

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 29, 2007 at 6:00 PM.

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)
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
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: Supervisor Faison was not yet present.*)

Chairman Jones sought approval of the minutes of the March 29, 2007 Continued Session, April 11, 2007 Budget Workshop, April 18, 2007 Budget Workshop, and April 23, 2007 Regular Session. They were approved as presented, as there were no additions or corrections.

Regarding highway matters, Mr. Johnson announced that the Commonwealth Transportation Board's public meeting to receive comment on the draft FY 2008-2013 Six-Year Improvement Program would be Tuesday, May 29, 2007 at 7:00 PM (the same time as our meeting). The meeting would be hosted at the Hampton Roads Regional Office Building in Chesapeake. Because he could not attend, he intended to submit written remarks. He stated that with regard to highways, as presently drafted, the plan continued to include the Rt. 58 interchange east of Courtland, with construction funding not scheduled for appropriation until FY(s) 2012 and 2013. With regard to secondary highways, the draft highway construction budget for Southampton County provided a total of \$1,202,000 in FY 2008, including \$152,800 for unpaved roads. This amount was roughly 18% higher than projected at their public hearing in January (\$1,019,462), and roughly 48% higher than projected in March, prior to the passage of HB 3202.

Mr. Johnson advised that included in the agenda was a copy of VDOT's latest quarterly report.

Chairman Jones recognized Mr. Jerry Kee, Assistant Residency Administrator of the Virginia Department of Transportation (VDOT) Franklin Residency.

Mr. Kee distributed copies of full size maps illustrating the revised areas of responsibility for the Capron and Franklin area headquarters, following the closure of facilities in Berlin, along with contact information on who to call to report problems.

Mr. Kee advised that they started mowing about 3 weeks ago and should complete the first round throughout the County by the end of this week. They completed the mowing on Route 58 last week. He stated that adopt-a-highway groups/organizations had been very active in the past month and had picked up about 300 bags of trash.

Vice-Chairman Young asked what was the status of Edgehill? Mr. Kee advised that they had talked to the persons who handled beavers and they were putting traps in to remove them. They were also looking at getting permits to do some ditch work.

Supervisor West advised that behind Ivor Furniture, the outflow ditch which took water off of

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Broadway was stopped up and there was a lot of stagnant water. Mr. Kee indicated that they would take a look at that. Supervisor West thanked Mr. Kee for the work they had done.

Supervisor Felts asked if anything could be done about the alleyway in Sedley that she spoke with him about the other day? (The alleyway was on the property of 30298 Sycamore Ave. The ditch was washing away and getting larger onto this property.) Mr. Kee replied that they may be able to do some minor hand work.

Mr. Kee clarified for Supervisor West that they did not have to have an easement to do minor hand work. They asked the landowners for permission, and so far, all of them had said it was ok.

Supervisor Brown thanked Mr. Kee for the ditch work and mowing that had been done in the Newsoms and Blackwater Districts. He advised that an outfall ditch on Woodland Road in the curve was stopped up and always flooded – he pointed it out to Mr. Keith Johnson of VDOT when they were riding around together identifying problems. Mr. Kee advised that it may be on the schedule but he would check.

Supervisor Wyche advised that on Medicine Springs Road next to the railroad track, it was hard to see the intersection with the grass grown up. Mr. Kee indicated that they would look at that.

(Note: Supervisor Faison arrived at this time.)

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, Building Inspections, and New Housing Starts. Also Cooperative Extension, Treasurer's Report, Delinquent Tax Collection, EMS and Fire Department Activity, Solid Waste Quantities, and Personnel.

In regards to solid waste quantities, Mr. Johnson advised that they disposed of 835 tons in April, which was down from 1,506 tons in April of last year.

In regards to the personnel report, Mr. Johnson advised that Robert D. Harness of the Sheriff's Office resigned effective 04/26/07. Jeffrey D. Holt also resigned from the Sheriff's Office effective 05/11/07.

Moving to appointments, Mr. Johnson announced that they may recall from their October 2006 regular session that Franklin Dowless was appointed to fill the unexpired term of Alice Scott on the Social Services Board through May 30, 2007. Mr. Dowless was eligible for reappointment.

Supervisor West moved, seconded by Vice-Chairman Young, to reappoint Franklin Dowless to the Social Services Board. All were in favor.

Mr. Johnson advised that as they may recall, Southampton County had 3 representatives on the STOP Organization's Board of Directors. One of our representatives was Mr. Bob Hinson, who regrettably passed away last month. STOP's Executive Director, Mrs. Edith Jones, was seeking the Board's consideration in nominating Rev. Samuel Buck to succeed Mr. Hinson as Southampton County's Group "A" member. He noted that Group "A" members were the official designees of the local governing body.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to nominate Rev. Samuel Buck to succeed Bob Hinson as Southampton County's Group "A" representative on the STOP Organization's Board of Directors. All were in favor.

Mr. Johnson advised that his (Mr. Johnson's) appointment to the executive committee of the Hampton Roads Planning District Commission (HRPDC) would expire June 30, 2007. Terms were for two years and he was eligible for reappointment. This appointment had historically been included in the County Administrator's job description.

Supervisor Wyche moved, seconded by Vice-Chairman Young and Supervisor Felts, to appoint Mr. Johnson to another two-year term on the executive committee of the HRPDC. All were in favor.

Proceeding to financial matters, Mr. Johnson announced that the following copy of the FY 2008 budget synopsis, as advertised for public comment, was included in the agenda:



**SOUTHAMPTON COUNTY, VIRGINIA
NOTICE OF PUBLIC HEARING**

The Southampton County Board of Supervisors will hold a public hearing on the proposed county budget and school budget for the fiscal year beginning July 1, 2007 and ending June 30, 2008 on Monday, May 21, 2007 at 7:30 p.m. at the Southampton County Office Center, 26022 Administration Center Drive, Courtland, Virginia 23837.

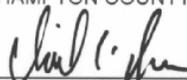
FY 2008 REVENUE ESTIMATES

REVENUE FROM COUNTY SOURCES		BUILDING FUND REVENUE	
General Property Taxes	\$ 15,677,259	Utility Tax - Electricity	\$ 464,000
Other Local Taxes	1,427,313	Transfer - Utility Reserve	1,261,661
Permits, Fees, Licenses	115,850	Rental of Property	60,556
Fines & Forfeitures	504,536	Interest Income/Note Proceeds	540,077
Use of Money & Property	185,000	TOTAL REVENUE/BUILDING FUND	\$ 2,326,294
Charges for Service	374,434		
Miscellaneous Revenue	735,388		
TOTAL REVENUE/COUNTY SOURCES	\$ 19,019,780		
OTHER COUNTY SOURCES		REVENUE FROM THE COMMONWEALTH	
Transfer/General Reserve	\$ 789,873	Non-Categorical Aid	\$ 218,626
School Funds (School Food)	527,690	Categorical Aid	3,717,383
School Funds (School Operating)	2,000	Other Categorical Aid	566,035
TOTAL REVENUE/OTHER COUNTY SOURCES	\$ 1,318,553	School Aid	14,966,205
		School Aid/Cafeteria	14,500
		School Aid/Sales Tax	3,320,130
		Public Assistance	1,940,369
		TOTAL REVENUE FROM THE COMMONWEALTH	\$ 24,743,228
ENTERPRISE REVENUE		REVENUE FROM FEDERAL SOURCES	
Water Service Fees	\$ 270,840	School Aid/School Operating Fund	\$ 11,500
Sewer Service Fees	760,800	School Aid/Federal Programs	511,820
Other Fees/Connections	87,384	School Aid/School Food	511,820
TOTAL REVENUE/ENTERPRISE FUND	\$ 1,119,024	TOTAL REVENUE/FEDERAL	\$ 2,474,643
		TOTAL REVENUE/ALL SOURCES	\$ 51,001,522

FY 2008 EXPENDITURE ESTIMATES

GENERAL FUND		ENTERPRISE FUND	
GENERAL GOVERNMENT ADMINISTRATION		Water Service	\$ 522,438
Board of Supervisors	\$ 160,724	Sewer Service	921,841
County Administration	320,389	TOTAL ENTERPRISE FUND	\$ 1,444,079
Commissioner of the Revenue	268,074		
Board of Assessors	8,100	BUILDING FUND	
Treasurer	247,961	Capital Projects/Debt Service	\$ 3,604,418
Delinquent Tax Collection	25,000	Transfer to School Fund	(130,332)
Accounting	221,803	TOTAL BUILDING FUND	\$ 3,474,086
Data Processing	228,280		
Insurance/County Code	128,930	SCHOOL FUND	
Registrar	147,191	Instruction	\$ 18,381,423
JUDICIAL ADMINISTRATION		Administration, Attendance & Health	1,294,409
Circuit Court	71,616	Other Direction & Management - Transportation	2,600,323
Combined District Court	22,823	Operation & Maintenance Services	2,870,863
Special Magistrates	1,438	School Food Service & Non Operating Costs	109,340
Clerk of Circuit Court	438,078	Facilities	234,026
Sheriff-Bailiff	358,047	Debt Service	1,639,450
Courthouse Security	67,550	Rental Textbook	204,758
Commonwealths Attorney	418,269	Technology	206,000
Victim Witness Assistance Program	64,882	At Risk 4 Year Olds	129,503
PUBLIC SAFETY		Early Reading Intervention	44,274
Sheriff	1,564,014	FEDERAL SCHOOL FUNDS	
Enhanced 911	157,853	Chapter I	542,777
PSAP Wireless E-911	45,924	Title VI-B Flow-Through	638,018
School Resource Officer	45,584	Title VI Innovative Education Program	7,312
Volunteer Fire Departments	292,344	Substance & Drug Prevention	12,542
Volunteer Rescue Squads	920,879	Vocation Special Education	50,912
State Forestry Service	13,257	Preschool Incentive	13,590
Detention	2,585,818	Title II-A Training and Recruitment	148,880
Probation	63,196	Title II Ed. Tech	5,863
Building Inspections	140,964	Reading First Grant	196,559
Animal Control	101,630	21 st Century Community Learning	135,870
Medical Examiner	500	Opportunity, Inc.	200,000
Emergency Service/Civil Defense	68,400	TOTAL SCHOOL FUNDS	\$ 29,835,692
PUBLIC WORKS			
Street Lights	44,000	SCHOOL FOOD	
Assign-a-Highway Program	52,355	School Food	\$ 1,054,000
Refuse Collection	677,555		
Refuse Disposal	1,152,860	VIRGINIA PUBLIC ASSISTANCE FUND	
Buildings & Grounds	469,952	Eligibility Administration	\$ 676,757
HEALTH & WELFARE		Service Administration	401,364
Local Health Department	310,368	Joint Administration	387,805
Mental Health Services	79,056	Benefit Programs	719,350
State/Local Hospitalization	3,597	Energy Administration	21,550
Transportation Program - Elderly	14,350	VIEW Administration	106,143
Comprehensive Services Act	67,865	TOTAL PUBLIC ASSISTANCE	\$ 2,312,969
STOP Organization	1,706		
PARKS, RECREATION & CULTURAL		TOTAL EXPENDITURES ALL FUNDS	\$ 51,001,522
Community Concert Series	6,000	Unappropriated General Fund Reserve	\$ 3,227,682
Rawls Museum Arts	15,000		
Historical Society	30,000		
Walter C. Rawls Library	239,910		
COMMUNITY DEVELOPMENT			
Planning/Zoning	232,980		
Economic Development	150,000		
Soil & Water Conservation District	10,280		
Cooperative Extension Service	55,114		
NON DEPARTMENTAL			
Non-Departmental Operating	70,000		
TOTAL GENERAL FUND EXPENDITURES	\$ 12,880,696		

This publication is intended as a brief synopsis of the proposed budget for informative and fiscal planning purposes only. Full copies of the proposed budget are available for public inspection in the County Administrator's Office, 26022 Administration Center Drive, Courtland, VA during normal business hours. All citizens of Southampton County are invited to attend this public hearing and state their views thereon.

SOUTHAMPTON COUNTY BOARD OF SUPERVISORS
 BY 
 Michael W. Johnson, Clerk

Supervisor Brown moved, seconded by Supervisor Wyche, to approve the budget with an amendment to include an additional \$100,000 from the General Fund Reserve to be put forth to the school instruction category. Supervisor Wyche seconded the motion. All were in favor.

Mr. Johnson advised that the following ordinance establishing the 2007 (FY 2008) 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 2007 there is hereby levied:

1. A tax of \$0.68 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 \$0.68 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, 2007.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to adopt the ordinance as written. All were in favor.

Mr. Johnson announced that bills in the amount of \$1,608,236.41 were received.

Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$1,608,236.41 be paid with check numbers 81462 through 81878. All were in favor.

Moving forward, Mr. Johnson announced that as briefly mentioned in the budget presentation of April 11, and discussed during their regular session last month, staff had continued to explore the feasibility of refinancing the Series 1994A Water and Sewer Revenue Bond (originally \$2.25 million @ 4.5% for 40 years with FmHA) in an effort to reduce the overall cost of borrowing and to restructure cash flow to free-up funding for various utility system improvements over the next 3 years. On May 4, they distributed a Request for Proposals (RFP) to 11 local and regional banks and asked for their responses no later than May 18. In response to the RFP, they received competing proposals from three (3) of them: BB&T, SunTrust and RBC Centura. Mr. David Rose of Davenport & Company, their financial advisors, was present this evening to discuss the proposals and offer their recommendations. Assuming that it was cost-effective to move forward, they would expect to close on the financing by mid-June.

Chairman Jones recognized Mr. David Rose of Davenport & Company.

Mr. Rose addressed the Board and distributed information packets. He advised that they recommended that the Board of Supervisors accept the proposal submitted by BB&T. The proposal provided the lowest interest rate (4.12%), thereby allowing the County to maximize its total debt service savings. It would allow the County to maximize savings in the next several fiscal years (2007-2009) – \$131,000 would be freed up and could be dedicated to cash-funding capital projects. He noted that the County had identified roughly \$250,000 of new capital

improvements needed in the near-term (for water and sewer capital improvements). BB&T would allow for prepayment of the loan on any payment date with only a 1% prepayment penalty. He explained that the interest rate of 4.12% was good until June 17. The Virginia Resources Authority (VRA) would try to get this in front of their Board in June. However, if VRA could not get it in front of their Board until July, the interest rate could change. He noted that he was reasonably optimistic. Mr. Rose clarified that if it turned out to be non-advantageous, the County would not lose anything – exploring this opportunity was risk-free.

It was consensus of the Board to accept the recommendation of Davenport & Company and move forward with the refinancing.

As a result, the following resolution needed to be adopted:

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SOUTHAMPTON, VIRGINIA
AUTHORIZING THE ISSUANCE AND SALE
OF ITS REVENUE REFUNDING BOND**

WHEREAS, the Board of Supervisors of the County of Southampton, Virginia (the "County"), issued the County's \$2,250,000 Water and Sewer System Revenue Bond, Series 1994A (the "1994A Bond");

WHEREAS, the Board of Supervisors has determined that it is advisable to issue its revenue refunding bond (the "Bond") to refund the 1994A Bond prior to its maturity:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SOUTHAMPTON, VIRGINIA:

1. Authorization of Bond and Use of Proceeds. The Board of Supervisors hereby determines that it is advisable to contract a debt and to issue and sell the Bond in the maximum principal amount of \$2,200,000. The issuance and sale of the Bond are hereby authorized. The proceeds from the issuance and sale of the Bond shall be used to refund the 1994A Bond.

2. Pledge of Revenues. The Bond shall be payable from the revenues of the County's water and sewer systems, including all rates, fees, rentals, charges, income and money derived from such systems or resulting from the County's ownership or operation of such systems, the proceeds of any insurance covering business interruption loss related to such systems, and interest on any money or securities related to such systems, but excluding money paid to the County's water and sewer enterprise fund pursuant to the Support Agreement securing the herein defined 1998 Bond (the "Revenues") and such Revenues (net of operating expenses) are hereby pledged to the payment of principal of and interest on the Bond. In addition, the Board of Supervisors agrees to make payments, subject to annual appropriation by the Board of Supervisors, sufficient to pay principal of and interest on the Bond in the event the Revenues are not sufficient to pay principal of and interest on the Bond and any other debt secured by a pledge of the Revenues. The Bond does not constitute a general obligation of the County.

3. Parity/Subordinate Bonds. The Bond shall be equally and ratably secured with respect to the pledge of Revenues with the County's \$4,022,364.46 Water and Sewer System Revenue Bond, Series 1998 (the "1998 Bond") to the extent that it meets the requirements for the issuance of "Parity Bonds" under the documents securing the 1998 Bond or such requirements are waived by the registered owner of the 1998 Bond. The County Administrator is directed to take such steps as may be necessary to obtain such waiver or consent from the registered owner of the 1998 Bond to permit the Bond to be issued on parity with the 1998 Bond with respect to the pledge of Revenues. In the event that the Bond does not meet the requirements to be issued on parity with the 1998 Bond and the registered owner of the 1998 Bond does not waive such requirements, the Bond may be issued on a subordinate basis, secured with a pledge of Revenues subordinate to the pledge securing the 1998 Bond.

4. Appropriation. In the event the Revenues are not sufficient to pay debt service on the Bond and any other debt secured on parity with the Bond by a pledge of the Revenues, the Board of

Supervisors will consider making an appropriation to pay such debt service in accordance with the provisions set forth in the Bond.

5. Details and Sale of Bond. The Bond shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bond shall be issued in fully registered form, shall be dated the date of issuance and delivery (or such other date as the County Administrator may approve), shall be in the form of a single bond in the denomination equal to its principal amount and shall bear interest at such rate or rates, shall be in such principal amount and shall mature and be payable on such dates as the County Administrator may approve, provided that the principal amount of the Bond shall not exceed \$2,200,000, the annual interest rate shall not exceed 5% and the final maturity shall not be later than approximately 27 years from its date. The County Administrator is authorized and directed to accept a proposal for the purchase of the Bond that he deems to be the most advantageous for the County.

6. Form of Bond. The Bond shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. There may be endorsed on the Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

7. Execution of Bond. The Chairman and the Clerk of the Board of Supervisors are authorized and directed to execute an appropriate negotiable Bond and to affix the seal of the County thereto and to deliver the Bond to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Chairman and the Clerk are both by facsimile, the Bond shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar. The County Administrator is authorized to appoint a Bond Registrar for the Bond, which Bond Registrar may be the County Administrator.

8. Refunding of 1994A Bond. The County Administrator is authorized to take such action as may be necessary to provide for the refunding and redemption of the 1994A Bond and, if deemed necessary or desirable by the County Administrator, to enter into an escrow agreement with an escrow agent to be selected by the County Administrator providing for the deposit and investment of such portion of the proceeds of the Bond to be applied to the redemption or payment of such 1994A Bond on the earliest practicable date.

9. Non-Arbitrage Certificate and Tax Covenants. The County Administrator and such officers and agents of the County as he may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bond and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The Board of Supervisors covenants on behalf of the County that the proceeds from the issuance and sale of the Bond will be invested and expended as set forth in the County's Non-Arbitrage Certificate and Tax Covenants, to be delivered simultaneously with the issuance and delivery of the Bond and that the County shall comply with the other covenants and representations contained therein.

10. Bank Qualification. The County designates the Bond as a "qualified tax-exempt obligation" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The County does not anticipate issuing more than \$10,000,000 in tax-exempt obligations (including certain obligations issued by subordinate entities) during calendar year 2007 and will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) in calendar year 2007.

11. Further Actions. The County Administrator and such officers and agents of the County as he may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bond and all actions taken by such officers and agents in connection with the issuance and sale of the Bond are ratified and confirmed.

12. Effective Date: Applicable Law. This Resolution shall take effect immediately. The Board of Supervisors elects to issue the Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended, in accordance with Section 15.2-2601 of such Act.

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

Moving to old business, Mr. Johnson advised that the following needed to be considered:

CUP 2007:02 Application filed by Roy F. Kinlaw and Patricia L. Cohan-Kinlaw, 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 five (5) adult dogs. The subject property was currently zoned A-1, Agricultural and contains approximately 29.12 acres and is further identified as Tax Map Number 25-5-1. The property is located at 10790 New Road (Rt. 622) approximately ½ mile west of the intersection with Tucker Swamp Road (Rt. 635) in the Berlin Ivor Election District.

Mr. Johnson stated that as they may recall from their regular session of March 26, 2007, the above application was tabled for 60 days, as the report from the dog warden (Animal Control Officer) had not been received. The public hearing regarding this application was closed on March 26 and parties in attendance may speak to this matter only in the discretion of the Chairman. Included in the agenda was a copy of the Planning Commission recommendation and report that was also included in the March agenda. They may recall that the Planning Commission recommended approval of the permit, subject to specific conditions.

The Animal Control Officer had since visited the premises, and Sheriff Vernie Francis provided the following report on his behalf:

SOUTHAMPTON COUNTY SHERIFF'S OFFICE

MEMO

TO: Jay Randolph, Assistant County Administrator
FROM: VERNIE W. FRANCIS, JR., SHERIFF
REF: Cohan-Kinlaw Dog Kennel Permit
DATE: 05/29/07

With regards to your e-mail of May 23rd, 2007, I am providing the following information concerning the kennel permit.

DS Cooke has visited the property, 10790 New Road, on three occasions.

The first was prior to the March board meeting and shortly after.

Again he visited the property on May 24th.

He has provided me with the following observations.

DS Cooke states that the property is fenced in with standard livestock wire/fencing. As one approaches the residence from the roadway there is a metal gate approximately 75 yards from the roadway. This gate is constructed from metal bars spaced close together. There is a fence to the left of the driveway (standard livestock fence), which has an electric "hot" wire attached. The fence to the right of the driveway (standard livestock fence) does not contain an electric "hot" wire. The yard to the residence is fenced in using the same fencing, with the entrance gate designed to allow a vehicle to pass through the gate without the driver exiting the vehicle. As the vehicle passes through the gate, it will close itself after the vehicle passes. There are a series of "hot" wires hanging from the piping toward the ground. These wires are placed very close together and stop a few inches from the ground.

The height of the standard livestock fencing is approximately 4 feet.

Chairman Jones advised that he would only allow the public to respond to questions directly asked of them by the Board.

Supervisor West asked if the dogs had been out since the March meeting? The neighbors who

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were in attendance replied yes – the dogs were out Sunday running behind Mrs. Kinlaw driving a golf cart. Mrs. Kinlaw advised that the dogs were with her. Supervisor West asked if the dogs had been out without Mrs. Kinlaw with them? The neighbors replied no.

Supervisor Brown asked what was wrong with the dogs being out with her? The application was tabled because they were awaiting the Animal Control Officer's report.

Supervisor Faison agreed. He added that the Animal Control Officer's report indicated that the fencing was adequate. Why were dogs being out with the owner a problem?

Supervisor Brown advised that they needed to be careful about this. It appeared that all of the requirements had been met. He was not in favor of a leash law in this County.

Mr. and Mrs. Kinlaw clarified for Vice-Chairman Young that the livestock fencing was electric and had tassles hanging down like a blanket.

Supervisor West stated that he agreed with Supervisor Brown in not wanting a leash law in the County, but he had to recognize that their were neighbor concerns.

Supervisor Wyche advised that Mr. and Mrs. Kinlaw had met the requirements and tried to do what they needed to do to keep the dogs contained. He would like to see the application approved with the conditions.

Supervisor Faison stated that if the fencing was such that the dogs could get out, we still had a problem. But if the fencing was such that the dogs could not get out, he did not think we had a problem. He personally did not have a problem with dogs being out with the owner.

Mr. Johnson read the following five (5) conditions, as recommended by the Planning Commission, into the record:

- The fence be adequate to confine the dogs in the specified 4- or 5-acre area
- No more than 20 dogs
- Breeds limited to Great Danes
- Fencing to be completed by March 26 and inspected by dog warden to ensure it is adequate
- Review the application in one year

Supervisor Brown asked if they could amend the conditions? Mr. Richard Railey, County Attorney, replied yes. Supervisor Brown recommended that they amend the last condition to state that the application be reviewed in *6 months* and failure to fully comply would result in revocation of the permit, and that the application may be reviewed in 6 month intervals thereafter.

Supervisor West commented that he would be ok with that, as a 6-month review would provide some reassurance to the neighbors.

Supervisor West moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the conditional use permit, subject to the aforementioned conditions, as amended. All were in favor.

Continuing with old business, Mr. Johnson advised that as they may recall from last month, the Southampton County Historical Society was seeking their consideration in designating them as the "official" organization to preserve, present and interpret the Southampton Insurrection of 1831. Attorney Railey indicated last month that he would seek to find specific statutory authority for a governing body to make this type of designation, but in the absence of such enabling legislation, this matter was likely beyond the scope and authority of a local Board of Supervisors.

Attorney Railey advised that he could not find any such statutory authority. However, they could adopt a resolution of support. Supervisor Brown asked if they could include specifics in the resolution? Attorney Railey cautioned against micromanaging the project. Chairman Jones advised that Mr. Quarstein, historian who had been hired to assist the Historical Society with this project, would draft the resolution and the Board would consider it.

Supervisor Wyche remarked that he would be ok with a resolution of support only.

It was concensus of the Board to consider a resolution of support when presented to them.

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

REZ 2007:05 Application filed by Joseph D. Gardner, Jr., owner, requesting a change in zoning classification from A-1, Agricultural to C-RR, Conditional Rural Residential approximately 1.38 acres from a 184.94 acre parent tract for the purpose of one (1) single family residential building lot, as conditioned. The application is subject to the standards provided under the Times Approach, Section 18-178 of the Southampton County Code. The subject property is located on the east side of Mission Church Road (Rt. 631) approximately $\frac{3}{4}$ mile south of the intersection with Unity Road (Rt. 603). The property is further identified as Tax Parcel 35-38 and is located in the Berlin & Ivor Magisterial District.

Mr. Jay Randolph, Assistant County Administrator and Secretary to the Planning Commission, reported that the Southampton County Planning Commission held a public hearing on this application at its April 12, 2007 meeting and recommended approval, subject to the following voluntary proffers:

- Utilization of the Timed Approach option
- A voluntary cash proffer in the amount of \$1,728

Chairman Jones opened the public hearing.

Mr. Joseph Gardner, owner/applicant, addressed the Board. He advised that the proposed lot was wooded and was not being cut out of agricultural property.

Chairman Jones closed the public hearing.

Supervisor West moved, seconded by Supervisor Brown, to accept the Planning Commission's recommendation and approve the conditional rezoning, subject to all voluntary proffers. All were in favor.

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

CUP 2007:04 Application filed by Edward Cook, applicant, on behalf of Bent Barrell Hunt Club, owner, 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 five (5) adult dogs. The property is located at 7224 Bell Road, Ivor, Virginia. The property is identified as Tax Map Parcel 6-38 and is located in the Berlin & Ivor Magisterial District.

Mr. Randolph reported that the Planning Commission held a public hearing on this application at its April 12, 2007 meeting and recommended approval, subject to the following four (4) conditions:

- No more than 100 dogs
- No commercial sales
- Beagles and Hounds only
- The conditions of the kennels be kept in a clean and efficient manner, including that the dogs be properly fed and given water
- The site be revisited by the animal control officer and/or zoning staff periodically to ensure conditions are satisfactory

Supervisor Brown confirmed with Mr. Randolph that regarding the last condition, periodic visits were impromptu visits.

Chairman Jones opened the public hearing.

Mr. Reginald Diggs spoke. He stated that he lived across from the subject property. Trash was

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being dumped on the property and dogs were sometimes running loose. His aunt used to own the property.

Mr. Sam Cook addressed the Commission on behalf of Bent Barrell Hunt Club as Vice-President. He advised Mr. Diggs that they bought the property from Mrs. Parker in the 1980s. He would check on the trash being dumped, as nobody was supposed to be dumping trash on the property. He acknowledged that occasionally, some dogs may be loose on the property. When the guys were running dogs, some of the dogs would come back to the property and hang around until the guys put them back in the pen.

Supervisor West clarified for Mr. Diggs that this application was not going to change anything. The dogs were already on the property and had been there for some time.

It was determined that Mr. Diggs was trying to figure out who bought the property that was adjacent to the subject property from his aunt. It was also determined that the adjacent property was the property that trash was being dumped on.

Chairman Jones closed the public hearing.

Vice-Chairman Young asked if unsatisfactory conditions that were found at the kennel when it was originally inspected by Mr. Randolph had been taken care of? Mr. Cooke replied yes. He added that he personally rode over to the kennel every day to monitor the conditions. He told the hunt club members who had dogs there that if conditions were found unsatisfactory, they would have to remove the dogs.

Supervisor Brown suggested adding a condition that this be revisited in 6 months. The Board was in agreement.

Supervisor West moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the conditional use permit, subject to the aforementioned conditions recommended by the Planning Commission and the condition added by the Board. All were in favor.

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

CUP 2007:05 Application filed by Thomas Jonathan Brown, owner, 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 five (5) adult dogs. The property is located at 34417 Burdette Road, Franklin, Virginia. The property is further identified as Tax Map Parcel 49-24E and is located in the Franklin Magisterial District.

Mr. Randolph reported that the Planning Commission held a public hearing on this application at its April 12, 2007 meeting and recommended approval, subject to the following conditions:

- No more than 20 dogs
- Hounds, Beagles, and Labradors only
- Periodic inspections of conditions of the kennels
- No commercial sales

Chairman Jones opened the public hearing.

Mrs. Debra Brown, wife of Thomas Jonathan Brown, owner/applicant, advised that she was present on behalf of her husband who could not be here tonight.

Supervisor Felts confirmed that the dogs were pets.

Mrs. Brown clarified for Supervisor Brown that there was a possibility that she may breed the dogs at some point, but not for profit.

Chairman Jones closed the public hearing.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to accept the Planning

Commission's recommendation, subject to the aforementioned conditions. All were in favor.

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

CUP 2007:06 Application filed by Raymond L. and Shannon M. VanNostrand, applicants, 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 five (5) adult dogs. The property is located at 29048 Sunbeam Road, Franklin, Virginia. The property is further identified as Tax Map Parcel 103-25A and is located in the Newsoms Magisterial District.

Mr. Randolph reported that the Planning Commission held a public hearing on this application at its April 12, 2007 meeting and recommended approval, subject to the following conditions:

- No more than 10 dogs
- Limited to Bull Terriers, Pugs, Pomeranians, Boston Terriers, Boston Terrier Pugs, and Brussels Griffons
- No commercial sales
- Periodic inspections by zoning staff to ensure conditions are in order

Chairman Jones opened the public hearing.

Mr. Raymond VanNostrand, owner/applicant, advised that he was present to answer any questions.

Supervisor Brown thanked VanNostrand for inviting him to see the kennel. He stated that the kennel was very nice and had heating and air conditioning.

Chairman Jones closed the public hearing.

Supervisor Brown moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the conditional use permit, subject to the aforementioned conditions. All were in favor.

Moving forward, Mr. Johnson announced that Chairman Jones and Supervisor Felts asked that he prepare a resolution for their consideration, as requested by Mr. Ash Cutchin last month.

The resolution is as follows:

**BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA**

RESOLUTION 0507-08

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 Tuesday, May 29, 2007 at 6:00 p.m.

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 ENCOURAGING THE REDUCTION OF ILLEGAL IMMIGRATION

Motion by Supervisor Felts:

amendment for public hearing at the regular session of June 25, 2007.

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

AN ORDINANCE TO AMEND SECTIONS 3-34 AND 3-35
OF THE SOUTHAMPTON COUNTY CODE
TO PROVIDE FOR DOG LICENSING TAX PERIODS TO RUN CONCURRENTLY
WITH THE RABIES VACCINATION PERIOD

- - - - -

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended revising Sec. 3-35 to read as follows:

Sec. 3-34. License – Required, payment.

It shall be unlawful for any person to own, harbor, keep, shelter or permit to remain on his premises a dog four (4) months old or over in the county unless such dog is licensed as required by the provisions of this article. Dog license taxes shall be paid for the calendar year, namely, from January first to December thirty-first, inclusive, and the license tax shall be payable in the office of the county treasurer in the following amounts:

- (1) Unaltered dog \$10.00
- (1.1) Spayed or neutered dog \$5.00
- (2) Kennel, for up to and including five (5) dogs \$20.00
- (3) Kennel, for up to and including twenty (20) dogs \$35.00
- (4) Kennel, for twenty-one (21) to fifty (50) dogs \$50.00
- (5) Guide dog for blind persons No fee
- (6) Hearing dogs for deaf and hearing-impaired persons No fee

Sec. 3-35. Same – When tax due and payable.

The license tax shall be due and payable as follows:

- (1) ~~On or before January first and not later than January thirty first of each year, the owner of any dog four (4) months old or older shall pay a license tax as prescribed in Section 3-34. The license tax as prescribed in Section 3-34 is due not later than 30 days after a dog has reached the age of four months, or not later than 30 days after an owner acquires a dog four months of age or older, and each year thereafter.~~
- (2) ~~If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person residing in this county between January first and October thirty first of any year, a license tax for the current calendar year shall be paid by the owner. Licensing periods for individual dogs shall be equal to and run concurrently prescribed by Section 3-34 shall, however, be due on January 1 and not later than January 31 of each year.~~
- (3) ~~If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county between November first and December thirty first of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner of such license shall be valid from the date the license is purchased to the end of the succeeding calendar year.~~

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: June 25, 2007

Mr. Johnson advised that Mr. Richard E. Railey, Jr., County Attorney, had presented to him this morning an ordinance he had received from Mr. Eric Cooke, Commonwealth Attorney, that Mr.

Cooke would like the Board to consider.

Attorney Railey explained that Mr. Cooke would like for the Board to consider an ordinance that would essentially designate private roads within any residential development containing 100 or more lots as highways for law enforcement purposes. He stated that the applied consent law only applied on public highways. If someone was on a road in a trailer park, law enforcement could not make that person take a breathalyzer. This ordinance would give law enforcement a stronger hand to arrest people and fight crime.

Supervisor Brown asked if the Code only allowed for 100 lots – why couldn't it be 50 or 25 lots? Attorney Railey replied that the enabling legislation stated 100 or more lots – they would have to lobby the General Assembly to allow Southampton County to use less than 100 lots as the threshold.

Mr. Jay Randolph, Assistant County Administrator, asked what was considered a lot? And what about the condominium act? This ordinance arrived to us late and there were a lot of unanswered questions. Attorney Railey advised that he would consider a lot in layman's terms.

Supervisor Brown moved, seconded by Supervisor Wyche, to advertise the ordinance for public hearing at the regular session of June 25, 2007. All were in favor.

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

ORDINANCE DESIGNATING THE PRIVATE ROADS WITHIN ANY RESIDENTIAL DEVELOPMENT CONTAINING 100 OR MORE LOTS, AS HIGHWAYS FOR LAW-ENFORCEMENT PURPOSES, IN ACCORDANCE WITH § 46.2-1307 OF THE 1950 CODE OF VIRGINIA, AS AMENDED.

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia, that the Southampton County Code be, and hereby is, amended, adopting Section 9-9 to read as follows:

Section 9-9, Designation of private roads as highways for law enforcement purposes.

The private roads, within any residential development containing 100 or more lots, are hereby designated as highways for law enforcement purposes, in accordance with the provisions of § 46.2-1307 of the 1950 Code of Virginia, as amended.

A COPY TESTE:

Michael W. Johnson, Clerk
Southampton County Board of Supervisors

Adopted June 25, 2007 and effective
June 30, 2007 at 12:00 Midnight

For State Law Authority see § 46.2-1307 of the 1950 Code of Virginia, as amended.

Moving forward, Mr. Johnson announced that included in the agenda was a capital funding request from the Branchville Volunteer Fire Department, to be applied towards refurbishment of a pumper truck acquired from the District of Columbia. He reminded that 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 2007 was \$12,000 and for each rescue squad, \$6,000. 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. The table included in the agenda indicated the status of capital appropriations since FY 2000. Through May 28, 2007, they had collectively appropriated \$806,500 for fire and rescue improvements and were holding in escrow an additional

\$161,000. The above request was in order – they were presently holding a total of \$32,000 in escrow for the Branchville Volunteer Fire Department.

Supervisor Faison moved, seconded by Vice-Chairman Young and Supervisor West, to approve the capital funding request - \$32,000 to the Branchville Volunteer Fire Department. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda were two (2) applications for fireworks permits pursuant to **Sec. 10-73** of the *Southampton County Code*.

Mr. Johnson advised that the first application was submitted by Sedley Recreation Association. The display was scheduled for July 4, 2007 at approximately 9:15 PM. The rain date was July 5. Permits had been granted annually since 1991 without incident. The application was in order and a draft permit was included in the agenda for their consideration.

Supervisor Felts moved, seconded by Vice-Chairman Young and Supervisor Brown, to issue the fireworks permit to Sedley Recreation Association. All were in favor.

Mr. Johnson advised that the second application was submitted by Charles B. Darden, Jr. The display was scheduled for June 30, 2007 at approximately 9:15 PM. The rain date was July 1. The application was in order and a draft permit was included in the agenda for their consideration.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to issue the fireworks permit to Charles B. Darden, Jr. All were in favor.

Moving forward, Mr. Johnson announced that as they may be aware, Dominion Virginia Power had made application with the State Corporation Commission (SCC) to construct a new 500 kV transmission line from Carson (Dinwiddie County) to Suffolk. In its application, Dominion Virginia Power had indicated a preferred route that would generally follow their existing transmission line, parallel to and south of Route 460. An alternate route was also included which traversed central Southampton County. Mr. Jay Randolph, Assistant County Administrator, was currently reviewing the 3-volume application submitted by Dominion Virginia Power to the SCC and was expected to make an initial report to the Planning Commission in June. While local permits were not required, localities may provide input to the SCC at its public hearing later this year. Included in the agenda was a brief report and map illustrating both the preferred and alternate routes. He pointed out a larger map that was on display.

Supervisor Faison asked how many towers would there be? Mr. Johnson replied that he did not know, but towers were typically placed 1000 feet apart.

Supervisor Brown inquired about health issues associated with power lines. Mr. Johnson replied that he was not qualified to answer that.

Supervisor Brown asked if the new transmission line would impact residential areas? Mr. Johnson replied that he was not certain but thought there would be minimal impact on residences not already affected by the current transmission line.

Mr. Johnson clarified for Vice-Chairman Young that with the alternate route, Route 58 business and Route 58 bypass would be affected.

Moving forward, Mr. Johnson announced that included in the agenda was a copy of the Planning Commission's report regarding final plat approval for the Cypress Woods subdivision (formerly referred to as Cypress Heights.) They may recall granting preliminary plat approval at their November 27, 2006 regular session. In accordance with § 15.2-225 of the Code of Virginia, approval of subdivisions was classified as a *ministerial act*, meaning that the Board had no authority to exercise its discretion while reviewing plats. The purpose of the subdivision plat review was only to insure that the proposed development complied with all existing ordinances. If a plat was denied, the Board was required to specifically identify the requirement that was unsatisfied and explain what the applicant must do to satisfy the requirement. As they may recall, Cypress Woods was located off of the north side of Country Club Road and included a total of thirteen (13) residential building lots (2 less than illustrated on the preliminary plat), ranging in area from 0.46 to 2.27 acres, acceptable standards in the Residential R-1 zoning district. Lots were

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proposed to be served by a community water system and individual septic systems.

Mr. Johnson advised that final approval was subject to the posting of certain sureties by the developer for unfinished improvements and payment of certain fees, including:

- 1) Surety in the amount of \$130,259.74 for roadway, drainage and utility improvements;
- 2) Surety in the amount of \$14,478.75 for erosion and sediment control improvements;
- 3) A maintenance bond for annual roadway maintenance in the amount of \$25,000;
- 4) A \$3,900 roadway maintenance fee; and
- 5) Plat review fees of \$100.

Vice-Chairman Young moved, seconded by Supervisors Felts & West, to approve the final plat, subject to the posting of sureties and fees as outlined above. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was a resolution for their consideration declaring certain property owned by the county as surplus and ordering it to be sold or otherwise disposed of. The list consisted of approximately one hundred thirteen (113) various pieces of equipment including hand-held and mobile radios and personal computers which had been compiled and identified for surplus by the Sheriff's Office. The list further included five (5) motor vehicles ranging in age from 23 to 11 years old, and 75 gallons of paint.

The resolution is as follows:

Whereas, § 15.2-951, Code of Virginia, provides broad authority for counties, cities and towns to acquire and dispose of personal property for the purpose of exercising their powers and duties; and

Whereas, the following listing of personal property items owned by Southampton County no longer serve any useful purpose.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County that the following items are hereby declared surplus property;

SEE SCHEDULE "A" ATTACHED HERETO

AND BE IT FURTHER RESOLVED that the County Administrator is directed to proceed with the sale of the aforementioned items by public auction or sealed bids, with notice of the date, time and place of the sale to be advertised, in advance, in *The Tidewater News*.

AND BE IT FURTHER RESOLVED that the County Administrator is directed to dispose of any such property which may remain after the sale in the most cost-effective manner; and

BE IT FURTHER RESOLVED that the proceeds from the sale of this property shall be deposited in the county General Fund.

Adopted, this 29th day of May, 2007.

BOARD OF SUPERVISORS

Dallas O. Jones, Chairman

ATTEST:

Michael W. Johnson, Clerk

Supervisor Wyche moved, seconded by Supervisor West, to adopt the resolution. All were in favor.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was correspondence from Dr. Patsy Joyner seeking the County's sponsorship of the 4th annual Paul D. Camp Community College (PDCCC) golf tournament on August 10 in Smithfield. A contribution of \$500 provided for 4 greens fees and 1 hole sign.

Supervisor West moved, seconded by Vice-Chairman Young, to contribute \$500 to PDCCC to serve as a sponsor for its 4th annual golf tournament. All were in favor.

Mr. Johnson informed that included in the agenda was correspondence from Southampton County native William Cole, advising of a connection of the ancestors of President Lyndon B. Johnson and Southampton County – apparently, they owned property and resided in the Black Creek area. Mr. Cole offered as a suggestion that Southampton County consider erection of a historical marker at an appropriate location, and dedicate the monument some time near the anniversary of LBJ's birth. He was open to their direction.

Supervisor Brown stated that he was in favor of anything that would bring tourists to Southampton County.

Supervisor Faison advised that he would like some more information, especially as it related to the authenticity of what had been presented. Supervisor West agreed.

It was consensus of the Board to have the County Administrator try and obtain some additional information.

Mr. Johnson advised that he was pleased to report that Harrison Jamison, our most-recently hired Building Inspector, successfully passed the Residential Electrical Inspector Certification Exam, administered by the International Code Council (ICC). One of the requirements imposed upon Mr. Jamison was that he successfully pass 4 certification exams (residential building, plumbing, electrical and mechanical) within 3 years of employment (He joined us last summer). Two down – two to go. These exams were not easy and required substantial preparation and study. He asked the Board members to take a moment in passing to congratulate Harrison on his most recent accomplishment.

Mr. Johnson stated that included in the agenda was a copy of the audited financial statements of Franklin Southampton Economic Development, Inc. for the fiscal year ending June 30, 2006.

Mr. Johnson informed that included in the agenda was a copy of brief remarks offered on their behalf at the 2nd anniversary of the Franklin Business Incubator on May 17. He noted that Supervisor Felts represented Southampton County on the Business Incubator Board of Directors.

Continuing with miscellaneous issues, Mr. Johnson advised that in accordance with their directive on March 28, they had forwarded a sponsorship check in the sum of \$1,000 to the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation. Included in the agenda was a copy of their note of gratitude and notice that they would provide a free full page ad to Southampton County in their *Tribal Journal*. A copy of the advertisement, as it would appear in the publication, was also included.

Mr. Johnson stated that a copy of the Riverkeeper's latest newsletter was included in the agenda for their reference.

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

1. From the State Corporation Commission, an Order for Notice and Comment on Dominion Virginia Power's petition for a change in its capacity pricing calculation;
2. From the Virginia Department of Health (VDH), Office of Drinking Water, a copy of a Notice of Violation to the Town of Courtland for exceeding the primary maximum contaminant level for fluoride for the past 4 quarters;
3. From the State Corporation Commission, an Order establishing the 2007-2008 Fuel Factor Proceeding; and
4. From the VDH, Office of Drinking Water, notice of approval of plans and

specifications for waterline improvements to the Town of Ivor's system to serve the new subdivision, the Pines of Ivor.

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

1. A note of gratitude from the Virginia Association of Counties for their financial support of the 2007 NACo Conference in Richmond;
2. Correspondence from the Town of Boykins relative to excessive litter along Route 671 (Note: The litter was picked up by VDOT);
3. A note of gratitude from the Airfield Conference Center for their financial support in FY 2007;
4. A note of gratitude from the Cheroenhaka (Nottoway) Indian Tribe for the letter of endorsement to Her Majesty, the Queen of England; an
5. A letter of transmittal from the Hampton Roads Planning District Commission (HRPDC), sent along with 75 printed copies of the recently-adopted Comprehensive Plan.

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

Moving to late arriving matters, Mr. Johnson asked the Board to come prepared next month with two (2) appointees from their respective districts to serve on the recreational task force which they had authorized. He noted that they wanted a diverse group that would represent a good cross section of the County. It was especially important to have different age groups represented.

Mr. Johnson advised that it had been brought to his attention that the resolution the Board adopted this morning, with regard to accepting the recommendation of Davenport & Company and moving forward with the rural development loan financing, required a roll call vote.

As a result, the following roll call vote was then recorded:

At a meeting of the Board of Supervisors of the County of Southampton, Virginia, held on the 29th day of May, 2007, the following Board of Supervisors members were recorded as present:

PRESENT: Dallas O. Jones
Walter L. Young, Jr.
Walter D. Brown, III
Carl J. Faison
Anita T. Felts
Ronnie M. West
Moses Wyche

ABSENT: None

On motion by Vice-Chairman Young, seconded by Supervisor West, the Resolution was adopted by a majority of the members of the Board of Supervisors by a roll call vote, the votes being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Dallas O. Jones	YES
Walter L. Young, Jr.	YES
Walter D. Brown, III	YES
Carl J. Faison	YES
Anita T. Felts	YES
Ronnie M. West	YES
Moses Wyche	YES

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

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

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

Richard Railey, County Attorney, Julia Williams, Finance Director, Jay Randolph, Assistant County Administrator, 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 Felts, to adopt the following resolution:**

RESOLUTION OF CLOSED MEETING

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

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

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

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

The motion passed unanimously.

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

Supervisor West moved, seconded by Supervisor Felts, to authorize Chairman Jones to sign the sales contract by and between Turner Land Trust, seller, and Southampton County, buyer, whereby seller agrees to sell and buyer agrees to buy 492.2 +/- of land known as the "Turner Tract." All were in favor.

There was some discussion among the Board regarding the number of conditional use permits for dog kennels that they were considering and the excessive amount of time it was consuming. They felt they had more important business to tend to and were interested in exploring ways to streamline the process. It was consensus of the Board to have County staff research how other counties were dealing with dog kennels and try to come up with some suggestions on how to streamline the process.

There being no further business, the meeting was adjourned at 9:00 PM.

May 29, 2007

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk