

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 April 24, 2006 at 8:30 AM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
James A. Randolph, Assistant County Administrator
Julia G. Williams, Finance Director
Robert L. Barnett, Director of Community Development
Julien W. Johnson, Jr., Public Utilities Director
Richard E. Railey, Jr., County Attorney
Susan H. Wright, Administrative Secretary

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

Chairman Jones sought approval of the minutes of the March 7, 2006 Mini Retreat and March 27, 2006 regular meeting. They were approved as recorded, as there were no additions or corrections.

Regarding highway matters, Chairman Jones recognized Mr. Joe Lomax, Residency Administrator of the Virginia Department of Transportation (VDOT) Franklin Residency.

Mr. Lomax advised that the Commonwealth Transportation Board (CTB) public hearing was scheduled for tomorrow evening in James City County. He and Mr. Johnson, County Administrator, would be attending.

Mr. Lomax informed that since the General Assembly had yet to adopt its budget, VDOT had to maintain its current assets and withhold or conserve the money that had been set aside for construction projects. As a result, their secondary allocations would be reduced from \$1.2 million to a little over \$800,000.

Mr. Lomax stated that the Route 692 (Whitehouse Road) project was still on track. The project meeting was tomorrow morning at the Franklin Residency.

Mr. Lomax advised that installation of stoplights on Route 58 at the Food Lion and at Route 58 Business (Courtland interchange) were on schedule for August. The stoplight at the Food Lion would be permanent and the stoplight at Business 58 would be temporary. He informed that the recent traffic engineering study did NOT warrant a reduction in speed on Route 58.

Mr. Lomax clarified for Supervisor Brown that the permanent stoplight would be made of steel and would cost \$225,000 - \$245,000. The temporary stoplight would be made of wooden poles and would cost about \$120,000.

Supervisor Brown asked what was the status of the Children-At-Play signs on Riverdale Road? Mr. Lomax advised that he had not yet received the resolution that was adopted with regard to that. As soon as he received it, he would forward it to the traffic engineering division.

Supervisor Brown stated that some citizens had asked him about getting streetlights at the corner of Delaware, Monroe, and Sycamore Roads, known as Checkerboard Corner. Mr. Johnson advised that staff would take care of evaluating that area for streetlights, as streetlight requests did not fall under highway matters.

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It was disconcerting to the Board that the traffic engineering study did not warrant a speed limit reduction on Route 58. It was the consensus of the Board to have Mr. Johnson draft a letter asking them to reconsider a speed limit reduction on Route 58.

Mr. Johnson advised that as Mr. Lomax had mentioned, the Commonwealth Transportation Board had scheduled its hearing tomorrow night in James City County. With their blessings, he would be there to again represent our interests regarding the proposed Route 58 overpass. As of Friday, the project still appeared in the Plan, but there was no money assigned to it for the next 6 years.

Regarding reports, various reports were received and provided in the agenda. They were Financial, Sheriff's Office, Animal Control, Communication Center Activity Report, Traffic Tickets, and Building Inspections. Also New Housing Starts, Cooperative Extension, Treasurer's Report, Delinquent Tax Collection, EMS & Fire Department Activity, and Personnel.

In regards to the new housing starts report, Supervisor Brown asked Mr. Johnson if he could get a running tally for 2006? Mr. Johnson replied that he did not provide that, but did provide a graph depicting the new stick-built houses in 2005.

In regards to the personnel report, Mr. Johnson advised that Michael R. Wolfe of the Sheriff's Office resigned effective 04/06/06.

Moving to appointments, Mr. Johnson announced that as discussed last month, Dr. Alan W. Edwards' term on the Planning Commission would expire April 30, 2006. Terms were for 4 years and he was eligible for reappointment. Supervisor Felts agreed to confirm his interest in continuing to serve.

Supervisor Felts advised that she contacted Dr. Edwards and he was willing to continue to serve.

Supervisor Felts moved, seconded by Vice-Chairman Young, to reappoint Dr. Alan W. Edwards to the Planning Commission. All were in favor.

Mr. Johnson advised that as further discussed last month, Dr. Douglas Boyce, President of Paul D. Camp Community College, indicated that the terms of all 3 of our appointees to the College Board would expire on June 30, 2006. Based on the organizational bylaws, all were eligible for reappointment, although the attendance report, included in the agenda, indicated that some of our appointees may have ongoing conflicts. It was necessary that the 3 appointments be made no later than the June 26 session.

Supervisor Jones stated that he needed to talk to the person from his district that was currently on the College Board.

Supervisor West recommended that A. Meredith Felts, Jr. be appointed to replace Colleen Flick on the College Board.

Supervisor West moved, seconded by Vice-Chairman Young, to appoint A. Meredith Felts, Jr. to replace Colleen Flick on the Paul D. Camp Community College Board of Directors. All were in favor.

Mr. Johnson clarified for Supervisor Brown that appointments could come from anywhere in the County.

Supervisor Brown and Supervisor Faison indicated that they each may have an appointee.

It was consensus of the Board to make the other 2 appointments to the College Board next month.

Moving to financial matters, Mr. Johnson advised that bills in the amount of \$1,104,800.00 were received.

Supervisor West moved, seconded by Vice-Chairman Young and Supervisor Brown, that the bills in the amount of \$1,104,800 be paid with check numbers 75340 through 75811. All were in favor.

Moving forward, Mr. Johnson announced that under separate cover with the agenda was the final draft of the Southampton County All-Hazards Mitigation Plan. Development of this document

was facilitated by PBS&J, a Raleigh-based consultant, to address all natural and manmade hazards that could potentially affect the County and any of its incorporated towns. The goal of the plan was to minimize or eliminate the long-term risk to life and property from known hazards by identifying and implementing effective mitigation strategies and actions. The All-Hazards Mitigation Plan had been designed to meet all applicable federal regulations per the Disaster Mitigation Act of 2000 and local planning requirements established by the Federal Emergency Management Agency (FEMA). Preparation of the plan was funded entirely with generous grants from FEMA and the Virginia Department of Emergency Management.

Mr. Johnson continued that its completion and adoption were prerequisites for future grants through the Pre-Disaster Mitigation (PDM) program or Hazard Mitigation Grant Program (HMGP). An approved plan was also required for eligibility to receive direct public assistance during federally declared emergencies and disasters. During the process of developing the All-Hazards Mitigation Plan, the following items were included: A) Capability Assessment, B) Hazard Identification & Analysis, C) Vulnerability Assessment, D) Mitigation Strategy Development, E) Public Participation, and F) Plan Review, Adoption and Approval. He informed that in accordance with Federal Planning requirements, the local governing bodies of the County and each participating town must review and adopt that portion of the overall plan that affected their respective jurisdiction. The final versions of the plan had been forwarded to each of the incorporated towns for adoption by their respective town councils. Following the plan adoption process, Southampton County would submit the completed All-Hazards Mitigation Plan for final approval by FEMA and the Virginia Department of Emergency Management. Included in the agenda was a resolution for the Board's consideration in adopting the All-Hazards Mitigation Plan.

The resolution is as follows:

**RESOLUTION TO ADOPT THE SOUTHAMPTON COUNTY
ALL-HAZARDS MITIGATION PLAN**

WHEREAS, Southampton County, Virginia is vulnerable to an array of natural and manmade hazards that can cause loss of life and damages to public and private property; an

WHEREAS, the County desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of an all-hazards mitigation plan can result in actions that reduce the long-term risk to life and property from natural and manmade hazards; and

WHEREAS, it is the intent of the Board of Supervisors to protect its citizens and property from the effects of natural and manmade hazards by preparing and maintaining a local all-hazards mitigation plan; and

WHEREAS, it is also the intent of the Board of Supervisors to fulfill its obligation under Section 322, Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as enacted by Section 104 of the Disaster Mitigation Act of 200 (P.L. 106-390) to remain eligible to receive state and federal assistance in the event of a declared disaster affecting Southampton County, Virginia; and

WHEREAS, Southampton County, Virginia has prepared a multi-jurisdictional all-hazards mitigation plan with input from the appropriate local and state officials; and

WHEREAS, the Virginia Department of Emergency Management and the Federal Emergency Management Agency have reviewed the all-hazards mitigation plan prepared for Southampton County for compliance and has approved the plan pending the completion of local adoption procedures; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Southampton County, Virginia hereby:

1. Adopts the Southampton County All-Hazards Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted this 24th day of April, 2006.

Dallas O. Jones, Chairman

ATTEST:

Clerk

Mr. Johnson noted that they had received tentative approval from FEMA.

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

Moving to the citizen request to address the Board, Chairman Jones recognized Mills R. "Bob" Edwards.

Mr. Bob Edwards advised that he wanted the Board to consider the establishment of an additional no-wake zone on the Nottoway River between Monroe Bridge and Checkerboard Corner. There had been a lot of erosion in that area due to boat traffic. He shared numerous photographs which showed the erosion of the shore line. He noted that the road was moved over years ago to accommodate the erosion. Now there were houses there and nowhere to move the road. He mentioned that he had spoken to Jack Stutts and Hunter Darden who owned land across there.

Supervisor West asked what was the total length of the area involved? Mr. Edwards replied that he would guess 1/8 of a mile. He noted that the curve would need to be included.

Supervisor West stated that he was in favor of doing what we could to preserve the shore line in that area. Vice-Chairman Young advised that he had visited the area and there was a definite need for a no-wake zone. Supervisor Brown advised that he had walked it and it was about 7/10 of a mile. A no-wake zone was needed but it would not solve the whole problem.

Mr. Johnson informed that the process would require an ordinance amendment and we would also have to contact the Department of Game and Inland Fisheries (DGIF).

Supervisor Brown moved, seconded by Vice-Chairman Young, to authorize the County Administrator to prepare an ordinance amending Sec. 10-36 of the Southampton County Code by establishing one additional no-wake zone on the Nottoway River as outlined above and, further, authorize a public hearing to be scheduled to receive public comment on this matter at the next regular session on May 22, 2006. All were in favor.

Proceeding to the public hearing, Mr. Johnson announced that the first and only public hearing was being held for the following purpose:

To receive public comment on a proposed ordinance to reestablish procedures for the application and disposition of requests for equalization of real estate assessments.

The ordinance is as follows:

AN ORDINANCE TO PROVIDE FOR APPLICATION AND DISPOSITION OF REQUESTS FOR EQUALIZATION OF REAL ESTATE ASSESSMENTS BY THE BOARD OF EQUALIZATION

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that pursuant to Section 58.1-3378 of the Code of Virginia, 1950, as amended, that the deadline for receipt of applications to the Southampton County Board of Equalization shall be ~~March 15~~, *May 1*, 2006, and the deadline for disposition of applications by the Board of Equalization shall be ~~April 15~~, *June 1*, 2006.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: ~~December 19, 2005~~ *March 27, 2006*

Chairman Jones opened the public hearing.

Mr. Hunter Darden, III addressed the Board. He stated that the May 1, 2006 deadline had complicated things for the citizens. He thought that it was a little short. They gave an extension to the assessors and he thought they should give an extension to the citizens.

Mr. Leland Beale spoke. He stated that he realized he was confined with this public hearing to talk about the subject at hand, which was the ordinance. He thought the deadline of May 1 was too soon. The assessment was a disgrace. The assessment situation in this County had almost reached a point of confiscation of property. Older people would be forced to sell their property. And who did they think would buy it – developers. He thought we needed to start over and do it right next time. He asked them to give that some consideration.

Mr. Jimmy Lee addressed the Board. He advised that he was in favor of extending the deadline past May 1 for reasons already stated. He thought the Board should look after the citizens. The assessment was very unfair. At the last public hearing, he was one of about 50 people out in the hallway that did not get a chance to speak. It was an ill assessment with a lot of mistakes and it was just not right. They needed to reflect on how they were treating their fellow man on this tax assessment.

Mr. Glenn Updike spoke. He advised that he was an alternate on the Board of Equalization. Based on the number of applications they had received so far, he thought that May 1 was way too soon. The citizens needed more time and the Board of Equalization needed more time to do their work.

Ms. Jacquelyn Blythe addressed the Board. She stated that she inherited some property when her father passed away. She was having to spend excessive amounts of money to prove that she did not own something. With the deadline of May 1, she would not have time enough to get it surveyed.

Ms. Linda Vick of the Newsoms District spoke. She stated that due to the reassessment, land rent was not going to be enough to pay the taxes. They had not been treated right. The assessors said that she had buildings on her property that they did not have. They assessed her 3-bedroom house \$115,000 more than her neighbor's 5-bedroom house across the street.

Mr. Robert Bell addressed the Board. He advised that he was a small homeowner and owned 2 pieces of land. He had been through the flood. This assessment was causing runaway inflation in this County. It was going to cause people to move somewhere else. Have a heart.

Mr. Larry Whitley spoke. He stated that he would like to see them extend the deadline past May 1. The mistakes were so massive that the citizens had to take a lot of time to get themselves prepared.

Chairman Jones closed the public hearing.

All of the Board members were in agreement that an extension was appropriate.

Mr. Johnson pointed out that because these dates were not included in the reassessment notices mailed by Blue Ridge to property owners, the Board of Equalization, by statute, was obligated to hear all appeals through December 31, 2006.

Supervisor Brown indicated that he thought a 45-day extension would be more appropriate than a 30-day extension.

Supervisor Brown moved, seconded by Supervisor Wyche, to extend the deadline an additional 45 days, which would reflect June 15 as the deadline to submit an application and July 15 as the deadline for disposition. All were in favor.

Moving to old business, Mr. Johnson announced that the following matter was held over last month following the close of the public hearing due to the absence of the applicant:

REZ 2006:02 The application of Joshua Pete Fowler (representative) on behalf of Ellaree C. Hyder (owner) requesting a change in zoning classification from A-1, Agricultural to C-

B2, Conditional General Business of approximately 1.7 acres. The purpose of the application is to allow for construction of a storage/warehousing facility less than 20,000 square feet in size. The property is located adjacent to 20156 Ivor Road and is further identified as Tax Parcel 60-105 and is located in the Capron Magisterial District.

Mr. Johnson noted that the applicant's father, Larry Fowler, was present this morning on behalf of the applicant, as the applicant was in school and unable to attend.

Supervisor West asked why the Planning Commission recommended approval of this application if it was not consistent with the Comprehensive Plan? Supervisor Felts advised that she attended the Planning Commission meeting and their reasoning was that the subject property was located next to a business.

