

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 28, 2005 at 6:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)
Walter L. Young, Jr., Vice-Chairman (Franklin)
Walter D. "Walt" Brown, III (Newsoms)
Carl J. Faison (Boykins-Branchville)
Anita T. Felts (Jerusalem)
Ronald M. West (Berlin-Ivor)
Moses Wyche (Capron)

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
Richard E. Railey, Jr., County Attorney
Julia G. Williams, Finance Director
Robert L. Barnett, Building Official/Zoning Administrator
Cynthia L. Cave, Community/Economic Development Director
Susan H. Wright, Administrative Secretary

Chairman Jones called the meeting to order, and after the *Pledge of Allegiance*, Supervisor Faison gave the invocation.

Mr. Michael Johnson, County Administrator, introduced Mrs. Judy English, the new Director of the Southampton County Department of Social Services. He advised that Mrs. English had been with us for almost 2 months now and we were delighted to have her.

Mrs. English thanked the Board for the opportunity to serve the citizens of Southampton County in this capacity. She was not sure that they knew what a wonderful social services department, including the welfare department, child protective services division, and adult division, that they had. They did a super job and she said that with having many years of experience with social services. She urged the Board to please contact her if they ever had any questions, issues, or concerns, or if they could identify anything that Social Services could do to help make life better for the citizens of Southampton County.

Chairman Jones sought approval of the minutes of the February 8, 2005 mini-retreat, February 15, 2005 (land use) public hearing, and February 28, 2005 regular meeting. They 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 VDOT's recent notice of its final public hearing for the 2006-2011 6-year plan. The hearing would be conducted by video conference on Tuesday, April 19, with the Commonwealth Transportation Board presiding from VDOT's Central Office in Richmond. Our comments would originate from the District headquarters in Suffolk and be broadcast back to Richmond along with others from across the Commonwealth that evening. He advised that the itemized listing of projects that would be included in the new program were expected to be released March 31. Notwithstanding the \$848.1 million transportation funding package approved by the General Assembly, he held out little hope that our Route 58 overpass would be included. Governor Warner and several members of the General Assembly had acknowledged that this package was not a long-term solution to Virginia's fiscal woes and that transportation funding would likely be a major legislative issue again in 2006. He stated that he was open to the Board's direction on participating in the video conference. He noted that historically, few significant projects were added once the initial draft was released. Comments were limited to 3 minutes each and there was not much more we could say that had not already been said. But if the Board would like for him to participate, or if one of them would like to participate, he was open to that.

Supervisor Faison advised that he thought Mr. Johnson's time would be better served right here rather than traveling to Suffolk to participate in the video conference. However, he was in favor of Mr. Johnson sending a letter communicating his position on the Route 58 overpass project. The other Supervisors, with the exception of Supervisors Brown and West agreed.

Supervisor Brown stated that he thought they should have some participation from Southampton County. They had worked so hard for the Courtland interchange and they needed to keep that hot because it was a needed asset in this County. Supervisor West agreed.

Mr. Johnson advised that he did not mind participating and asked if any of the Supervisors objected to him participating? There were no objections.

Mr. Randolph Cook informed that regarding the revenue sharing program that the Board had been participating in for the Courtland interchange, some additional money had been allocated in the Governor's transportation funding for revenue sharing, but the Governor had not signed it yet. They were going to hold the Board's appropriation until after the Governor signed it, then they would come back and ask if they wanted to appropriate any more.

He advised that Whitehouse Road (Route 692) went for bids Tuesday and they did not receive a bid. He could not believe that contractors were that busy. They would put it on next month's schedule and thought they would surely receive some bids.

Mr. Cook informed that they had a contractor working on Route 58 on the new concrete. They were going to repair that whole thing from Southampton High School to the Greensville County line. They were also working to cover up the 2-3 miles of old pavement.

He advised that there were a lot of potholes and they were working on them. There were also a lot of drainage issues with ditches. They planned to start on those as soon as the weather got better.

Supervisor West asked if VDOT was fully staffed in the Berlin area? Mr. Cook replied that there were only 3 vacant positions out of 77, which included both Southampton County and Greensville County, but one vacancy was in the Berlin area. Those positions had been advertised.

Supervisor Wyche informed that he had had several complaints about there being no turn off lane going into Capron Elementary School. Mr. Cook stated that he would look at that. He hoped they could at least get a wedge so the buses could get off the highway.

Supervisor Brown advised that he had received calls from constituents in reference to the roadside ditches on Forks of the River Road. He asked if there was a time frame that had been developed to address those issues? Mr. Cook replied that he hoped they could get started in the next 6-8 weeks.

Chairman Jones stated that he saw where they did the sides of the road from Moore's Store down to the 2 brick houses, then they stopped. He thought they were coming on down. Mr. Cook replied that they planned to come all the way down and tie that in. Chairman Jones noted that it was a dropoff from the highway and it needed it really bad.

Regarding monthly reports, Mr. Johnson received various reports and provided them in the agenda. They were Financial, Animal Control, Sheriff's Office, Communication Center Activity Report, Traffic Tickets, and Building Inspections. Also, New Housing Starts, Cooperative Extension, Delinquent Tax Collection, Daytime E.M.S. Contract, Reassessment, and Personnel.

Chairman Jones asked Mr. Vernie Francis, Southampton County Sheriff, who was present in the audience, who a person needed to call to have traffic stopped for a funeral in Southampton County? He noted that a funeral director had asked him that question. Sheriff Francis replied that they needed to call the dispatch office a day ahead of time. Chairman Jones advised that he was at a funeral a couple weeks ago and the tractor-trailer traffic was a problem. The funeral director said that he had called, but he did not know. Sheriff Francis stated that, unfortunately, sometimes they would call 10-15 minutes before they needed traffic control, and that sometimes posed a problem. If a person called a day ahead of time, they always made sure they had it taken care of.

In reference to the reassessment report, Chairman Jones asked how we were coming with that? Mr. Johnson replied that included in the agenda were weekly progress reports. They were making good progress and the reassessment should be fully complete by the end of the calendar year.

Supervisor Brown asked what was the approximate number of total parcels that were being assessed? Mr. Johnson replied 13,000-14,000.

In reference to the personnel report, Mr. Johnson announced that David L. Harris was hired in the Sheriff's Office effective 03/01/05 at an annual salary of \$25,004. He advised that Robert M. Barry resigned from the Sheriff's Office effective 03/04/05. He informed that Raymond E. Merkh and Derek W. Ayers of the Sheriff's Office remained on active military leave and asked that everyone keep them in their thoughts and prayers.

Moving forward to financial matters, Mr. Johnson announced that bills in the amount of \$1,172,966.38 were received. **Vice-Chairman Young moved, seconded by Supervisor Brown, that the bills in the amount of \$1,172,966.38 be paid with check numbers 68144 through 68775. All were in favor.**

Moving to appointments, Mr. Johnson announced that included in the agenda was correspondence from Keith Boyd, Coordinator of the South Centre Corridors Resource Conservation and Development (RC&D) Council, regarding two (2) currently vacant appointments from Southampton County. In addition to Mr. Coggsdale, who recently resigned, Southampton County had been formerly represented by Preston Futrell and Gary Cross. He thought Mr. Cross was still on the Council representing the Soil & Water Conservation District. He noted that he had included in the agenda descriptive information about RC&D Councils from the National Association of RC&D Councils website. He advised that ideal candidates for the Council were individuals with a strong interest in making their community a better place to live by developing programs that encourage prudent land use, and sound management and conservation of natural resources. The RC&D Council met 6 times annually, usually at 6:30 PM, at meeting locations throughout the region. Scheduled upcoming meetings were as follows: May 31 – Southampton County, August 29 – Greensville County, September 29 – Prince George County, and November 29 – Sussex County. He noted that at their places was a copy of the Council's latest annual report.

Supervisor Wyche advised that he had already sought an appointee and recommended that Mr. M.L. Everett, Jr. be appointed.

Supervisor Faison moved, seconded by Supervisor Wyche, to appoint Mr. M.L. Everett, Jr. to the South Centre Corridors RC&D Council. All were in favor.

Vice-Chairman Young and Supervisors Brown and Faison all indicated that they were planning to seek an appointee. Only one additional appointee was needed, so the candidate presented first would be considered.

Proceeding to the citizen request to address the Board, Chairman Jones recognized Mr. Gary Cross.

Mr. Cross informed that he was a representative of the Soil & Water Conservation District. They recently changed their name to the Chowan Basin Soil & Water Conservation District, as it better represented who they were, where they resided in the State, and where their water flowed. His job was elected and he took it seriously. They did a lot of things to educate the public on erosion and soil and water conservation and they sponsored tire recycling. To date, they had spent over \$200,000 on their 3-county area. They used the money provided to them by the Governor to assist landowners and farmers in investments or practices to prevent erosion and protect water quality. They liked to recognize potential threats to their environment and water quality. That had brought him to where he needed to be tonight.

He advised that for years, farmers and landowners had been able to drain their farms through underground tile systems. This had been going on for hundreds of years. A hundred years ago, farmers would dig ditches by hand, build a pyramid with logs, wrap them with broom or wheat straw, and cover them back up. They would pull water. There was a farm in Berlin with such an underground system still intact. In the 1950s, clay tile – yellow joints of tile that you put around tomato plants to keep frost from biting them and rabbits from getting them – were manufactured and put in with a machine. In the 1960s, they came out with big corrugated pipes. They had been described as an underground river. They actually took water out of the field and carried it out to the ditches. These systems were getting old, but they were very functional and required yearly maintenance. Supervisor Young could tell them that most every year you had to go out and fix blow out holes in the field, clean silt out of the ditch to keep it running, and a number of other things. Farmers took that on as part of their job when they farmed the land.

Mr. Cross informed that the next part of his story were septic systems. They worked kind of in the same principal. They took the septic water, put it into a distribution box, and those lines were distributed out onto the land to soak into the land naturally. With continued development of residential homes on land that was already zoned agricultural, a lot of septic systems were being put into these farms directly over top of underground drain tile. He distributed a thick booklet to each Board member from the Commonwealth of Virginia State Board of Health entitled *Sewage Handling and Disposal Regulations*. He pointed out that on page 1, it stated that “the district or local health departments are responsible for implementing and enforcing the operational activities as required by this chapter.” Page 8 discussed procedures for obtaining a construction permit for a sewage disposal system. It identified the types of sewage systems we had in this County, most of which were Type 1. It stated that “construction permits are issued by the commissioner but all requests for a sewage disposal construction permit shall be directed initially to the district or local health department.” On page 21, general criteria and methods for conducting site evaluations were discussed. It stated that “a site plan or sketch showing the dimensions of the property, proposed and/or existing structure or structures, driveways, underground and overhead utilities on the property and adjacent sewage disposal systems, bodies of water, drainage ways, agricultural drain tile, wells, cisterns, and springs for a minimum of 200 feet radius of the center of the proposed building or drainfield is necessary in order to evaluate the suitability of a subsurface soil absorption system for that site.”

He advised that as they could tell, this would probably a job for the health department. He was bringing this to the Board’s attention because he had placed many phone calls trying to get someone to give him an answer. He was told to call his health department and to check with his Board of Supervisors. He issued many calls and never got a call back. He identified himself as a district director, which he realized did not carry much clout. But the Board of Supervisors did carry some clout and could make things happen. If they understood how this system worked, most drain tiles on a farm were 3-4 foot deep, and most septic systems never got put in over 18 inches. That underground drain tile was going to draw right straight on that septic system and carry effluents to streams, ditches, and bodies of water.

Supervisor Brown asked if anything had been done to identify where drain tiles and underground drainage systems existed in areas that may be earmarked for residential development? Was there any type of site map? Mr. Cross stated that it used to be. He explained that the Soil Conservation Service used to appropriate money to help farmers put in these systems, as the Chowan Basin Soil & Water Conservation District did now. Soil Conservation would have maps drawn of where the lines needed to lie. They were very poorly marked, as there was never a highway, name or phone number on it. Art-Ray was a big company in Suffolk who put in this kind of stuff. They drew the maps so they could understand them and so they would know where they were when they had to go to work the next day, but that was about it. There were some maps in the FSA office, but they were very poorly marked and unless you knew what you were looking for, you would never be able to identify your farm. He stated that the last thing people used to do was sell open land to build a house on. Past generations wanted that farmland for income. Every now and then when there was a house put on open land, the Soil Conservation Service would come out and mark the drain tiles and so would the Health Department. As they cut back on their labor force, they decided that it was not their job anymore, so they stopped doing it. His question was, what changed? The drain tile was still there. The Health Department chose to look the other way and it had not been done in the last 10-15 years.

Mr. Cross informed that he had already stated that the ditches needed to be maintained every year. When a whole farm was developed and the farmer was taken out of the picture, nobody knew that the drain tile out there needed to be cleaned out yearly to remove the silt and roots and keep it clear flowing. So when you removed the farmer from the situation, silt would pile up in that line and, in essence, do the same thing that they had been working hard to prevent, which was clog up and back up. It could back up 50 foot or 500 foot. Water would find least resistance. These systems were old and when these plastic tiles and clay tiles got pressure built up on them, they would turn sideways. When the water table went down, it carried the dirt with it and left a sinkhole. He had seen water shoot up out of the middle of a field due to pressure. How would you feel if you lived in Southampton County and someone signed off on a building permit giving you permission to build a home, and you built your quarter million dollar home and had your yard sewed down green with grass, and you woke up one morning with a pool in the middle of your yard with water spurting up out of it? Even worse, a man in Isle of Wight County opened a manhole and had water run out on his foot. He had one under his house and did not even know it.

Mr. Cross advised that there were two issues. His big question was who was responsible for this? He and Mr. Johnson had talked and Mr. Johnson indicated that maybe Mr. Richard Railey, County Attorney, could help them. Mr. Cross stated that he would be looking at the County who gave him a permit to build a home. His concern was not only environmental with the water standpoint, but where did the County lie in issuing permits for folks to build over top of these sites? Was the Building and Zoning Department, the Health Department, or the County responsible? Nobody wanted to return his calls and he hoped the Board could find some answers. If they asked him if this was happening and they wanted to see where some homes were being built on drain tile, he would invite them to come to Black Creek. The sad part was that the people buying these homes did not know there were drain tiles underneath them. He had talked to folks on the other side of the County who knew of houses that had built on top of drain tile too. Here shortly, the Board would approve 90 homes on Bethel Road that would be built on top of drain tile. With 90 homes on 147 acres, how were you going to miss that drain tile? Was anybody going to address this issue? He thought he knew the answer to that.

He advised that he read in an article in Friday's *Virginian Pilot* that 3 times since January, environmental problems had surfaced in residential development areas of Chesapeake. A man wanted to put a swimming pool in his back yard and ended up digging up drums. They had to close the whole site down. How did they think the City of Chesapeake was going to be able to turn away from that? In another example, there were 5 acres of homes built over top a previous dump. Who was responsible for that? The article stated that "developers and their representatives said in recent interviews that although they were aware of the roadfront sites' environmental history, the City's application form did not require disclosure of that information during the rezoning process." Mr. Neilson, the Planning Director for Chesapeake, stated that "the environmental reviews were generally done after the property is rezoned." The article also stated that "the City cannot stop a residential project that is properly zoned even after environmental problems are found." The City of Chesapeake handled development everyday and they were letting stuff like this slip up. How could we in Southampton County, who had not had to deal with serious development yet, even know what questions to ask and how to handle it?

Supervisor Brown asked if the procedure of underground tiles and the broom straw and logs was a procedure that farmers had been using in the last 5-10 years? Mr. Cross replied yes. There were some new systems out there and there were some very old systems out there.

Mr. Cross informed that his point in bringing this up was that we could not continue to issue housing permits on land zoned Agricultural A-1 or A-2. At a time when this County was looking to build new schools, we were falling behind in our trash collection, and we appropriated money for the fire/rescue radio system that was much needed, he did not know how we could allow 90+ homes at one site to be developed. The financial impact to allow this to happen was just irresponsible. They had no consideration for the taxpayers and the burden it would put on them and the impact it would have on this County. Allowing land to be rezoned was the first step they had to start asking for proffers. We must have infrastructure in place first before we could bring all these new homes into our area. We had to be able to service these people. The observations he brought to them tonight were real and were a definite threat to both the environment and the people of this County. He would go back to his seat and they could move on to the next item and not do anything at all. He would like to remind them that Mr. Johnson's job was to bring the Board facts and gather information and give them guidance, along with Attorney Railey, to make correct decisions. But it was the Board of Supervisors that shaped the policy of this County and its future. We could not afford any longer to be so passive and set back and think that someone else was going to make these rules, because they were not. They had a task force in place that he thought would help out a lot. He thought they needed another task force or set of people experienced just with dealing with large developers. They were coming in here and having their way with these old country boys. They had millions of dollars and did not mind buying wetlands in order to develop it. He apologized if he had been disrespectful to anybody. He sure did not mean to be. He was going to do his job until the County found somebody else to hold his position. His organization had plenty of money through the government to take water samples, and he planned to pull some out of every stream around here if this continued the way it was going now.

Supervisor West asked Mr. Cross if he had had any return calls from anyone concerning the possibility of effluents entering the drain tile system and eventually going into runoff systems into our rivers? Mr. Cross replied no, from nobody at all. Supervisor West asked if that was acceptable or permitted in any way health wise? Mr. Cross replied not at all. He stated that the thick booklet he gave the Board members went to large extremes to make sure our water was protected. This was clearly an oversight or turning of the head of something that was in their (the

Health Department's) book now. He thought common courtesy would have been for someone to return his calls. After a week of calling the Health Department here in Southampton, he called their supervisor in Suffolk. They said that they thought they might have to do something but maybe they would just let the homebuilder identify these lines. He thought that was like letting a fox guard the hen house. How much more irresponsible could you be?

Supervisor Brown asked, who was to say that these underground lines were not already stopped up? Mr. Cross advised that the farmer could tell you real quick that it was stopped up because he would not be able to get the tractor on the farm. It was very evident and what happened was that that area would get larger and larger every year. Supervisor Brown stated that his concern was where they were located. That was why he asked if he was sure they had not been stopped up? Mr. Cross stated that they had not been stopped up. Supervisor Brown commented that if they were still running, then the individuals that owned the land should know where they were. Some of the systems that were put in 40-50 years ago were not going to still be intact and the water had found other ways to drain itself. Mr. Cross stated that he would argue that. The drain tile in that farm would be working or it would not be farmed at all. A farm with drain tile that did not operate was worse than a farm with no drain tile at all. He could take them to a farm and the first thing he would do was ask the landowner how many tile outlets he had and if he had drain tile on the farm? The landowner would say yes, but I don't know where it is at. Mr. Cross would say no problem, he could find it. He noted that the man in Suffolk (at the Health Department) told him that they did not have the expertise to find drain tile. Mr. Cross stated that he could pick up a wino off the street corner and in 30 minutes tell him all he needed to know to find drain tile and give him a rod.

Supervisor Brown stated that if drain tile were that easy to identify, the developer should be able to identify it. Mr. Cross advised that in years past, if only a single home was to be built on farm, they identified it and it was too close to where a home was, they would go in and take that amount of tile out and leave the rest intact. But when a whole farm was developed, the FSA office, which was Soil Conservation for 26 years, required that every stitch of it be pulled up and laid on top of the ground so they could see it. He remarked that drain tile that was not working was a whole lot easier to find because of the evidence of it. Supervisor Young could attest to that.

Supervisor West told Mr. Cross that he thought he had done an outstanding job and it was certainly good information for them. He thought the Board needed to be much more aware of where homes were being built. He knew they faced a decision tonight with 93 homes specifically on drain tile land. He stated that he did not expect the contractor or builder to identify this.

Mr. Cross commented that if they let these builders come in and make their money and move on, it was a whole lot harder to put your hands on them later than now. His Board was addressing this at their meeting tonight. He had a petition with him. It was unsigned but it would be signed probably by tomorrow morning. He could give Mr. Johnson a draft copy of it if he would like. In the petition, it stated that he thought they needed to back up 18 months and review the amount of homes that had been built in this County. They knew there were homes that had been built on top of drain tile. Even if they were far enough away where the septic system did not interfere with the streams, remember that it was going to clog up in several years and back its way on up the field.

Supervisor Faison asked what could be done to prevent the problem we were talking about? Mr. Cross replied that he thought the developer should be made to dig up the entire drain tile system. He thought it should be observed by someone from the County and someone from the Health Department. He thought the developer should have to sign a 30 or 40 year lease saying that he did remove every piece that was down there. He thought he should have to sign a waiver for 30 or 40 years saying that if he died, his children would take care of a home that needed a new foundation put under it. This would make them start thinking. They could go out there and throw 100 feet on top of the ground and tell any of us that they dug it up and we would never know the difference. Some accountability had to be taken into consideration here.

Mr. Cross thanked the Board for their time and hoped they felt it necessary to talk about.

Chairman Jones advised that the Task Force would also look at this.

Moving forward, Mr. Johnson announced that included in the agenda for the Board's consideration was a proclamation which declared April 23, 2005 as "Clean Rivers Day", and encouraged all county residents to participate in planned river clean-up activities. He noted that this was the fifth consecutive year that the Blackwater/Nottoway Riverkeeper Program had sponsored a Clean Rivers Day, removing an estimated ten tons of refuse on prior occasions.

Mr. Johnson read aloud the following proclamation:

A Proclamation

To all whom these presents shall come – Greeting

WHEREAS, the Blackwater and Nottoway Rivers have played an important part in the heritage and development of Southampton County, Virginia; and

WHEREAS, these rivers are an integral part of our natural environment upon which every living thing is dependent; and

WHEREAS, maintaining and improving water quality is essential in protecting public health, fisheries, wildlife, and watersheds and in ensuring abundant opportunities for public recreation and economic development in Southampton County, Virginia; and

WHEREAS, the Blackwater/Nottoway Riverkeeper Program strives to encourage a greater awareness of the value of these resources among all residents of Southampton County by organizing and sponsoring an annual event to clean-up local waterways; and

WHEREAS, our Chairman, by and with the advice and consent of the Board of Supervisors, has been pleased to direct by motion that a Proclamation be issued designating April 23, 2005 as “Clean Rivers Day”.

NOW KNOW YE THAT We do by these presents proclaim and declare that April 23, 2005 shall be known as

“Clean Rivers Day”

AND FURTHER KNOW YE that this Board calls upon all its residents to participate in the activities incident to this occasion.

IN TESTIMONY WHEREOF we have caused the Seal of the Southampton County Board of Supervisors to be hereunto affixed.

WITNESS The Honorable Dallas O. Jones, Chairman of the Board of Supervisors of Southampton County, Virginia on this twenty-eight day of March two thousand five.

Dallas O. Jones, Chairman
Board of Supervisors

Supervisor West commended the Blackwater/Nottoway Riverkeepers Program for their outstanding work.

Supervisor West moved, seconded by Vice-Chairman Young and Supervisor Felts, to adopt the proclamation. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was a request for capital funding from the Boykins Volunteer Fire Department and Rescue Squad seeking \$15,000 to be used for capital expenses associated with the acquisition of their 1998 Wheelcoach ambulance and 1999 Pumper Tanker. He reminded that beginning in FY 2000, the Board agreed to provide almost \$1.2 million over a ten (10) year period for capital improvements for fire and rescue. The allocable share for each fire department in FY 2005 was \$10,000 and for each rescue squad, \$5,000. Funds were earmarked annually for each department or squad and held in escrow pending approval by the Board of Supervisors. Escrowed funds would continue to accrue for each department/squad over the ten year period if not drawn down. He noted that included in the agenda was a table that indicated the current status of appropriations for fire and rescue. This particular request was in order.

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

Moving to the discussion of water and sewer connection fees, Mr. Johnson announced that as the Board was aware, we had periodically adjusted our monthly user fees for water and sewer customers over the years, but it had been almost 18 years since we had evaluated our connection fees. Connection fees were paid by new customers at the time of connection, and these fees were intended to recover the cost of connecting their water and sewer lines to our mains. As they might imagine, our current fees were sorely out of date and no longer accurately reflected the true cost of connection. In addition, a number of localities close by had opted to impose water and sewer “availability” or “facility” fees as a means of recovering capital from developers or new system users to pay back the cost of system capacity devoted to their use. Southampton County had never had such a fee. He advised that included in the agenda were excerpts from Draper Aden Associates *2004 Virginia Water and Wastewater Report*. We currently charged \$450 for a new residential water connection and \$900 for a new residential sewer connection, which was a collective sum of \$1,350 for a new house connecting to our systems. Statewide, the average combined residential connection and facility fee for comparably-sized systems was now \$3,110. He noted that the table below indicated current charges for some of our neighbors:

	WATER		SEWER		TOTAL
	Connection	Facility	Connection	Facility	
Dinwiddie Co.	\$1,700	\$0	\$3,100	\$0	\$4,800
Emporia	800	100	800	100	1,800
Franklin	1,200	0	2,500	0	3,700
Greensville Co.	800	0	1,100	0	1,900
Isle of Wight	4,000	0	4,000	0	8,000
Suffolk	1,000	4,390	1,310	2,125	8,825
Southampton	450	0	900	0	1,350

He advised that he was seeking the Board’s authority to develop a proposed ordinance which would amend these fees for their consideration at a first reading next month. Given the number of planned new subdivisions in areas with public water and sewer service, adjustment of these fees would be necessary to insure a revenue stream that would allow for the future expansion of our wastewater plants and water distribution facilities.

Supervisor Brown asked, in reference to housing developments in Southampton County that received their water from the City of Franklin, did they pay the Franklin fee? Mr. Johnson explained that it depended on the agreement. Supervisor Brown confirmed with Mr. Johnson that when Franklin collected, they were collecting \$3,700, and when Southampton County collected, we were collecting only \$1,350.

Vice-Chairman Young moved, seconded by Supervisor Faison, to authorize development of a proposed ordinance amendment for first reading next month. All were in favor.

Proceeding to public hearings, Mr. Johnson announced that the first public hearing was to consider the following:

REZ 021005:01 Application filed by William & Melba Holland (owners) requesting a rezoning from Agricultural District (A-2) to Business District (B-2) “Conditional”. This rezoning would bring an existing legal non-conforming establishment into the appropriate zoning district and remove the non-conforming use status. The property is identified as Tax Map 15, Parcels 44A & 44B and located at 37019 General Mahone Blvd. The subject parcel is in the Berlin-Ivor Magisterial District and the Berlin-Ivor Voting District.

He advised that the applicant had voluntarily proffered that use of the property in the future would be specifically limited to the following 5 uses:

- 1) Catering or delicatessen, but not fast food delivery;
- 2) Restaurants, drive-in or otherwise;
- 3) Private club, lodge, meeting hall or fraternal organization;
- 4) Billiards, pool parlor, game center, dance hall;

- 5) Private club, lodge, meeting or assembly hall, fraternal organization or sorority.

He informed that following its public hearing on February 10, 2005, the Southampton County Planning Commission recommended that the application be approved, limited to the 5 aforementioned permitted uses.

Chairman Jones opened the public hearing.

Mr. William Holland, owner/applicant, came forward at the request of Chairman Jones.

Supervisor West advised that no one had called him with any comments. He asked Mr. Holland if he remembered when it (the currently establishment) was Uno's? Mr. Holland replied yes, he owned it at that time. He knew Mr. Washington very well and worked with him for a while and eventually bought the place. All of the uses they were requesting were uses that had already been done in the past. They were being done under the non-conforming status. He thought it was time to make a change. Rezoning the property had been mentioned to him before and he finally got to the position where he could do that.

Supervisor West stated that it had a long history and had served the community well over the years. He certainly supported it.

Chairman Jones commented that the Planning Commission looked at it and had no objections.

Chairman Jones closed the public hearing.

Supervisor West moved, seconded by Supervisor Wyche, to accept the Planning Commission's recommendation and approve the conditional rezoning. All were in favor.

Mr. Johnson announced that the second and final public hearing was being held as a means of soliciting public input *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 2006 annual budget. He noted that this public hearing was in addition to the hearing required by law prior to adoption of the budget. That particular hearing was scheduled for Monday, May 16, 2005 and would allow citizens the opportunity to comment on the final draft of the proposed budget.

Chairman Jones opened the public hearing. No one desired to speak. Chairman Jones closed the public hearing.

Moving forward, Mr. Johnson announced that pursuant to Chapter 2.5 of the *Southampton County Code*, included in the agenda was an application from the Tidewater Dirt Riders for a temporary outdoor entertainment permit for a motorcycle competition on Sunday, May 15, 2005. He advised that the event, with an estimated attendance of 600-700 participants and spectators, would be held on property owned by the T.L. Bain Estate on Warrigue Road and would include overnight camping for approximately 75 campers for one night on May 14. The application was consistent with the ordinance adopted at the Board's regular session of December 20, 2004, a copy of which was also included in the agenda. The Tidewater Dirt Riders had submitted copies of their plans, as required by the ordinance, to the Southampton County Sheriff's Office, Health Department, Building Official, and Ivor Volunteer Rescue Squad. He noted that alcohol was not permitted at the event. He stated that in accordance with Sec. 2.5-40 of the *Southampton County Code*, it was incumbent upon the Board of Supervisors to act upon the application this evening. He informed that representatives of the Tidewater Dirt Riders were present.

Mr. Ralph Benhart of the Tidewater Dirt Riders came forward and asked if there were any questions?

Supervisor West asked if they were a 501(c)3 organization? Mr. Benhart replied no, they were a not-for-profit organization registered with the state. Mr. Johnson noted that had they been 501(c)3, they would not have had to apply for a permit, as they would have been exempt through the provisions of the ordinance.

Supervisor West asked Mr. Benhart if he had had any complaints or problems? He knew that the first year there were some, but last year he did not recall any. Mr. Benhart stated that that was correct and added that he thought that last year they did a pretty good job in keeping everything

under control and they were pursuing to do the same thing this year with the same people. Some hunt clubs were going to volunteer with them. They were going to keep it clean.

Supervisor West asked if one (1) event per year was the intention, period? Mr. Benhart replied yes. Supervisor West confirmed with Mr. Benhart that he would not be coming back before the Board seeking Round 2 this year. Mr. Benhart stated not until next year.

Supervisor Brown confirmed with Mr. Johnson that this was the first application that the Board had received under this ordinance and that it had met all the requirements. He told Mr. Benhart that since this was the first application, he trusted that he would be very strict because he would be setting precedence. Mr. Benhart stated yes. Supervisor Brown wished him the best and commended the Dirt Riders.

Supervisor West made a motion authorizing the issuance of a temporary outdoor entertainment permit for this event. Vice-Chairman Young and Supervisor Felts seconded the motion. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda for the Board's consideration was a copy of the Southampton County Planning Commission's report regarding preliminary plat approval for Bethel Farms Subdivision. The plat depicted ninety-three (93) residential building lots to be developed in 3 phases, each with a minimum of 40,000 square feet in area, which were acceptable standards in the Agricultural A-2 zoning district. The lots were proposed to be served by individual wells and septic systems subject to Health Department approval. He advised that the Planning Commission recommended approval of the preliminary plat, subject to the following four (4) specific recommendations:

- 1) Performance bond for road and drainage improvements in the appropriate amount for the phase or phases that are to be recorded be submitted to the Southampton County Board of Supervisors in accordance with Section 14-102(a) of the Southampton County Code. (Phase I – \$86,389.00, Phase II – \$73,423.90, Phase III – \$112,113.00);
- 2) Maintenance bond for annual road maintenance in the appropriate amount for the phase or phases that are to be recorded be submitted to the Southampton County Board of Supervisors in accordance with Section 14-102(b) of the Southampton County Code. (Phase I – \$7,500, Phase II – \$7,500, Phase III - \$10,000);
- 3) Proper environmental permits be obtained prior to development of this site; and
- 4) Payment of appropriate plat approval fees.

He informed that because the average lot size was greater than 1 acre, the developer was not required to place electric utilities underground or provide streetlights. Once the preliminary plat was approved, the developer had 6 months to prepare a final plat and make satisfactory arrangements for surety to warrant installation of all improvements. The final plat was then reviewed by the Board, and if approved, must be recorded within 60 days of final approval.

Mr. Johnson advised that he had forwarded Mr. Gary Cross's comments regarding underground drain tile on to Mr. Ron Parsons, the developer of Bethel Farms Subdivision. At each of the Board members' places was a copy of correspondence from Art-Ray Corp. provided by Mr. Parsons.

The letter from Art-Ray Corp. is as follows:



EXCAVATING CONTRACTOR

ENGINEERING • SURVEYING

ROBERT A. DAVIS
PRESIDENT
T. NEAL DAVIS
VICE PRESIDENT

200 LUMMIS ROAD
SUFFOLK, VIRGINIA 23434
P.O. BOX 1614-23439
OFFICE (757) 539-8822 • FAX (757) 539-6769

BRIAN J. LAYNE, L.S.
DIRECTOR OF SURVEYS
CHRISTOPHER W. PARRISH, P.E.
DIRECTOR OF ENGINEERING

March 28, 2005

Mr. Ronnie Parsons
Parsons Homes, Inc.
1403 Waters Edge Lane
Suffolk, Virginia 23435

Re: Subdivision of White Farm – Tax Map 62-47
Southampton County, Virginia
Job No: 1466.1-04

Dear Mr. Parsons:

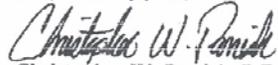
During our recent conversation, we discussed information that you learned from Mr. Cobb who has farmed the subject property for approximately the last 25 years. Mr. A. Cobb stated to you that he is aware of an area that drain tile was installed on the property. The general location of the known drain tile is in the vicinity of the proposed Stormwater Management Facility (SWMF) "A" as shown on the Subdivision Plan of Bethel Farms dated December 28, 2004.

The installation of the storm drainage pipes going to SWMF "A" and the construction of SWMF "A" should destroy most of the known drain tile in this location. Drain tile is usually installed at depths ranging from four to six feet. We recommend that the contractor ensure the known drain tile does not function prior to the installation of any proposed septic systems in this area.

We are unaware of any additional drain tiles located on the subject property. It is hard to determine the location of drain tiles without copies of old plans or people with prior knowledge as in the case of Mr. Cobb. However, the construction of 8,850 linear feet of roadway with roadside ditches (centerline of road to invert of ditch is approximately 2.6 feet) will help locate additional drain tile, if any, due to the fact that a large portion on the proposed roadway occurs within a cut situation.

If you have any additional comments, questions or learn of any additional information, please contact me.

Very truly yours,
ART-RAY CORP.


Christopher W. Parrish, P.E.
Director of Engineering

Mr. Ron Parsons addressed the Board. He advised that in the letter, they addressed the issues that Mr. Cross brought up. They had located the drain tile on the property with the farmer that had farmed it for the last 25-30 years and decided that it needed to be interrupted and removed. They proposed to do so with their final plans to be approved.

Vice-Chairman Young asked if this would be taken care with a signed agreement? Mr. Parsons advised that he thought it should be added to the 4 recommendations of the Planning Commission (that addressed performance and maintenance bonds for road and drainage improvements).

Vice-Chairman Young asked if the Planning Commission was aware of the field drain tile at that time? Mr. Michael Drake, a member of the Planning Commission who was in the audience, replied no, and that that was not considered when they considered the preliminary plat approval. (Note: Chairman Jones, who is also a member of the Planning Commission, was not present at that particular Planning Commission meeting).

Supervisor West asked if they could impose that as condition number 5?

Mr. Johnson asked would removal of the drain tile be considered a drainage improvement that could be added to the scope of work and the construction drawings and be added to the bond for the drainage improvements? Attorney Railey advised that he would agree with him on that, but how much would that bond need to be? Mr. Johnson advised that it would have to be calculated. Attorney Railey stated that that was way beyond his expertise. It would appear to him that they would have to hear from somebody who could calculate it. However, he thought they could put that in as a condition.

Supervisor West stated that maybe it was a red flag that they needed to hold off and look at the whole picture for a minimum of 1 month.

Vice-Chairman Young advised that he had a concern since the Planning Commission approved it, but they were unaware of the field drain tile. He acknowledged that Mr. Parsons had agreed to remove it. He thought they needed to delay it for 30 days.

Attorney Railey asked if they should send it back to the Planning Commission and let them make that determination, or would it be more appropriate to just delay it 30 days here? Mr. Johnson advised that it depended on what the pleasure of the Board was. It could be referred back or they could deal with it administratively at this point.

Supervisor West stated that since it would offer 7-9 more members an opportunity to get a better picture of what was going on in the County, he would like to recommend that it go back to the Planning Commission and then come back before this Board next month.

Supervisor Brown asked what particular entities did he want the Planning Commission to look at? They had already approved it. Supervisor West stated that any potential problem that could be identified would be important, but more important, you were dealing with a board that did not know drain tile was there. Now we had the word of the developer that he was going to pull it up. He thought they should send it back to the Planning Commission because it could set precedence for future development. He thought the Planning Commission should deal with it first and it would also enable them to ask additional questions and get the information they needed.

Supervisor Brown advised that his concern was the controlling authority. Was it the Health Department or what?

Attorney Railey explained that they had found an avenue that Mr. Johnson suggested, and he concurred with, in which the Planning Commission and Board could set a performance bond for road and drainage improvements. Mr. Parsons had stated that he was going to take it up. So it was quite appropriate to make him post a bond to insure that he take it up.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to send the preliminary plat back to the Planning Commission for further review. All were in favor.

Moving to the request for utility extension, Mr. Johnson announced that included in the agenda for the Board's consideration was correspondence from Horton & Dodd, P.C., on behalf of their client, Urben Investors and Galberry Corporation, seeking their cooperation in requesting the extension of utilities from the City of Franklin to two proposed residential subdivisions and a small accompanying commercial development. The proposed subdivisions were located on Woods Trail, north of the Franklin City limits, across from, and south of the Edgehill subdivision. A sketch was provided in the agenda for their reference. He advised that Mr. Dodd noted that he was in the process of preparing a rezoning application for 302 acres, with plans to develop approximately 500 detached single family homes. Approximately 10 acres would be proposed to be rezoned to Business B-1 for retail services to the proposed residential developments. The request was similar, with the exception of the size of the project, to requests entertained by the Board last September and November for the final phases of the Regency Estates and Brandywine subdivisions. He stated that utility capacity would clearly be an issue that would take some time to resolve. The requested action was simply the mechanism to place the topic on the table for discussion with the City.

Mr. Johnson clarified for Supervisor West that the cost of the infrastructure was the responsibility of the developer.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to direct the County Administrator to officially request from the City of Franklin an extension of utilities to serve the aforementioned subdivision on behalf of Urben Investors and Galberry Corporation. All were in favor.

Moving forward, Mr. Johnson announced that as discussed last month, the Virginia Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) was a tool that made possible certain public-private partnerships for designing, constructing, and financing public facilities, including schools, government buildings, utilities, technology infrastructure, etc. PPEA was available to all

Virginia governmental entities including counties, cities, towns, and regional authorities. It was designed to permit maximum utilization of federal tax advantages, including those provided through the Economic Growth and Tax Relief Reconciliation Act of 2001. He advised that projects proposed under PPEA could be publicly or privately initiated. In a privately-initiated project, the offeror conceived a project on his/her own volition and submitted a proposal to the governing body for consideration. The state statute established specific criteria for what must be contained in the proposal and how the governing body must evaluate the proposal. In a publicly-initiated project, the governing body issued a Request for Proposal or Invitation for Bids, much like it would to competitively procure any goods or services. If a proposal was accepted, the two parties then entered into a comprehensive agreement specifying the duties and responsibilities of each party. He informed that there were a number of advantages to PPEA projects, including: 1) the delays, expense and uncertainty of public capital financing (including the requirement of public referenda for certain projects) were eliminated; 2) traditional procurement practices (low bid wins) could be avoided; and 3) private entities could make their own assessments of public needs, and without solicitation, make proposals for projects. He advised that before a locality could accept proposals under the PPEA, it must first adopt certain procedures that it would follow to receive and evaluate the proposals. Included in the agenda was a set of such procedures.

The set of procedures is as follows:

**Southampton County Board of Supervisors
 Procedures For Implementation of the
 Public-Private Education Facilities and
 Infrastructure Act of 2002
 March 28, 2002**

Table of Contents

I.	Introduction	p. 3
II.	General Provisions.....	p. 4
	A. Proposal Submission	p. 4
	B. Affected Jurisdictions.....	p. 5
	C. Proposal Review Fee	p. 5
	D. Virginia Freedom of Information Act	p. 5
	E. Use of Public Funds.....	p. 6
	F. Applicability of Other Laws.....	p. 6
III.	Solicited Proposals	p. 7
IV.	Unsolicited Proposals	p. 7
	A. Decision to Accept and Consider Unsolicited Proposal; Notice	p. 7
	B. Initial Review at Conceptual Stage	p. 8
V.	Proposal Preparation and Submission	p. 9
	A. Format for Submissions at the Conceptual Stage.....	p. 9
	B. Format for Submissions at the Detailed Stage.....	p. 13
VI.	Proposal Evaluation and Selection Criteria.....	p. 15
	A. Qualifications and Experience.....	p. 15
	B. Project Characteristics	p. 16
	C. Project Financing.....	p. 16
	D. Project Benefit and Compatibility	p. 17
VII.	Comprehensive Agreement	p. 17

**Procedures for Implementation of the
Public-Private Education Facilities and Infrastructure Act of 2002**

I. Introduction

The Public-Private Education Facilities and Infrastructure Act of 2002 (the "PPEA")¹ grants the Board of Supervisors of Southampton County (the Board), a responsible public entity as defined in the PPEA, the authority to create public-private partnerships for the development of a wide range of projects for public use (qualifying projects) if the Board determines there is a public need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion. Individually negotiated comprehensive agreements between an operator, as defined in the PPEA, and the Board will define the respective rights and obligations of the Board and the private operator. Although guidance with regard to the application of the PPEA is provided herein, it will be incumbent upon the Board and all private entities to comply with the provisions of the PPEA.

In order for a project to come under the PPEA, it must meet the definition of a "qualifying project." The PPEA contains a broad definition of qualifying project that includes public buildings and facilities of all types; for example:

- (i) An education facility, including, but not limited to, a school building (including any stadium or other facility primarily used for school events), any functionally-related and subordinate facility and land to a school building, and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;
- (ii) A building or facility for principal use by any public entity;
- (iii) Improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;
- (iv) Utility and telecommunications and other communications infrastructure; or
- (v) A recreational facility.

The PPEA establishes requirements that the Board must adhere to when considering proposals received pursuant to the PPEA. In addition, the PPEA specifies the criteria that must be used to select a proposal and the contents of the comprehensive agreement detailing the relationship between the Board and the private entity.

The Southampton County Board of Supervisors (the Board) adopted these Procedures on March 28, 2005 to implement the PPEA. Therefore, the Board, the County Administrator and employees of the Board will follow these procedures to receive and evaluate any proposal submitted to the Board under the provisions of the PPEA. The Board must adopt any amendments to these procedures.

The Board may designate a working group to be responsible for evaluating proposals and negotiating the comprehensive agreement.

II. General Provisions

A. Proposal Submission

A proposal may be either solicited by the Board or delivered by a private entity on an unsolicited basis. Proposers may be required to follow a two-part proposal submission process consisting of a conceptual phase and a detailed phase, as described herein.

¹ Chapter 571, 2002 Va. Acts; Va. Code § 56-575.1 through § 56-575.16.

The PPEA allows private entities to include innovative financing methods, including the imposition of user fees or service payments, in a proposal. Such financing arrangements may include the issuance of debt instruments, equity or other securities or obligations. Proposals may include, if applicable, the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to the federal Economic Growth and Tax Relief Reconciliation Act of 2001² for the development of education facilities using public-private partnerships.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the Board. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project. Proposals also should include a comprehensive scope of work and a financial plan for the project, containing enough detail to allow an analysis by the Board of the financial feasibility of the proposed project. The Board may require the proposer to provide additional information and clarification to the submission.

The PPEA is intended to encourage proposals from the private sector that offer the provision of private financing in support of the proposed public project and the assumption of commensurate risk by the private operator, but also offer benefits to the operator through innovative approaches to project financing, development and use. However, while substantial private sector involvement is encouraged, qualifying facilities will still be devoted primarily to public use and typically involve facilities critical to the public health, safety and welfare. Accordingly, the Board shall continue to exercise full and proper due diligence in the evaluation and selection of operators for these projects. In this regard, the qualifications, capabilities, and resources and other attributes of a prospective operator and its whole team will be carefully examined for every project. In addition, operators proposing projects shall be held strictly accountable for representations or other information provided regarding their qualifications, experience or other contents of their proposals, including all specific aspects of proposed plans to be performed by the operator.

B. Affected Jurisdictions

Any private entity submitting a conceptual or detailed proposal to the Board must provide any other affected jurisdiction with a copy of the private entity's proposal by certified mail, express delivery or hand delivery within five (5) business days of submission of the proposal to the Board. Any affected jurisdiction shall have 60 days from the receipt of the proposal to submit written comments to the Board and to indicate whether the proposed qualifying project is compatible with the (i) jurisdiction's comprehensive plan, (ii) jurisdiction's infrastructure development plans, and (iii) capital improvements budget or other government spending plan. Comments received within the 60-day period shall be given consideration by the Board, and no negative inference shall be drawn from the absence of comment by an affected jurisdiction. However, the Board may begin or continue its evaluation of any such proposal during the 60-day period for the receipt of comments from affected local jurisdictions.

C. Proposal Review Fee

The Board may seek the advice of internal staff or outside advisors or consultants, or any combination thereof, with relevant experience in determining whether to enter into an agreement with the private entity. The Board may charge a fee to the private entity to cover the costs of processing, reviewing, and evaluating any proposal submitted under the PPEA, including a fee to cover the costs of outside attorneys, engineers, consultants, and financial advisors. Any fee charged for such review of a proposal should be reasonable in comparison to the level of expertise deemed necessary by the Board and required to review the proposal and will not be greater than the direct costs associated with evaluating the proposed qualifying project. "Direct costs" may include, but are not limited to, (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the costs to hire attorneys, engineers, consultants and financial advisors. The Board may require an initial processing fee with an additional fee to be charged should the project proceed beyond the initial review.

² Public Law 107-16; Section 142(k)(5) of the Internal Revenue Code of 1986, as amended.

The Board will refund any portion of fees paid in excess of its direct costs associated with evaluating the proposal.

D. Freedom of Information Act

Generally, proposal documents submitted by private entities are subject to the Virginia Freedom of Information Act ("FOIA").³ In accordance with § 2.2-3705 A 56 of FOIA, such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to the Board under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the Board or the private entity or the bargaining position of either party.

Subsection 56-575.4 G of the PPEA imposes an obligation on the Board and any affected jurisdiction to protect confidential proprietary information submitted by a private entity or operator when the Board and affected jurisdictions have agreed to do so. When the private entity requests that the Board not disclose information, the private entity must (i) invoke the exclusion when the data or materials are submitted to the Board or before such submission, (ii) identify the data and materials for which protection from disclosure is sought, and (iii) state why the exclusion from disclosure is necessary. A private entity may request and receive a determination from the Board entity as to the anticipated scope of protection prior to submitting the proposal. The Board is authorized and obligated to protect only confidential proprietary information, and thus will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the proposer without reasonably differentiating between the proprietary and non-proprietary information contained therein.

Upon receipt of a request that designated portions of a proposal be protected from disclosure as confidential and proprietary, the Board shall determine whether such protection is appropriate under applicable law and, if appropriate, the scope of such appropriate protection, and shall communicate its determination to the proposer. If the determination regarding protection or the scope thereof differs from the proposer's request, then the Board will accord the proposer a reasonable opportunity to clarify and justify its request. Upon a final determination by the Board to accord less protection than requested by the proposer, the proposer will be accorded an opportunity to withdraw its proposal. A proposal so withdrawn should be treated in the same manner as a proposal not accepted for publication and conceptual-phase consideration as provided in section IV.A.1 below.

E. Use of Public Funds

Virginia constitutional and statutory requirements as they apply to appropriation and expenditure of public funds apply to any comprehensive agreement entered into under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects and shall be in compliance with the Board's fiscal policies.

F. Applicability of Other Laws

Nothing in the PPEA shall affect the duty of the Board to comply with all other applicable law not in conflict with the PPEA. The applicability of the Virginia Public Procurement Act (the "VPPA") is as set forth in the PPEA.

III. Solicited Proposals

The Board may invite bids or proposals from private entities to acquire, design, equip, construct, improve, renovate, expand, maintain or operate qualifying projects. The Board may use a two-part process consisting of a conceptual phase and a detailed phase. The Board will set forth in the solicitation the format and supporting information that is required to be submitted, consistent with the provisions of the PPEA.

³ Virginia Code § 2.2-3700 et seq.

The solicitation will specify, but not necessarily be limited to, information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The solicitation will be posted in such public areas as are normally used for posting of the Board's notices, including the Board's website. The solicitation will also contain or incorporate by reference other applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals. Pre-proposal conferences may be held as deemed appropriate by the Board.

IV. Unsolicited Proposals

The PPEA permits the Board to receive and evaluate unsolicited proposals from private entities to acquire, design, equip, construct, improve, renovate, expand, maintain, or operate a qualifying project.

The Board may publicize its needs and may encourage or notify interested parties to submit proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of a solicitation, the proposal shall be treated as an unsolicited proposal.

A. Decision to Accept and Consider Unsolicited Proposal; Notice

1. The Board reserves the right to reject any and all proposals at any time.
2. Upon receipt of any unsolicited proposal or group of proposals and payment of any required fee by the proposer or proposers, the Board will determine whether to accept the unsolicited proposal for publication and conceptual-phase consideration. If the Board determines not to accept the proposal and not proceed to publication and conceptual-phase consideration, it will return the proposal, together with all fees and accompanying documentation, to the proposer.
3. If the Board chooses to accept an unsolicited proposal for conceptual-phase consideration, it shall post a notice in a public area regularly used by the Board for posting of public notices for a period of not less than 45 days. The Board shall also publish the same notice in one or more newspapers or periodicals of general circulation in the area and in *Virginia Business Opportunities* to notify any parties that may be interested in submitting competing unsolicited proposals. Interested parties shall have 45 days from the date the notice is first published to submit competing unsolicited proposals. The notice shall state that the Board (i) has received and accepted an unsolicited proposal under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate a comprehensive agreement with the proposer based on the proposal, and (iv) will accept for simultaneous consideration any competing proposals that comply with the procedures adopted by the Board and the PPEA. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations.

B. Initial Review at the Conceptual Stage

1. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the Board for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found at Section V A.
2. The Board will determine at this initial stage of review whether it will proceed using:
 - a. Standard "competitive sealed bidding" procurement procedures consistent with the VPPA; or
 - b. Procedures developed by the Board that are consistent with procurement of other than professional services through "competitive negotiation" as the term is defined in § 2.2-4301 of the Code of Virginia. The Board may proceed using competitive negotiation procedures only if it makes a written determination that doing so is likely to be advantageous to the Board and the public based upon either (i) the probable scope, complexity or urgency of need, or (ii) the risk sharing, added value, increase in funding or economic benefit from the project would otherwise not be available.
3. After reviewing the original proposal and any competing unsolicited proposals submitted during the notice period, the Board may determine:

- (i) not to proceed further with any proposal,
- (ii) to proceed to the detailed phase of review with the original proposal,
- (iii) to proceed to the detailed phase with a competing proposal, or
- (iv) to proceed to the detailed phase with multiple proposals.

The Board at all times retains the right to reject any proposal at any time for any reason whatsoever.

V. Proposal Preparation and Submission

A. Format for Submissions at the Conceptual Stage

The Board will require that proposals at the conceptual stage contain information in the following areas: (1) qualifications and experience, (2) project characteristics, (3) project financing, (4) project benefit and compatibility and (5) any additional information as the Board may reasonably request to comply with the requirements of the PPEA. Suggestions for formatting information to be included in proposals at this stage include:

1. Qualifications and Experience

- a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
- b. Describe the experience of the firm or consortium of firms making the proposal, the key principals and project managers involved in the proposed project including experience with projects of comparable size and complexity, including prior experience bringing similar projects to completion on budget and in compliance with design, land use, service and other standards. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties and a description of such guarantees and warranties. Provide resumes of the key individuals who will be involved in the project.
- c. For each firm or major subcontractor that will be utilized in the project, provide a statement listing all of the firm's prior projects and clients for the past 3 years and contact information for those clients, including names, addresses, and telephone number. If a firm has worked on more than 10 projects during this period, it may limit its prior project list to 10, but shall include all projects similar in scope and size to the proposed project and shall include as many of its most recent projects as possible. Each firm or major subcontractor shall be required to submit all performance evaluation reports or other documents which are in its possession evaluating the firm's performances during the preceding three years in terms of cost, quality, schedule maintenance, safety and other matters relevant to the successful project developments, operation, and completion.
- d. Provide the names, prior experience, addresses, telephone numbers and e-mail addresses of persons within the firm or consortium of firms who will be directly involved in the project or who may be contacted for further information.
- e. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater.
- f. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interests Act (Va. Code § 2.2-3100 et seq.).

- g. Identify the proposed plan for obtaining sufficient numbers of qualified workers in all trades or crafts required for the project.
- h. For each firm or major subcontractor that will perform construction and/or design activities, provide the following information:
 - (1) A sworn certification by an authorized representative of the firm attesting to the fact that the firm is not currently debarred or suspended by any federal, state or local government entity.
 - (2) A statement that reviews all relevant information regarding technical qualifications and capabilities, firm resources and business integrity of the firm, including but not limited to bonding capacities, insurance coverage and firm equipment. This statement shall also include a disclosure for the past three years of any of the following conduct by the firm or its principal shareholders:
 - (A) bankruptcy filings;
 - (B) liquidated damages;
 - (C) fines, assessments or penalties;
 - (D) judgments or awards in contract disputes;
 - (E) contract defaults or terminations;
 - (F) license revocations, suspension, disciplinary actions;
 - (G) prior debarments or suspensions by a governmental entity;
 - (H) denials of prequalification, findings on non-responsibility;
 - (I) safety past performance data including fatality; incidents, "Experience Modification Rating," "Total Recordable Injury Rate," and "Total Lost Workday Incidence Rate;"
 - (J) violations of any federal, state, or local criminal or civil law;
 - (K) criminal indictments or investigations; and
 - (L) legal claims filed by or against the firm.

2. Project Characteristics

- a. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.
- b. Identify and fully describe any work to be performed by the Board or any other public entity.
- c. Include a list of all federal, state and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
- d. Identify any anticipated adverse social, economic, environmental and transportation impacts of the project measured against the Board's comprehensive land use plan and applicable ordinances and design standards. Specify the strategies or actions to mitigate known impacts of the project.
- e. Identify the projected positive social, economic, environmental and transportation impacts of the project measured against the Board's comprehensive land use plan and applicable ordinances and design standards.
- f. Identify the proposed schedule for the work on the project, including sufficient time for the Board's review, and the estimated time for completion.
- g. Propose allocation of risk and liability, and assurances for timely completion of the project.

- h. State assumptions related to ownership, legal liability, law enforcement and operation of the project and the existence of any restrictions on the Board's use of the project.
- i. Provide information relative to phased openings of the proposed project.
- j. Identify contingency plans for meeting public needs in the event that all or some of the project is not completed according to the projected schedule.
- k. Describe any architectural, building, engineering or other applicable standards that the proposed project will meet.

3. Project Financing

- a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.
- b. Submit a plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds, including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs based upon the Board's adopted operational standards.
- c. Include a list and discussion of assumptions underlying all major elements of the plan.
- d. Identify the proposed risk factors and methods for dealing with these factors. Describe methods and remedies associated with any financial default.
- e. Identify any local, state or federal resources that the proposer contemplates requesting for the project along with an anticipated schedule of resource requirements. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment, both one-time and on-going.
- f. Identify the need, if any, for the Board to provide either its general obligation or moral obligation backing. The underlying assumptions should address this need and/or state that the credit would be via a "Service Agreement", for example. Any debt issuance should be expected to receive an investment grade rating from a nationally recognized statistical rating agency. If the natural rating is not investment grade, the Board may require the use of credit enhancements.
- g. Outline what impact, if any, a drop in interest rates would have on the ultimate annual project cost. Indicate if there is a method to refinance for cost savings or does the firm only receive benefit of this potential?
- h. Outline the financial penalties, if any, that would result should the Board wish to terminate a project early or restructure the cash flows for some reason of its own choosing. The firm should be specific on this point.
- i. Provide a breakout of the fees to any underwriting firm(s) and the type of obligation the firm(s) are using with a financing component. Be specific as to tax-exempt, taxable, floating rate, fixed rate, etc.

4. Project Benefit and Compatibility

- a. Identify who will benefit from the project, how they will benefit and how the project will benefit the Board and the overall community.
- b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition (including that in any affected jurisdiction), for the project.

- c. Explain the strategy and plans, including the anticipated timeline, that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.
- d. Describe any anticipated significant benefits to the community and the Board, including anticipated benefits to the economic, social, environmental, transportation, etc., condition of the Board and whether the project is critical to attracting or maintaining competitive industries and businesses to the area.
- e. Describe the project's compatibility with the Board's and/or affected jurisdiction's local comprehensive plan (including related environmental, land use and facility standards ordinances, where applicable), infrastructure development plans, transportation plans, the capital improvements plan and capital budget or other government spending plan.

5. Any Additional Information As the Board May Reasonably Request

B. Format for Submissions at the Detailed Stage

If the Board decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by the Board:

1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project.
2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings.
3. Information relating to the current plans for development of facilities to be used by a public entity that are similar to the qualifying project being proposed by the private entity, if any, of each affected jurisdiction;
4. A statement and strategy setting out the plans for securing all necessary property and/or easements. The statement must include the names and addresses, if known, of the current owners of the subject property as well as a list of any property the proposer intends to request the Board or affected jurisdiction to condemn.
5. A detailed listing of all firms, along with their relevant experience and abilities, that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties along with a record of any prior defaults for performance.
6. A total life-cycle cost, including maintenance, specifying methodology and assumptions of the project or projects including major building systems (e.g., electrical, mechanical, etc.), and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility and estimated annual operating expenses using Board adopted service levels and standards.
7. A detailed discussion of assumptions about user fees or rates, lease payments and other service payments, and the methodology and circumstances for changes, and usage of the projects over the useful life of the projects.
8. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications.
9. Demonstration of consistency with appropriate Board and/or affected jurisdiction comprehensive plans (including related environmental, land use and facility standards ordinances, where applicable), infrastructure development plans, transportation plans,

the capital improvement plan and capital budget, or indication of the steps required for acceptance into such plans.

10. Explanation of how the proposed project would impact the Board's or affected jurisdiction's development plans.
11. Identification of any known conflicts of interest or other factors that may impact the Board's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (Va. Code § 2.2-3100 et seq).
12. Description of an ongoing performance evaluation system or database to track key performance criteria, including but not limited to, schedule, cash management, quality, worker safety, change orders, and legal compliance.
13. Additional material and information as the Board may request.

VI. Proposal Evaluation and Selection Criteria

Some or all of the following matters, along with the specified information required under V.A and V.B above, may be considered in the evaluation and selection of PPEA proposals. The Board retains the right at all times to reject any proposal at any time for any reason whatever.

A. Qualifications and Experience

Factors to be considered in either phase of the Board's review to determine whether the proposer possesses the requisite qualifications and experience may include, along with the specified information required under V.A and V.B above, the following:

1. Experience with similar projects;
2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;
6. Financial condition;
7. Project ownership;
8. Demonstrated record of successful past performance, including timeliness of project delivery, compliance with plans and specifications, quality of workmanship, cost-control and project safety;
9. Demonstrated conformance with applicable laws, codes, standards, regulations, policies, and agreements on past projects; and
10. Project staffing plans, the skill levels of the proposed workforce, apprenticeship and other training programs offered for the project, and the proposed safety plans for the project.

B. Project Characteristics

Factors to be considered in determining the project characteristics may include, along with the specified information required under V.A and V.B above, the following:

1. Project definition;

2. Proposed project schedule;
3. Operation of the project;
4. Technology; technical feasibility;
5. Conformity to State, Board or affected jurisdiction laws, regulations, and policies;
6. Environmental impacts;
7. Condemnation impacts;
8. State and local permits; and
9. Maintenance of the project.

C. Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include, along with the specified information required under V.A and V.B above, the following:

1. Cost and cost benefit to the Board;
2. Financing and the impact on the debt or debt burden of the Board;
3. Financial plan including default implications;
4. Estimated cost, including debt source, operating costs, etc. and
5. Life-cycle cost analysis.

D. Project Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the Board's, affected jurisdiction's or regional comprehensive or development plans may include, along with the specified information required under V.A and V.B above, the following:

1. Community benefits;
2. Community support or opposition, or both;
3. Public involvement strategy;
4. Compatibility with existing and planned facilities;
5. Compatibility with Board, regional, and state economic development efforts; and
6. Compatibility with Board's and affected jurisdiction's land use and transportation plans,

VII. Comprehensive Agreement

Prior to acquiring, designing, constructing, improving, renovating, expanding, equipping, maintaining, or operating the qualifying project, the selected proposer shall enter into a comprehensive agreement with the Board. Each comprehensive agreement shall define the rights and obligations of the Board and the selected proposer with regard to the project.

A school board may enter into a comprehensive agreement under the PPEA only with the approval of its local appropriating body.

The terms of the comprehensive agreement shall be tailored to address the specifics of the project and shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project;
2. The review and approval of plans and specifications for the qualifying project by the Board;
3. The rights of the Board to inspect the qualifying project to ensure compliance with the comprehensive agreement;
4. The maintenance of a policy or policies of liability insurance or self-insurance reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;
5. The monitoring of the practices of the operator by the Board to ensure proper maintenance, safety, use and management of the qualifying project;
6. The terms under which the operator will reimburse the Board for services provided;
7. The policy and procedures that will govern the rights and responsibilities of the Board and the operator in the event that the comprehensive agreement is terminated or there is a material default by the operator including the conditions governing assumption of the duties and responsibilities of the operator by the Board and the transfer or purchase of property or other interests of the operator by the Board;
8. The terms under which the operator will file appropriate financial statements on a periodic basis.
9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be the same for persons using the facility under like conditions and that will not materially discourage use of the qualifying project;
 - a. A copy of any service contract shall be filed with the Board.
 - b. A schedule of the current user fees or lease payments shall be made available by the operator to any member of the public upon request.
 - c. Classifications according to reasonable categories for assessment of user fees may be made.
10. The terms and conditions under which the Board will contribute financial resources, if any, for the qualifying project; and
11. Other requirements of the PPEA or provisions that the Board determines serve the public purpose of the PPEA.

Parties submitting proposals understand that representations, information and data supplied in support of or in connection with proposals plays a critical role in the competitive evaluation process and in the ultimate selection of a proposal by the Board. Accordingly, as part of the Comprehensive Agreement, the prospective operator and its team members shall certify that all material representations, information and data provided in support of, or in connection with, a proposal is true and correct

The comprehensive agreement and any amendments thereto shall be approved and entered into in writing by the Board.

Vice-Chairman Young moved, seconded by Supervisor Faison, to adopt the PPEA procedures in accordance with § 56-575.16, Code of Virginia, 1950, as amended. All were in favor.

Moving forward, Mr. Johnson announced that as the Board may recall from their regular session of November 22, 2004, the Land Development Task Force offered the following 4 specific recommendations for their consideration:

- 1) Southampton County should consider a mechanism providing for acceptance of voluntary cash proffers when needs generated by future rezoning applications warrant;
- 2) Southampton County should consider implementation of Land Use Value Taxation to provide financial incentive for the preservation of agricultural and forestal lands;
- 3) Southampton County should consider amendments to its zoning and subdivision ordinances to discourage residential development in outlying rural areas and the practice of “piano-key” development (i.e., the stripping of rural roads with residential building lots); and
- 4) Southampton County should consider immediate and substantive limitations on its development standards in the Agricultural zoning districts.

He advised that based upon the Board’s adoption of last month’s ordinance (Lot Limitations in Agricultural Zoning Districts), they could check number 4 off of the list, at least for the time being. He reminded that the ordinance would automatically expire on March 1, 2006, meaning that they did not have much time to develop, discuss, debate, and ultimately adopt a permanent solution. Additionally, there were two other recommendations (numbers 1 and 2 above) on the table that needed to be further developed, studied, and refined before they took action. He informed that given Mr. Coggsdale’s sudden and unexpected announcement last month, a professional staffing void would soon exist that the Task Force could little afford. We simply could not bear to wait until the vacant position was filled and a new employee brought up to speed before the serious work began. Accordingly, included in the agenda for the Board’s consideration was a proposed letter agreement for professional planning services from Bill Turner, AICP, President of Community Planning Collaborative, Inc., and author of our 2000 Comprehensive Plan, *Vision 2020*. His recommendation was to have Mr. Turner coordinate and facilitate the work of the Task Force over the next 11 months. He also intended to personally assist him in this regard, as time allowed. He advised that unsure of exactly how much time may be involved, he asked Mr. Turner to structure his proposal on an hourly basis with a not-to-exceed total. He had offered to work for \$100/hour plus expenses, not to exceed \$21,600. His proposal included a total of 216 hours, allocated as follows:

- 96 hours of meetings (includes advance preparation, attendance, travel and follow-up);
- 40 hours of research and analysis;
- 60 hours of technical writing and editing; and
- 20 hours of exhibit preparation.

He advised that again, we would only be billed for the actual hours Mr. Turner invested in the work if less time was required. Given his past experience with Southampton County and familiarity with its plans and ordinances, Bill Turner was the absolute logical choice to get us where we needed to be in the time frame that we had to work with. He informed that a portion of the expense incurred in FY 2005 would be offset by Mr. Coggsdale’s vacancy, at least until the position was filled. Additional funds for this purpose would need to be budgeted in FY 2006. He noted that he had scheduled the next meeting of the Task Force for April 6 at 7:30 PM immediately following the Board’s first budget workshop. Mr. Turner was available to meet with the Task Force that evening if the Board so authorized.

Supervisor Brown stated that he did not think 40 hours was enough time allocated for research and analysis. Mr. Johnson advised that the 96 hours of meetings that was allocated included research.

Vice-Chairman Young moved, seconded by Supervisor Faison, to authorize acceptance of Mr. Turner’s proposal to coordinate and facilitate the work of the Task Force over the next 11 months. All were in favor.

Proceeding to Capital Improvements – Southampton County Schools, Mr. Johnson announced that he had nothing revolutionary to report. Notwithstanding evaluation of alternative scenarios, nothing particularly substantive materialized since last month. He was afraid there was no silver bullet or magic elixir. New facilities were needed and they would be expensive to provide. He advised that what he had heard from the Board over the last several months was as follows:

- 1) They agreed with the school board that new facilities were needed at Hunterdale, Capron, and ultimately Southampton High School.
- 2) They understood that the cost of providing those facilities would likely be in excess of \$24 million.
- 3) They recognized that there were no cash reserves on which to rely and the projects would have to be debt financed, translating to the equivalent of a 10¢ to 12¢ increase on the real estate tax rate.
- 4) They had expressed grave concerns at placing that degree of burden on county taxpayers.
- 5) They had noted several other issues, equally important, that they must contend with concurrently – the soaring cost of solid waste disposal, lagging salaries for county employees, the cost associated with future residential growth, the rising cost associated with career EMS staff, the price tag of implementation of land use taxation, the impact of next year's reassessment, et al.
- 6) They felt pressured to bring quick resolution to the school construction issue.
- 7) They found all of this overwhelming.

He advised that while he understood the pressure they must feel, he would encourage them to take their time in reaching consensus. A quick decision on the school construction issue may severely limit their options in resolving many of the other issues already on the table. He stated that they could not and should not ignore it. But what was the hurry? Assuming they gave the green light for new school construction to begin July 1 (upon adoption of their new budget), you could figure 18-20 months before the facilities were ready, which would be somewhere between December 2006 and February 2007. His point was that the opportunity to open a facility in September 2006 has passed. They could wait another 7 or 8 months and it would have little impact on the school year. The best they could do now was a September 2007 opening, and that decision did not have to be made today. He encouraged them to take the time they needed to implement land use taxation, evaluate the impact of the reassessment, and work through their options for solid waste management. Time was on their side. They could divide and conquer or be overwhelmed.

Supervisor Brown stated that there was a need for new schools in Southampton County. They needed to make sure that they did not miss out on any opportunities. He thought that with the impact of the reassessment, the tax rate may even go down next fiscal year.

Supervisor West stated they were talking about a 5¢ tax increase right off the bat. People would feel the impact. And he suspected that if they dealt with the other items on the table, there would be a rate increase, not a decrease, next fiscal year.

Supervisor Brown asked when the tax increase would take effect if they went ahead with the schools tonight? Mr. Johnson replied July 1, 2005.

Supervisor Felts stated that she thought they should follow the advice they had been given by Mr. Johnson. Vice-Chairman Young agreed.

It was consensus of the majority of the Board members to follow the advice of Mr. Johnson.

Mr. Johnson advised that at this point, it may be more effective for a couple of Supervisors to work in a small group with the School Board to continue discussing the School Board's capital improvement needs.

Supervisors Felts and Faison volunteered to work in that small group.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was correspondence from The Genieve Shelter regarding an upcoming fund-raising event entitled the *Soprah Bowl*, to offset the cost of providing services to victims of domestic violence. They were seeking the Board's sponsorship of the event (sponsorship levels were included in the agenda) and were asking for the Board Chairman and County Administrator to participate. Festivities would begin at 6:00 PM on April 30 at the Holiday Inn in Suffolk and would include a silent auction and dancing. In addition to an annual appropriation of \$5,000, the Board sponsored their last event, a roast for Delegate Chris Jones, at the \$250 level.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to sponsor the Genieve Shelter's Soprah Bowl at the \$250 level. All were in favor.

He reminded that last month the Board resolved to sponsor the 2nd annual golf tournament hosted by the Western Tidewater Community Services Board (WTCSB) on April 29 in Smithfield at the \$250 level and register a team of 4 players to participate. He had notified the WTCSB accordingly. He advised that Supervisors Brown and West, and Sheriff Vernie Francis, and David Britt, Southampton County Treasurer, made up the team of 4 who would participate.

Mr. Johnson advised that Chairman Jones recently joined several Mayors and Board Chairmen from throughout the Hampton Roads region in congratulating Bon Secours Hospital for organizing the Columbia University Heart Institute, a new state-of-the-art heart surgery and cardiac care facility in Portsmouth. He made remarks on the County's behalf and presented them with a can of Southampton County peanuts which were placed in their time capsule for posterity. He noted that photographs were included in the agenda.

He informed that included in the agenda for the Board's reference was a copy of the most recent annual report from the Senior Services of Southeastern Virginia.

Mr. Johnson reported the following environmental notices:

- 1) To the Virginia Department of Environmental Quality, a confirmation receipt that we received our respective groundwater withdrawal permit applications for the Drewryville and Edgehill water systems.
- 2) From the Virginia Department of Health, approval of a new public water drinking supply permit sent to Valley Proteins (Adams Grove).

He advised that copies of the following incoming correspondence were received:

- 1) From USDA Rural Development, a reminder of its Value Added Producer Grant program available to producers of agricultural commodities;
- 2) From the Chowan Basin Soil & Water Conservation District, official notice of their recent name change (formerly J.R. Horsely Soil & Water Conservation District);
- 3) From the City of Franklin, copied correspondence to Towne Development regarding results of recent flow tests conducted in the Regency Estates subdivision;
- 4) From the Virginia Department of Environmental Quality (VDEQ), notice that our application for reissuance of the VPDES permit for the Courtland Wastewater Treatment Plant is administratively complete;
- 5) From Troutman Saunders, LLP, a copy of a recent SCC order seeking comment on proceedings related to the merger of Southwestern Bell Communications and AT&T Corporation;
- 6) From the Suffolk Shelter for the Homeless, notice that they will not seek operational funding from Southampton County in FY 2006 but will spend time researching and evaluating genuine need as it relates to homelessness in the County.

Mr. Johnson advised that outgoing correspondence and articles of interest were also in the agenda.

Moving to late arriving matters, Mr. Johnson announced that in accordance with Sec. 14-8 of the Southampton County Code, it was necessary that the Board appoint a subdivision agent to succeed Mr. Coggsdale. The subdivision agent was responsible for review and approval of all subdivision plats to insure compliance with chapter(s) 14 and 18 of the Southampton County Code. He was recommending the appointment of Robert L. Barnett, Building Official and Zoning Administrator.

Vice-Chairman Young moved, seconded by Supervisor West, to appoint Robert L. Barnett as subdivision agent. All were in favor.

Chairman Jones asked if anyone in the audience had anything to bring before the Board?

Mr. Glenn Updike spoke. He stated that he came before the Board in July 2004 asking for help with the livestock market. The roof was still leaking and he wanted to know when they were going to address these issues.

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

Section 2.2-3711 (A) (1) Discussion of prospective candidates for employment;

Section 2.2-3711 (A) (1) Discussion of the performance of specific public employees;

Section 2.2-3711 (A) (3) Discussion of the disposition of publicly held property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body;

Section 2.2-3711 (A) (3) Discussion of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and

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.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to conduct a closed meeting for the purposes previously read.

Mr. Richard Railey, County Attorney, Mrs. Julia Williams, Finance Director, Mr. Robert Barnett, Building Official and Zoning Administrator, and Ms. Cindy Cave, Community/Economic Development Director, were present in the closed meeting.

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

RESOLUTION OF CLOSED MEETING

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

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

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

**Supervisors Voting Aye: Dallas O. Jones
Walter L. Young, Jr.
Walter D. "Walt" Brown, III
Carl J. Faison
Anita T. Felts
Ronald M. West
Moses Wyche**

The motion passed unanimously.

Chairman Jones advised that a motion was needed as a result of the closed meeting.

Supervisor West moved, seconded by Supervisor Wyche, to counter-offer the sale of County-owned property near Food Lion on Route 58 to Durwood Scott, representing Sanzio Properties, L.L.C., for \$75,000. Chairman Jones and Supervisors Brown, Faison, Felts, West, and Wyche voted in favor of the motion. Vice-Chairman Young voted in opposition to the motion. The vote was 6-1 in favor of the motion, thus the motion passed.

There being no further business, the meeting was adjourned at 10:15 PM.