

**9. CONSIDERATION OF A RECOMMENDATION FROM THE PLANNING COMMISSION REGARDING SUBDIVISION ORDINANCE AMENDMENTS RELATED TO STREET LIGHTING**

At your December 2012 meeting, the Board directed the Planning Commission to evaluate Section 14-207 of the Southampton County Code as it relates to the provision of street lighting in proposed subdivisions.

As you are aware, our current ordinance requires the developer/owner of any proposed subdivision containing five (5) or more lots with average lot sizes of less than one (1) acre to install streetlights at approved locations at no cost to the county. In addition to paying the cost of installation, the developer/owner also pays upfront to the county a sum that will cover the annual charges per light for the first 5 years. While not a part of the subdivision ordinance, practically speaking, the operating charges after the initial 5 years are paid by the county taxpayers through our general fund.

Attached for your consideration, please find a summary of the Planning Commission discussion from their January 10 meeting. They recommend no change in the subdivision ordinance (Section 14-207), but suggest as a matter of policy that the Board consider additional means and methods of passing the operational costs along to residents of the subdivisions that are served.

Their recommendation is certainly logical, but because the county does not generate monthly electric bills or track the sale of property on a monthly basis, you may wish to give consideration to requiring creation of Homeowners' Associations (HOA) for all new subdivisions. That way, the HOA's could assume all fiscal responsibility for street lighting and the County would absolve itself from functioning as the fiscal agent and the associated responsibility for billing and accounting.

**DIRECTION REQUIRED**

## MEMORANDUM

TO: Michael Johnson, County Administrator  
FROM: Beth Lewis, AICP, Community Development Director  
DATE: February 6, 2013  
RE: Amendments to the Subdivision Ordinance

At their December 2012 regular meeting, the Board of Supervisors requested that the Planning Commission review the County Subdivision Ordinance with regard to street lighting. The Board requested that the Planning Commission consider removing the requirement in the Subdivision Ordinance that developers of new subdivisions install street lighting and pay for the operation of those lights for the first five (5) years.

### **“Sec. 14-207. - Street lights.**

(a) In any proposed subdivision containing five (5) or more building sites each having an average lot size of less than one (1) acres, the developer/owner of such subdivision shall cause to be installed, at no cost to the county, street lights of a type and design and at locations approved by the agent.

(b) The developer/owner shall pay to the board of supervisors a sum based on a current monthly charge per light established by the utility company times the number of lights times twelve (12). This figure shall equal the charge for the first year. Each subsequent year up to and including the fifth year shall be increased over the previous year by seven (7) percent. The five (5) sums shall be totaled and the complete amount shall be payable in cash or certified check to the board of supervisors prior to the lights being connected for service by the utility company.

*(Ord. of 1-26-09)”*

At their regular meeting on January 10, 2013, the Planning Commission discussed the requirement. After discussion, the Planning Commission recommended that the Board of Supervisors retain the requirement that street lighting be installed as described in the ordinance as quoted above, but that the County not be responsible for paying for the electricity to power the lighting after the five (5) year initial period during which the developer pays for the power to illuminate the lighting.

*Chairman Drake stated that now we would move on to New Business. The first item is the street light requirement in Subdivision Ordinances. He asked Mrs. Beth Lewis to bring them up to date on this.*

*Mrs. Beth Lewis stated that at the Board of Supervisors Meeting it was requested by one of the Board members that the subdivision ordinance be amended to delete the requirement that developers put in street lights because the subdivision ordinance from since the 70's or 80's requires that developers put in street lights and pay up front for five years for the utility bill and after five years the county takes that over. It has been specified that the county can no longer afford that and that we should amend the subdivision ordinance to delete the requirement for*

street lights. She stated that she had talked to the Finance Department and it costs between \$5,000 and \$10,000 each to put up a street light and then the power to run a subdivision street light is \$8.00 a month. So the developer puts up the \$8.00 a month to burn the street light for the first five years and then the county picks up the tab on them. There are currently 278 street lights in the Southampton County right now. Most of them are Dominion Power, Community Electric, a few from Mecklenburg Electric and the City of Franklin. She stated that yesterday morning she talked with Sheriff Stutts about the street lights he strongly recommends the street lights for safety. There are numerous studies that show street lights are a crime deterrent and it is also important at rural intersections. When there are no street lights there are more crashes at rural intersections as people can't see other vehicles coming or if people are coming that are not in a vehicle it is difficult to see the person. So it is not only a crime reducing feature, it is a roadway safety deterrent as well. It has been requested that this Board look at this issue and decide if that would be a good change in the subdivision ordinance to take out that requirement that street lights be required to be put in a subdivision.

Commissioner Edwards stated that where this all started with a request for five street lights in Darden Mill Estates to the tune of around \$14,000.00. He stated that two months ago they decided they would not have any more electrical hook-ups for the county. It was brought up at the Board of Supervisors meeting that maybe they should no longer be having any development hook up either. The Board of Supervisors thought that was what needed to be done in order to bring it in line with what we have already decided so that the two aren't at odds with each other.

Chairman Drake asked if Commissioner Edwards could clarify this. He stated that there seems to be two issues at stake about the five lights in the Darden Mill area. He asked was that act initiated by the Board of Supervisors about ten years ago.

Mrs. Beth Lewis stated yes in 2002 it was approved, but they were never installed.

Commissioner Edwards stated we looked into that and nobody seems to know what happened.

Chairman Drake stated there is no statute of limitations is there since we didn't follow through is there Mr. Richard Railey. He asked if we were exempt from doing this at this point or not. We have not followed through on our word.

Mr. Richard Railey stated there is not a statute of limitations. The problem is now at this point in time we don't have the money to spend to do it. That is what the issue is.

Chairman Drake stated that he knew we were having a hard time financially. His personal feeling is that we vowed to do this enough though it was ten years ago he felt like we have an obligation.

Mrs. Beth Lewis stated that is not the issue. She stated that this issue was for new subdivisions like the one off of Flaggy Run Road that was just approved in the past year and Bethel Farms is under construction and there is one in Ivor under construction. She stated that when those were approved the developer was required to include in their site plans street lights and have a bond or whatever to pay for the electricity for the first five years and after that five years it becomes the county's responsibility to pick that up. It has been requested for this Board to look and see perhaps we should delete the requirement that new subdivisions have street light installed.

Chairman Drake said so that is the real issue.

Mrs. Beth Lewis said yes.

*Chairman Drake said he just misread that.*

*Commissioner Mann asked how many houses are required for a subdivision.*

*Mrs. Beth Lewis stated a minor subdivision is up to five homes and a major subdivision is six homes and above. She stated that Southampton County's policy has been when people had requested street lights for five homes and called it a subdivision.*

*Commissioner Edwards said then after five years the county pays the light bill.*

*Mrs. Beth Lewis stated and the county pays the \$5,000.00 to \$10,000.00 to install each light as well.*

*Commissioner Tennessee said he thought the county needed to eliminate paying for the street lights for the first five years.*

*Mrs. Beth Lewis stated that she had provided them with some material from other localities in Virginia that has street light districts and if you live in an area that has street lights you are assessed for the cost of the street lights. The street lights serve five to eight houses and it is \$8.00 a month so that is \$15.00 to \$20.00 a year.*

*Commissioner Tennessee said his street light on Tennessee Road cost him \$8.00 a month.*

*Mrs. Beth Lewis said right.*

*Commissioner Tennessee said so it should be the same for everybody else.*

*Mrs. Beth Lewis may be a suggestion that this Board makes because that is just if somebody else puts the pole up. It is a \$5,000.00 to \$10,000.00 cost that the developer is spending to put a pole up initially.*

*Commissioner Edwards said well actually it is about \$3,000.00.*

*Mrs. Beth Lewis stated that in Darden Mill Estates two of them that are going up are going to be put on existing poles so they didn't have to put up the poles for those. They are only going to be putting up three poles.*

*Commissioner Edwards said everything in Darden Mills was underground.*

*Commissioner Mann said if we stop the developer from doing this then we are going to have a group of five to eight people partitioning the Board of Supervisors and then it is going to become a safety issue.*

*Mr. Glenn Updike said they have been denied too – all the citizens.*

*Commissioner Mann said let the Board change and it may not get denied and at least this way the developers are responsible for it.*

*Chairman Drake said let them put it up.*

*Commissioner Mann said if you are going to have a development that is part of the development to have street lights and sidewalks, and rain gutters – everything that he doesn't have at home. If he wanted it he would have to pay for it.*

*Mr. Richard Railey stated that you can't require the citizens to pay the cost to put up the street lights if that is what you are saying. That would be a nightmare.*

*Commissioner Mann said no the developers should pay the cost to install the street lights.*

*Commissioner Edwards said that could be a part of the home owners association.*

*Commissioner Mann said we are right back where we were.*

*Chairman Drake asked Mr. Richard Railey can we do it continuing the five years and at that point leave it up to the residents of that area.*

*Mr. Richard Railey said he thought they were going to have to find a way to administratively handle that whether it is a homeowners association or something else. He stated that if the developed can't figure in the cost of the pole and light with the cost of the lot he is not going to be a developer very long.*

*Commissioner Tennessee said you don't want a developer to go out and put up a hundred homes and not have street lights. We have to have street lights.*

*Commissioner Edwards said he thought the developer needed to be dedicated to some kind of quality.*

*Chairman Drake said it would enhance even more if you have a homeowner association and keep the bills paid. If the bill doesn't get paid they are going to cut it off. That is a just a simple fact. He stated that reason the argument for that was like he has six night lights or security lights at his farm and it is all for security reasons. Some of them light up the highway. He stated that he didn't expect the tax payers to pay for that. He said he did that at his discretion. He does it for his own use. He said he had neighbors, but he didn't have next door neighbors. To him street lights, sidewalks, and street gutters are found if you live in a town sort of unless it is a planned subdivision in the county. He said he agreed with the safety issue, but then again he thinks about all the intersections in his rural area that doesn't have them and you just can't go there. That is not possible. He said he agrees with some of the other ones who spoke earlier. He thought it should be left up to the discretion of the homeowner. He said he thought it would be good to require the developers to put up the street lights.*

*Mr. Richard Railey said you have the homeowners association set up to collect the money and if they don't pay it they can have a lien put against their property.*

*Chairman Drake said after the five years if they don't pay the bill the power company is going to pull the meter.*

*Chairman Drake asked if there were any other comments.*

*Commissioner Harrell said he had a yard light and the pole it just about broken – you can shake it. He said he got the pole and dug the hole and he talked to a contractor out there putting up VEPCO's stuff out in front of his house. All he wanted was for them to sit the pole in the hole. He said the contractor told him they couldn't do it because they were under contract. He said you wouldn't want us to do it anyway because we charge \$285.00 an hour. He said he told them no he sure wouldn't want them to do it.*

*Commissioner Tennessee asked how many street lights did you say we have in the county.*

*Mrs. Beth Lewis said there are currently 278.*

*Commissioner Tennessee asked if there was any way we could get any help on that?*

*Mr. Richard Railey said he didn't think so.*

*Chairman Drake asked if some of those lights were at the school systems and dump sites?*

*Mrs. Beth Lewis said no these are in the public right away.*

*Commissioner Harrell said it looked like to him that the county could cut out half of those lights at Meherrin and Nottoway Elementary. He stated that when you drive by there all you see are lights.*

*Mrs. Beth Lewis said what is funny is that there is no light at the driveway where you enter. You can see the parking lot, but you can't see how to get in there.*

*Commissioner Harrell said there are lights all around even behind the school. There are dozens and dozens of lights.*

*Chairman Drake said he knew they had already had a discussion up front. He asked if anybody was ready to make a motion. He said it does need to be voted on, correct.*

*Mrs. Beth Lewis said the Board of Supervisors asked that we discuss it and make a recommendation.*

***Commissioner Tennessee made a motion that we keep the street light ordinance in the subdivisions, but the county will no longer be making the payments after five years.***

***Commissioner Randall seconded the motion.***

***Chairman Drake stated that he had a motion and a second to keep the street light ordinance in the subdivisions, but the county will no longer be making the payments after five years.***

***Mr. Richard Railey said you just need to vote to recommending this to the Board of Supervisors and then we will draft the ordinance.***

*Chairman Drake asked if they had to vote again on the ordinance after it was written.*

*Mr. Richard Railey said no you are just sending the policy recommendation.*

*Chairman Drake asked if there were any more questions.*

*Commissioner Harrell said he wondered after the five years were up what was going to happen if the people say they aren't going to pay it.*

*Commissioner Edwards said let the buyer beware. You have got to look at that before you do it.*

***Chairman Drake called for the vote which was unanimous.***