Mr. Larry Fowler spoke. He advised that he was the father of Pete Fowler, the applicant, and son-in-law of Mrs. Hyder, the owner. Air Mechanix was located on side of the property and there was a mobile home park on the other. International Paper owned the property behind this property. It could not be expanded upon.

Supervisor Brown asked if the storage facility (the proposed use of the property) would be fenced in? Mr. Fowler replied yes.

Supervisor Faison stated that we needed to look at the location. It was between 2 businesses. He did not think approving it would set a precedent.

Supervisor Brown stated that he thought it was ok. You were talking about 1.7 acres between 2 businesses. The property could not be expanded upon. Although it did not meet the Comprehensive Plan, he thought it was ok.

Supervisor West advised that it was not in line with the Comprehensive Plan. If we were going to spend the money on the Comprehensive Plan, we needed to go by it.

Supervisor Brown stated that the Comprehensive Plan did not negate rezoning. The Board was supposed to look at the situations.

Supervisor West commented that he was not necessary opposed to what they wanted to do. He was trying to follow the Comprehensive Plan.

Supervisor Wyche moved, seconded by Vice-Chairman Young and Supervisor Felts, to approve the conditional rezoning. Chairman Jones, Vice-Chairman Young, and Supervisors Brown, Faison, Felts, and Wyche voted in favor of the motion. Supervisor West voted in opposition to the motion. The vote was 6-1 in favor of the motion, thus the motion passed.

Moving forward, Mr. Johnson announced that § 58.1-3210 et. seq. of the *Code of Virginia* provided that localities may adopt ordinances allowing property tax relief for elderly and disabled persons. This relief may be in the form of either deferral or exemption from taxes, subject to certain statutory provisions. In order to qualify, an applicant must be either disabled, or at least 65 years of age, and be the owner of the dwelling for which relief was sought. The enabling statute sets gross combined income and net worth limitations. By statute, in order to qualify, the maximum combined gross income from all sources, may not exceed \$50,000 and net combined financial worth of the applicant and their spouse may not exceed \$200,000. Counties were authorized to specify *lower* income and net worth figures, if they so desired. He advised that in 2004, 77 of the 95 Virginia counties offered some form of relief, including Southampton. However, Southampton County's program had not been revised in 30 years and was sorely out of date, particularly with regard to maximum household income limits and net worth. In addition, most communities now provided for at least some level of exemption, based upon specified household income limits and combined net worth, as opposed to simple deferral, which was all we currently offered.

He informed that included in the agenda were a number of reference materials, including:

- **Table 3.1**, illustrating the 2004 tax relief plans in each of the 77 Virginia counties that offer some form of relief;
- A copy of **Sec. 15-91 et seq.** of the Southampton County Code, which established the current program of deferral in Southampton County;

- Copies of the current ordinances from the **City of Franklin, City of Suffolk, and Orange County**, Virginia (as examples of different options); and
- A copy of **House Bill 121** from the 2006 Virginia General Assembly, which had been approved and enrolled, providing the most current maximum qualification limits (changes only affect certain communities in Northern and Central Virginia, and Tidewater).

Mr. Johnson noted that Supervisor Brown asked that this matter be placed on the agenda for discussion and Vice-Chairman Young expressed concerns with the current program at their budget workshop on April 12. He stated that based upon their discussion, he would be pleased to develop a draft ordinance for further consideration. Any changes authorized would not take effect until tax year 2007 (FY 2008). The fiscal impact of any changes was directly related to participation, obviously unknown at this point, but application deadlines may be established such that the full fiscal impact was determined prior to consideration of their FY 2008 budget. He mentioned that this was another program that directly affected the workload in the Commissioner of the Revenue's office, and may require additional personnel.

It was the consensus of the Board that the ordinance needed to be reviewed and updated.

Supervisor Brown thought this was important especially in light of the assessment and the impact it was having on our senior citizens. He recommended that when looking at the gross income and net worth, that the person's house not be included in those figures. He recommended that \$40,000 be the gross income limit and that we structure it so that \$0 - \$15,000 = no tax and \$15,000 - \$30,000 = 50% tax and etc. He also recommended that the net worth, again not including the house, be capped at around \$125,000.

Supervisor West advised that he noticed in reading the reference materials that the number of years a resident had lived in a particular locality was considered. Should we consider perhaps a 10-year minimum? He did not want people coming here to live for that reason. Supervisor Brown stated that he thought that was a valid point and it needed to be considered, but thought 10 years was a little too restrictive. He thought 5 years might be better. Vice-Chairman Young commented that he thought we should consider a 20- or 25-year minimum. Supervisor Faison thought we should look at least 10-15 years. Supervisor Felts thought that a 20-year minimum would be appropriate.

Attorney Railey advised that he wondered if setting a time limit was constitutional. He would like to look at the ordinance first, as there could be a potential problem with that.

Supervisor Brown requested the current number of homeowners in the County that were either disabled or over the age of 65, so we could get an idea of the number of potential participants in the program.

Vice-Chairman Young moved, seconded by Supervisors Felts and Wyche, to authorize the County Administrator to develop a draft ordinance for further consideration. All were in favor.

Moving forward, Mr. Johnson announced that as they were aware, the proffer policy analysis report prepared for Southampton County and presented by Springsted, Inc. this past February provided us a tool to document the fiscal costs associated with future residential development occurring in the County. Their model contained methodology which calculated the marginal cost for future capital improvements related to transportation, parks and recreation, library services, schools, fire and rescue, administrative facilities, and public safety facilities. He advised that the *Code of Virginia* provided that all counties may accept *non-cash* proffers associated with conditional zoning requests. In fact, we already do, and had been for years. Additionally, in high growth localities (greater than 10% population growth from 1990-2000) and for counties adjacent to 3 high growth counties, the ability to accept voluntary *cash* proffers when offered as part of a conditional zoning request may be included. In order to position itself to accept cash proffers, a locality must first amend its Comprehensive Plan, forming the basis for acceptance of such proffers, and then amend its zoning ordinance specifically providing for their acceptance. He informed that following its public hearing on April 13, the Planning Commission recommended three specific changes for their consideration, which were included in the agenda. Two of the recommended changes provided additional language in our Comprehensive Plan, and the third recommendation specifically amended Sec. 18-546 of the Southampton County Code to facilitate

acceptance of voluntary cash proffers. The proposed ordinance amendment made reference to a resolution establishing a “cash proffer policy,” which was also included in the agenda.

Supervisor Brown stated that he had no problem going forward with the ordinance. However, he thought there needed to be more clarity as to why there was such disparity between Springsted’s cash proffer figures of \$451 for single-family homes and \$3,005 for manufacturing housing.

Supervisor West advised that with manufactured housing, typically came more kids in school.

Supervisor Brown advised that he was under the impression that there was one driving formula. He understood the reasoning but the disparity in the figures was so great that he did not think it reflected the reasoning.

Vice-Chairman Young moved, seconded by Supervisors West and Wyche, to authorize the County Administrator to advertise the proposed amendments for public comment at the regular session of May 22, 2006. All were in favor.

Accordingly, a First Reading was held on the following:

COMPREHENSIVE PLAN AMENDMENT: CHAPTER VII

Page VII-13, Q. Conclusions, Paragraph 4: **Additions** to be **included** as follows:

Voluntary proffers provide a mechanism of obtaining needed capital improvements that are necessary to service new developments. The use of proffers, either non-cash or cash, or in specific localities as allowed by the Code of Virginia, 1950 as amended, cash proffers can help defray the cost of expanded services required by new development. The importance of new development contributing a fair share of the costs associated with new infrastructure and services is essential in planning an sustaining a harmonious community that is not overburdened by the excessive demands on limited existing resources.

COMPREHENSIVE PLAN AMENDMENT: CHAPTER IX

Page IX-19 C. General Implementation Strategies: New item to be **included**:

u. Develop a policy to provide for the acceptance of voluntary proffers, either cash or non-cash, as they relate to rezoning applications in accordance with provision of utilizing limited resources to the greatest extent possible to ensure that facilities and services necessary for the health, safety, and general well being of the citizenry are not overburdened.

SOUTHAMPTON COUNTY CODE SECTION 18-546, CONDITIONAL ZONING

(b) (3) Such conditions shall not include a cash contribution to the county;

Proposed revision to read as follows:

(b) (3) Such conditions may include a cash contribution to the county in accordance with an adopted resolution of the Board of Supervisors establishing a Cash Proffer Policy subject to the provisions of Section 15.2-2298 of the Code of Virginia, 1950, as amended.

**RESOLUTION ESTABLISHING THE
SOUTHAMPTON COUNTY, VIRGINIA
CASH PROFFER POLICY**

WHEREAS, Section 15.2-2298 of the Code of Virginia, 1950, as amended, and Section 18-546 of the Southampton County Code allows for the acceptance of cash proffers when associated with conditional zoning applications provided, (1) the rezoning itself gives rise to the need for the conditions, (2) the conditions have a reasonable relationship to the application, and (3) the conditions are in conformity with the Southampton County Comprehensive Plan; and

WHEREAS, Chapter VII of the Comprehensive Plan establishes the importance of new development contributing a fair share of the costs associated with new infrastructure and services to sustain a harmonious community that is not overburdened by the excessive demands that new development creates on limited existing resources; and

WHEREAS, the Board of Supervisors of Southampton County, Virginia finds that rezoning and development of properties for residential use may result in increased population and subsequent increase in the need for capital improvements required to maintain the level of service provided by Southampton County and that the costs of certain capital improvements have been calculated on the basis of a residential unit and the contribution of such residential units to funding of capital improvements through the tax rate has been calculated; and

WHEREAS, the Board of Supervisors finds that rezoning and development of properties for commercial and industrial use may result in a more intensive use of certain public facilities while providing economic benefits to Southampton County.

THEREFORE, BE IT RESOLVED, by the Board of Supervisors that the following guidelines for consideration and acceptance of cash proffers will be considered in conjunction with other land use factors applicable to specific development proposals and other proffers offered during conditional zoning applications.

1) APPLICABILITY

These guidelines shall be applicable to all conditional zoning applications. The specific amounts represented in this policy related to public facilities and capital costs are of a general nature as individual applications may present unique circumstances in evaluating the overall impact of the application. These factors include:

- A. Proffers of dedication or construction of public facilities or land, or amenities and facilities for use in connection with a proposed development, which may decrease the use of existing facilities or change the need for future proposed facilities.
- B. The economic benefits that may accrue as the result of industrial and commercial development.
- C. The scale of the proposed development and minimal incremental effect on community facilities caused by a single residential lot.

2) METHODOLOGY

The basis for establishing the need for capital improvements and services generated by proposed residential development and the economic contribution associated with such development is detailed in a report titled "Proffer Policy Analysis Report" dated February 20, 2006. The costs of residential development per unit have been calculated as follows:

Single Family Residential	\$ 451
Condos, Quads, Townhomes	\$ 16
Multi-Family Residential	\$1,720
Manufactured Housing	\$3,005

In general, the revenue generated by commercial and industrial development and the capital costs and services required to serve such development result in a net benefit to Southampton County. The County's policy in accepting cash proffers associated with commercial and industrial development shall be interpreted liberally in order to promote desirable economic development.

Contributions provided by development to capital projects financed through the tax rate have been based on the percentage of the tax rate attributable to debt service over a 20-year period of a general obligation bond.

Analysis of in-kind donations, such as land, facilities or other similar donations should be based upon a pre-determined value between the applicant and Southampton County.

3) ADMINISTRATION.

Cash proffers when voluntarily submitted by the applicant as part of a conditional zoning request and accepted by the Board of Supervisors as part of the application approval will be due at the time of issuance of a building permit associated with the aforementioned application. In order to protect the County from the negative impacts of inflation, the County may make annual adjustments to the

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original voluntary proffer amount offered by the applicant based on the Consumer Price Index (CPI). The agent for Southampton County shall be responsible for summarizing the amount of cash proffers that have been collected during the previous fiscal year.

It is the intent of the Board of Supervisors to update the cash proffer study on an annual basis to accurately reflect the relationship between the need for new capital projects and services generated by new development. Therefore, the Board of Supervisors shall update the cash proffer study after adopting the Capital Improvements Program, consistent with Section 15.2-2239 of the Code of Virginia, 1950, as amended. The Capital Improvement Program for Southampton County, Virginia shall incorporate the Capital Improvement Plan of the Southampton County School Board.

BE IT FURTHER RESOLVED by the Board of Supervisors that a copy of this policy be provided by staff to all applicants seeking a change in zoning classification.

Adopted this 22nd day of May, 2006.

Dallas O. Jones, Chairman

Attest:

Clerk

Moving forward, Mr. Johnson announced that last month, Chairman Jones, Vice-Chairman Young, and several of our staff members including our consultant engineers, met collectively with officials from Isle of Wight County and the Cities of Franklin and Suffolk to discuss the potential for regional wastewater collaboration. Among other things, it was the consensus of those attending that one alternative worthy of mutual exploration was a potential partnership with the Hampton Roads Sanitation District (HRSD). HRSD was a political subdivision of the Commonwealth, established by public referendum in 1940. They currently provided wastewater treatment services for 1.6 million people in 17 counties and cities in eastern Virginia. A map of their present service area was included in the agenda. They operated 13 wastewater treatment plants and maintained more than 100 pumping stations and 500 miles of pipe ranging in size from 6" to 66". They had current capacity to treat 231 million gallons of wastewater per day.

Mr. Johnson continued that included in the agenda for their consideration was a draft letter, developed by officials in Isle of Wight County and the City of Franklin, officially asking HRSD to develop a feasibility report to provide wastewater treatment services in western Hampton Roads using the wastewater treatment plant in Franklin as a hub. As a symbol of our mutual interest, they had asked all 4 localities to be signatories on the letter. The request was non-binding and obligated no one to ultimately participate. All parties were aware of our current planning study to expand the Courtland Wastewater Treatment Plant and recognized that we would be concurrently studying independent options. He stated that this analysis may, or may not, provide other alternatives and options to compare with a future expansion of the Courtland plant. We would not know until it was complete. But at this point, there was nothing to lose, other than some staff time, by participating. He noted that for the Board members who had been on the Board for a while, they might remember a similar exercise 8 or 9 years ago that yielded no fruit. He was unconvinced that circumstances were significantly different, but did not see any harm in reexamining our options.

The letter to be executed is as follows:

Mr. Donnie R. Wheeler, General Manager
Hampton Roads Sanitation District
Post Office Box 5911
Virginia Beach, Virginia 23455-0911

Re: HRSD Service – Franklin, Southampton County, Isle of Wight County, Southwestern Suffolk

Dear Mr. Wheeler:

April 24, 2006

The City of Franklin, Isle of Wight County, Southampton County and the City of Suffolk are interested in working with the Hampton Roads Sanitation District (HRSD) to study the potential for HRSD providing wastewater treatment on a regional basis through the utilization of the City of Franklin's wastewater plant. The strategic location of the Franklin Plant allows each community to continue their managed growth strategies, and provides HRSD a regional facility in accordance with its mission. As such, it is requested that HRSD along with our communities immediately commence the evaluation of the factors necessary to determine the feasibility of this request, or other potential options, and prepare a report on the findings. We understand that the preparation of this report in no way binds any of the parties to any commitment in the future, but provides an outline as to how we may continue to pursue a regional solution to wastewater treatment.

Currently, Suffolk and Isle of Wight County are members of the District and in order for HRSD to provide service on a regional basis to all these communities, both Franklin and Southampton County would have to be admitted in the District. We understand that this would not occur unless and until HRSD, Franklin and Southampton County reach agreement on the necessary terms of membership.

In anticipation of HRSD's favorable response to this request, please allow us to offer the support and assistance of our staffs in any way necessary to achieve this effort.

Sincerely,

Rowland L. Taylor, City Manager
City of Franklin

W. Douglas Caskey, County Administrator
Isle of Wight County

Michael W. Johnson
Southampton County

R. Steven Herbert, City Manager
City of Suffolk

cc:

Mr. Rowland L. Taylor, City Manager, City of Franklin
Mr. W. Douglas Caskey, County Administrator, Isle of Wight County
Mr. Michael Johnson, County Administrator, Southampton County
Mr. R. Steven Herbert, City Manager, City of Suffolk

Supervisor Faison asked, when this was looked at 8 or 9 years ago, did it include Isle of Wight and Franklin? Mr. Johnson advised that 8 or 9 years ago, it was called Small Communities Division. There was no discussion then of Franklin's wastewater treatment plant being used as a hub.

Supervisor Brown remarked that he thought we should look at this.

Supervisor Faison moved, seconded by Vice-Chairman Young, to authorize the County Administrator to execute the letter on the Board's behalf. All were in favor.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was a copy of the schedule of hearings established and advertised by the Board of Equalization. They had set aside 94 hours on 15 separate dates for deliberation. Assuming an average of 3 appeals per hour, the current schedule would allow them to hear between 250 and 300 appeals.

He advised that included in the agenda was a copy of the latest profile of school boards across Virginia, compiled by the Virginia School Board Association. Eighty-five percent (85%) of school boards across the state were now elected. This had clearly affected tenure, as only 14% of school board members statewide had more than ten years of service. He noted that at least 6 of our 9 members had more than 10 years of service.

Mr. Johnson informed that included in the agenda was a copy of the meeting minutes from the joint meeting of the Planning Commission and Land Development Task Force on March 30 with regard to future land use.

He stated that included in the agenda were copies of brief public remarks regarding economic development, delivered on the Board's behalf recently on separate occasions. The first remarks were made to the Executive Committee of the Hampton Roads Economic Development Alliance on March 30 and the second to a gathering of state and local officials in Franklin on April 5.

Mr. Johnson advised that he was pleased to report that our public utilities department was the recipient of a recent matching safety grant from VML Insurance Programs to purchase spreader bars for their trench box – the award was for \$423.

He reported that the following environmental notices were received:

- 1) From the Virginia Office of Drinking Water, a copied notice of violation to the Town of Courtland for excessive fluoride concentrations in their water supply;
- 2) From the Virginia Department of Health, a copied notice of violation to Valley Proteins for excessive coliform bacteria in their waterworks;
- 3) From the Virginia Office of Drinking Water, a copied notice of violation to D.C. Magette for failing to collect the required bacteriological samples at Darden's Mill Estates in March 2006;
- 4) From the Virginia Department of Drinking Water, copied correspondence to O.R. McClenny, Jr. regarding the presence of fluoride in recent test wells and the effect on his proposed townhouse development project, east of Courtland.

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

- 1) From Judy English, Director of the Southampton County Department of Social Services, notice of their intent to proceed with relatively minor interior building renovations;
- 2) From Robert Myrick, Special Agent for the FBI, a note of gratitude for our cooperation in the recent tactical training mission by the U.S. Marines;
- 3) From Joe Widoff, President of WHRO, a note of gratitude for the Board's recent support of their 2006 Pioneer Awards Banquet;
- 4) From Louise Theberge, Chairman of Gloucester County Board of Supervisors, a note of thanks for the Ivor Volunteer Fire Department's recent mutual-aid response to a wildfire;
- 5) From the Virginia Association of Counties, correspondence regarding the General Assembly's budget impasse and its expected effect on transportation.

He advised that outgoing correspondence and news articles of interest were also in the agenda.

Moving to late arriving matters, Mr. Johnson announced that the Courtland Volunteer Rescue Squad was doing a building addition and had asked for a waiver of the building permit fees.

Mr. Johnson clarified for Vice-Chairman Young that we had waived building permit fees for such organizations in the past.

It was the consensus of the Board to waive the building permit fees for the Courtland Volunteer Rescue Squad's building addition.

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 purpose:

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

Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members pertaining to probably litigation where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the governing body;

Section 2.2-3711 (A) (7) Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel; and

Section 2.2-3711 (A) (1) Discussion of performance of specific employees.

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

Mr. Richard Railey, County Attorney, Mrs. Julia Williams, Finance Director, Mr. Jay Randolph, Assistant County Administrator, and Mr. Julien Johnson, Public Utilities Director, were also present in the closed meeting.

Upon returning to open session, **Vice-Chairman Young moved, seconded by Supervisor West, 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. Brown, III
Carl J. Faison
Anita T. Felts
Ronald M. West
Moses Wyche**

The motion passed unanimously.

Chairman Jones advised that two motions were needed as a result of the closed meeting.

Vice-Chairman Young moved, seconded by Supervisor West, to provide a \$10/hour increase, from \$125/hour to \$135/hour for Richard E. Railey, Jr., County Attorney. All were in favor.

Vice-Chairman Young moved, seconded by Supervisor West, to provide a 3% annual salary increase for Michael W. Johnson, County Administrator. All were in favor.

Mr. Johnson announced that as previously discussed, they had set this time aside for further budget deliberations. If, following today's session, they would like an opportunity for additional discussion prior to receiving public comment, a workshop was tentatively scheduled for Wednesday night. Otherwise, the April 26 workshop may be cancelled, and a motion offered to advertise the proposed FY 2007 budget and associated tax rates for public comment (either as presently drafted or as they may choose to amend it) on May 15, 2006 at 7:00 PM.

Vice-Chairman Young advised that he was satisfied with the proposed FY 2007 budget as presently drafted.

Supervisor Brown advised that he favored a 10¢ rather than a 12¢ reduction in the real estate tax rate.

Supervisor Faison stated that since there were so many variables, he also favored a 10¢ rather than a 12¢ reduction in the tax rate.

Supervisor West advised that he tended to favor a 10¢ rather than a 12¢ reduction to lessen the impact on the tax rate next year.

Supervisor Felts stated that she was thinking along the same lines as Supervisor West.

Supervisor Wyche indicated that he too favored a 10¢ rather than a 12¢ reduction.

Supervisor Brown stated that the question was what to do with the extra 2¢. He tended to favor giving the revenue from the extra 2¢ to the schools, as it was important for their teacher salaries to be comparable to surrounding localities. Supervisor West reminded that we could not tell the schools to use the money for salaries. Supervisor Brown advised that he understood that we could not tell them how to spend their money, but he still thought we should give the schools the better part of the 2¢. Supervisor West remarked that it bothered him to see 3 different school cars carrying 3 different kids to the same place.

Vice-Chairman Young advised that he favored the 12¢ reduction in the real estate rate, as presently proposed in the draft budget. The County staff had been doing this too long for him to question it.

Supervisor Brown moved, seconded by Supervisor Wyche, to amend the proposed budget by increasing the tax rate from \$0.62 to \$0.64 (which would be a 10¢ rather than a 12¢ decrease in the current tax rate of \$0.74) and for the extra 2¢ to go to the schools.

Supervisor Faison indicated that he was in favor of the 10¢ rather than the 12¢ reduction in the tax rate, but he did not want to designate where the extra 2¢ would go. Supervisor Felts agreed.

There was some discussion that the extra 2¢ should go to the Reserve Fund.

Supervisor West stated that we say we were giving a tax decrease. This was actually the biggest tax increase in our history. People enrolled in the land use program were the only ones who would see a decrease.

Vice-Chairman Young stated that again, he thought we should accept the proposed budget as presently drafted.

Supervisor Brown amended his original motion and made a motion to amend the proposed budget by increasing the tax rate from \$0.62 to \$0.64 (which would be a 10¢ rather than a 12¢ reduction in the real estate tax rate) and for the extra 2¢ to go to the Reserve Fund pending the outcome of the work of the Board of Equalization. Supervisor West seconded the amended motion. All were in favor.

Mr. Johnson advised that the amendments made today would be advertised for public comment on May 15, 2006. Since the Board had reached consensus on the proposed budget to advertise for public comment, there was no need to meet for a budget workshop on Wednesday.

Mr. Johnson reminded that as discussed in closed session, a motion was needed to continue this regular meeting to Wednesday, May 3, 2006 at 6:30 PM.

Supervisor Wyche moved, seconded by Supervisor Felts, to continue this meeting on Wednesday, May 3, 2006 at 6:30 PM. All were in favor.

There being no further business, the meeting was recessed at 11:45 AM and continued until May 3, 2006 at 6:30 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk