

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administrative Center Drive, Courtland, Virginia on June 23, 2008 at 8:30 AM.

SUPERVISORS PRESENT

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

Chairman Jones sought approval of the minutes of the May 19, 2008 budget public hearing, May 27, 2008 regular meeting, and June 10, 2008 continued meeting. Regarding the May 19, 2008 budget public hearing, Supervisor Brown called attention to the 3rd sentence of the 4th paragraph from the bottom which stated, "If he (Supervisor Brown) had his way about it, he would take money out of land use and put it in the schools." He advised that he would like the statement, "*and he had a farm*" to be added to the end of that sentence, as that was what he actually stated. The minutes were approved with the correction noted by Supervisor Brown.

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

Chairman Jones thanked Mr. Lomax for the very nice Trooper Hill bridge dedication ceremony. Mr. Lomax gave credit to the maintenance crew, public affairs staff, and office staff.

Mr. Lomax advised that they had some problems with the contract mower. They had often taken crew members off of secondary mowing and put them on the primary roads to try and take care of the hot spots. The contract mower was supposed to be back in Southampton County tomorrow to start at the Blackwater and come back again. Mr. Lomax noted that they had made some adjustments on the contract mower's pay. They wanted to make sure they were getting the best bang for their buck. Obviously, the mowing needed some improvement. He thought the workforce of the contract mower was spread a little thin right now. He stated that VDOT Superintendents were working on mowing the secondary roads.

Mr. Lomax informed that they were getting ready to start the next fiscal year July 1. HB527 would kick in regarding land development, plan reviews, fees, and impact studies that would be due. They were in the process of interviewing for a staff engineer to assist them with that as they helped the County make the transition as well.

Mr. Lomax advised that they were continuing to work on the secondary bridges. They replaced 6 bridges this year and would try to replace 6 or 7 more critical bridges next fiscal year.

Vice-Chairman Young commended Mr. Lomax and the Franklin Residency for their hard work.

Vice-Chairman Young asked for an update on Edgehill. Mr. Lomax advised that they should be

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getting the permits back at any time. If getting the permit for the ditch was going to take a lot of time, they would go ahead and get the pipe in first and then take care of the ditch with a separate project. He noted that they planned to contract it out and have the pipe professionally installed.

Supervisor Faison asked about the sediment on Route 668 – the wind had blown sand out of the field and into the ditch. Mr. Lomax advised that VDOT was responsible for the ditch, but the field belonged to the property owner. VDOT may line the back of the ditch with a silt fence and see if that helped. The main thing was stabilizing the land, but they did not own the land. They would talk to the owner/farmer and see if there was something different he could do to help the problem. Mr. Lomax remarked that there were other fields similar to this one that were not creating a problem, so he curious as to what those landowners were doing versus what this gentleman was doing.

Supervisor West thanked Mr. Lomax for the plant mix on Route 603 and Route 635. Mr. Lomax gave credit to Benny Necessary, Superintendent. Supervisor West stated that he had some concerns with the mowing, but he knew that was being addressed.

Supervisor Felts asked if lines had been painted on Storys Station Road? Mr. Jerry Kee, Assistant Residency Administrator, replied no, but it was on the schedule.

Supervisor Brown commended Mr. Lomax for his involvement in the Trooper Hill dedication bridge ceremony. Supervisor Brown advised that the crews were doing a super job on the grass cutting, but a few mailboxes had been hit. Unfortunately, one of them was his.

Supervisor Brown stated that as they knew, the General Assembly was reconvening today regarding transportation, and Governor Kaine was looking at raising taxes to bring about an additional billion dollars in transportation revenue. If there was an impasse and this did not come to closure, what would be the long-term effect on transportation in Southampton County? Mr. Lomax replied that he thought the biggest impacts would be on the secondary 6-year plan, especially unpaved roads, and bridge replacements, as new construction was usually cut first. They had to maintain their current assets before they could spend on anything new.

Supervisor Wyche asked Mr. Lomax if there was anything they could do to help the people who lived on the dirt part of Indiantown Road between Routes 609 and 653? Mr. Lomax replied that they would be putting calcium chloride on the road as early as next week.

Chairman Jones advised that he had already spoken to Mr. Lomax about a turn lane that was needed in Adams Grove.

Mr. Johnson, County Administrator, advised that included in the agenda was a summary of the projects that would be delayed or removed from the state program because of funding shortfalls. As they were aware, our proposed interchange on Route 58 would be further delayed (at least it was not cut). The replacement of the South Quay bridge was cut and a number of our secondary road projects would be further delayed.

Mr. Johnson informed that at their places was a resolution to proceed with the paving of Old Place Road in accordance with the rural rustic standards discussed last month.

Mr. Johnson read aloud the following resolution:

The Board of Supervisors of Southampton County, in regular meeting on the 23rd day of June, 2008, adopted the following:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

WHEREAS, the Board of Supervisors of Southampton County, Virginia ("Board") desires to consider whether Old Place Road, Route 657, From: Barrow Road To: Garris Mill Road should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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

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

Supervisor Brown asked how many houses had been built in Southampton County between 1990 and 2000? Mr. Johnson replied that he did not have that information readily available, but he could get the information for him.

In regards to the personnel report, Mr. Johnson advised that Camden S. Cobb was hired in the Sheriff's Office effective 06/02/08 at an annual salary of \$29,843. Dorothy V. Augustine resigned from the Sheriff's Office effective 06/13/08. James A. Gray resigned from the Sheriff's Office effective 06/22/08. Randall L. Bailey also resigned from the Sheriff's Office effective 05/31/08.

Moving to financial matters, Mr. Johnson announced that included in the agenda was a resolution with a total appropriation of \$120,409.94. The appropriation was related to the General Fund and consisted of a myriad of expenditure refunds, insurance reimbursements, grants, and carry-over funds from previous fiscal years. Of the total appropriation, \$10,111.35 would come from the unappropriated general fund reserve, since the associated expenses were not anticipated in the FY 2008 annual budget but were subsequently approved by the Board. A full breakdown of those items was included in the agenda. Otherwise, the balance of \$110,298.59 had been received from the sources indicated and was available for the itemized expenditures upon order of the Board.

The appropriations resolution is as follows:

NEW MONEY REQUIRED FOR JUNE 30, 2008 APPROPRIATION

GENERAL FUND

500.00	Board of Supervisors/PDCCC Golf Sponsorship
3,799.38	Board of Supervisors/Volunteer Fire & Rescue Banquet
1,000.00	Board of Supervisors/Cheroenhaka Indian Tribal Heritage Foundation
500.00	Board of Supervisors/Western Tidewater Hurricanes
1,000.00	Board of Supervisors/Ivor Youth Baseball
1,000.00	Board of Supervisors/Girls' Softball
500.00	Board of Supervisors/Suffolk Blazers
1,486.50	Commissioner of the Revenue/New Position-County Match
325.47	Commonwealth Attorney/Reclassification of Position-County Fringes
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10,111.35	TOTAL NEW MONEY/GENERAL FUND

GENERAL FUND - CARRY-OVER FUNDS

315.00	COMMONWEALTH'S ATTORNEY/COST COLLECTIONS
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315.00	TOTAL CARRY-OVER/GENERAL FUND

APPROPRIATIONS - JUNE 23, 2008

11010 BOARD OF SUPERVISORS	<ul style="list-style-type: none"> (1) Reimbursement received from Supervisor Young for personal expenses/VACO (\$245.68) (2) Reimbursement received from Supervisor Brown for purchase of County flag (\$66.92) (3) Funds previously approved by Board for Paul D Camp Community College golf sponsorship (\$500) New Money (4) Funds approved by Board for banquet for Volunteer Fire & Rescue (\$3,799.38) New Money (5) Funds approved by Board for the Cheroenhaka Indian Tribal Heritage Foundation (\$1,000) New Money (6) Contribution approved by Board for the Western Tidewater Hurricanes (\$500) New Money (7) Contribution approved by Board for the Ivor Youth Baseball (\$1,000) New Money (8) Contribution approved by Board for the Southampton County Girls' Softball (\$1,000) New Money (9) Contribution approved by Board for the Suffolk Blazers (\$500) New Money
12310 COMMISSIONER OF THE REVENUE	<ul style="list-style-type: none"> (1) New position approved by the Compensation Board for FY 08--position filled Feb '08--due to shifting of positions, appropriation requested is for only amount needed for '08 (\$1,261.50) state & county match required (\$1,486.50) New Money (2) Refund received from NADA Appraisal Guides (\$116)

