

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive, Courtland, Virginia on March 22, 2004 at 6:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman  
Walter L. Young, Jr., Vice-Chairman  
Carl J. Faison  
Anita T. Felts  
Charleton W. Sykes  
Ronald M. West  
Moses Wyche

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)  
J. Waverly Coggsdale, III, Assistant County Administrator  
Richard E. Railey, Jr., County Attorney  
Julia G. Williams, Finance Director  
Cynthia L. Cave, Community/Economic Development Director  
Julien W. Johnson Jr., Public Utilities Director  
Susan H. Wright, County Administration Executive Secretary

Chairman Jones called the meeting to order at 6:00 PM, and after the *Pledge of Allegiance*, Supervisor Faison gave the invocation.

Chairman Jones sought approval of the minutes of the February 12-13, 2004 Board Retreat and February 23, 2004 regular meeting. Both were approved as recorded, as there were no additions or corrections.

Regarding highway matters, Chairman Jones recognized Mr. Randolph Cook, Resident Engineer of the Virginia Department of Transportation (VDOT).

Mr. Johnson announced that included in the agenda was a copy of correspondence sent to VDOT regarding the Board's plan to participate in the FY 05 Revenue Sharing Program. The tentative draft of the 2005-2010 six-year program was prepared and submitted by VDOT staff to the Commonwealth Transportation Board (CTB) last week, and he regretted to inform that the Route 58 Overpass Project was not included in that plan. He advised that due to budget problems in Richmond and the failure to approve a budget, the CTB was reluctant to add any new projects. Should the General Assembly adopt a budget comparable to the Governor's, it should free up additional money for transportation projects, and hopefully the project would be considered at that time. He stated that the CTB would have a public input session next month and adopt their six-year program in May.

Mr. Randolph Cook advised that he thought the Board made a wise decision (participating in the FY 05 Revenue Sharing Program) and hoped it would pay off. He stated that they would keep fighting for the (Route 58 Overpass) project.

He informed that Route 671 was finally looking like a road and he expected asphalt to be put down in a couple weeks. He hoped it would be complete in May.

He advised that they were busy patching potholes, especially in the western part of the county.

Supervisor West asked if the resurfacing of New Road was still in the plans for spring/early summer? Mr. Cook replied that if the General Assembly gave them back the money that was taken from them at the first of the year, they should be able to resurface it.

Vice-Chairman Young advised that he was still getting calls about the railroad crossing at Delaware Road. Mr. Cook stated that he had been trying to get that taken care of and would call the boss of the person he had been talking to.

Supervisor Faison asked about Railroad Avenue in Boykins that was discussed some time ago. Mr. Cook advised that he had been waiting on paperwork from the Railroad. He received it about 3

weeks ago and would proceed with bringing Railroad Avenue into the system. He planned to hard surface it by this summer.

Moving forward to appointments, Mr. Johnson announced that as discussed at the August meeting, each Board member agreed to seek 2 appointees from their respective districts to form a Virginia 2007 Community Program in Southampton County. The following appointments, including 2 at-large, had been made: 1) Jim Holland, Franklin, 2) Lynn Ramsey, Drewryville, 3) Marilyn Tennessee, Drewryville, 4) Phyllis Bradshaw, Jerusalem, 5) Cindy Cave, Jerusalem, 6) Elna Graves, Berlin-Ivor, 7) Catherine Lassiter, Boykins-Branchville, 8) Doreen Tubbs, Boykins-Branchville, 9) Maureen Shelley, Capron, 10) Sylvia Claud, Capron, 11) Lynda Updike, Newsoms, 12) Thomas Darden, Newsoms, 13) Walt Brown, Cheroenhaka Indian Tribe, and 14) Ellis Wright, Cheroenhaka Indian Tribe. They were still looking for 1 additional representative each from the Franklin District and Berlin-Ivor District.

Vice-Chairman Young submitted the name of Barbara Blythe of the Franklin District. Supervisor West submitted the name of Teresa Preston of the Berlin-Ivor District. **Vice-Chairman Young moved, seconded by Supervisor Wyche, that Barbara Blythe of the Franklin District and Teresa Preston of the Berlin-Ivor District be appointed to the Virginia 2007 Community Program. All were in favor.**

Mr. Johnson advised that appointments for the Program were now complete and he would send out a notice to all of the committee members and set up an organizational meeting.

Regarding the Social Services Board, Mr. Johnson announced that included in the agenda was a letter of resignation from Mr. Henry Hicks, tendered on March 11, based on his regrettable unwillingness to file the state-mandated financial disclosure form. He advised that Supervisor West would need to seek a successor from the Berlin-Ivor District to fill the balance of Mr. Hicks' term, which was through June 30, 2007.

Supervisor West advised that he and Mrs. Jane Maddrey (Director of Social Services) were in consultation on this and would provide a name by the next meeting.

Mr. Johnson announced that six of the nine Planning Commissioner's terms were set to expire on April 30, 2004. Among the six were: 1) Ira H. Barham, Capron District, 2) Benjamin J. Bryant, Newsoms District, 3) Douglas A. Chesson, Berlin-Ivor District, 4) Freeman J. Harrell, Franklin District, 5) Oliver W. Parker, at-large, and 6) Keith Tennessee, Drewryville District. He noted that terms were for four years. He advised that other than Supervisor Felts, each Supervisor needed to ask their respective representatives if they were willing to serve again, and if not, seek a successor.

Proceeding to monthly reports, Mr. Johnson received various reports and provided them in the agenda. They were Financial, Sheriff's Office, Traffic Tickets, 9-1-1 Sign Repair, Animal Control, Building Inspections, New Housing Starts, and Cooperative Extension. Also Treasurer's Office for November 2003-January 2004, Delinquent Tax Collection, Daytime E.M.S. Contract, Fire/Rescue, Radio System Needs Analysis, Communication Center Activity, and Personnel.

In reference to the personnel report, Mr. Johnson announced that Scott T. Griffith was hired in the Sheriff's Department effective 3/15/04 at an annual salary of \$26,075. He sadly reported that Raymond E. Merkh of the Sheriff's Department, who had been stateside for a year, had been dispatched to Iraq. He asked that they keep he and his family in their thoughts and prayers.

Moving on to financial matters, Mr. Johnson announced that bills in the amount of \$994,280.93 were received. **Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$994,280.93 be paid with check numbers 61504 through 62141. All were in favor.**

Proceeding to the Southeastern Public Service Authority (SPSA) annual report and update, Mr. John Hadfield, Executive Director, addressed the Board. He advised that each SPSA member community made its own decisions regarding recycling. He reported those decisions made by each member community in Spring 2003. Southampton County's decision was to keep with the 18-gallon bin service. He discussed the municipal and commercial tipping fee history and advised that their goal was to bring the municipal and commercial tipping fees together. He informed that contracts with communities were written to require that virtually all waste collected in a community be taken to SPSA and that communities pay the tipping fee necessary to operate the system. Due to waste disposal facility siting issues, the life of SPSA, financings to maintain the agency, and the security and certainly of environmental standards for waste disposal, they had already begun the process of

renewing contracts. He stated that they were very interested in what was important to their member communities and he would be happy to meet and talk with the Board at any time they so desired.

Supervisor West asked what was the situation with Virginia Beach only having to pay up to a certain amount? Mr. Hadfield explained that Virginia Beach had 2 contracts with SPSA. One contract was similar to the contract Southampton County had with SPSA. There was a second contract because there was a landfill in Virginia Beach that SPSA has used to dispose of ash. In negotiations of that contract, Virginia Beach asked that there be a limit placed on the disposal fee that they paid.

Supervisor West asked Mr. Hadfield if he knew off the top of his head roughly how much it would cost a locality to dig and man a landfill with minimum requirements to secure it, etc.? Mr. Hadfield replied that he did not know off the top of his head, but would get him those figures.

Chairman Jones complimented Mr. Hadfield and SPSA for the magnificent job they were doing.

Moving forward to the request for capital funding, Mr. Johnson announced that included in the agenda was a request for capital funding from Boykins Volunteer Fire Department & Rescue Squad seeking \$15,000 to be used for capital expenses associated with their acquisition of a 1998 Wheelcoach ambulance and a 1999 pumper tanker. He advised that beginning in FY 2000, the Board agreed to provide almost \$1.2 million over a 10-year period for capital improvements for fire and rescue. The share for each fire department in FY 2004 was \$10,000 and for each rescue squad, \$5,000. Funds were earmarked annually for each department or squad and held in escrow pending specific approval by the Board. Escrowed funds would continue to accrue for each department/squad over the next ten years if not drawn down. He noted that included in the agenda was a spreadsheet illustrating that the Board had appropriated \$507,000 from FY 2000 to present, and \$60,000 was presently in escrow including the \$15,000 due Boykins Fire & Rescue.

**Supervisor Faison moved, seconded by Vice-Chairman Young and Supervisor West, to approve the request. All were in favor.**

Moving on, Mr. Johnson announced that National County Government Week (NCGW) was an annual celebration of county government. First held in 1991, the goal was to raise public awareness and understanding about the roles and responsibilities of the nation's counties. More than 1,000 counties annually participated by holding programs and events that may include tours of county facilities, presentations in schools, meetings with business and community leaders, recognition programs for volunteers, briefings on environmental projects, and adoption of resolutions. He advised that included in the agenda was a resolution proclaiming April 18-24, 2004 as National County Government Week in Southampton County.

He read aloud the following resolution:

### ***Resolution***

*Whereas*, there are 3,066 counties in the United States, collectively responsible for the well being of more than 230 million residents; and

*Whereas*, counties have a long history of serving and providing for the American people; and

*Whereas*, counties secure America by being the first to respond to emergency situations and assuring primary responsibility for disaster planning; and

*Whereas*, counties provide many services that make America's communities stronger, safer places to live and raise families; and

*Whereas*, county officials and employees use their role as local leaders to encourage economic development and therefore improve the lives of their citizens and make their communities more livable; and

*Whereas*, county governments are the citizen's local government voice, providing solutions to common problems that bring communities together.

*Now, Therefore, In Recognition of the Leadership, Innovation, and Valuable Service Provided by our Nation's Counties, Be It Resolved* by the Board of Supervisors of the County of Southampton,

Virginia that the week of April 18-24, 2004 is hereby proclaimed National County Government Week; and

*Be It Further Resolved* that this Board extends its grateful appreciation to all who labor to keep our citizens protected and communities thriving.

Adopted, this 22<sup>nd</sup> day of March, 2004.

SOUTHAMPTON COUNTY, VIRGINIA

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Dallas O. Jones, Chairman  
Board of Supervisors

ATTEST

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Michael W. Johnson, Clerk

**Vice-Chairman Young moved, seconded by Supervisor Wyche, that the resolution be adopted. All were in favor.**

Proceeding to the first reading, Mr. Johnson announced that as directed last month, Attorney Railey had prepared an amendment, provided in the agenda, to Sec. 10-26 of the Southampton County Code to lawfully permit the use of muzzle-loading weapons for hunting during the prescribed open season for game species in Southampton County. If the Board chose to further consider the matter, it was necessary that the ordinance be advertised for public comment prior to taking any action. In order to become effective next hunting season, the ordinance must be lawfully adopted and transmitted to the Virginia Department of Game and Inland Fisheries prior to May 1. He reminded that the Board's next regular meeting was during the day, which could limit public participation should they decide to proceed with the hearing. Based upon significant past public interest, they may wish to designate a specific evening to receive public comment on this issue outside of the normal meeting environment, prior to April 26, when the matter could be placed on the agenda for final disposition. He noted that another consideration was where to conduct the hearing. When considered several years ago, it was held at Southampton High School to accommodate the large number of interested citizens.

Attorney Railey advised that he thought (b) (it shall be unlawful to hunt with a muzzleloading shotgun loaded with slugs or sabot slugs) should be deleted from the ordinance amendment. He explained that under the definition that went into effect July 1, 2003, a muzzleloading shotgun by definition was something that had to be loaded from the muzzle and had to cast multiple projectiles. Therefore, he did not think (b) was a valid subsection. He asked that (b) be eliminated, (c) become (b), and (d) become (c).

Mr. Johnson read aloud the following ordinance amendment with Attorney Railey's suggested revisions:

Sec. 10-26 HUNTING WEAPONS RESTRICTED

**BE IT ORDAINED** by the Board of Supervisors of Southampton County,

Virginia that the Southampton County Code be, and hereby is, amended as follows:

Sec. 10-26 HUNTING WEAPONS RESTRICTED

(a) It shall be unlawful to hunt with a rifle larger than .22 caliber rimfire except rifles of a larger caliber may be used for hunting groundhogs between March 1 and August 31;

~~(b) It shall be unlawful to hunt with a muzzleloading shotgun loaded with slugs or sabot slugs;~~

~~(e)~~ (b) It shall be lawful to hunt with muzzleloading rifles during the open season for the hunting of game species and any special season for the hunting of game species with a muzzleloading rifle, as prescribed by the Department of Game and Inland Fisheries; provided, however, that the use of any such muzzleloading rifle shall be only from a stand located at least ten (10) feet in elevation above the ground, provided, however, that such requirement shall be expressly inapplicable to persons with a permanent physical disability or disabilities prohibiting the persons from using a stand located at least ten (10) feet in elevation above the ground. (For the purposes of this subsection, any person possessing a licensed medical doctor's written statement, based on a physical examination, declaring that such person has a permanent physical disability that prohibits the person from using a stand located at least ten (10) feet in elevation above the ground, may hunt with a muzzleloading rifle during such hunting seasons under the same rules, regulations, laws, and conditions that apply to other hunters using muzzleloading rifles, except that such disabled hunters shall not be required to hunt from a stand at least ten (10) feet in elevation above the ground);

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

This ordinance shall be effective at 12:00 midnight April \_\_\_\_\_, 2004.

For state law authority, see §§29.1-100, 29.1-519, and 29.1-528 of the 1950 Code of Virginia, as amended.

Supervisor Faison was concerned about disabled persons not being required to use elevated stands, as it was a safety issue regardless. Attorney Railey advised that it was a policy issue and the Board had to decide if the safety among hunters was important to the extent of excluding handicapped persons from muzzleloading if they could not use a stand ten feet in the air.

Supervisor West asked what were the muzzleloading requirements of neighboring localities? Attorney Railey advised that Suffolk required a 10-foot elevation, but had a handicapped exception, and he thought, but was not certain, that Sussex required elevation and Isle of Wight did not.

Supervisor West informed that statistically, he thought they would find from the Virginia Department of Game and Inland Fisheries that the muzzleloader was not more dangerous than a shotgun, as the opposite was true. From the number of deer killed in Virginia, the numbers were probably 10 to 1. Attorney Railey noted that there were not as many muzzleloaders and you could play with numbers.

Supervisor West advised that he thought the elevation requirement was an additional safety feature. Attorney Railey remarked that there were an inordinate amount of accidents due to people falling out of tree stands, but there could be many explanations for that. Some thought if a man went up a tree stand, he was making his own choice. Supervisor West stated that he thought any hunter and anyone who fired a weapon was taking some risk.

Supervisor Wyche advised that over the last 3 weeks, he had heard all the pros and cons that could come out of this issue. He informed that the majority of the people in his area (Capron District) definitely did not want muzzleloading. He stated that he was new on the Board, but even before, this issue had been brought up 5 or 6 times. He thought they needed to do something to bring it to rest, as he sure hoped he did not have to deal with this every year. Either they wanted it or they didn't. It was not something they needed to keep dealing with. It had been voted down every time so far.

Vice-Chairman Young asked if the interest in muzzleloading had changed in other districts in the county, as it certainly had not in the Franklin District. He stated that he was like Supervisor Wyche in that he had received twenty-something calls in the last 3 weeks. He felt that their time as Supervisors would be better spent discussing other things, such as the budget, and not the waste of having a public hearing and having it shot down again. Last time, he got over 100 phone calls.

Supervisor West asked if you could call it a waste when people were concerned about this issue? Vice-Chairman Young stated that he thought it was a waste of the Board's time and money. Supervisor West advised that he thought the public needed to be given an opportunity to provide citizen input and that the Board needed to continue with the proposed ordinance amendment and hold a public hearing one more time. He agreed with Supervisor Wyche that it needed to be put to rest after this time. He shared that he got a letter, which he respected, from Black Creek Hunt Club opposing it, but he felt that any hunt club could prohibit their members from muzzleloading if they wanted to. He believed that if a landowner owned 5 or 100 acres and wanted to hunt on it with a muzzleloader, he should be given the State right to do so. He noted that they needed the revenue it could bring in, whatever that may be, and that he did not think safety was an issue.

Supervisor Faison stated that this was an emotional issue and not fun to deal with it, but as long as there was interest from citizens in the county, he thought they needed to continue to hear it.

Supervisor Felts stated that they kept putting down and pointing the finger at hunt clubs, but she had gotten a lot of calls from people who were not members of hunt clubs who did not want it. She had gotten calls from farmers and interested citizens who did not have family members in hunt clubs that did not want it. She noted that her husband and children did not belong to a hunt club.

Supervisor West advised that he was not putting down hunt clubs because he knew they did a great deal of good for the county and he respected the vast majority. He just thought that the county had a wonderful bounty and that nobody owned a deer. He thought all the fighting was going to destroy the whole hunting scene in Virginia if they were not careful. Encroaching population and housing was limiting how much and where you could hunt. He wanted to work with hunt clubs and citizens.

**Supervisor West moved, seconded by Supervisor Faison, to proceed with having a public hearing. Chairman Jones and Supervisors Faison, Felts, Sykes, West, and Wyche were in favor. Vice-Chairman Young opposed. The vote was 6-1 in favor of, thus the motion passed.**

**Supervisor Wyche made a motion to tentatively schedule the public hearing for Tuesday, April 20, 2004 at 7:30 PM at Southampton High School. If the school was not available, the meeting would be held at the Board Room of the Southampton County Office Center, same date and time. Supervisor Felts seconded the motion. All were in favor.**

Moving on, Mr. Johnson announced that included in the agenda was a recommendation from the Planning Commission seeking creation of a citizen task force to specifically study current and future land development trends, including strip development, and to develop appropriate policy recommendations for future consideration. He advised that a 20-member task force was envisioned with representatives from local government, planning commission, agricultural and forestry community, real estate and housing industry, and several at-large, interested citizens. Mr. Waverly Coggsdale, Assistant County Administrator and Secretary of the Planning Commission, would serve as the primary staff person for the task force. Once the task force was assembled, the work was expected to take approximately 18-24 months. He stated that if the Board was inclined to accept the recommendation, in the interest of time, rather than having the Board appoint task force members, staff was willing to seek volunteers to serve. He asked the Board members to let them know if they were personally interested or knew of someone who might be.

The recommendation from the Planning Commission is as follows:

### **Southampton County Land Development Task Force**

The Southampton County Planning Commission recommends the appointment of a Southampton County Land Development Task Force.

The nature, type, extent and impact of land development is an issue that has been a constant source of discussion for the Planning Commission and an item discussed by the Board of Supervisors at their last two "strategic planning retreats". Following are excerpts from the 2000 Comprehensive Plan Update, *VISION 2020, County of Southampton*, as related to land development.

*"Farming and forestry remain the mainstays of the Southampton County economy. The rural areas of the County are the areas deemed most appropriate for these uses." "The County should investigate strategies and methods to accommodate but manage*

*development of rural land – when proposed – into areas for residential purposes. When it occurs, such development should not result in the sacrifice of large portions of prime agricultural lands or create conflict between the “country homeowner’ and the farmer.”*

*“The striping of rural roads with houses should be prohibited and commercial uses should be grouped, preferably at intersections.”*

*“The County should develop design standards or criteria for residential, business, and industrial subdivisions and developments. Tools such as clustering, density and open space trade-off provision guidelines, and ingress and egress standards can be implemented as advisory/guidance initially. As needs dictate, design standards can be made part of the County’s growth management regulatory arsenal.”*

The Task Force would research and assemble information and data relating to the existing and future land development trends and patterns in Southampton County. The Task Force would look at issues that are guiding or impacting current land use development patterns and their possible consequences. A thorough review of the Comprehensive Plan’s goals and implementation strategies, as related to growth would be conducted to address ongoing issues of compliance or components that need changing due to the needs or desires of the County. Areas of concern would be identified with the Task Force recommending plans of action, including ordinance amendments, that would deal with problems or issues.

The Task Force would periodically report its progress to the Southampton County Planning Commission and the Board of Supervisors. Public involvement, at all stages, would be a main focus of the process and instrumental in its ultimate success. The Task Force would ultimately forward its final report to the Planning Commission and the Board of Supervisors.

The Task Force members would be appointed from the following disciplines:

Local Government

- (2 members of the Board of Supervisors)
- (1 member from each town governing body)

Planning Commission

- (3 Planning Commission members)

Agricultural/Forestry Community

- (4 farmers/landowners)
- (1 representative from the Cooperative Extension Service)
- (1 representative from the local Farm Bureau)
- (1 representative from the Division of Forestry)

Real Estate/Housing Industry

- (3 realtors)
- (1 housing agency)

At-large

- (3 citizens interested in the issue)

NOTE: An individual can fill several roles: (i.e: A Board of Supervisor member may also represent the Agricultural/Forestry Community.) Thus the actual number of the Task Force is undefined, but not to exceed twenty (20) members.

The Task Force would be staffed by the Southampton County Planning Department. It is envisioned that the process would take between eighteen and twenty-four months.

**Supervisor West volunteered to be one of the Board of Supervisors representatives on the task force. Chairman Jones would be the other Board representative, as he was also a member of the Planning Commission and had already volunteered to serve on the task force.**

**Vice-Chairman Young moved, seconded by Supervisor Faison, to create the task force described above and authorize staff to seek volunteers to serve on it. All were in favor.**

Regarding miscellaneous items, Mr. Johnson announced that included in the agenda was a copy of the Virginia Association of Counties (VACo) annual survey of salaries for Board Chairmen, Supervisors, and County Administrators for all 95 counties across the Commonwealth in 2004.

He advised that also included in the agenda was a copy of the 2003 Annual Report by the Southampton County Planning Commission.

Mr. Johnson informed that they periodically engaged the services of URS, a cost management company, to audit all the county offices' telephone bills for billing errors, verify that the rates were accurate and the lowest legally possible, conduct a physical audit of equipment and services to insure billing accuracy, and negotiate with utility companies to obtain refunds for erroneous billings. Under the terms of the agreement, URS was entitled to 50% of the savings they recovered on our behalf for a 24-month period, thereafter, all of the savings accrued back to the county. He noted that included in the agenda was a copy of the latest status report.

He announced that included in the agenda was a copy of the 2003 Virginia Retirement System (VRS) Actuarial Valuation Report for the county. Based on the results of the study, our annual required contribution would remain at 3%, which was remarkable given the tremendous increases seen by most employee groups across the Commonwealth. He noted that Southampton County Schools were not as fortunate, as their VRS contribution rate increase equated to more than \$450,000 in FY 2005.

Mr. Johnson advised that included in the agenda was a copy of the executive summary from the Small Business Development Center (SBDC) of Hampton Roads' annual report. Since 1997, the SBDC had assisted 27 clients from Southampton County. They provided one-on-one counseling for small businesses in the areas of planning, marketing, financing, and international development.

He reported the following environmental matters:

- 1) From the Virginia Department of Environmental Quality, notice of a groundwater withdrawal application by C & P Water Companies in Smithfield to withdraw up to 1,500,000 gallons per month on a seasonal basis. DEQ had made a tentative decision to grant the permit, subject to public comments it may receive. Comments were due to DEQ by March 26, 2004.
- 2) From the Virginia Department of Health, Office of Drinking Water, to the owners of the Nottoway Trailer Court waterworks, notice of a failure to meet the primary maximum containment level for fluoride;
- 3) From the Virginia Department of Health, Office of Drinking Water, to the Town of Courtland waterworks, notice of a failure to meet the primary maximum containment level for fluoride;
- 4) From the Virginia Department of Health, Office of Drinking Water, to the Town of Ivor waterworks for exceeding the maximum containment level for total coliform bacteria in February. A copy of the Town's response was included in the agenda.

Mr. Johnson informed that the following incoming correspondence was received:

- 1) From Virginia Department of Rail and Public Transportation, notice of several scheduled meetings to obtain input on the Richmond/Hampton Roads Passenger Rail Study;
- 2) A response from USDA to his previous letter regarding rate covenants;
- 3) From Franklin-Southampton Concert Association, a report on membership and an invitation to attend upcoming events;
- 4) From Dominion Virginia Power, an application to the SCC to revise its cogeneration tariff;
- 5) Notice from Congressman Randy Forbes that Southampton County regrettably does not qualify for federal HUBZone (comparable to state Enterprise Zone) designation;
- 6) From the Suffolk Shelter for the Homeless, an invitation to the Holland Community Day Auction and Fish Dinner on April 3, 2004.

Finalizing miscellaneous issues, Mr. Johnson advised that outgoing correspondence and various news articles of interest were included in the agenda.

Proceeding to late arriving matters, Mr. Johnson announced that at the request of Tim Heiler of the Tidewater Regional Group Home Commission (TRGHC) staff, included in the agenda was a proclamation naming the week of April 18-24, 2004, "Juvenile Conference Committee Volunteer Week." He advised that the Juvenile Conference Committee was a voluntary diversion program of the TRGHC that served as an alternative to formal legal proceedings for first-time juvenile offenders. It was comprised of citizen volunteers who gave freely of their time and talents to help redirect troubled youth from further involvement with the juvenile justice system.

He read aloud the following proclamation:

Proclaiming The Week of April 18  
As  
Juvenile Conference Committee Volunteer Week  
In Southampton County, Virginia

Whereas, the Tidewater Regional Group Home Commission operates community based programs for children who are at risk of coming before or have already come before the juvenile and domestic relations court; and

Whereas, the In Home Service Program's Juvenile Conference Committee is a voluntary diversion program of the Tidewater Regional Group Home Commission that serves as an alternative to the formal juvenile justice system for first time juvenile offenders of misdemeanor charges; and

Whereas, the Juvenile Conference Committee is a community oriented approach that fosters a sense of responsibility and accountability for a juvenile's inappropriate conduct and behavior, in an effort to deter the juvenile from further involvement in the juvenile justice systems; and

Whereas, the Juvenile Conference Committee consists of citizen volunteer living or working in Southampton County who demonstrate concern and a commitment to a diversion effort in redirecting a troubled youth from further involvement with the juvenile justice system; and

Whereas, the Juvenile Conference Committee volunteers facilitate resolutions to the presenting problems for at-risk youth and their families, and seek to connect them to needed community services and resources; and

Whereas, the week of April 18<sup>th</sup> has been set aside in recognition of the contributions of volunteers;

Now, therefore, I, Dallas O. Jones, Chairman of the Board of Supervisors of Southampton County do hereby proclaim the week of April 18 as

Juvenile Conference Committee Week

In Southampton County, and encourage all residents to recognize the Juvenile Conference Committee volunteers for their dedication and service to youth and families in our Community.

**Vice Chairman Young moved, seconded by Supervisor Wyche, that the proclamation be adopted. All were in favor.**

Mr. Johnson announced that in recognition of its 50<sup>th</sup> anniversary, included in the agenda was a proclamation naming the month of April, "Local Chamber of Commerce" month.

He then read aloud the following proclamation:

**PROCLAMATION**

**WHEREAS**, the businessmen of Franklin began organizing the Franklin Chamber of Commerce in February 1954 and the office was opened on April 1, 1954 and,

**WHEREAS**, on July 23, 1954 the Chamber of Commerce received its Certificate of Incorporation and,

**WHEREAS**, the Franklin Chamber of Commerce was reorganized in December 1968 to become an area Chamber of Commerce and was renamed the Franklin-Southampton Area Chamber of Commerce and,

**WHEREAS**, the Franklin-Southampton Area Chamber of Commerce is celebrating fifty years of dedicated service to the community and,

**WHEREAS**, the Franklin-Southampton Area Chamber of Commerce is committed to promoting a favorable business climate for its membership and community and,

**WHEREAS**, it is important for the residents and businesses in our area to recognize and Appreciate the countless contributions that the Franklin-Southampton Area Chamber of Commerce has made to enhancing the quality of our lives.

**NOW, THEREFORE BE IT PROCLAIMED** that in special recognition of the tremendous Contributions that the Franklin-Southampton Area Chamber of Commerce makes to our citizens and our community that I, Dallas O. Jones, Chairman, Southampton County Virginia Board of Supervisors, hereby proclaim the month of April as “Local Chamber of Commerce Month” in the County of Southampton, Virginia.

In Witness Whereof, I have hereunto set my hand and caused the seal of Southampton County, Virginia to be affixed this twenty-second day of March in the year of our Lord two thousand four.

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Dallas O. Jones, Chairman  
Board of Supervisors

Attest:

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Michael W. Johnson, Clerk

**Vice-Chairman Young moved, seconded by Supervisor Wyche, that the proclamation be adopted. All were in favor.**

The Board would come back to late arriving matters, as it was 7:00 PM and time for the public hearings.

Mr. J. Waverly Coggsdale, III, Assistant County Administrator and Secretary of the Planning Commission, announced that the first public hearing was to consider the following:

**CUP 021204:01** Application filed by James P. Babb (applicant) and Davis & Sons, Inc. (owners) requesting a conditional use permit pursuant to Section 18-37(21) of the Southampton County Code to permit a “commercial dog kennel” (keeping of more than 5 adult dogs) on property zoned Agricultural District (A-1). Said request is on property identified as Tax Map 31, Parcel 11, which is located off the west side of Cabin Point Road (Route 606) across from its intersection with Indian Branch Lane (Route 634). The subject parcel is located in the Berlin/Ivor Magisterial District and the Capron Voting District and contains approximately 110.50 acres.

Mr. Coggsdale advised that the Planning Commission held a public hearing in regard to this application at its January 8, 2004 meeting. Following discussion, they recommended approval with the following conditions: 1) No more than thirty (30) dogs on the property at any one time; 2) The use not be utilized in a commercial manner (no selling), 3) The permit shall apply to the applicant for a period of twenty (20) years; and 4) The kennel shall be located as indicated on the map included with the application.

Chairman Jones opened the public hearing and asked if anyone was in favor of or opposed to this application.

Mr. David Kitchen spoke. He advised that he owned property across the road from the said property. He stated that seven people were at the first public hearing (of the Planning Commission) to oppose this application. Two of those people were not notified by mail and they were probably the closest residents. He did not think they were present tonight. Also a sign was not put up beside the road of the said property notifying the public there would be a hearing. He informed that if approved, this would be the 4<sup>th</sup> dog pen in a 3-mile stretch of Cabin Point Road. Two of the pens were used just during hunting season and the third had dogs in it all the time. He expected that the proposed pen would have dogs in it all the time. He advised that he was in the process of selling some lots on his property and did not think anybody living there needed the inconvenience of dogs in their shrubs and trashcans and dogs up and down the road. Therefore, he was opposed to it.

Mrs. Susan Maddron spoke. She stated that she lived on the corner of Indian Branch and Cabin Point Road. She advised that she was opposed to it because of the noise. She had trouble sleeping and during hunting season she was up a lot at night due to dogs running through the yard. She informed that a couple of comments were made at the last meeting (Planning Commission public hearing) that concerned her. Mr. Kitchen was interested in selling some land and it was said that if people did not want to live near a dog pen they should not buy the land. She asked, what about people who were already living in that area? She had lived in her house for almost 7 years. It was also said that the proposed pen was pretty far from the road and the dogs would not bark 24-7. She stated that she walked back in that area and there were a lot of deer tracks, so she was concerned about the noise levels. She asked if they would want 30 dogs in their back yard? She knew the pen would be 1,100 feet from the road but that was still almost in her back yard.

Mr. William L. Whitehead, Jr. spoke. He stated that he owned land adjacent to the said property. He advised that he was opposed to it because owners did not keep their dogs up and would accidentally let them out and let them do what they wanted to do. He was opposed to anything like it in that area.

Mr. James P. "Jimmy" Babb, applicant, spoke. He advised that the pen would be 1,000 feet from the road. It was back in a cutover and there was nothing behind it but woods. The closest neighbor to the pen was Jeff Barnes and he did not have a problem with it. He stated that they kept their dogs up but if a dog got out and a person called them, they would come right then to get it. He appreciated the Board's consideration.

Supervisor West asked how close the nearest home, other than Mr. Barnes, was from the proposed site? Mr. Babb replied Mr. MacDonald's residence at 1000-1100 feet through the woods.

Chairman Jones closed the public hearing.

Supervisor Wyche stated that he knew where it was and in looking at the map, if a man couldn't put a dog pen in that location, he did not know where he could put one.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the conditional use permit with the four conditions previously mentioned. All were in favor.**

Mr. Coggsdale announced that the second public hearing was to consider the following:

**CUP 021204-02** Application filed by John & Teresa Birkhead (owners) requesting a conditional use permit pursuant to Section 18-37(21) of the Southampton County Code to permit a "commercial dog kennel" (keeping of more than five adult dogs) on property zoned Agricultural District (A-1). Said request is on property identified as Tax Map 35, Parcel 2D, which is located off the southwest side of Appleton Road (Route 626) approximately 0.75 miles south of its intersection with Seacock Chapel Road (Route 614) at 13524 Appleton Road. The subject parcel is located in the Berlin/Ivor Magisterial District and the Berlin/Ivor Voting District and contains approximately 14.34 acres.

Mr. Coggsdale advised that the Planning Commission held a public hearing in regard to this application at its January 8, 2004 meeting. Following discussion, they recommended approval with the following conditions: 1) No more than twenty (20) dogs on the property at any one time; 2) The use not be utilized in a commercial manner (no selling), 3) The permit shall apply to the applicant for

a period of twenty (20) years; and 4) The kennel shall be located as indicated on the site plan included with the application.

Chairman Jones opened the public hearing and asked if anyone was in favor of or opposed to this application.

Mrs. Teresa Birckhead, owner/applicant, addressed the Planning Commission. She advised that she and husband proposed a dog kennel behind their home so it would not be seen from the road. Their home was about 550 feet from the road and the dogs were located on the side of the property adjacent to a tree farm owned by International Paper. There were no adjacent homes to any of the 3 sides of their property. The nearest neighbor was diagonal to the front of their property about 1,000 feet from the kennel. Their home and garage were between the kennel and the neighbor's property. She stated that they were requesting a permit to allow their son to own and take care of a pack of hunting dogs.

Supervisor West advised that he understood that she collected dogs. Mrs. Birckhead explained that they accidentally got into this issue because they picked up dogs that were left by people after hunting season, and when they came in to get more than 5 dog licenses so that her son could have some hunting dogs, they found out they were in violation of the code. She noted that she was now in the process of trying to get the code changed so that agricultural people (people living in Agricultural A-1 Districts) could have more than 5 dogs on their property and not have to go through all of this.

**Supervisor West moved, seconded by Supervisor Wyche, to accept the Planning Commission's recommendation and approve the conditional use permit with the four conditions previously mentioned. All were in favor.**

Mr. Johnson announced that the third and final public hearing was the initial hearing with regard to the FY 2005 Annual Budget. The purpose of the hearing was to solicit public comment prior to preparation of the county administrator's draft budget. Interested citizens were welcome to offer their comments and recommendations on all fiscal matters associated with preparation of the FY 2005 annual budget. He noted that this hearing was in addition to the hearing required by law prior to adoption of the budget, which was scheduled for Monday, May 17, 2004 and would allow citizens the opportunity to comment on the final draft of the proposed budget.

Chairman Jones opened the public hearing.

Mr. Eugene Grizzard of the Drewryville District spoke. He applauded the Board for the fiscal situation of the county and for being one of the better-governed counties in Virginia. He stated that he knew they had a very difficult job in preparing the budget, but he hoped they could approach it in the same manner this year as in years past, with the interest of the citizens of the county at heart and the interest of the governing body of this county. He stated that he understood that a new industrial park was underway in the county and cautioned that people were not coming to counties where property taxes were high. He advised that he thought there were areas in the county that needed some work and he would relay that information to them and offer some suggestions at the proper time.

The Board took a 10-minute recess.

Upon returning to open session, Mr. Johnson announced that provided under separate cover with the agenda, was a copy of the consultant report, "Public Safety Communications Systems Replacement," prepared by Atlantic Technology Consultants (ATC). He advised that representatives from ATC were there to formally present the report.

Mr. George N. Condyles, IV, President of ATC and project manager, addressed the Board. He introduced his associate, Mr. Charles Smith. Mr. Condyles presented the report in detail via a PowerPoint presentation. In summary, ATC was recommending a new VHF high-band system using four (4) simulcast transmit sites with transmitter towers in the environs of Ivor, Sedley-Courtland, Capron, and Boykins. The system was designed to allow use of a handheld radio in at least 95% of the county, 95% of the time, and to be fully operable with emergency responders from neighboring jurisdictions. The 4-site system would allow for system expansion and the addition of other features, and each radio would be identifiable. ATC did evaluate the merits of a 3-site system, which was similar to the 4-site system except that it did not propose a tower in the Boykins area. The 3-site system was found to be less redundant and the coverage density less than the recommended design. Therefore, they did not recommend it for further consideration. Included in the presentation were numerous maps illustrating the existing radio system coverage and the modeled coverage for the 3-site and 4-site systems. The expected cost of the recommended 4-site system was \$2.32 million. If

they started now, the estimated timeline was 12 months, but FCC delays could extend it to 18 months.

Chairman Jones advised that most residents of the Drewryville District received rescue and fire services from Emporia and he was concerned that the system may not be fully operable with Emporia. Mr. Condyles explained that the system would have interoperability with Emporia, but due to band differences, they would have to add an additional piece of equipment to the Emporia side in order to have that interoperability.

Mr. Johnson advised that if the Board chose to proceed with the recommended 4-site system, it would be necessary to finance the system. Assuming a system life cycle of 15 years, a capital cost of \$2.32 million, and an interest rate of 4.5%, annual debt service was estimated at \$214,000. He informed that an adequate revenue stream was expected to be available in the Building Fund, given this year's retirement of the Series 2001 Revenue Note.

**Supervisor West moved, seconded by Supervisor Wyche, to direct ATC to proceed with system specifications for a new VHF high-band system using four (4) simulcast transmit sites and develop a Request for Proposals. All were in favor.**

Going back to late arriving matters, Mr. Johnson advised that he needed to confirm the Board's attendance at the April 1 Blackwater River Regional Forum at the Workforce Development Center. Student exhibits would be on display beginning at 6:00 PM and dinner would follow at 6:30 PM. After dinner, four 20-minute presentations were planned by the Departments of Conservation & Recreation, Game & Inland Fisheries, Health, and Environmental Quality.

All Board members indicated that they planned to attend.

Mr. Johnson announced that for the third consecutive year, Southampton County employees had formed a team to raise funds for the March of Dimes in its annual Walk-America Day. More than \$150 of donated items had been assembled and were being raffled off at \$5 per ticket. Amy Carr of the Commissioner of Revenue's Office was chairing that effort. He advised that in addition to the raffle, there had been a number of other fund-raising events planned including candy bar sales, donation of "March-Madness" basketball proceeds, and other small projects. A benefit luncheon for employees was scheduled for early-April. In the past, the Board had agreed to provide dollar-for-dollar matching funds, up to \$500, for this cause and employees were seeking their consideration again this year. He noted that employees had raised in excess of \$1,500 each of the last two years.

**Supervisor Sykes moved, seconded by Supervisors Faison and Felts, to match county employee fund raising efforts, dollar-for-dollar, up to \$500. All were in favor.**

Mr. Johnson introduced Mr. Mike Blythe of the Sheriff's Office who had been on active duty in Iraq for about a year. Mr. Blythe advised that he wanted to come and personally thank the Board for their support of him while he was in Iraq. It meant a lot to him knowing that his employer and the county supported him. He also very much appreciated the letter the Board sent to him in Iraq.

**Chairman Jones announced that it was necessary for a closed meeting to be held in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purposes:**

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

**Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members regarding specific legal matters (enforcement actions) requiring the provision of legal advice by counsel.**

**Supervisor West moved, seconded by Supervisor West, to conduct a closed meeting for the purposes aforementioned. All were in favor.**

Richard Railey, County Attorney, J. Waverly Coggsdale, III, Assistant County Administrator, and Cindy Cave, Community/Economic Development Director, were present in the closed session.

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

**RESOLUTION OF CLOSED MEETING**

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

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

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

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

**The motion passed unanimously.**

Mr. Johnson reminded the Board members to mark their calendar for the muzzleloading hearing on Tuesday, April 20, 2004 at 7:30 PM. He also reminded that the first budget workshop was scheduled for Wednesday, April 7, 2004 at 6:30 PM.

He mentioned that he had tickets available for the March of Dimes basket.

Supervisor Wyche reminded that the appreciation banquet for Reggie Gilliam was scheduled for April 3, 2004 at 6:00 PM Southampton High School for a donation of \$10.

There being no further business, the meeting was adjourned at 9:20 PM.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk