

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 28, 2003 at 8:30 AM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

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

Chairman Gilliam called the meeting to order at 8:30 AM. Supervisor West gave the invocation then led the *Pledge of Allegiance*.

Chairman Gilliam sought approval of the minutes of the March 6, 2003 special meeting (Retreat), March 24, 2003 regular meeting, and April 9, 2003 budget workshop meeting. They were all approved as recorded, as there were no additions or corrections.

Mr. Michael Johnson, County Administrator, asked Mr. James Vann to come forward. He announced that Mr. Vann had retired as Public Works Director for Southampton County as of March 1, 2003. In addition to his daily job duties, Mr. Vann had faithfully cleaned up the Hancock Transfer Station every Sunday and had responded to weekend and night calls from customers reporting water and sewer problems. He led the transition from the old "green box" days when they had 89 sites to serve to the 17 sites they now served. He had been a leader and great employee for 27 years, 11 months.

Mr. Johnson presented a plaque to Mr. Vann and read aloud the inscription which follows:

In recognition of his dedicated service to
the people of Southampton County for
Twenty-Seven Years, Eleven Months
April 1, 1975 – March 1, 2003

Presented to

James W. Vann

as representation of the high esteem in
which he is held by the
Board of Supervisors
of Southampton County, Virginia
April 28, 2003

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

Mr. Johnson advised that he, Chairman Gilliam, Sheriff Francis, Judy Riddick, and Cindy Cave attended the Commonwealth Transportation Board's (CTB) public hearing on March 27 in Chesapeake (to support the Route 58 overpass project). A copy of Chairman Gilliam's remarks and

written remarks by Delegate Council were provided in the agenda. He informed that VDOT staff was expected to present their draft Six-Year program to the CTB during its monthly workshop on May 14. A public hearing on the draft program would be held in late May or in June and the Board was expected to vote on the final program prior to July 1.

Mr. Johnson announced that Randolph Cook had provided a copy of a response to Supervisor Gray's request for a traffic study on Darden Scout Road. The study indicated an 85th percentile speed of 57 mph. Based on that study, a speed limit reduction was not warranted, but a "Pavement Ends" sign would be installed on the southbound approach of that road in the next few weeks.

Supervisor Gray commented that that was a dirt road and he did not understand VDOT's traffic studies.

Mr. Johnson advised that there was a late arriving matter regarding a request for "Watch for Children" signs. Included in the agenda was a petition from a group of citizens residing on Whitehead Road in Branchville seeking two such signs in their community. The request was consistent with the Board's adopted policy, which was provided in the agenda along with a community map for reference. He suggested that the exact location of the signs be left to the discretion of Mr. Cook after meeting with the petitioners.

Supervisor Faison made a motion authorizing the installation of two (2) "Watch for Children" signs on Whitehead Road to be paid for out of the County's Secondary System Construction Allocation. Vice-Chairman Gray seconded the motion. All were in favor.

Mr. Randolph Cook reported that paving on Route 58 was complete and the shoulders, driveways, and clean up should be complete within the next few weeks. They had also started mowing in most areas. On Route 678 in the Newsoms area, they would be taking out the little bridge and installing a pipe, which would probably necessitate closing that road for about 30 days. He noted that there would be a short detour around it. He advised that he would let them know more about that project in the future and would publish the road closing information in the newspaper (*The Tidewater News*).

Supervisor West asked Mr. Cook if he should contact Virgil Wall (of VDOT) to report problems with ditches? Mr. Cook replied yes and added that they were aware of the problems with the ditches due to all of the rain and were working on them. He noted that some were outfall problems that they may not be able to take care of as quickly as they would like.

Supervisor West mentioned that he had talked to Mr. Cook about deaf/mute signs and asked if anyone knew if age was a factor? He stated that on Blackwater Road resided a young man about 30 years old that neither could hear nor talk and was handicapped in other ways. The young man moved about on the property and was picked up by various services for activities. He asked if a deaf/mute sign could only be posted in an area for a child or a person up to a maximum age? Mr. Johnson replied that he did not know. Mr. Cook noted that there were a few such signs posted in Greenville County, but they were for children. He advised Supervisor West that he would research that policy and contact him with his findings. Supervisor West informed Mr. Cook that the young man's name was Anthony Greene and the address was 36148 Broadwater Road. Supervisor West confirmed for Mr. Johnson that he had spoken with his family.

Supervisor Young informed Mr. Cook that there were drainage problems in Edgehill.

In regards to appointments, Mr. Johnson announced that they were still seeking a candidate to serve on the Suffolk Shelter for the Homeless, Inc. Board. There was some discussion at last month's regular meeting about the possibility of the Board of Supervisors funding the \$500 annual contribution to that organization on behalf of the perspective board member. (One of the criteria for being a board member was the person had to contribute \$500 annually. Supervisor West, who had agreed to seek an appointee, had been experiencing great difficulty in finding an appointee due to that requirement). He advised that no official action was recorded and the proposed FY 2004 annual budget did not include any funding for that organization. He thought the Board needed to clarify their intentions.

Supervisor West stated that Dr. Miller, Executive Director of the Suffolk Shelter for the Homeless, Inc, who addressed the Board in December 2002, clearly showed that Southampton County had a vested interest, with 6-10 people per year being served by their organization. He thought it would be good to have representation from Southampton County on that Board. He noted that contributing

\$500 annually was a detriment to an individual wanting to be part of a board, but was an insignificant amount to the County.

Supervisor West made a motion for the Board of Supervisors to fund the \$500 annually to the Suffolk Shelter for Homeless, Inc. on behalf of the perspective board member, and then seek an appointee to represent Southampton County. Supervisor Faison seconded the motion. All were in favor.

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

In reference to the personnel report, Mr. Johnson announced that W. Hart Council was named the Interim Director of Public Works with an annual salary of \$35,218 effective 03/01/03. Robert T. Stevens of the Sheriff's Office resigned effective 04/21/03. J. Michael Blythe and Raymond E. Merkh of the Sheriff's Office remained on active military leave effective February 10, 2003 and January 1, 2003 respectively. He mentioned that they were trying to get their addresses so they could send letters to them. Sheriff Vernie Francis, who was present in the audience, confirmed for Supervisor West that those on active military leave were not being paid their salaries, but their positions were being held, more or less.

Proceeding to financial matters, bills in the amount of \$908,348.92 were received. **Vice-Chairman Gray moved, seconded by Supervisor Young, that the bills in the amount of \$908,348.92 be paid with check numbers 55516 through 55965. All were in favor.**

Chairman Gilliam recognized Mr. Leland E. Beale, Jr., President of Citizens for Responsible Government, who had previously requested to address the Board.

Mr. Beale addressed the Board. He stated that he was pleased that the budget was balanced and with no real estate tax increase and he wanted to compliment Mr. Mike Johnson, County Administrator, Julia Williams, Finance Director, and all others who worked with them on the proposed budget. He had reviewed it and thought it was well prepared. He realized it was a *proposed* budget and that they would have to review it, but he certainly recommended that they go along with it. He was optimistic that they could have a budget similar to this one next fiscal year. He commented that it was a good time for him to step aside as the President of his organization. He advised that he hoped they would give special attention to farm values in the coming years, surely before the next assessment. He thought that maybe someone could explain to the assessors what the new Farm Bill had done to farm values. Perhaps Mr. Johnson could check with Gates, Hertford, and Northampton Counties in North Carolina about the impact of the reduced peanut values on the values of farms. He stated that the peanut industry, a \$30 million industry, was disappearing from Southampton County and he could not understand why there were not any farm organizations addressing the Board. He hoped that the County could deal with it and that something would come up in agriculture that would take the place of peanuts, but right now it was not on the horizon. He thanked them for the opportunity to speak.

Mr. Johnson advised that included the agenda was an application from the Sedley Recreation Association for a fireworks permit pursuant to Sec. 10-73 of the *Southampton County Code*. They were proposing to host a display on July 4, 2003 at approximately 9:15 PM, with July 5 scheduled as the rain date. He stated that the Board had granted them permits annually since 1991 without any incidents. The application was in order and a draft permit was provided in the agenda.

Vice-Chairman Gray made a motion to approve the application. Supervisor West seconded the motion. All were in favor.

Mr. Johnson announced that the staff of the Tidewater Regional Group Home Commission (TRGHC) had requested that the week of April 28-May 3, 2003 be named "Juvenile Conference Committee Volunteer Week." The Juvenile Conference Committee was a voluntary diversion program of the TRGHC that served as an alternative to formal court action for first-time juvenile offenders. It was comprised of citizen volunteers who gave freely of their time and talents to help redirect troubled youth from further involvement with the juvenile justice system.

Mr. Johnson read aloud the following proclamation:

A Proclamation

To all to whom these presents shall come – Greeting

WHEREAS, the Tidewater Regional Group Home Commission operates community based programs for children who are at risk of appearing before or having already appeared before the juvenile and domestic relations court; and

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

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

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

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

WHEREAS, the week of April 28th has been set aside in recognition of the contributions of these volunteers;

NOW, KNOW YE THAT we do by these presents proclaim the week of April 28th as

“Juvenile Conference Committee Volunteer Week”

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

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

WITNESS The Honorable Reggie W. Gilliam, Chairman of the Board of Supervisors of Southampton County, Virginia on this twenty-eighth day of April, two thousand three.

Reggie W. Gilliam
Board of Supervisors

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

Mr. Johnson advised that Ms. Cindy Cave, Community/Economic Development Director, had prepared a proclamation for the Board's consideration naming the week of May 11-17, 2003, "Business Appreciation Week". A certificate would be prepared, framed, and delivered to each major employer in Southampton County (that employed 25+) during or before that week.

Mr. Johnson read aloud the following proclamation:

**BUSINESS APPRECIATION WEEK
Success Starts Here**

MAY 11-17, 2003

WHEREAS, Southampton County is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Southampton County; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefit; and

WHEREAS, these businesses also make significant contributions in our communities to Promote educational opportunities for our children and promote a variety of activities which increase the quality of life of the area; and

WHEREAS, we recognize and appreciate these businesses;

NOW, THEREFORE, we, the Southampton County Board of Supervisors, hereby recognize our existing businesses, and by virtue of this proclamation give notice to our citizens that the businesses of Southampton County are exemplifying this year's theme of "Success Starts Here."

AND, Further, that the week of May 11-17, 2003 is Business Appreciation Week in Southampton County.

Reggie W. Gilliam, Chairman	Date
Southampton County Board of Supervisors	

Supervisor Young made a motion to adopt the proclamation. Vice-Chairman Gray seconded the motion. All were in favor.

Vice-Chairman Gray was concerned about presenting certificates to only those employers who had 25+ employees because the smaller businesses were vital as well. He asked how many businesses had 25+ employees? Cindy Cave replied about 20-21. Chairman Gilliam asked how many businesses total there were in the County? Ms. Cave replied that she did not know but thought it would be a lot because there were a lot of sole proprietors. She noted that finding all of those businesses would be difficult and she was afraid someone would get left out. She stated that they certainly appreciated all of the businesses but had to draw the line somewhere regarding the certificates. Supervisor Faison suggested that they prepare and present certificates to those businesses with 25+ employees, but also put something in the newspaper (*The Tidewater News*) acknowledging all of the businesses.

Supervisor West brought up that in relation to the aforementioned, they were also planning to have a casual business appreciation dinner. He was concerned about only inviting those businesses that employed 25+ people. Ms. Cave understood his concern but thought if an invitation was extended to all businesses, someone could innocently get neglected and that was worse than acknowledging the others. She advised that they would be happy to handle the situation however the Board desired. Vice-Chairman Gray commented that perhaps it would be better to put the proclamation in the newspaper rather than presenting certificates to the businesses with 25+ employees? Mr. Johnson advised that the intent with presenting the certificates was for a face-to-face visit with the larger employers to take place. Supervisor West suggested that in regards to the dinner, they put an ad in the newspaper requesting businesses wishing to attend to respond by a certain date, thereby putting the burden on the businesses. Supervisor Faison and others thought that the dinner could get very large if they did that. Chairman Gilliam stated that they had estimated serving 100-125 people. Ms. Cave added that that was based on inviting the 20-21 businesses that had 25+ employees and having 2-4 representatives from each of those businesses attend. Supervisor Jones thought they should go with their initial plans, as this was the first event they had planned of this type, and if they were made aware of any objections they could go from there. Chairman Gilliam pointed out that they needed to know how many people to expect at the dinner.

It was brought up that perhaps instead of having a pig pickin' (as mentioned at the Board and Staff Retreat) they could cook hamburgers and hot dogs instead. Supervisor Young stated that in keeping with the idea of serving pork, he thought that boneless pork loin would be the easiest to prepare and was a good cheap meal. Preparing barbecue was very time consuming and would consume about 8 hours of the preparers' time including an hour to set up and an hour to clean up. Supervisor Young

advised that he would cook the pork loin and Vice-Chairman Gray and Supervisor West agreed to help him cook. Chairman Gilliam and others would clean up. They mentioned purchasing slaw and any other side dishes from Golden Skillet. Supervisor Gray asked Ms. Cave if the original intent was to have the Board involved in actually serving the people? Ms. Cave replied that the dinner idea was inspired by their informal discussion at the Board and Staff Retreat about possibly hosting a pig pickin' with the Board serving the food as a means of giving back to the community. She noted that the staff would provide them assistance.

Mr. Johnson presented the Board with 3 different dates in which to have the dinner and they chose Tuesday, June 3, 2003. He clarified for Supervisor Young that the dinner would be held in the evening probably around 5:30 or 6:30 PM. After much discussion, the Board ultimately decided to present certificates to those businesses with 25+ employees and to put an ad in the newspaper in appreciation to all businesses, and to leave the decision of how to handle the invitations to the dinner to the discretion of County Staff. It was noted that the building in which they proposed to have the dinner could seat 175 people comfortably.

Proceeding to public hearings, Chairman Gilliam announced that the first public hearing was to consider the following:

An ordinance to amend and reordain Chapter 18 of the Southampton County Code to impose civil penalties for certain zoning violations. This ordinance would be consistent with the powers granted to localities under Section 15.2-2209 of the Code of Virginia, 1950, as amended, with regard to civil penalties.

The ordinance is as follows:

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

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

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

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

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

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

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

~~contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinabove provided.~~

~~(Ord. Of 6-18-90, § 19-19.20)~~

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

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

Sec. 18-591. Penalties and Remedies.

Sec. 18-591.1 Criminal penalty.

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

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

State law reference – Va Code § 15.2-2286

Sec. 18-591.2 Civil penalty.

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

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

5. Any violation of section 18-423, which regulates permanent and temporary signs, except as provided in section 18-423(b)(3).
6. Any violation of sections 18-46, 18-47, 18-48, 18-49, 18-104, 18-105, 18-106, 18-166, 18-167, 18-198, 18-228, 18-258, 18-289, 18-320, 18-321 or 18-356.
7. Any violation of sections 18-572 or 18-573, which regulate use and occupancy when certificate of occupancy, zoning permits and building permits are required, respectively.
8. Any violation of sections 18-575, 18-576, 18-577, 18-578, 18-579, 18-580, 18-581, 18-582, 18-583, 18-584, 18-585, 18-586, 18-587 or 18-588, which regulate site plans and development pursuant thereto.
9. Any violation of a proffer, or a planned development application plan, special use permit, special use exception, conditional use permit, variance, site plan or any condition related thereto.

B. Schedule of violations subject to fifty-dollar (\$50.00) civil penalty for first violation. Any violation of the following provisions of this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) for the first violation, and a civil penalty of one hundred fifty dollars (\$150.00) for each subsequent violation arising from the same set of operative facts.

1. The construction, erection or location of an accessory structure in a residential district in violation of subsection 18-133(4) or 18-163(4).
2. Any violation of, as applicable, section and subsections 18-424, which regulates uses and structures permitted in required yards.
3. Any violation of Article XV, which regulates nonconforming uses.

C. Each day during which a violation is found to exist shall be a separate offense. However, the same scheduled violation arising from the same operative set of facts may be charged not more than once in a ten (10) day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed five thousand dollars (\$5,000).

D. Any person summoned for a scheduled violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the department of finance prior to the date fixed for trial in court. A person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. A signature to an admission of liability shall have the same force and effect as a judgment of court. However, such an admission shall not be deemed a criminal conviction for any purpose. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

E. The designation of a particular violation in section 18-591.2(A) or (B) shall be in lieu of any criminal penalty and, except for any violation resulting in injury to persons, such a designation shall preclude the prosecution of the particular violation as a criminal misdemeanor, but shall not preclude any other remedy available under this chapter.

F. The designation of a particular violation in section 18-591.2(A) or (B) shall not be construed to allow the imposition of civil penalties: (i) for activities related to land development within the meaning of Virginia Code § 10.1-603.2; or (ii) for violation of any provision of the zoning ordinance relating to the posting of signs on public property or public rights-of-way.

G. Any reference herein to a section of this chapter shall include all subsections and paragraphs of that section.

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

37.3 Injunctive relief and other remedies.

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

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

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

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

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

Chairman Gilliam announced that the next public hearing was to consider the following:

An ordinance to amend and reordain Chapter 18 of the Southampton County Code by adding thereto Section 18-428 to require a deed restriction and plat acknowledging the location, size, ownership, and perpetual care of cemeteries not accessory to churches to approval of a conditional use permit by the board of supervisors.

The ordinance is as follows:

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

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

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

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

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

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

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

Vice-Chairman Gray made a motion to adopt the ordinance. Supervisor Young seconded the motion. All were in favor.

Chairman Gilliam announced that the final public hearing was to consider the following:

An ordinance to amend and reordain Chapter 15 of the Southampton County Code by adding thereto Section 15-78.2 to provide for the release of delinquent tax liens to facilitate the conveyance of real property when certain conditions are met. This ordinance would be consistent with the powers granted to localities under Section 58.1-3228 Code of Virginia, 1950, as amended.

The ordinance is as follows:

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

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

Section 15-78.2 Release of delinquent tax liens.

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

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

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

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

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

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

Chairman Gilliam reminded that this was a public hearing and asked if any members of the public wished to make comments.

Mr. Spier Edwards, Vice-Mayor of the Town of Boykins, addressed the Board. He advised that the Boykins Town Council was requesting the Board to adopt the ordinance so the delinquent taxes could be released from the old Rock Grocery Store on Main Street, Boykins. They were concerned about the safety and health concerns of the building. If the front of the building forwardly collapsed, a pedestrian or motorist who happened to be near it could be killed. He had been told that there were dead dogs, cats, and birds in the rubbish in the building. He stated that releasing the taxes would allow for a perspective buyer, Mr. James Howell, to demolish the building and construct a new building for a business. Other businesses in the area had remodeled in an effort to make their businesses more attractive and this eyesore was taking away from them. He advised that the last 2 times they approached the Board asking for help with this situation, there had been legal issues as to whether the County had the authority to abate the taxes. In 2000, the State made it legal for towns, counties, and cities to adopt an ordinance to enable them to abate taxes provided certain conditions were met, and in this particular case, all the conditions were indeed met. He then distributed some photocopied pictures of the deteriorating old Rock Grocery Store along with pictures of remodeled businesses in Boykins.

Mr. David Britt, Southampton County Treasurer, spoke in opposition to the ordinance. He thought it would set a precedence and numerous people would start asking for tax relief. In addition, it would leave them in a difficult situation in trying to collect delinquent taxes, as they would have no leverage. He understood that the building was an eyesore, but the Town of Boykins could take steps to condemn the property and proceed with a tax sale.

Mrs. Margaret Wilroy of Boykins addressed the Board. She stated that the building was an eyesore, was dangerous, and needed to come down. A few years ago, she and her husband were interested in buying the building, gutting it, and putting a roof on it to keep it from being torn down or from someone getting hurt. Nobody was going to pay the taxes due because it was nothing there.

Supervisor Faison commented that the Town of Boykins was in a difficult situation and the Board now had the tools to remedy it. They could look at future requests on an individual basis.

Supervisor Faison then made a motion to adopt the ordinance. Supervisor West seconded the motion.

Mr. Johnson clarified that the ordinance itself did not release the delinquent tax liens on the building being discussed. It simply gave the Board the authority to do so. The next agenda item was a resolution to abate the taxes on the Rock Grocery Store specifically.

After continued discussion, Chairman Gilliam reminded that a motion was on the floor. **All were in favor of the motion.**

Mr. Johnson advised that now that the Board had given themselves the authority to consider requests to abate taxes, staff had prepared a resolution for their consideration with specific regard to the Rock Grocery Store.

The resolution is as follows:

WHEREAS, the property situate at 32119 South Main Street, Boykins, formerly known as the "Rock Super Market" has fallen into a state of serious disrepair; and

WHEREAS, Mr. James Howell, a resident of North Carolina, has expressed an interest in acquiring and demolishing the building, removing the debris and ultimately constructing a new office building on the site; and

WHEREAS, the parcel(s) upon which the aforementioned structure is situate, namely tax parcels 112A (5) BLK 7, 16-17, are currently subject to delinquent tax liens by Southampton County and the Town of Boykins; and

WHEREAS, the Town Council of Boykins, Virginia has petitioned the Board of Supervisors of Southampton County to consider release of seventy percent (70%) of all delinquent tax liens imposed by the County thereon to facilitate the conveyance of the aforesaid property to Mr. James Howell; and

WHEREAS, Mr. James Howell is not related by blood or marriage to the property's present owners, Wayne G. and Jane P. Rock; and

WHEREAS, Mr. James Howell has no business association with the present owners; and

WHEREAS, Mr. James Howell owes no delinquent real estate taxes to Southampton County; and

WHEREAS, the property including land and improvements is valued at less than fifty thousand dollars (\$50,000).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, that it hereby agrees to release seventy percent (70%) of its delinquent tax liens on the aforementioned parcels, subject to a satisfactory performance agreement whereby Mr. James Howell agrees to demolish the aforesaid structure and remove all debris within 120 days after title is transferred to him; and

BE IT FURTHER RESOLVED that all such real estate liens released by this resolution shall remain the personal obligation of Wayne G. and Jane P. Rock; and

BE IT FURTHER RESOLVED, that this resolution shall become effective at 12:01 a.m., April 29, 2003.

Supervisor Faison liked the 120-day limit and that the building was valued at less than \$50,000. He stated that he was familiar with Mr. Howell and had seen some of his work.

Supervisor Faison moved, seconded by Vice-Chairman Gray to adopt the resolution.

After substantial discussion, the Board agreed to have the Town of Boykins have their attorney, Mr. Butler Barrett, prepare a performance agreement and then present it back to the Board for final approval. Thus a change in the resolution was needed. Mr. Johnson suggested that the 3rd paragraph from the bottom of the resolution be amended to state, "NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Southampton County, that it hereby agrees to release seventy percent (70%) of its delinquent tax liens on the aforementioned parcels, subject to *final approval by the Board of Supervisors* of a satisfactory performance agreement whereby Mr. James Howell agrees to demolish the aforesaid structure and remove all debris within 120 days after the title is transferred to him"

Supervisor Faison amended his original motion and moved that the resolution be adopted as amended. Supervisor West seconded the motion. All were in favor.

Mr. Johnson reported that Supervisor Gray had received a request to evaluate the area along East Nottoway Drive (an unincorporated area of Courtland) for a streetlight. A map of the area illustrating the placement of homes and existing poles and streetlights was included in the agenda. He stated that the Board's policy for installation of a new light was that it shall serve 5 or more residences, or specifically illuminate a street intersection or cul-de-sac. Based upon a field survey by Mr. Waverly Coggsdale, Assistant County Administrator, they were recommending the installation of one additional light on pole number T022.

Vice-Chairman Gray moved, seconded by Supervisor Young, to authorize the installation of the streetlight. All were in favor.

Mr. Coggsdale clarified for Vice-Chairman Gray that they were sending out letters to see if anyone had objections.

Mr. Johnson announced that one of the items contained in the "Outgoing Correspondence" section of the February agenda was an email from him to Paige Weiss of the Virginia Department of Historic Resources seeking her advice on the repair and refurbishment of the wooden windows and columns on the exterior of the Southampton County Courthouse. She met with them on March 11 and provided substantial resource material relative to the repair and preservation of historic exterior woodwork. She thought the windows could be repaired to "like new" condition by a contractor with substantial experience in historic preservation work. The problem with the columns was more puzzling, as severe and accelerated water damage had been sustained since the lead paint abatement project of 1997. With the column capitals capped with copper flashing, she thought the moisture may be originating from the wooden seams in the column shaft, and with no weep holes in the base of the columns, the moisture was trapped and causing the column to rot from inside-out. She noted that a contractor skilled in preservation work may find a different cause. She strongly suggested that when choosing a contractor to provide preservation service, to choose one with vast experience in evaluating existing damage and identifying its source.

Mr. Johnson advised that Section 2.2-4303, Code of Virginia, provided that competitive negotiation may be used to obtain services to repair or renovate buildings when the contract was not expected to exceed \$500,000, provided that a determination in writing was made in advance by the governing body that sealed bidding was not fiscally advantageous to the public. Competitive negotiation involved issuance of a written Request for Proposal indicating the services sought in general terms, specifying factors that would be used in evaluating the proposal including any unique capabilities of the contractor. Selection was then made of 2 or more contractors deemed to best suited. Negotiations were then conducted with each selected contractor. While price may be considered, it need not be the only determining factor. After negotiations had been conducted, the Board would select the contractor who made the best proposal and award them the contract. He stated that included in the agenda was a resolution that was requisite in utilizing competitive negotiation for procurement of historic preservation services at the Southampton County Courthouse.

The resolution is as follows:

A RESOLUTION AUTHORIZING COMPETITIVE NEGOTIATION
AS THE METHOD OF PROCURING THE REPAIR OF
HISTORIC WOODEN WINDOWS AND COLUMNS AT
THE SOUTHAMPTON COURTHOUSE

WHEREAS, the wooden windows and columns of the Southampton Courthouse are an important aspect of the architectural character of the building; and

WHEREAS, their design, craftsmanship, and other qualities make them worthy of preservation; and

WHEREAS, planning for their repair or replacement is a complex process involving both objective and subjective considerations; and

WHEREAS, Southampton County recognizes that prospective craftsmen may utilize different equipment, techniques, and methods in repairing the aforementioned windows and columns, with equal success; and

WHEREAS, Southampton County seeks to encourage innovation, efficiency, and superior levels of performance in procurement of such services; and

WHEREAS, there are many factors in addition to price that must be considered when procuring such services, including, but not limited to the qualifications of project personnel and a demonstrated experience in repair of historic woodwork, and the offeror's ability to evaluate existing damage, effectively mitigate the cause of such damage, and repair the windows and columns to "like new" condition; and

WHEREAS, the process of competitive sealed bidding does not lend itself to the consideration of these and other factors when considering award of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that, in its judgment, competitive sealed bidding is not fiscally advantageous to the citizens of Southampton County for the reasons described herein above; and

BE IT FURTHER RESOLVED that this Board intends to utilize competitive negotiations to procure such services and authorizes its County Administrator to publish and distribute a Request for Proposals, with such proposals to be received and evaluated by a committee appointed by the County Administrator; and

BE IT FURTHER RESOLVED that such committee shall competitively negotiate with such offerors it deems to be fully qualified and best suited based upon the evaluation criteria contained in the RFP, and shall make a recommendation to this Board for action at a subsequent meeting.

Adopted this 28th day of April 2003.

Vice-Chairman Gray made a motion to adopt the resolution. Supervisor Young seconded the motion. All were in favor.

Mr. Johnson announced that included in the agenda was correspondence from the North Carolina & Virginia Railroad requesting adoption of a resolution supporting state funding of track rehabilitation in Boykins. Funds were appropriated by the Commonwealth Transportation Board to the Virginia Department of Rail and Public Transportation, which made them available to certain railroad companies. He stated that a resolution of support by the local governing body was a prerequisite of funding. A sample resolution was provided in the agenda for their consideration.

The resolution is as follows:

North Carolina & Virginia Railroad

WHEREAS, the North Carolina & Virginia Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for safety and improvement projects; and

WHEREAS, the General Assembly, through enactment of the Budget Bill, provided funding for acquisition, lease or improvement of railways with the Rail Preservation budget; and

WHEREAS, the North Carolina & Virginia Railroad is an important element of the Southampton County transportation system and is instrumental in economic development while providing relief to the highway system by transporting freight by an alternative means; and

WHEREAS, Southampton County supports the project and the retention of rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of funds by the General Assembly.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for the County of Southampton, Virginia, does hereby request the Virginia Department of Rail and Public Transportation to give consideration to the projects proposed by the North Carolina & Virginia Railroad.

PASSED, this 28th day of April, 2003.

Supervisor Faison made a motion to adopt the resolution. Supervisor West seconded the motion. All were in favor.

Mr. Johnson reported that in May 2000, HUD began offering local governments the opportunity to take advantage of a new program, "HUD Homes for Sale", at a rate of \$1 plus closing costs. The \$1 homes were single-family homes acquired by the Federal Housing Administration (FHA) as a result of foreclosure actions. If FHA were unable to sell the home after 6 months on the market, HUD would make them available to the local government for \$1. He stated that under the guidelines, local governments could partner with non-profit home ownership organizations to resell the home to low-to-moderate income (LMI) buyers or first-time homebuyers. Proceeds from the sale of the home was required to go to support local housing and community development initiatives.

He advised that on Friday, April 11, they became aware that such an opportunity existed at 32076 The Hall Road, Branchville. He asked Mr. Barnett, Southampton County Building Official and Rehab Specialist, to evaluate the property, and he found it to be in good condition with minimal effort required to rehabilitate it. He stated that he had also spoken with Mr. Tyrone Sessoms of the STOP Organization, which had already administered two housing grants on the County's behalf, to see if they would be interested in partnering with the County on this endeavor. Mr. Sessoms indicated that if the County desired, they would use their resources to rehabilitate the home in Branchville, make it available to a LMI buyer, and roll the proceeds into another housing rehabilitation project in the County. Mr. Johnson advised that because the opportunity expired at 5:00 PM on April 17, the matter could not wait for advance Board approval. On April 15, he overnighted a contract to HUD's marketing/management agent, subject to final approval by the Board. The contract provided for them to purchase the property, convey it to the STOP Organization for rehabilitation and resale to a LMI buyer, with net proceeds used for rehabilitation of another qualified home in the County. He advised that the closing documents had arrived and it was necessary for the Board to adopt a resolution authorizing Attorney Railey to accept conveyance of the property on behalf of the County and to approve the form of deed.

The resolution is as follows:

RESOLUTION AS TO ACQUISITION OF CERTAIN REAL PROPERTY FOR HOUSING
INITIATIVES IN SOUTHAMPTON COUNTY, VIRGINIA

The Board of Supervisors of the County of Southampton, Virginia has determined that it is expedient and in the best interest of Southampton County to acquire all that certain real property identified as Tax Map 98-33, 32076 The Hall Road, Branchville, Virginia from the United States Department of Housing and Urban Development for one dollar (\$1.00) fro the purpose of creating affordable housing for families in need.

It is necessary that the County Attorney, Richard E. Railey, Jr., in accordance with § 15.2-1803 of the 1950 Code of Virginia, as amended, be authorized to approve the form of deed or other instrument conveying such real property and be further authorized to accept conveyance of such real property on behalf of Southampton County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Southampton:

That Southampton County, Virginia accept conveyance of the aforesaid real property and that in accordance with the provisions of § 15.2-1803 of the 1950 Code of Virginia, as amended, Richard E. Railey, Jr., County Attorney for the County of Southampton, Virginia is hereby authorized to approve the form of such deed of Conveyance and to accept delivery of such deed on behalf of Southampton County.

BE IT FURTHER RESOLVED by the Board of Supervisors of Southampton County,
Virginia:

That Richard E. Railey, Jr., County Attorney of Southampton County, is
further authorized to do all things necessary and proper to carry out this transaction.

_____(SEAL)
Michael W. Johnson, Clerk
Board of Supervisors
Southampton County, Virginia

Supervisor Faison made a motion to adopt the resolution. Supervisor West seconded the motion. All were in favor.

Mr. Johnson announced that included in the agenda was a request from Rawls Museum Arts (RMA) for supplemental funding in the amount of \$5,000 for FY 2003 (the current fiscal year) for their Education Outreach Program. He advised that the County's FY 2003 budget included a total appropriation of \$6,500 for RMA (\$5,000 for the Virginia Commission of the Arts Matching Grant Program, and \$1,500 for additional exhibitions and programs) and they had requested a total of \$8,000. The draft FY 2004 budget again included \$6,500 for RMA, and they were requesting \$10,000. He noted that the FY 2004 budget request was not subject to this agenda item, but would be appropriate for discussion under agenda item 21, which was Continued FY 2004 Budget Deliberations. He advised that Ms. Leigh Ann Chambers, RMA Executive Director, and Ms. Beth Fox, Education Outreach Coordinator, were present to discuss their needs.

Ms. Fox addressed the Board. She stated that she was requesting an additional \$5,000 for the RMA Education Outreach Program. Their museum budget for 2002-2003 reflected an amount from the County that had been granted in previous years but was not requested in last year's budget due a change in personnel. She advised that they were making every attempt to generate revenue internally, but in the meantime feared the education programs would have to be cut without additional County support. She briefly talked about the programs and services RMA offered. (She had shared this information in greater detail at the April 19 Budget Workshop Meeting).

Supervisor West and Vice-Chairman Gray commented that the RMA provided outstanding programs and was a "big bang for the buck".

Vice-Chairman Gray made a motion to appropriate RMA an additional \$5,000 for FY 2003 (the current fiscal year). Supervisor Young seconded the motion. All were in favor.

Mr. Johnson reported that as the Board was aware, the Virginia Department of Corrections (DOC) had received an unsolicited proposal late last year from Virginia Corrections Corporation (VCC), which was a number of firms with vast experience in architecture, engineering and land planning, finance, and construction. In an effort to provide innovative and cost-effective solutions to DOC's shortage of bed space, they were proposing to build and finance two new 1,024 bed correctional facilities and expand existing correctional facilities at St. Brides in Chesapeake and Deerfield in Capron. Sites already owned by DOC in the counties of Henry, Bland, Powhatan, Southampton, Tazewell, and Pittsylvania would be evaluated as potential sites for the two new facilities.

He advised that the *Public-Private Education Facilities and Infrastructure Act of 2002* provided that any private entity submitting a conceptual proposal to the commonwealth must also provide each affected local government with a copy of those portions of the proposal that were not considered confidential. The local governments had 60 days from receipt of the proposals to submit written comments to the responsible state agency. Comments submitted were considered in the evaluation, but the absence of comment did not reflect negatively. He informed that at this point, the submission included only a conceptual plan consisting of information on the proposer's qualifications and experience, project characteristics, project financing, anticipated public support or opposition, project benefit and compatibility. The DOC did indicate that it intended to evaluate the proposal and had advertised to accept competing proposals through May 8. Upon review of all conceptual proposals, the DOC may opt: 1) not to proceed any further with this or any competing proposal; 2) to request VCC to develop a more detailed proposal; 3) to request a competing proposer to develop a more detailed proposal; or 4) to request multiple proposers to develop more detailed proposals.

Mr. Johnson then introduced Mr. Harold Ellis, President of Public-Private Infrastructure Inc., one of the key team members of VCC, to provide a brief overview of the proposal and answer any questions.

Mr. Ellis addressed the Board. He stated that Mr. Johnson had provided an excellent overview and he would try to add to it. He noted that the *Public-Private Education Facilities and Infrastructure Act of 2002* was a unique piece of legislature that did not bind anyone to anything. He advised that Southampton County was one of 6 sites that would be evaluated for one of two new 1,204 bed facilities. Southampton had historically been a favorable locality for providing the kind of labor force the department needed. He stated that the DOC had priorities in their system and Deerfield in Capron was a priority. That facility was often referred to as a geriatric facility and needed updating and its capacity expanded.

Mr. Richard Grizzard, Southampton County Commonwealth's Attorney, had numerous questions and concerns about the proposal. He made known that he did not understand the sudden change, as the DOC was talking about shutting down Southampton Correctional Center 6 months ago. He asked how many employees of Deerfield actually resided in Southampton County? He commented that most of the positions would probably pay about \$18,000 a year, and people would not pick up and move their families to the area for that salary. He did not think Southampton County had an ample labor force to fill the positions that would be created by expanding Deerfield; he certainly did not know where the labor would come from for a new 1,024 bed facility. He asked if the population at Deerfield would remain geriatric if it were expanded? He informed that 15 years ago when the new prison was built in Greensville County, 1,600 inmates were proposed to be housed there, and within the first year, there were 2,700 inmates housed there.

Mr. Ellis advised that he could not address Mr. Grizzard's questions and concerns, as he was not an employee of DOC and could not speak for them. Mr. Johnson advised Mr. Grizzard that he had spoken to someone with DOC and that person indicated that the new units at Deerfield may or may not be entirely geriatric.

Mr. Grizzard made known that he would like to see the corresponding benefits that Southampton County would enjoy by the expansion of Deerfield and/or the construction of a new 1,024 bed facility. He cautioned the Board not to "get in too deep" before they could back out.

Sheriff Vernie Francis commented that the Compensation Board did not consider the presence of inmates/prisons in the localities in any funding issues.

Supervisor Jones commented that if Deerfield was expanded and a new 1,024 bed facility was constructed, he would primarily be representing prisoners, as he represented that district.

Mr. Johnson thought that the process would be highly competitive and the 5 other localities would be eager to go after it. He realized that there were hundreds of questions at this point, but reminded that all they currently had was a conceptual proposal.

After much discussion by the Board, they ultimately decided to submit written comments in response to the proposal. They wanted their comments to demonstrate their interest but also indicate that they had concerns. They wanted to be careful not to respond too negatively for fear that the DOC may decide to close the prisons in Southampton County altogether.

Mr. Ellis remarked that this was an open interactive process.

Moving forward to the water and sewer rate discussion, Mr. Johnson introduced Ms. Sheryl Stephens, Funding Specialist with Draper Aden Associates.

Ms. Stephens addressed the Board and presented a *PowerPoint* presentation entitled "Utilities Management Plan". She distributed a handout that supplemented her presentation. (She had presented this plan to the Board at their Retreat on May 6). Essentially the plan proposed to revamp the utilities sector of the County and to develop a separate utilities department. The department would have a director, 3 maintenance crew members, and 2 meter readers. The salaries and benefits of those positions were estimated at \$251,356. The crew could more cost-effectively handle emergencies, address ongoing maintenance, repair, and preventative maintenance to an aging infrastructure, and improve customer service, which was the primary purpose of the project. Equipment and vehicles estimated at \$358,000 and materials estimated at \$75,000 would be needed. In addition, a building for the crew and for storage of equipment and supplies would need to be constructed and was estimated at \$45,000-\$50,000. She explained that the current water/sewer flat

rates were not adequate to pay for this project, and as a result, would have to increase from \$45/month to \$60/month. They proposed to begin metering customers by January 1, 2004 and to complete the metering program by July 1, 2004. In FY 2005, all water/sewer bills would be based on metered usage. They were also recommending that they charge new customers connection fees for the time and materials to make the connection, and charge facility fees of \$1,000 for water and \$2,000 for sewer. She stated that the proposed water/sewer rates were very high but were required to break even until actual water usage could be determined (by the metering program).

Supervisor West mentioned the possibility of the County providing Deerfield, if it expanded, with water and sewer. Mr. Johnson advised that the DOC would rather run corrections than utilities and that it certainly could be a possible revenue stream. He noted that the catalyst for the creation of the Sussex Service Authority were the Sussex I and II prisons.

Regarding miscellaneous issues, Mr. Johnson announced that a certified copy of the ordinance adopted last month regarding the restriction of certain firearms was forwarded by registered mail to the Virginia Department of Game and Inland Fisheries for inclusion in their 2003-04 hunting laws digest, and receipt had been acknowledged. He stated that as discussed at the Retreat, they had made tentative arrangements for a joint meeting of the Board and Planning Commission on Thursday, July 10, 2003 at 6:00 PM. He advised that included in the agenda was a copy of the statewide School Board(s) profile, which was compiled by the Virginia School Board Association and published in their newsletter. Interestingly, 101 of 131 school division (75%) now had elected school boards. Six other school divisions in the state were appointed in a process similar to Southampton County's. He announced that included in the agenda was correspondence related to the installation of 3 streetlights at the entrance of Southampton Middle School on Route 35, Meherrin Road. The lights would serve to enhance public safety. He advised that included in the agenda was a public notice of the sale of certain real estate for delinquent taxes by Pulley & Rowe on May 2, 2003 at 12 Noon at the Courthouse. One parcel was located in Hunterdale, one in Boykins, and three in Courtland.

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

- 1) From Arthur B. Harris, Jr., Mayor of Branchville, to the CSX Corporation Trainmaster, regarding a blocked crossing in Branchville
- 2) From Barbara Mease, Executive Director of The Children's Center, to Demetrios Peratsakis, Executive Director of the Western Tidewater Community Services Board, expressing concerns relative to the funding and delivery of early intervention services;
- 3) From Arthur B. Harris, Jr., Mayor of Branchville, to Senator Frank Ruff, recommending changes to the Code of Virginia to resolve ongoing issues with blocked train crossings;
- 4) From James L. Eason, President/CEO of the Hampton Roads Partnership, regarding the 2026 Regional Transportation Plan and its relationship to regional land use planning;
- 5) From Mary S. Depuy, Executive Director of the Franklin-Southampton Area United Way, thanking county employees for their support in the 2002-03 fund raising campaign;
- 6) From Jane D. Maddrey, Director of the Southampton County Department of Social Services, citing concerns regarding the timeliness of financial reports. (It was his understand that David Britt had provided a response);
- 7) From Woodie Walker, Blackwater/Nottoway Riverkeeper Program, a note of appreciation for the Board's Resolution in support of Clean Rivers Day;
- 8) From Franklin Department of Parks and Recreation, information regarding the 2003 Youth Festival.

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

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

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

Section 2.2-3711 (A) (1) Discussion of salaries of specific public officers; and

Section 2.2-3711 (A) (1) Discussion of performance of the County Administrator.

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

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

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

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

Vice-Chairman Gray moved, seconded by Supervisor Young, to adopt the following resolution:

RESOLUTION OF CLOSED MEETING

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

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

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

**Supervisors Voting Aye: Reggie W. Gilliam
Eppa J. Gray, Jr.
Carl J. Faison
Dallas O. Jones
Charleton W. Sykes
Ronald W. West
Walter L. Young, Jr.**

The motion was approved unanimously.

The Board took a 1-hour recess for lunch.

Upon returning to open session, Mr. Johnson announced that the last item of discussion was the continued FY 2004 budget deliberations. He stated that earlier this morning, the Board appropriated an additional \$5,000 to Rawls Museum Arts for FY 2003 (the current fiscal year). He asked if the Board wished to appropriate an additional \$5,000 for FY 2004 as well? RMA had requested a total of \$10,000 for FY 2004 and the Board had appropriated \$6,500. It was the consensus of the Board to appropriate an additional \$3,500 to RMA for a total appropriation of \$10,000.

Mr. Johnson mentioned that a reassessment had not taken place in a while and would have to be take place beginning in FY 2005.

Mr. Johnson asked for the Board's comments regarding Draper Aden's Utilities Management Plan. It was the consensus of the Board for the advertised, proposed budget to follow their plan inclusive of the water and sewer rate increases from \$45/month to \$60/month.

Vice-Chairman Gray suggested that the draft budget be amended to provide for larger salary increases for county employees than proposed in the county administrator's draft budget. He indicated that the draft budget currently provided a 2.5% salary adjustment for county employees, effective July 1, 2003 and he would like to see that increased to 5%. He further added that Mr. Coggsdale's position had been reclassified by the Board earlier this year without any change in compensation, and accordingly, he suggested that Mr. Coggsdale's salary be increased by 10%. He concluded by noting that based upon the Board's evaluation of Mr. Johnson's performance earlier this morning, Mr. Johnson's salary should be increased by 10% as well. It was noted that the

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approximate cost of these adjustments, including associated benefits, was approximately \$38,000. The consensus of the Board was that the draft budget be amended accordingly and duly advertised for public comment.

Vice-Chairman Gray and Chairman Gilliam both announced that they would not seek re-election to the Board of Supervisors, stating they had served long enough

Supervisor Faison sought the Board's direction in how he should respond to Arthur Harris' remarks in *The Tidewater News* regarding the Board's denial of the Branchville Town Council's request for water and sewer services to be extended beneath the CSX railroad, across the property of Eastern Fuels and Meherrin Ag and Chemical Company, and looped back to the point where services currently terminated at or near the Branchville Corporate limits. Mr. Johnson advised that he would be glad to assist him with regard to that.

There being no further business, the meeting was adjourned at 2:15 PM.

Reggie W. Gilliam, Chairman

Michael W. Johnson, Clerk