12410	TREASURER	Reimbursement received from towns for decals and license certificates (\$990.79)
13200	REGISTRAR	Reimbursement received for Town elections for ballots, programming & technical support (\$3,095.45)
21100	CIRCUIT COURT	State reimbursement received for jurors & witnesses (\$6,844.09)
22100	COMMONWEALTH ATTORNEY	<p>(1) Reclassification of position by the Compensation Board-- state salary & fringes (\$4,115.37) county fringe match (\$325.47) New Money</p> <p>(2) State vacancy savings funds transferred to office expenses (\$21,677)</p> <p>(3) Reimbursement rec'd from Virginia Legal Aid for scheduled training (\$35)</p> <p>(4) Carry-over funds received for Commonwealth Attorney Delinquent Collection on Criminal Cases for training/meals (\$315) Carry-Over Funds</p>
31200	SHERIFF-LAW ENFORCEMENT	<p>(1) Reimbursement received from Southampton High School for security at ball games (\$322.96)</p> <p>(2) Grant received from the Department of Criminal Justice Services (\$2,184.66)</p> <p>(3) Return premium from insurance company for vehicles transferred to School Board (\$2,224.32)</p> <p>(4) Reimbursement received for extradition of inmates (\$5,285.86)</p> <p>(5) Reimbursement received from employee for offset debt deducted by state from travel (\$110.65)</p> <p>(6) K-9 donation received from Farm Fresh & MilkBone (\$5,000)</p> <p>(7) Reimbursement received from Virginia Sheriffs' Institute for 2008 spring conference (\$248.60)</p> <p>(8) Reimbursement received from Selective Insurance for collision claim (\$17,400.94)</p>
31500	PSAP WIRELESS E-911	Reimbursement received from Wireless Board for cost of wireless trunks (\$9,225.60)
32200	VOL FIRE DEPTS	Reimbursement received from Drewryville & Sedley Vol Fire Depts for electrical costs (\$1,725.12)
32300	VOL RESCUE	Four-for-Life state funds received from Emergency Medical Services (\$16,079.11)
33100	SHERIFF-DETENTION	<p>(1) Funds received from Franklin Disposal & Recycling for scrap metal (\$4,898.45)</p> <p>(2) Reimbursement received from other localities for medical reimbursement (\$368.25)</p> <p>(3) Reimbursement received from RMS Communications Group for telephones recycled (\$8)</p> <p>(4) Refund received from Quill for office supplies (\$157.50)</p> <p>(5) Sale of department-issued service handgun to Bill Gentry--previously approved by Board (\$1)</p>

43000 BLDGS & GROUNDS (1) Reimbursement received from Rawls Museum Arts for electrical services (\$1,431.38)
 (2) Reimbursements rec'd from Dept of Social Services and Health Dept for telecommunications (\$2989.15)

83500 EXTENSION Reimbursement received for the Southampton County Pesticide Container Recycling Program (\$1,874.24)

At a meeting of the Board of Supervisors of Southampton County, Virginia on Monday, June 23, 2008

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the following appropriations be and hereby are made from the Fund to the Fund for the period of July 1, 2007 through June 30, 2008 for the function and purpose indicated:

From the General Fund to the General Operating Fund to be expended only on order of the Board of Supervisors:

4-100-11010-5500	Travel, Convention & Education	245.68
11010-5500	Travel, Convention & Education	66.92
11010-5648	Paul D Camp Community College	500.00
11010-5671	Banquet-Vol Fire & Rescue	3,799.38
11010-5720	Cheroenhaka Indian Tribal Heritage	1,000.00
11010-5745	Western Tidewater Hurricanes	500.00
11010-5750	Ivor Youth Baseball	1,000.00
11010-5755	South Co Girls' Softball League	1,000.00
11010-5760	Suffolk Blazers	500.00
12310-1100	Salaries & Wages Regular	2,219.00
12310-2210	Retirement	145.00
12310-2215	Retirement - Employee Share	262.00
12310-2300	Hospital Plan	69.00
12310-2400	Group Insurance	53.00
12310-5500	Travel Convention, Education	116.00
12410-6001	Office Supplies	483.79
12410-6021	County License Tags	507.00
13200-3325	Programming Voting Machines	1,220.95
13200-6001	Office Supplies	1,874.50
21100-3848	Jurors & Witnesses-State	6,844.09
22100-1100	Salaries & Wages Regular	4,088.00
22100-2215	Retirement - Employee Share	293.81
22100-2400	Group Insurance	59.03
22100-5500	Travel Convention, Education	35.00

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22100-6000	Cost Collection Expenses	315.00
22100-6001	Office Supplies	21,677.00
31200-1901	Part-Time/Southampton High School	300.00
31200-1902	DCJS Grant	2,184.66
31200-2100	FICA	22.96
31200-5305	Motor Vehicle Insurance	2,224.32
31200-5500	Travel Convention, Education	4,600.23
31200-5500	Travel Convention, Education	110.65
31200-5500	Travel Convention, Education	247.29
31200-5500	Travel Convention, Education	315.97
31200-5500	Travel Convention, Education	248.60
31200-5500	Travel Convention, Education	122.37
31200-6027	Canine Dog Program	5,000.00
31200-8105	Motor Vehicles	15,732.00
31200-8105	Motor Vehicles	1,668.94
31500-5230	Telecommunications	9,225.60
32200-5110	Electrical Services	325.94
32200-5110	Electrical Services	1,399.18
32300-5843	State Funds/Four-For-Life	16,079.11
33100-3310	Repair & Maintenance	170.60
33100-3800	Purchase of Serv - Other Institution	368.25
33100-5230	Telecommunications	8.00
33100-6001	Office Supplies	157.50
33100-6007	Repair & Maintenance Supplies	4,727.85
33100-6023	Ammunition/Weapons	1.00
43000-5110	Electrical Services	1,431.38
43000-5241	Telecom-Soc Ser/Health	1,733.84
43000-5241	Telecom-Soc Ser/Health	1,255.31
83500-3861	Grant #2	1,874.24
	TOTAL	<u>120,409.94</u>

REVENUE APPROPRIATION JUNE, 2008
 (REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-100-16040-0003	Reimbursements VFD-VRS	325.94
3-100-16040-0003	Reimbursements VFD-VRS	1,399.18
3-100-16050-0001	Charges for Detention	368.25
3-100-16090-0001	Health-Telephone/Custodial, Etc.	1,255.31
3-100-16110-0001	Soc Serv/Telephone, Custodial, Etc.	1,733.84
3-100-16140-0002	Electrical - RMA	1,431.38
3-100-18030-0003	Expenditure Refund	245.68
3-100-18030-0003	Expenditure Refund	66.92
3-100-18030-0003	Expenditure Refund	990.79
3-100-18030-0003	Expenditure Refund	3,095.45
3-100-18030-0003	Expenditure Refund	322.96
3-100-18030-0003	Expenditure Refund	1.00
3-100-18030-0003	Expenditure Refund	157.50
3-100-18030-0003	Expenditure Refund	5,000.00

