a condemnation suite and that involved the property being zoned R1 and there was a whole lot to be gained with the property being zoned R1 at that time. He said he might not have all the facts, but he had a recollection of this back during that time. I still think what you say is justifiable and reasonable.

Supervisor West said when the board of equalization looked at these properties were they properly addressing and assessing these properties that are R1. Mr. Wayne White mentioned 40 acres and \$4,000.00.

Mr. Wayne White stated yes he was trying to get his money together to pay his property taxes.

Supervisor West said he understood that was a substantial amount, but he wanted to know if we are being equal throughout the county in accessing and making sure all of these properties are being accessed at that rate. He has heard some things about some properties that were not even equaled assessed though they are zoned R1 or A1 which were here and there and not being consistent.

Chairman Jones said he thought the best thing was to put it on the agenda.

Supervisor Brown stated that he agreed to put it on the agenda under one condition, under the aspect of the land use being grandfathered for continuity whether in R1 or R2 if the property has a continuity of years and years of farming and is still be used for farming that should be part of the agenda that the land use aspect should be grandfathered.

Chairman Jones said what if the farmer didn't want that now.

Supervisor West said I don't think you get both rights R1 sell your property right and also A1 or A2 or whatever, you have to look at both sizes of that.

Supervisor Felts said she wasn't saying to change them it is just that the landowner would have to make a request or either we would be in the same boat as we were in back in 1968.

Mr. Ash Cutchin spoke again. He stated that he remembers that in 2006 when he was on the board of equalization the subject came up on some property at Delaware Road and Camp Parkway near where the new Methodist church is being built near the old Cutchin Farm. Blueridge Company, the mass assessment company that he thought did a terrible job in the county placed a value on some land that he believe is zoned R1 as agricultural because it has been farmed since the Indians farmed it. The Cheroenhakas probably raised corn on it. They went around and looked at this piece of property and said it is just farm land so it's A1 and the subject came up at the board of equalization that it is not equal there are other people with R1 that are accessed at \$50,000.00 an acre and this is accessed as farm land. So we tried to make a change and the land owner came before the Board of Supervisors or Planning Commission and said we are going to get our act together and apply to down zone this back to agricultural and I don't think they ever did. We could check it if we could access the GIS here on the internet. I don't think Lloyd's Johnson land would perk. I've seen his tile lying on it and if he were to try to sell a lot down on the end where Mr. Wayne White's property is it drains into -- just if you tried to dig a foundation trench you would cut that tile. Then if you pour concrete in it that would block the drain and those peoples yards would fill up with the first rain you had. His daughter used to live over on Crescent Drive across from the hospital and those people had the same problem because that used to be a farm and

it has drain tile and people built houses on them and when it rained their back yards flooded. You have a conflict with planning. I'm not trying to down grade planners or make them the villain. Too often people that plan just look at one characteristic of a property. They looked at this property along Sedley road and somebody said sell eight lots and builds eight houses there and boom. They didn't look at anything else. They didn't look to see if it had drain tile or if it would perk. I remember I used to go over to Mr. Clesenburger's office two or three times a month and I know I annoyed the heck out of him trying to find out what type of soil was on the property I was appraising. Now I can access that on the internet. It is amazing how many types of soils are in this county that would not support a septic system. I remember when I appraised the Turner farm for you ladies and gentlemen. I made some comments in there that the Turner farm didn't have the best soil in the world for what you all wanted to do with it either, I think you discovered once you started developing the turner tract as an industrial park those gigantic holes you had to dig out there just because it is a swamp. Well you have got that on Trooper White's farm and on Mr. Lloyd Johnson's farm and it is improperly zoned R1. It should have never been zoned R1, but someone sat down and looked at a white sheet of paper with a map and said let's build houses and boom. I think you should do more research. He thinks the planners should be required to look at the soil capabilities before they make decisions on having someone's property suitable to build a house on when it is not suitable.

Chairman Jones thanked Mr. Ash Cutchin for his comments.

Glenn UpDike of 33335 Statesville Road, Newsoms, VA 23874 addressed the board. He said he couldn't add much more to what Supervisor West said. Every time they are coming up with these ordinances and expect the county to police these agreements. As far as 4H we are putting more rules and regulations in a rural area than cities and towns have. We have rules and regulations that are even stronger. Even Franklin allows people to have goats in their backyards as pets. Even Raleigh is allowed to have chickens. How do you expect the youth to respect the rural life when they are not even allowed to raise chickens, rabbits, or a lamb on an acre of land for a short period of time? This has gotten away from all common sense as far as a rural area is concerned. I say send it back, resubmit it; and do away with most of it if not all of it.

Chairman Jones asked if anyone else had any comments.

Chairman Jones closed the public hearing and called for a vote.

Supervisor Young moved to accept the Planning Commissions' recommendation and approve the livestock ordinance.

Supervisor Faison seconded the motion with the motion being carried.

Supervisor Brown was opposed.

Chairman Jones called for item number eight on the agenda which was the update to solid waste management study for southside Hampton road, 2011-2047.

Mr. Michael Johnson stated that in late 2008, you may remember receiving an interim report from SCS Engineers, a nationally recognized consulting firm specializing in waste management, which was retained by the Hampton Roads Planning District Commission to evaluate how the region might best manage its solid waste after 2018, when the use and support agreements with SPSA will expire.

Their work was published as an interim report at the time, given the high degree of uncertainty surrounding the potential sale of SPSA's Waste-to-Energy plant and the pending reorganization of SPSA's Board.

As you know, both of those events were finalized in 2010 and SCS has spent the better part of the last year updating and completing its work. Mr. Bob Gardner is back with us this morning to

provide a briefing on the final report.

As you know, Supervisor West is representing us on a sub-regional committee that includes the City of Franklin and Isle of Wight County. They have been awaiting publication of this report and are scheduled to meet again in early January.

Included with your agenda package is the executive summary. If you're interested in all the details, the full 250-page report is available online at:

http://www.spsa.com/pdfdocs/publications/HRPDC%20Update%20Regional%20Plan%202010%20and%20Beyond_Final%20Report_2011-10-06__v1%201.pdf

The report is provided for your information at this point – action is not necessary until December 2014 at the latest – but the sooner, the better if you intend to pursue regional or sub-regional collaboration.

Mr. Bob Gardner gave a power point presentation on SPSA.



**Solid Waste Management Study
2018 and Beyond**

**Member Community Briefing
Southampton County**

By
Robert B. Gardner, PE, BCEE
Senior Vice President

October 24, 2011

Presentation Overview

- Scope of study
- Executive summary overview
- Implementation schedule

2

SCS ENGINEERS

Scope of Study

- Meet with member communities
- Update historical and projected waste flows
- Re-evaluate institutional alternatives
- Develop and evaluate future scenarios
- Prepare new pro forma model
- Develop conclusions and recommendations

3

SCS ENGINEERS

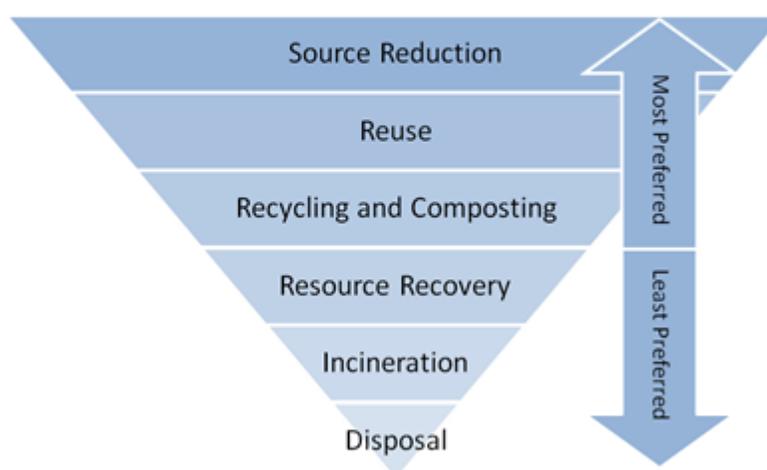
Scenarios Evaluated

- Basis for scenarios
- Eastern and Western options
- Special considerations
 - City of Portsmouth (Proximity to WTE Facility)
 - City of Virginia Beach (VB LF No. 2, Closure Costs)
 - City of Suffolk (Host fee)
 - Commercial waste
 - Market assumptions
 - Integrated solid waste management hierarchy

4

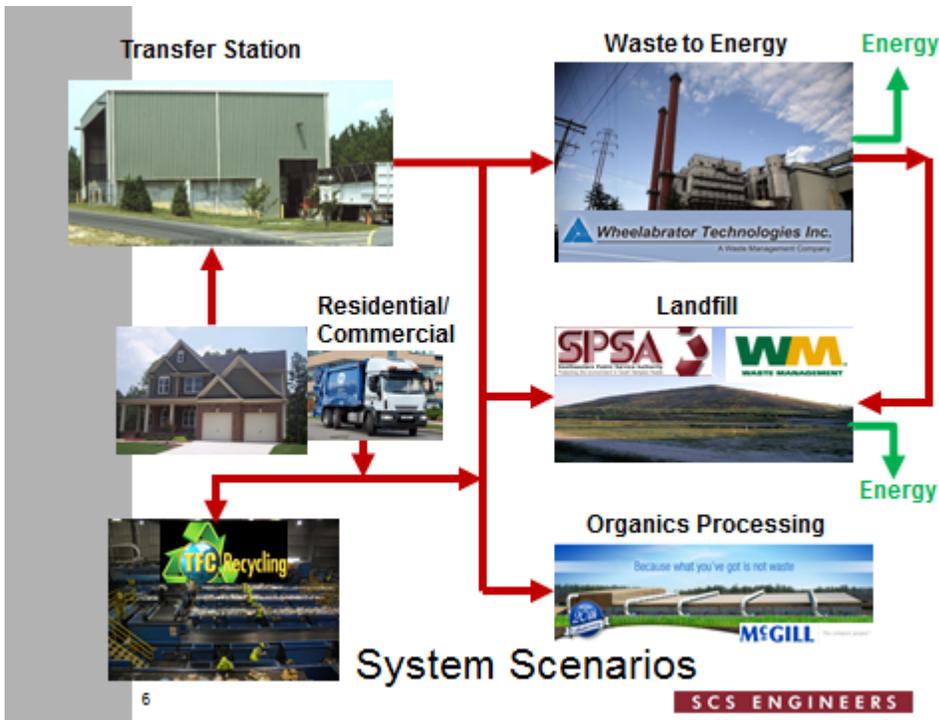
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Waste Management Hierarchy



5

SCS ENGINEERS



6

Cooperation Scenarios

- Status quo
- Western communities operate own transfer stations and contract haul waste to WM's Waverly Landfill
- Eastern communities either stay with SPSA or self perform all transfer and disposal operations, with or without WTE
- SPSA
 - Landfill + Transfer Operations
 - Transfer Operations Only
 - Landfill Operations Only

7

System NPV Analysis Scenarios

- A Series (Use existing systems, LF, and WTE)
- B Series (ORLF, Regional LF closed)
- C Series (Regional LF) (E/W split)
- D Series (Regional LF Closed, Muni TSs)
- E Series (New WTE in VB) (E/W split)

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SCS ENGINEERS

System NPV Analysis Scenarios

- F.1 - Suffolk operates Regional LF for own municipal solid waste disposal
- G.1 – Similar to A.2, except Portsmouth does not participate in SPSA.

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SCS ENGINEERS

Key Factors in Scenario Development

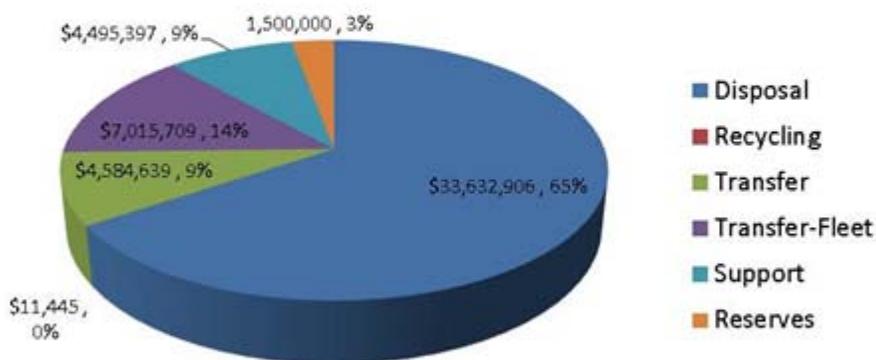
| Scenario | Classification | Wastewater | | | Landfill | | | | Air | | | Transfer Stations | | Commercial |
|----------|-------------------|------------|---------|----------|----------------|------|-----------|------|-----|-----------|------|-------------------|----------------|------------|
| | SPSA Continued | RDF WTE | New WTE | SPSA RLF | Subsidized RLF | ORLF | VB L F AD | SPSA | VB | Abatement | SPSA | Muni | Through TSP | |
| A-1 | Yes | Yes | No | Yes | No | No | Yes | Yes | No | No | Yes | No | Yes | |
| A-2 | Yes | Yes | No | Yes | No | No | Yes | Yes | No | No | Yes | No | Yes | |
| A-3 | Yes | Yes | No | Yes | No | No | Yes | Yes | No | No | No | Yes | Yes | |
| B-1 | Yes | No | No | No | No | Yes | Yes | No | No | Yes | Yes | No | No | |
| B-2 | No | Yes | No | No | No | Yes | Yes | No | No | Yes | No | Yes | No | |
| B-3 | No | Yes | No | No | No | Yes | Yes | No | No | Yes | No | Yes | No | |
| C-1 | Yes | No | No | Yes | No | No | Yes | No | No | Yes | Yes | No | No | |
| C-2 | Yes | No | No | Yes | No | No | Yes | Yes | No | No | Yes | No | No | |
| C-3 | Yes | No | No | Yes | No | No | Yes | No | No | Yes | No | Yes | No | |
| D-1 | No | Yes | No | No | No | No | Yes | No | Yes | No | No | Yes | Yes | |
| D-2 | No | Yes | No | No | No | No | Yes | No | No | Yes | No | Yes | Yes | |
| E-1 | No | No | Yes | No | No | No | Yes | No | Yes | Yes | No | Yes | Yes | |
| E-2 | No | No | Yes | No | No | No | Yes | No | Yes | Yes | No | Yes | Yes | |
| F-1 | No | Yes | No | No | Yes | No | Yes | No | No | Yes | No | Yes | Yes | |
| G-1 | Yes | Yes | No | No | No | No | Yes | Yes | No | No | Yes | No | Yes | |

Notes:
 1. Address SPSA located at 2000 W. 10th St., North, Fort Collins, CO 80501, and 1000 W. 10th St.
 2. Address SPSA located at 2000 W. 10th St., North, Fort Collins, CO 80501, and 1000 W. 10th St. (not yet built)
 3. Address VB L F No. 2 (not yet built) at 1000 W. 10th St. (not yet built)
 4. Address VB L F No. 2 (not yet built) at 1000 W. 10th St. (not yet built)
 5. Address Fort Collins Regional Waste-to-Energy Facility, located at 1000 W. 10th St.
 6. Address SPSA located at 2000 W. 10th St., North, Fort Collins, CO 80501.

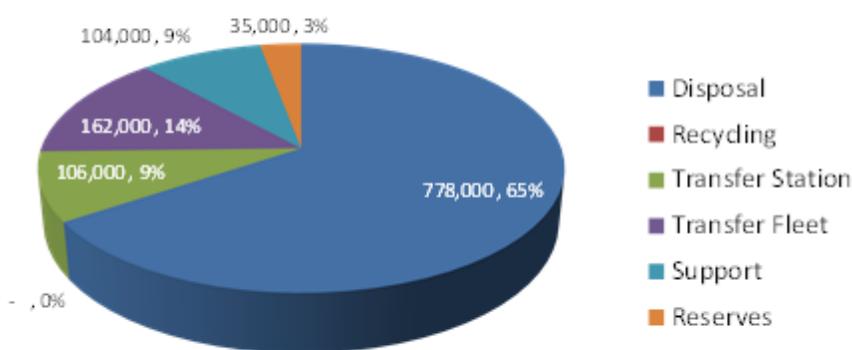
Pro Forma Analysis

- Many variables, assumptions, and moving parts
- Allocation of municipality costs for solid waste services
 - Full cost accounting based on budgets
 - Allocation of disposal and transfer costs for all scenarios
 - With SPSA
 - Without SPSA

SPSA 2012 Projected System Costs By Function



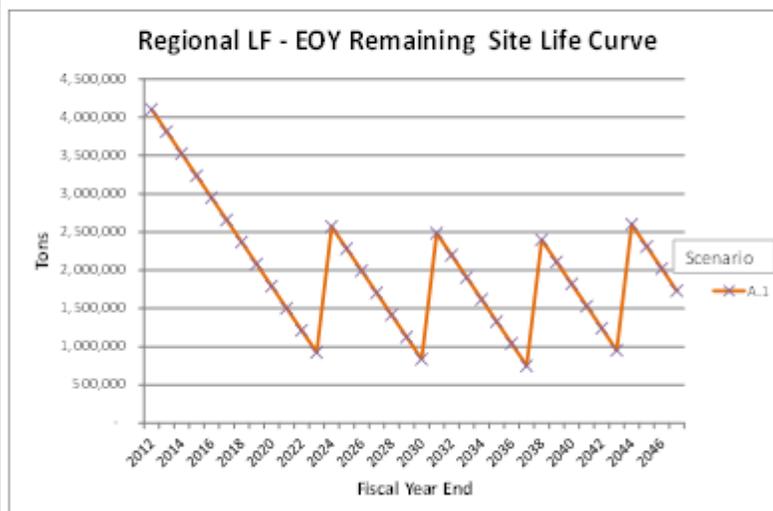
Southampton- SPSA 2012 Projected System Costs By Function



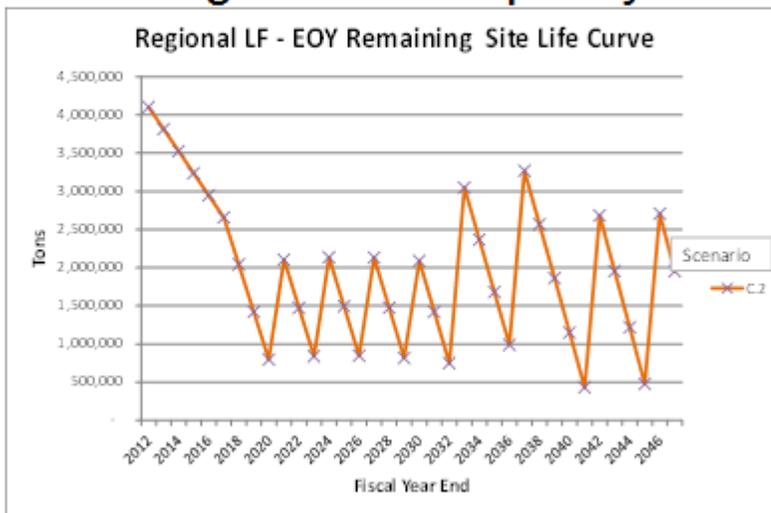
Key Findings

- Future landfill needs and capacity

Regional LF Capacity



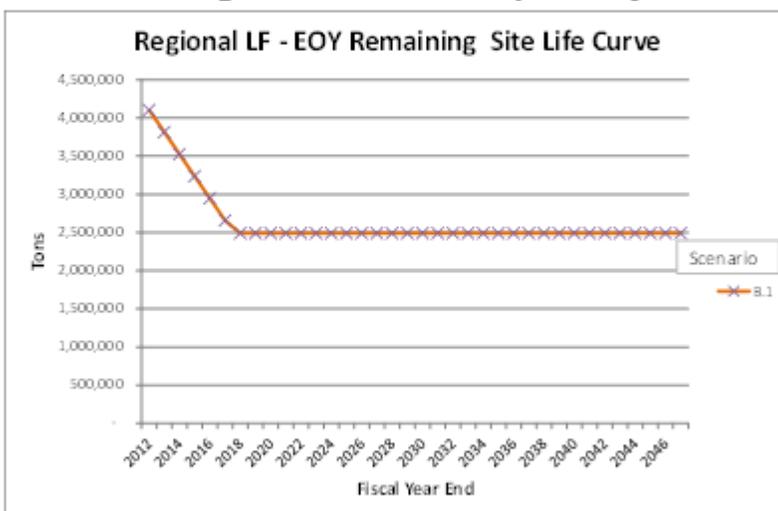
Regional LF Capacity



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SCS ENGINEERS

Regional LF Capacity



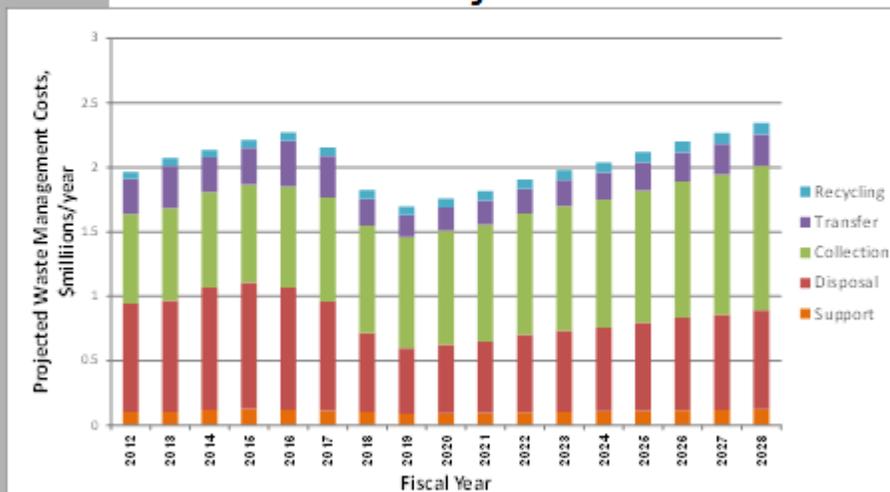
19

SCS ENGINEERS

Key Findings

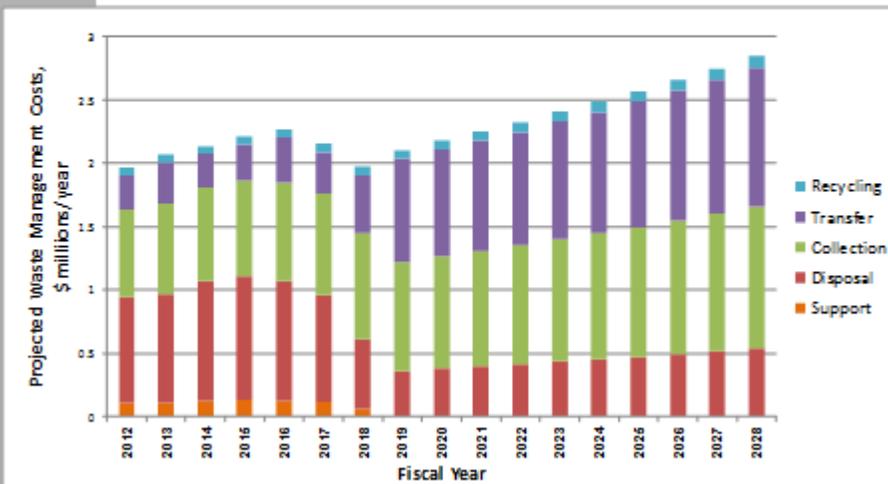
- Future landfill needs and capacity
- WTE, Regional LF, Transfer Stations (Status Quo)

Yearly SW System Cost Projection

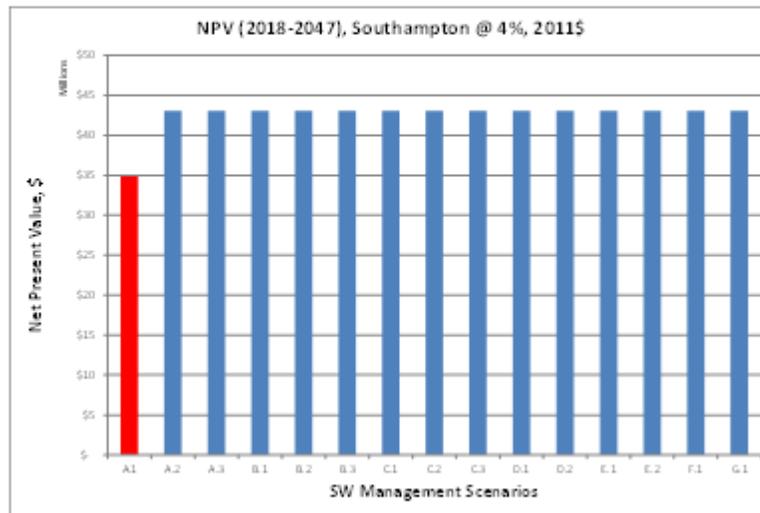


Yearly SW System Cost Projection

Scenario B.1 - All to ORLF/SPSATS
Municipality: Southampton



Summary NPV Results



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SCS ENGINEERS

Key Findings

- **Benefits of WTE**
 - Reduce disposal quantities and volumes
 - Renewable energy resource producing electricity and steam
 - Reduce dependence on fossil fuels
 - Facilities and systems in place
 - Major upgrades made to facility
 - Revenue offsets

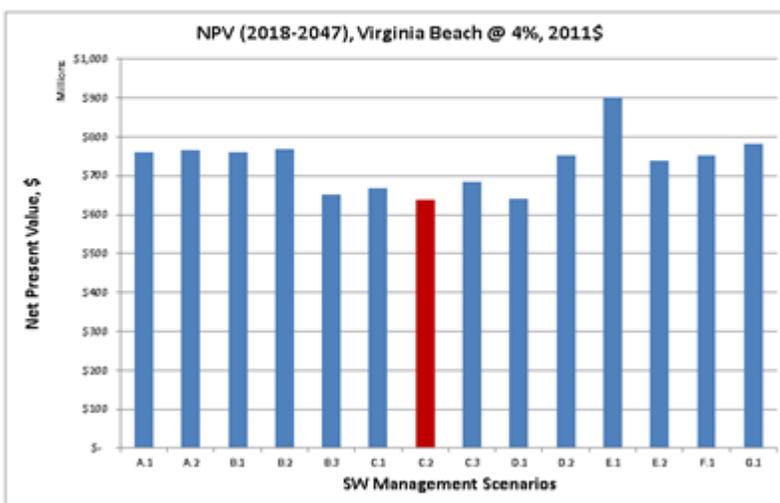
24

SCS ENGINEERS

Key Findings

- Future landfill needs and capacity
- WTE, Regional LF, Transfer Stations (Status Quo)
- Value of existing Regional Landfill and Virginia Beach No. 2 Landfill

Value of Regional Landfill (C & D Scenarios)



Key Findings

- Future landfill needs and capacity
- WTE, Regional LF, Transfer Stations (Status Quo)
- Value of existing Regional Landfill and Virginia Beach No. 2 Landfill
- **Relevance of waste management hierarchy**

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SCS ENGINEERS

Key Findings

- Future landfill needs and capacity
- WTE, Regional LF, Transfer Stations (Status Quo)
- Value of existing Regional Landfill and Virginia Beach No. 2 Landfill
- Relevance of waste management hierarchy
- **Out-of-region disposal**

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SCS ENGINEERS

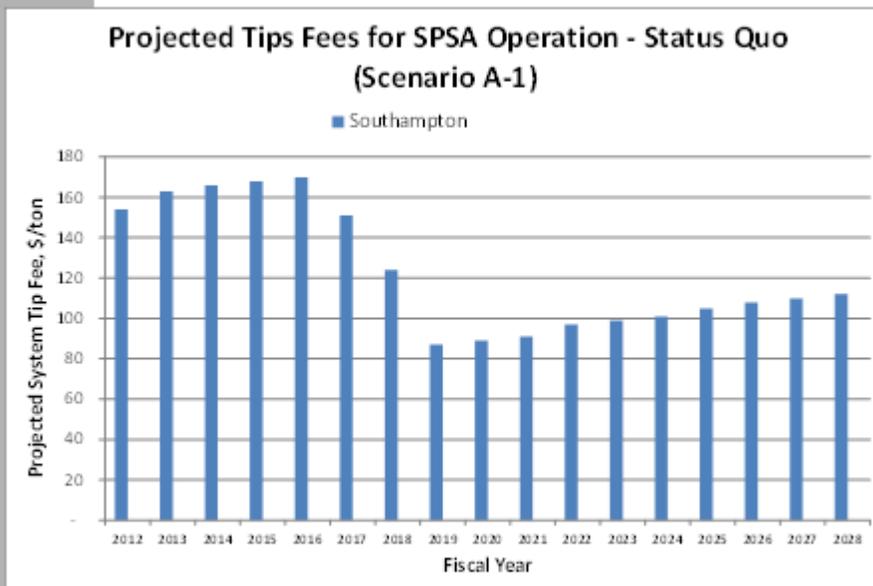


Solid Waste Facilities and Information
Hampton Roads Region

Legend
● Sanitary Landfill (SW)
→ Rail

Key Findings

- Significance of ash disposal
- Transfer station operation and ownership
- Role of private sector
 - Collection
 - Disposal
 - Recycling
- Yard waste management
- Projected tip fees



Recommendations

- Future Regional Authority
- Governance
- System funding
- WTE
- Regional Landfill
- Host fee considerations
- Yard waste management
- Recycling
- Implementation schedule

| Task | Dates | Comments |
|-------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Deliberations by member communities on whether to pursue a cooperative approach | October 2011-December 31, 2014 | The sooner this decision is made the better with respect to SP5A staff retention and the viability of SP5A operations between now and 2018. |
| Negotiate with Wheelabrator on terms and conditions for extending contract. | January 2012-November 2014 | This would allow issues that have arisen during the initial term of the contract to be addressed; however, the financial terms would likely be different (either higher or lower) depending on market conditions. |
| Option: SP5A decision on extending service agreement with Wheelabrator: December 31, 2014 | December 31, 2014 | |
| Option: SP5A Continues Operating the Transfer Station and/or Landfill: | January 2018 | |
| Negotiate new use and support agreements between SP5A and member communities. | January 2014 – August 2017 | |
| Member Board actions on new use and support agreements | September – December 2017 | |
| Option: Member Communities Own and Operate and Transfer Stations | January 2018 | |
| Establish legal basis for sale of assets. | January 2011 – December 2014 | |
| Negotiate sale price | January 2015 – December 2016 | |
| Effect sale and facilities and equipment | January 2017 – December 2017 | |
| Hire staff and train staff, and establish operation and maintenance systems | July – December 2017 | |
| Establish inter-local agreements | January 2017 – December 2017 | |
| Establish rates | January 2018 | |

Schedule

- Final report submitted – October 10, 2011
- Regional meetings – October/November 2011
- Other deliberations - TBD

Chairman Jones asked if there were any questions or concerns regarding Mr. Bob Gardner's briefing.

Supervisor Brown said he was trying to look at courses of actions. What he gleaned from the presentation was that regionalism is the best way to go. He stated it appears that it is the least expensive if he was looking at it correctly.

Mr. Bob Gardner said yes that is correct. The regional land field is the lowest cost scenario in their judgment and the issue is whether you want to take all your waste unprocessed to the regional land field from a physiological perspective or to a managed facility.

Supervisor Brown said he was trying to follow his note on the ash. He kind of got lost there at that point.

Mr. Bob Garner stated that ash under the current agreement that SPSA has with Wheelabrator is that SPSA disposes of all ash at no cost to Wheelabrator until 2015. After 2015 SPSA will get \$5.00 per ton from Wheelabrator to dispose of the ash. After 2018 that waste can either go to a Wheelabrator waste energy facility – Bethel or the Waverly facility or if SPSA is available with Wheelabrator to bring it the regional land field like it is now and receive offsetting revenue so in other words if you are paying \$30.00 per ton for disposal of ash that 220,000 tons of ash times that 30.00 - whatever that price is offsetting revenue to your operation.

Supervisor West asked about Virginia Beach. He wanted to know if SPSA subsidized them in any way.

Mr. Bob Garner stated yes it does.

Supervisor West stated that we are all paying for their subsidized rate is what it amounts to. We have a disposal station out on SR 671 south of Franklin and Isle of Wight has one outside of Smithfield. Suppose we don't want them because of the cost. Obviously it is an asset, but suppose we say we don't want them, how could you incorporate the use of those. You might be able to incorporate the one in Isle of Wight, but how in the world could you incorporate the one in Franklin. It wouldn't have much value would it?

Mr. Bob Garner stated it might have some value for them through commercial waste haulers. You could benefit through a commercial franchise operation.

Supervisor West asked what our legal responsibility is in 2018. How many votes do we have to the entity of SPSA to say we are leaving this deal right now? You have already said we may be looking into our own direction as a smaller group. He stated he didn't know if that had been said publicly or not.

Mr. Bob Garner stated that it had been said publicly. It is no mystery. Everybody understands the eastern, western thought process.

Supervisor West asked what our legal responsibility was after 2018.

Mr. Bob Garner stated that our agreement expires.

Mr. Michael Johnson stated that SPSA may have a different opinion. He didn't know.

Supervisor Brown asked that if we decide to leave after 2018 if there was a possibility some fees

would be incurred.

Mr. Michael Johnson stated that in 2018 your use and support agreement expires which means you are no longer contractual obligated to carry your waste to SPSA. You are still a member of SPSA unless you take some action to leave the organization. There is a statutory provision that basically sets forth the process for leaving the organization. There may be some cost with leaving the organization. Maybe is the key word. What happens in 2018 is simply your contractual obligation to carry waste to SPSA expires. It does not mean that you are no longer a part of SPSA. That is a separate issue.

Chairman Jones stated that we may want to give them 5 percent and carry the other 95 percent somewhere else. We still have that option.

Supervisor West stated that in the ultimate model that SPSA would have if Virginia Beach has x number of representative votes, or Chesapeake, or Norfolk so many more than we have one. That being said they could impose costs on us for improvements and things like that. He asked if that would just be associated with being a member.

Mr. Michael Johnson stated that it is really a legal thing that gets back to changing SPSAs organizational structure. That is all set out in structure as to how that process will change. He stated that SPSA may or may not be able to impose those obligations without unanimous support of the organization.

Supervisor Faison asked that in 2018 didn't our obligation to carry waste to SPSA end, but we are still a member of SPSA; if we decide not to take any waste to SPSA what would that membership mean?

Supervisor West stated that you may have to.

Mr. Michael Johnson said really nothing other than you would still have a seat at the table to vote.

Supervisor Faison asked if there was any ongoing financial responsibility.

Mr. Michael Johnson stated there is.

Mr. Richard Railey asked that suppose that SPSA is hypothetically \$200,000,000 dollars in debt in 2018, we aren't obligated to carry our waste there?

Mr. Michael Johnson stated that SPSA's debt is gone in 2018.

Mr. Richard Railey said theoretically.

Mr. Michael Johnson said not theoretically, absolutely.

Mr. Richard Railey said suppose you have a catastrophe and a clean- up.

Mr. Michael Johnson stated that you have certain trust funds set up for closure and post-closure responsibilities that SPSA has. Those issues have been accounted for.

Supervisor Felts asked that at the end of our not having to take a percentage of our waste there and we have a company that is in our area would be able to sell some of our waste to them?

Mr. Michael Johnson said sure.

Supervisor Brown said he thought what we needed to do now was look at what course of action we are going to take, not wait until the last minute. We are not locked in for a steady tipping fee between now until 2018. They can still change that can they not?

Mr. Michael Johnson stated that it is reviewed and adopted on an annual basis.

Supervisor Brown stated that he sees the possibility of the tipping fee going up as SPSA envisions some players leaving their community. There is a good chance that they will try to recoup some loss in fees by increasing the tipping fees.

Mr. Bob Gardner stated that the math is real simple. Whatever SPSA's cost is divided by the amount of waste managed by the communities. So if the waste is reduced the tipping goes up.

Mr. Michael Johnson said he thought we needed to get back to Supervisor Faison's question. It is a good question and a good point. If we are no longer going to be a customer to SPSA why would we want to be a member? The answer to that is there is risk to that because as a member you have exposure to the liability but you also have ownership in the assets. You will have a solid waste system that is fully paid for, free of debt in 2018. So if you are interested in leaving the organization there should be some negotiation there on what's your fair share of your assets when you walk away from the partnership; if that makes sense.

Supervisor West we basically now have around 10,000 tons a year of disposable of waste. But you are talking about 100,000,000 tons from the entire SPSA.

Mr. Bob Gardner stated that the municipally collected waste within regional members is around 450,000 to 500,000 tons per year the balance of that being commercial waste. There is a significant amount of waste that needs to find a home.

Chairman Jones thanked Mr. Bob Gardner for his presentation and stated that we had until 2015 to make a decision.

Mr. Michael Johnson said that is the absolute deadline.

Chairman Jones said what Mr. Johnson was saying was that they had to come up with an answer by then.

Chairman Jones stated that the next item of business was item number 9.

Mr. Michael Johnson stated that in your agenda attached for your reference, please find a capital funding request from the Drewryville Volunteer Fire Department to assist them in servicing debt associated with Brush Unit 74.

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

The attached table indicates the status of capital appropriations since FY2000. As you can see, we are holding \$14,000 in escrow for Drewryville Volunteer Fire Department.

To date, we've collectively appropriated \$1,459,500 for fire and rescue improvements and are holding \$370,500 in escrow.

A motion is required to approve the capital funding request for Drewryville Volunteer Fire Department in the amount of \$14,000.

October 24, 2011

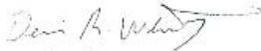
DREWRYVILLE VOLUNTEER FIRE DEPARTMENT
P O BOX 125
DREWRYVILLE VIRGINIA 23844

September 26, 2011

County Administrator
Mike Johnson

The Drewryville Vol. Fire Dept. respectfully submit for the release of the Capital Improvement Funds for the year 2011. The money will be used for the payment of Brush Unit 74. At the present time the remaining amount due is \$28,117.89. The help from your office and the County of Southampton is greatly appreciated.

Sincerely,



Sec/Treas.

Dennis Whitby

STATUS OF CAPITAL APPROPRIATIONS
Fire & Rescue
18-Oct-11

| | FY 2000 | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 |
|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Boykins Fire & Rescue | \$ 12,000 | \$ 13,000 | \$ 14,000 | \$ 14,500 | \$ 15,000 | \$ 15,000 | \$ 15,000 | \$ 18,000 | \$ 19,500 | \$ 21,000 |
| Branchville Fire | 8,000 | 8,500 | 9,000 | 9,500 | 10,000 | 10,000 | 10,000 | 12,000 | 13,000 | 14,000 |
| Capron Fire & Rescue | 12,000 | 13,000 | 14,000 | 14,500 | 15,000 | 15,000 | 15,000 | 18,000 | 19,500 | 21,000 |
| Courtland Fire | 8,000 | 8,500 | 9,000 | 9,500 | 10,000 | 10,000 | 10,000 | 12,000 | 13,000 | 14,000 |
| Courtland Rescue | 4,000 | 4,500 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 6,500 | 7,000 |
| Drewryville Fire | 8,000 | 8,500 | 9,000 | 9,500 | 10,000 | 10,000 | 10,000 | 12,000 | 13,000 | 14,000 |
| Franklin Fire & Rescue | 12,000 | 13,000 | 14,000 | 14,500 | 15,000 | 16,000 | 14,000 | 18,000 | 19,500 | 21,000 |
| Hunterdale Fire | 8,000 | 8,500 | 9,000 | 9,500 | 10,000 | 10,000 | 10,000 | 12,000 | 13,000 | 14,000 |
| Ivor Fire | 8,000 | 8,500 | 9,000 | 9,500 | 10,000 | 10,000 | 10,000 | 12,000 | 13,000 | 14,000 |
| Ivor Rescue | 4,000 | 4,500 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 6,500 | 7,000 |
| Newsoms Fire | 8,000 | 8,500 | 9,000 | 9,500 | 10,000 | 10,000 | 10,000 | 12,000 | 13,000 | 14,000 |
| Sedley Fire | 8,000 | 8,500 | 9,000 | 9,500 | 10,000 | 10,000 | 10,000 | 12,000 | 13,000 | 14,000 |
| | \$ 100,000 | \$ 107,500 | \$ 115,000 | \$ 120,000 | \$ 125,000 | \$ 126,000 | \$ 124,000 | \$ 160,000 | \$ 162,500 | \$ 175,000 |

| | FY 2010 | FY 2011 | FY 2012 | Appropriated | Escrow |
|------------------------|------------|------------|------------|--------------|------------|
| Boykins Fire & Rescue | \$ 21,000 | \$ 21,000 | \$ 21,000 | \$ 199,000 | \$ 21,000 |
| Branchville Fire | 14,000 | 14,000 | 14,000 | 146,000 | - |
| Capron Fire & Rescue | 21,000 | 21,000 | 21,000 | 136,000 | 64,000 |
| Courtland Fire | 14,000 | 14,000 | 14,000 | 132,000 | 14,000 |
| Courtland Rescue | 7,000 | 7,000 | 7,000 | 53,000 | 21,000 |
| Drewryville Fire | 14,000 | 14,000 | 14,000 | 132,000 | 14,000 |
| Franklin Fire & Rescue | 27,500 | 14,500 | 21,000 | 184,500 | 35,500 |
| Hunterdale Fire | 14,000 | 14,000 | 14,000 | 118,000 | 28,000 |
| Ivor Fire | 14,000 | 14,000 | 14,000 | 77,000 | 69,000 |
| Ivor Rescue | 7,000 | 7,000 | 7,000 | 48,000 | 28,000 |
| Newsoms Fire | 14,000 | 14,000 | 14,000 | 104,000 | 42,000 |
| Sedley Fire | 14,000 | 14,000 | 14,000 | 132,000 | 14,000 |
| | \$ 181,500 | \$ 169,500 | \$ 175,000 | \$ 1,469,500 | \$ 370,500 |

held in escrow pending request

Chairman Jones asked for a motion.

Supervisor Wyche made a motion to approve the capital funding request for Drewryville Volunteer Fire Department in the amount of \$14,000.

Supervisor Faison seconded the motion which was unanimously approved.

Chairman Jones announced there would be a 10 minute break and then the meeting would return back to session.

Chairman Jones announced the meeting was returning to session with item number 10.

Mr. Jon Mendenhall stated that they had drafted this ordinance and taken it around to various concerned parties including the Sheriffs' office, the County Attorney, and the Department of Transportation. There are some concerns with the enforcement smoothness of it. The Sheriff has asked that we look at that to make it easier to enforce, to address some insurance concerns, and some definition concerns and come back to you with an ordinance that is perhaps a little more concise in the way it is enforced. The roadways as it applies now in this first reading would be the roadways in Sedley under 25 miles per hour that are public. A map has been attached and of course it goes without saying the golf carts would have to be road legal. There is a code section in the code of Virginia that covers that so that would have to be in place. We would respectfully ask

that we do some tweaking that the Sheriff has asked for and we get you an ordinance that he feels would be more enforceable and more in line with what needs to happen on the ground in Southampton County.

Chairman Jones if anyone had any questions.

Supervisor Felts said she had a comment. She has had several come to her from the village of Sedley. Of course we are not incorporated so therefore anything that has to be done has to come before this board. It's not like Ivor, or Boykins, or Newsoms. In discussing this she was wondering if we could incorporate some of the other areas that have golf carts like some of the subdivisions like Scottswood, Darden Mill estates because she is sure they have golf cart issues also. So when we do it would it be better to do all that area rather than doing the village of Sedley and then coming back a couple of months later and doing another area? Wouldn't that be more efficient? She stated she did talk with the Sheriff also.

Mr. Jon Mendenhall stated that he thought that was the Sheriff's concern that we have this area in Sedley and it may be applicable in other areas. We don't know how many roads are posted at 25 miles per hour. They are working with the Department of Transportation to get a list of 25 mile per hour roads. It may be applicable to all these road ways. It would be better to do it all at one time and make it very smooth. That way the people writing tickets would know all the roads posted at 25 miles per hour are subject to this rather than certain ones; that way instead of doing one and then in a couple of months coming back and a deputy not know we added it and get confused in that regard. If we make it smooth, it will be better for everyone.

Supervisor Brown asked what was the average speed of a golf cart on these roads that is posted for going 25 miles per hour.

Supervisor West said 10, 11, 12 miles per hour maybe less.

Supervisor Young said 15 if it is souped up. His wife's is.

Mr. Richard Railey said this is just electric. They do make gas operated ones like they use at the Homestead and The Greenbrier.

Supervisor Faison asked if the other areas they are talking about besides Sedley well defined.

Mr. Jon Mendenhall said we don't know yet where 25 miles per hour signs are posted. We have a rough idea that Darden Mills, Scottswood, and there may be some roads ways that we are not aware of; but they are pretty well defined. They would be in a subdivision or some other type of suburban area. Most of these rural routes are going to be unposted which in the state of Virginia are 55 miles per hour. We will try to ascertain that through the DOT list of what is posted at 25 miles per hour and try to sort out before we look at it again. He stated he would come back with a map of those involved.

Supervisor Brown asked who would incur the cost of posting the signs regarding golf carts the county or VDOT.

Mr. Jon Mendenhall stated that they weren't sure. In this ordinance it would have been up to the applicants to do it under this first reading. They are trying to ascertain through VDOT whether or not it is going to be a DOT cost that is passed on to us or whether or not we can use our address guy with the sheriff's department to make and install these signs.

Supervisor Wyche said he thought it should be tabled until we get all the details and then come back with it.

Supervisor Faison asked without the ordinance, as far as golf carts were concerned, it is illegal now to use them.

Mr. Jon Mendenhall stated yes that is correct, unless you were in an incorporated town that has passed an ordinance. In unincorporated Southampton County it is illegal to drive a golf cart on a public roadway.

Supervisor Brown stated that he thought the Mayor of Boykins got sited didn't he?

Supervisor Felts said yes he did.

Mr. Richard Railey said he was presumed to be innocent.

Supervisor West asked if it addressed use for farm vehicles in any way such as a John Deere Gator or something equivalent. Does this affect from point A to point B on a farm say to repair a fence of something?

Mr. Jon Mendenhall said he didn't think this ordinance was meant for farm use type applications. That is covered under separate language. We can look at it and see. This ordinance was more for the recreational user.

Supervisor Young said that the Sheriff said for farm use things such as a Gator need a farm use tag.

Chairman Jones said this item would be tabled until they had time to look further into it.

Chairman Jones called for the next item of business being item number 11 concerning fireworks permit application.

Mr. Michael Johnson stated that in your agenda attached herewith please find an application for a fireworks display permit from Howard L. Vinson, Jr., pursuant to Section 10-73 of the Southampton County Code.

The display is scheduled for Christmas Eve between 8:30 and 9:15 p.m. on the grounds of Hunterdale Baptist Church at 23099 Sedley Road, Franklin. Similar events have been held the last several years without incident.

The application is in order and a conditional permit is attached for your consideration. Please note that the state law was changed last year requiring that the fireworks operators or pyro technicians to hold a valid certification from the State Fire Marshall (27-97.2, Code of Virginia). The new requirement is noted on the permit.

If the Board is so inclined, a motion is required to approve the conditional permit.



SOUTHAMPTON COUNTY, VIRGINIA CONDITIONAL FIREWORKS DISPLAY PERMIT

This permit is issued in accordance with Section 10-73 of the *Southampton County Code* following due consideration and approval by the Board of Supervisors of Southampton County, Virginia on October 24, 2011.

DISPLAY DATE: December 24, 2011 (Between 8:30 - 9:15 p.m.)

RAIN DATE: None

PERMIT HOLDER: Howard L. Vinson, Jr.

PERSON AUTHORIZED TO DISCHARGE: Howard L. Vinson, Jr.
William C. Vinson, Sr.

CONDITIONS: All fireworks are to be discharged in strict accordance with the manufacturer's recommendations and warnings and the operator shall hold a valid certification from the Virginia State Fire Marshall pursuant to §27-97.2, Code of Virginia.

This permit must be posted in a conspicuous place for the duration of the fireworks display.

Clerk, Board of Supervisors

Howard L. Vinson, Jr.
23075 Sedley Road
Franklin, Virginia 23851
Home: 757-562-7779 Cell: 757-647-9242

October 19, 2011

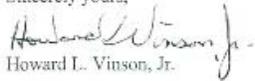
Mr. Michael Johnson
Southampton County Administrator
Courtland, Virginia 23837

Dear Mr. Johnson:

This is my annual request for a fireworks permit. I wanted to drop off my request so I could be included in the regular session at the end of November, 2011. Thank you for your willingness to work with me on this special request. Would you also pass along my appreciation to the Board of Supervisors for their time to consider my request for a fireworks permit.

Thank you for your help in this matter.

Sincerely yours,


Howard L. Vinson, Jr.

Howard L. Vinson, Jr.
23075 Sedley Road
Franklin, Virginia 23851
Home: 757-562-7779 Cell: 757-647-9242

October 19, 2011

Dear Board Members:

William C. Vinson, Sr., and myself, Howard L. Vinson, Jr., would like to request a permit to shoot some fireworks on Christmas Eve, December 24, 2011 from 8:30 p.m. - 9:15 p.m.

William's phone number is 757-562-6664 and his address is 29125 Bethany School Road, Franklin, Virginia 23851. Both of us will be in charge of the display and setting off the fireworks. A water hose will be available along with a fire extinguisher. A variety of fireworks would be used: fountains, roman candles with and without reports, sparklers, sky rockets with and without reports, small platform repeating stars with and without reports, and small aerial sprays with reports two to three inches in diameter.

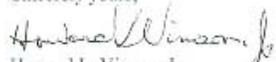
The fireworks would be purchased from a fireworks stand in Gaffney, South Carolina.

The display would be held on the property of Hunterdale Baptist Church between the pastor's home and the church.

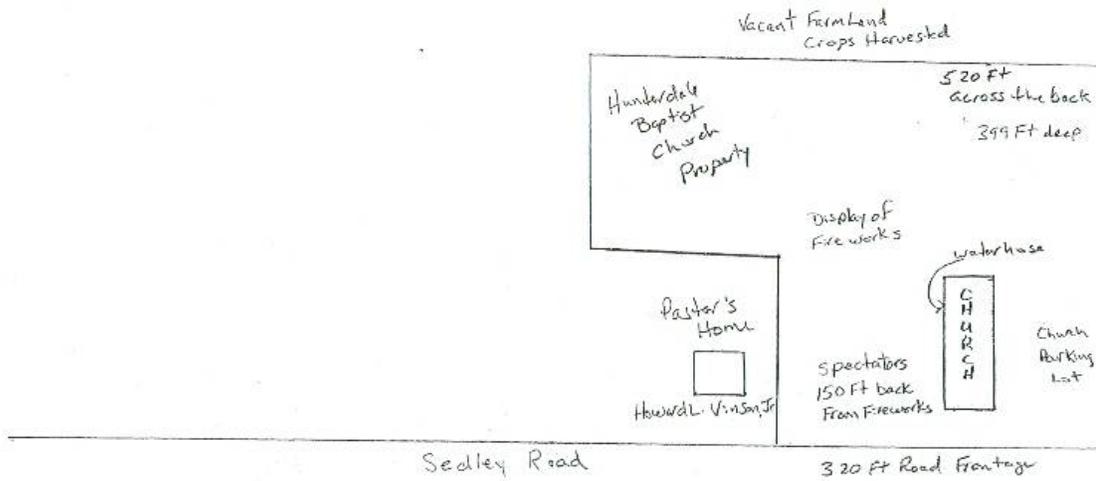
Attached you will find a drawing which will give the board members an idea of how everything would be set up.

Thank you for taking time to look at our request.

Sincerely yours,


Howard L. Vinson, Jr.

Scale: 3/32 inch = 10 Feet



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§ 27-97.2. Issuance of permit; background investigations.

A. The State Fire Marshal or other issuing authority shall consider all permit applications for manufacturing, storage, handling, use or sales of explosives and applications for certification as a blaster or as a fireworks operator or pyrotechnician, and may grant a valid permit or certification to applicants who meet the criteria established in the Statewide Fire Prevention Code. The State Fire Marshal shall require a background investigation, to include a national criminal history record information check, of all individual applicants and all designated persons representing an applicant that is not an individual, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster or as a fireworks operator or pyrotechnician. Each such applicant shall submit his fingerprints to the State Fire Marshal on a form provided by the State Fire Marshal and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. Any firm or company manufacturing, storing, using, or selling explosives shall provide to the enforcement agency, the State Fire Marshal or other issuing authority the name of a representative responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits. The State Fire Marshal or other issuing authority shall deny any application for a permit or for certification as a blaster or as a fireworks operator or pyrotechnician if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority. The provisions of this section shall not apply to the manufacturing, storage, handling, use or sales of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

B. No permit under this section shall be required of any person holding a certification or permit issued pursuant to the provisions of Title 45.1.

(2000, cc. 951, 1065; 2007, cc. 647, 741; 2010, cc. 987, 943.)

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§ 27-97. Adoption of Fire Prevention Code.

The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to § 27-97.2, the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall prohibit any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. The Fire Prevention Code shall prohibit any person not certified by the State Fire Marshal's Office as a fireworks operator or pyrotechnician to design, set up, or conduct or supervise the design, setup, or conducting of any fireworks display, either inside a building or structure or outdoors and shall require that at least one person holding a valid certification is present at the site where the fireworks display is being conducted. Certification shall not be required for the design, storage, sale, use, conduct, transportation, and set up of permissible fireworks or the supervision thereof or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § 36-95.3. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

(1986, c. 429; 1988, cc. 199, 340; 1989, cc. 90, 420; 1990, c. 69; 1991, c. 53; 1994, c. 275; 1997, c. 584; 2000, cc. 951, 1055; 2002, c. 856; 2007, cc. 647, 741; 2010, cc. 587, 643.)

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Supervisor Young stated that he could not get in touch with Mr. Vincent so he didn't know if Mr. Vincent or his brother William were certified or not. Do we need to find this out before we approve this?

Mr. Michael Johnson said you can. The permit is issued contingent upon one of them having a certified operator there. They may be able to contract with one.

Mr. Richard Railey said they can't shoot them unless they have someone there certified so there is no harm in issuing the permit.

Supervisor Felts asked if it was stated on the permit what the conditions were.

Supervisor Faison asked what responsibility we had if we issue the permit and the fireworks are set off without a certified person and something happens. What liability does the county have?

Mr. Michael Johnson stated that he didn't think the county had any liability. The permit simply states that he has applied for a local permit. He still has to comply with state law. He was made

aware of it and brought it to his attention. If he chooses to have the demonstration without complying with state law the liability is his.

Supervisor Young made a motion to approve the conditional use fireworks permit requested by Mr. Howard Vincent, Jr.

Supervisor Wyche seconded the motion which was unanimously approved.

Chairman Jones called for item number 12 miscellaneous items.

Mr. Michael Johnson stated that in your agenda attached herewith please find a nomination form for the Supervisory Board for VACORP (the Virginia Association of Counties Self Insurance Pool). If you're interested in nominating someone, the form must be submitted by November 4. If you're interested, a motion is required to nominate someone to the VACORP Board.

Chairman Jones stated he didn't know that we needed to nominate anyone at this time.

Mr. Michael Johnson stated that concerning grant award for litter control and recycling, please find a copy of the annual notice from the Department of Environmental Quality awarding grant funds for litter prevention and recycling. We will receive \$6,179 in FY 2012 and each of our 6 towns will receive \$1,000 apiece.

Mr. Michael Johnson stated that concerning auditor of public account annual review, attached for your reference please find a copy of the latest review of our Constitutional Officers by the Auditor of Public Accounts. Each was found to have complied with state laws and regulations regarding the receipt, disbursement, care and custody of state funds.

Mr. Michael Johnson stated that attached for your reference please find copies of various notices.

Mr. Michael Johnson stated to please find various items of outgoing correspondence attached.

Mr. Michael Johnson stated to please find copies of various newspaper articles attached for your reference.

Supervisor West addressed the last article of interest he said it is an issue to be concerned about.

Supervisor Faison stated that he was reading that article too and he had a position on it too, he certainly believed in prayer but he wouldn't want the county sued for this purpose. He said he can say his prayer his self.

Supervisor Brown said he had a report on the civil war museum. They met with Noel and Chris to do the site visit and decided that it is going to be at the fairgrounds. Four rooms are going to be required. He is going to get the rooms at the Palm Tree Inn. They had four people coming Rusty Nix, Noel Baker, Chris Harriston, and Bill Ross. Opening day is set for the 14th. They are coming in on the 13th to set the history mobile up because it takes a while to get that done. They will have representations of the periods of a confederate unit, a union unit, and a United States color Calvary unit. They are working on a guest speaker. He talked with Senator Debose office. He spoke with Mr. Rick Franklin about maybe getting Congressman Randy Forbes. Mrs. Amanda Jarratt has sent out an e-mail to all the schools telling and inviting them to the three day history museum that is going to be here. It will run from 9:00 a.m. to 5:00 p.m. each day except Wednesday it will run from 9:00 a.m. until 4:00 p.m. That way we will not be incurring the additional room cost and also the additional security cost. He stated that he is scheduled to be on Wavy TV10 on Saturday morning to talk about this with Mr. David Coburn. He stated that he would also be talking about the unveiling of the Hand Site Marker which is scheduled for November 2, 2011 at 12:00 noon at the corner of Hwy. 671 and Hansom Road. That is a historical marker for the county. One final thing is a voting to tap in to a conference with the governor pertaining to the task force of local government unfunded mandated abuse and that is scheduled for October 27th at 11:30 a.m. They

are asking every local government to look at every unfunded mandate they have to see whether it is appeasable to keep it or get rid of it.

Chairman Jones asked if there were any late arrivals.

Chairman Jones stated that at this time it was necessary to have a closed meeting.

Mr. Michael Johnson stated that it is necessary for this Board to now conduct a closed meeting in accordance with the provision set out in the Code of Virginia, 1950, as amended, for the flowing purposes:

- 1) 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.

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

Supervisor West made a motion to convene a closed meeting.

Supervisor Faison seconded the motion which was unanimously approved.

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.

Chairman Jones asked if there was anything else to come before the board.

Supervisor Brown stated that on November 2, 2010 the Hand Site Marker unveiling will be representation of 131 skeleton remains. Secretary of National Resources, Doug Donahue will be there for that and the invitation is open to the Board too.

Chairman Jones asked where this was taking place.

Supervisor Brown stated it was going to be at the corner of Hwy. 671 and Handsome Road on November 2, 2011 at 12:00 noon.

Chairman Jones asked if there was anything else to come before the Board.

Supervisor West stated that he had a question about the Board of Zoning Appeals.

Mr. Michael Johnson stated that he should have had this on the agenda for this month and failed to do so. He stated he would put it on next months. He apologized for that.

Supervisor Young stated that he wished everybody good luck. He had enjoyed his 16 years.

Mr. Richard Railey asked if he could make one comment about what they were talking about before in the HRU suit. He stated that the only comment he would make is that suit is consistent with established circuit court and U. S. Supreme Court law. You can have a generic or watered down prayer and probably be fine if you don't mention the divinity of Jesus Christ because the thinking behind the Supreme Court is that it is offensive to Jewish people, Buddhist, Muslims and it is theoretically in violation of the First Amendment especially the establishment of religion clause of the U. S. Constitution. He listened to Mr. Faison's invocation and it is certainly consistent with his personal beliefs and probably the personal beliefs of everybody on this board and they could probably get by with that the rest of the time they are here; but it doesn't take but one person who decides that they are going to the American Civil Liberties Union and bring a suit. He stated he was not trying to tell anybody what to do or what not to do; he was just pointing it out. It is not a frivolous suit it is consistent with established law.

Chairman Jones asked Mr. Railey if they could stop them from having their own prayer.

Mr. Richard Railey said it was just like he had always said when people talk about school prayer; that he is more concerned about prayer in homes than he is in schools. He was more concerned about people who said say their blessing at home and teach their children to pray than having someone at school teaching his children how to pray.

Supervisor Faison stated that the people that were on this board right now were Christians, but that eventually it could be some other words that they are following. Then the prayer would not be concerning Jesus Christ. He stated that he recognizes that it is law. And he certainly believes in following the law. Should there be someone who contests his saying Jesus Christ he would not say it on this board anyhow. Until someone tells him different, he is going to pray like he prays. He stated that he (God) understands when he prays silent.

Mr. Richard Railey said he had asked the Virginia trial lawyers to do invocations and they were probably 35 to 40 percent Jewish so anywhere you have Jewish people you have to respect them because it is offensive to them. You can say everything you say just don't say the last thing.

Supervisor West stated with that being said that it is such a Biblical reminder of the end times when we are in a rural Christian environment taking the name of Jesus and not invoking his name because of his deity because that it offends people. That is one of the final warnings that will take place.

Supervisor Brown said Amen Brother.

Supervisor West said that we are pushing the issue where we are caught “between a rock and a hard place”. It is a hard decision to make.

Chairman Jones said we are going to continue to do it until somebody stops us.

Supervisor Brown stated that he would like to read a letter received from the Governor in which he recommends all local governments to provide the task force for local government mandates to make a comprehensive, written list of every state mandate that they believe to be modified or eliminated. As a follow up the governor invites you to participate in a conference call to discuss ideas and opportunities for reform. This call will provide you the opportunity to hear directly from the governor and will include a time for you to ask questions. The conference call is set for October 27, 2011 at 11:30 a.m. The call in information is as follows: Dial in 10 to 15 minutes early. Dial in number is 800-968-9265 and the conference code is 22109615.

Chairman Jones stated that going back to the prayer, if it offends someone they would stop it.

There being no further business, Chairman Jones asked for a motion to adjourn.

Supervisor Young made a motion to adjourn, seconded by Supervisor Faison which was unanimously approved.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk

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