

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administrative Center Drive, Courtland, Virginia on April 28, 2008 at 8:30 AM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

Ronald M. West (Berlin-Ivor)

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 24, 2008 regular meeting, March 28, 2008 continued session, and March 31, 2008 continued session. They were all approved as presented, 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 they would be reposting the speed sign on Angelica Church Road. Riverdale Road failed the speed study again – he would go over the data one on one with Supervisor Brown. Supervisor Brown thanked Mr. Lomax for the pedestrian signs on Riverdale Road just the same. Mr. Lomax advised that speed limits on several roads in Capron would be reduced, as requested by the Town of Capron – Barham Road would be reduced from 55 mph to 25 mph, Meadow Street from 55 mph to 35 mph, Railroad Avenue from 55 mph to 35 mph, and Elm Avenue from 55 mph to 25 mph. He stated that as soon as they received the permits, they would be working on the bridges on Vicks Mill Pond and Clarksbury Road. Crews were continuing to work on the overlays and patching on Route 58. They were also working on a new mowing contract, revised with additional litter pickup, to help with some of the litter on the off-season.

Vice-Chairman Young advised that he received several calls last week, when we got several inches of rain, about water standing in and across Delaware Road. He asked, were the crews still cleaning ditches? Mr. Lomax replied that right now they were resurfacing roads/preparing for the schedules. They probably needed to get back on some ditch cleaning – he would talk to Benny Necessary about that.

Vice-Chairman Young asked for an update on Edgehill. Mr. Lomax replied that they were still waiting on the permit. They did have it in the budget for the upcoming year and would move ahead as soon as they received the permit. He noted that they wanted to use a contractor for that job and would be putting it out for bid.

Supervisor Felts advised that she had received several calls regarding ditch cleaning as well, but Mr. Lomax had answered her question in his response to Vice-Chairman Young.

Supervisor Felts asked if there were any special criteria for having lined secondary roads. A resident of Storys Station Road indicated to her that 2 sections of that road were lined, and the rest was not. Mr. Lomax replied that the width of the road was usually the determining factor, but he would have Storys Station Road looked at.

Supervisor Wyche advised that he appreciated the work on Route 58.

Mr. Johnson, County Administrator, advised that included in the agenda was a copy of correspondence from Commonwealth Transportation Board Members, Alan Witt and Dana Dickens. They emphasized the tough decisions that they would have to make regarding Primary Highway improvements and the importance of maximizing federal reimbursements. At the April 24 hearing, he (Mr. Johnson) requested them to convert our Route 58 overpass to a federally-matched project – while that may or may not slow the project down by a year or so, the potential for federal reimbursement may keep the project from being cut. He noted that for advance planning purposes, he intended to advertise the public hearing for secondary improvements projects for the regular meeting in May.

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, EMS and Fire Department Activity, Solid Waste Quantities, Coalition on Illegal Aliens, and Personnel.

In regards to the personnel report, Mr. Johnson advised that Linda E. Beatty was hired in the Clerk's Office effective 04/01/08 at an annual salary of \$23,383. Thomas E. Beale was hired at the Boykins Treatment Plant effective 04/14/08 at an annual salary of \$25,780. Linwood A. Jarrett was hired in Public Utilities effective 04/14/08 at an annual salary of \$23,383.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$2,946,045.62 were received.

Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$2,260,606.92 be paid with check numbers 86495 through 86877. All were in favor of the motion.

Moving to appointments, Mr. Johnson announced that, as a holdover from last month, two of the nine Planning Commissioner's terms were set to expire on April 30, 2008:

Douglas A. Chesson, Berlin-Ivor District
Oliver J. Parker, at-large

He stated that Supervisor West, who could not be here this morning, had informed him that Commissioner Chesson had express an interest in continuing to serve and he would like to nominate him for another term.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to reappoint Douglas A. Chesson to the Planning Commission. All were in favor.

Supervisor Faison advised that he had spoken to Commissioner Parker and he was willing to continue to serve.

Supervisor Faison, moved, seconded by Vice-Chairman Young, to reappoint Oliver J. Parker to the Planning Commission. All were in favor.

Moving forward to funding requests, Mr. Johnson announced that included in the agenda was correspondence from Mr. Ellis Wright, Vice-Chairman of the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation, seeking the Board's consideration of sponsorship of the Seventh Annual Indian Powwow on July 26-27, 2008 at the Southampton County Fairgrounds. The event was hosted daily from 10:00 AM to 7:00 PM and drew numerous vendors, spectators and visitors. He advised that the Board provided the organization with \$1,000 last year. In exchange for the sponsorship, they provided a color advertisement on the inside cover of their Tribe Journal,

Waskehee. The deadline for their response was May 15. He noted that public appropriations were statutorily authorized pursuant to § 15.2-953 (B) to non-profit organizations that commemorated historical events.

Supervisor Wyche stated that they did a great job, and he thought the Board should support them. However, the Board could not support everything because they were not in a financial position to do so.

Supervisor Faison advised that he thought the Board should give what they could. Keep in mind that the County did not have a recreational department. He thought each request should be looked at on an individual basis. This particular organization did a beautiful ad in their Tribe Journal last year.

Vice-Chairman Young moved, seconded by Supervisor Felts, to sponsor the 7th Annual Indian Powwow with a monetary donation of \$1,000. Chairman Jones, Vice-Chairman Young, and Supervisors Faison, Felts, and Wyche voted in favor of the motion. Supervisor Brown abstained. (Note: Supervisor Brown is Chief of the Cheroenaka (Nottoway) Indian Tribe.) The vote was 5-0 in favor of the motion, thus the motion passed.

Mr. Johnson advised that included in the agenda was correspondence from Mr. David Peck seeking financial support for the Western Tidewater Hurricanes for the 2008-09 baseball season. Their request did not specify a certain amount or level of funding. He stated that they currently had 2 teams (10-and-under, 12-and-under) and were considering adding a third team this fall. There were 12 players on each team (19 of the 24 players were Southampton County residents) and they competed in the United States Specialty Sports Association (USSSA). Opposing teams were located across the Commonwealth (with a few in NC) and the teams competed in regular tournaments each weekend. Copies of the Virginia teams for both age groups were also included in the agenda.

Mr. Johnson advised that Mr. Mark Lowe, a representative of the Western Tidewater Hurricanes, was present this morning.

Chairman Jones recognized Mr. Mark Lowe.

Mr. Lowe advised that they would appreciate any assistance the Board could provide. They were trying to keep the cost to the families down as much as possible. The cost of weekend was \$300-\$400. They had also just spent \$2,000 on equipment. As Mr. Johnson mentioned, 19 of the 24 players were Southampton County residents. Perhaps the Board could provide \$1,000.

Vice-Chairman Young stated that he thought it was a worthwhile cause, but he did not know about \$1,000 – maybe \$500. Supervisor Faison agreed.

Mr. Lowe clarified for Supervisor Brown that the City of Franklin did help with the cost of the equipment and also allowed them to use the Paul D. Camp field.

Vice-Chairman Young moved, seconded by Supervisor Felts, to sponsor the Western Tidewater Hurricanes with a monetary donation of \$500. All were in favor.

Moving to the capital funding request, Mr. Johnson announced that included in the agenda was a FY 2008 capital funding request from the Branchville Volunteer Fire Department. They intended to apply the proceeds towards the purchase of a rebuilt fire engine. As they knew, beginning in FY 2000, the Board agreed to provide more than \$1.2 million over a ten (10) year period for capital improvements for fire and rescue. The allocable share for each fire department in FY 2008 was \$13,000 and for each rescue squad, \$6,500. Funds were earmarked annually for each department or squad and held in escrow pending specific approval by the Board of Supervisors. Escrowed funds continued to accrue for each department/squad if not drawn down. Re table included in the agenda indicated the status of capital appropriations since FY 2000. As they could see, the Branchville Volunteer Fire Department was entitled to \$13,000. Through April 22, 2008, they had collectively appropriated \$996,500 for fire and rescue improvements and were holding in escrow an additional \$135,500. He noted that the request was in order.

Supervisor Faison moved, seconded by Super

Regarding miscellaneous issues, Mr. Johnson announced that Supervisor Felts recently informed him that she had been contacted by a number of constituents in her District with an interest in establishing a continuous open season to trap beaver in Southampton County. The game regulations currently limited the open season in Southampton County from December 1 through the last day of February each year. Property owners may also obtain a special permit from the Virginia Department of Game and Inland Fisheries to trap at other times throughout the year, if necessary. He informed that there was presently a continuous open season to trap in all cities and towns in Virginia and in certain urban counties including Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York. Attorney Railey was checking with VDGIF officials regarding the criteria necessary to establish a continuous open season here. If that were possible, the action would have to be taken by the VDGIF Board, not our local Board of Supervisors.

Attorney Railey advised he learned in his conversations with the Biologist, that establishing a continuous open season to trap beaver would have a detrimental effect on otters. However, a person could request a damage permit if they were having problems with beavers. He noted that he would like to be made aware of any situations in which a person had a specific problem and was unable to get a damage permit.

Mr. Johnson stated that included in the agenda was a copy of the turnover audit for the Clerk of the Circuit Court's office, prepared by the auditor of public accounts. The purpose of the audit was to determine the accountability of the former Clerk at December 31, 2007 and to turn over the assets, accounts, and records to the new Clerk on January 1, 2008. The statement of all assets and liabilities was included in the agenda.

Mr. Johnson reminded that each Supervisor had been registered to attend the VACo Region I meeting on March 31 at 6:00 PM in Wakefield (Supervisor Wyche had since indicated that he had a conflict). They would need to further continue their continued meeting on March 28, by motion, in order to comply with open meeting requirements.

Mr. Johnson advised that included in the agenda was a copy of the 2008 Section 8 Income Limits for each locality in the Commonwealth. In Southampton County, a family of 4 making less than \$41,600 would qualify as low and moderate income (LMI). A single individual making less than \$29,100 would qualify.

Continuing with miscellaneous issues, Mr. Johnson stated that included in the agenda was a copy of the Abstract of Votes for the February 12 Presidential Primary, certified by the Southampton County Electoral Board.

Mr. Johnson informed that they received one proposal (from the Timmons Group) in response to the Request for Proposals (included in the agenda) for consulting engineering services for development of the Turner Tract. He would be negotiating an agreement for services over the course of the next several weeks and bring it back for their consideration at a later date.

Mr. Johnson reported that included in the agenda were copies of the following environmental public notices:

- 1) From the Virginia Department of Environmental Quality, notice of a draft groundwater withdrawal permit for New Kent County to withdraw up to 156,208 gallons per day from the Chickahominy-Piney Point Aquifer;
- 2) From the Virginia Department of Environmental Quality, notice of a draft groundwater withdrawal permit for Virginia Department of Corrections to withdraw an average of 328,767 gallons per day from the Middle- and Lower-Potomac Aquifers in Southampton County;
- 3) From the Virginia Department of Health, Office of Drinking Water, copy of a notice of violation issued to the Town of Capron waterworks for failing to collect the required bacteriological samples in the month of February;

- 4) From the Virginia Department of Health, Office of Drinking Water, copy of a notice of violation issued to Southampton County for exceeding the maximum contaminant level for total coliform bacteria at the Edgehill subdivision during the month of February;
- 5) From the Virginia Department of Health, Office of Drinking Water, copy of an amended waterworks operation permit for Southampton Correctional Center based upon construction of a new well source;
- 6) From the Virginia Department of Environmental Quality, notice of a draft groundwater withdrawal permit for Williamsburg Country Club, Inc. to withdraw an average of 19,178 gallons per day from the Upper Potomac Aquifer in Your County;
- 7) From the Virginia Department of Environmental Quality, notice of a draft groundwater withdrawal permit for Isle of Wight County to withdraw an average of 19,822 gallons per day from the Middle Potomac Aquifer for the Carrsville community;
- 8) From the Virginia Department of Environmental Quality, public notice regarding Southampton County's application to modify its VPDES permit at the Courtland, Wastewater Treatment Plan to increased the discharge from .303 MGD to 1.25 MGD.

Mr. Johnson advised that included in the agenda were copies of the following incoming correspondence:

- 1) From WHRO, a note of thanks for the Board's recent gold sponsorship of their 5th Annual Pioneer Awards;
- 2) From David Fuller, New CEO at Southampton Memorial Hospital, a letter of introduction;
- 3) From Irene Ballard, a response to the Parks and Recreation Community Survey that appeared in *The Tidewater News*;
- 4) From Carl and Hilda Harmon, a copy of a note of appreciation to the Hunterdale Volunteer Fire Department for their response to a woods fire in Carrsville on February 10;
- 5) From Todd Christensen, Deputy Director of the Virginia Department of Housing and Community Development, official notice that Franklin and Southampton County were not selected for Enterprise Zone designation;
- 6) From Mark Allan, Director of Elementary Instructional Services with the Virginia Department of Education, a request to allow an agency employee to park his state assigned vehicle overnight in the Southampton County Office Center parking lot.

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

Moving to late arriving matters, Mr. Johnson announced that at the conclusion of today's session, it would be necessary to continue the meeting, by motion, until Friday, March 28, 2008 at 10:00 AM, when the Board would have an opportunity to meet in closed session with Barry Steinberg, a managing partner of Kutak Rock, the firm engaged by the Crater District Planning District Commission to provide legal representation for the counties of Southampton, Sussex, Surry and Greensville as related to the siting of an outlying landing field by the United States Navy. He noted that Mr. Steinberg would be meeting with the Surry County Board of Supervisors on March 27 and with he Sussex County Board of Supervisors on March 28 at 2:00 PM.

Mr. Johnson advised that Delegate Roslyn Tyler had confirmed that the meeting with Senator Jim Webb had been scheduled in Washington, DC for April 10, 2008 at 1:30 PM. He would be making transportation arrangements and needed to know who planned to attend.

All Board members indicated that they planned to attend, with the exception of Supervisors Faison and Young, who indicated that they would let Mr. Johnson know in a few days.

Mr. Johnson stated that at the Virginia Rural Water Association Conference, water from 14

localities was tested and tasted, and he was pleased to inform that the Boykins-Branchville water was deemed to have the best test and would move on to a national taste test.

Mr. Johnson advised that he had been contacted by AARP. They had hoped to invite the Board to a luncheon on April 10, but that was the same date as the meeting with Jim Webb. They had, however, provided him with some cards that simply were cards that would endorse the position of the AARP – basically that the Board would pledge to vote for candidates that would ensure that Americans had access to affordable and quality healthcare, to vote for candidates who would ensure that all Americans had peace of mind about lifetime financial security, and to vote for candidates who were specific about what they would do and how and stop speaking in generalities. They asked him to distribute the cards and have the Board members sign them, if they were willing to do so, and return them back to him. They planned to send them to Washington, DC.

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

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

Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members requiring the provision of legal advice regarding and related to the potential siting of an outlying landing field.

Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members requiring the provision of legal advice regarding and related to subdivision matters.

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

Richard Railey, County Attorney, Jay Randolph, Assistant County Administrator, Julia Williams, Finance Director, Julien Johnson, Public Utilities Director, and John Smolak, President of Franklin-Southampton Economic Development, Inc. were also present in the closed meeting.

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

RESOLUTION OF CLOSED MEETING

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

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

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

**Supervisors Voting Aye: Dallas O. Jones
Walter L. Young, Jr.**

Walter D. Brown, III
Carl J. Faison
Anita T. Felts
Ronald M. West
Moses Wyche

The motion passed unanimously.

Chairman Jones asked if there was anything else to come before this Board?

Supervisor Brown informed that regarding the Civil War sesquicentennial celebrations to take place from 2011-2015, he had the opportunity while at the Virginia Association of Museums Conference at The Homestead, to attend a 2 ½ hour session presented by Sheryl Jackson, Project Director. He picked up a package for each Board member, but forgot to bring them this evening. He had already provided Mr. Johnson with a package. Ms. Jackson had offered to come down and give a presentation to our local committee, once that local committee was in place. One of the things they were looking at was how Native Americans fit into the overall picture.

Mr. Johnson reminded that a motion was needed to continue this meeting until Friday, March 28, 2008 at 10:00 AM, when the Board would have an opportunity to meet in closed session with Barry Steinberg, as previously mentioned.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to continue this meeting until Friday, March 28, 2008 at 10:00 AM. All were in favor.

There being no further business, the meeting was recessed at 9:45 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk