

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

Chairman Jones asked if there were any further questions.

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

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

Supervisor West said he wished them great success.

Chairman Jones asked if there were any further questions.

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

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

Chairman Jones asked if there were any further questions.

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

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

Chairman Jones asked if anyone had any further questions.

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

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

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

hearing was closed.

Chairman Jones asked what was the pleasure of the Board.

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

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

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

Supervisor Edwards said the comp plan.

Chairman Jones said this is just on the comprehensive plan.

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

Chairman Jones called for the vote which carried unanimously.

Chairman Jones said we would move to item C.

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

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

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

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

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

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

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

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

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

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

Chairman Jones asked what the Board had to say.

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

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

Supervisor West said conditional suits him find.

Supervisor Edwards said excuse me.

Supervisor West said conditional rezoning suits him find.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones stated we would move to item D.

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

CUP 2012:01

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

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

IDENTIFICATION AND LOCATION INFORMATION

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

Current Zoning: R-1, Residential District

Acreage: Approximately 2.6 acres

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

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

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

Magisterial District: Jerusalem

Voting District: Jerusalem

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

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

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

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

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

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

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

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

Chairman Jones asked if anyone else wished to speak.

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

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

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

Supervisor Faison seconded the motion which was unanimously approved.

Chairman Jones stated they would move to item E.

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

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

CUP 2012:02

Virginia Department of Game and Inland Fisheries, applicant, for Ashland Inc., owner

Application Request: Conditional Use Permit for a public boat ramp

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation: Commercial in the Courtland Planning Area

Current Zoning: M-1, Limited Industrial District

Acreage: Approximately 1.5 acres of a 47.09 acre tract

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

Tax Map No.: portion of TP 91-39

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

Magisterial District: Franklin

Voting District: Franklin

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

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

LAND USE ANALYSIS

Overview

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

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

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

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

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

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

Chairman Jones asked what the Board had to say.

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

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones stated they would move to item F.

Mr. Michael Johnson stated this is public hearing ordinance amendment as it relates to the hunting of groundhogs and coyotes. This public hearing is held pursuant to 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Section 10-26 of the Southampton County Code to provide for the hunting of groundhogs and coyotes with rifles larger than .22 caliber outside the general firearms deer season. The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening before considering adoption. If the Board is so inclined, a motion is required to adopt the attached ordinance.

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

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

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

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

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

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

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

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

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

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

Mr. Richard Railey said you are looking at me.

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

Supervisor Phillips said no.

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

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

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

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

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

Mr. Richard Railey said it is 50 feet.

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

Chairman Jones asked if anyone else wanted to speak.

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

Chairman Jones asked if anyone else wished to speak.

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

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

Chairman Jones asked if anyone else wished to speak.

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

Chairman Jones asked if there was anyone else to speak.

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

Chairman Jones asked if anyone else wished to speak.

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

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

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

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

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

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

Chairman Jones asked if there were any other questions.

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

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

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

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

Chairman Jones asked if there were any other questions.

Chairman Jones closed the public hearing.

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

shoot groundhogs already.

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

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

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

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

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

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

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

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

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

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

Supervisor West asked could you use a black powder.

Supervisor Phillips said it does restrict that.

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

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

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

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

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

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

Supervisor Phillips said the law is the law already.

Supervisor West said well it should be enforced.

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

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

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

Supervisor Phillips said you need to start the process.

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

Supervisor Phillips seconded the motion.

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

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

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

Chairman Jones asked what they wanted to do.

Supervisor Phillips said they could advertise for the next meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer Bowen said under animal welfare.

Mr. Richard Railey said yes.

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

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

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

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

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

Officer Bowen said absolutely.

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

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

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

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

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

Supervisor Updike said go ahead and do it tonight.

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

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

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

Supervisor Phillips said thank you.

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

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

property any time days, nights, or Sundays.

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

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

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

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

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

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

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

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

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

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

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

Supervisor Porter said he agreed.

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

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

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

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

Mr. Richard Railey said he concurs.

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

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

Supervisor Phillips said it says nuisance species in there.

Mr. Richard Railey said you might have the power in Virginia to hunt them but you don't have it in this county.

Officer Bowen said the State of Virginia declares coyotes as a nuisance species and they can be hunted day or night except on Sundays.

Supervisor Edwards said so we are restricting a law that the State of Virginia has already set.

Supervisor Porter said the State of Virginia has limited guidelines.

Mr. Richard Railey said the State of Virginia empowers us to limit the use in Southampton County.

Officer Bowen said the ordinance of the State of Virginia allows the counties to restrict the fire arm usage. That is how this county was able to enable laws not to be able to use muzzle loaders or rifles. That is what gives the counties their powers.

Supervisor Porter asked if we couldn't restrict the time.

Mr. Richard Railey said you can restrict the time.

Supervisor Porter asked if you could restrict the time that you use these guns.

Mr. Richard Railey said yes.

Supervisor Porter said if he wanted to go hunt coyotes at night with a .22 or a shotgun, I could hunt coyotes at night.

Mr. Richard Railey said that is right. He said that is his understanding, but if he says something wrong correct him. That gives us the right to regulate the type of fire arm used in Southampton County.

Supervisor Edwards asked if we are regulating the time too. The state law says we can hunt coyotes at night right now so we are coming along saying no we can't hunt them at night in this county.

Supervisor Porter said we aren't saying that. We are saying you can't hunt them with high powered rifles at night.

Chairman Jones said we need to table this or we are going to be here all night. He asked Supervisor Edwards if he would withdraw his motion.

Supervisor Edwards said yes he would withdraw his motion.

Chairman Jones said the motion has been withdrawn and we will table this discussion.

Mr. Richard Railey said you have got to close your public hearing.

Chairman Jones closed the public hearing.

Supervisor West asked to take a break. He said we had been in here two and a half hours now.

Mr. Michael Johnson said are we going to continue or do you need a break.

Chairman Jones said we would take a five minute break.

Chairman Jones called the meeting back to order. He stated the next item of business was

item G.

Mr. Michael Johnson stated that item G is an ordinance related to the solid waste management fee. This public hearing is held pursuant to 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Chapter 13 of the Southampton County Code by adding Section 13-16 as it relates to establishment of an annual solid waste management fee. The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening before considering adoption. If the Board is so inclined, a motion is required to adopt the attached ordinance.

AN ORDINANCE TO AMEND CHAPTER 13 TO ASSESS AN ANNUAL FEE FOR THE MANAGEMENT OF SOLID WASTE

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:

1 Sec. 13-16. Solid Waste Management Fee.

2
3 (a) There is hereby assessed an annual solid waste management fee on each residential household. This fee is
4 intended to fund the operation of the county's solid waste convenience centers and the transfer and disposal of
5 solid waste deposited at such centers. The amount of the fee shall be established annually by the board of
6 supervisors as part of the budget ordinance.

7
8 (b) The treasurer shall have the power and the duty of collecting the fees assessed hereunder and shall cause
9 the same to be paid into the general treasury of the county.

10
11 (c) Beginning July 1, 2012, all solid waste management fees shall be due and payable during the year for
12 which the same are assessed, on or before December fifth of such year. After the due date of such fee, the treasurer
13 shall call upon each person who has not paid the same prior to that time, and upon failure or refusal of such person
14 to pay the same shall proceed to collect by distress or otherwise. The treasurer or his deputy, in person or by
15 counsel, may institute and prosecute all proceedings to enforce the payment of any such fees in courts not of
16 record.

17
18 (d) In the event any fees enumerated in paragraph (a) herein above are not paid on or before the time the same
19 are due and payable, there shall be added thereto a penalty equal to ten percent (10%) of the delinquent amount. In
20 addition to the penalty, interest shall also be imposed at the rate of ten percent annually from the first day following
21 the day such account is due and shall be collected upon the principal and penalty of all such accounts.

22
23 (e) A solid waste management fee exemption shall be provided for:

24 (1) Households located in multifamily apartment complexes which contract for private refuse collection
25 and disposal services.

26
27 (2) Households which are unoccupied for at least one hundred and eighty (180) consecutive calendar
28 days immediately prior to July 1.

29
30 (3) Qualified residents who are 65 years of age or older or who are permanently and totally disabled that
31 are deemed to be bearing an extraordinary burden in relation to their income and financial worth,
32 subject to the following restrictions and provisions:

33
34 a. The total combined household income during the immediately preceding calendar year from all
35 sources shall not exceed thirty thousand dollars (\$30,000.00);

36
37 b. The net combined financial worth, including the present value of equitable interests, as of
38 December 31 of the immediately preceding calendar year for all household residents, excluding
39 the value of their residence and up to one acre upon which the residence is situated provided the
40 residence is owned by one of the residents, shall not exceed eighty thousand dollars (\$80,000.00).

41
42 c. Not later than July 1 of each year, the person claiming an exemption under this section must file a
43

44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61

solid waste fee exemption affidavit with the county administrator.

- d. The affidavit shall set forth, in a manner prescribed by the county administrator, the household address, and the names of all persons occupying the dwelling for which exemption is claimed, their gross combined income, and their combined net worth.
- e. All property owners who have duly qualified for exemption of real estate taxes pursuant to Section 15-93 of the Southampton County Code shall be deemed eligible for a corresponding exemption of the solid waste management fee and are relieved from the duty of filing a solid waste management fee exemption affidavit.
- f. If, after audit and investigation, the county administrator determines that such person is qualified for the exemption, he shall issue to such person a certificate which shall show the amount of the exemption from the claimant's solid waste management fee liability.

(4) The persons qualifying for and claiming an exemption under this section shall be relieved of that portion of the solid waste management fee in an amount calculated in accordance with the following:

Exemption Percentage Schedule

Range of Income	Range of Financial Worth				
	\$0.00— 16,000.00	\$16,001.00— 32,000.00	\$32,001.00— 48,000.00	\$48,001.00— 64,000.00	\$64,001.00— 80,000.00
\$0.00—10,000.00	50	80	70	60	50
\$10,001.00—15,000.00	80	70	60	50	40
\$15,001.00—20,000.00	70	60	50	40	30
\$20,001.00—25,000.00	60	50	40	30	20
\$25,001.00—30,000.00	50	40	30	20	10

62
63
64
65
66
67
68
69
70
71
72
73

(5) Any person who shall falsely claim the exemption provided for in this section shall pay to the treasurer one hundred ten (110) percent of such exemption. The false claiming of the exemption shall constitute a class 3 misdemeanor.

(6) Failure to pay the difference between the exemption and the full amount of the fee for which the exemption is issued by June 30 of the year after which the exemption is issued shall constitute a forfeiture of the exemption.

For state law authority, please see § 15.2-928, § 15.2-105, § 58.1-3919 and § 15.2-936 of the 1950 Code of Virginia, as amended.

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

HOORDINANCESOLID WASTE FEE.DOC

Chairman Jones opened the public hearing. He asked if anyone was for or against the solid waste management fee.

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

Chairman Jones asked what the Board had to say.

Supervisor West made a motion to adopt the attached ordinance for the solid waste management fee.

Supervisor Porter seconded the motion.

The motion carried with Supervisor Updike voting nay.

Chairman Jones stated the next item was item H.

Mr. Michael Johnson stated item H is an ordinance agreement as it relates to building permit fees. This public hearing is held pursuant to 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Chapter 4 of the Southampton County Code as it relates to an increase in building permit fees.

The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 as required by law.

After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening before considering adoption.

If the Board is so inclined, a motion is required to adopt the attached ordinance.

Chairman Jones opened the public hearing for anyone wishing to speak for or against this ordinance.

Mr. Ash Cutchin said he has a question. This deal is with the new fee that was proposed to balance the budget, isn't that correct.

Supervisor West said this is supposed to be in line with the cost incurred for these.

Mr. Ash Cutchin said that was his question. He asked didn't the county usually lose money on these which means the citizens who aren't requiring these changes are subsidizing it for the people who are.

Supervisor Edwards said it has little or no effect on the budget.

Mr. Ash Cutchin said he recommended approval so that we didn't lose money when somebody requests a change.

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

Chairman Jones asked what the Board had to say.

Supervisor West made a motion that they adopt this ordinance to change the building permit fees.

Supervisor Edwards seconded the motion with it being carried unanimously.

Chairman Jones stated the next item was item I.

Mr. Michael Johnson stated that item I. which is an ordinance amendment which relates to fees associated with zoning appeals, comprehensive plan amendments, zoning amendments and conditional use permits. This public hearing is held pursuant to 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Section 15-589 of the Southampton County Code as it relates to an increase in filing fees associated with zoning appeals, comprehensive plan amendments, zoning amendments and conditional use permits. The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening before considering adoption. If the Board is so inclined, a motion is required to adopt the attached ordinance.

1 AN ORDINANCE TO AMEND ARTICLE II, CHAPTER 4 OF THE SOUTHAMPTON
2 COUNTY CODE AS IT RELATES TO PERMIT FEES
3
4

5 -----

6 BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the
7 Southampton County Code be, and hereby is, amended as illustrated herein below:

8
9 **Sec. 4-27. Minimum fee.**

10 The minimum fee for any permit shall be ~~twenty-five~~ *twenty-seven* dollars *and fifty cents*
11 ~~(\$25.00)~~ *(\$27.50)*.

12
13 **Sec. 4-28. Fees for construction prior to the application for building permits.**

14 Fees for work started prior to the application for any permit shall be based on the
15 administrative cost of a minimum fee of ~~fifty-five~~ *fifty-five* dollars ~~(\$50.00)~~ *(\$55.00)* and no more than
16 fifty (50) percent of the total cost of the required permit, which ever is greater.

17
18 **Sec. 4-31. Building permit fee schedule.**

19	(a) Minimum permit fee.....	\$25.00 <i>\$27.50</i>
20	(b) Reinspection fee.....	40.00 <i>44.00</i>
21	(c) Demolition permit fee.....	40.00 <i>44.00</i>
22	(d) For each application for a modification of the U. S. B. C.....	50.00 <i>55.00</i>
23	(e) The building official may authorize the refunding of any permit fee paid pursuant to this 24 chapter upon application by the person who paid such fee, under the following provisions:	
25	(1) If an applicant requests in writing the cancellation of a permit prior to the start of 26 construction or to requesting any inspection, the permit fees, less a service charge of forty 27 dollars (\$40.00) <i>forty-four dollars (\$44.00)</i> and the plan review fee, if applicable, shall be 28 refunded.	
29	(2) If an applicant requests in writing the cancellation of a permit after the work authorized 30 by the permit has begun and inspections have been made, the permit fees less a forty 31 dollar (\$40.00) <i>forty-four dollar (\$44.00)</i> service charge, and a forty-dollar (\$40.00) 32 <i>forty-four dollar (\$44.00)</i> charge for each inspection made and plans review fee, if 33 applicable, shall be refunded.	
34	(3) The above provisions notwithstanding, no refund shall be made if six (6) months have 35 expired since the issuance of the permit(s).	
36	(f) For each appeal to the building code board of appeals, the fee shall be.....	\$300.00 <i>\$330.00</i>
37	(g) For plan review conducted by the local building department for residential and accessory 38 structures.....	50.00 <i>55.00</i>
39	All non-residential reviews.....	200.00 <i>220.00</i>
40	(h) Certificate of occupancy issuance.....	20.00 <i>22.00</i>

- 41 (i) Permit renewal fee~~50.00~~ *55.00*
- 42 (j) Basic permit fee:
- 43 (1) Usable area under roof, per building or structure finished or unfinished for new
- 44 construction and for the construction of any building or addition thereto where the floor
- 45 area is increased, the fee shall be based on the floor area to be constructed as computed
- 46 from the exterior dimensions.
- 47 a. All buildings of any construction type for the first forty thousand (40,000) square feet
- 48 shall be computed at ~~twelve cents (\$0.12)~~ *fourteen cents (\$0.14)* per square feet.
- 49 b. All buildings over forty thousand (40,000) square feet shall be computed at ~~nine cents~~
- 50 ~~(\$0.09)~~ *ten cents (\$0.10)* per square feet.
- 51 (2) All other structures not under roof for instance - decks, patios, ramps, loading docks, etc.,
- 52 shall be computed at ~~nine cents (\$0.09)~~ *ten cents (\$0.10)* per square feet.
- 53 (k) Alterations to shell buildings, unfinished attics, tenant spaces and garages to create
- 54 finished space shall be computed at ~~nine cents (\$0.09)~~ *ten cents (\$0.10)* per square feet.
- 55 (l) All other structures as defined in the Uniform Statewide Building Code not included in the
- 56 above fee schedule (includes piers, trestles, bulkheads, reroofing, exterior siding, fire damage,
- 57 general repairs, below ground swimming pools, towers, steeples and alterations to any previously
- 58 finished spaces: Fee shall be ~~twenty-five dollars (\$25.00)~~ *twenty-eight dollars (\$28.00)* up to and
- 59 including the first one thousand dollars (\$1,000.00) valuation. Above one thousand dollars
- 60 (\$1,000) valuation, fee shall be ~~twenty-five dollars (\$25.00) plus eight dollars (\$8.00)~~ *thirty*
- 61 *dollars (\$30.00) plus nine dollars (\$9.00)* per one thousand or fraction thereof.
- 62 (m) Structure relocation permit fee:
- 63 (1) Relocating a structure to a location within the county - same as basic permit fee -
- 64 paragraph (j)
- 65 (2) Relocating a structure to a location outside of the county: ~~\$50.00~~ *\$55.00*
- 66 (n) Modular construction permit fee: same as basic permit fee - paragraph (j)
- 67 (o) Manufactured homes permit fees: same as basic permit fee - paragraph (j)
- 68 (p) Tents or other temporary structure permit fee: ~~\$40.00~~ *\$44.00* each.
- 69 (q) Chimneys, fireplaces, wood and coal burning stove and other solid fuel burning heaters
- 70 permit fees: Up to and including the first thousand dollars (\$1,000.00) valuation, the fee shall be
- 71 ~~twenty-five dollars (\$25.00)~~ *thirty dollars (\$30.00)*. Above one thousand dollars (\$1,000.00)
- 72 valuation, the fee shall be ~~twenty-five dollars (\$25.00) plus eight dollars (\$8.00)~~ *thirty dollars*
- 73 *(\$30.00) plus nine dollars (\$9.00)* per thousand or fraction thereof.
- 74 (r) Sign permit fee:
- 75 Base permit fee shall be ~~fifty dollars (\$50.00)~~ *fifty-five dollars (\$55.00)*.
- 76 In addition to the main sign for the address, the base fee includes all signs with a square
- 77 footage sign face area of ten (10) square feet or less for each sign (includes entrance - exit
- 78 and directional signs).
- 79 For erection and or relocation of signs, fee is determined by base fee plus area fee.
- 80 Area fee shall be determined by total square footage area of all sign faces.

81 Area fee:

82 TABLE INSET:

0 - 24 square feet	\$20.00	\$22.00
25 - 49 square feet	\$21.00	\$23.00
50 - 74 square feet	\$23.00	\$25.00
75 - 99 square feet	\$25.00	\$27.00
100-299 square feet	\$35.00	\$40.00
299 & over	\$60.00	\$65.00

83 (s) Certificate of compliance for elevators: ~~\$50.00~~ \$55.00

84 (t) Review of application for permit exceptions: ~~\$25.00~~ \$28.00

85 (u) Zoning permits for other than residential new construction: ~~\$25.00~~ \$28.00

86

87 **Sec. 4-32. Electrical permits.**

88 (a) Temporary service permit fee.....~~\$35.00~~ \$39.00

89 (b) Permit renewal fee.....~~\$50.00~~ \$55.00

90 (c) Single wide & double wide service fee:.....~~\$30.00~~ \$33.00

91 (d) Energy conservation devices provided by publicly owned utilities:.....~~\$10.00~~ \$11.00

92 (e) New service permit fee:

93 0 Amps to 125 Amps~~\$45.00~~ \$50.00

94 126 Amps to 150 Amps~~\$50.00~~ \$55.00

95 151 Amps to 200 Amps~~\$60.00~~ \$66.00

96 Over 200 Amps, plus ~~\$45.00~~ \$17.00 per 50 amps or fraction~~\$60.00~~ \$66.00

97 (f) Relocation of existing services and services increases:

98 (1) Relocate or replace existing meter of service equipment.....~~\$30.00~~ \$33.00

99 (2) Service Increase (Service and service equipment only)

100 Up to 200 Amp Increase~~\$60.00~~ \$66.00

101 Over 200 Amp Increase, plus ~~\$45.00~~ \$17.00 per 50 Amps or fraction thereof over 200

102 Amps~~\$60.00~~ \$66.00

103 (g) Installation of fire alarm systems, burglar alarm systems, swimming pool systems,
 104 electrical signs and site lighting, ~~twenty-five dollars (\$25.00)~~ *thirty dollars (\$30.00)* for first one
 105 thousand dollars (\$1,000.00) valuation plus ~~eight dollars (\$8.00)~~ *nine dollars (\$9.00)* additional
 106 for each one thousand dollars (\$1,000.00) or fraction thereof.

107 (h) Fixed appliance and equipment connections:

108 (1) Domestic.....~~\$10.00~~ \$11.00 each

109	(2) Commercial	\$15.00	\$17.00	each
110	(i) Power consuming outlets (receptacles and lights), per structure	\$50.00	\$55.00	
111	(j) Electric motor installation or replacements:			
112	Up to and including 3/4 H.P.	\$10.00	\$11.00	
113	Over 3/4 H.P. to 10 H.P.	\$25.00	\$28.00	
114	Over 10 H.P. to 25 H.P.	\$35.00	\$39.00	
115	Over 25 H.P. to 50 H.P.	\$60.00	\$66.00	
116	Over 50 H.P. to 75 H.P.	\$85.00	\$94.00	
117	Over 75 H.P. to 100 H.P.	\$110.00	\$120.00	
118	Over 100 H.P., plus \$1.00 per H.P. over 100	\$110.00	\$120.00	
119	(k) Generators:			
120	Up to 10,000 watt.....	\$100.00	\$110.00	
121	Over 10,000 watt.....	\$150.00	\$165.00	
122				
123	Sec. 4-33. Plumbing permit fees.			
124	(a) Permit renewal	\$50.00	\$55.00	
125	(b) Single wide and double wide water service and DWV hookup	\$30.00	\$33.00	
126	(c) Basic permit fee: (Installation, conversion, replacement):			
127	(1) For each fixture, floor trap, appliance or hose bib, each	\$10.00	\$11.00	
128	(2) Water service and distribution system.....	\$10.00	\$11.00	
129	(3) DWV System.....	\$15.00	\$17.00	
130	(d) Sewers, storm or sanitary manholes, area drains or devices.....	\$15.00	\$17.00	
131	(e) Backflow preventors or vacuum breakers:			
132	1-5.....	\$10.00	\$11.00	
133	Over 5, plus \$1.00 each	\$10.00	\$11.00	
134				
135	Sec. 4-34. Mechanical permit fees.			
136	(a) Permit renewal fee	\$50.00	\$55.00	
137	(b) Fuel piping permit fee:			
138	(1) L.P.G. (i.e., butane, propane, etc.) tanks and associated piping permit fee:			
139	0-500 gallons.....	\$50.00	\$55.00	
140	501-2000 gallons.....	\$60.00	\$66.00	
141	Over 2000 gallons	\$80.00	\$88.00	
142	(2) Tanks and associated piping for flammable liquids permit fee: (installation or upgrading)			
143	0-10,000 gallons.....	\$60.00	\$66.00	

144	10,001--20,000 gallons.....	\$70.00	\$77.00
145	20,001--50,000 gallons.....	\$80.00	\$88.00
146	Over 50,000 gallons	\$90.00	\$99.00
147	(c) Fuel UST corrective action permit fee:		
148	(1) Removal of UST.....	\$100.00	\$110.00
149	(2) Temporary closure of UST.....	\$25.00	\$28.00
150	(3) Permanent closure or change in service of UST--One Hundred dollars (\$100.00)--One		
151	hundred ten dollars (\$110.00) for first tank plus twenty-five dollars (\$25.00) twenty-		
152	eight dollars (\$28.00) for each additional tank.		
153	(d) Fire suppression system permit fee:		
154	Up to one thousand dollar (\$1,000.00) value, the fee is twenty-five dollars (\$25.00)		
155	twenty-eight dollars (\$28.00) .		
156	Over one thousand dollar (\$1,000.00) value the fee is twenty-five dollars (\$25.00)		
157	twenty-eight dollars (\$28.00) plus eight dollars (\$8.00) nine dollars (\$9.00) per thousand		
158	or fraction thereof.		
159	(e) Elevators, dumbwaiters, moving stairways, and conveying equipment permit fee--		
160	Twenty-five dollars (\$25.00) Twenty-eight dollars (\$28.00) plus eight dollars (\$8.00) nine		
161	dollars (\$9.00) per thousand or fraction thereof.		
162	(f) Mechanical system permit fees: Air conditioning, gas heating, oil heating, and heat		
163	pumps (fees do not include electrical or fuel piping permits).		
164	Residential--Up to and including \$1,000.00 valuation, \$35.00 \$39.00 . Above \$1,000.00,		
165	\$35.00 \$39.00 plus \$9.00 \$10.00 for each additional \$1,000.00 or fraction thereof.		
166	Commercial--Up to and including \$1,000.00 valuation, \$80.00 \$88.00 . Above \$1,000.00,		
167	\$80.00 \$88.00 plus \$9.00 \$10.00 for each additional \$1,000.00 or fraction thereof.		
168	(g) Commercial range hoods permit fee: Up to and including \$1,000.00 valuation, \$80.00		
169	\$88.00 . Above \$1,000.00, \$80.00 \$88.00 plus \$9.00 \$10.00 for each additional \$1,000.00 or		
170	fraction thereof.		
171	(h) Amusement device permit fees:		
172	Kiddie rides	\$25.00	\$28.00
173	Major rides	\$35.00	\$39.00
174	Spectacular rides.....	\$55.00	\$61.00
175			
176			
177	A copy teste: _____, Clerk		
178	Southampton County Board of Supervisors		
179	Adopted: May 29, 2012		

AN ORDINANCE TO AMEND SECTION 18-589 OF THE SOUTHAMPTON COUNTY CODE
TO INCREASE THE FILING FEES ASSOCIATED WITH
ZONING APPEALS, ZONING AMENDMENTS AND
CONDITIONAL USE PERMITS

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended by revising Section 18-589 to increase the filing fees associated with zoning appeals, zoning amendments and conditional use permits:

1 **Sec. 18-589. - Filing fees.**
2

3 (a) All persons, firms, or corporations appealing to the board of zoning appeals, necessitating
4 the publication of notices in the newspaper shall be required to pay, in advance, ~~three six hundred~~
5 ~~dollars (\$300.00)~~ (\$600.00) for expenses relative thereto.
6

7 (b) All persons, firms, or corporations applying for conditional use permits under the
8 provisions of this chapter, *or applying for an amendment to the comprehensive plan*, or applying
9 for an amendment to the zoning ordinance or a change in the classification of the district or a
10 portion thereof, necessitating the publication of notices in the newspaper shall be required to pay
11 in advance, ~~five hundred one thousand~~ dollars (\$500.00) (\$1,000.00). The fee for a combined
12 application for a conditional use permit and a rezoning shall be ~~six hundred one thousand two~~
13 ~~hundred~~ dollars (~~\$600.00~~) (\$1,200.00). No fee shall be required for actions initiated by the board
14 of supervisors or the planning commission.
15

16 (c) The payment of such money in advance to the administrator as specified shall be deemed
17 a condition precedent to the consideration of such appeal, conditional use application or
18 amendment. Fees shall be refunded on written request if an application is withdrawn before *the*
19 *first* publication.

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

H:\Ordinances\zoning filing fees.rtf

Chairman Jones opened the public hearing for anyone wanting to speak for or against these fees.

Mr. Ash Cutchin addressed the Board. He said he was in favor of approving them.

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

Supervisor West said these fees are more directly in line with the cost of advertising and things we need to do.

Supervisor Edwards said we are still subsidizing some.

Supervisor West made a motion that we adopt this ordinance amendment as it relates to fees associated with zoning appeals, comprehensive plan amendments, zoning amendments and conditional use permits.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones said they would move to item J.

Mr. Michael Johnson said item J. was an ordinance amendment to establish the local probate tax. This public hearing is held pursuant to 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Chapter 15 of the Southampton County Code by adding Section 15-190 establishing a local tax upon the probate of every will or grant of administration, in an amount equal to one-third (1/3) of the amount of state tax on such probate of a will or grant of administration. The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening before considering adoption. If the Board is so inclined, a motion is required to adopt the attached ordinance.

1 AN ORDINANCE TO AMEND CHAPTER 15 OF THE SOUTHAMPTON COUNTY CODE
2 BY ADDING SECTION 15-190 THAT ESTABLISHES A LOCAL PROBATE TAX
3
4
5 -----
6
7 BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton
8 County Code be, and hereby is, amended by adding Section 15-190 to establish a local probate tax:
9
10 **Sec. 15- 190. Local probate tax.**
11
12 There is hereby imposed a local tax upon the probate of every will or grant of administration
13 which probate or grant of administration is taxed by the state pursuant to the provisions §58.1-
14 3805 of the Virginia Code, in an amount equal to one-third (1/3) of the amount of state tax on
15 such probate of a will or grant of administration.
16
17 This tax shall be in addition to the state tax and fee imposed by §58.1-1712 and §58.1-1718,
18 Code of Virginia, 1950, as amended.
19
20 The tax herein imposed shall be collected by the Clerk of the Circuit Court of Southampton
21 County who shall pay the revenues collected into the treasury of the County and shall be entitled
22 to compensation for such service in an amount equal to five percent (5%) of the amount collected
23 and remitted.
24
25 This ordinance shall become effective July 1, 2012.
26
27 *For state law authority, please see §58.1-1717.1, §58.1-1718, §58.1-3805, §58.1-3806, and §58.1-3807,*
28 *of the 1950 Code of Virginia as amended*

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

Chairman Jones opened the public hearing for anyone wishing to speak for or against the local probate tax.

Mr. Jimmy Lee of Shands Drive, Courtland, Virginia addressed the Board. He said he didn't exactly understand. He asked what the rate was.

Mr. Michael Johnson said one third of the state tax.

Mr. Jimmy Lee stated that we are taxed to death. The state tax is a big issue. When you get out in the work force and work all your life and you pay income tax, then if you are fortunate enough to accumulate anything after you pay taxes on everything that you accumulate then at your death the family has to pay tax again. He asked if he understood it right that if they impose this tax it is going to be a tax added to one third of what the state tax is going to be.

Mr. Richard Railey said no, this is not the Virginia Inheritance Tax.

Mr. Jimmy Lee said okay that answers his question because if it was you are talking about some big numbers.

Mr. Richard Railey said this refers to what it costs when you go in to probate a will.

Mr. Jimmy Lee said so educate him on a little bit. He asked what a \$100,000.00 would cost you.

Mr. Richard Railey said he didn't know the amount right off the top of his head.

Supervisor Phillips said he had a notice that was sent to him from Mr. Richard Francis and to answer the question what this would generate as far as probate tax based on last year's figured would generate \$10,780.00.

Chairman Jones asked if there was anything else.

Chairman Jones closed the public hearing and asked the Board what they had to say.

Supervisor West said he wasn't real happy with this thing, but it seemed like the right thing to do to keep in line with the cost of doing business.

Supervisor Phillips made a motion to adopt this probate tax ordinance.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones called for item K.

Mr. Michael Johnson stated item K is an ordinance amendment as it relates to a list of heirs fee. This public hearing is held pursuant to 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Chapter 1 of the Southampton Count Code by adding Section 1-13.3 establishing a fee of twenty-five dollars (\$25.00) for the recordation of a list of heirs pursuant to 64.1-134, or an affidavit pursuant to 64.1-135 unless a will has been probated for the decedent or there has been a grant of administration on the decedent's estate. The notice of this public hearing was published in the Tidewater News on May 13 and May 20, 2012 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening before considering adoption. If the Board is so incline, a motion is required to adopt the attached ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

AN ORDINANCE TO AMEND CHAPTER 1 OF THE SOUTHAMPTON COUNTY CODE
BY ADDING SECTION 1-13.3 THAT IMPOSES A LOCAL LIST OF HEIRS FEE

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended by adding Section 1-13.3 to establish a fee for recordation of a local list of heirs:

Sec. 1-13.3. Local list of heirs fee.

There is hereby imposed a twenty-five dollar (\$25.00) fee for the recordation of a list of heirs pursuant to §64.1-134, or an affidavit pursuant to §64.1-135, unless a will has been probated for the decedent or there has been a grant of administration on the decedent's estate. This fee shall be in addition to the state tax and fee imposed by §58.1-1712 and §58.1-1717.1.

For state law authority, please see §58.1-1717.1, §58.1-1718, §58.1-3805, §58.1-3806, and §58.1-3807, of the 1950 Code of Virginia as amended.

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

H:\Ordinances\list of heirs fee.doc

Chairman Jones opened the public hearing.

Mr. Ash Cutchin of Sedley addressed the Board. He stated that he just had a question. He asked if this is not related to the normal heirs, in other words if he leaves everything to his wife it is one flat fee and if he leaves everything to all the Board members it is the same. He said what he was asking was if the number of people he left his estate to effects it.

Mr. Richard Railey said it was a \$25.00 flat fee.

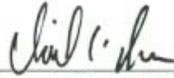
There being no one else to speak Chairman Jones closed the public hearing. He asked what the Board had to say.

Supervisor Edwards made a motion that they adopt this ordinance for a probate tax fee.

Supervisor Porter seconded the motion which carried unanimously.

Chairman Jones stated the next item of business was item number seven – temporary outdoor entertainment permit tidewater dirt riders.

Mr. Michael Johnson stated pursuant to Chapter 2.5 of the Southampton Code, please find an application attached from the Tidewater Dirt Riders for a temporary outdoor entertainment permit for a motorcycle competition on Sunday, June 10, 2012. The event, with an estimated attendance of 550 participants and spectators, will be held on property owned by the T. L. Bain, L.P. on Warrigue Road and will include overnight camping for approximately 75 campers for one night (June 9). The application is consistent with our local ordinance. Their plans have been reviewed by the Southampton County Sheriff, Southampton County Health Department, Southampton County Building Official, and the Ivor Volunteer Rescue Squad. Alcohol is not permitted at the event. In accordance with Sec. 2.5040 of the Southampton County Code, it is incumbent upon the Board of Supervisors to act on the application at the May 29, 2012 session. If the Board is so inclined, a motion is required to approve issuance of the attached permit.

	SOUTHAMPTON COUNTY, VIRGINIA OUTDOOR ENTERTAINMENT PERMIT
This permit is issued in accordance with Section 2.5-36 of the <i>Southampton County Code</i> following due consideration and approval by the Board of Supervisors of Southampton County, Virginia on May 29, 2012.	
EVENT DATE:	<u>June 10, 2012</u> (Between 7:30 a.m. - 6:00 p.m.)
TYPE OF EVENT/LOCATION:	<u>Motorcycle Competition/35595 Warrigue Rd., Ivor</u>
PERMIT HOLDER:	<u>Tidewater Dirt Riders</u> <u>7946 Orchid Avenue Norfolk, VA 23518</u>
RESPONSIBLE PARTY:	<u>Brian Meyer</u>
CONDITIONS:	<u>Permit holder must fully comply with all statements and plans filed with the permit application on April 1, 2012. Overnight camping for up to 75 sites one night only on June 9, 2012.</u>
This permit must be posted in a conspicuous place for the duration of the event.	
 Clerk, Board of Supervisors	

MEMORANDUM

TO: Mike Johnson, County Administrator
FROM: Beth Lewis, AICP, Community Development Director *BL*
DATE: May 3, 2012
RE: Tidewater Dirt Rider event

Attached please find the application and required approvals for the annual Tidewater Dirt Riders event to take place on June 9 and 10, 2012 at 35595 Warriquet Road, Ivor. The event has been held for a number of years at this location, and the plans for this year's event follow previous years' plans.

It is planned that approximately 550 people will attend the event, with gates opening the morning of June 9. There are planned approximately 75 temporary sites for overnight camping the night of June 9. The participants are planned to have vacated the property by 6PM June 10.

- Medical services will be provided by the Ivor Volunteer Rescue Squad.
- The Ivor Community Hunt Club will work with the dirt rider organization to handle parking and traffic control.
- The proposed sanitation plan has been approved by the Health Department.
- The traffic control/parking/security plan has been approved by the Sheriff's Office.

As the required approvals have been submitted, the Building Official in the Community Development Department has recommended approval of the application and forwards it to the Board of Supervisors for review and approval.



April 1 2012

To: **Mr. Mike Johnson**
Southampton County Administrator
P.O. Box 400
28022 Administration Center Dr.
Courtland, Virginia 23837

From: Brian Meyer
Tidewater Dirt Riders
7946 Orchid Ave
Norfolk Va. 23518

Re: Motorcycle Event June 10, 2012

Dear Mr. Johnson:

Enclosed you will find the completed application and all the necessary documents required to apply for a permit under the Outdoor Entertainment ordinance for Southampton County.

If you have any questions, or need any additional information, please contact me at 757-508-9199

Thank you for your time.

Respectfully,

Brian Meyer

7-4

Chairman Jones stated that we have been approving this event for quite a while over the years.

Supervisor West said he had talked to Phil Bain about the years about this event and it is a good event and it donates money directly to the Ivor Fire and Rescue Squad. There is no alcohol. He stated he had been invited to the event and he had actually been over to the restricted area. He highly recommends it highly because he thinks it is an entertaining thing for those who like it and they have had no problems with it. He made a motion to approve this permit.

Supervisor Phillips seconded the motion which carried unanimously.

Chairman Jones stated the next item of business was item number 8.

Mr. Michael Johnson stated that we have a request from Mr. Richard Harris to address the Board.

05/08/2012 09:38 FAX 757 338 1000

FASCO

0001

Richard R. Harris
27161 Trinity Church Rd
Courtland, VA 23837
Office # 757-859-9111
Home # 757-653-2408

May 8, 2012

Ms. Cindy Edwards
P.O. Box 400
Courtland, VA 23837

Dear Ms. Edwards:

I'm faxing you a copy of the letter I mailed to you on 5/4/2012.
Hopefully you've received it by now.

Please add the topic of elections to the issues I wish to speak about.

Sincerely,



Richard R Harris

8-3

Richard R. Harris
27161 Trinity Church Rd
Courtland, VA 23837
Office # 757-859-9111
Home # 757-653-2408

RECEIVED MAY - 8 2012

May 4, 2012

Ms. Cindy Edwards
P.O. Box 400
Courtland, VA 23837

Dear Ms. Edwards:

It is my desire to address the Board of Supervisors during early appearances at their next regular scheduled meeting. I assume this will be on 5/29/2012 as 5/28/2012 is Memorial Day.

My phone numbers are listed above if this is incorrect. I would also like to know if the proposed meetings of 5/21 & 5/23 will be held in the board room OR at the high school along with the times.

I want to speak about taxes, fees, poverty, taxes with representation versus taxes without representation & the proposed budget.

8-4

Sincerely,



Richard R Harris

8-5

Mr. Richard Harris of 27161 Trinity Church Road, Courtland, Virginia addressed the Board. He stated that the Board has a deep inability to balance the budget without a tax or fee increase. He said Supervisor Updike is the only one on the Board who understands that the fee is a tax. He stated that 540 of 4,502 families in 2000 were under the poverty level. Now 785 are under the poverty level out of a population of 18,570 plus 14.5% of those age 65 or older are on social security are even below the poverty line. Then we had tax rate increases last year. He stated that Wingate and Associates came in and raised taxes. He said he didn't know how he came up with the assessments whether he used a crystal ball, a Wigi Board, or what to come up with those figures. He stated there was nothing fair and equitable about them. He said there was \$411.00 paid in taxes on Beale's Meat Packing Plant in 2011. He stated the taxes on the bricks and mortar on his home was more than that. Now here you go again putting a \$200.00 trash fee on the citizens. He said you have ten more days to come up with a balanced budget without any tax or fee increases. He said it's like George Jones song "If you can't see the picture read the writing on the wall". He stated that he has read seven different newspapers online. He said there had been a decline in home sales. Home sales were down 9.4% from January 2011 and lower than they had been since 1963. The Virginia Pilot showed home sales down 11% in Chesapeake, Portsmouth down 2.2%, and Norfolk down 4.5% and Suffolk 2.2%. The average for Virginia was reported to be 5.7%. When housing sales are down and assessments are down everywhere else in Virginia what makes you think Southampton County is oblivious to it. There is no uranium, no gold, and no oil in Southampton County. Over 200 years ago our forefathers set up the plan to not have taxation without representation. We are fast approaching that point. Four out of seven of the Board members were replaced and we have to wait 3 ½ years before we can replace them. Maybe we need to change the term limits when a Board member only serves a two year term so that no one is entitled to be elected and occupy the seat forever. He said he was proud that he lived in a country where he could come and address those that represent him because if he said to some countries what he had said tonight he would be arrested and carried off somewhere but we live in a wonderful country in which the First Amendment gives him the right to stand before you and express his opinion.

Supervisor West said Amen.

Mr. Richard Harris said you didn't have to like what he said, but you give him the right to do that and you listened to him and he thanked the Board for that.

Chairman Jones stated we would move on to number nine – Virginia Retirement System Matters.

Mr. Michael Johnson said as you are aware, legislation approved by the General Assembly in the 2012 session requires local governments to make certain decisions no later than July 1 relative to VRS employer and member retirement contributions. He said he would speak first in relation to the election/certification of employer contribution. As most of you are aware on December 19, 2011, the Virginia Retirement System Board of Trustees certified and "Employer" contribution rate of 14.49% for Southampton County for FY's 2013 and FY 2014. In FY's 2011 and 2012, our rate was certified at 11.22%. The new rate is based