

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 June 26, 2006 at 8:30 AM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

Walter D. Brown, III (Newsoms)

OTHERS PRESENT

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

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

Chairman Jones sought approval of the minutes of the May 15, 2006 Budget Public Hearing, May 17, 2006 Budget Workshop, May 22, 2006 Regular Meeting, and June 8, 2006 Special Meeting. They were approved as recorded, as there were no additions or corrections.

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

Mr. Lomax advised that they had finished grinding stumps on Route 58, had cleaned out pipes on Route 641, and had hand-cleaned ditches on Route 611. They had applied calcium chloride to Routes 641 and 638. They had finished the first round of mowing and would begin the second round after the July 4 Holiday. They had taken care of cleaning out several ditches in the Berlin-Ivor area, but he could not recall the route numbers. They had removed dead trees from Routes 666 and 186. They were going to put up “curve ahead” warning signs on Route 686 – they were waiting on Miss Utility to mark it.

Mr. Lomax informed that as a result of Senate Bill 1229, as amended, the General Assembly had mandated that the speed limit on Route 58 be raised to 60 mph. He would send copies of that documentation to Mr. Johnson. He noted that the area on Route 58 in Courtland where the stoplights would be installed was excluded and would remain 55 mph.

Mr. Lomax advised that he did not get the exact locations of ditches on Routes 654 and 653 that were of concern and needed clarification. Supervisor Wyche advised that Tim Grizzard, Superintendent of the Capron Area Headquarters, had taken care of it. Mr. Lomax advised that he also needed the location of ditches on Woodland Drive. Mr. Johnson informed that Woodland Drive was in Supervisor Brown’s district, and he was not present.

Mr. Lomax informed they planned to have the stoplights on Route 58 installed prior to the start of school, but it may be sooner.

Chairman Jones asked when the 60 mph speed limit would go in effect? Mr. Lomax replied that he thought it was in effect now – it was just a matter of putting the signs up.

Supervisor Faison asked if the speed limit would be 60 mph at the schools on Route 58? Mr. Lomax replied yes. He added that he had been expecting letters from students at the high school opposing the speed limit increase, but he never received them. School was out now, but if they could get something, even if it was from the teachers, it would help bring attention to that corridor. He noted that perhaps we could also get the School Board to request a “school zone” in that area.

Supervisor West advised that there was a sharp curve on Route 635 (Tucker Swamp Road) about ½ mile northeast of his home and there had been several accidents there. He asked Mr. Lomax to take a look at that and see what could be done.

Mr. Michael Johnson, County Administrator, reported that the General Assembly's inability to resolve transportation funding issues had forced the Commonwealth Transportation Board to adopt its Six-Year Plan based upon the current revenue forecast, which reduced funding for secondary road improvements from \$1.25 million to \$780,000. As a result, he thought it was important to schedule a meeting in the near future solely to discuss secondary transportation priorities.

Mr. Lomax advised that he just received an email this morning and it *appeared* that funding for secondary road improvements would be increased and we would end up with more than \$780,000.

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

In regards to cooperative extension, Mr. Wes Alexander, Cooperative Extension Agent, informed that Cyndi Estienne of 4-H Extension was transferring to Greenville County as an agent.

In regards to the personnel report, Mr. Johnson advised that Robert C. Inman, III of the Sheriff's Office was hired effective 06/16/06 at an annual salary of \$26,104. The annual salary of Mary J. Dunn of the Sheriff's Office increased to \$28,535 effective 06/01/06 as the result of a 12-month regrade. The annual salary of Robert B. Pearce, Jr. of the Sheriff's Office also increased to \$28,535 effective 06/01/06 as the result of a 12-month regrade. He informed that Michael A. Clouse and Jennifer K. Harness resigned from the Sheriff's Office effective 06/15/06 and 06/06/06 respectively. A. Todd Holland resigned from Public Utilities effective 05/15/06.

Moving to appointments, Mr. Johnson announced that as they knew, the terms of all three of our appointees to the Paul D. Camp Community College Board of Directors would expire June 30, 2006. Two of the three appointments had been made, as Meredith Felts, Jr. was appointed to succeed Colleen Flick in April and Louis W. Clayton was reappointed last month. The remaining appointment (or reappointment of Rebecca Worrell) needed to be finalized this month.

Supervisor Faison recommended that Alice Parker of The Hall Road, Branchville, be appointed to replace Rebecca Worrell.

**Supervisor Faison moved, seconded by Supervisor Felts, to appoint Alice Parker to replace Rebecca Worrell on the Paul D. Camp Community College Board of Directors. All were in favor.**

Mr. Johnson advised that as discussed last month, Mrs. Alice Joyner's term on the Blackwater Regional Library Board of Directors would expire June 30, 2006. Because she had already served two consecutive terms, she was ineligible for reappointment. Supervisor West had indicated that he would seek a successor for Mrs. Joyner and offer a recommendation this month.

Supervisor West advised that the person he had in mind and thought would serve declined. He would continue to seek a successor and offer a recommendation next month.

Mr. Johnson informed that included in the agenda was correspondence from Ms. Marcia Garriss, Chairman of our local Community Policy and Management Team, seeking the Board's consideration in appointing Carla Simmons to succeed Ann Barbarisi as a parent representative.

**Vice-Chairman Young moved, seconded by Supervisors Felts and Wyche to appoint Carla Simmons to succeed Ann Barbarisi as a parent representative on the local Community Policy Management Team. All were in favor.**

Moving to financial matters, Mr. Johnson announced that included in the agenda was a resolution with a total monthly appropriation of \$648,555.60. Of the total appropriation, \$8,825.51 would come from the unappropriated general fund reserve, as the associated expenses were not included in the FY 2006 annual budget and there were no other sources of identified funding. A full breakdown of these items was included in the agenda. Otherwise, revenue in the amount of

\$639,730.09 had been received from the sources indicated and was available for the itemized expenditures upon order of the Board.

The monthly appropriations resolution is as follows:

**APPROPRIATIONS - JUNE 26, 2006**

**NEW MONEY REQUIRED FOR JUNE 30, 2006 APPROPRIATION**

**GENERAL FUND**

1,000.00	Board of Supervisors-March of Dimes
500.00	Board of Supervisors-PDCCC Golf Sponsorship
6,285.51	Insurance/County Code-Worker's Compensation
1,040.00	Emergency Services-5% FEMA Match-Hazards Mitigation Plan
8,825.51	<b>TOTAL NEW MONEY/GENERAL FUND</b>

**APPROPRIATIONS - JUNE 26, 2006**

11010 BOARD OF SUPERVISORS	(1) Reimbursement received for golf shirt (\$24) (2) Funds previously approved by Board for March of Dimes match (\$1,000) <b>New Money</b> (3) Funds previously approved by Board for Paul D Camp Community College golf sponsorship (\$500) <b>New Money</b>
12410 TREASURER	Reimbursement received from towns for decals and license certificates (\$ 588.61)
12510 DATA PROCESSING	Reimbursement received from towns for forms (\$56.12)
12550 INSURANCE/COUNTY CODE	(1) Appropriation needed to allocate worker's compensation to proper department--worker's comp is a one time cost--funds are originally budgeted in one department & increase in cost above budget for worker's comp premiums (\$6,285.51) <b>New Money</b> (2) Reimbursement received from retirees for BCBS (\$8,132)
13200 REGISTRAR	Reimbursement received from board member for personal expenses (\$392.56)

21100	CIRCUIT COURT	State reimbursement received for jurors & witnesses (\$5,423.66)
31200	SHERIFF-LAW ENF	<ul style="list-style-type: none"> <li>(1) Reimbursement received from Southampton High School for security at ball games (\$891.33)</li> <li>(2) Reimbursement received from insurance for claims (\$2,917.28)</li> <li>(3) Reimbursement received from Sheriff for Verizon Wireless telephone invoice (\$35.99)</li> <li>(4) Reimbursement received for extradition of inmates (\$1,828.53)</li> <li>(5) Reimbursement received from employees for personal expenses (\$577.69)</li> <li>(6) Reimbursement received for FOIA costs (\$24.63)</li> <li>(7) Reimbursement rec'd for uniforms (\$183.90)</li> <li>(8) Restitution received from Clerk's Office for DARE (\$141.79)</li> </ul>
31600	SHERIFF-PROJECT LIFESAVER	Contributions received for Project Lifesaver (\$9,700)
32200	VOL FIRE DEPTS	Reimbursement received from Drewryville & Sedley Vol Fire Depts for electrical costs (\$1,579.86)
32300	VOL RESCUE	Four-for-Life state funds received from Emergency Medical Services (\$13,349.37)
33100	SHERIFF-DETENTION	<ul style="list-style-type: none"> <li>(1) Reimbursement received from other localities for housing of inmates (\$14,190)</li> <li>(2) Capital Credit refund from Community Electric Cooperative (\$1,066.47)</li> <li>(3) Reimbursement rec'd from inmate trust fund for postage (\$35.52)</li> <li>(4) Refund received from Galls for uniforms (\$332.99)</li> </ul>
33300	PROBATION	Reimbursement received from Tidewater Regional Group Home (\$5,017.65)
35500	EMERGENCY SERVICES	<ul style="list-style-type: none"> <li>(1) Reimbursements from FEMA (includes state and federal funds) for Hazards Mitigation Plan (\$50,960)</li> <li>(2) Local match required by FEMA for Hazards Mitigation Plan (\$1,040) <b>New Money</b></li> </ul>
43000	BLDGS & GROUNDS	(1) Reimbursements rec'd from Dept of Social Services and Health Dept for telecommunications (\$3,450.04)
51400	SR CITIZEN HOME HEALTH SERVICE	Reimbursement received from local Health Dept & SEVAMP for visiting nurse (\$24,268.92)
82500	SOIL & WATER CONSERVATION	Reimbursement received for salaries & fringes for Chowan Basin Soil & Water Conservation (\$28,247.81)

SCHOOL BOARD

- (1) Increase in state funds--see attached letters
- (2) Reimbursements received for Day Care and School Activities Accounts--see attached letters
- (3) Reimbursements received for expenditure refunds--see attached letters
- (4) E-Rates reimbursements received-see attached letter
- (5) Request to carry-over Technology Funds from FY 05--see attached letter
- (6) Request to transfer lines within certain programs--see attached letters
- (7) Increases & decreases in Federal Funds--see attached letters

At a meeting of the Board of Supervisors of Southampton County, Virginia on Monday, June 26, 2006

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, 2005 through June 30, 2006 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	24.00
11010-5644	March of Dimes	1,000.00
11010-5648	Paul D Camp Community College	500.00
12110-2700	Worker's Compensation	223.22
12310-2700	Worker's Compensation	168.09
12410-2700	Worker's Compensation	165.43
12410-6001	Office Supplies	401.61
12410-6021	County License Tags	187.00
12430-2700	Worker's Compensation	155.22
12510-2700	Worker's Compensation	106.77
12510-6001	Office Supplies	56.12
12550-2300	Hospital Plan	8,132.00
12550-2700	Worker's Compensation	(48,321.00)
13200-2700	Worker's Compensation	77.92
13200-5510	Travel-Board/LGOC/VEBA	392.56
21100-2700	Worker's Compensation	39.70
21100-3848	Jurors & Witnesses-State	5,423.66
21600-2700	Worker's Compensation	112.40
21700-2700	Worker's Compensation	4,576.48

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22100-2700	Worker's Compensation	276.41
31200-1901	Part-Time/Southampton High School	828.00
31200-2100	FICA	63.33
31200-2700	Worker's Compensation	11,069.85
31200-3310	Repair & Maintenance	796.78
31200-3310	Repair & Maintenance	2,120.50
31200-5230	Telecommunications	35.99
31200-5500	Travel Convention, Education	1,828.53
31200-5500	Travel Convention, Education	204.55
31200-5500	Travel Convention, Education	304.71
31200-5500	Travel Convention, Education	68.43
31200-6001	Office Supplies	21.84
31200-6001	Office Supplies	2.79
31200-6011	Uniforms & Apparel	40.00
31200-6011	Uniforms & Apparel	69.95
31200-6011	Uniforms & Apparel	73.95
31200-6030	DARE	141.79
31600-5510	Training/Equip Proj Lifesaver	100.00
31600-5510	Training/Equip Proj Lifesaver	9,500.00
31600-5510	Training/Equip Proj Lifesaver	25.00
31600-5510	Training/Equip Proj Lifesaver	25.00
31600-5510	Training/Equip Proj Lifesaver	25.00
31600-5510	Training/Equip Proj Lifesaver	25.00
32200-5110	Electrical Services	184.69
32200-5110	Electrical Services	1,395.17
32300-5843	State Funds/Two-For-Life	13,349.37
33100-2700	Worker's Compensation	22,889.01
33100-3800	Purchase of Serv - Other Institution	8,180.00
33100-3800	Purchase of Serv - Other Institution	2,890.00
33100-3800	Purchase of Serv - Other Institution	2,480.00
33100-3800	Purchase of Serv - Other Institution	640.00
33100-5110	Electrical Services	1,066.47
33100-5210	Postal Services	10.15
33100-5210	Postal Services	25.37
33100-6011	Uniforms & Apparel	332.99
33300-3166	Purchase of Serv & Home Care	5,017.65
34000-2700	Worker's Compensation	624.43
35100-2700	Worker's Compensation	572.46
35500-3330	Hazards Mitigation Plan	52,000.00
42300-2700	Worker's Compensation	9,817.16
43000-2700	Worker's Compensation	2,108.71
43000-5241	Telecom-Soc Ser/Health	1,609.03
43000-5241	Telecom-Soc Ser/Health	1,841.01
51400-1100	Salaries & Wages-Reg	17,460.85
51400-2600	Unemployment Insurance	39.20
51400-2700	Worker's Compensation	840.13
51400-2851	Fringe Benefits	5,169.20
51400-5510	Travel Mileage	759.54
81100-2700	Worker's Compensation	1,623.25
82500-1100	Salaries & Wages-Reg	20,635.37
82500-1200	Over-Time Salaries	1,055.25
82500-2100	FICA	1,631.16
82500-2210	Retirement	683.03
82500-2215	Retirement-Employee	1,031.75
82500-2300	Hospital Plan	3,150.00
82500-2600	Unemployment Insurance	61.25

TOTAL 182,242.23

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

4-205-61100-1120-003-1-100	INSTRUCTIONAL SAL-REG	3,304.00
61100-1621-003-5-100	ALGEBRA READINESS	1,869.00
61100-3000-002-2-100	OTHER INST COSTS-SP	1,710.50
61100-3000-003-4-100	OTHER INST COSTS-G&T	841.00
61100-3000-003-5-100	OTHER INST COSTS-OTHER	3,196.95
61100-6000-002-1-100	MATERIAL & SUPPLIES-REG	250.25
61100-6000-002-1-100	MATERIAL & SUPPLIES-REG	788.83
62120-6000	OFFICE SUPPLIES	301.57
63200-6008	VEHICLE & POWERED EQUIP-FUELS	4,585.35
64200-2700	WORKER'S COMPENSATION	239.00
64200-2700	WORKER'S COMPENSATION	10,270.00
64200-5202	TELECOMMUNICATIONS	249.71

TOTAL 27,606.16

ACTIVITY REIMBURSEMENTS

4-205-69001-1140	TECHNICAL SALARY	2,138.55
69001-1170	OPERATIVE SALARIES	7,990.97
69001-2100	FICA BENEFITS	758.75
69002-1170	OPERATIVE SALARIES	218.76
69002-1170	OPERATIVE SALARIES	341.28
69002-2100	FICA BENEFITS	14.69
69002-2100	FICA BENEFITS	26.10
69004-1170	OPERATIVE SALARIES	713.17
69004-2100	FICA BENEFITS	52.00
69005-1170	OPERATIVE SALARIES	227.50
69005-2100	FICA BENEFITS	17.40

TOTAL 12,499.17

MEHERRIN DAY CARE, PROGRAM 220

4-205-61100-1140-002-5-220	TECHNICAL SALARY-DAY CARE	5,357.59
61100-2100-002- -220	FICA BENEFITS	391.75

TOTAL 5,749.34

CAPRON DAY CARE, PROGRAM 225

4-205-61100-1140-002-5-225	TECHNICAL SALARY-CAPRON DAY CARE	1,381.81
61100-2100-002- -225	FICA BENEFITS	105.39

TOTAL 1,487.20

TECHNOLOGY PLAN, PROGRAM 265

4-205-61100-8205-005-1-265	CAPITAL OUTLAY ADD'L EQUIP-REG CO	285,558.00
61100-8250-003-1-265	INTERNET SERVICE	9,286.09

TOTAL 294,844.09

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FRANKLIN/SOUTHAMPTON CHARITIES, PROGRAM 320

4-205-61100-6003-002-1-320	READING CENTER AT HUNTERDALE	(7,173.00)
61100-6005-002-1-320	HUNTERDALE READING PROG-K.T.	7,173.00
	TOTAL	<u>0.00</u>

INTERNATIONAL PAPER GRANTS, PROGRAM 330

4-205-61100-6003-002-1-330	SOL MATERIAL-HUNTERDALE	(3,000.00)
61100-6004-002-1-330	HUNTERDALE READING RESRCE CTR 05/06	3,000.00
	TOTAL	<u>0.00</u>

TITLE I, PROGRAM 500

4-205-61100-1120-002-1-500	INSTRUCTIONAL SALARIES-REG	43,872.52
61100-1140-002-1-500	TECHNICAL SALARIES-REG	(5,879.00)
61100-1620-002-1-500	SUPPLEMENTAL SALARIES-REG	7,612.00
61100-2100-002- -500	FICA BENEFITS	5,502.00
61100-2210-002- -500	VRS RETIREMENT-PROF	11,992.26
61100-2700-002-1-500	WORKER'S COMPENSATION	582.00
61100-5500-002-1-500	TRAVEL (MILEAGE)-STAFF	500.00
61100-6000-002-1-500	INSTRUCTIONAL & EDUC MAT'L	3,942.91
61100-8200-002-1-500	CAPITAL OUTLAY ADD'L EQUIP-REG	(10,000.00)
61100-5500-003-1-500	TRAVEL (MILEAGE)-STAFF	(1,000.00)
61100-6000-003-1-500	INSTRUCTIONAL & EDUC MAT'L	(1,500.00)
61310-3000-002-1-500	IN SERVICE-REG	21,883.82
62120-1110-009- -500	SUPERVISOR SALARIES-REG	(19,404.00)
62120-1150-009- -500	CLERICAL SALARIES-REG	(9,500.00)
62120-1151-009- -500	EVALUATION SECRETARY SAL	(1,753.00)
62120-2100-009- -500	FICA BENEFITS	(1,042.00)
62120-2210-009- -500	VRS RET-PROF	1,079.00
62120-5500-009- -500	TRAVEL (MILEAGE)-ADMIN	(2,000.00)
62120-5802-009- -500	COMMUNITY SERVICES	(20,000.00)
62120-6000-009-5-500	MATERIALS & SUPPLIES-PARENT	6,000.00
64200-5201-009- -500	POSTAL SERVICES	300.00
64200-5203-009- -500	TELECOMMUNICATIONS	300.00
64200-6000-009- -500	OFFICE SUPPLIES	500.00
64200-6007-009- -500	REPAIR & MAINTENANCE SUPPLIES	(3,700.00)
64400-5400-009- -500	EQUIP LEASE & RENTAL	3,200.00
	TOTAL	<u>31,488.51</u>

TITLE VIB SP ED-FLOW THROUGH, PROGRAM 550

4-205-61100-6000-002-2-550	INST & EDUCATIONAL MAT'L	223.93
	TOTAL	<u>223.93</u>

TITLE IV, PART B: 21ST CENTURY COMMUNITY LEARNING CENTERS, PROGRAM 560

4-205-61310-1110-002-1-560	ADMINISTRATIVE SAL-REG	17,917.00
61310-1120-002-1-560	INSTRUCTIONAL SAL-REG	19,000.00
61310-2100-002- -560	FICA BENEFITS	1,439.00
61310-3000-002-1-560	PURCHASED SERVICES	25,727.00
61310-4000-002-1-560	INTERNAL SERVICES	6,600.00
61310-6000-002-1-560	MATERIALS & SUPPLIES-REG	49,800.00
61310-1120-009-6-560	INST SAL-SUMMER	12,880.00
61310-1140-009-6-560	TECHN SAL-SUMMER	1,400.00
61310-2100-009- -560	FICA BENEFITS	1,107.00

		TOTAL	135,870.00
SLIVER GRANT, PART B, PROGRAM 570			
4-205-61100-8210-002-2-570	PURCHASED SERV-SP		(3,633.00)
		TOTAL	(3,633.00)
TITLE V INNOVATIVE EDUCATION, PROGRAM 600			
4-205-61100-6000-002-1-600	INST & EDU MAT'L REG		137.00
61100-6022-002-1-600	COMPUTER SOFTWARE & HDWRE		(328.00)
61100-6000-003-1-600	INST & EDU MAT'L REG		1,436.00
61100-6022-003-1-600	COMPUTER SOFTWARE & HDWRE		(8,668.00)
		TOTAL	(7,423.00)
TITLE IIA TRAINING & RECRUITING, PROGRAM 625			
4-205-61100-1120-002-1-625	INSTRUCTIONAL SALARIES-REG		4,868.00
61100-2100-002- -625	FICA BENEFITS		(572.30)
61100-2210-002- -625	VRS RET-PROF		639.00
61100-2600-002- -625	VEC		6.00
61100-3000-002-1-625	PURCHASED SERVICES		(26,690.00)
61100-4000-002-1-625	INTERNAL SERVICES		(4,000.00)
61100-5500-002-1-625	TRAVEL		(3,315.00)
61100-5800-002-1-625	OTHER SERVICES		(2,372.00)
61100-6000-002-1-625	MATERIALS & SUP-REG		4,700.00
61100-6000-002-5-625	MATERIALS & SUP-OTHER		2,500.00
61100-3000-003-1-625	PURCHASED SERVICES		(3,474.00)
61100-4000-003-1-625	INTERNAL SERVICES		(7,400.00)
61100-5500-003-1-625	TRAVEL		500.00
61100-5800-003-1-625	OTHER SERVICES		(86.00)
61100-6000-003-1-625	MATERIALS & SUP-REG		5,000.00
61100-6000-003-5-625	MATERIALS & SUP-OTHER		2,500.00
61310-1120-002-1-625	SUPERVISOR SAL-REG		33,075.00
61310-2100-002- -625	FICA BENEFITS		2,481.00
61310-2210-002- -625	VRS RET-PROF		4,026.00
		TOTAL	12,385.70
ENHANCING EDUCATION THROUGH TECHNOLOGY, TITLE II, PART D, PROGRAM 630			
4-205-61100-4000-002-1-630	INTERNAL SERVICES		(614.00)
61100-3000-003-1-630	PURCHASE SERVICE		2,323.23
61100-6500-003-1-630	SOFTWARE		283.76
		TOTAL	1,992.99
SUBSTANCE & DRUG PREVENTION, PROGRAM 650			
4-205-61100-1140-003-1-650	TECHNICAL SALARIES-REG		9,869.87
61100-2100-003- -650	FICA BENEFITS		725.00
61100-2210-003- -650	VRS RET-PROF		586.65
61100-3000-003-1-650	IN SERVICE		(500.00)
61100-5500-003-1-650	TRAVEL (MILEAGE)-REG		(500.00)
61100-6000-003-1-650	INSTRUCTIONAL & EDUCATIONAL MATERIAL		(3,886.79)
61100-8200-003-1-650	CAPITAL OUTLAY ADD'L EQUIP-REG		(2,000.00)
		TOTAL	4,294.73

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COMMUNITY SERVICE GRANT, PROGRAM 660

4-205-61100-1120-003-1-660	INSTRUCTIONAL SAL - REG	(35,700.00)
61100-2100-003- -660	FICA BENEFITS	(2,838.00)
61100-2210-003- -660	VRS RET - PROF	(2,906.00)
61100-2600-003- -660	VEC	(32.00)
61100-2700-003- -660	WORKERS COMP	(118.00)
61100-5500-003-1-660	TRAVEL	(3,000.00)
61100-6000-003-1-660	INSTRUCTIONAL & EDUC MATERIALS	(3,406.00)
61100-8210-003-1-660	CAPITAL OUTLAY - ADD'L HARDWARE	(2,000.00)
	TOTAL	<u>(50,000.00)</u>

VOCATIONAL/SPECIAL EDUCATION, PROGRAM 800

4-205-61100-5500-003-3-800	TRAVEL (MILEAGE-VOC)	7,226.89
61100-6000-003-3-800	INST & EDU SUP-VOC	(20,112.06)
61100-8001-003-3-800	EDUCATIONAL EQUIPMENT-VOC	22,779.00
61100-8210-003-3-800	CAPITAL OUTLAY ADD'L HDWRE-VOC	(16,000.00)
	TOTAL	<u>(6,106.17)</u>

PRE-SCHOOL INCENTIVE, PROGRAM 900

4-205-61100-1120-002-2-900	INST SAL-SP	6,367.65
61100-2100-002- -900	FICA	553.27
61100-3180-002-2-900	OTHER CONTRACTUAL SERVICE	500.00
61100-5500-002-2-900	TRAVEL (MIL)-SP	1,122.00
61100-6000-002-2-900	INST & EDU MAT'L	(3,509.20)
	TOTAL	<u>5,033.72</u>

TOTAL SCHOOL APPROPRIATION 466,313.37

TOTAL APPROPRIATIONS 648,555.60  
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REVENUE APPROPRIATION JUNE 26, 2006

(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-100-16030-0003	DARE	141.79
3-100-16040-0003	Reimbursements VFD-VRS	184.69
3-100-16040-0003	Reimbursements VFD-VRS	1,395.17
3-100-16050-0001	Charges for Detention	8,180.00
3-100-16050-0001	Charges for Detention	2,890.00
3-100-16050-0001	Charges for Detention	2,480.00
3-100-16050-0001	Charges for Detention	640.00
3-100-16090-0001	Health-Telephone/Custodial, Etc.	1,841.01

3-100-16110-0001	Soc Serv/telephone, Custodial, Etc.	1,609.03
3-100-16120-0001	Reimb-Soil & Water Salaries	28,247.81
3-100-16170-0001	Project Lifesaver	100.00
3-100-16170-0001	Project Lifesaver	9,500.00
3-100-16170-0001	Project Lifesaver	25.00
3-100-18030-0003	Expenditure Refund	24.00
3-100-18030-0003	Expenditure Refund	644.73
3-100-18030-0003	Expenditure Refund	392.56
3-100-18030-0003	Expenditure Refund	891.33
3-100-18030-0003	Expenditure Refund	40.00
3-100-18030-0003	Expenditure Refund	21.84
3-100-18030-0003	Expenditure Refund	332.99
3-100-18030-0003	Expenditure Refund	10.15
3-100-18030-0003	Expenditure Refund	1,066.47
3-100-18030-0003	Expenditure Refund	35.99
3-100-18030-0003	Expenditure Refund	25.37
3-100-18030-0003	Expenditure Refund	69.95
3-100-18030-0003	Expenditure Refund	73.95
3-100-18030-0003	Expenditure Refund	2.79
3-100-18030-0003	Expenditure Refund	204.55
3-100-18030-0003	Expenditure Refund	304.71
3-100-18030-0003	Expenditure Refund	68.43
3-100-18030-0003	Expenditure Refund	5,017.65
3-100-18030-0004	Insurance Claims	796.78
3-100-18030-0004	Insurance Claims	2,120.50
3-100-18030-0005	Blue Cross/Blue Shield	8,132.00
3-100-23020-0007	Extradition Expenses	1,828.53
3-100-24040-0014	Jurors & Witnesses	5,423.66
3-100-24040-0015	SEVAMP-Visiting Nurse	24,268.92
3-100-24040-0016	Emergency Medical Service	13,349.37
3-100-24040-0100	State Match-FEMA	18,844.80
3-100-33010-0100	FEMA-Federal Share	30,555.20
3-100-33010-0100	FEMA-Federal Share	1,560.00
3-100-41050-0005	Transfer In-General Fund Reserve	6,285.51
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	1,040.00
	REVENUE GENERAL FUND	182,242.23

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

Mr. Johnson advised that included in the agenda was the semi-annual appropriations resolution for the first half of FY 2007, with total appropriations of \$37,983,292.

The FY 2007 semi-annual 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 26, 2006

## 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, 2006 through June 30, 2007 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	56,197
12110	County Administration	150,218
12310	Commissioner of Revenue	123,266
12320	Board of Assessors	3,600
12410	Treasurer	114,373
12415	Delinquent Tax Collection	28,350
12430	Accounting	92,113
12510	Data Processing	101,882
12550	Insurance/County Code	59,465
13200	Registrar	68,111
21100	Circuit Court	33,316
21200	Combined District Courts	10,588
21300	Special Magistrates	719
21600	Clerk of the Circuit Court	218,097
21700	Sheriff - Bailiff	169,431
21750	Courthouse Security	28,033
22100	Commonwealth's Attorney	202,100
22200	Victim Witness	31,904
31200	Sheriff	771,310
31750	School Resource Officer	21,114
32200	Volunteer Fire Departments	271,480
32300	Volunteer Rescue Squads	878,049
32400	State Forestry Service	13,257
33100	Detention	1,219,558
33300	Probation	46,348
34000	Building Inspections	65,615
35100	Animal Control	49,204
35300	Medical Examiner	750
35500	Emergency Service/Civil Defense	26,612
41320	Street Lights	22,000
42300	Refuse Collection	420,289
42400	Refuse Disposal	394,728
43000	Buildings & Grounds	229,208
51100	Local Health Department	147,809
52000	Mental Health Services	75,291
53220	State/Local Hospitalization	5,029
53240	Sr Services of Southeastern	7,207
53500	Comprehensive Services Act	27,861
53600	STOP Organization	1,706
72000	Community Concert Series	5,000
72200	Rawls Museum Arts	10,000
72500	Historical Society	5,000

73200	Walter Cecil Rawls Library	96,474
81100	Planning/Zoning	111,768
81500	Economic Development	75,000
82400	Soil & Water Conservation District	10,000
83500	Cooperative Extension Service	27,072
91400	Non-Departmental Operating	45,000
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	TOTAL	6,571,502

From the General Fund to the E-911  
Fund to be expended only on order  
of the Board of Supervisors:

31400	E-911	102,778
		<hr/>
	TOTAL	102,778

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

89600	Enterprise Fund Water	264,714
89500	Enterprise Fund Sewer	457,326
89400	Enterprise Utility Extension	3,111,948
		<hr/>
	TOTAL	3,833,988

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

94000	Building Fund	11,536,262
		<hr/>
	TOTAL	11,536,262

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

61000	Instruction	8,793,982
62000	Administration	629,341
63000	Other Direction & Management	1,241,144
64000	Operation & Maintenance Services	1,424,788
68000	School Food Service	49,302
66000	Facilities	102,013
67000	Debt Service	956,228
260	Rental Textbook	208,128
265	Technology	103,000
400	At Risk 4-Year Olds	61,344

June 26, 2006

450	Early Reading Intervention	15,094
500	Title I	287,273
550	Title VIB Special Ed-Flow Through	315,140
600	Title VI Innovative Educ Program	7,386
650	Substance & Drug Prevention	8,886
800	Vocational Special Education	26,618
900	Pre-School Incentive	6,900
570	Sliver Grant	7,492
625	Title II-A Training and Recruitment	78,633
660	Community Service Grant	-
630	Title IID Ed Tech	7,019
	TOTAL	<u>14,329,711</u>

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	526,475
	TOTAL	<u>526,475</u>

**Supervisor West moved, seconded by Supervisor Faison, to adopt the FY 2007 semi-annual appropriations resolution. All were in favor.**

Mr. Johnson informed that bills in the amount of \$1,028,533.61 were received.

**Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$1,028,533.61 be paid with check numbers 76298 through 76921. All were in favor.**

Moving forward, Mr. Johnson announced that included in the agenda for their consideration was a resolution recognizing and commending the life of Officer Seneca B. Darden, who was tragically shot and killed in the line of duty last month. Following adoption, he intended to arrange to have two presentation-quality copies made and invite Officer Darden's parents and widow to receive them at the July meeting.

Mr. Johnson read aloud the following resolution:

**WHEREAS**, Seneca B. Darden, 25, a police officer with the 3<sup>rd</sup> Precinct, City of Norfolk Police Department, was tragically shot and killed while responding to a disturbance at the Young Terrace Housing Complex on May 21, 2006; and

**WHEREAS**, Officer Seneca B. Darden spent most of his life growing up in Southampton County, and was a 1998 graduate of Southampton High School, where he played football; and

**WHEREAS**, Officer Seneca B. Darden was husband of Brindle H. Darden, father of Mariah L. Darden, son of Ronald Williams and Roxanne Darden, and brother of Ronald E. Williams, Jr., Rondever Williams, Cordailius Bryant, Romaine Gallop, Latorial Faison, and Shuvon Bryant; and

**WHEREAS**, Officer Seneca B. Darden was a beloved and devoted son, husband, and father, who served his community with tremendous courage, honor and distinction; and

**WHEREAS**, Officer Seneca B. Darden was laid to eternal rest at the Helping Hand Cemetery in Courtland, Virginia on Friday, May 26, 2006.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Southampton County, Virginia that, it does hereby recognize and commend the gallant service and noble life of Officer Seneca B. Darden of the 3<sup>rd</sup> Precinct, City of Norfolk Police Department, who was killed in the

line of duty in Norfolk, Virginia on Sunday, May 21, 2006, and further extends its deepest condolences and fervent prayers to the Darden Family for having laid so costly a sacrifice upon the alter of service to mankind; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be presented to the surviving family of Office Seneca B. Darden in representation of the high esteem in which he will be eternally held in his native home, Southampton County, Virginia; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be spread upon the minutes of this Board on the 26<sup>th</sup> day of June 2006, forever preserving and recording the memory of Officer Seneca B. Darden.

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Dallas O. Jones, Chairman

ATTEST

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Michael W. Johnson, Clerk

**Supervisor Wyche moved, seconded by Supervisor Felts, to adopt the resolution commending the life of Officer Seneca B. Darden. All were in favor.**

Moving forward, Mr. Johnson announced that Mr. Dana Dickens, President and CEO of the Hampton Roads Partnership, had requested a few brief moments to present the Board with a copy of the *Year of Regional Citizenship Proclamation* that was recently signed by representatives of all 17 Hampton Roads communities on April 26, 2006 at the First Landing Site in Virginia Beach. Supervisor Brown represented Southampton County at this event. However, Mr. Dickens was unable to join us this morning. He would reschedule this item for a later date.

Moving forward, Mr. Johnson announced that included in the agenda was an application for a fireworks permit from Sedley Recreation Association pursuant to **Sec. 10-73** of the *Southampton County Code*. This display was scheduled for July 4, 2006 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.

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

Moving to the capital funding request, Mr. Johnson announced that included in the agenda was a request for capital funding from the Sedley Volunteer Fire Department. They planned to use the funding for expenses associated with self-contained breathing apparatus tanks. As they knew, beginning in FY 2000, the Board agreed to provide more than \$1.2 million over a 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. Escrowed funds continued to accrue for each department or squad if not drawn down. The table included in the agenda indicated the status of capital appropriations since FY 2000. Beginning July 1, we would have collectively appropriated \$722,500 for fire and rescue improvements and would be holding in escrow an additional \$245,000. He stated that Sedley Volunteer Fire Department was entitled to their FY 2007 appropriation, \$12,000, anytime after July 1, 2006. The request was in order.

**Supervisor Felts moved, seconded by Vice-Chairman Young, to approved the FY 2007 capital funding request of the Sedley Volunteer Fire Department, \$12,000, with proceeds to be disbursed after July 1, 2006. All were in favor.**

Moving forward, Mr. Johnson announced that as they knew, with adoption of the FY 2007 budget and revised water/sewer rates, we would begin billing utility customers based upon the volume of water they used each month effective July 1. Periodically, customers would undoubtedly have water leaks (in the yard, under the house, at the water heater, etc.) which would, for the first time, directly affect their monthly bills. Because any water that leaked out of a customer's piping did not go down the drain, it was unfair to impose sewer charges for any documented water leaks.

Accordingly, he was suggesting that they consider adoption of the sewer adjustment policy, included in the agenda, which would offer some relief under certain circumstances. He noted that the policy only addressed sewer charges. The customer would still be responsible for paying water charges for all water that flowed through their meter and out of their pipes. Otherwise, there was no incentive to repair leaky pipes, faucets, or fixtures.

Mr. Johnson read aloud the following sewer adjustment policy:

**SOUTHAMPTON COUNTY  
SEWER ADJUSTMENT POLICY**

Adjustments to the customer's sewer usage will be given under the following circumstances: 1) water leaks originating under the house; 2) water leaks originating underground; 3) broken hot water heaters; 4) broken or leaking water pipes inside walls; 5) other leaks as may be witnessed by authorized county personnel. No adjustments will be provided for leaks associated with faucets or fixtures (bad valve, stems, washer, broken handles, tank replacement, etc.)

Adjustments will be provided for a maximum of two months (the current month and one month preceding) based upon the customer's usage during the same two months, one year prior. If this information is unavailable, the adjustment shall equal an average of the previous three months. Proof of repair must be provided before any adjustments will be considered. Proof of repair must include a copy of the repair bill from a licensed plumber clearly stating the nature of the problem and the repairs performed. If a repair is made by the homeowner, a copy of the receipt for all materials utilized in repairing the problem and a statement detailing the problem and type of repair must be submitted.

**Limits on adjustments** – there shall be no more than one sewer usage adjustment for any account in a 12-month period.

**Swimming pools** – customers filling their swimming pools will be provided a sewer adjustment provided they contact the Southampton County Department of Public Utilities BEFORE they fill the pool. Department personnel will record the water meter reading before the pool is filled and make arrangements to re-read the meter after the pool is filled. Sewer charges will not be imposed for the number of gallons utilized during this period. There shall be no more than one sewer adjustment for the filling of swimming pools in any 12-month period.

No sewer adjustments will be provided for the filling of fishponds, watering of yards or gardens, or the washing of vehicles.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to adopt the sewer adjustment policy. All were in favor.**

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

REZ 2006:03 The application of Gary E. & Kathleen G. Frye (owners) requesting a change in zoning classification from A-1, Agricultural to C-RR, Conditional Rural Residential approximately 20 acres of a 106.52 acre tract for the purpose of four (4) residential building lots, as conditioned. This application is in accordance with the standards provided under the sliding scale, Section 18-179 of the Southampton County Code. The property is identified as Tax Map Parcel 59-36 and is located on the west side of Indian Town Road (Rt. 651) approximately one mile north of the intersection of Meherrin Road (Rt. 35) in the Capron Magisterial District.

Mr. Jay Randolph, Assistant County Administrator and Secretary of the Planning Commission, reported that the Planning Commission held a public hearing on this application at its April 13, 2006 meeting and deferred action until its next meeting on May 11. At the May 11 meeting, on a 4-3 vote, the Planning Commission recommended approval, subject to the following revised proffered conditions:

- 1) Each 5-acre parcel to be used as a single family residence, with no future family transfers allowed;
- 2) Road maintenance responsibility will be required by deed for each lot;
- 3) Voluntary cash proffer in the amount of \$451.00 for each of the four (4) lots.

Chairman Jones opened the public hearing.

Mr. Gary Frye addressed the Board. He advised that he was the owner/applicant and was in favor of this rezoning.

Vice-Chairman Young asked Mr. Randolph why the Planning Commission's vote to approve was 4-3? Mr. Randolph advised that he could not speak for the individual members of the Planning Commissioner. However, there seemed to be concerns about keeping cultivated land cultivated.

Supervisor West stated that what Mr. Frye was proposing was not the intent of the Land Development Task Force and the ordinance, as the intent was to maintain agriculture as our principal employer. It was certainly the business we wanted to keep. Mr. Frye's business was real estate and he had chosen to buy a farm and divide it up into 4 lots, which was never the intention of the Task Force. He could not go along with it.

Supervisor Wyche advised that he agreed with Supervisor West. He noted, however, that this was in his district and he had not heard any complaints or concerns.

Supervisor Faison stated that if Mr. Frye's plans conformed to the ordinance, he had no problem with it. We could not come up with an ordinance and then say that the intent was something else.

Mr. Frye clarified for Supervisor Felts that he applied for four 5-acre lots – not four 25-acre lots.

Supervisor West noted that although he applied for four 5-acre lots, his intent was to use up to 25-acres for each lot.

Supervisor Wyche asked Mr. Randolph if this was in line with the ordinance? Mr. Randolph replied that this did provide for limited, low-density development in the rural areas of the County. As much as we would like to see farms stay in production, properties did change hands and you could not require someone to farm property just for the sake of farming it. As with any business, it had to be profitable. In the broad scope of the issue, we were looking at 4 homes on a 106-acre tract of land. About 18 months ago, it easily could have been 60-80 lots created on the same tract of land. The Rural Residential (RR) zoning district provided a mechanism where the residual portion of a property could remain in tact and be used in an agricultural fashion. But it did not guarantee that – that was up to the individual property owner

Supervisor West stated that it was important to preserve a future for agriculture in the County.

Chairman Jones closed the public hearing.

**Supervisor Wyche moved, seconded by Supervisor West, to deny the conditional rezoning request. Supervisors West and Wyche voted in favor of the motion. Chairman Jones, Vice-Chairman Young, and Supervisors Faison and Felts voted in opposition to the motion. The vote was 2-4, thus the motion failed.**

**Vice-Chairman Young moved, seconded by Supervisor Faison, to accept the Planning Commission's recommendation and approve the conditional rezoning. Chairman Jones, Vice-Chairman Young, and Supervisors Faison and Felts vote in favor of the motion. Supervisors West and Wyche voted in opposition to the motion. The vote was 4-2 in favor of the motion, thus the motion passed.**

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

REZ 2006:04 The application of William D. Whitehead (owner) requesting a change in zoning classification from R-1, Residential to C-B2, Conditional General Business of approximately .80 acres. The purpose of the application is for business use of the property, as conditioned. The property is identified as Tax Map Parcel 47-33C and is located on the west side of Sedley Road (Rt. 641) approximately .30 miles north of the intersection of Governor Darden Road (Rt. 656) in the Jerusalem Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its April 13, 2006 meeting and deferred action until its May 11 meeting. At that meeting, they recommended approval, subject to the following revised proffered conditions:

- 1) To be used for storage of materials to be kept inside of the building or under the shelter;
- 2) To be used to park trucks and trailers. Materials will be non-hazardous and will be used for roofing, vinyl siding, windows, and tarps and supplies for storm damage;
- 3) The sides of the physical plant would not be expanded.

Chairman Jones opened the public hearing.

Mrs. Millie Bradshaw addressed the Board. She advised that her husband could not be here today because he could not get off from his job, but she was speaking on behalf of both of them. They were adjoining landowners to the said property. They were against the application because, as a landowner, they did not feel they should reap the precautions of a business being beside of them. They purchased their farm knowing that everything out there was residential. Mr. Whitehead purchased his residential property knowing that it was residential and he decided to run a business out of it. As far as she was concerned, before he did anything, he should have called the County to find out what he could and could not do with the property. They were not trying to put him out of business. She knew that remark had been made, but they were not trying to do that. Mr. Whitehead put their windows in their new home. It was nothing personal. It was just the fact that when you zone a piece of property in the middle of a residential section as a business, you were opening up the doors for other businesses to come in. And if they wanted to live beside of a business, they would have chosen to live in Franklin. They approached the Planning Commission and they approved it, but on what grounds to this day she did not know. It was asked if the guidelines that the County set were looked at and if it met the guidelines. The comment from Chairman Edwards was that if the building burned down, they could not replace it. She had seen a comprehensive plan and map from Sedley to Franklin indicating that it was all residential. She did not think it was fair to spot zone. Everyone should have to abide by the rules. If one day she may have to sell some of her property, would someone be willing to live beside a business. They had to look at not just what was going on now, but what was going to happen in the future.

Supervisor Faison stated to Mrs. Bradshaw that he read in the (Planning Commission) minutes that as time went on, trucks started making deliveries and turning around on her property. Mrs. Bradshaw advised that that was one of their concerns. There was a right-of-way driveway beside this 0.80-acre property. If it were not for the driveway, they really would not have much room to turn around. They had a fishing pond at the road and a driveway behind the fishing pond that joined the right-of-way driveway. At one point, the delivery trucks were pulling in behind the fishing pond and backing up to make their deliveries. Since the complaint had been made, the delivery trucks, when she was at home, did not do that anymore. Supervisor Faison asked if there was evidence that they were doing it when she was not home? Mrs. Bradshaw replied that she did not know. She did not go around asking people. Supervisor Faison asked how far away her house was from this property? Mrs. Bradshaw replied that she did not know exactly. It was within seeing distance. It was farmland between them that they owned. From her house, she could see what was over there. Someone in the audience advised that it was about ¼ mile.

Supervisor West advised that he could feel for the neighbor from the standpoint that they had nice property, 55 acres, and a business was next door. It appeared that an opportunity had been made to speak to Mr. Whitehead, but maybe to no avail. It appeared from the information in the Planning Commission minutes that Mr. Whitehead had been asked not to use the path and ride across the property in whatever way. It also appeared that Mr. Whitehead continued to do business right now on the property. It did present a problem. If the property was residential and he continued to do business, there was no need for us to have any zoning in Southampton County whatsoever. Mrs. Bradshaw had a legitimate complaint. He knew that maybe Mr. Whitehead was there first and was doing business. Mrs. Bradshaw clarified that he was not there first. They bought their farm and then the Whitehead's bought their property. Supervisor West stated that maybe Mr. Whitehead should have contacted the County to see what he could do. He recognized that roofing was very important in the area. But he had a problem with it because he did not think it was consistent with the Comprehensive Plan.

Mrs. Bradshaw advised that Mrs. Whitehead made a comment during the Planning Commission meeting that they had been in business for 25 years. They had not been doing business on the said property for 25 years. They were acting like they were trying to shut them down. They were not trying to do that. They operated from somewhere else 20+ years prior. They had a business license in their home on Sycamore. This business was not even near their home. They should operate from where their business license was. If they had not been, she did not know what they had been doing for 20+ years that they had been in business. The comment was made that they

did a lot for the community, which was good. But at the end of tax season, they were compensated for that goodness. It was not based on what you did and did not do. It was based on guidelines. Guidelines were set for everybody and not picking who we wanted and saying we like this person or we don't like this person. Guidelines were guidelines and we all had to abide by them according to the County. If she decided to build something on her property, she would have to come before the County before she could do anything.

Supervisor Wyche asked how long the Whitehead's had been utilizing the property? She replied that she did not really know – maybe 3 years. She noted that she and her husband purchased their property 6 years ago.

Supervisor West asked Chairman Jones, who is also a member of the Planning Commission, if he could tell them why the Planning Commission approved this. Chairman Jones advised that they considered that the buildings on the property had been there since the contractor (Bobby Caulder) owned it and there was a hog operation on the property at one time.

Mrs. Bradshaw stated that the hog farm operation was on her property and no longer existed. They tore all of the buildings down when they bought the property, with the exception of 2 which they used for shelter. What Bobby Caulder did with the property at the road the Whitehead's purchased no longer existed. Mr. Caulder rezoned all of that so he could make money off of residential lots. That's why it was all residential. That had nothing to do with what he did 20 years ago. We were talking about what was going on today. He paid money and the County approved it. Now they wanted to say that because he did this 20 years ago, we ought to allow it. That was not right. Were they going to allow her to open up a hog operation in the back and not get their approval? They were setting guidelines and they did not want to go by them. And she was upset about it. She had a problem that they had to live by guidelines that nobody else did.

Supervisor West commented that he agreed with the assessment that a wrong 20 years ago did not make a right today.

Mr. Dan Crumpler addressed the Board. He advised that he represented Billy Whitehead, owner/applicant who was on the front row with his wife and son, who were the main parts of Whitehead Roofing and Siding. His clients bought this parcel of property in Sedley from the Caulders in October 2001. It had a building on it and he believed there were 2 butler buildings at that time. The buildings had been on that property since the 1970s. So the buildings had been on the property, and off and on in operation, for approximately 25-30 years before the Bradshaws ever bought their property. So they knew the buildings were on this property when they purchased their property. As far as it being zoned residential by Bobby Caulder, he did not believe this actual parcel was even large enough to be used as residential, as it did not meet the 40,000 square foot requirement for a lot. So in effect, if it could not be used for this purpose by being conditionally rezoned, it could not be used at all. Anyone who had been out there could see that the distance between the Bradshaw's house and this building was a ¼ mile minimum. The Bradshaws were backed up in the field and there was a lot of acreage between them. Mr. Whitehead's operation was well over to the right, right on Sedley Road. It was not an issue until the Bradshaws complained about it.

He continued that petitions were presented at the Planning Commission meeting in favor of the Whitehead's rezoning which were signed by all of the adjoining landowners and homeowners with the exception of the Bradshaws and one gentleman who owned land across the street that did not live in the area. The property had been used by the Whiteheads because they were expanding their operation. Mrs. Bradshaw had stated that she did not wish to shut down the Whitehead's operation. In effect, if you tell someone that they could not use the buildings that they now had, you were in effect shutting down that operation and requiring them to make an investment elsewhere to continue the operation that they may or may not be able to do financially or be willing to do. He thought most of them were aware of the amount of business that the Whitehead's did in this area. He thought it was a business that was certainly viable to the community in that it employed a lot of people and paid taxes. If this operation were directly next door to Mrs. Bradshaw's home, he could see her point. But anyone who went out and looked at it could see the distance there. And how it caused such a problem was difficult for him to conceive.

Mr. Crumpler continued that as far as the driveway issue was concerned that Supervisor Faison mentioned, the Bradshaws had their own driveway that they used to get to their property which was part of Mr. Whitehead's lot. He owned the driveway. There was an easement across his driveway to get to the property behind it. But the driveway was actually owned by Mr.

Whitehead. He expected that they knew from the information that this building was not used for any business purpose during the day. Basically, it was used for storage of materials. They met in the mornings and got their work trucks loaded and then went to whatever site they needed to go to. So as far as it being in a Residential District, as he pointed out a few moments ago, if it were not used for this purpose, it could not be used for any purpose. And again, the buildings were there long before the Bradshaws bought their property and built their house. And as far as the Whiteheads operating in the middle of an R-1 District, one of our largest employers in Southampton County, Hubs Peanuts in Sedley, actually operated out of a Residential District. And in that case, you had houses right next door and that was an operation that was continuous. This operation did not have houses right next door and it was only used for storage and coming to and from work. So for this and many other reasons, they asked that they follow the Planning Commission's recommendation and approve this conditional rezoning request.

Supervisor Faison asked, regarding the property not being able to be used for any other purpose, what was that based on? Mr. Crumpler replied that the size of the lot was not big enough, as it was less than 40,000 square feet. Secretary Randolph advised that the property was zoned R-1 when the original zoning map was adopted in October 1968. An R-1 residential lot required a minimum lot size of 30,000 square feet without public water or sewer, so it *did* meet the minimum lot size requirements. If the property dimensions were not such that you could meet the setbacks, there was a procedure where a variance could be requested from the Board of Zoning Appeals for a reduction in those setbacks.

Mr. Crumpler advised that he thought the minimum lot size was 40,000 square feet, but he was sure that Mr. Randolph was correct in that it was 30,000 square feet. Nevertheless, this was essentially a triangular piece of land so you would not be able to meet the setbacks. He realized that if someone wanted to build a house there, they could ask for a variance which the County may or may not grant, because it would be a very odd-looking lot. If they had not been out and seen the sight, it was just remarkable that this could cause such concern for any neighbor. He had personally been involved with chicken houses and flies and things like that that were major concerns on a day-to-day basis. This was something across the field that basically had no effect on Mr. and Mrs. Bradshaw.

Supervisor Faison asked if there was any special noise associated with this business? Mr. Crumpler stated that it had never been discussed if it was. They came there in the morning at 7:00 or 8:00, loaded up their trucks, left, and came back in the afternoon and parked their trucks. They kept all of their materials there. It came up at the Planning Commission meeting that they supplied most of the tarps that you saw during the hurricane. Those tarps were stored in that building.

Supervisor West stated that 2 wrongs still did not make a right. If Mr. Caulder was out of compliance and now Mr. Whitehead was out of compliance, it looked like it was a neighboring dispute that brought this to light. He did not think Mr. Whitehead was averse to getting a permit and understanding permitting procedures in Southampton County. It would appear to him that when he purchased this property in 2001, he would have at some point realized he needed a permit or needed to at least check on it. He assumed that as a good business person, he was not dumping his shingles in the Southampton County dumpsters and that he was complying with all the rules, regulations, codes, and ordinances in the County. He did not understand why he did not seek a permit to put his business in an R-1 when he purchased the property.

Mr. Crumpler advised that there was a great deal of confusion about the issue. Mr. Whitehead was under the impression that it was not zoned Residential because of Mr. Caulder's prior operation. When he got the letter from Mr. Jenkins (of the Southampton County Building and Zoning Office) after Mrs. Bradshaw had complained, we were all pretty shocked and actually tried to research the County minutes because of the various individuals who were involved at that time, Mr. Jenkins being one of them, that did not recall it being zoned residential. Mr. Randolph, after researching it, found that it was zoned Residential in 1968. So there was some confusion once the issue came up. But Mr. Whitehead had every reason to believe that when he bought the property with those buildings on it that the buildings could continue to be used for some purpose. Otherwise, with the zoning change, the buildings would have been required to be torn down.

Supervisor West asked if he did a title search? Mr. Crumpler replied that that would not have shown up in a title search.

Supervisor Felts confirmed that the office was not located on this property and there was no activity during the day except in the morning. She stated that she traveled by there twice a day.

She saw them loading their trucks in the morning. She did not see them in the afternoon because her schedule was different than theirs. The place was staying pretty cleaned up and she did not notice anything wrong with it in Sedley. She was sure that in other small communities, there were a lot of businesses in residential areas. Her husband had a business and it was in the middle of a residential area. She noted that they had to go through this same process. She had not heard any complaints from anyone. She really tried noticing it more because she had been to the last couple of Planning Commission meetings where this was on the agenda. She really tried to slow down and take notice of it when going back and forth to work. It looked very orderly and cleaned up. It appeared to her that it was mostly storage there. She did not see anything else other than items being stored there and trucks coming and going. She did not have a problem with it. Like Mr. Crumpler had mentioned, Hubs Peanuts was a vital part of this County and they were stuck right in the middle of a residential area. And if you looked at the towns, she was sure a lot of the businesses were right in the middle of residential areas.

Mr. Crumpler stated that he appreciated Supervisor Felts's comments. We wanted to rely on agriculture and we were restricting development, and we certainly wanted to be encouraging to something. And he thought we certainly needed to be encouraging to the businesses that were already here, especially if they were there or at least the buildings were there first before the residences came, and especially if the business was already in operation and there had basically been no complaints except from perhaps one individual. And as mentioned, Hubs was right in the middle of a residential area, employed lots of people, and was totally surrounded by homes. This was an area that was basically surrounded by nothing.

Mrs. Lorraine Whitehead, husband of Billy Whitehead and partner of Whitehead and Son Roofing and Siding, addressed the Board. She distributed information to the Supervisors. She directed their attention to pictures on page 2 which showed the existing buildings that were on the property when they bought it. Materials stored in this building included disaster relief materials. They provided disaster relief from storm damage and also assisted the Sedley Fire Department with damaged roofs when lightening struck and/or fires occurred. She stated to Supervisor West that they did not perceive that they were operating the business in violation. She apologized and stated that she understood that now, but their perception was that they were storing materials in this existing building. She knew a lot of other contractors in Southampton County and all of us operate our businesses off of our residential properties. She would hate to see all the other contractors in the County have to go through what they had been through in the last few months with the confusion between residential property, and businesses, and business licenses. Their business was operated out of their home in downtown Sedley and it was the address that their business license went to, and that was residential property. She hoped they could continue to service the Sedley community. They did not see themselves as a business in a community. They saw themselves as a vital part of this community.

Supervisor West stated that he thought the only reason they were here was because of disgruntleness between them and a neighbor. They were good neighbors to the community. He could not vote for them but he would not vote against them.

Mr. Blake Whitehead, son of Billy Whitehead and partner of Whitehead and Son Roofing and Siding, addressed the Board. He advised that as far as the trucks entering the land, they did not used to get many deliveries to the shop. But in the past year or so, materials had been stolen off of the job. So that was the reason trucks were making more deliveries to the shop. The materials were staying at the shop until they were ready to use them on a job.

Mr. Billy Whitehead addressed the Board. He stated that he wanted to clear up something on this noncompliance and the fact that it had been brought up that he should have researched it when he bought this property. He advised that he bought this property from Michael Caulder. It was done by a lawyer and he told him he was buying agricultural land. He did not research it because he took him for his word. He signed a contract and all of this property was Agricultural. There were 2 different lots. The back part of this land was Agricultural. What the shop was sitting on evidently was Residential. And to build on it, you would have to tear the shop down. When he bought this property and signed the contract, he was told that it was used for storage and he could continue to use it for storage because it was zoned Agricultural. He took him for his word. He did not come to the County and that was his mistake. But he took a man for his word. When he gives you his word, that was his bond. And when he signed this contract to buy this piece of property, he was told he was buying agricultural land. He had no idea until this was brought up and he was notified that he was operating a business out of a residential area. He did not do things like that – he never had and never would. If he had known it was Residential, he would have applied for this

rezoning a long time ago before he ever invested his money to buy the property. That was not the way he did business. He paid taxes, paid for his licenses, and did everything by the book. Why would he not do this by the book? He stated that it had also been said that he continued to do this in violation. When he went to Mr. Jenkins to apply for this rezoning, he told him he could continue to use this property until this matter was resolved. So if was in violation, he was told by the County office that he was alright until this was resolved. He was trying to do things right. He was not trying to snow anybody or pull any strings.

Mrs. Bradshaw stated that she had a question. When they (she and her husband) purchased their farm, Mr. Richard Railey (County Attorney) represented Michael Caulder on the selling of the property from what she understood. She asked Attorney Railey if he was aware of anything – that it was not residential and it was agricultural? To her understanding, when they purchased their farm, Michael Caulder's family gave him that 8/10 of an acre because he was the executor of the will. But the property behind it, where Mr. Michael Burgess used to live, was all agricultural. There were lots behind that. So she did not know what the confusion kept getting to be. It was like I don't know this and I don't know that. But they (she and her husband) seemed to know when they purchased their farm that everything in the front was residential. And they knew that Michael Caulder's family gave him that little piece. She still did not understand why everybody was so confused.

Chairman Jones closed the public hearing

Supervisor Wyche stated that he sympathized with Mrs. Bradshaw and the Whiteheads. As Mrs. Bradshaw said, we have a Comprehensive Plan, zoning, and guidelines. But he believed that Mr. Whitehead was trying to do the right thing. The buildings were there when he purchased it, and from what he understood, it was kept clean. It had been going on for years and he hated to see the business suffer because of not knowing what was right. He thought we should give some consideration to what Mr. Whitehead was asking for.

Vice-Chairman Young advised that he attended the Planning Commission public hearing on this. He thought it should have been handled at the first Planning Commission meeting. He was very much in favor of the Planning Commission's recommendation.

Supervisor Felts stated that she understood Mrs. Bradshaw's concerns. And if she had had several complaints, she may think differently about this. But again, there were businesses in residential areas all over the County. If there was a constant coming and going all day long, she may think differently. They had a viable business that had been in existence for a number of years and they were using this mainly for storage. She thought they should support the Planning Commission's recommendation.

Supervisor Faison stated he believed in sticking to rules and regulations, but practicality had to take precedent sometimes. This was an ongoing business that had done a great job for the County. And these were not persons that were not law-abiding. We were caught in a situation that he did not think anybody planned or intended on. We needed to look at the practicality of it. Our decision would affect other people too because there were other situations existing in the County that were just like this one. He supported the Planning Commission's recommendation.

Supervisor West advised that he agreed with Supervisor Faison.

Chairman Jones stated that each rezoning was separate and different. The Planning Commission looked at this twice. They were in favor of the rezoning because Mr. Whitehead was a good Southampton County resident, the business had been there and the buildings had been there for many years. And this would not have a negative effect on a lot of people.

**Supervisor Felts moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the conditional rezoning. Chairman Jones, Vice-Chairman Young, and Supervisors Faison, Felts, and Wyche voted in favor of the motion. Supervisor West abstained. The vote was 5-0 in favor of the motion, thus the motion passed.**

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

REZ 2006:05 An application filed by Charles B. Bunn, owner, requesting a change in zoning classification from A-1, Agricultural to C-B1, Conditional Local Business

approximately 9.73 acres for the purpose of processing and retail sale of peanuts. The property is located on the south side of General Thomas Highway (Rt. 671) approximately ¼ mile north of the Newsoms Corporate Limits and is further identified as a portion of Tax Parcel Number 76-31E. The property is located in the Franklin Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its May 11, 2006 meeting and recommended approval, subject to the following proffered conditions:

The applicant had proffered to utilize only the following permitted uses in the B-1 District:

- (30) Stores or shops for the conduct of retail business, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), carpets, clothing, drugs, fabrics, food, furniture, jewelry, office supplies and stationary, paint, wallpaper, sporting goods and stationary and similar stores and shops.
- (33) Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly and the like.

Chairman Jones opened the public hearing.

Mr. Blair Bunn addressed the Board on behalf of his father, Charles Bunn, owner/applicant. He advised that his father needed to relocate his peanut business because the building in which the business was currently in had been sold. He had been in business since 1980. They liked farmland and raised cattle. But it made sense for his father to try and move his peanut business to this piece of property which he owned. He had talked to adjoining landowners and all of them were ok with their business relocating there.

Chairman Jones closed the public hearing.

**Supervisor Faison moved, seconded by Supervisor West, to accept the Planning Commission's recommendation and approve the conditional rezoning. All were in favor.**

Mr. Johnson announced that the fourth public hearing was to consider the following:

REZ 2006:06 An application filed by Peter Copeland, owner, requesting a change in zoning classification from M-1, Limited Industrial to C-B2, Conditional General Business approximately 4 acres for the purpose of business uses, as conditioned. The property is located on the south side of New Market Road (Rt. 688) approximately ¼ mile east of the intersection with Southampton Parkway (Rt. 58) and is further identified as a portion of Tax Parcel Number 76-31E. The property is located in the Franklin Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its May 11, 2006 meeting and recommended approval subject to the following proffered conditions:

The applicant had proffered that he would not utilize the following permitted uses in the B-1 and B-2 Districts (*Note: All uses permitted in B-1 are also permitted in B-2, thus the need to address both Districts.*):

B-1 District

- (1) Adult establishments, individual or collectively, including adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult theaters and massage parlors, with a conditional use permit, provided that such uses shall not be located within two thousand six hundred forty (2,640) lineal feet of any church, school, or residence.
- (6) Billiard parlor or pool hall, card room, electronic game center or similar recreational establishment, with a conditional use permit.
- (13) Funeral home or undertaking establishment.

B-2 District

- (16) Fortune teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activity.

The applicant also proffered to plant a sufficient amount of trees or shrubs to enhance the visual aesthetics on the front of the parcel.

Chairman Jones opened the public hearing.

Mr. Peter Copeland, owner/applicant, addressed the Board. He stated that he would be happy to answer any questions.

Chairman Jones closed the public hearing.

**Vice-Chairman Young moved, seconded by Supervisor West, to accept the Planning Commission's recommendation and approve the conditional rezoning. All were in favor.**

Mr. Johnson announced that the fifth public hearing was to consider the following:

REZ 2006:07 An application filed by William B. & Lynn G. Simmons, owners, requesting a change in zoning classification from A-1, Agricultural to RR, Rural Residential approximately 13 acres of a 122.95 acre parent tract for the purpose of creating four (4) residential lots. The application is subject to the standards provided under the sliding scale, Section 18-179 of the Southampton County Code. The subject property is located on the east side of Wakefield Road (Rt. 628) at the intersection of Guy Place Road (Rt. 728) and is further identified as a portion of Tax Map Number 45-16. The property is located in the Capron Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its May 11, 2006 meeting and recommended approval, subject to the following proffered conditions:

- There would be a single connection for the 2 lots that fronted Guy Place Road and a single connection for the 2 lots that fronted Wakefield Road
- There would only be 4 building lots, meaning no family transfers

Chairman Jones opened the public hearing.

Mr. William Simmons, owner/applicant, addressed the Board. He asked that they approve his request.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the conditional rezoning.**

Supervisor West remarked that this met the intent of the ordinance. This preserved 100+ acres of agricultural land.

**All were in favor.**

Mr. Johnson announced that the sixth public hearing was to consider the following:

REZ 2006:08 An application filed by Benjamin J. & Margaret H. Bryant, owners, requesting a change in zoning classification from A-1, Agricultural to RR, Rural Residential approximately 5 acres of a 81.38 acre parent tract for the purpose of creating three (3) residential lots. The application is subject to the standards provided under the sliding scale, Section 18-179 of the Southampton County Code. The subject property is located on the east side of Sunbeam Road (Rt. 685) and is further identified as a portion of Tax Map Number 116-27. The property is located in the Newsoms Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its May 11, 2006 meeting and recommended approval subject to the following proffered condition:

- There will be 3 residential lots with no further subdividing of the lots, meaning no family transfers

He noted that the lots were smaller in size, as they had not chosen to go for the maximum lot size of 5 acres.

Chairman Jones opened the public hearing.

Mrs. Margaret Bryant, owner/applicant addressed the Board. She advised that her husband, Benjamin Bryant, was a farmer for 50+ years. They did not like getting rid of good open land. The lot locations seemed to be the best to them. They had people come to them with interest in a lot - they did not advertise the land for sale.

Mr. Tommy Potter spoke. He stated that he was a prospective buyer of one of the lots. He planned to build a house on one of the lots and his parents planned to build on another.

Chairman Jones closed the public hearing.

**Vice-Chairman Young moved, seconded by Supervisor Faison, to follow the Planning Commission’s recommendation and approve the conditional rezoning. All were in favor.**

Chairman Jones commented that Mr. Benjamin Bryant, owner/applicant, had worked very hard on the regulations we were implementing now with this ordinance when he was on the Planning Commission. He thanked him for his hard work.

Mr. Johnson announced that the seventh and final public hearing was to consider the following:

Proposed amendments to Division 2, Chapter 15 of the Southampton County Code, abolishing the current program of real estate tax deferral and creating a program of real estate tax exemption for qualified property owners who are 65 years of age or older, or who are permanently and totally disabled. In order to qualify, the total combined annual household income of the owner and the owner’s relatives occupying the dwelling may not exceed \$30,000 and the financial net worth of the owner and the owner’s spouse, excluding the dwelling and 1 acre of land, may not exceed \$80,000. The percentage of exemption is based upon a sliding scale, ranging from ten to ninety percent, depending upon the applicant’s respective household income and financial net worth.

The ordinance to be considered is as follows:

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

- - - - -

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

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DIVISION 2. EXEMPTIONS FOR CERTAIN ELDERLY AND DISABLED PERSONS\*  
\*State law references: Exemption for elderly and disabled, Code of Virginia, § 58.1-3210 et seq.

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

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

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

The exemption shall be administered by the commissioner of the revenue in accordance with the general provisions of Code of Virginia, §§ 58.1-3210 through 58.1-3218. The commissioner of the revenue is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations in conformity with the general provisions of such code sections, including the requirements of answers under oath, as may be reasonably necessary to determine qualifications for exemption as specified by this division. The commissioner of the revenue may require the production of certified tax returns and appraisal reports to establish combined income and net combined financial worth.

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

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

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

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

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

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

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

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

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

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

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

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

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

**EXEMPTION PERCENTAGE SCHEDULE**

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

\$15,001.00--\$20,000.00	70	60	50	40	30
\$20,001.00--\$25,000.00	60	50	40	30	20
\$25,001.00--\$30,000.00	50	40	30	20	10

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

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

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

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

**Secs. 15-97–15-115. Reserved.**

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

Chairman Jones opened the public hearing.

Mrs. Dot Pugh spoke. She mistakenly thought that she was supposed to address the Board at this time regarding questions about her recent real estate assessment. Mr. Johnson advised that she needed to make an appointment with the Board of Equalization and told her of how to get in contact with them.

Mr. Norman Johnson addressed the Board. He stated that he thought the figures in the ordinance were way too low for this day and time – they were at least 15 years behind. He noted that he came to the Board and asked for this 14 years ago. He advised that he thought people with household incomes of \$30,000 or less should receive 100% help. He thought the financial net worth figure of \$80,000 should be doubled or tripled. They needed to put a fair price on this stuff so people could use it. The way it was written, 90% of the people would not be able to get it. He asked them to open up their hearts and help these people.

Chairman Jones closed the public hearing.

Vice-Chairman Young remarked that this was a start. It was better than what we had.

Supervisor Faison advised that he would be in favor of increasing the household income figure to \$40,000 and increasing the financial net worth figure to \$100,000.

Supervisors West, Wyche, and Felts indicated that they agreed with Vice-Chairman Young.

Mr. Norman Johnson spoke again. He stated that the way he read it, if you had over 1 acre, you could not get any help. It was not fair to the people of this County.

Mr. Michael Johnson, County Administrator, clarified for Supervisor Felts that this would abolish the current deferral program and replace it with a tax exemption program.

Mr. Johnson clarified that a person’s dwelling would be excluded from the financial net worth figure.

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

Moving to citizen requests to address the Board, Mr. Johnson announced that neither James Green nor Barbara Story, who had requested to address the Board, were present.

Moving to the Comprehensive Plan update and zoning ordinance amendment to establish a cash proffer policy, Mr. Johnson announced that as directed last month, this matter was referred back to the Planning Commission for additional review.

Mr. Jay Randolph advised that at their June 8 meeting, the Planning Commission resolved to recommend a streamlined version of the Policy that would have only two categories of residential units – single family and multi-family. In order to do this, they recommended combining single family residential and manufactured housing into one category known as single family. The respective figures of \$451 and \$3,005 would be combined and averaged ( $\$3,456/2 = \$1,728$ ) and \$1,728 would be the figure representing the single family category. They recommended combining the condos, quads, and townhomes and multi-family residential into one category known as multi-family. The respective figures of \$16 and \$1,720 would be combined and averaged ( $\$1,736/2 = \$868$ ) and \$868 would be the figure representing the multi-family category. Thus the housing units and figures in the Cash Proffer Policy would read as follows:

<b>Single Family Residential</b>	<b>\$1,728</b>
<b>Multi-Family Residential</b>	<b>\$ 868</b>

Supervisor West asked how often this could be reviewed? Chairman Jones replied, as often as you like. Mr. Randolph advised that they planned to review it annually.

The proposed amendments to the Comprehensive Plan are as follows:

COMPREHENSIVE PLAN AMENDMENT: CHAPTER VII

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

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

COMPREHENSIVE PLAN AMENDMENT: CHAPTER IX

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

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

SOUTHAMPTON COUNTY CODE SECTION 18-546, CONDITIONAL ZONING

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

Proposed revision to read as follows:

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

The resolution establishing a cash proffer policy is as follows:

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

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

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

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

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

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

**1) APPLICABILITY**

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

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

**2) METHODOLOGY**

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

Single Family Residential	\$1,728
Multi-Family Residential	\$ 868

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

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

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

**3) ADMINISTRATION.**

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

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

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

Adopted this 26<sup>th</sup> day of June, 2006.

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Dallas O. Jones, Chairman

Attest:

\_\_\_\_\_  
Clerk

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to amend the Comprehensive Plan and Zoning Ordinance as outlined above and to adopt the resolution establishing the Cash Proffer Policy. All were in favor.**

Moving forward, Mr. Johnson announced that included in the agenda for their consideration was a funding request from Providential Credit Care Management, a Smithfield-based, 501 (c) 3 corporation with a mission of preventing homelessness. They were seeking a local grant of \$5,000 to leverage with other sources in obtaining federal funding to accomplish their mission. He advised that their Executive Director, Barbara Wiggins, was also Chairman of the Western Tidewater Continuum of Care Council (WTCCC), to which Supervisor Felts was just appointed last month. He knew very little about Providential Care Management, and did not clearly understand the relationship between the company and the WTCCC. He also knew very little about the WTCCC itself. Accordingly, he recommended that they take this request under advisement, and await a report from Supervisor Felts, after she had had ample opportunity to digest the purpose and role of the WTCCC and its relationship with Providential Credit Care Management, Inc. They may wish to direct them to resubmit next spring at the beginning of FY 2008 budget deliberations.

It was consensus of the Board to follow the recommendation of Mr. Johnson and take this request under advisement.

Regarding miscellaneous issues, Mr. Johnson announced that as they may recall from last September, the State Department of Conservation and Recreation (DCR) oversees the state erosion and sediment control program and was responsible for review of local programs to insure their consistency with state guidelines. When our program was reviewed last year, one of the weaknesses cited in the evaluation was a lack of training and certification of our staff. In order to remain provisionally consistent, we were required to enter into a written corrective action agreement, in which, among other things, we agreed that our Department of Inspections staff would receive training and seek state certification. He was pleased to report that all three staff members successfully passed their certification exams on their first attempt and were now officially certified as follows:

Lee D. Copeland – certified as an E & S “Combined Administrator”

John P. Jenkins – certified as an E & S “Inspector”  
Robert L. Barnett – certified as an E & S “Administrator”

These gentleman each invested significant time and effort in preparing for the exams. He hoped they would extend their personal congratulations.

Mr. Johnson advised that included in the agenda was correspondence from Mr. Todd Christensen of VDHCD advising of the Program Year 2007 allocation of Indoor Plumbing/Rehabilitation Program funds (IPR) for Southampton County and requesting their consideration of designation of a program administrator. **No action was required unless the Board wished to designate a different subrecipient in PY 2007.** As they may recall from the past several years, 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 throughout the County. With the exception of the period between FY 96 - FY 98 when Southampton County assessed \$2.5 million in IPR funding on its own behalf to meet our contractual obligations to install indoor plumbing in every occupied dwelling unit within the Boykins-Branchville-Newsoms Regional Project area, we had historically designated a subrecipient to administer the program. He advised that although Mr. Christiansen’s letter indicated that only \$17,500 was obligated through April 30 by the STOP Organization in Southampton County for this program, there were several projects already in the pipeline for the end of this year and the beginning of next year. He noted that in addition to running an annual notice in the newspaper, STOP received referrals for this program from Social Services, Health Department, Inspections Department, and former project beneficiaries.

The Board did not wish to designate a different subrecipient for PY 2007.

Mr. Johnson informed that included in the agenda for their consideration was a proclamation declaring July 15, 2006 “Ricks Family Day” in honor and recognition of the descendants of Fabius T. and Eliza Mason Ricks.

He read aloud the following proclamation:

## **A Proclamation**

### **To all to whom these presents shall come – Greeting**

**WHEREAS**, Fabius T. Ricks was born in Southampton County, Virginia in March 1864; and

**WHEREAS**, Eliza Mason was born in Southampton County, Virginia in April 1867; and

**WHEREAS**, Fabius T. Ricks and Eliza Mason were united in Holy Matrimony in Southampton County, Virginia on April 19, 1888; and

**WHEREAS**, over the course of the next twenty years, Fabius and Eliza Ricks were blessed with the birth of eleven children: Thomas W. Ricks, Benjamin F. Ricks, Julia R. Ricks, Magnolia Ricks, Mary J. Ricks, Elizabeth Ricks, Bertha Ricks, Gertrude Ricks, Charlie Ricks, Joseph B. Ricks, and Harry A. Ricks; and

**WHEREAS**, the descendants of Fabius T. and Eliza Mason Ricks will gather in Norfolk, Virginia on July 14-16, 2006 to renew their kinship and celebrate their lineage and heritage; and

**WHEREAS**, our Chairman, by and with the advice and consent of the Board of Supervisors, resolves that a Proclamation be issued designating July 15, 1006 as “Ricks Family Day.”

**NOW KNOW YE THAT** we do by these presents proclaim and declare that July 15, 2006 shall be known as

### **“Ricks Family Day”**

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

**WITNESS** The Honorable Dallas O. Jones, Chairman of the Board of Supervisors of Southampton County, Virginia on this twenty-sixth day of June, two thousand six.

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Dallas O. Jones, Chairman  
Board of Supervisors

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to authorize the Chairman to sign the proclamation. All were in favor.**

Mr. Johnson stated that included in the agenda was a copy of the slide presentation from the June 13, 2006 Board/Staff Retreat.

He informed that included in the agenda was correspondence sent to each fire chief and rescue squad captain relative to public safety communications system testing and cut over. With assistance from volunteer firefighters and EMTs, testing began on June 19, and thus far, feedback has been extremely positive. They expected to cut over to the new system by mid-July.

Mr. Johnson advised that he received information this week regarding VACo's annual meeting in Bath County on November 12-14, 2006. In accordance with past policy, he had reserved three room at the conference hotel – one each for the Chairman, Vice-Chairman, and member with the greatest seniority (Supervisors Jones, Young, and Faison respectively). He stated that he was open to their direction on accommodations for other members wishing to attend. We had two options: He may request that each of them be placed on the wait list at the conference hotel or he may make alternative arrangements at another local establishment – but he could not do both.

It was consensus of the other members wishing to attend to have Mr. Johnson make alternative arrangements at another local establishment.

Continuing with miscellaneous issues, Mr. Johnson stated that included in the agenda for their information was a flurry of correspondence between SPSA and the City of Chesapeake relative to the Regional Solid Waste Management Plan, which contained certain references to the proposed landfill in Camden County, NC, CDD landfill in Virginia Beach, and barge facility on the Elizabeth River in Portsmouth. As they had seen in recent media accounts, these references had caused serious consternation in the City of Chesapeake, so much so that they were evaluating the feasibility of withdrawing from the Authority at some future time.

Supervisor Faison asked how it would affect the other member localities if Chesapeake were to withdraw? Mr. Johnson replied that he did not think they could legally withdraw prior to 2018.

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

He advised that included in the agenda were copies of the latest compensation reports (or attendance records) for the Planning Commission and Board of Zoning Appeals for the period of January 1, 2006 through June 30, 2006.

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

- 1) From the Virginia Department of Environmental Quality, notice of a groundwater withdrawal permit application from the Mobile Estates Subdivision in Williamsburg to withdraw an average of 10,951 gallons per day;
- 2) From the Virginia Office of Drinking Water, a copied notice of violation to Harlan Heikens, owner/proprietor of the Nottoway Shores water system, for failure to collect a bacteriological sample in April 2006;
- 3) From the Virginia Office of Drinking Water, a copied notice of violation to D.C. Magette, owner/proprietor of the Darden's Mill Estates water system, for exceeding the maximum contaminant level for total coliform bacteria in May 2006; and
- 4) From the Virginia Department of Environmental Quality, notice of a groundwater withdrawal permit application from Hanover County to continue to withdraw an average of 21,206 gallons per day for the Strawhorn subdivision.

He advised that the following incoming correspondence was received:

- 1) From the Virginia Commission for the Arts, notice that our annual matching grant for Rawls Museum Arts is on hold until the General Assembly finalizes the state budget;
- 2) From Cyndi Estienne, 4-H Extension Agent, a letter of resignation effective July 10 – she has accepted a position as an agent in Greensville County;
- 3) From Charter Communications, notice of planned rate increases;
- 4) From Colonel Gerald Massengill, Interim Director at VDGIF, confirmation of receipt of your recent ordinance to establish an additional no-wake zone on the Nottoway River;
- 5) From Keith Boyd, Coordinator of the South Centre Corridors Resource Conservation and Development Council, a note of thanks for allowing him to make a presentation last month and offering to share an additional presentation regarding the “Value of Forestry” at an upcoming BOS or Planning Commission meeting;
- 6) From Brian van Eerden, Director of the Southern Rivers Program with The Nature Conservancy, a note of thanks for his recent letter of support for a Forest Legacy Grant, written on their behalf;
- 7) From Paul D. Camp Community College, a note of thanks for your recent contribution of \$500 to support their annual golf tournament;
- 8) From Jones Hooks, President/CEO of the Hampton Roads Economic Development Alliance, a letter of welcome to their organization;
- 9) From the Virginia Auditor of Public Accounts, correspondence denoting no findings after a recent audit of the cash receipts and disbursements of the Clerk of the Circuit Court’s records; and
- 10) From the Virginia Department of Historic Resources, a letter renewing their commitment to complete the Cost Share survey in Southampton County which was commenced in 2000 but never completed.

Mr. Johnson informed that outgoing correspondence and news articles of interest were also included 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 businesses or industries where no previous announcement has been made of the business’ or industry’s interest in locating its facilities in the community;**

**Section 2.2-3711 (A) (1) Discussion of the promotion of specific public employees;**

**Section 2.2-3711 (A) (3) Discussion concerning the disposition of certain county owned property in which discussion in an open meeting could affect the bargaining position of the governing body; and**

**Section 2.2-3711 (A) (3) Discussion concerning the acquisition of certain property in which discussion in an open meeting could affect the bargaining position of the governing body.**

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

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

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

**RESOLUTION OF CLOSED MEETING**

June 26, 2006

**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.  
Carl J. Faison  
Anita T. Felts  
Ronald M. West  
Moses Wyche**

**The motion passed unanimously.**

There being no further business, the meeting was adjourned at 12:05 PM.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk