

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 24, 2003 at 6:00 PM.

SUPERVISORS PRESENT

Reggie W. Gilliam, Chairman
Eppa J. Gray, Jr., Vice-Chairman
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald W. West
Walter L. Young, Jr.

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
Susan H. Wright, County Administration Executive Secretary

Chairman Gilliam called the meeting to order at 6:00 PM and Supervisor Faison gave the invocation.

Chairman Gilliam sought approval of the minutes of the February 24, 2003 regular meeting. They were approved as recorded, as there were no additions or corrections.

Chairman Gilliam announced that Mr. Dean Lynch, Director of Local Government Affairs for the Virginia Association of Counties (VACo), would provide an activity update.

Mr. Lynch addressed the Board and informed that he was there to report the activities of VACo, which was Southampton County's State Association, and gather feedback on how they could best serve Southampton County. He advised that they served many counties through information/communication services, education/training, technical assistance, insurance/business services, and advocacy efforts. Regarding information/communication, he stated they provided a communication newsletter, *The County Connections*, informing counties of changes and issues in the State and State government they may need to take action on. (He noted that the Board should be receiving it.) During the legislative session, VACo provided *Capital Contact* 2-4 times per week via email or fax to the legislative person or liaison in the County and the County Administrator highlighting the big issues of the week. They provided legislative alerts and the VACo/Virginia Municipal League (VML) directory in which they identified counties by listing them with their tax rates, mailing and email addresses, etc. He mentioned that a new directory, which was a partnership with their sister organization, VML, would be out in 2-3 months. They also put together a summary of General Assembly legislation affecting counties and would distribute it at their May 19, 2003 steering committee meeting.

Mr. Lynch advised in regards to education/training, they had an annual conference with excellent workshops and top-name speakers. They had a Local Government Officials Conference (LGOC) partnered with the University of Virginia (UVA) and Cooper Center in Charlottesville. He noted it was normally held in August there but would be held this year in the Tidewater area. Also, every other year they had a New Supervisors Conference in which they provided new county supervisors with information they would need in the first 2 years. Concerning technical assistance, he stated he was particularly involved in community development and planning activities for localities, and Mr. Larry Land was involved in community development, planning, solid waste, and wastewater. Ms. Phyllis Reko, their staff attorney, provided ordinance drafting and legal assistance, and Mr. Allen Davenport provided budget and revenue projections. Regarding insurance/business services, they provided VACorp property and liability insurance, a VACo health insurance program, a VACo leasing program, and a group-purchasing program with the National Association of Counties that was currently through Home Depot. In regards to advocacy efforts, he informed he was most involved in that area and emphasized that VACo was Southampton County's lobbyists in Richmond. They devised steering committees each year dealing with human services and administration of government (that Mr. Johnson served on), and finance (that Supervisor West served on). They put

together a legislative program and lobbied on behalf of all counties. He added they would also lobby issues unique to a particular county, but had to be made aware of them. He noted they did all they could at the General Assembly this year to protect local governments. He encouraged and challenged the Board to be active in VACo and participate in meetings, read the communications, and give them feedback on how they could best serve Southampton County. He then presented the Board with a Certificate of Good Standing with VACo and thanked them for their time.

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

Mr. Johnson announced that he had prepared for the Board's consideration, a resolution of intent to abandon State Route 756 (Tarra Lane) in the Berlin-Ivor District. Subsequent to its preparation, they learned there were a number of properties that would be adversely affected by closing that route. They had discussed this with Supervisor West (who initiated the resolution) wished to drop the issue if there were no objections.

He stated that included in the agenda was correspondence from VDOT Commissioner, Philip Shucet, regarding a real-time, web-based highway project management program, known as *The Dashboard*, which afforded the general public an opportunity to track the status of active transportation construction projects in Virginia. The program became available on March 12 and could be accessed at www.virginiadot.org.

Mr. Johnson announced that the six-year program update meeting for the Hampton Roads District was scheduled for Thursday, March 27, 2003 at 9:00 AM at the Hampton Roads Planning District Commission offices. He had enlisted several speakers to support the Route 58 overpass project including Chairman Gilliam, Judy Riddick, Sheriff Francis, and Delegate Barlow. He noted that Delegate Council would be unavailable to speak but had already sent a letter of support, and First Sergeant Wrenn had to cancel. He invited any interested Board members to attend.

Mr. Randolph Cook informed that the work on the railroad crossing in Boykins had been completed. The work on the Branchville railroad crossing had been continuously postponed, but he hoped they could complete it soon if the weather cooperated.

He advised they were back working in Supervisor Jones' area (Drewyville) on Route 58. Supervisor West asked what was going on there concerning the drop-offs? Mr. Cook replied there were 4 different lifts of asphalt and the drop-offs were where one project ended and another began. They had been affected by the winter weather and had to stop working wherever they were at. He noted they had made the bump a little better and it would level out. They had 2 lifts to finish and thought they could do so in the next 3 weeks. They hoped to get the shoulders and driveways completed by June or July.

Mr. Cook reported that regarding Route 671, the contractor had elected not to start construction until some time in April due to the wet weather and that area being especially wet, as he had some wetlands issues.

He advised they would also be resurfacing within the next couple of weeks, but could not recall the areas.

Supervisor West asked Mr. Cook what was their status with the State's pothole program? Mr. Cook replied they were up to date but were ok to begin with, as they did not have a lot of potholes and fortunately did not get the snow and ice like other areas.

Proceeding to appointments, regarding the Suffolk Shelter for the Homeless, Inc., Supervisor West informed that he was having difficulty getting a candidate to commit because of the requirement that he or she must have the ability to raise or contribute \$500 annually. He mentioned that perhaps the Board could fund the \$500 for the candidate. Otherwise, he would like all the Board members to try and seek a candidate. He commented that was such a small amount for the Board to donate to a worthwhile organization that served about 10 Southampton County families each year. There was some discussion as to whether the Board wanted to fund the \$500 for the candidate, but no consensus was met at that time.

Mr. Gilliam advised that Dallas O. Jones' current term on the Planning Commission would expire April 30, 2003. The terms were for 4 years and he was eligible for reappointment.

Vice-Chairman Gray made a motion to reappoint Dallas O. Jones to the Planning Commission. Supervisors Young and West seconded the motion. All were in favor.

In regards to monthly reports, Mr. Johnson announced that Mr. David Britt, Southampton County Treasurer, wanted to speak briefly to the Board.

Mr. Britt addressed the Board and stated that Treasurer's Reports for several months were included in the agenda this month and they would try to have them caught up by next month. They had gotten behind due to turnover in his office during tax season. He reported that in 2002, \$10.1 million was assessed for personal property and real estate, and as of Friday, March 21, 2003, they had collected \$9.6 million of it, or 95%. They sent out delinquent tax notices today in an effort to collect the balance due for 2002. He advised he had been working with Mr. Drewry of Pulley & Rowe and they had made a few changes in tactics regarding delinquent real estate tax collection. They put together a list of the top ten people who owed taxes to Southampton County and were pursuing those diligently. He noted that the delinquent tax collection report included in the agenda this month showed that the taxes from the number 2 person on the top ten list had been collected. Supervisor West asked if the top ten list would be published? Mr. Britt replied no. Mr. Johnson advised and Attorney Railey confirmed that the Statute provided for either all of the delinquent taxpayers to be published or none at all; you could not publish just the top ten.

Mr. Johnson received various monthly reports and provided them in the agenda. They were Financial, Sheriff's Office, Traffic Tickets for 2003, 9-1-1 Sign Repair, Animal Control, Building Inspections, and New Housing Starts. Also Cooperative Extension, Treasurer's Office for July 2002-November 2002, Delinquent Tax Collection, Daytime E.M.S. Contract, Fire/Rescue Reports, and Personnel.

In reference to the personnel report, Mr. Johnson announced that the position of Robert T. Stevens of the Sheriff's Office was reclassified effective 03/01/03 to an annual salary of \$25,501. James W. Vann, Public Works Director, retired effective 03/01/03, and J. Michael Blythe and Raymond E. Merkh of the Sheriff's Office remained on active military leave effective February 10, 2003 and January 1, 2003 respectively.

Proceeding to financial matters, bills in the amount of \$891,564.60 were received. **Vice-Chairman Gray moved, seconded by Supervisors Jones and Young, that the bills in the amount of \$891,564.60 be paid with check numbers 54872 through 55515. All were in favor.**

Mr. Johnson announced that National County Government Week (NCGW) was an annual celebration of county government. It was first held in 1991 and its goal was to raise public awareness and understanding about the roles and responsibilities of the nation's counties. This year it was scheduled to be held April 6-12, 2003. He advised that more than 1,000 counties participated in NCGW annually and held a variety of programs and events including tours of county facilities, presentations in schools, meetings with business and community leaders, recognition programs for volunteers, briefings on environmental projects, or simply adopted a resolution in support. Mr. Johnson read aloud the following resolution in the agenda that officially proclaimed April 6-12, 2003 as NCGW:

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 assuming primary responsibility for disaster planning; 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 6-12, 2003 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 our communities thriving.

Adopted, this 24th day of March, 2003

SOUTHAMPTON COUNTY, VIRGINIA

Reggie W. Gilliam, Chairman
Board of Supervisors

ATTEST

Michael W. Johnson, Clerk

Vice-Chairman Gray moved, seconded by Supervisors Jones and Young, that the resolution be adopted. All were in favor.

Mr. Johnson announced that included in the agenda was a request from the Boykins Volunteer Fire Department and Rescue Squad seeking \$14,500 to be used for capital expenses associated with their acquisition of the 1998 Wheelcoach ambulance and the 1999 Pumper Tanker. He reminded that beginning in FY 2000, the Board agreed to provide almost \$1.2 million over a ten year period for capital improvements for fire and rescue. The FY 2003 allocable share for each fire department and rescue squad was \$9,500 and \$5,000 respectively. Funds were earmarked annually for each department/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 a table showing the status of the appropriations since initiated in FY 2000 was in the agenda. They had appropriated \$311,500 to various fire departments/rescue squads, and there was \$131,000 in escrow including \$14,500 earmarked for the Boykins Volunteer Fire Department and Rescue Squad.

Supervisor Faison moved, seconded by Supervisor West, that the capital funding request be approved. All were in favor.

Mr. Johnson announced that in the agenda was a request from Greensville County for a resolution of support to improve the facilities of the Southside Virginia Community College, Virginia Workforce Center, and Southside Programs for Adult Continuing Education in their efforts to better meet the needs of unemployed and underemployed in Southside Virginia. He reported they recently conducted a survey, which indicated that up to 5% of their students/users may be Southampton County residents. They had a feasibility study underway consisting of a space needs analysis and a survey of educational/training needs from local businesses/industries. He thought they ultimately hoped to construct a new facility in Greensville/Emporia similar to the Workforce Development Center on the campus of Paul D. Camp Community College in Franklin. He advised he had talked to Dr. Doug Boyce, President of Paul D. Camp Community College, and he agreed that the residents of Western Southampton County naturally tended to patronize the Greensville/Emporia area for goods/services. He did not view higher education improvements in that area as "competition" for the Workforce Development Center or Paul D. Camp Community College, and encouraged the Board's favorable consideration of the resolution.

The resolution to be considered is as follows:

**RESOLUTION #
HIGHER EDUCATION CENTER**

WHEREAS, the current educational facilities utilized by the Southside Virginia Community College, Virginia Workforce Center, and Southside Programs for Adult Continuing Education, located in Emporia, Virginia are decentralized and inadequate due to an insufficient number of classrooms, insufficient technology, and non-compliance to the Americans With Disabilities Act; and

WHEREAS, those persons using the aforementioned educational facilities were surveyed and found to be citizens of Brunswick, Dinwiddie, Sussex, Southampton, and Greensville Counties as well as the City of Emporia; and

WHEREAS, an effort currently exists to address the needs of unemployed and underemployed persons, as well as the training and educational needs of industries located in those jurisdictions and the facility needs of the Southside Virginia Community College, Virginia Workforce Center, and Southside Programs for Adult Continuing Education.

NOW, THEREFORE, BE IT RESOLVED, that the Southampton County Board of Supervisors supports and endorses the efforts that are being undertaken to meet the needs of unemployed and underemployed persons, and the educational and training needs of industries as well as to improve facilities for the Southside Virginia Community College, Virginia Workforce Center, and the Southside Programs for Adult Continuing Education.

Reggie W. Gilliam, Chairman
Southampton County Board of Supervisors

ATTEST:

Michael W. Johnson, Clerk

Adopted this 24th day of March, 2003.

Supervisor Jones informed there were 20-25 families in Southampton County living within 2 miles of Greensville County/Emporia and they patronized that area. They only came towards Courtland when they had to go to court or pay taxes. He advised he was very much in favor of the resolution.

Supervisor Jones made a motion to adopt the resolution. Supervisor West seconded the motion and commented that anything that provided additional education opportunities was worthwhile. All were in favor.

Mr. Johnson announced that as the Board directed at the December 2002 meeting, the Planning Commission had developed and recommended an ordinance, included in the agenda, to impose civil penalties for certain zoning violations. He reported that subsequent to their development of that ordinance, the General Assembly amended the enabling legislation (HB 1888) to raise the maximum civil penalty for second and subsequent violations from \$150 to \$250, and the total civil penalties imposed from \$3,000 to \$5,000. He advised that if they wished to proceed with the matter and take full advantage of the enabling legislation, there was text on lines 92 and 137 of the proposed ordinance that needed to be amended accordingly. He informed that he had asked Waverly Coggsdale, Secretary of the Planning Commission (and Assistant County Administrator) to provide a brief overview of the specific violations that would be prosecuted as civil matters should the ordinance be adopted, and to answer any questions.

Mr. Coggsdale advised that the violations listed in Section 18-951.2A would include the following:

- 1) Unauthorized use of lots and main or accessory structures in all zoning districts
- 2) Violation of encroachment – required yards, height limits, parking space, open spaces
- 3) Violation of height regulations in zoning districts
- 4) Violation of off-street parking requirements
- 5) Violation of regulations for permanent and temporary signs
- 6) Violation of standards for manufactured homes, special regulations for industrialized buildings, developmental standards for intensive agricultural and livestock operations, requirements for manufactured home parks and subdivisions, special regulations for two-family dwellings and townhouses and multiple-family housing, developmental standards for business and commercial buildings, developmental standards for M-1 zoning district, developmental standards for permitted service and industrial uses, development standards for junk, salvage and wrecking yards and developmental standards in the M-3 zoning district

- 7) Violations of certificate of occupancy and permit requirements
- 8) Violations of site plan requirements
- 9) Violations of proffers, planned development application plan, special use permit, special use exception, conditional use permit, variance, site plan or any condition related thereto.

He advised that the violations set forth in Section 18-951.2B would include the following:

- 1) Violation of regulations in regard to accessory structures in a residential district
- 2) Violation of supplementary regulations in regard to use and structures in required yards
- 3) Violations regulating to non-conforming uses

Supervisor Jones advised he did not think the Planning Commission would object to raising the monetary amounts of the penalties in the ordinance to take full advantage of the enabling legislation.

Supervisor West moved, seconded by Supervisor Faison, to add the necessary text to the ordinance to impose the General Assembly's amended enabling legislation. All were in favor.

Vice-Chairman Gray made a motion to advertise the ordinance for public comment on April 28, 2003. Supervisor West seconded the motion. All were in favor.

According, a first reading was held on the following ordinance prepared by the Planning Commission:

AN ORDINANCE TO AMEND AND REORAIN CHAPTER 18 OF THE SOUTHAMPTON COUNTY CODE TO IMPOSE CIVIL PENALTIES FOR ZONING VIOLATIONS.

Sec. 18-590. Violations ~~and penalties.~~

~~(a) In case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land used in violation of this chapter, the administrator is authorized and directed to institute any appropriate action to put an end to such violation.~~

(a) Any building erected contrary to any of the provisions of this ordinance or contrary to any condition imposed upon a conditional rezoning, issuance of a special use permit, conditional use permit or a special use exception or approval of a site plan, and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this ordinance or any condition imposed upon any conditional rezoning, issuance of a special use permit, conditional use permit or a special use exception or approval of a site plan, shall be a violation of this ordinance and the same is hereby declared to be unlawful. The zoning administrator may initiate injunction, mandamus, abatement, criminal warrant or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this ordinance.

~~(b) Where there is reasonable cause to believe that a violation of this chapter has occurred, the administrator or his authorized representative may, with written consent of the owner or occupier of the premises in question on a form provided by the administrator, enter the premises for the purposes of inspection. Where permission to enter is withheld, the administrator shall seek a court order from the general district court of Southampton County or a search warrant from a magistrate of the jurisdiction as may be appropriate.~~

(b) Upon becoming aware of any violation of any provisions of this ordinance, the zoning administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the zoning administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.

~~(c) Any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, or who shall use any land or build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything violation of this chapter shall be placed, or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fines as hereinabove provided.~~

~~(Ord. Of 6-18-90, § 19-19.20)~~

(c) *The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.*

(d) *Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the zoning administrator. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.*

Sec. 18-591. Penalties and Remedies.

Sec. 18-591.1 Criminal penalty.

Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any provision of this chapter, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of this chapter or any site plan or other detailed statement or plan submitted by one of the above-described persons and approved under the provisions of this chapter, shall be subject to the following:

- A. *The person shall have committed a misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00)*
- B. *If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten (10) day period, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00).*

State law reference – Va Code § 15.2-2286

Sec. 18-591.2 Civil penalty.

Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any provision of this chapter, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of this chapter or any site plan or detailed statement or plan submitted by him or approved under the provisions of this chapter, shall be subject to the following:

- A. ***Schedule of violations subject to one hundred dollar (\$100.00) civil penalty for first violation.*** *Any violation of the following provisions of this chapter shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first violation, and a civil penalty of two hundred fifty dollars (\$250.00) for each subsequent violation arising from the same set of operative facts:*
 - 1. *Each use of a lot, including the use of any structure thereon, not authorized either as a matter of right or by conditional use permit, special use permit or special use exception by the zoning regulations applicable to the district in which the lot is located, in violation of, as applicable, sections and subsections 18-37, 18-72, 18-102, 18-127, 18-157, 18-192, 18-193, 18-222, 18-223, 18-252, 18-253, 18-282, 18-283, 18-312, 18-313, 18-314, 18-347 or 18-348.*
 - 2. *The location of a structure or improvement in an area other than a building site, in violation of subsection 18-8-4.*
 - 3. *Any violation of sections and subsections 18-43, 18-78, 18-133, 18-163, 18-197, 18-227, 18-257, 18-287, 18-318 or 18-354.*
 - 4. *Any violation of section 18-421, which regulates off-street parking.*
 - 5. *Any violation of section 18-423, which regulates permanent and temporary signs, except as provided in section 18-423(b)(3).*
 - 6. *Any violation of sections 18-46, 18-47, 18-48, 18-49, 18-104, 18-105, 18-106, 18-166, 18-167, 18-198, 18-228, 18-258, 18-289, 18-320, 18-321 or 18-356.*

7. Any violation of sections 18-572 or 18-573, which regulate use and occupancy when certificate of occupancy, zoning permits and building permits are required, respectively.
 8. Any violation of sections 18-575, 18-576, 18-577, 18-578, 18-579, 18-580, 18-581, 18-582, 18-583, 18-584, 18-585, 18-586, 18-587 or 18-588, which regulate site plans and development pursuant thereto.
 9. Any violation of a proffer, or a planned development application plan, special use permit, special use exception, conditional use permit, variance, site plan or any condition related thereto.
- B. Schedule of violations subject to fifty-dollar (\$50.00) civil penalty for first violation.** Any violation of the following provisions of this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) for the first violation, and a civil penalty of one hundred fifty dollars (\$150.00) for each subsequent violation arising from the same set of operative facts.
1. The construction, erection or location of an accessory structure in a residential district in violation of subsection 18-133(4) or 18-163(4).
 2. Any violation of, as applicable, section and subsections 18-424, which regulates uses and structures permitted in required yards.
 3. Any violation of Article XV, which regulates nonconforming uses.
- C.** Each day during which a violation is found to exist shall be a separate offense. However, the same scheduled violation arising from the same operative set of facts may be charged not more than once in a ten (10) day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed five thousand dollars (\$5,000).
- D.** Any person summoned for a scheduled violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the department of finance prior to the date fixed for trial in court. A person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. A signature to an admission of liability shall have the same force and effect as a judgment of court. However, such an admission shall not be deemed a criminal conviction for any purpose. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
- E.** The designation of a particular violation in section 18-591.2(A) or (B) shall be in lieu of any criminal penalty and, except for any violation resulting in injury to persons, such a designation shall preclude the prosecution of the particular violation as a criminal misdemeanor, but shall not preclude any other remedy available under this chapter.
- F.** The designation of a particular violation in section 18-591.2(A) or (B) shall not be construed to allow the imposition of civil penalties: (i) for activities related to land development within the meaning of Virginia Code § 10.1-603.2; or (ii) for violation of any provision of the zoning ordinance relating to the posting of signs on public property or public rights-of-way.
- G.** Any reference herein to a section of this chapter shall include all subsections and paragraphs of that section.

State law reference – Va. Code § 15.2-2209.

37.3 Injunctive relief and other remedies.

Any violation of this chapter may be restrained, corrected, or abated as the case may be by injunction or other appropriate relief.

State law reference – Va. Code § 15.2-2208.

A copy teste: _____, **Clerk**
Southampton County Board of Supervisors

Mr. Johnson announced that also as directed by the Board last month, he had prepared an ordinance requiring that a deed restriction and plat acknowledging the location, size, ownership, and perpetual care of any cemetery not accessory to a church be recorded in the office of the clerk of the circuit court upon issuance of a conditional use permit. The ordinance further required a minimum 15-foot recorded easement for egress-ingress if the parcel did not front a public highway.

Vice-Chairman Gray moved, seconded by Supervisors West and Young, that the ordinance be advertised for public comment on April 28, 2003. All were in favor.

Accordingly, a first reading was held on the following ordinance prepared by Michael W. Johnson, County Administrator:

AN ORDINANCE TO AMEND CHAPTER 18 OF THE SOUTHAMPTON COUNTY CODE
BY ADDING THERETO SECTION 18-428 TO REQUIRE A DEED RESTRICTION
FOR CEMETERIES NOT ACCESSORY TO CHURCHES

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended by adding the following Section to Chapter 18, as Section 18-428:

Sec. 18-428. Deed restriction for cemeteries not accessory to churches.

Following approval of any conditional use permit by the board of supervisors pursuant to the provisions of this chapter, the owner of any land to be used as a cemetery which is not accessory to a church shall file in the office of the clerk of the circuit court of Southampton County a deed restriction and plat acknowledging the location, size, ownership and perpetual care of said cemetery. For any cemetery not contiguous to a public highway, access shall be provided with a minimum of fifteen (15) foot recorded ingress-egress easement.

For state law authority, please see § 15.2-2280 of the 1950 Code of Virginia, as amended.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: April 28, 2003

Mr. Johnson stated he was sure the Board members had seen a number of letters in the newspaper (*The Tidewater News*) and copies of letters that Arthur Harris, Mayor of Branchville, had sent to him. He advised that Mayor Harris called him last week specifically to enlist the County's support in petitioning the General Assembly next year to amend § 56-412.1, *Code of Virginia*, to impose greater penalties for railroad cars obstructing public streets/roads for more than 5 minutes. A copy of the current statute, which provided for a railroad company to be fined up to \$100 per minute, but not to exceed \$500, is as follows:

§ 56-412.1. Railroad cars obstructing street or road; standing vehicle on railroad track. – It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any street or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train; provided that when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars and trains were standing across such street or road. Any such railroad company, receiver or trustee, violating any of the provisions of this section shall be fined not less than \$100 nor more than \$500; provided that the fine may be \$100 for each minute beyond the permitted time but the total fine shall not exceed \$500.

This section shall not apply when the train is stopped due to breakdown, mechanical failure or emergency.

Mr. Johnson informed that included in the agenda were letters that Mayor Harris recently sent to Delegates Barlow and Council along with their responses. He thought he was looking for broader support, perhaps for the County to try and enlist one of the Delegates to introduce legislation in next year's session.

Supervisor Faison commented that it was indeed a problem.

Vice-Chairman Gray asked if anyone was enforcing the current statute? Mr. Johnson replied that he had been told that the Town Officer in Boykins may have written tickets to that effect, but there were problems with the Town Ordinance in that the language was not fully consistent with the State Statute. Therefore he was unsure if those tickets would be upheld in Court. He knew that the Town Council may be looking to revise their Ordinance. He noted that Southampton County did not have an ordinance that made it a county offense. Vice-Chairman Gray asked if other counties had such an ordinance and Mr. Johnson replied that he did not know. He added that towns seemed to be most affected because a railroad ran through every town and usually the fire department/rescue squad was on one side of the tracks and substantial development on the other, creating a public safety issue in the towns. In rural areas, there may be alternative routes around streets/roads blocked by railcars.

Chairman Gilliam asked if the Board chose to support Mayor Harris' request, would they send a letter to the Delegates? Mr. Johnson replied that was what Mayor Harris was requesting, but he had not suggested any specific language and did not know that he would. He may trust the judgment of the Delegates or Division of Legislative Services to decide what may be most appropriate.

Supervisor Faison made a motion for the Board to support Mayor Harris' request. Vice-Chairman Gray seconded the motion. All were in favor.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was a copy of a memorandum distributed to each of the six town mayors last Wednesday following a conference call that he and the Sheriff participated in with the Governor's office. The memorandum pointed to a number of resources that citizens may access to prepare themselves for potential terrorist reprisals as the war on Iraq commenced. The Sheriff's Office also faxed a reminder to each fire department and rescue squad to remain alert and vigilant for any suspicious activity in their respective communities. The Sheriff's Office also issued a press release (published in *The Tidewater News*) reminding citizens to prepare now for potential acts of terrorism and providing them with the State website address and toll free numbers to access helpful information.

He reported the following notices of violation were issued by the Virginia Department of Health to:

- 1) The Kingsdale-Moseley System for failure to collect the routine bacteriological samples during the month of January 2003; and
- 2) The Nottoway Trailer Court System for exceeding the primary maximum containment level for fluoride.

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

- 1) From VDACS to David Britt, seeking relief from the service charges assessed on state-owned property for 2002;
- 2) Written notice from Futures Academy, Inc. to withdraw its pending application for a conditional use permit to develop a private residential school for foster care youth on a 243-acre parcel on the north side of Ivey Tract Road approximately 1.5 miles south of Hicks Ford Road;
- 3) From the Nature Conservancy of Virginia requesting a listing of yearly events in Southampton County in an attempt to learn more about the people and places here;
- 4) From the Tidewater Resource and Conservation Development Council, advance notice of planned meetings in our area later this year to discuss the risks of wildfire in this section of the Commonwealth and steps that we may take to reduce the risk;
- 5) Notice of Charter Communications' intent to launch 3 new digital tiers of service on April 4
- 6) From CSX Transportation, notice that the "Parks for Growth" program deadline had been extended to September 1, 2003;
- 7) An update from Judy Brinkley on her efforts to find homes for the stray cats at the old Capron Solid Waster Transfer Station; and
- 8) From Bill Dickenson, VDACS Assistant Commissioner, offering assistance in planning for the future of agribusiness in Southampton County.

Finalizing miscellaneous issues, he advised that outgoing correspondence and various news articles of interest were included in the agenda for the Board's reference.

The Board took a short recess.

Upon returning to open session, Chairman Gilliam announced that the first public hearing was to consider the following:

An ordinance to amend and reordain the Southampton County Code in response to changes in state enabling legislation that specifically define a number of weapons to be used for hunting. The proposed ordinance essentially provided that: A) It shall be unlawful to hunt with a rifle larger than .22 caliber rim fire except for the hunting of groundhogs between March 1 and August 31, B) it shall be unlawful to hunt with a muzzleloading rifle at any time, C) it shall be unlawful to hunt with a muzzleloading shotgun loaded with slugs or sabit slugs, and D) it shall be a Class 3 misdemeanor to violate the provisions of this ordinance.

The ordinance in its entirety is as follows:

AN ORDINANCE TO AMEND SEC. 10-26 OF THE SOUTHAMPTON COUNTY CODE
IN RESPONSE TO CHANGES IN STATE ENABLING LEGISLATION
THAT SPECIFICALLY DEFINE A NUMBER OF WEAPONS USED FOR HUNTING

- - - - -

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended revising Sec. 10-26 to read as follows:

Sec. 10-26. Hunting weapons restricted.

~~(a) It shall be unlawful for any person to hunt in the county with a rifle of a caliber larger than twenty-two one hundredths of an inch (.22); provided, however, that this section shall not be constructed to:~~ *to hunt with a rifle larger than .22 caliber rim fire except rifles of a larger caliber may be used for hunting groundhogs between March 1 and August 31;*

~~(1) Prohibit any person from shooting groundhogs with a larger caliber rifle between March 1 and August 31.~~

~~(2) Prohibit hunting for small game animals with muzzle-loading rifles except during the general open season for the hunting of deer and turkey with firearms; and provided, further, the caliber of ball used in such muzzle-loaded rifle shall not exceed forty five one hundredths of an inch (.45).~~

~~(b) Any person violating the provisions of this section, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00).~~ *It shall be unlawful to hunt with a muzzleloading rifle at anytime;*

(c) It shall be unlawful to hunt with a muzzleloading shotgun loaded with slugs or sabit slugs; and

(d) 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 March 24, 2003.

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

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

Chairman Gilliam reminded this was a public hearing and asked those desiring to speak to limit their comments to 3 minutes. (Due to the large number of persons desiring to speak, they were signed up to do so on a first-come first-serve basis.)

* PLEASE NOTE that the term *black powder* was used synonymously with the term *muzzleloading*. Also those opposed to muzzleloading were in favor of the ordinance, as the adoption of the ordinance would make it illegal to hunt in Southampton County with a muzzleloading weapon at any time, among other things. In contrast, those in favor of muzzleloading were opposed to the ordinance.

Mr. John R. Rawls of Capron, VA addressed the Board. He advised he was opposed to muzzleloading because of personal preference and safety issues. He stated he was born and educated in Southampton County, left to further his education and pursue a career in professional athletics, then returned to the County. He and others felt they had a heritage in the County and did not want to see many things changed. He noted that the County had some of the best deer hunting around. He stated that for a number of years, Mr. Dwayne Preston had tried to get the citizens of the County and the Board to support muzzleloading. To the best of his knowledge, Mr. Preston had never told the public that it was an economic issue to him, as he rented his land to hunters and if muzzleloading were permitted in the County, it would give him an additional 2 weeks to rent the land. He advised that he had watched a friend in Greensville County (where muzzleloading was legal) on numerous occasions at 200 yards put every shot in a 5-inch circle with a 50-caliber projectile.

Mrs. Teresa B. Preston of the Berlin-Ivor District spoke highly in favor of muzzleloading and full hunting rights. She advised that per a survey from the Department of Game and Inland Fisheries (DGIF), Southampton County was losing revenue and in turn reducing revenue to the State by not allowing muzzleloading. She understood that the County Ordinance needed to be amended to reflect certain statutory revisions from the General Assembly that became effective January 1, 2003. However, the DGIF did not recommend that Southampton County prohibit muzzleloading. She was asking for her constitutional right to hunt, subject to the laws of Virginia. She noted that Fairfax County was the only other county in the state of Virginia that did not allow muzzleloading.

Mr. William Randall spoke in favor of muzzleloading. He stated that the Commonwealth of Virginia had granted every citizen in the State of Virginia the right to hunt on his own property in a State-sanctioned hunting season. The governing body of Southampton County had continuously denied that right and he thought that was wrong.

Mr. Marvin B. Gunn, Jr. spoke in favor of muzzleloading. His main objection to the ordinance was that it took away what was already allowed by the laws of Virginia. He stated that he had received a legislative alert in the mail from the National Rifle Association (NRA) regarding this issue alerting him that his rights were being infringed upon.

Mr. Richard Harris introduced himself to the Board as a black powder enthusiast and member of the NRA and the Virginia Shooting Sports Association. He advised that he was born in and had spent his entire life in Southampton County except for the time he served in the U.S. Military. He could not understand why the ordinance was proposing to prohibit the use of slugs in muzzleloading shotguns only. It could not be a safety issue because it was not proposing to prohibit their use in modern weapons. He stated that if hunt clubs wanted to prohibit the use of slugs, to let them exercise that right, but individual landowners should have the right to use slugs with a muzzleloading shotgun if they so desired. He commented there were plenty of deer in the County for all types of deer hunting and the deer hunters of the County should not be divided. They all believed in their right to bear arms and harvest game and enjoy the American tradition of hunting. There were large numbers of people in the United States that did not believe in any of those rights and he asked them not to help the anti-gun and anti-hunting groups by being divided.

Mr. Jimmy Modlin of Boykins addressed the Board. He advised that he had petitions signed by over 200 people that were opposed to muzzleloading and he represented all those opposed. He stated that the people in Southampton County had a long and proud heritage of hunting and taking care of the natural resources. There were people present tonight whose fathers and grandfathers started hunt clubs in the County. Those people were "home" folks who would try to manage and take care of the deer herd, and hunt with shotguns and not high-powered rifles. Those were the people who would spend their money in Southampton County buying dog food and hunting supplies. He advised that the new black powder rifles were nothing more than high-powered rifles. Some of the calibers were capable of going from 2600 feet per second, which were as large as some of the weapons being used in Iraq. He stated that Southampton County had flat land and more cutover than ever, and muzzleloading season would be in when farmers were in the fields, which created an additional safety issue. He asked the Board to vote against allowing the black powder high-powered rifles to be used in the County.

Mr. J. W. Ballard spoke in favor of muzzleloading. He was a lifelong member of the County and had only left the area to serve in the Army for 2 years. He had been fortunate to hunt with B&B Hunt Club all his life. He stated he hated to see the hunters of the County divided over the issue of muzzleloading. He did not understand why there could not be a more open discussion rather than "yes" and "no". He was present a few years ago when the proponents of black powder presented petitions to the Board of Supervisors, and there were about twice as many as those opposing. The

Board chose to decline to allow black powder season in the County. He wanted the Board to give the County a black powder season, and if there were underlying reasons why they would not, he would like to see the issue go to a referendum and let the citizens of the County vote on it.

Mr. George Gehuken introduced himself as a retired wildlife biologist. He stated he had lived and/or worked in Southampton County for 54 years. He thought it was absolutely wrong for a landowner not to be able to permit his family and friends to hunt with black powder on his land. He advised that black powder would not have a big effect on the deer population and if the Board was concerned about safety, they could make the black powder hunters get up 10 feet off of the ground.

Mr. W. H. Gillette spoke to the Board. He stated there was a sign on Route 35 that stated, "Share the Abundance". The reason that plentiful resource or abundance of deer existed in the County was because of the harvesting of deer at close range with either a shotgun or bow. He advised that *Outdoor Life* magazine pointed out "If you want a trophy deer, go to Southampton County. He wanted the Board to prohibit muzzleloading in the County.

Mr. Sam Bass spoke in favor of muzzleloading. He advised he was born and raised in Southampton County and was fortunate to have family-owned land that he could hunt on. He did not hunt with a hunt club but had done so in the past. He thought that the prohibiting of muzzleloading was an infringement of his rights. The hunting clubs that did not want to allow muzzleloading could exercise that right.

Mr. Will Haas introduced himself as a Virginia Game Commission hunter and education instructor and coordinator for Southampton County. He stated in his 30 years of teaching hunting education, they never discriminated against any type of hunting. It would be a big step forward if they could tell their students they could hunt deer in the County with a muzzleloader. In the 2002-2003 hunting season, there were only 3 muzzleloading incidents as opposed to 41 incidents with a gun, including one fatality. He urged the Board to vote against the ordinance.

Mr. Woody Walker spoke to the Board. He asked the Board to defer the adoption of the ordinance and direct Attorney Railey to draft a new amendment that would allow the use of muzzleloading rifles and shotguns during Virginia's early deer season. Such a decision would favor the rights of individual landowners rather than the will of organized hunt clubs. He stated that safety had been mentioned as a concern, but muzzleloading had proven to be one of the safest hunting methods in Virginia.

Ms. Diane Kropewnicki spoke in favor of muzzleloading. She advised that the County was losing money by not allowing muzzleloading. She stated that statistics showed that there were more incidents with shotguns than with muzzleloaders.

Mr. Dwayne Preston spoke highly in favor of muzzleloading. He refuted Mr. John R. Rawl's accusation that muzzleloading was an economic issue to him, as he had never charged anyone to hunt on his property. He stated that safety statistics proved that muzzleloading was not a safety issue. He advised that other counties allowed muzzleloading and it was done safely. He advised that Southampton County citizens were going to other counties that allowed muzzleloading to hunt and were spending money there. He questioned the legality of the ordinance. He stated that the State Code changed by adding and amending definitions but did not prohibit muzzleloading.

Mr. Jimmy Modlin asked everyone present that was opposed to muzzleloading to stand up. An overwhelming number of people stood up.

Mr. Dwayne Preston asked everyone that was standing who was not a member of a hunt club to raise their hands. A smaller number of people raised their hands.

Mr. Mark Pope spoke in favor of muzzleloading. He stated he did not think safety was based on the type of weapon used, but rather the man using the weapon. He advised he was born and educated in Southampton County and had a family farm. He had started a business to bring hunters in on his farm and he had lost \$20,000 in business because Southampton County did not have a black powder season.

Mr. Eddie Marks spoke in opposition to muzzleloading. He advised that he wanted to clarify the safety statistics suggesting that muzzleloading was just as safe or safer than hunting with shotguns. He pointed out that regular deer hunting season was 6 weeks long and black powder was 2 weeks long, and there were an overwhelming number of people who hunted during the regular deer hunting

season than in muzzleloading season. So there were a lot more people hunting and for a longer period of time in regular hunting season than muzzleloading season. He stated they needed to compare “apples to apples” when trying to prove that muzzleloading was safer or as safe as hunting with a shotgun.

Note: Several citizens who spoke provided literature (such as safety statistics, statistics showing that muzzleloaders were high-powered rifles, etc.) to the Board members supporting their favorable or opposing view to muzzleloading.

Chairman Gilliam asked if anyone else desired to speak in favor of or in opposition to the ordinance amendment? Hearing none, he closed the public hearing.

Supervisor Young made a motion to adopt the proposed ordinance (which would make it illegal to hunt with a muzzleloading weapon in Southampton County at any time, among other things). Vice-Chairman Gray seconded the motion.

Supervisor West advised he was definitely opposed to adopting the ordinance. He thought that pertinent facts were presented that needed to be considered. He stated that the State of Virginia enabled the use of a muzzleloading rifle and asked if there was legislation that allowed the County to prohibit it? Attorney Railey replied yes and was prepared to present that information. Supervisor West advised that it was very disturbing to him to see the County divided and arguing over the muzzleloading issue, especially when they had men and women fighting and losing their lives in Iraq for the U.S. citizens. He added there were groups against hunting of any kind and they needed to join together and protect their hunting rights. He also believed in landowners’ rights. He acknowledged that his speaking out may not be favorable for him politically, but he had to make his beliefs known. He ultimately thought they needed to revisit the ordinance and defer action tonight.

Supervisor Faison agreed with Supervisor West. He advised he hated to see the County divided and would like for the County to at least try to come up with a solution that would be favorable to everyone. If they could not come up with such a solution, then they would have to be “yes” or “no”, but thought they should try. He thought that perhaps groups for and against muzzleloading could get together and come up with a proposal. He commented that he was not a hunter but loved the County and wanted to see the County joined together.

Supervisor Young stated that it would take too long to get the groups together and nothing would get done. He then advised that he would not change his motion to defer action and was keeping with his original motion. Vice-Chairman Gray advised that he thought muzzleloaders were high-powered rifles and there was indeed a safety issue. He commented that he did not care if Southampton County was only one of two counties who did not allow muzzleloading.

Vice-Chairman Gray and Supervisors Young, Jones, and Sykes voted in favor of the motion. Supervisors Faison and West voted in opposition to the motion. Chairman Gilliam then advised he would go with the majority. The vote was 5-2 in favor of the motion, thus the motion passed and the ordinance (that would make it illegal to hunt in Southampton County with a muzzleloading weapon at any time, among other things) passed.

Chairman Gilliam announced that the next public hearing was to consider an ordinance amendment to provide for a reduced license fee for sterilized dogs.

The ordinance is as follows:

AN ORDINANCE TO AMEND SEC. 3-34 OF THE SOUTHAMPTON COUNTY CODE
TO PROVIDE FOR A REDUCED LICENSE FEE FOR STERILIZED DOGS

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended revising Sec. 10-26 to read as follows:

Sec. 3-34. License – Required, payment.

It shall be unlawful for any person to own, harbor, keep, shelter or permit to remain on his premises a dog four (4) months old or over in the county unless such dog is licensed as required by the provisions of this article. Dog license taxes shall be paid for the calendar year, namely, from January first to December thirty-

first, inclusive, and the license tax shall be payable in the office of the county treasurer in the following amounts:

- (1) ~~Individual~~ *Unaltered dog* \$10.00
- (1.1) *Spayed or neutered dog* \$ 5.00
- (2) Kennel, for up to and including five (5) dogs \$20.00
- (3) Kennel, for up to and including twenty (20) dogs \$35.00
- (4) Kennel, for twenty-one (21) to fifty (50) dogs \$50.00
- (5) Guide dog for blind persons No fee
- (6) Hearing dogs for deaf and hearing-impaired persons No fee

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

Chairman Gilliam reminded this was a public hearing and asked if anyone wished to speak in favor of or in opposition to the ordinance amendment.

Mrs. Teresa Preston offered comments in favor of the ordinance amendment.

Chairman Gilliam closed the public hearing, as no other persons desired to speak.

Supervisor West made a motion to adopt the ordinance. Supervisor Jones seconded the motion. All were in favor.

Chairman Gilliam advised that the final public hearing was the initial hearing of the FY 2004 Annual Budget.

Chairman Gilliam reminded this was a public hearing and asked if any members of the public wished to make comments. Hearing none, he closed the public hearing.

Chairman Gilliam advised 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; and

Section 2.2-3711 (A) (7) Consultation with legal counsel regarding specific legal advice relative to collection of delinquent taxes.

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

Richard Railey, County Attorney, and Waverly Coggsdale, Assistant County Administrator and Secretary of the Planning Commission, were present in the closed session.

Ms. Cindy Cave, Community/Economic Development Director for Southampton County, joined the others in the closed meeting for a portion of that meeting.

Upon returning to open session, Chairman Gilliam advised only those items previously assigned had been discussed.

Vice-Chairman Gray moved, seconded by Supervisor Young, 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: Reggie W. Gilliam
Eppa J. Gray, Jr.
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald W. West
Walter L. Young, Jr.**

The motion was approved unanimously.

In regards to consideration of an ordinance to release delinquent tax liens, **Vice-Chairman Gray moved, seconded by Supervisor Young, to advertise the proposed ordinance for public comment on April 28, 2003. All were in favor.**

Accordingly, a first reading was held on the following ordinance prepared by Michael W. Johnson, County Administrator:

AN ORDINANCE TO ADOPT SECTION 15-78.2 OF THE SOUTHAMPTON COUNTY CODE TO PROVIDE FOR THE RELEASE OF DELINQUENT REAL ESTATE TAX LIENS

BE IT ORDAINED by the Southampton County Board of Supervisors, in regular session on March 24, 2003, that Section 15-78.2 be, and hereby is, enacted to read as follows:

Section 15-78.2 Release of Delinquent Tax Liens

The Southampton County Board of Supervisors shall have the authority to release liens for Delinquent real estate taxes, or any portion thereof, including penalty and accrued interest, in order to facilitate the conveyance of real property, provided however, such liens may only be released when the following four (4) conditions are met:

- A. The purchaser is unrelated by blood or marriage to the owner;
- B. The purchaser has no business association with the owner;
- C. The purchaser owes no delinquent real estate taxes to Southampton County; and
- D. The property, including land improvements, is valued at less than FIFTY THOUSAND DOLLARS (\$50,000.00).

In the event of such release, all such real estate tax liens shall remain the personal obligation of the owner of the subject real property at the time the liens were imposed.

This ordinance shall be effective at 12:00 midnight April 28, 2003.

March 24, 2003

For state law authority, please see § 58.1-3228 et. seq. of the 1950 Code of Virginia, as amended.

Supervisor West commented that he thought the Board should say the *Pledge of Allegiance* at the beginning of their meetings and made a motion for such. Vice-Chairman Gray seconded the motion. All were in favor.

There was discussion among the Board as to whether they wanted to send correspondence or care packages to county employees who were on active military leave in Iraq or Kuwait. It was mentioned that the Government discouraged the sending of some items and prohibited others. No consensus was met.

There being no further business, the meeting was adjourned at 9:00 PM.

Reggie W. Gilliam, Chairman

Michael W. Johnson, Clerk