

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 May 22, 2006 at 6:00 PM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

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

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

*(Note: Supervisors Faison and Felts were not yet present.)*

Chairman Jones sought approval of the minutes of the April 12, 2006 Budget Workshop, April 19, 2006 Budget Workshop, April 24, 2006 Regular Meeting, May 3, 2006 Continued Meeting, and May 16, 2006 Special Session. They were approved as recorded, as there were no additions or corrections.

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

Mr. Lomax informed Supervisor Brown that the Children-At-Play paperwork regarding Riverdale Road had been submitted to the traffic engineering division.

Mr. Lomax advised that they should be setting up pedestals in the next 7-14 days for the 2 stoplights that would be installed on Route 58. They had forwarded to the traffic engineering division the Board's letter asking that a speed limit reduction on Route 58 be reconsidered. He was waiting to get letters from high school students supporting a speed limit reduction and would forward those as well.

He informed that work on Route 692 (Whitehouse Road) should begin on June 5.

Mr. Lomax advised that they had seen increased activity with Adopt-A-Highway and trash removal was taking place throughout the County. Maintenance operations were underway and mowing had begun on Route 58. They currently had a surface treatment schedule and planned to start a plant mix pavement schedule in July.

He reported that archeology fieldwork had begun on the new planned Route 460.

Mr. Lomax advised that he had received correspondence from Cedar Grove Baptist Church in Zuni in reference to a speed study. He had misfiled that letter and would like the name of the pastor so he could notify him that the study did not warrant a reduction. Supervisor West indicated that he would be glad to get him that information.

Mr. Lomax informed that because the General Assembly had yet to adopt a budget, they were at a holding point right now. They were trying to minimize their spending. In addition, they were looking at a 37% reduction in funding for the 6-Year Plan.

Supervisor Wyche informed that people in his district were complaining about the roadside ditches on Routes 652 and 654 being stopped up.

Supervisor Brown stated that an archeological study was also being done on Route 671. Were those archeologists from the Department of Historic Resources in Richmond or elsewhere? Mr. Lomax replied that he would have to check, but most of the archeologists came from Richmond.

Supervisor Brown advised that there were concerns in his district about the ditches on Woodland Road.

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

In regards to the personnel report, Mr. Johnson advised that Adam W. Tuck was hired in the Sheriff's Office effective 04/15/06 at an annual salary of \$26,104. The annual salary of David L. Harris of the Sheriff's Office was increased to \$28,535 effective 03/01/06 as the result of a 12-month regrade. The annual salary of Robert D. Harness of the Sheriff's Office was increased to \$28,535 effective 05/01/06 as the result of a 12-month regrade.

Moving to appointments, Mr. Johnson announced that as they knew, all 3 of our appointees to the Paul D. Camp Community College Board of Directors would expire on June 30, 2006. One appointment was resolved last month when A. Meredith Felts, Jr. was appointed to succeed Colleen Flick. The remaining two appointments must be made no later than next month.

Chairman Jones advised that he had spoken to Mr. Lewis Clayton and he was willing to continue serving. He noted that he had a knee operation and that was why he missed so many meetings.

**Chairman Jones moved, seconded by Vice-Chairman Young, to reappoint Mr. Lewis W. Clayton to the Paul D. Camp Community College Board of Directors. All were in favor.**

Mr. Johnson advised that included in the agenda was correspondence from Pat Ward, Director of the Blackwater Regional Library, advising that Mrs. Alice Joyner's term on the Library Board of Directors would expire June 30, 2006. Because she had already served two consecutive terms, she was ineligible for reappointment. Mrs. Ward also advised that Mrs. Betty Young would soon complete the unexpired term of Joy Collier and was eligible for reappointment.

Vice-Chairman Young indicated that Mrs. Betty Young was interested in continuing to serve.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to reappoint Mrs. Betty Young to the Blackwater Regional Library Board of Directors. All were in favor.**

Supervisor West advised that he would like to get someone from the Berlin-Ivor District to replace Mrs. Alice Joyner who was from that district. He would make that appointment next month.

Mr. Johnson informed that included in the agenda was correspondence from Ms. Barbara Wiggins, Chairperson of the Western Tidewater Continuum of Care Council (WTCCC), seeking their consideration in appointing one of our Board members to serve on their Council. Their mission was to reduce homelessness and enhance the quality of life of homeless persons in Western Tidewater. He noted that an organizational brochure was in the agenda for their reference.

Vice-Chairman Young stated that he thought Supervisor Felts would do a good job.

Supervisor West advised that he thought we should ask her. (*Note: Supervisors Felts and Faison were still not yet present.*) It was the consensus of the Board to wait and ask Supervisor Felts if she would be interested in serving.

Moving to financial matters, Mr. Johnson advised that bills in the amount of \$944,506.40 were received.

Supervisor West stated that page 13 under Planning indicated that almost \$6,000 had been spent on totes, coolers, and pens. He asked what was this for? Mrs. Julia Williams, Finance Director, advised that it was grant money that had been received for Litter Control.

*(Note: Supervisor Felts arrived at this time.)*

**Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$944,506.40 be paid with check numbers 75812 through 76297. All were in favor.**

Moving forward, Mr. Johnson announced that he had arranged for Mr. Keith Boyd, the Coordinator of the South Centré Corridors Resource Conservation and Development Council, to make a brief presentation regarding his organization's activities. Included in the agenda for their reference was a brief organizational history along with their vision statement and goals.

Chairman Jones recognized Mr. Keith Boyd.

Mr. Boyd thanked the Board for the opportunity to talk about the South Centré Corridors RC&D Council. He advised that their RC&D Council served the counties of Dinwiddie, Prince George, Greensville, Sussex and Southampton, and the cities of Petersburg and Hopewell. Their mission was to develop partnerships to advocate and promote the conservation, preservation, and development of our resources to enhance the quality of life in the region. Targeting landowners throughout our area, the RC&D sponsored a four-evening workshop at Paul D. Camp Community College that educated land managers on how to be better stewards of their forest. Topics included Wildlife, Hardwood Management, Pine Management, Harvesting, Water Quality, and Government Program. The RC&D had four primary goals. Goal 1 was to improve downtown re-development and revitalization. Goal 2 was to increase agricultural opportunities by increasing the income potential on farmland throughout the RC&D area and increasing the level of awareness about alternative income producing enterprises.

*(Note: Supervisor Faison arrived at this time.)*

Mr. Boyd continued that Goal 3 was to increase and improve recreational opportunities by increasing the recreational use of the Nottoway River. He noted that they were trying to get more public access ramps on the Nottoway River in Sussex County, as there was currently only 1. They also planned to increase the number of horse-riding trails throughout the RC&D area. Goal 4 was to protect and ensure groundwater quality. This included reducing safety hazards and contamination potential associated with open and abandoned wells, improving the level of management of private wells throughout the RC&D area, and increasing the knowledge and understanding of groundwater resources throughout the area. He advised that a project currently underway by the South Centré Corridors RC&D Council was bio-energy development. They were promoting the use of bio-fuels such as bio-diesel. Their goal was to increase the production and use of bio-diesel. In turn, this would have a positive effect on farm income. Specific plans were for a series of workshops to be held to illustrate the process for converting waste cooking oil to bio-diesel. He thanked the Board for the opportunity to address them.

Mr. Boyd clarified for Supervisor Brown that the public access ramps they wanted to make available on the Nottoway River in Sussex County would be primarily for canoe and kayak access. They wanted to have the access ramps in 10-mile intervals.

Supervisor Faison apologized for being late, but it was due to circumstances beyond his control. Supervisor Felts apologized for being late as well.

Moving forward, Mr. Johnson announced that included in the agenda was a resolution recognizing Tucker Swamp Baptist Church on its two hundredth anniversary. He noted that he had been invited to offer brief remarks on the Board's behalf at their morning worship service on May 28.

Mr. Johnson read aloud the following resolution:

**BOARD OF SUPERVISORS  
SOUTHAMPTON COUNTY, VIRGINIA**

**RESOLUTION 0506-07**

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At a meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, May 22, 2006 at 6:00 p.m.

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**PRESENT**

- The Honorable Dallas O. Jones, Chairman
- The Honorable Walter L. Young, Jr., Vice-Chairman
- The Honorable Walter D. Brown, III
- The Honorable Carl J. Faison
- The Honorable Anita T. Felts
- The Honorable Ronald M. West
- The Honorable Moses Wyche

**IN RE: A RESOLUTION RECOGNIZING TUCKER SWAMP BAPTIST CHURCH ON THE OCCASION OF ITS TWO HUNDREDTH ANNIVERSARY**

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Motion by Supervisor \_\_\_\_\_:

**WHEREAS**, in accordance with the will and direction of the Creator, Tucker Swamp Baptist Church was duly organized in Southampton County, Virginia in the year of our Lord 1806; and

**WHEREAS**, tucker Swamp Baptist Church has remained true and faithful to the Lord's calling and Great Commission for two centuries, spreading the Gospel and multiplying its fellowship of believers by more than tenfold since it was first established; and

**WHEREAS**, the faithful members of Tucker Swamp Baptist Church have been motivated by the love of Christ and empowered by the Holy Spirit in providing spiritual encouragement, promoting the Christian faith and shaping the lives and character of countless numbers of Southampton County citizens; and

**WHEREAS**, the Tucker Swamp Baptist Church has stood as a solid rock in Southampton County, Virginia for two hundred years, a living monument and testament to the God it serves; and

**WHEREAS**, it is appropriate and fitting that the Board of Supervisors of Southampton County, Virginia recognize and commend Tucker Swamp Baptist Church as it celebrates two hundred years of faithful service.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Southampton County, Virginia that, with this resolution, it honors the rich history of Tucker Swamp Baptist Church and recognizes its faithfulness and obedience in serving its Lord for the past two hundred years; and

**BE IT FURTHER RESOLVED** that it does, with these presents, proclaim and declare that Sunday, May 28, 2006 shall be known as "Tucker Swamp Baptist Church Day" in Southampton County, Virginia and calls this observance to the attention of all its citizens; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be presented to the congregation of Tucker Swamp Baptist Church on behalf of all persons, past and present, whose faith has been strengthened by worship there during the last two hundred years.

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

Seconded by Supervisor \_\_\_\_\_.

VOTING ON THE ITEM: YES –  
NO –

A COPY TESTE:

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Michael W. Johnson, County Administrator/  
Clerk, Southampton County Board of Supervisors

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

Moving forward, Mr. Johnson announced that included in the agenda was an application for a fireworks permit from Charles B. Darden, Jr. pursuant to Sec. 10-73 of the Southampton County Code. The display was scheduled for July 2, 2006 at approximately 9:15 PM. The rain date was July 3. The application was in order and a draft permit was in the agenda for their consideration.

**Vice-Chairman Young moved, seconded by Supervisors Felts and Wyche, to issue the fireworks permit. All were in favor.**

Proceeding to consideration of fiscal matters, Mr. Johnson announced that the following copy of the FY 2007 budget synopsis, as advertised for public comment, was included in the agenda:

**FY 2007 REVENUE ESTIMATES**

**REVENUE FROM COUNTY SOURCES**

General Property Taxes	\$ 14,678,719
Other Local Taxes	871,562
Permits, Fees, Licenses	152,850
Fines & Forfeitures	493,478
Use of Money & Property	80,000
Charges for Service	399,401
Miscellaneous Revenue	692,174
<b>TOTAL REVENUE/COUNTY SOURCES</b>	<b>\$ 17,368,184</b>

**OTHER COUNTY SOURCES**

Transfer/General Reserve	\$ 351,676
Transfer/Building Fund	0
School Funds (School Food)	560,500
School Funds (School Operating)	2,000
<b>TOTAL REVENUE/ OTHER COUNTY SOURCES</b>	<b>\$ 914,176</b>

**E-911 REVENUE**

Transfer from E-911 Reserve	\$ 19,490
Wireless 9-1-1 Grant	42,065
E-911 Revenue (Telephone Surcharges)	144,000
<b>TOTAL REVENUE/E-911</b>	<b>\$ 205,555</b>

**ENTERPRISE REVENUE**

Water Service Fees	\$ 270,840
Sewer Service Fees	760,800
Other Fees/Connections	87,384
Note Proceeds - Series 2006	5,915,294
<b>TOTAL REVENUE/ENTERPRISE FUND</b>	<b>\$ 7,034,318</b>

**BUILDING FUND REVENUE**

Utility Tax - Electricity	\$ 464,000
Utility Tax - Telephone	400,000
Transfer - Utility Reserve	701,382
Rental of Property	60,556
EMS - Zone Car	29,060
Note Proceeds/Turner Tract Development	5,106,000
Interest Income from Note Proceeds	360,000
Note Proceeds/Hunterdale Elementary School	16,000,000
<b>TOTAL REVENUE/BUILDING FUND</b>	<b>\$ 23,120,998</b>

**REVENUE FROM THE COMMONWEALTH**

Non-Categorical Aid	\$ 182,634
Categorical Aid	3,513,468
Other Categorical Aid	504,736
School Aid	14,299,402
School Aid/Cafeteria	12,450
School Aid/Sales Tax	3,497,599
Public Assistance	1,810,485
<b>TOTAL REVENUE FROM THE COMMONWEALTH</b>	<b>\$ 23,820,774</b>

**REVENUE FROM FEDERAL SOURCES**

School Aid/School Operating Fund	\$ 11,500
School Aid/Federal Programs	1,490,689
School Aid/School Food	480,000
<b>TOTAL REVENUE/FEDERAL</b>	<b>\$ 1,982,189</b>

**TOTAL REVENUE/ALL SOURCES \$ 74,446,194**

**FY 2007 EXPENDITURE ESTIMATES**

**GENERAL FUND**

<b>GENERAL GOVERNMENT ADMINISTRATION</b>	
Board of Supervisors	\$ 112,393
County Administration	300,435
Commissioner of the Revenue	246,532
Board of Assessors	3,600
Treasurer	228,746
Delinquent Tax Collection	56,700
Accounting	184,226
Data Processing	203,763
Insurance/County Code	118,930
Registrar	136,221
<b>JUDICIAL ADMINISTRATION</b>	
Circuit Court	66,631
Combined District Court	21,176
Special Magistrates	1,438
Clerk of Circuit Court	436,193
Sheriff-Bailiff	338,861
Courthouse Security	56,065
Commonwealths Attorney	404,199
Victim Witness Assistance Program	63,808
<b>PUBLIC SAFETY</b>	
Sheriff	1,542,619
School Resource Officer	42,227
Volunteer Fire Departments	271,480
Volunteer Rescue Squads	878,049
State Forestry Service	13,257
Detention	2,439,116
Probation	92,696
Building Inspections	131,230
Animal Control	98,407
Medical Examiner	1,500
Emergency Service/Civil Defense	26,612
<b>PUBLIC WORKS</b>	
Street Lights	44,000
Refuse Collection	840,578
Refuse Disposal	789,456
Buildings & Grounds	458,416
<b>HEALTH &amp; WELFARE</b>	
Local Health Department	295,617
Mental Health Services	75,291
State/Local Hospitalization	5,029
Transportation Program - Elderly	7,207
Comprehensive Services Act	55,721
STOP Organization	1,706
<b>PARKS, RECREATION &amp; CULTURAL</b>	
Community Concert Series	5,000
Rawls Museum Arts	10,000
Historical Society	5,000
Walter C. Rawls Library	192,948
<b>COMMUNITY DEVELOPMENT</b>	
Planning/Zoning	223,536
Economic Development	150,000
Soil & Water Conservation District	10,000
Cooperative Extension Service	54,144
<b>NON DEPARTMENTAL</b>	
Non-Departmental Operating	90,000
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 11,830,759</b>

**E-911 FUND**

E-911	\$ 205,555
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**ENTERPRISE FUND**

Water Service	\$ 529,428
Sewer Service	914,651
Rt. 671 Utility Extension	6,223,895
<b>TOTAL ENTERPRISE FUND</b>	<b>\$ 7,667,974</b>

**BUILDING FUND**

Capital Projects	\$ 23,072,523
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**SCHOOL FUND**

Instruction	\$ 17,587,963
Administration, Attendance & Health	1,258,682
Other Direction & Management - Transportation	2,482,288
Operation & Maintenance Services	2,849,575
School Food Service & Non Operating Costs	98,604
Facilities	204,026
Debt Service	1,912,455
Rental Textbook	208,128
Technology	206,000
At Risk 4 Year Olds	122,687
Early Reading Intervention	30,187
<b>FEDERAL SCHOOL FUNDS</b>	
Chapter I	574,545
Title VI-B Flow-Through	630,280
Title VII Innovative Education Program	14,772
Substance & Drug Prevention	17,771
Vocation Special Education	53,235
Preschool Incentive	13,800
Silver Grant	14,984
Title II-A Training and Recruitment	157,265
Community Service Grant	0
Title IID Ed. Tech	14,037
<b>TOTAL SCHOOL FUNDS</b>	<b>\$ 28,451,284</b>

**SCHOOL FOOD**

School Food	\$ 1,052,950
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**VIRGINIA PUBLIC ASSISTANCE FUND**

Eligibility Administration	\$ 631,499
Service Administration	474,451
Joint Administration	329,020
Benefit Programs	626,636
Energy Administration	26,750
VIEW Administration	71,793
Program Improvement Plan	5,000
<b>TOTAL PUBLIC ASSISTANCE</b>	<b>\$ 2,165,149</b>

**TOTAL EXPENDITURES ALL FUNDS \$ 74,446,194**

Unappropriated General Fund Reserve \$ 2,280,439

**Supervisor Wyche moved, seconded by Supervisor Faison, to adopt the FY 2007 annual budget as advertised. All were in favor.**

Mr. Johnson advised that the following ordinance establishing the 2006 (FY 2007) tax levy was included in the agenda:

**TAX ORDINANCE**

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia, that for the year 2006 there is hereby levied:

1. A tax of \$0.64 per \$100.00 assessed valuation on all real estate in Southampton County, including manufactured homes.

2. A tax of \$4.00 per \$100.00 assessed valuation on all taxable, tangible, personal property located in Southampton County, except household goods and personal effects.
3. A tax of \$1.95 per \$100.00 assessed valuation on all farm machinery and farm implements, save and except machinery described in paragraph 4 herein below, located in Southampton County.
4. A tax of \$1.25 per \$100.00 assessed valuation on all farm machinery designed solely for the planting, production or harvesting of a single product or commodity, located in Southampton County.
5. A tax of \$0.64 per \$100.00 assessed valuation on all real estate and \$4.00 per \$100.00 assessed valuation on all taxable, tangible personal property of public service corporations based on the assessment fixed by the State Corporation Commission of Virginia.
6. A tax of \$2.40 per \$100.00 assessed valuation on all machinery and tools.
7. A tax of \$0.50 per \$100.00 assessed valuation on merchant's capital.
8. A tax of \$2.40 per \$100.00 assessed valuation on all heavy construction machinery, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting equipment and ditch and other types of diggers.
9. A tax of \$2.40 per \$100.00 assessed valuation on all motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce.

All levies shall be due on or before December 5, 2006.

**Vice-Chairman Young moved, seconded by Supervisor West, to adopt the ordinance establishing the tax levy as written. All were in favor.**

Mr. Johnson informed that the following ordinance establishing the water and sewer fees for FY 2007 was included in the agenda:

WATER AND SEWER RATES ORDINANCE

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia, that beginning for the billing period after July 1, 2006, the following monthly water and sewer fees are hereby prescribed for all county systems:

WATER RATES:

Base rate:	\$22 for the 1 <sup>st</sup> 4,000 gallons
Over 4,000 gallons	\$2 per 1,000 gallons or any fraction thereof

SEWER RATES:

Base rate:	\$30 for the 1 <sup>st</sup> 4,000 gallons
Over 4,000 gallons	\$5 per 1,000 gallons or any fraction thereof

NARRICOT INDUSTRIES INDUSTRIAL WASTEWATER . . . . . \$1.25 per 1,000 gallons

Any residential wastewater customers who are connected to privately-owned wells shall be assessed the base sewer rate each month.

**Supervisor West moved, seconded by Vice-Chairman Young, to adopt the ordinance, as advertised, establishing the water and sewer rates. All were in favor.**

Moving forward, Mr. Johnson announced that as directed last month, he had prepared a draft ordinance which abolished the current program of real estate tax deferral and replaced it with a new program of real estate tax exemption for the elderly and handicapped. He advised that under this draft, in order to qualify, the total combined annual income of the owner and the owner's relatives residing in the dwelling may not exceed \$30,000. In addition, the net combined financial worth of the owner and their spouse may not exceed \$80,000, excluding their dwelling and one acre of land. The amount of exemption was based on a sliding scale, depending upon the applicant's respective income and net worth, and ranged from 90% to 10%. He informed that based upon their direction last month, he had included in the agenda a copy of § 58.1-3212 of the Code of Virginia, which provided that, "no local ordinance shall require that a citizen reside in the jurisdiction for a designated period of time as a condition for qualifying for any real estate tax exemption or deferral program established pursuant to § 58.1-3210."

Supervisor Brown advised that the State code talked to \$50,000 as the maximum total combined annual income and \$200,000 as the maximum combined net worth of the owner and their spouse, not including their dwelling. He thought our maximum net worth figure should be \$100,000 or \$120,000. He thought it would better serve our citizens.

Supervisor Faison stated that he was ok with it since our maximum net worth figure of \$80,000 did not include the house and one acre of land.

Supervisor Brown stated that he was thinking about our elderly. When compared to other jurisdictions, he thought \$80,000 was a little on the low side.

Supervisor West advised that he thought we should hold the line. This was a good starting point.

Chairman Jones commented that this was better than what we had.

**Vice-Chairman Young moved, seconded by Supervisors Faison and West, to authorize the County Administrator to advertise the ordinance for public comment at the June 26, 2006 regular session. All were in favor.**

Accordingly, a First Reading was held on the following ordinance:

AN ORDINANCE TO AMEND AND REORDAIN DIVISION 2, CHAPTER 15 OF THE SOUTHAMPTON COUNTY CODE, 1991, SO AS ABOLISH THE CURRENT PROGRAM OF REAL ESTATE TAX DEFERRAL FOR THE ELDERLY AND HANDICAPPED AND REPLACE IT WITH A NEW PROGRAM OF REAL ESTATE TAX EXEMPTION.

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that Division 2, Chapter 15 of the Southampton County Code be, and hereby is amended and reordained so as to abolish the current program of real estate tax deferral and creating a program of real estate tax exemption for the elderly and handicapped, reading as follows:

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**DIVISION 2. EXEMPTIONS FOR CERTAIN ELDERLY AND DISABLED PERSONS\***

\*State law references: Exemption for elderly and disabled, Code of Virginia, § 58.1-3210 et seq.

**Sec. 15-91. Authorized exemptions.**

A real estate tax exemption is provided for qualified property owners who are 65 years of age or older or who are permanently and totally disabled in accordance with the provisions of Code of Virginia, §§ 58.1-3210 through 58.1-3218. Persons qualifying for the exemption are deemed to be bearing an extraordinary real estate burden in relation to their income and financial worth.

**Sec. 15-92. Administration.**

The exemption shall be administered by the commissioner of the revenue in accordance with the general provisions of Code of Virginia, §§ 58.1-3210 through 58.1-3218. The commissioner of the revenue is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations in conformity with the general provisions of such code sections, including the requirements of answers under oath, as may be reasonably necessary to determine qualifications for exemption as

specified by this division. The commissioner of the revenue may require the production of certified tax returns and appraisal reports to establish combined income and net combined financial worth.

**Sec. 15-93. Qualifications for grant of exemption.**

(a) The exemption provided in this division shall be granted to persons subject to the provisions in this section.

(b) The title to the property for which the exemption is claimed shall be held, or partially held, on January 1 of the taxable year by the person claiming the exemption. A dwelling shall qualify for exemption if owned jointly by husband and wife, and either spouse owning such property is 65 years or older or is permanently or totally disabled on December 31 of the year immediately preceding the taxable year.

(c) The head of the household occupying the dwelling and holding the title or partial title to the dwelling is 65 years of age or older or is permanently and totally disabled on December 31 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons claiming the exemption.

(d) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living in the dwelling, and of the owners' relatives living in the dwelling, shall not exceed \$30,000.00; and the first \$6,000.00 of income of each relative living in the dwelling, other than the spouse of the owner, shall not be included in such total.

(e) The net combined financial worth, including the present value of equitable interests, as of December 31 of the immediately preceding calendar year, of the owner and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre upon which the dwelling is situated, shall not exceed \$80,000.00.

**Sec. 15-94. Claim procedure.**

(a) Not later than March 1 of each year, the person claiming an exemption under this division must file a real estate tax exemption affidavit with the commissioner of the revenue.

(b) The affidavit shall set forth, in a manner prescribed by the commissioner of the revenue, the location, assessed value, and the tax on the property and the names of the related persons occupying the dwelling for which exemption is claimed, their gross combined income, and the combined net worth of the owners and the spouse of any owner.

(c) If, after audit and investigation, the commissioner of the revenue determines that such person is qualified for the exemption, he shall issue to such person a certificate which shall show the amount of the exemption from the claimant's real estate tax liability.

(d) Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided in this division shall nullify any exemption for the then current taxable year and the taxable year immediately following.

**Sec. 15-95. Calculation of amount of exemption.**

The persons qualifying for and claiming an exemption under this division shall be relieved of that portion of the real estate tax levied on the qualifying dwelling and land in the amount calculated in accordance with the following schedule:

**EXEMPTION PERCENTAGE SCHEDULE**

Range of Income	Range of Financial Worth				
	\$0.00 -- \$16,000.00	\$16,001.00 -- \$32,000.00	\$32,001.00-- 48,000.00	\$48,001.00-- \$64,000.00	\$64,001.00-- \$80,000.00
\$0.00--\$10,000.00	90	80	70	60	50
\$10,001.00--\$15,000.00	80	70	60	50	40
\$15,001.00--\$20,000.00	70	60	50	40	30
\$20,001.00--\$25,000.00	60	50	40	30	20
\$25,001.00--\$30,000.00	50	40	30	20	10

**Sec. 15-96. Penalties for violation of division.**

(a) Any person who shall falsely claim the exemption provided for in this division shall pay to the treasurer 110 percent of such exemption.

(b) The false claiming of the exemption authorized in this division shall constitute a class 3 misdemeanor.

(c) Failure to pay the difference between the exemption and the full amount of taxes levied on the property for which the exemption is issued by June 30 of the year after which exemption is issued shall constitute a forfeiture of the exemption.

**Secs. 15-97–15-115. Reserved.**

A copy teste: \_\_\_\_\_, Clerk  
Southampton County Board of Supervisors  
Adopted : June 26, 2006

Moving to old business, Mr. Johnson announced that they may recall from their December 2005 regular session referring Hampton Roads Development LLC's rezoning application for the Brandywine subdivision back to the Planning Commission in light of amendments proffered by the applicant subsequent to their initial review and recommendation. Excerpts from the minutes were included in the agenda to refresh their memory. The Planning Commission had reviewed the amended application and now recommended its approval with the proffers and amendments of March 13, 2006. He advised that the application sought to rezone 26.37 acres from Agricultural A-2 to Residential R-1, Conditional, for the purpose of developing 24 residential building lots adjacent to the City of Franklin. Much like Regency Estates, the proposed subdivision straddled the City/County border with 34 lots situated in the City and 24 in the County. He noted that a copy of the chronology of events and relevant correspondence was included in the agenda. Since the required public hearing was conducted and closed in December, the Board may act upon this application in its discretion. In accordance with Sec. 18-545 of the Southampton County Code, the Board of Supervisors may act on a request for amendment within one year of the date of filing; otherwise it was deemed approved. The application was filed in October 2005. He noted that the Planning Commission voted 5-4 in favor of approval of the application.

**Supervisor Brown made a motion to approve the rezoning for the Brandywine subdivision.**

Vice-Chairman Young advised that he was concerned about the 5-4 vote, but had not heard any complaints. Supervisor West remarked that he too was concerned about that.

**Vice-Chairman Young seconded the motion. All were in favor.**

Moving to streetlight requests, Mr. Johnson announced that Supervisor Brown asked last month that staff evaluate two separate areas in his district for potential streetlight installation. The first was on Riverdale Road. There were two separate, small developed residential areas along Riverdale Road. The first was a group of 10 residential structures located 0.25 miles west of Smiths Ferry Road, five of which were clustered closely together with their driveways all within 275' of the proposed light. The second area was roughly 0.5 miles east of Sandy Ridge Road in the vicinity of Diamond Grove Baptist Church. Here, there were four residential entrances and the church entrance, with their driveways all within 400' of the proposed light. Included in the agenda was a map of the area illustrating the location of the structures and the proposed location for the two streetlights. Staff believed that the installation of these two lights was consistent with the Board's adopted policy, a copy of which was included in the agenda.

**Supervisor Brown moved, seconded by Supervisor Wyche, to approve the installation of two streetlights as described above. All were in favor.**

Mr. Johnson advised that Checkerboard Corner was formed by the intersection of three roads: Sycamore Church Road, Delaware Road, and Monroe Road. While not a residential subdivision, based upon the unique geometry of the intersection, and the speed with which motorists typically traveled through this area at night, staff believed that installation of a streetlight at this intersection met the spirit of their policy in providing "significant lighting benefit."

**Supervisor Brown moved, seconded by Vice-Chairman Young, to approve the installation of the streetlight request as indicated on the map included in the agenda. All were in favor.**

Supervisor Felts advised that there was a request for a streetlight a few months ago in Sedley where vandalism was occurring and it was denied because it was not a residential area. Now we were approving a streetlight request for Checkerboard Corner when it too was not in a residential area. What was the reason for that? Mr. Johnson replied that the last paragraph of the adopted policy defined "significant lighting benefit." It stated that "significant lighting benefit is construed to apply to street intersections, cul-de-sacs and straight stretches of roadway where five (5) or more residential entrances will benefit from the installation thereof." Supervisor Felts advised that she thought the request in Sedley would be coming back before the Board given that the Checkerboard Corner request was approved this evening.

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

The application of B&J Hunt Club (representative) on behalf of Alvis E. & Peggy H. Johnson (owners) requesting a conditional use permit for a Commercial Dog Kennel pursuant to Section 18-37 (21) of the Southampton County Code in order to keep more than 5 adult dogs. The property is identified as Tax Map Parcel 86-23 and is further identified as 29243 Porter House Road, Boykins, Virginia and is located in the Boykins Magisterial District.

Mr. Jay Randolph, Assistant County Administrator and Secretary of the Planning Commission, reported that the Planning Commission held a public hearing on this application at its April 13, 2006 meeting and recommended approval with the following 3 conditions:

- 1) No more than 35 adult dogs shall be confined on the site;
- 2) There shall be no commercial sale of dogs and;
- 3) The kennel shall be located within 500 linear feet of the hunt club building.

Chairman Jones opened the public hearing.

Mr. Earl Johnson, owner/applicant, addressed the Board. He stated that he would appreciate them approving his request. He confirmed for Supervisor Brown that there would be no breeding of dogs.

Chairman Jones closed the public hearing.

**Supervisor Faison moved, seconded by Vice-Chairman Young and Supervisor Brown, to approve the conditional use permit. All were in favor.**

Mr. Johnson announced that the second public hearing was being held to consider the following:

Proposed amendments to the Comprehensive Plan, Chapter VII Community Facilities and Services and Utilities and Chapter IX, Goals and Implementation Strategies and amendments to the Southampton County Code, Section 18-546, Conditional Zoning. The purpose of the proposed amendments is to allow for the acceptance of voluntary cash proffers associated with conditional rezoning applications.

The proposed amendments are as follows:

COMPREHENSIVE PLAN AMENDMENT: CHAPTER VII

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

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

COMPREHENSIVE PLAN AMENDMENT: CHAPTER IX

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

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

SOUTHAMPTON COUNTY CODE SECTION 18-546, CONDITIONAL ZONING

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

Proposed revision to read as follows:

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

The resolution establishing a cash proffer policy is as follows:

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

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

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

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

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

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

**1) APPLICABILITY**

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

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

**2) METHODOLOGY**

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

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

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

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

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

**3) ADMINISTRATION.**

Cash proffers when voluntarily submitted by the applicant as part of a conditional zoning request and accepted by the Board of Supervisors as part of the application approval will be due at the time of issuance of a building permit associated with the aforementioned application. In order to protect the County from the negative impacts of inflation, the County may make annual adjustments to the original voluntary proffer amount offered by the applicant based on the Consumer Price Index (CPI). The agent for Southampton County shall be responsible for summarizing the amount of cash proffers that have been collected during the previous fiscal year.

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

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

Adopted this 22<sup>nd</sup> day of May, 2006.

\_\_\_\_\_  
Dallas O. Jones, Chairman

Attest:

\_\_\_\_\_  
Clerk

Mr. Jay Randolph advised that the Planning Commission held a public hearing on April 13, 2006 and recommended approval of the proposed amendments and adoption of the cash proffer policy.

Chairman Jones opened the public hearing.

Mr. Glenn Updike addressed the Board. He stated that he was all for proffers but not the way it was written. He had talked to Mr. Randolph and asked him to show him where manufactured housing had more children than stick-built homes. He could not show him and did not think the Board could. (*Note: The cash proffer amount for a manufactured home was \$3,005 versus \$451 for a stick-built home.*) He thought the numbers were faulty. He was on the Board of Equalization and assessors did not differentiate between an \$80,000 manufactured home and an \$80,000 stick-built home. The way it was written, proffers would put a burden on young families starting out and trying to buy a home, as they would have to come up with the proffer money. A bank would not include proffer amounts in a loan.

Mr. Ash Cutchin spoke. He advised that Mr. Updike had convinced him that the proffers would place an unnecessary burden on young families just starting out.

Supervisor West confirmed with Mr. Randolph that proffers would not apply to an individual home that would be built unless a rezoning of the property in which the house would be built upon had been requested, so it would likely affect the rezoning of a larger area of land where someone was planning on developing a farm, for example.

Mr. Randolph added that proffers would not apply to lots that already existed, as lots that had been platted and were on record were not subject to a rezoning in order to be built upon. It would apply to new lots that were yet to be created. He advised that it would not apply to family transfer lots, as those lots were exempt from rezoning. The proffer system was set up so that new growth would help contribute its fair share towards the additional services that may be warranted by that new development.

Supervisor Brown stated that he wanted someone to address the drivers for the figures of \$451 for stick-built homes and \$3,005 for manufactured homes, as that was a big disparity. Mr. Michael Johnson, County Administrator, explained that the average value of a stick-built home was substantially greater than the average value of a manufactured home. And when the proffers were done, a credit was considered for the amount of taxes that each of those types of homes would pay over a 20-year period. And because the average value of a stick-built home was substantially higher, it received a much higher credit for real estate taxes paid over that 20-year period than the manufactured home. Hence, the upfront proffer was higher for the manufactured home.

Supervisor Brown stated that he was following it mathematically, but it seemed that with the manufactured housing, we were looking at a park of manufactured homes and not a single lot with a manufactured home. Mr. Randolph advised that it was up to the Planning Commission to look at the effects of a single lot versus a multitude of lots.

Supervisor Brown advised that he thought that the disparity in the numbers was too great.

Supervisor West pointed out that the new housing starts report that was included in the agenda indicated that year-to-date for 2006, the average value of a single-family stick-built home was \$228,055 and the average value of a Class A Manufactured Home was \$80,500. The taxes paid from an \$80,500 home would obviously be less than the taxes paid from a \$228,055 home. However, the same services had to be provided for both.

Mr. Jim Hart addressed the Board. He advised that when a manufactured house was placed on a brick foundation it was taxed as real estate. They needed to look at the impacts the proffers would have on the first-time homebuyer. He understood that existing lots were exempt, but they would apply to the person wanting to cut out a single lot in which to build a home. He also thought there was a lot of disparity in the proffer numbers.

Chairman Jones advised that we had to start somewhere. This was new territory for us and we could go back and change it if we needed to.

Supervisor Faison stated that he appreciated the comments tonight and would like for the policy to be looked at again.

Supervisor West advised that he would like to defer action because he thought there needed to be a better understanding of the policy.

Vice-Chairman Young commented that he did not see any harm in deferring it for a month.

Mr. Randolph advised that the cash proffer policy was based on our Capital Improvements Plan (CIP) and big-ticket items in that plan such as new schools. Projected growth rates, etc. were put in a mathematical formula and the proffer numbers were generated. We could not change those numbers at will. We could, however, update the formula after our CIP was updated.

Supervisor West asked if Isle of Wight differentiated between a single lot and a new subdivision in their proffer policy? Mr. Randolph replied no – they were looked at the same because the impact over time was the same.

Supervisor Brown advised that he thought the matrix needed to be revisited for a trailer park versus one lot with a manufactured home on it.

Supervisor Faison asked if we could deviate from the figures the model generated? Mr. Randolph replied that it would lessen the credibility of the document. Attorney Railey advised that it would become a bribe.

Mr. Larry Brown addressed the Board. He stated that he felt that stick-built homes may double in value over time where manufactured homes would probably remain around the \$80,000 range, and that was why there were more credits given for stick-built homes. He thought it would be a good idea to allow cash proffers to be paid over a period of time instead of all at once. He thought that may help people afford it.

Mr. Jim Hart spoke again. He advised that he thought they should treat stick-built homes and manufactured homes equally. There were different classifications of manufactured homes.

Supervisor Wyche stated that he thought they should send it back to the Planning Commission.

Chairman Jones asked what they wanted the Planning Commission to look at? The consultant did the study and the report – not the Planning Commission.

Supervisor Brown stated that they needed to look at the drivers.

Mr. Glenn Updike spoke again. He stated that the fact that a consultant done the report did not mean anything. Just look at the assessment. Chairman Jones asked Mr. Updike to talk about proffers and leave everything else out of it.

Chairman Jones closed the public hearing.

**Supervisor Wyche moved, seconded by Supervisor Brown, to send it back to the Planning Commission. Supervisors Brown, Faison, and Wyche voted in favor of the motion. Chairman Jones, Vice-Chairman Young, and Supervisors Felts and West voted in opposition to the motion. The vote was 3-4, thus the motion did not pass.**

Mr. Randolph advised that the proffer policy was broken down into the following 3 categories: 1) Applicability, 2) Methodology, and 3) Administration. The Planning Commission could address any or all of those categories.

**Supervisor Brown moved, seconded by Supervisor Wyche, to send the cash proffer policy back to the Planning Commission and have them review the applicability and administration categories. All were in favor.**

Mr. Johnson announced that the third public hearing was being held to consider the following:

A proposed ordinance to amend and reordain Chapter 10 of the Southampton County Code so as to establish an additional 0.49 mile no-wake zone on the Nottoway River between certain established points just south of Checkerboard Corner.

The proposed ordinance is as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10 OF THE SOUTHAMPTON COUNTY CODE, 1991, SO AS TO ADD NEW SUBDIVISION (G) TO SECTION 10-36 MODIFYING AND REORDAINING NO WAKE ZONES ON THE NOTTOWAY RIVER AND RENUMBERING FORMER SUBDIVISION (G) AS NEW SUBDIVISION (H).

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is amended and reordained so as to amend subdivisions numbered (d) and (e), and to add new subdivision (f) to section 10-36 modifying and reordaining no wake zones on the Nottoway River and renumbering former subdivision (g) as new subdivision (h) and reading as follows:

Section 10-36. No wake zone established.

(a) There is hereby established for a distance of three hundred (300) feet east of and three hundred (300) feet west of the public boat landing constructed near General Vaughan Bridge on the Nottoway River a no wake zone.

(b) There is hereby established a no wake zone for a distance of four hundred (400) yards north of and three hundred (300) yards south of the boat landing/marina at the Dockside are of the county.

(c) There is hereby established for a distance of three hundred (300) feet north and three hundred (300) feet south of the boat landing behind the Bronco Rod and Gun Club on the Nottoway River a no wake zone.

(d) There is hereby established on the Nottoway River a no wake zone commencing two thousand five hundred (2,500) linear feet west of the General Vaughan Bridge and proceeding in a westerly direction a distance of nine hundred (900) linear feet past a bend in the river.

(e) There is hereby established on the Nottoway River a no wake zone commencing two thousand eight hundred (2,800) linear feet east of the General Vaughan Bridge at Smiths Ferry landing and proceeding in a southerly direction a distance of one thousand six hundred (1,600) linear feet.

(f) There is hereby established on the Nottoway River a no wake zone commencing five thousand four hundred (5,400) linear feet east of the General Vaughan Bridge and proceeding in a southerly direction one thousand fifty (1,050) linear feet.

(g) *There is hereby established on the Nottoway River a no wake zone commencing near Checkerboard Corner at a point identified as latitude 36° 37' 56.9460", longitude 76° 59' 1.8167" and proceeding in a southerly direction approximately 0.49 miles to a point identified as latitude 36° 37' 40.9332" longitude 76° 59' 23.6723".*

~~(g)~~ (h) Any person convicted of a violation of this section shall be punished by a fine of not more than fifty dollars (\$50.00).

A copy teste: \_\_\_\_\_, Clerk  
Southampton County Board of Supervisors  
Adopted: May 22, 2006

Chairman Jones opened the public hearing.

Mr. Doug Williams addressed the Board. He advised that he was representing the Three Rivers Bass Fishing Club and had also been asked to represent 196 people who signed a petition opposing the no-wake zone. He noted that there were also online petitions signed by people who used the Nottoway River. Their views were not meant to show disrespect to Mr. Edwards (the gentleman who requested the no-wake zone). They considered him a friend of the river. They had seen the pictures that Mr. Edwards had presented the Board. He informed that those pictures were taken when the river was at its lowest point. The erosion was not just due to boat traffic. But they could not say how much erosion was caused by boats because there had not been a study done. He stated that this area of the river was traveled very little, so he did not think a no-wake was justified. It was a straight section of the river so he did not think it was a safety issue. They were

in favor of no wake zones, but not this one. He shared pictures of the river that were taken when the river was at a normal level. Picture numbers 11 and 14 showed a sandy bank that looked like a beachfront. They could do just as much erosion damage. They were asking the Board to vote no because it did not meet the criteria for a no-wake zone. They were real sticklers for safety in the river and were good stewards of the river. They wanted Mr. Edwards to know that they were on his side in that they were not for erosion. But there was no need for this no-wake zone.

In response to questions by Vice-Chairman Young and Supervisor Faison as to how the no-wake zone would affect their club, Mr. Williams advised that it would hinder movement and their freedom to travel along the river.

Supervisor West stated that with this no-wake zone, we would be taking away freedom of movement. And if we approved this no-wake zone, we would have many more requests to come.

Supervisor Wyche agreed with Supervisor West.

Supervisor Brown advised that there were erosion problems with the curve that was located in the area of the proposed no-wake zone. VDOT would have problems there soon. He thought we needed this no-wake zone.

Supervisor Brown asked Mr. Williams if he was in favor of any no-wake zones? Mr. Williams replied yes. They were in favor of the no-wake zones that were in place at Route 258 and Dockside because of safety reasons. Although the no-wake zone at the Bronco Club did not meet the criteria for a no-wake zone, they were in favor of it because a lot of events were held there.

Supervisor Brown told Mr. Williams that he addressed the need for no-wake zones for safety reasons, but not due to erosion. There was a lot of undercut under that curve.

Mr. Williams advised that a no-wake zone was not going to stop that undercut. Most boat traffic would cause erosion on the top – it would not cause an undercut.

Mr. Edward Jones addressed the Board. He stated that a no-wake zone would cause more damage because slowing down a boat would carry a higher wave.

Mr. Zachary Story spoke. He advised that he was against the no-wake zone. He lived on property down by the river. If boats were causing erosion, wouldn't the shoreline be gone by now? Hurricanes and storms had contributed to erosion.

Mr. Carroll Story addressed the Board. He advised that he owned land on the river. He acknowledged that the curve was eroding but much of that was due to the current which was a result of the flood. There had always been some erosion in that curve. There were two other curves on the river near his property and they were worse than this one.

Mr. Mills Edwards spoke. He advised that he applied for the no-wake zone. The pictures were taken at a normal level and there were trees lying in the river. He was concerned about his property. He stated that there was a piece in the paper that talked about people building on the river. He noted that there had not been any building on his property.

Supervisor Wyche asked Mr. Edwards if a no-wake zone would take care of the erosion problem on his property? Mr. Edwards advised that he hauled sand down there and erosion of it came from the boats in a week's time.

Supervisor West stated that nature did more than any boat over time. He hated to see this area restricted. As stated before, there would be more requests. And he enjoyed God-given recreation. There would have to be a need for a no-wake zone presented by an expert in order for him to be in favor of it.

Supervisor Brown advised that the curve was almost u-shaped and was a safety issue.

Mr. Thomas White addressed the Board. He stated that he had been from Hercules, Inc. to South Carolina on a boat, so he knew a little about them. If you did not slow a boat down to 6 mph there would be a wake. If people say that slowing down created more of a wake, they were not slowing down enough.

Mr. Jim Hart spoke. He stated that he thought the no-wake zones that had been approved in the last 10 years with the same criteria should be removed. Now they were talking about adding another one. Water would follow its least resistance. He had been on the river all of his life and used to water ski. Erosion was going to happen no matter what. He did not travel the river much anymore because of no-wake zones. The river was no longer enjoyable to Southampton County residents. Trees being in the river were natural courses of the river and hurricanes had done a lot of damage. He had not done a professional study, but boats were not the cause of erosion. A no-wake zone of ½ mile was overkill. You had to slow down to even get around that curve anyway. They needed to look at the big picture. Traffic had decreased tremendously since placement of the no-wake zones. He would like to see them not approve this one.

Mr. Hunter Darden addressed the Board. He stated that the same problem with erosion on the river was happening on the properties. He had a no-wake zone at his property and he was glad that he got it. His property was in a 90° curve and it was dangerous. Had he not got it, he could guarantee that someone would have gotten killed there. The no-wake zone being requested tonight was needed. Not necessarily the bass boats, but the carelessness of someone from somewhere else on the river would cause a dangerous situation in that curve. Saving some properties would have to be at the expense of some others.

Chairman Jones closed the public hearing.

**Supervisor Brown moved, seconded by Vice-Chairman Young, to amend Sec. 10-36 of the Southampton County Code to establish a new no-wake zone on the Nottoway River south of Checkerboard Corner. Chairman Jones, Vice-Chairman Young, and Supervisors Brown, Faison, Felts, and West voted in favor of the motion. Supervisor Wyche voted in opposition to the motion. The vote was 6-1 in favor of the motion, thus the motion passed.**

Mr. Johnson announced that the fourth and final public hearing was being held to consider the following:

An ordinance to amend and reordain Chapter 5 of the Southampton County Code by revising Sections 5-16 (c) (1) and Section 5-16 (e) (2) establishing the Capron Town Hall as the polling place for the Capron Election District, Capron Precinct, and the Arts and Crafts Building at the Southampton County Fairgrounds as the polling place for the Franklin Election District, Forks of the River Precinct. It is noted that the Forks of the River Community Center will continue to serve as the polling place for the Franklin Election District, Forks of the River Precinct. It is noted that the Forks of the River Community Center will continue to serve as the polling place for the Newsoms Election District, Blackwater Precinct.

The proposed ordinance is as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5 OF THE SOUTHAMPTON COUNTY CODE, 1991, SO AS TO RELOCATE TWO POLLING PLACES

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is amended and reordained so as to amend Section 5-16, paragraph (c) (1) and Section 5-16 (e) (2), reading as follows:

Section 5-16. Enumerated.

The precincts for each election district and the polling place for each precinct shall be set forth below:

- (c) Capron Election District:
  - (1) Capron Precinct

Polling Place – ~~Capron Volunteer Fire Department.~~ *Capron Town Hall.*

- (e) Franklin Election District:
  - (2) Forks of the River Precinct

Polling Place – ~~Forks of the River Community Center.~~ *Arts and Crafts*

*Building at the Southampton County Fairgrounds.*

All other portions of Section 5-16 remain unchanged.

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

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

**Vice-Chairman Young moved, seconded by Supervisors Brown and West, to adopt the ordinance amending Sec. 5-16 of the Southampton County Code. All were in favor.**

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was correspondence from the Virginia Department of Taxation advising the Commissioner of the Revenue that our estimated sales/assessments median ratio for 2006 would be certified at 95.4%.

He advised that included in the agenda was a correspondence from Dr. Patsy Joyner seeking the County's sponsorship of the college's 3<sup>rd</sup> annual golf tournament on August 11 in Suffolk. A contribution of \$500 provided for 4 greens fees and 1 hole sign.

**Supervisor West moved, seconded by Supervisor Brown, to contribute \$500 to Paul D. Camp Community College to serve as a sponsor for its 3<sup>rd</sup> annual golf tournament. Chairman Jones and Supervisors Brown, Faison, Felts, West, and Wyche voted in favor of the motion. Vice-Chairman Young voted in opposition to the motion. The vote was 6-1 in favor of the motion, thus the motion passed.**

Mr. Johnson informed that included in the agenda was notice from the Virginia Department of Game and Inland Fisheries that they were seeking public input on their Deer Management Plan through June 16, 2006. The plan was available for review online at [www.dgif.virginia.gov/draftdeerplan](http://www.dgif.virginia.gov/draftdeerplan).

He stated that included in the agenda was correspondence from Massey Joyner, Mayor of Ivor, seeking assistance from the County with regard to operation of the town's waterworks for up to 60 days until they could hire their own licensed operator. Mr. Raymond Bryant, one of our licensed operators, agreed to assist them in this interim period.

Continuing with miscellaneous issues, Mr. Johnson advised that included in the agenda was a copy of the order of the State Corporation Commission regarding Dominion Virginia Power's application for approval of cogeneration and small production rates.

He informed that included in the agenda was a copy of the Board of Equalization's latest hearing schedule.

Mr. Johnson reported that the following environmental notices were received:

- 1) From the Virginia Office of Drinking Water, a copied letter to Blythe Well Company regarding the maximum thresholds for unregulated community waterworks;
- 2) From the Virginia Office of Drinking Water, a copied notice of violation to the Town of Ivor for failure to retain a properly licensed waterworks operator;
- 3) From the Virginia Office of Drinking Water, a copied notice of violation to the 460 Café for failure to conduct the required monitoring of chemical quality of water served to consumers;
- 4) From the Virginia Office of Drinking Water, a copied notice of violation to the Courtland Motel for failure to conduct the required quarterly bacteriological monitoring;
- 5) From the Virginia Office of Drinking Water, a copied notice of violation to Hercules, Inc. for exceeding the primary maximum contaminant level for total coliform bacteria.

He advised that the following incoming correspondence was received:

- 1) From Springsted, Incorporated, a note of thanks for allowing them to prepare out recent pay and classification study;
- 2) From John Hadfield, SPSA's Executive Director, a note of gratitude for our cooperation in maintaining an open door of communication;
- 3) From the Town of Courtland, a copy of the required notice to their waterworks consumers advising of high levels of fluoride;
- 4) From 155 county citizens primarily located in the Boykins-Brachville-Newsoms area, signed petitions protesting the recent real estate assessments;
- 5) From John Hadfield, SPSA's Executive Director, a note of gratitude to the Ivor Volunteer Fire Department for promptly responding to a recent dumpster fire at SPSA's Ivor Transfer Station;
- 6) From Mrs. Carl Matthews and Mr. David Witt, copied correspondence encouraging full funding of the school board's FY 2007 budget request;
- 7) From Val Livingston, Executive Director of The Genieve Shelter, advance notice of a domestic violence awareness event scheduled for Saturday, October 7 in Suffolk; and
- 8) From Lynda Updike, President of the Southampton County Historical Society, a note of gratitude for their FY 2006 annual appropriation and an update of ongoing activities.

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

Moving to late arriving matters, Chairman Jones recognized Mr. Ash Cutchin.

Mr. Cutchin stated that he was a citizen member of the RC&D Council in Accomack County for 9 years. It was a wonderful organization. He attended the woodland workshop that Mr. Keith Boyd had mentioned and it was very worthwhile. But getting to the main reason he was addressing them, he advised that he was a member of the Southampton County Board of Equalization. Their Chairman, Ernest Claud, and Vice-Chairman, Rick Francis, and 2 other members had submitted resignations. The remaining 4 members were only conducting meetings 2 days a week. People had to sign a waiver to be heard by only 4 people or reschedule. They needed about 5 catch-up days. Not counting today, they had heard from over 200 people complaining about the assessments on farmland. They were exhausted. Blue Ridge was the source of the problems and they were now charging us to fix them. They needed the Board of Supervisors' help immediately to find some replacement appointees. They would prefer to have at least one qualified real estate broker. He asked that they contact members of former Boards of Equalization to see if they would be interested in serving.

Supervisor Brown asked Mr. Cutchin if he had any recommendations for appointees? Mr. Cutchin advised that Larry Brown had served before and he would like to see if he would be interested. He added that he had given Supervisor West the names of several possible appointees from his district and he was in the process of contacting them.

It was consensus of the Board to try and appoint some additional members to the Board of Equalization as soon as possible.

Mr. Hunter Darden spoke. He stated that we just passed the biggest budget we had ever passed. And we were throwing away \$1,000/week for the Board of Equalization to meet when we already knew what the problem was. And did he just hear that we were going to pay Blue Ridge to fix the problems they were paid to fix to start with? He hoped that did not go any further.

The Board took a 5-minute recess.

**Upon returning to open session, 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 businesses or industries where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community;**

**Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members regarding specific legal matters associated with the collection of delinquent taxes; and**

**Section 2.2-3711 (A) (1) Discussion of the resignation of specific public officers and of prospective candidates for appointment to succeed them on the Board of Equalization.**

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

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

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

**RESOLUTION OF CLOSED MEETING**

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

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

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

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

**The motion passed unanimously.**

The Board inquired of Supervisor Felts’ willingness to serve on the Western Tidewater Continuum of Care Council. Supervisor Felts indicated that she would be willing to serve.

**Vice-Chairman Young moved, seconded by Supervisor Brown, to appoint Supervisor Anita T. Felts, to the Western Tidewater Continuum of Care Council. All were in favor.**

There being no further business, the meeting was adjourned at 9:40 PM.

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Michael W. Johnson, Clerk

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Dallas O. Jones, Chairman