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3-100-18030-0003	Expenditure Refund	116.00
3-100-18030-0003	Expenditure Refund	4,727.85
3-100-18030-0003	Expenditure Refund	8.00
3-100-18030-0003	Expenditure Refund	110.65
3-100-18030-0003	Expenditure Refund	170.60
3-100-18030-0003	Expenditure Refund	248.60
3-100-18030-0003	Expenditure Refund	35.00
3-100-18030-0004	Insurance Claims	15,732.00
3-100-18030-0004	Insurance Claims	1,668.94
3-100-18030-0004	Insurance Claims	2,224.32
3-100-23010-0001	Commonwealth's Attorney Salaries	4,088.00
3-100-23010-0004	Commonwealth's Attorney Employer Grp Life	27.37
3-100-23010-0006	Commonwealth's Attorney Other Cost	21,677.00
3-100-23020-0007	Extradition Expenses	4,600.23
3-100-23020-0007	Extradition Expenses	247.29
3-100-23020-0007	Extradition Expenses	315.97
3-100-23020-0007	Extradition Expenses	122.37
3-100-23030-0001	Commissioner of Revenue Salaries	1,109.50
3-100-23030-0003	Commissioner of Revenue Empl Vrs	131.00
3-100-23030-0004	Commissioner of Revenue Emp Grp Life	21.00
3-100-24040-0014	Jurors & Witnesses	6,844.09
3-100-24040-0016	Emergency Medical Service	16,079.11
3-100-24040-0025	Local Law Enf Block Grant/LETPP	2,184.66
3-100-24040-0065	Recycle Grant-Extension	1,874.24
3-100-24040-0080	PSAP Wireless E-911	9,225.60
3-100-41050-0005	Transfer In-General Fund Reserve	3,799.38
3-100-41050-0005	Transfer In-General Fund Reserve	1,000.00
3-100-41050-0005	Transfer In-General Fund Reserve	500.00
3-100-41050-0005	Transfer In-General Fund Reserve	500.00
3-100-41050-0005	Transfer In-General Fund Reserve	500.00
3-100-41050-0005	Transfer In-General Fund Reserve	1,000.00
3-100-41050-0005	Transfer In-General Fund Reserve	1,000.00
3-100-41050-0005	Transfer In-General Fund Reserve	1,486.50
3-100-41050-0005	Transfer In-General Fund Reserve	325.47
3-100-41050-0005	Transfer In-General Fund Reserve	315.00
	REVENUE GENERAL FUND	<u>120,409.94</u>

A copy teste: _____, Clerk

Michael W. Johnson

Southampton County Board of Supervisors

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

Mr. Johnson informed that included in the agenda was the semiannual appropriations resolution for the first half of FY 2009, with total appropriations of \$28,632,525.

The semiannual appropriations resolution is as follows:

At a meeting of the Board of Supervisors of Southampton County,

Virginia held in the Board of Supervisors Room on Monday,

June 23, 2008

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the following appropriations be and hereby are made from the Fund to the Fund indicated for the period July 1, 2008 through June 30, 2009 for the function and purpose indicated:

From the General Fund to the General Operating Fund to be expended only on order of the Board of Supervisors:

11010	Board of Supervisors	129,274
12110	County Administration	171,070
12310	Commissioner of Revenue	146,003
12320	Board of Assessors	8,100
12410	Treasurer	133,056
12415	Delinquent Tax Collection	12,500
12430	Accounting	116,318
12510	Data Processing	113,764
12550	Insurance/County Code	142,355
13200	Registrar	75,778
21100	Circuit Court	36,944
21200	Combined District Courts	12,971
21300	Special Magistrates	719
21600	Clerk of the Circuit Court	235,678
21700	Sheriff - Bailiff	216,492
21750	Courthouse Security	34,408
22100	Commonwealth's Attorney	272,475
22200	Victim Witness	33,713
31200	Sheriff	829,659
31400	Enhanced 911	81,844
31500	PSAP Wireless E-911	23,784
31750	School Resource Officer	23,786
32200	Volunteer Fire Departments	305,030
32300	Volunteer Rescue Squads	927,394
32400	State Forestry Service	18,560
33100	Detention	1,333,625
33300	Probation	39,070
34000	Building Inspections	59,618
35100	Animal Control	51,882
35300	Medical Examiner	250
35500	Emergency Service/Civil Defense	44,744
41320	Street Lights	22,000
41500	Assign-A-Highway Program	26,707
42300	Refuse Collection	366,386
42400	Refuse Disposal	465,185
43000	Buildings & Grounds	237,577
51100	Local Health Department	158,303
52000	Mental Health Services	80,637
53220	State/Local Hospitalization	3,568
53240	Sr Services of Southeastern	14,550
53500	Comprehensive Services Act	41,003

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53600	STOP Organization	1,706
72000	Community Concert Series	6,000
72200	Rawls Museum Arts	15,000
72500	Historical Society	30,000
73200	Walter Cecil Rawls Library	133,386
81100	Planning/Zoning	126,040
81500	Economic Development	150,000
82400	Soil & Water Conservation District	10,280
83500	Cooperative Extension Service	28,047
91400	Non-Departmental Operating	35,000
	TOTAL	<u>7,582,239</u>

From the General Fund to the Enterprise
Fund to be expended only on order of the
Board of Supervisors:

89600	Enterprise Fund Water	285,359
89500	Enterprise Fund Sewer	456,826
	TOTAL	<u>742,185</u>

From the General Fund to the Building
Fund to be expended only on order of
the Board of Supervisors:

94000	Building Fund	2,120,402
	TOTAL	<u>2,120,402</u>

From the General Fund to the School Operating
Fund to be expended only on order of the
Southampton County School Board:

61000	Instruction	9,373,071
62000	Administration	663,164
63000	Other Direction & Management	1,458,125
64000	Operation & Maintenance Services	1,722,901
68000	School Food Service	53,451
66000	Facilities	629,026
67000	Debt Service	883,414
68000	Technology/School Operating	208,597
260	Rental Textbook	246,497
265	Technology	103,000
400	At Risk 4-Year Olds	69,024
450	Early Reading Intervention	26,187
500	Title I	256,575
525	Reading First Grant	83,331
550	Title VIB Special Ed-Flow Through	322,418
560	21st Century Community Learning Center	67,935

625	Title II-A Training and Recruitment	73,229
630	Title IID Ed Tech	2,723
650	Substance & Drug Prevention	6,154
800	Vocational Special Education	24,798
850	Opportunity Inc	100,000
900	Pre-School Incentive	6,926
		16,380,546
	TOTAL	

From the General Fund to the School Operating Fund to be expended only on order of the Southampton County School Board:

65100	School Food Service	546,500
		546,500
	TOTAL	

Virginia Public Assistance Operating Fund to be expended only on order of the Social Services Board of Southampton County:

309	Welfare Administration (Eligibility)	500,381
310	Welfare Administration (Service)	370,297
313	Benefit Programs	389,975
		1,260,653
	TOTAL	

	28,632,525
TOTAL APPROPRIATIONS	

BE IT FURTHER RESOLVED that the Treasurer of Southampton County shall transfer to the accounts as indicated, the funds from time to time, as the need occurs and as funds become available.

A copy teste: _____, Clerk

Michael W. Johnson

Southampton County Board of Supervisors

06/23/08

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

Mr. Johnson advised that bills in the amount of \$2,132,447.15 had been received.

Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$2,132,447.15 be paid with check numbers 87365 through 87763. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was a capital funding request from Franklin Fire and Rescue. They intended to apply the proceeds towards the purchase of a new ambulance. As they knew, beginning in FY 2000, the Board agreed to provide more than \$1.2 million over a ten (10) year period for capital improvements for fire and rescue. The

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allocable share for each fire department in FY 2008 was \$13,000 and for each rescue squad, \$6,500. Funds were earmarked annually for each department or squad and held in escrow pending specific approval by the Board of Supervisors. Escrowed funds continue to accrue for each department/squad if not drawn down. He advised that the table included in the agenda indicated the status of capital appropriations since FY 2000. As they could see, Franklin Fire and Rescue had accrued \$82,500 in capital funding, not having drawn any proceeds down since FY 2003. They were seeking to draw down \$31,000 of their \$82,500 with this request. Through June 18, 2008, the Board had collectively appropriated \$1,009,500 for fire and rescue improvements and were holding in escrow an additional \$120,500. The request was in order.

Supervisor Wyche moved, seconded by Supervisor Felts, to approve the capital funding request of Franklin Fire and Rescue in the sum of \$31,000. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was correspondence from Mayor James Council seeking the Board's consideration of participation in the Cost Sharing Agreement associated with the Chowan River Basin study. The study would be performed by the Army Corps of Engineers at a total cost of \$90,000, half of which would be federally funded. The remaining balance of \$45,000 would be shared equally by the seven (7) Virginia communities on the lower end of the drainage basin – namely, Greensville, Emporia, Sussex, Surry, Southampton, Isle of Wight and Franklin. Each community's pro-rata share was accordingly \$6,428.57. He advised that the study was expected to identify the location, number and types of river gauges for the Blackwater, Nottoway and Meherrin Rivers that may better predict the timing and anticipated extent of flood events. The study would further evaluate the use of this information in developing an early warning system for the affected localities. Once approved by all seven localities, work was expected to begin immediately and be completed by September 30, 2008.

Mr. Johnson clarified for Supervisor Felts that indications were that all of the counties would participate. He noted that Supervisor Brown was on the committee and may have comments.

Supervisor Brown stated that this study was worthwhile. He added, however, that they would later have to look at the prevention of flooding.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to authorize Chairman Jones to execute the agreement, included in the agenda, agreeing to fund Southampton County's pro-rata share of \$6,428.57 before June 30, 2008. All were in favor.

Moving forward, Mr. Johnson announced that as they may recall from their March 26, 2007 regular session, the Southampton County Historical Society shared with the Board their plans to restore the Rebecca Vaughan House and create certain museum exhibits to tell the story of the 1831 Southampton Insurrection. The estimated cost of the project was \$650,000 and the consensus of the Board, following that presentation, was that the County would assist and cooperate in the following ways:

- Provide \$25,000 in the FY 2008 operating budget towards this project (an additional \$25,000 was subsequently included in the FY 2009 budget as well);
- Serve as a conduit for any state or federal grants for which this project may qualify;
- Serve as fiscal agent for any state or federal grants received and
- Assist in hiring an architect to meet the National Register of Historic Places standards.

Mr. Johnson continued that included in the agenda was a proposed agreement for architectural services with Traub Architecture + Design, a Raleigh, NC based firm. Traub's services were procured in accordance with the Virginia Public Procurement Act in response to a Request for Proposals we issued last August. The terms of the agreement were negotiated by the Historical Society and its representatives and the Historical Society would ultimately be paying for the architectural services. They had asked Southampton County to serve as contract signatory since the County would be functioning as fiscal agent for all of the grant proceeds related to the project.

Supervisor Brown stated that this was a great thing for the County, as anything related to history would bring tourist dollars into the County.

Supervisor Brown advised that he would like a projected impact in dollars as a result of this

investment. Mr. Johnson advised that he would request that information from John Quarstein, historian hired by the Historical Society to assist with the project.

Vice-Chairman Young moved, seconded by Supervisor Felts, to authorize the County Administrator to sign the contract, included in the agenda, subject to confirmation of approval by the Southampton County Historical Society. All were in favor.

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

SUB VAR 2008:01 Application filed by William H. Riddick, III, representative, on behalf of Cheverly Limited LLC, owner, requesting a variance to the subdivision ordinance of the Southampton County Code, Section 14-122, Cul-de-sacs. The purpose of the application is to allow extension of the Darden Point Road cul-de-sac for an additional length of 1100 feet. Section 14-122 provides a maximum cul-de-sac length of 400 feet. The property is currently zoned R1, Residential and is located at the terminus of Darden Point Road (Rt. 1017) in the Darden Mill Estates subdivision and is further identified as Tax Parcels 46A-5-16A, 16B & 16C. The property is located in the Jerusalem Magisterial District and Jerusalem Voting District.

Mr. Jay Randolph, Assistant County Administrator and Secretary to the Planning Commission, reported that the Planning Commission held a public hearing on this application at its May 8, 2008 meeting and recommended denial on a vote of 8-0.

Chairman Jones opened the public hearing.

Mr. William. H. Riddick, III, addressed the Board. He advised that he was an attorney from Smithfield representing the applicants, Darren and Mary Stauffer (Cheverly Limited LLC). He provided each Board member with a 3-ring binder containing information and exhibits regarding the application. He noted that Mr. Stauffer would assist him in displaying the plats on the easel. He stated that this request was for a waiver from a provision of the subdivision ordinance which indicated that a cul-de-sac should not exceed 400 ft. in length. This property was at the end of Darden Point Road. The cul-de-sacs in that subdivision already far exceeded 400 feet. The plat on the easel was the first plat of the proposed subdivision that they submitted to Southampton County for approval. That configuration was deemed by the Planning Department to be in compliance without a variance back when they first started talking about this. In other words, the length of the street network from the end of the existing cul-de-sac did not exceed 400 ft. in any direction. Several years ago when Mr. and Mrs. Stauffer were talking about buying this property, they did their due diligence. They met with Mr. Coggsdale and went so far as to have a preliminary plat of the subdivision prepared before they ever bought the property. That plat could be found behind Tab 3 of the binder. They brought the plat in and met with County staff and discussed whether or not this property could be developed under the current zoning ordinance – and it was the opinion of staff at the time that it could. They went into long discussions about the overall development of this. Staff suggested that perhaps the proposed plat that Mr. Stauffer was now displaying on the easel (which was an amendment of the preliminary plat) would be a better subdivision because it would provide for potential connectivity at the end. For example, if there was a fire, there could be access from Ward Lane, which was a private road. Mr. and Mrs. Stauffer were talking about enhancing the water system – there were all kinds of discussions about improvements that could be made if that plan were developed. He noted that this was the plan that was submitted and went to the Planning Commission and Board of Supervisors several years ago. Because the cul-de-sac in this plan now exceeded 400 feet (in the preliminary plan it did not), it was staff's opinion that the applicants had to seek a variance to Section 4-122 of the subdivision ordinance, which indicated that a cul-de-sac could not be more than 400 feet. That went through a long process and was defeated. Of course Mr. and Mrs. Stauffer were very disappointed because they thought they had done everything they could possibly do. All that could be expected of someone was to sit down with the people in charge of interpreting and enforcing regulations, and that was what they did. And they got the opinion that they could do what they wanted to do. After that plat was turned down, they went back to their original (preliminary) plat, which staff had said would not require a variance, and resubmitted it. Staff now said that a variance was needed, and they did not think that was an accurate interpretation of the ordinance. If it was, they believed it would be appropriate and incumbent upon the Board of Supervisors to grant this relief. The

standard for granting a waiver to the subdivision ordinance was much different than granting a waiver to the zoning ordinance. If there had ever been an injustice, this was an injustice because these people did everything they could. Before they every bought the property, they came in and asked, what could they do with the property, was it properly zoned, did it meet the comprehensive plan, and could they proceed? The answer in every case was yes until they brought the property and people started complaining about it.

Mr. Riddick advised that Section 14-122 of the subdivision ordinance was adopted back in 1976. And since that time, the County had approved numerous subdivisions with cul-de-sacs exceeding 400 feet. They had either approved them and not required a waiver, or they granted a waiver. But in most instances, when they had approved subdivisions with cul-de-sacs exceeding 400 feet, there was no requirement that anyone seek a variance. There were 3 specific examples, all of which had occurred during the time period that Mr. and Mrs. Stauffer had been trying to get their property approved. In the binder, Tabs 5-7 contained that information, followed by minutes of the meetings in which these subdivisions were considered. The first was the Sandy Creek subdivision with 3 cul-de-sacs, Brook Run Court, Spring Branch Court, and Meadowbrook Court, that were 800 ft., 620 ft., and 425 ft. in length respectively, and no variance was required. The Cypress Heights subdivision also had a cul-de-sac that exceeded 400 ft. in length, but no variance was required. And most interestingly, the Southampton Business Park, the County's property, had a cul-de-sac that exceeded 400 feet in length and no variance was required. The only instances where variances had been required were with developers who did not reside in Southampton County. That was an unequal application of the laws – they were supposed to treat everyone the same.

Mr. Riddick continued that the Darden Mill Estates subdivision was contemplated over a long period of time by the Planning Department and was approved in phases by the Planning Commission and Board of Supervisors. And in every instance, the plats of the subdivision had cul-de-sacs that exceeded 400 ft. in length and no variances were required. It was never a secret that there was a piece of property at the end of Darden Point Road – it had always been there and it always showed an extension to that property. They were just asking that the Board grant the relief to allow the Stauffers to proceed with the development that had already been contemplated. He stated that he clearly did not do a good job at the Planning Commission, because this got to be a question of should this be used for residential purposes, and that was not the question at all. The Board made that decision a long time ago when they rezoned the property to its current zoning designation which permitted this kind of development. The only question was were they going to apply the provision, Section 14-122, which stated that you could not have a cul-de-sac that exceeded 400 feet. But they had already done that. They had done that in phases 1, 2, and 3 of Darden Mill Estates, and this was just an extension of that. They had also routinely granted relief from this provision or just ignored it on its face and approved subdivisions with cul-de-sacs that exceeded 400 ft. in length.

Mr. Riddick continued that there had been no showing that this was a safety issue. There were complaints by people who lived nearby in that they did not want any more development. They were completely sincere and were not bad people. It was the “not in my backyard syndrome.” Everybody would rather see things stay the same way as they had always been – that was just human nature. But then again, there were rules that needed to be applied fairly. There was a constitutional argument that people were entitled to be treated fairly – that there was equal protection. Everybody was entitled to have the laws applied to them in the same uniform and fair manner that they were applied to everyone else. He certainly believed that the Board was committed to doing that. Public opposition was not a reason to turn this down. Just because people don't like it, that was not a reason. They had already made the decision that this was the place for residential development. They were only asking that the Board grant the same relief that they had granted all the other developers he had cited, as well as the original development of the Darden Mill Estates subdivision. This was clearly an instance where there was an injustice and a hardship. The Board had the ability to grant that relief. The topography of this property dictated that there was a reason to do this. The lake ran down one side, and it was not feasible or reasonable to make a connection at any other place. This was the only reasonable and feasible place for development. Mr. Darren Stauffer noted that the Army Corp of Engineers had delineated the wetlands in this area. Mr. Riddick continued that this was not a situation of their own making. This occurred over a long period of time. All they were asking was to be able to do what was originally contemplated. He thanked the Board for their consideration. He asked for an opportunity to rebut any matters that may come up in the public hearing.

Supervisor Faison asked about the mention that Ward Lane could be used for emergency purposes. Mr. Riddick clarified that Mr. Stauffer met with the fire chief, and the fire chief advised that there were several 9-1-1 addresses back there, and in the case of an emergency, it would be possible to get a fire truck down Ward Lane. That's why Ward Lane was noted as an emergency access on the plat that was submitted and defeated several years ago. Ward Lane was a private road owned by Mr. (Ryland) Beale. He clarified that what they had resubmitted did not include Ward Lane. This resubmittal was what staff had originally said did not need a waiver – now staff was saying it did need a waiver. When this matter was first heard several years at the Planning Commission, Mr. Jay Randolph said on the record that the applicants could do this development by right without a waiver. Now they had resubmitted and it was staff's opinion that a waiver was required.

Ms. Mandy Hall of 19034 Lakeside Drive spoke. She advised that she and her neighbors loved their children and their dogs. They loved having the freedom to stop and talk to each other. They invested in a particular lifestyle. The increased traffic that would come along with approving this application would be dangerous.

Supervisor West asked how many houses were in the Darden Mill Estates subdivision now? Mr. Jay Randolph, Assistant County Administrator and Secretary to the Planning Commission, replied 50-60 homes. He noted that this application would essentially allow up to 22 more homes to be built.

Mr. Richard Rogers of Darden Point Road spoke. He advised that he lived at the end of the cul-de-sac. The other cul-de-sacs the attorney mentioned that were allowed to be over 400 ft. in length were new cul-de-sacs. It was allowed when they were created. The subject cul-de-sac already existed and now they wanted to add on to it. They were very different circumstances.

Mr. Barry Pavlina of Darden Point Road spoke. This request had been before the Planning Commission and Board of Supervisors numerous times. He thought the property should be down-zoned back to A-1. The residents of Darden Mill Estates were unanimously against it. He thought this situation was self-inflicting.

Ms. Susan Everette of Lakeside Drive spoke. She stated that she was against the extension of the cul-de-sac. She had a small child. There were woods behind her house and she wanted to keep the neighborhood the way it was. This was an *existing* neighborhood and *existing* cul-de-sac that they wanted to extend, and that should be considered.

Mr. Aaron Zurfluh of Darden Point Road spoke. He advised the he had concerns regarding fire and rescue access and traffic. There were laws on the books and the laws should be followed. The applicant was not asking for a small waiver – they were asking for a substantial waiver. He asked the Board to deny the request.

Mrs. Irene Darden Field spoke. She advised that she owned Dardens Mill Pond. She looked at the property before the Stauffers did, and it was platted for 3 houses – the rest of it was wetlands. She stated that Ward Lane was not good for emergency purposes.

Mr. William Johnson of Darden Point road spoke. He stated that he owned 2 acres and moved there for the environment. He did not want this request to be granted. Mr. Riddick pointed out several new projects with cul-de-sacs exceeding 400 feet. This cul-de-sac was already 1200 feet, and now they wanted to extend it. This was one individual with 40 acres looking to make money. You could not put a value on a great place to live – there was a lot of wildlife, geese, and owl. All of the increased traffic would come right beside his property. The road was supposed to be a 22 ft. hard surface road, but it was not. If this was granted, it would be chaos back there. In his opinion, the comments Mr. Riddick made did not hold water.

Ms. Lynn Rabil spoke. She advised that she used to own property At Darden Mill. There had been inconsistencies and she thought what Mr. Riddick said did hold water. Perhaps the County could think about acquiring the property for a park.

Ms. Sandy Kirkland of Lakeside Drive spoke. She stated that she had resided there since 1986. There was no fire hydrant in the neighborhood. The closest fire hydrant was on Sycamore Avenue. She had been on Ward Lane, and it was not adequate for fire and rescue vehicles.

Ms. Pat Sawyer of Darden Point Road spoke. She advised that she moved back here from Florida. Most of the homes in the subdivision were located on large lots. There were a lot of children and dogs. Darden Mill was unlike any other area in the County. There were problems with the curve near Ward Lane. Putting that many houses back there was not good. What about fire hydrants, what about security, where would the wildlife go?

Mr. Ryland Beale of Governor Darden Road spoke. He stated that he had been there since 1930. He wanted to clear up something – Ward Lane was a 15 ft. dirt road used for ingress and egress. Nobody did anything to maintain it but him. He understood that Mr. Stauffer may have bought the property based on being misled by Mr. Coggsdale. Mr. Beale stated that he had enjoyed the pond for 70 years. Mrs. Field, the owner of the pond, was a fine person. They could not stand 20 houses back there. He knew Mr. Riddick's whole family. He was not saying he right, and he was not saying he was wrong. This had been before the Planning Commission and Board numerous times, and now there was talk that they might sue.

Ms. Virginia Cutchin spoke. She advised that she strongly objected to the variance request. A variance on Darden Point Road already existed. To approve another cul-de-sac extension would be adding another 1700 ft. to Darden Point Road. That would be a dangerous situation regarding fire and rescue access. A large number of residents could not be here this morning. She wondered if this application was planned for a morning meeting.

Mr. Darren Stauffer clarified for Ms. Cutchin that the 1100 ft. they were requesting was being measured from the end of the paved Darden Point Road.

Mr. Ash Cutchin of 29018 Darden Point Road spoke. He advised that he resided just a few hundred feet from the proposed cul-de-sac. He submitted letters of opposition from several residents who could not be here this morning. Those residents were Brandon and Julie McMahan, Glenn and Kim Banty, John and Helen Bryant, and Jerry and Melissa Rose. Mr. Cutchin advised that Mr. Riddick stated that Waverly Coggsdale misled the applicants. He may have, but that was hearsay and should carry no weight. A cul-de-sac was defined as a minor terminal street. Terminal meant "the end". Darden Point Road, at least the paved portion, was already a cul-de-sac, a minor terminal street with an ending. It was approximately 3/10 mile from where it intersected with Lakeside Drive. Lakeside Drive was also a cul-de-sac. There was a sign at its beginning that stated "no outlet." Section 14-122 of the subdivision ordinance stated that "Generally, minor terminal streets designed to have one end permanently closed shall be no longer than 400 ft. to the beginning of the turn around." The word *generally* implied that there could be exceptions. Darden Point Road was already itself an exception at 1710 ft. Mr. Riddick made reference to several other cul-de-sacs that exceeded 400 ft. in length. Mr. Cutchin stated that he supposed that each of them were looked at on their own merits. The way he saw it was that each one was approved before the surrounding property was developed. The only neighbors at the time were snakes and squirrels and other wild critters with no voice at a public hearing, which was unlike this issue. Mr. Riddick stated at the Planning Commission public hearing that the opposition was based on emotion and not the law. Mr. Cutchin acknowledged that he and his neighbors were emotional about it. After the Planning Commission recommended denial of this application, Mr. Stauffer came up to him as they were leaving and said, "it's just business Ash, it's just business." He believed Mr. Stauffer and he respected that statement. To him, it was just business. He was a developer and lived somewhere else. He was not implying that this should be refused because he lived somewhere else. To those who did live there, it was more than business – it was their little neighborhood.

Mr. Cutchin advised that accesses to homes within a subdivision by rescue personnel, the length of standard fire hoses, and pump and pressure limits on fire trucks were all reasons he had been given by others for limiting the length of cul-de-sacs. They were all safety issues. Since there was no other outlet or inlet, a stalled vehicle or any other type of obstruction would endanger the lives of he and his neighbors in the event of an emergency. In the 10 years he had lived in Darden Mill Estates, he had seen "no outlet" streets blocked at various times by wind-blown trees, high water, and construction equipment. Fortunately, they had not had an emergency requiring an ambulance or fire truck so far while the streets were blocked. If public safety was one of the main reasons for limiting cul-de-sacs to 400 feet, he would beg in the name of public safety, to comply with the ordinance and deny the request as recommended by the Planning Commission twice. He asked

them to drive along Darden Point Road and feel the pavement – the soils were inadequate for good streets. Granting a variance that would triple the 400 ft. requirement would be detrimental. If they granted this variance, they would be caving in to developers. Nothing Mr. Riddick stated was comparable. None of the examples he cited were where an existing cul-de-sac had been extended.

Ms. Yvonne Kastelnick of Millstone Circle spoke. The applicants did not talk to the residents and ask their views. This was a bad idea. Traffic would be a problem. She had been opposed to it from the very beginning.

Mr. Steve Brown spoke. He stated that he wanted to go on record as being strongly opposed to it.

Mr. John Smolak of Darden Point Road spoke. He advised that he supported the concerns of his neighbors. He had lived there for 2 ½ years and had never heard from the applicant nor had the applicant held a community meeting. There was a lack of communication from the developer. Safety, traffic, roads, etc. were all viable concerns.

Mr. Glenn Updike spoke. He advised that he did not live in the area of Darden Mill Estates. The residents were showing that they wanted to keep their rural lifestyle. The Board needed to stop developers from biting off a little bit at a time.

Ms. Claudia Everett of 18443 Lakeside Drive spoke. She stated that she was concerned for the children in the neighborhood, children riding bikes, etc. She moved out there for the quiet environment. She did not want crime, litter, noise, and disrespect for other people's property in her neighborhood. She added that it was impossible for a truck to get through Ward Lane.

Mr. Jeffrey Hall of 19034 Lakeside Drive spoke. He advised that he drove by Ward Lane on Saturday and saw Mr. Beale and an employee trying to get the tractor down the lane. It was not a suitable access for emergency vehicles.

Ms. Pat Johnson of Darden Point Road spoke. She advised that she had lived there for 3 months. They moved there for the lifestyle. The realtor told them that only 3 houses could be built at the end of Darden Point Road. There was rotten wood on the subject property beside their house. They have been trying to make it look better. She asked all those opposed to raise their hands.

Ms. Virginia Cutchin spoke again. She stated that she knew that the current plat that had already been platted for this property had an 800 ft. variance. She was sure Mr. Stauffer was not counting that in his calculations.

Mr. William Riddick, attorney, spoke again. He stated that he understood the emotional position of the neighbors. Nobody was ever interested in seeing something happen that was different than the way it had always been – that was just human nature. But if that were the position, however, all of the residents who lived on Darden Point Road would not have had any place to live because everyone on Lakeside Drive would have opposed it. Lakeside was a noncompliant street in that it exceeded 400 ft. He and his clients were not here because they were trying to cram something down people's throats. His clients did exactly what any reasonable person should have done and should be expected to do. They relied on County staff to give them guidance. The proposal they were submitting was one that was already deemed to be in compliance by County staff. They did not have anything more than 400 ft. cul-de-sacs at the end of a platted street. And that was the position the County had taken on numerous cases – most recently Cypress Cove. It was incorrect to state that there had been none improved that were an extension of an existing cul-de-sac, because they recently approved one without a waiver. They were not asking for anything that had not already approved in the past for others. They were asking to be treated fairly, regardless of whether or not Mr. Stauffer resided in Southampton County.

Mr. Riddick clarified for Supervisor Faison that the proposal they were submitting this morning had been deemed by Mr. Randolph to be in compliance and no variance would be required. He stated that in a public meeting a few years ago. The position of County staff now was that it would require a waiver.

Mr. Riddick clarified for Supervisor West that the road being requested would be built to VDOT standards and would be paid for by the developer. Mr. Riddick clarified for Supervisor West that

Ward Lane was not an issue – it was not considered in the current proposal they had submitted. It was a point of discussion the last time they submitted a proposal.

Vice-Chairman Young asked Mr. Riddick was he saying that developers were not being treated equally? Mr. Riddick stated you could draw your own conclusions, but they had approved developments for some where no variance was required and there was no public hearing, even though the cul-de-sacs exceeded 400 ft. in length. The County approved its own business park without a waiver. The rules applied to everyone and they should be applied equally and fairly no matter who you are, where you are from, or what kind of development it was.

Vice-Chairman Young stated that he was confused. He had heard the statement by several people lately that developers were not being treated equally. He noted that the reasons given by those who spoke against the application this morning were all personal. When he bought his property, there was not a bypass and 27 apartments nearby. He was still confused.

Chairman Jones closed the public hearing.

Supervisor Brown stated that justice had a double-edge sword. He understood there had been other projects where the cul-de-sac exceeded 400 ft. However, he did not think there had been any projects approved where the cul-de-sac had been extended. With this project, there was a cul-de-sac in existence already, and people had bought homes based on that existing cul-de-sac. Now there was a developer wanting to extend the cul-de-sac. Did the spirit of the code really intend to authorize the extension of a cul-de-sac in an area where residences already existed and people bought their property based on the existing cul-de-sac under the impression that it would be a terminal street? He asked Mr. Richard Railey, County Attorney, to comment on that.

Attorney Railey advised that the job of making that determination was that of the Board. The language in Section 14-122 started off with the word *generally*. In his opinion, that was not good statutory language because he was used to things saying, you *shall not* drive faster than 55 mph, for example, and this stated *generally*. It stated “*generally*, cul-de-sacs were limited to 400 ft.” And then Section 14-12 made a provision for a variance, although generally the law in Southampton County was 400 ft. So to put one cul-de-sac on top of another was generally contrary to the rules, unless a variance was granted. A concern raised by Mr. Riddick and then echoed in by Vice-Chairman Young was the equal protection clause and due process clause of the 14th amendment that basically commanded that people be treated equally. But every cul-de-sac situation was not the same. And what the 14th amendment prohibited was arbitrary and capricious discrimination. He noted that there was a lot of difference in the cul-de-sac in the Business Park, which did not have residential development or density, but had fire hydrants and a water tank. There were no safety issues with that cul-de-sac. If there were safety issues with the proposed cul-de-sac extension – this was a wooded area with no fire hydrants and a private water system in which they had heard complaints from time to time – then they certainly could certainly look at it different. They had the authority to approve it or deny it, as long as they had good reason.

Supervisor Felts advised that at the Planning Commission meeting, the fire chief stated that getting a fire truck back there could be difficult. She was not in favor of granting the request.

Supervisor Faison stated that he wanted to be fair to developers, but he also wanted to be fair to the public. People bought into this subdivision because they thought the cul-de-sac was the end.

Supervisor West advised that public safety was important. He could not support this. There was a lack of communication on the developer’s part with the neighbors.

Supervisor Wyche stated that he could not support it, although it appeared as though the developer may have been misled.

Supervisor Felts moved, seconded by Supervisor Brown, to accept the Planning Commission’s recommendation and deny the request. All were in favor.

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

A proposed ordinance to amend the Southampton County Code by adding new sections 13-12 through 13-15 as they relate to solid waste collections by a private service provider. Said amendment establishes the procedures for issuance and revocation of permits for the collection and disposal of solid waste by private collectors or contractors and establishes requirements related to hours of operation and frequency of collections.

The ordinance is as follows:

AN ORDINANCE TO AMEND CHAPTER 13 OF THE SOUTHAMPTON COUNTY CODE BY ADDING NEW SECTIONS 13-12 THROUGH 13-15 AS IT RELATES TO SOLID WASTE COLLECTIONS BY A PRIVATE SERVICE PROVIDER

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, as illustrated herein below:

Sec. 13-12. Permit--application.

Application for a permit required by Sec. 13-11 herein above shall be submitted to the county administrator or his designee and shall include:

- (a) The private collector or contractor's name.
- (b) The address and telephone number of the applicant.
- (c) The address and location of the solid waste containers to be serviced.
- (d) The character and description of material to be collected.
- (e) The equipment to be used, including the location and type of receptacle.
- (f) Such other requirements as the county administrator or his designee deems necessary.
- (g) The applicant shall pay the established permit fee and post a deposit when required.

Sec. 13-13. Same--Issuance and revocation.

(a) The county administrator or his designee may authorize the private collection and disposal of solid waste by private collectors or contractors, and issue a permit applied for under this article, when:

- (1) The person or organization abides by rules and regulations promulgated by the county administrator.
- (2) The director of public health or his designee determines that the containers used are adequate for the quantities of waste.
- (3) The director of public health or his designee determines that the private collector or contractor has an adequate, safe and sanitary disposal site lawfully available to him which he uses.

(b) A permit may be revoked by the county administrator or his designee when any applicable law, code, ordinance regulation is not complied with, or when any of the permit conditions or requirements are not complied with.

Sec. 13-14. Hours of operation near residential zones.

No person shall operate a private collection business within the county within six hundred (600) feet of any area zoned residential within the terms of the zoning ordinance of the county, except between the hours of 7:00 a.m. and 5:00 p.m.

Sec. 13-15. Frequency of collections.

The frequency of collections by private collectors shall be at least once per week or as often as deemed necessary by the county administrator or his designee for the protection of public health or the prevention of the public nuisance.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : June 23, 2008

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

Supervisor West moved, seconded by Supervisor Brown, to adopt the ordinance. All were in favor.

Mr. Johnson clarified for Supervisor West that the ordinance would be enforced on a complaint basis.

Moving forward, Mr. Johnson announced that as they recalled from their April 28, 2008 regular session, the Board accepted the detailed proposal of Southampton County Infrastructure, LLC and authorized him to negotiate the terms and provisions of a comprehensive agreement for the water and sewer improvements, subject to their final approval. He advised that he anticipated having the actual agreement on the agenda next month, but wanted to provide a bit of a project status update and allow our financial advisors, Davenport & Company, to provide the Board the benefit of their review and evaluation, which was actually the next agenda item.

Mr. Johnson presented a brief PowerPoint presentation. He advised that in February 2006, the Board contracted with the Timmons Group to prepare a Courtland Wastewater Master Plan. The current Courtland WWTP was constructed in 1980, there had been no significant equipment upgrades in 28 years, treatment units were near the end of their useful life, and mechanical equipment showed signs of corrosion. There were also capacity issues. The design capacity was .303 MGD. The Virginia Department of Environmental Quality (DEQ) regulations dictated that when 85% of capacity was reached (0.258 MGD), plans for expansion must be developed, and when 95% of capacity was reached (0.288), expansion construction must begin. He noted that in 2006, the average daily flow was 0.240 MGD, and in the last 90 days, the average daily flow was 0.257 MGD. The increase could be attributed to development such as the Feridies expansion, Southampton Terminal, and Palms Motel. Development in the very near future that would affect capacity would include townhouses on Business Route 58 in Courtland, Hardees on Route 58, and the new Riverdale Elementary. He noted that Riverdale Elementary would be on a temporary pump and haul permit, but must be connected to the system.. Development that may further affect the capacity in the next several years included the Turner Tract, Villages of Southampton, and other residential developments. He advised that pushing us was 1) the current plant was at the end of its estimated useful life, 2) we would reach the limits of capacity in the next 2 years, 3) it would take 2 years to design, permit and build the new plant, and 4) Riverdale Elementary must connect.

Mr. Johnson advised that included in the PPEA proposal was a 1.25 MGP new WWTP, 9,000 linear ft. sewer force main, 11,000 linear ft. gravity sewer line, and 1.8 MGD sewer pump station. The tentative and aggressive timeline would be to sign the agreement in Summer 2008, complete the design in Spring 2009, have the pipelines completed in Winter 2010, and have the plant completed by Summer 2010. The design & permitting would cost \$2,798,000, WWTP - \$15,498,000, pump station - \$3,273,000, and pipelines - \$5,026,000 for a total of \$26,595,000. Facility fees were important for capital recovery. Our current wastewater facility fee was \$2,000. The projected facility fee needed for capital recovery was \$10,713. He noted that that facility fee was comparable to that of Virginia localities that had made similar investments. He advised that pursuant to § 56.575.17(B) of the *Code of Virginia*, in addition to the posting requirements of subsection A, for 30 days prior to entering into an interim or comprehensive agreement, a responsible public entity shall provide an opportunity for public comment on the proposals. The public comment period required by the subsection may include a public hearing in the sole discretion of the responsible public entity. After the end of the public comment period, no additional posting shall be required. He intended to post the public notice of intent on June 25, 2008 and the public comment period would be June 25 – July 24. He intended to hold the public hearing on July 28, 2008, and if so inclined, the Board could authorize the project. Design could then begin on August 1, financing obtained in Fall 2008, and the project completed by Fall 2010.

Moving forward, Mr. Johnson announced that he had invited our financial advisors, Davenport & Company, LLC to review the pending PPEA proposal and evaluate the fiscal impacts of financing the water and sewer improvements it contemplated. Mr. David Rose, a Senior Vice President and Manager of their Public Finance Group, was here this morning to make a presentation.

Chairman Jones recognized Mr. David Rose.

Mr. Rose presented a PowerPoint presentation. He stated that Southampton County was seeking to build a 1.25 MGD Wastewater Treatment Plant and several additional utility related structures (i.e. Pump Station, Gravity Sewer Line and Force Main) at a construction cost approximating \$27 million. A design-build strategy was being pursued to allow the County the maximum input in the development process. Davenport had been asked to provide financing options and overall Plan of Finance which would minimize the County's all-in debt burden and annual cash flow to the General Fund. The approach to funding was to 1) review the existing debt structure of the County for possible future reductions in overall debt, 2) determine how best to structure the funding of the necessary improvements to avoid "rate shock", 3) structure any indebtedness so as to "ramp up" the debt service as the Project(s) come on-line, and 4) utilize available funds in the next 12-24 months to create a Capital Reserve Fund for mitigating future annual cash-flow spikes in debt service.

He advised that key project assumptions were:

- Total cost for the project was \$26.595 million including interceptor pump station, gravity sewer and force main, and Courtland WWTP upgrade
- Facility fees from new connections of \$100,000 per year beginning 2012 to help offset debt service,
- One cent on the Real Estate tax rate in FY 2009 equal to \$137,000 and grown at 2.5% per year thereafter
- There was \$927,128 that would be used to establish the Capital Reserve Fund which would be used to offset increases in the tax rate due to debt services spikes.

He stated that key financing assumptions were:

- All-in bond issue to be closed in late Fall, 2008
- All financing options assume a 30 year bond issue with 2 years capitalized interest and 28 years of principal amortization using an estimated interest rate of 5.50%
- Furthermore, two separate scenarios were provided:
 - Level Annual Payments beginning in 2012; or
 - Principal ramped up from 2012 until 2010; Level Annual Payments thereafter.
- Financing assumes usage of County Moral Obligation issued either via a Stand Alone issue or through the State run program – Virginia Resources Authority (VRA)
- As the debt will not be initially self-supporting, it had been added to the County's tax-supported debt calculations and reflected under all debt ratios.

Mr. Rose advised that Davenport prepared six initial scenarios. Those six scenarios were as follows, with the impact on the tax rate for each scenario denoted in bold italics:

- 1A Level annual payments beginning 2010 – no additional funds available
(9.2 cents)
- 1B Level annual payments beginning 2012 - \$6 million of developer funds over 10 years
(5.2 cents)
- 1C Level annual payments beginning 2010 - \$9 million of developer funds over 10 years
(2.6 cents)
- 2A Ramped up principal from 2012 to 2018 with level annual payments thereafter – no additional funds available
(6.5 cents)
- 2B Ramped up principal from 2010 to 2018 with level annual payments thereafter – \$6 million of developer funds over 10 years
(2.5 cents)
- 2C Ramped up principal from 2010 to 2018 with level annual payments thereafter – \$9 million of developer funds over 10 years
(1.1 cents)

All scenarios were based upon a 30 year issuance including 2 years capitalized interest at 5.5%.

Supervisor Brown stated that the presentation was very good. The developer contribution was looked at and it was very clear that developers building here needed to invest in the County.

The Board recessed at 11:40 AM in order to attend a luncheon meeting with Congressman J. Randy Forbes. *(Note: The Board was invited to a lunch meeting with Congressman Forbes at 11:45 AM at International Paper. The meeting was sponsored jointly by the Franklin-Southampton and Isle of Wight-Smithfield Chambers of Commerce. Congressman Forbes would be discussing the OLF and other community issues).*

Chairman Jones reconvened the meeting at 2:05 PM.

Mr. Johnson announced that Supervisor Brown had requested that the concept of Urban Development Areas be placed on the agenda for discussion. In 2007, the General Assembly enacted legislation requiring all localities with a growth rate of 15%, or a growth rate of 5% and a total population of at least 20,000 to designate at least one Urban Development Area in their Comprehensive Plan by 2011. Localities with less than 20,000 people and a growth rate of less than 5% may designate Urban Development Areas, if they so desired, but they were not obligated to do so. Urban Development Areas were intended to incorporate principles of new urbanism and traditional neighborhood design, which may include, among other things:

- Pedestrian-friendly road design (sidewalks and trails);
- Reduced front- and side-yard building setbacks;
- Mixed-use neighborhoods, including mixed housing types;
- Increased residential densities;
- Incorporation of commercial components and elements.

He stated that included in the agenda was the information Supervisor Brown referred to at last month's meeting, including the enabling legislation, Section 15.2-2223.1 of the *Code of Virginia*.

Supervisor Brown advised that the Weldon Cooper Center estimated a growth rate of 2.7% between 1990 and 2000 in Southampton County. That's why he asked earlier how many houses had been built in that time period. There seemed to be a strong correlation between new housing growth and population growth. We could very well be on our way to meeting the criteria by 2010 for a mandated Urban Development Area. Were we going to be proactive or reactive?

Supervisor West stated that he thought this was something to look at, but he did not think it was an emergency.

Supervisor Faison asked, if they were to look at including an Urban Development Area in the Comprehensive Plan, would it preclude development elsewhere? Mr. Johnson replied no.

Supervisor Brown stated that he still would like to know the number of homes that were built between 1990 and 2000.

Moving forward, Mr. Johnson announced that included in the agenda was an application to the Financial and Construction Assistance Program, administered by the Virginia Department of Health (VDH). The application was seeking a \$25,000 grant from VDH for preliminary engineering to evaluate and design new production and monitoring wells for the Drewryville community waterworks. The design would also incorporate additional storage capacity and booster pumps for fire protection. Because the grant required a \$3,000 local match, it was necessary for the Board to provide staff with authority to submit the application and agree to meet the \$3,000 match, if the project was funded.

Vice-Chairman Young moved, seconded by Supervisor Brown, to authorize submittal of the application and agree to provide the \$3,000 local match if the project was selected for funding. All were in favor.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was the

summary of results from the May 29 auction for unpaid real property taxes. There were more than 120 in attendance with 77 registered bidders competing for 17 different properties. The properties brought a collective sum of \$190,700, more than 95% of their assessed value. More importantly, it was reasonable to conclude that the new owners would have every intention of paying the associated real estate taxes annually.

Mr. Johnson advised that included in the agenda was correspondence from Ms. Denise Ambrose of DHCD advising of the FY 2009 allocation of Indoor Plumbing/Rehabilitation Program funds (IPR) for Southampton County and requesting the Board's consideration of designation of a program administrator. For most of the past decade, the STOP Organization, a Norfolk-based community service agency, had served as subrecipient of Southampton County's allocation of IPR funds and administered the program on our behalf. In addition, the STOP Organization was also the subrecipient for funding from Isle of Wight, Suffolk and Franklin. STOP received referrals for this program from a number of sources, including Social Services, Health Department, Inspections Department, and former project beneficiaries. He noted that no action was required unless the Board wished to designate a new program administrator.

It was consensus of the Board for the STOP Organization to continue to serve as subrecipient.

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

- 1) Fro the Virginia Department of Environmental Quality, notice of an application for a VPDES permit modification for International Paper to provide for certain out-of-season discharges, remove the prescriptive requirement for pre-release in-stream dissolved oxygen monitoring, extend the due date for submittal of the daily monitoring reports and removal of certain obsolete effluent limits and monitoring requirements.

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

- 1) From Denise Wlodyka and the Southampton County Girls Softball League, a note of gratitude for their \$1,000 contribution;
- 2) From Dr. Patsy Joyner, a note of gratitude for their sponsorship of the PDCCC Foundation Golf Tournament;
- 3) From Franklin-Southampton Economic Development, Inc., an inquiry to the Virginia Department of Corrections regarding their potential interest in extending water and wastewater services to the nearby Route 58 for commercial and industrial business growth;
- 4) From the family of Reggie Gilliam, acknowledgment of their expressions of sympathy at Reggie's passing;
- 5) From the Virginia Department of Environmental Quality, acknowledgment that the preliminary engineering report for the replacement of the Courtland Wastewater Treatment Plan is technically adequate and meets the requirements and design criteria established in their regulations;
- 6) From the Auditor of Public Accounts, a copy of their letter report regarding an audit of the Clerk of the Circuit Court (no instances of noncompliance); and
- 7) From the Department of Housing and Community Development, notice that our proposal for the Southern Rivers Watershed Enhancement Program was not selected for funding.

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

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

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

Section 2.2-3711 (A) (7) Consultation with legal counsel employed or retained by the governing body regarding specific legal matters related to the potential litigation associated with the siting of an outlying landing field;

Section 2.2-3711 (A) (7) Consultation with legal counsel pertaining to potential litigation associated with the processing and disposition of applications for amendments to the Comprehensive Plan; and

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.

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

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

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

RESOLUTION OF CLOSED MEETING

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

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

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

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

The motion passed unanimously.

There being no further business, the meeting was recessed at 2:45 PM and continued to June 30, 2008 at 8:30 AM where the Board would further consider the application for a Comprehensive Plan amendment by Hampton Roads Development, LLC.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk