

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 27, 2005 at 8:30 AM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

Julia G. Williams, Finance Director
Richard E. Railey, Jr., County Attorney
Robert L. Barnett, Building Official/Zoning Administrator
Julien W. Johnson, Jr., Public Utilities Director
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 10, 2005 quarterly workshop meeting/mini retreat, May 16, 2005 budget public hearing, and May 23, 2005 regular meeting. They were all approved as recorded, as there were no additions or corrections.

Regarding highway matters, Chairman Jones recognized Mr. Randolph Cook.

Mr. Cook advised that this was his last Board of Supervisors meeting, as his last day at the Virginia Department of Transportation (VDOT) was Thursday. He stated that he began attending these meetings regularly in January 1990. He had missed a few, but not a lot, over the last 15 years. It had been great working with the Board. It was nice to have a Board that was interested in the citizens. He could honestly say that VDOT had never been able to do everything they wanted to do, but they had certainly attempted to try and satisfy the citizens and take care of the Board's wishes. They had been through some ups and downs with finances and cut budgets, but they managed to work through it. He felt very good about having the opportunity to work with all of them over the years. He appreciated their support and would miss seeing them every month. He mentioned that he would be taking another job for a while in the private sector.

Chairman Jones stated that on behalf of the Board, they had really enjoyed working with him over the years and were sorry that he was leaving. They wished him well in his future endeavors.

Mr. Jerry Kee of VDOT then presided over highway matters. He advised that they were getting ready to start their second round of mowing. Also, the Route 58 project between Southampton High School and Route 609 would be fully complete with all the markers this week.

Vice-Chairman Young advised that he had received some calls about the roughness of Champ Drive, especially given the dry weather.

Supervisor Felts informed that she had spoken to Mr. Pair of VDOT's Berlin Area Headquarters, but had not had a chance to contact him (Mr. Kee). A resident of Guy Place Road contacted her with concerns about the traffic on that road going faster than 55 mph and wondered what the speed limit was. Mr. Kee advised that it was 55 mph. She asked if they could look at that since there were so many homes on that road now? Mr. Kee replied that he would look at it. She stated that the road was dirt and asked if there was any way it could be surfaced with something else? Mr. Kee replied that it had to go through the unpaved road process. However, they had talked Friday about maybe putting some liquid calcium on our dirt roads, so he would get back to her on that.

June 27, 2005

Supervisor Brown advised that an assessment was done of Riverdale Road from Sandy Ridge Road to Route 258 to see if a 45 mph speed limit was necessitated, and it was not. Some citizens had contacted him and were interested in a 45 mph speed limit in the vicinity of the church, fellowship hall, and the cluster of 9 or 10 homes located there, and not the whole road. Mr. Kee advised that he would look into that.

Supervisor Wyche asked if there had been any bids on Whitehouse Road? Mr. Kee advised that they took bids 2 months ago and they were too high. So they had to readvertise and would be taking bids again next month.

Chairman Jones announced that included in the agenda was a petition from 6 households on Peachtree Avenue in Sedley requesting installation of two "Children at Play" signs in their community. The request was consistent with the policy adopted by the Board of Supervisors at its October 27, 1997 meeting. A resolution was included in the agenda for their consideration.

The resolution is as follows:

At a meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, June 27, 2005 at 8:30 a.m.

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

IN RE: "Watch for Children" signage request

Supervisor Young moved that:

"The County Administrator is directed to request to the Virginia Department of Transportation to install and maintain 'Watch for Children' signage on Peachtree Avenue alerting motorists that children may be at play between 31011 and 31039 Peachtree Avenue."

Seconded by Supervisor Faison.

Voting on the Item: Supervisors Jones, Young, Brown, Faison, Felts, West, Wyche – YES;
None – NO.

A COPY TESTE:

Michael W. Johnson, Clerk
Southampton County Board of Supervisors

Vice-Chairman Young moved, seconded by Supervisor Faison, to adopt the resolution directing the County Administrator to request VDOT to install and maintain the signage described above. All were in favor.

Chairman Jones advised that included in the agenda was a copy of the latest correspondence with regard to the FY 2006 Primary and Secondary Road Fund Revenue Sharing Program.

He advised that also included in the agenda was correspondence from Michael Estes, Director of the Local Assistance Division of VDOT, reporting that after an analysis of every Virginia county's subdivision ordinance to determine the county's rural addition status, Southampton County was

eligible to use Sec. 33.1-72.1, *Code of Virginia*, to make rural additions to the secondary system of highways.

Regarding monthly reports, various monthly reports were received and provided in the agenda. They were Financial, Sheriff's Office, Animal Control, Communication Center Activity Report, Traffic Tickets, Building Inspections, and New Housing Starts. Also, Cooperative Extension, Delinquent Tax Collection, Daytime E.M.S. Contract, Reassessment, Planning Commission/BZA Attendance, and Personnel.

In reference to the Reassessment Report, Supervisor West informed the public that the reassessment was 64% complete.

In reference to the personnel report, Mrs. Julia Williams, Finance Director, announced that James A. Randolph was hired in County Administration effective 07/05/05 at an annual salary of \$48,000. Robert B. Pearce, Jr. was hired in the Sheriff's Department effective 06/01/05 at an annual salary of \$25,004. She advised that the salary of Mary J. Dunn of the Sheriff's Department increased to \$25,004 effective 06/01/05 as the result of a promotion. She informed that Cynthia L. Cave of Economic Development resigned effective 06/13/05. Tryphena L. Bryant resigned effective 06/15/05 and Richard A. Walker resigned effective 06/18/05, both of the Sheriff's Department. She stated that we needed to remember Raymond E. Merkh and Derek W. Ayers of the Sheriff's Office who remained on active military leave.

Moving forward to financial matters, Mrs. Williams announced that included in the agenda was an appropriations resolution with a total appropriation of \$185,194.30. All funding had been received from the sources indicated and, with this resolution, was being appropriated for use by the School Board for specified expenses. No new money was required.

The appropriations resolution is as follows:

APPROPRIATIONS - JUNE 27, 2005

NO NEW LOCAL FUNDS

SCHOOL BOARD

- (1) Expenditure refunds received--see attached Letters
- (2) Reimbursements received for Day Care and School Activities--see attached letters
- (3) Reimbursements received for Donations and for E-Rates--see attached letters
- (4) Transfer of expenditure lines--see attached Letters
- (5) Additional federal funds received--see attached letters

At a meeting of the Board of Supervisors of Southampton County, Virginia on Monday, June 27, 2005

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the following appropriations be and hereby are made for the period of July 1, 2004 through June 30, 2005 for the function and purpose indicated:

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

4-205-61100-1140-002-1-100	TECHNICAL SALARY-REG	2,571.49
61100-1621-003-5-100	ALGEBRA READINESS	(500.00)
61100-3000-002-1-100	OTHER INST COSTS-REG	92.41
61100-3000-002-1-100	OTHER INST COSTS-REG	638.00
61100-3000-002-9-100	OTHER INST COSTS-DIV	(53,674.00)
61100-3000-003-1-100	OTHER INST COSTS-REG	1,175.50
61100-3000-003-1-100	OTHER INST COSTS-REG	481.25
61100-3000-003-1-100	OTHER INST COSTS-REG	100.00
61100-3000-003-1-100	OTHER INST COSTS-REG	225.00
61100-3000-003-4-100	OTHER INST COSTS-G&T	12,685.09
61100-3001-003-5-100	OTHER INST COSTS-ALGEBRA READINESS	500.00
61100-5200-003-8-100	COMMUNICATIONS-ISAEP	(10,000.00)
61100-6000-002-1-100	MATERIAL & SUPPLIES-REG	36.65
61100-6000-002-1-100	MATERIAL & SUPPLIES-REG	359.50
61100-6000-002-1-100	MATERIAL & SUPPLIES-REG	300.50
61100-6000-002-6-100	MATERIAL & SUPPLIES-HUNTERDALE	1,936.19
61100-6008-003-1-100	PROJECT GRADUATION ACADEMY-STATE	8,000.00
61100-8210-003-3-100	ROBOTICS LAB GRANT	900.40
61100-8210-003-3-100	ROBOTICS LAB GRANT	618.00
61100-8210-003-8-100	CAPITAL OUTLAY ADD'L HDWRE-ISAEP	10,000.00
63200-6000	OFFICE SUPPLIES	11.04
63200-6008	VEHICLE & POWERED EQUIP-FUELS	4,159.00
63200-6009	VEHICLE & POWERED EQUIP	464.80
63200-6009	VEHICLE & POWERED EQUIP	1,750.00
63400-6014	OTHER OPERATING VEHICLES	53,674.00
64500-3310	REPAIR & MAINTENANCE SERVICE	2,250.00
	TOTAL	<u>38,754.82</u>

ACTIVITY REIMBURSEMENTS

4-205-69001-1140	TECHNICAL SALARY	2,413.41
69001-1170	OPERATIVE SALARIES	7,945.05
69002-2100	FICA BENEFITS	771.35
69002-1170	OPERATIVE SALARIES	433.16
69001-2100	FICA BENEFITS	31.75
69003-1170	OPERATIVE SALARIES	378.44
69003-2100	FICA BENEFITS	25.23
69004-1170	OPERATIVE SALARIES	562.19
69004-2100	FICA BENEFITS	42.18
69005-1170	OPERATIVE SALARIES	105.00
69005-2100	FICA BENEFITS	8.04
69007-1170	OPERATIVE SALARIES	525.01
69007-2100	FICA BENEFITS	39.44
	TOTAL	<u>13,280.25</u>

MEHERRIN DAY CARE, PROGRAM 220

4-205-61100-1140-002-5-220	TECHNICAL SALARY-DAY CARE	4,414.67
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June 27, 2005

61100-2100-002- -220	FICA BENEFITS	322.95
	TOTAL	<u>4,737.62</u>
CAPRON DAY CARE, PROGRAM 225		
4-205-61100-1140-002-5-225	TECHNICAL SALARY-CAPRON DAY CARE	1,221.77
61100-2100-002- -225	FICA BENEFITS	93.43
	TOTAL	<u>1,315.20</u>
RENTAL TEXTBOOK, PROGRAM 260		
4-205-61100-6040-002-1-260	TEXTBOOKS	221.85
	TOTAL	<u>221.85</u>
TECHNOLOGY PLAN, PROGRAM 265		
4-205-61100-8250-003-1-265	INTERNET SERVICE	56,015.21
	TOTAL	<u>56,015.21</u>
FRANKLIN/SOUTHAMPTON CHARITIES, PROGRAM 320		
4-205-61100-8210-003-3-320	ROBOTICS LAB GRANT	5,000.00
61100-8210-003-3-320	ROBOTICS LAB GRANT	595.35
61100-8210-003-3-320	ROBOTICS LAB GRANT	1,834.00
	TOTAL	<u>7,429.35</u>
READING INTERVENTION, PROGRAM 450		
4-205-61100-1120-002-1-450	INSTRUCTIONAL SAL-REG	(1,870.00)
	TOTAL	<u>(1,870.00)</u>
TITLE I, PROGRAM 500		
4-205-61310-3000-002-9-500	DIVISION IMPROVEMENT	364.00
	TOTAL	<u>364.00</u>
SLIVER GRANT, PART B, PROGRAM 570		
4-205-61100-3000-002-2-570	PURCHASED SERV-SP	(155.00)
	TOTAL	<u>(155.00)</u>
VOCATIONAL/SPECIAL EDUCATION, PROGRAM 800		
4-205-61100-5500-003-3-800	TRAVEL (MILEAGE-VOC)	5,771.00
61100-6000-003-3-800	INST & EDU SUP-VOC	(21,559.00)
61100-8001-003-3-800	EDUCATIONAL EQUIPMENT-VOC	(6,936.00)
61100-8210-003-3-800	CAPITAL OUTLAY ADD'L HDWRE-VOC	23,725.00
	TOTAL	<u>1,001.00</u>
OPPORTUNITY INC, PROGRAM 850		
4-205-61210-1120-003-3-850	GUIDANCE SERVICES SAL-VOC	20,000.00
61210-1150-003-3-850	CLERICAL SAL-VOC	8,500.00
61210-2100-003- -850	FICA BENEFITS	2,038.00
61210-2210-003- -850	VRS RET-PROF	1,425.00

June 27, 2005

61210-2300-003- -850	HOSPITALIZATION	2,031.00
61210-2600-003- -850	VEC	6.00
61210-3000-003-3-850	PURCHASED SERVICES	5,000.00
61210-4000-003-3-850	INTERNAL SERVICES	5,000.00
61210-5200-003-3-850	COMMUNICATIONS	4,000.00
61210-5500-003-3-850	TRAVEL	3,000.00
61210-6000-003-3-850	INST & EDU MAT'L	5,100.00
61210-8210-003-3-850	CAPITAL OUTLAY-ADD'L HDWRE	8,000.00

TOTAL 64,100.00

TOTAL SCHOOL APPROPRIATION 185,194.30

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TOTAL APPROPRIATIONS 185,194.30

REVENUE APPROPRIATION JUNE 2005
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

SCHOOL REVENUE

3-205-16120-0010	DAY CARE CENTER	1,315.20
3-205-16120-0010	DAY CARE CENTER	4,737.62
3-205-18990-0032	INSURANCE CLAIMS	1,750.00
3-205-18990-0032	INSURANCE CLAIMS	2,250.00
3-205-18990-0100	EXPENDITURE REFUNDS	1,862.15
3-205-18990-0100	EXPENDITURE REFUNDS	992.81
3-205-18990-0100	EXPENDITURE REFUNDS	1,076.60
3-205-18990-0100	EXPENDITURE REFUNDS	21,943.74
3-205-18990-0100	EXPENDITURE REFUNDS	2,571.49
3-205-18990-0100	EXPENDITURE REFUNDS	760.00
3-205-18990-0100	EXPENDITURE REFUNDS	5,013.04
3-205-18990-0101	DONATIONS	5,000.00
3-205-18990-0101	DONATIONS	1,250.00
3-205-18990-0101	DONATIONS	1,936.19
3-205-18990-0110	SCHOOL ACTIVITY REIMB	113.04
3-205-18990-0110	SCHOOL ACTIVITY REIMB	1,008.04
3-205-18990-0110	SCHOOL ACTIVITY REIMB	12,159.17
3-205-18990-0200	E-RATES REFUNDS	56,015.21
3-205-25020-0775	READING INTERVENTION-450	(1,870.00)
3-205-33020-0020	TITLE I-500 & 501	364.00
3-205-33020-0170	VOCATIONAL/SPEC ED PROJ - 800	1,001.00
3-205-33020-0330	IDEA PART B SLIVER GRANT-570	(155.00)
3-205-33020-0360	OPPORTUNITY INC	64,100.00

TOTAL SCHOOL FUND REVENUE 185,194.30

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TOTAL APPROPRIATION 185,194.30

Vice-Chairman Young moved, seconded by Supervisors West and Wyche, to adopt the appropriations resolution. All were in favor.

Mrs. Williams advised that also included in the agenda was a semiannual appropriations resolution for the first half of FY 2006, with total appropriations of \$22,201,002.

The FY 2006 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 27, 2005

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, 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:

11010	Board of Supervisors	51,938
12110	County Administration	138,070
12310	Commissioner of Revenue	106,726
12320	Board of Assessors	63,184
12410	Treasurer	101,072
12415	Delinquent Tax Collection	28,350
12430	Accounting	78,539
12510	Data Processing	99,184
12550	Insurance/County Code	51,623
13200	Registrar	61,509
21100	Circuit Court	30,504
21200	Combined District Courts	10,463
21300	Special Magistrates	719
21600	Clerk of the Circuit Court	56,318
21700	Sheriff - Bailiff	173,501
21750	Courthouse Security	25,742
22100	Commonwealth's Attorney	176,431
31200	Sheriff	683,738
31750	School Resource Officer	17,203
32200	Volunteer Fire Departments	249,688
32300	Volunteer Rescue Squads	867,203
32400	State Forestry Service	13,257
33100	Detention	1,139,052
33300	Probation	26,348
34000	Building Inspections	26,390
35100	Animal Control	38,851
35300	Medical Examiner	750
35500	Emergency Service/Civil Defense	27,032
41320	Street Lights	19,500
42300	Refuse Collection	181,061

June 27, 2005

42400	Refuse Disposal	545,117
43000	Buildings & Grounds	198,141
51100	Local Health Department	140,770
52000	Mental Health Services	71,706
53220	State/Local Hospitalization	5,982
53240	Sr Services of Southeastern	5,265
53500	Comprehensive Services Act	28,996
53600	STOP Organization	1,706
72000	Community Concert Series	4,000
72200	Rawls Museum Arts	10,000
72500	Historical Society	3,500
73200	Walter Cecil Rawls Library	91,939
81100	Planning/Zoning	98,606
81500	Economic Development	75,000
82400	Soil & Water Conservation District	10,000
83500	Cooperative Extension Service	27,395
91400	Non-Departmental Operating	84,310
	TOTAL	<u>5,946,379</u>

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

31400	E-911	108,261
	TOTAL	<u>108,261</u>

From the General Fund to the Water
& Sewer Fund to be expended only
on order of the Board of Supervisors:

89600	Enterprise Fund Water	254,190
89500	Enterprise Fund Sewer	425,088
89400	Enterprise Utility Extension	112,525
	TOTAL	<u>791,803</u>

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

94000	Building Fund	708,738
	TOTAL	<u>708,738</u>

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

61000	Instruction	7,934,031
62000	Administration	586,093
63000	Other Direction & Management	1,101,422
64000	Operation & Maintenance Services	1,299,206
68000	School Food Service	41,085
66000	Facilities	102,013
67000	Debt Service	995,501
260	Rental Textbook	126,260
265	Technology	103,000
400	At Risk 4-Year Olds	31,096
450	Early Reading Intervention	14,022
500	Chapter I	300,750
550	Title VIB Special Ed-Flow Through	257,596
600	Title VI Innovative Educ Program	11,098
650	Substance & Drug Prevention	10,235
800	Vocational Special Education	30,168
900	Pre-School Incentive	7,721
570	Sliver Grant	9,309
625	Title II-A Training and Recruitment	78,949
660	Community Service Grant	25,000
630	Title IID Ed Tech	8,029
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	TOTAL	13,072,584

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	528,813
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	TOTAL	528,813

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

309	Welfare Administration (Eligibility)	312,854
310	Welfare Administration (Service)	236,414
311	Welfare Administration (Joint)	173,934
313	Benefit Programs	277,260
314	Welfare Administration (Energy)	9,830
319	Welfare Administration (VIEW)	34,132
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	TOTAL	1,044,424

TOTAL APPROPRIATIONS

 22,201,002

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

A copy teste: _____, Clerk
Michael W. Johnson

Southampton County Board of Supervisors
06/27/05

Supervisor West moved, seconded by Supervisor Brown, to adopt the FY 2006 semiannual appropriations resolution. All were in favor.

Mrs. Williams informed that bills in the amount of \$1,481,890.71 were received. **Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$1,481,890.71 be paid with check numbers 69771 through 70404. All were in favor.**

Moving to appointments, Chairman Jones announced that as discussed last month, Mr. Edward Gardner's term on the Blackwater Regional Library's Board of Directors would expire on June 30. Mr. Gardner had indicated that he was unable to serve another term. Supervisors Faison and Brown agreed to seek a successor.

Supervisor Faison submitted the name of Mrs. Mary Mason, 22305 Garris Mill Road, Boykins, VA 23827, (757) 654-9278.

Supervisor Faison moved, seconded by Vice-Chairman Young, to appoint Mrs. Mary Mason to succeed Mr. Gardner on the Blackwater Regional Library's Board of Directors. All were in favor.

Chairman Jones informed that also as discussed last month, Mr. James Ricks' term on the Genieve Shelter Board of Directors would expire in August 2005. Mr. Ricks had indicated that he was unable to serve another term. Supervisor West agreed to seek a successor.

Supervisor West advised that Mr. Ricks' was reconsidering at this time. Therefore, he would be ready to submit the name of his appointee next month.

Chairman Jones advised that included in the agenda was correspondence from Ms. Edith Jones, Executive Director of The STOP Organization, advising Mr. Johnson that Mrs. Ruby Worrell's seat on the Board of Directors had been declared vacant on the grounds of non-attendance. She was seeking the Board's consideration in re-nominating Mr. Walter D. Brown, III, this time as a Group B director. He reminded that Supervisor Brown was nominated by the Board for a seat (along with Mrs. Worrell) in November, but only one seat was vacant at that time.

Supervisor Brown advised that he was originally interested in serving as a Group C director, representing the low-income population. However, if the Board was so inclined, he would be more than happy to serve as a Group B director, representing a community group.

Vice-Chairman Young moved, seconded by Supervisor Faison, to recommend that Walter D. "Walt" Brown, III be appointed to replace Mrs. Ruby Worrell as a Group B director on the STOP Organization Board of Directors. All were in favor.

Moving forward, Mrs. Williams announced that included in the agenda was correspondence from Mr. Todd Christensen of VDHCD advising of the FY 2006 allocation of Indoor Plumbing/Rehabilitation Program funds (IPR) for Southampton County and requesting the Board's consideration of designation of a program administrator. She advised that 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 and FY 98 when Southampton County accessed \$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. She informed that although Mr. Christensen's letter indicated that \$0 had been obligated through April 30 by the STOP Organization for this program, there were extenuating circumstances. Notwithstanding 5 local residents qualifying for the program, 4 chose not to participate because of the liens that were placed on the property upon completion. Since April 30, one project had been completed on Pine Level Road in Capron, at a cost of \$14,500. She noted that unless notified otherwise prior to July 1, DHCD would automatically renew the STOP Organization as our program subrecipient in FY 2006.

It was consensus of the Board to keep the STOP Organization as our program administrator.

Moving forward, Chairman Jones announced that included in the agenda was an application for a fireworks permit from the Sedley Recreation Association pursuant to **Sec. 10-73** of the *Southampton County Code*. This display was scheduled for July 4, 2005 at approximately 9:00 PM. The rain date was July 5. The application was in order and a draft permit was included in the agenda for the Board's consideration.

Vice-Chairman Young moved, seconded by Supervisor Faison, to approve issuance of the fireworks permit. All were in favor.

Proceeding to the citizen request to address the Board, Chairman Jones recognized Mr. Wilbert Williams of Wilbert Williams & Sons Apartment Rentals, who wished to address the Board regarding the recent increase in the sewer tap fee (connection fee).

Mr. Wilbert Williams advised that prior to the sewer taps fee being increased, he had taken a sketch (plat) to Debra Lambert of the Town of Courtland depicting 4 lots, 3 of which he planned to construct duplexes on, for approval so that he could be issued a building permit. He planned to apply for sewer taps for those 3 lots after being issued a building permit. (Note: The 4th lot already had a sewer tap in place.) He stated that for some reason, Ms. Lambert would not approve the sketch as it was. So he had to modify it and resubmit it to her, thereby delaying the issuance of his building permit. When he finally got the building permit, he came over to the County to apply for the 3 sewer taps. At that time, he learned that the sewer tap fee had increased and also a facility fee had been implemented effective May 24, 2005. They told him it was in *The Tidewater News*, but he did not see it in there. Prior to the ordinance being adopted, the base sewer tap fee for a duplex was \$1000. The current base sewer tap fee for a duplex was now \$2,700, plus a facility fee of \$2,000 per unit (or \$4,000 per duplex), for a total of \$6,700 per duplex. He advised that he initiated this process prior to the sewer tap fee being increased, and if Ms. Lambert had approved his initial sketch, which he felt she should have, then he would have been issued his building permit earlier and he would have come to the County to apply for the sewer taps prior to the adoption of the new fees. Therefore, he was requesting that the County grandfather his case and allow him to pay the old rates. He stated that he could not afford to pay the new rates. Mr. Williams passed around his sketch and a letter from Mr. Cass Camp certifying that all of his paperwork and surveying of the lots was now complete.

Chairman Jones confirmed with Mr. Williams that his paperwork was complete on May 26, 2005. He stated that the County adopted the increase in the sewer tap fee and implemented the facility fee on May 24, 2005. There was nothing the Board could do about his situation unless the County did something to hold up his process.

Mr. John Robert Harrup, Southampton County Commissioner of the Revenue, advised that he drew the initial sketch for Mr. Williams and, in his opinion, it should have been approved then by the Town of Courtland. He had sketched several others before the same way and they had all been approved. He didn't know if she (Ms. Lambert) had a chip on her shoulder that day or what.

Supervisor Faison stated that he was not pointing fingers at whose fault it was. But in his opinion, Mr. Williams was a victim here. The process was initiated prior to the adoption of the new fees. This case had circumstances that were not common and he thought Mr. Williams was a victim.

Supervisor Brown stated that he wanted to echo what Supervisor Faison just said. This definitely needed to be grandfathered. Mr. Williams put forth his paperwork prior to the date that the ordinance came into effect and we needed to make sure this was grandfathered and that Mr. Williams was taken care of.

Supervisor West stated that he did not know the exact date that Mr. Williams and Mr. Harrup first spoke about this. However, he felt that Mr. Williams not knowing about the increase in the sewer tap fee in *The Tidewater News* was not the fault of *The Tidewater News* or this Board. It was Mr. Williams' diligence that was required to find out what was going on. He commented that if he (Supervisor West) did not pay his taxes on November 5th, he was penalized November 6th. He could not support this. He understood that Mr. Williams was a victim to a certain degree, but then there was the requirement that he also be aware. Mr. Williams was a man doing this as a regular customer that knew the business and the needs. He felt like maybe he slipped a little bit.

Supervisor Faison moved, seconded by Supervisor Brown, that we grandfather this case and charge Mr. Williams the \$1,000 that would have been before. Chairman Jones, Vice-Chairman Young, and Supervisors Brown, Faison, Felts, and Wyche voted in favor of the motion. Supervisor West voted in opposition to the motion. The motion was 6-1 in favor of the motion, thus the motion passed.

Mr. Williams stated that he had four of them now. Chairman Jones stated, that was ok. It was whatever he had.

Moving forward to public hearings, Mr. Robert Barnett, Building Official/Zoning Administrator and Acting Secretary of the Planning Commission, announced that the first public hearing was being held to consider the following:

REZ 040705:01 Application filed by Paul Tolson, III (owner/applicant) requesting a rezoning of approximately 34 acres from Agricultural District (A-1) to Residential District (R-1). The property is identified as Tax Map 76, Parcel 6, and located at 29283 Country Club Road approximately 800 feet east of its intersection with Storys Station Road (Route 650). The subject parcel is in the Jerusalem Magisterial District and the Jerusalem Voting District.

Mr. Barnett noted that the applicant had voluntarily proffered a number of conditions related to the subject petition.

Chairman Jones opened the public hearing.

Mr. Martin Keele, co-owner of the property, addressed the Board. He thanked them for the opportunity to speak. He advised that he would like to speak on the decision of the Planning Commission. He and his partners recognized that the Commission had voted no for the second time. The first time the vote was unanimous, and the second time it was 7-1. They were told by most members of the Commission that what they were proposing to do was very good and they would have voted for it if not for the moratorium. (*Note: The ordinance the Board adopted on February 28 which put limits on subdivisions in Agricultural A-1 and A-2 was sometimes referred to as a moratorium.*) He stated that the intent of the moratorium was to prevent the stripping of road front lots in A-1 and A-2, and that was it. And that was what the task force was asked to do as far as the drafting of the moratorium. He thought the intent of the moratorium was very clear and did not think that it would be interpreted any different in an appeals process. He pointed out that the Comprehensive Plan called for the moratorium all along. It was not just something that came about. It was on a schedule. It was a very small part of a very large plan. It was their understanding that the moratorium only affected A-1 and A-2. It should not play a role and prohibit an applicant from rezoning. What they were trying to do was not an A-1 or A-2 issue. They were also told by Planning Commission members that passing this at this time would be a slap in the face to the task force and undermine their efforts. He stated that they believed that not be true. It was their understanding that the task force was now looking at other issues such as cash proffers, subdivision ordinances, and zoning issues. Going back to the Comprehensive Plan, they felt that at this time it allowed for rezoning. The laws on the books today should allow them to move forward. Issues of cash proffers, subdivision ordinances, and zoning that were currently being studied, and surely would call for future change, were not in place so they should not be a deciding factor. Cash proffers would be illegal at this time.

Mr. Keele informed that there were issues about a precedent being set and using them as an example. They did not file their application to set a precedent. They filed their application because after reading the Comprehensive Plan, they thought they were mainstream within the Plan. They were just trying to maximize the property's potential. As far as the applications that would come after them, the Board would have time to make whatever changes needed to do what

was in the best interest of the County. They missed the A-1 and A-2 subdivision timeline. They did not need to be put off until the next round of decision-making because it was not in their financial best interest. All they asked was that they be judged on the merit of what they were trying to do under the current laws and ordinances and most importantly, the Comprehensive Plan. He asked that they not take his comments in a negative way. He stated that the Comprehensive Plan was a big plan, a long-term plan, and a good plan. Implementing it would take a lot of work and he thought it was important that they stick to the Plan. He pointed out that if you asked the zoning department could you rezone, the answer would be yes. They felt that the Planning Commission did not understand the relationship between the rezoning effort and the moratorium or had bent it to another purpose.

Mr. Keele asked Mr. Richard Railey, County Attorney, with the laws on the books and in place right now, could you or could you not rezone, yes or no? Attorney Railey replied, yes you could rezone and yes you could not rezone. That was why this Board was here. Mr. Keele advised that he understood that the Board had that option, but he was asking more from a legality standpoint if you could rezone. Attorney Railey stated that yes, this Board had the power, jurisdiction, and the authority to rezone, and had the power, jurisdiction, and the authority not to rezone. Mr. Keele stated that he appreciated the opportunity to speak and would be more than happy to try and answer any questions.

Supervisor West pointed out that the applicants had acknowledged that they missed the A-1 and A-2 deadline. He stated that certainly the task force had a big job before it and he personally thought that we were not at a time and place to move forward with this potential development until the task force had had time to look at everything that it planned on doing. He stated that yes, the Board could rezone today and the Board could not rezone today. He personally felt that given all the growth that had been thrust upon us, it was in the best interest of the citizens of this County for us to move slowly and to have any potential advantage in place first. Then the applicants could come back before the Board.

Mr. Keele advised that the question he was trying to ask was about the relationship between the moratorium and the rezoning, since rezoning was pretty much a "hands off" issue. Supervisor West stated that he did not think the intent of the ordinance was only to stop "piano-key" development along the roads. The intent was to give the task force one year to look at managed growth, in general, and protect a way of life in an agricultural and rural environment. The task force was well into that process now.

Supervisor Brown asked Mr. Keele if he was inferring that the ordinance itself was being utilized to negate rezoning in areas that were already earmarked for residential growth in the Comprehensive Plan. Mr. Keele stated that it was being used to stop rezoning, in his opinion, in areas that had already been set aside for residential activity. They had been told that their plans looked great and if not for the moratorium it would not be an issue. As far as he and his partners were concerned, it should not be an issue with what they were trying to do anyway.

Chairman Jones pointed out to Mr. Keele that the Comprehensive Plan was a guideline.

Supervisor West stated that he understood that the ordinance came into effect just a few days after they purchased the property. Mr. Keele advised that the implementing of the ordinance in relation to when they purchased the property was not a hardship for them. They were trying to do what they had set out to do all along. Supervisor West asked why they could not wait another 5-8 months? Mr. Keele stated that there were reasons they would not want to do that. They wanted to do this project and move on. And they thought it would be allowed under today's laws.

Mr. Paul Tolson, co-owner of the property, addressed the Board. He distributed an information sheet entitled "Current Southampton County Zoning", a list of their proffers, a copy of the ordinance often referred to as "the moratorium", a map of their property depicting 5 lots, a map of their current proposed subdivision plan depicting 21 lots, and a Southampton County existing land use map (generalized), Exhibit VIII-A, taken from the Comprehensive Plan.. He stated that he was reluctant to read his speech because it looked like their minds were already made up on this moratorium. The question Mr. Keele was trying to ask was not whether or not the Board had the power to rezone or not rezone, but legally with the current laws, could you or could you not rezone the way the moratorium was written today? He stated that tomorrow would be 2 weeks since he had called Attorney Railey trying to get this answer and had not received a call back.

Attorney Railey advised that first of all, no place in the ordinance was the word moratorium used. A lot of us had been guilty of using the word moratorium as a word of convenience. But a moratorium would indicate an absolute stop to something. This was not an absolute stop because you were allowed 2 cuts in A-1 and A-2. He stated that yes, the Board had the authority, jurisdiction, and power to rezone, but the Board did not have to rezone.

Mr. Tolson stated that they were just trying to get a clear understanding of this moratorium because that was the reason they had been turned down for the most part. He referred to the information sheet entitled "Current Southampton County Zoning" and pointed out that it stated "If the ordinance amendment is passed on February 15th or 28th, then it limits subdivisions in A-1 and A-2 Districts to a maximum of two divisions **unless the property is zoned to a residential district.**" The ordinance was pertaining to A-1 and A-2 properties. They were trying to rezone out of A-1 or A-2.

Attorney Railey advised that he needed to understand that with A-1 and A-2 properties, you had a right to lots without going through this Board or any other Board. Consequently, it had to be addressed by some ordinance to slow down this growth until the task force could take a look at it. Such a measure was not necessary if a property was going to be rezoned because, by definition and by statutory construction, rezoning had to come in front of the Planning Commission and the Board of Supervisors anyway.

Mr. Tolson referred to the map of their property depicting 5 lots. He advised that that was what their property currently looked like. He pointed out that this was done before the moratorium. They could have the fifth lot broken up into 2 lots. That additional lot would give them a total of 6 lots. They knew when they bought the property that they could build 6 houses and there was nothing anyone could say or do about that. He noted that he did not mean that in a sarcastic way, that was just the way it was and what they could do. But that was not what they wanted to do. They thought it would be best to build a nice community. It would be best for them and for the community. Their proposed plan was shown on the map depicting 21 lots. They tried to meet all the laws and the things they had been asked by the Planning Commission. They took their wisdom into consideration and that was why they changed their plan. It would cost them quite a bit of money to put a second road in and eliminate several lots, but that's what they understood the County was looking for and that they did not want "piano-key development". Their plan depicting 21 lots was what they would like to do. They thought it would make a nice looking neighborhood. He referred to the Southampton County existing land use map, Exhibit VIII-A, taken from the Comprehensive Plan. He stated that they understood that the Comprehensive Plan was a guideline, but they were in the largest (residential) growth area in Southampton County. For what it was worth, at the end of this moratorium, 5-10 years from now, Country Club Road would be nothing but a memory of what it looked like today. He was from Chesapeake and had seen it happen, and it was coming their way. It was already happening.

Mr. Tolson advised that they had been asked by the Planning Commission to wait 6 months. They all knew why they did not want to wait 6 months. They were asking to do it today. He stated that Galberry Development, who had a neighborhood right down the street from their property, were proposing to do 500-520 lots. The Fiscella brothers of Hampton Roads Development were proposing to do 769 lots. The Lawson's had 100-200 acres that they were working on. He was sure that every one of them would be here when the moratorium was up. He stated that at this time, 20+ lots were not that many lots. They were not going to be in the market a year from now when there would be in excess of over 1200 lots out there.

Mr. Tolson read aloud the following list of proffers he had presented:



Proffers For Conditional Rezoning

County of Southampton, VA
 Planning Office

Planning Office, County of Southampton, Virginia, P.O. Box 400 Phone: (757) 653-3015 Facsimile: (757) 653-0227
 Use Post Office Box for all mail. Street Address is 26022 Administration Center Drive, Courtland, VA 23037

Original Amended

Pursuant to Section 18-546 (b) of the County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

"I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission:

- All houses to be brick or vinyl, no T1-11
- Two entrance ways
- Landscape entrance ways with hardscaping & shrubbery
- All houses to have entranced landscaping
- Stick built homes, no mobile homes
- Concrete driveways or asphalt, no gravel
- Asphalt Roads
- Roof pitch min. 5/12 on main structures
- No recreational equipment or work vehicles in front of house
- No communication equipment larger than 24" allowed
- No Towers of any type
- All ranch houses w/ min.1800 sq. ft. and 2 story houses min. 2200 sq. ft.
- All house enhanced landscaping
- Street trees along Country Club Rd.



Signature of Owner/Applicant*

Date

* If Applicant is other than Owner, Form POF: 03/2002, Special Limited Power of Attorney must be submitted with this application.

Mr. Tolson clarified for Supervisor Faison that the houses would be valued at \$225,000 and up. He stated that he thought this would make a nice neighborhood. They planned to build the majority of the homes and were looking to do a nice job for the County.

Mr. Brown advised that he was very concerned that the inference was that the ordinance was being utilized to negate rezoning. Because we could rezone or not rezone without the ordinance.

Supervisor West advised Mr. Tolson that his plan looked good and he liked a nice, planned community. However, he had assumed that the other builders he just mentioned were going to walk in here and get a rezoning from A-1 to R-1 or R-2 or whatever the request might be. He stated, don't count on that. He told Mr. Tolson that he thought he was a quality person with a good plan, but his timing was bad. If he thought that 21 houses was better than 6 houses, in 6 months, do not count on there being 1000 houses out there to compete with. It would not happen, he hoped. If he really stuck to his guns and believed what he should do, and respect the people of this County to do what they should do to protect their life and their style and the way we live and what we want to live, my friend, you better respect that. And we would respect you and work with you. Give us a chance. We need 6-8 more months.

Mr. Robert Lee spoke. He advised that he lived directly across from the proposed property and he opposed this rezoning. The developer had not said anything about where they would put their trash and who they would call for public services, nor had he said anything about paying the County something. We should require developers in the future wanting to change our

neighborhood to offer something to the County. He stated that it was 34 homes when he first heard this gentleman speak. Now it was 21. The first thing he presented was a piece of paper. Now he had come back with a pretty picture. He walked up behind them at the Planning Commission meeting and heard them say that these people are crazy. They even said it was show time. He commented that he did not care if they built 6 houses. Everybody deserved a piece. But to put 34 homes there, with 97 more on Bethel Road, this County could not take it right now.

Ms. Edith D. Fekete spoke. She advised that she was not for or against it. She stated that the retired landowners were not making enough money off of their land to pay taxes because of the situation in farming right now. If they let this gentleman do this, if the retired landowners in the future got in dire straits and needed money, were they going to let them rezone their land and make it into a little housing development? If so, pass this application. But if they were not going to do it for her, do not do it for him.

Chairman Jones closed the public hearing.

Supervisor Felts moved, seconded by Vice-Chairman Young, to accept the Planning Commission’s recommendation and deny this application. All were in favor.

Mr. Barnett advised that the second public hearing was being held to consider the following:

CUP 060205:02 Application filed by Chris Lawson (owner) requesting a Conditional Use Permit for a Commercial Dog Kennel for the keeping of twenty (20) dogs. The property is identified as Tax Map 115, Parcel 36, and located at 34026 Doctors Road. The subject property is in the Newsoms Magisterial District.

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

Supervisor West was concerned that the dog kennel was near other homes.

Chairman Jones clarified for Supervisor West that there was no opposition at the Planning Commission public hearing and there was also a wooded area surrounding the dog kennel.

Mr. Tom Daisy, BZA Commissioner who was in the audience, asked why Mr. Lawson (owner/applicant) had not paid for a kennel license? He stated that this should have been looked into prior to this public hearing.

Supervisor Brown made a motion to approve the conditional use permit with the caveat added that Mr. Lawson obey all federal, state, and local laws. Supervisor Faison seconded the motion. All were in favor.

Mrs. Williams advised that the third and final public hearing was being held for the following purpose:

To receive public comment on a proposed ordinance providing a new Division 3 under Article IV, Chapter 15 of the Southampton County Code providing for special assessments for agricultural, horticultural, forest or open space real estate.

The ordinance is as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15 OF THE SOUTHAMPTON COUNTY CODE, 1991, SO AS TO PROVIDE A NEW DIVISION 3 UNDER ARTICLE IV, SPECIAL ASSESSMENT FOR AGRICULTURAL, HORTICULTURAL, FOREST, OR OPEN SPACE REAL ESTATE

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is amended and reordained so as to provide a new division 3, article IV, Chapter 15, Section 15-96, et seq. and reading as follows:

CHAPTER 15
ARTICLE IV
DIVISION 3
SPECIAL ASSESSMENT FOR AGRICULTURAL
HORTICULTURAL, FOREST, OR OPEN SPACE REAL ESTATE

Sec. 15-96. Findings.

The County of Southampton finds that the preservation of real estate devoted to agricultural, horticultural, forest and open space uses within its boundaries is in the public interest and, having heretofore adopted a land use plan, hereby ordains that such real estate shall be taxed in accordance with the provisions of Article 4 of Chapter 32 of Title 58.1 of the *Code of Virginia*, the standards prescribed by the Director of the Virginia Department of Conservation and Recreation, the Virginia Commissioner of Agriculture and Consumer Services, the State Forester and this ordinance.

Sec. 15.97. Application for special assessment; fees.

(a) Applications for taxation of real estate on the basis of the use assessment shall be submitted to the commissioner of the revenue on forms provided by the Virginia Department of Taxation and supplied by the commissioner of the revenue. The application shall include such additional schedules, photographs, and drawings as may be required by the commissioner of the revenue.

(b) Applications shall be submitted:

(1) At least sixty days preceding the tax year for which such taxation is sought; or

(2) In any year in which a general reassessment is being made, until thirty days have elapsed after the notice of increase in assessment has been mailed to the property owner in accordance with § 58.1-3330 of the *Code of Virginia*, or sixty days preceding the tax year, whichever is later.

(c) The application shall be signed by all owners of the subject property. An owner of an undivided interest in the property may apply on behalf of owners that are minors or that cannot be located, upon submitting an affidavit attesting to such facts.

(d) A separate application shall be filed for each parcel or tract shown on the land book.

(e) An application fee of \$20.00 shall accompany each application.

(f) An application shall be submitted whenever the use or acreage of such land previously approved changes; provided, however, that no application shall be required when a change in acreage occurs solely as a result of a conveyance necessitated by government action or condemnation of a portion of any land previously approved.

(g) If any tax on the land affected by an application is delinquent when the application is filed, then the application shall not be accepted. Upon payment of all delinquent taxes, interest and penalties relating to such land, the application shall then be treated with the provisions of this section.

(h) Such property owner must revalidate annually with the commissioner of the revenue any application previously approved.

Sec. 15-98. Determination of use value and assessment.

(a) Promptly upon receipt of any application, the commissioner of the revenue shall determine whether the subject property meets the criteria for taxation under this ordinance, the provisions of Article 4 of Chapter 32 of Title 58.1 of the *Code of Virginia*, and the applicable standards prescribed by the Director of the Virginia Department of Conservation and Recreation, the Virginia Commissioner of Agriculture and Consumer Services, and the State Forester.

(b) *Minimum acreage requirements.*

(1) Real estate devoted to:

a. agriculture or horticultural use shall consist of a minimum of five acres; and

b. forest uses shall consist of a minimum of twenty acres.

c. open-space shall consist of a minimum of five acres, except that real estate adjacent to a scenic river, a scenic highway, Virginia Byway or public property shall consist of a

minimum of two acres. A scenic river, scenic highway, Virginia Byway or public property under this paragraph means those which are listed in the State Comprehensive Outdoor Recreational Plan, also known as the Virginia Outdoors Plan.

(2) The foregoing requirements for minimum acreage shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots in the same ownership. For purposes of this section, properties separated by only a public right of way are considered contiguous.

(c) In addition to meeting the foregoing requirements for minimum acreage, real estate devoted to open-space use shall be:

(1) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 of Title 15.2 of the *Code of Virginia*, or

(2) subject to a recorded perpetual easement that is held by a public body, and that promotes the open-space use classification as defined in § 58.1-3230 of the *Code of Virginia*, or

(3) subject to a recorded commitment meeting the standards prescribed by the Director of the Department of Conservation and Recreation entered into by the landowner and the County of Southampton.

(d) If the commissioner of the revenue determines that the property does meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value.

(e) In determining whether the subject property meets the criteria for “agricultural use” or “horticultural use” the commissioner of the revenue may request an opinion from the Commissioner of Agriculture and Consumer Services; in determining whether the subject property meets the criteria for “forest use” he may request an opinion from the State Forester; and in determining whether the subject property meets the criteria for “open space use” he may request an opinion from the Director of Conservation and Recreation. Upon the refusal of the Commissioner of Agriculture and Consumer Services, State Forester, or the Director of the Department of Conservation and Recreation to issue an opinion, or in the event of an unfavorable opinion which does not comport with standards set forth by the respective director, the party aggrieved may seek relief from any court of record wherein the real estate in question is located. If the court finds in his favor it may issue an order which shall serve in lieu of an opinion for the purposes of this ordinance.

Sec. 15-99. Taxation based on qualifying use.

The use value and fair market value of any qualifying property shall be placed on the land book before delivery to the treasurer, and the tax shall be extended from the use value. Continuation of valuation, assessment and taxation based upon land use shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as required in § 58.1-3235 and compliance with the other requirements of Article 4 of Chapter 32 of Title 58.1 of the *Code of Virginia*, the applicable standards prescribed by the Director of the Department of Conservation and Recreation, the Commissioner of Agriculture and Consumer Services, the State Forester, and this ordinance and not upon continuance in the same owner of title to the land.

Sec. 15-100. Delinquent taxes.

If on April 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this ordinance are delinquent, the county treasurer shall send notice of that fact and the general provisions of § 58.1-3235 of the *Code of Virginia* to the property owner by first-class mail. If after sending such notice, such delinquent taxes remain unpaid on June 1, the treasurer shall notify the commissioner of the revenue who shall remove such parcel from the land use program. Such removal shall become effective for the current year.

Sec. 15-101. Change in use, zoning or area; roll-back taxes.

There is hereby imposed a roll-back tax, and interest thereon, in such amounts as may be determined under Virginia Code § 58.1-3232, on real estate which has qualified for assessment and taxation on the basis of use under this ordinance, upon one or more of the following occurrences:

(a) when the use by which it qualified changes to a more intensive use;

(b) when it is rezoned to a more intensive use, as described in § 58.1-3237 of the *Code of Virginia*; or

(c) when one or more parcels, lots or pieces of land are separated or split off from the real estate, as described in § 58.1-3241 of the *Code of Virginia*.

Sec. 15-102. Failure to report changes; misstatements in application.

(a) The owner of any real estate liable for roll-back taxes shall, within sixty days following a change in use, report such change to the commissioner of the revenue on such forms as may be prescribed. The commissioner of the revenue shall forthwith determine and assess the roll-back tax, which shall be paid to the treasurer within 30 days of assessment. On failure to report within 60 days following such change in use and/or failure to pay within 30 days of assessment, such owner shall be liable for any additional penalty equal to ten per centum of the amount of the roll-back tax and interest, which penalty shall be collected as part of the tax. In addition to such penalty for failure to make the required report, there is hereby imposed interest of one-half per centum of the amount of the roll-back tax, interest and penalty, for each month or fraction thereof during which the failure continues.

(b) Any person making material misstatement of fact other than a clerical error in any application filed pursuant hereto shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon, and he shall be further assessed with an additional penalty of one hundred per centum of such unpaid taxes. The term “material misstatement of fact” shall have the same meaning as it has under § 58.1-3238 of the *Code of Virginia*.

Sec. 15-103. Applicability of state provisions.

The provisions of Title 58.1 of the *Code of Virginia* applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including without limitation, provisions relating to tax liens and the correction of erroneous assessments, and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

Sec. 15-104. Effective date.

This ordinance shall be effective for all tax years beginning on and after January 1, 2006.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: _____, 2005

Chairman Jones opened the public hearing.

Mr. Duane Preston of Ivor addressed the Board. He stated that he was highly in favor of land use taxation. He just received a copy of a Farm Bureau publication in which it talked about the cost of development for every dollar taken in versus what the government had to pay in services. For the non-developed properties, it was miniscule in comparison to the cost of residential. He was just here to speak highly in favor of it.

Mrs. Teresa Preston of Berlin/Ivor spoke. She and her husband owned over 400 acres. She had had a chance to read the ordinance. She was familiar with it because her hometown of Northumberland had had this on their books for years. She believed they adopted this way back in the 70s. Their growth had been with homes on the river. They adopted this to help preserve farmland and their way of life. She encouraged adoption of the ordinance.

Mr. Gary Cross addressed the Board. He stated that this was a monumental day for Southampton County. He was president of Southampton County Farm Bureau and they promoted agriculture and the rural way of life. He would not benefit from this ordinance but he was willing to pay his share. He paid over \$6,000 in farm machinery taxes last year, which was a very unfair tax. We would see an increase in our taxes because of this ordinance, but that was ok. He would not like to see this have any negative effects on the County. Mr. Harrup’s office (Commissioner of the Revenue’s Office) should just break even in implementing this and not make a lot of money. He

advised that there were a lot of people present in favor of the ordinance who might not want to speak, so he asked those people to stand.

Mr. Wayne Vick of Newsoms spoke in favor of the ordinance. He advised that he thought it was a good program. The benefits were much greater than the cons. He acknowledged that it was a voluntary program.

Mr. David Edwards spoke in favor of the ordinance. He stated that he was a farmer in the Berlin/Ivor District. With this ordinance, maybe people's rent would be enough to pay their taxes so we could save some agricultural land.

Mr. Glenn Updike addressed the Board. He advised that he was from Rappahannock and they adopted this in the 70s. He still had a little piece of land there. If not for land use taxation, he would not have been able to keep it. He was in favor of the ordinance.

Mr. Alan Applewhite spoke in favor of the ordinance. He stated that his grandson was the 6th consecutive generation to live on their family farm. He appreciated the work that all of them were doing and the interest they had taken in preserving our County and heritage.

Mr. Tom Coggsdale of Sedley spoke. He stated that on his way over here, he noticed that Sedley Road was paved, so he would assume that hell had frozen over this morning.

Vice-Chairman Young moved, seconded by Supervisors Faison and Wyche to adopt the ordinance. All were in favor.

They received applause from the audience.

Moving forward, Mrs. Julia Williams announced that included in the agenda was a proclamation declaring July 21, 2005 as Patients Rights Day.

Mrs. Williams read aloud the following proclamation:

A Proclamation

To all to whom these presents shall come – Greeting

WHEREAS, the Southeastern Consumer's Association is a non-profit organization managed by consumers which serves to advocate for mentally ill citizens' employment, education, community partnership and reintegration to the community; and

WHEREAS, the Southeastern Consumer's Association seeks to raise community awareness of the vital need for fair access to medication and treatment, housing, and employment for mentally ill citizens; and

WHEREAS, the Southeastern Consumer's Association has planned and organized a Consumer Rights Day Program, to be held on July 21, 2005.

NOW, KNOW YE THAT we do by these presents proclaim the date of July 21, 2005 as

“Patients Rights Day”

in Southampton County, and encourage all residents to recognize the Southeastern Consumer's Association for its dedication and service to mentally ill citizens.

IN TESTIMONY WHEREOF we have caused 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-seventh day of June, two thousand five.

Dallas O. Jones, Chairman
Board of Supervisors

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

Regarding miscellaneous issues, Mrs. Williams announced that included in the agenda was a copy of Synagro's Monthly Report for April 2005 for the Smithfield Foods Project. This report covered biosolids land application operations in Southampton County.

Vice-Chairman Young noted that John Dale from Soil and Water Conservation and Wes Alexander of Cooperative Extension would be hosting an information session in the near future regarding biosolids land applications. He would provide the date at next month's meeting.

Mrs. Williams advised that included in the agenda was a copy of the May 2005 Riverkeeper Report published by the Blackwater/Nottoway Riverkeeper Program.

Supervisor Faison commented that he enjoyed reading the report and that they were a good group. Supervisor West commended the group for their work.

Mrs. Williams advised that included in the agenda was correspondence from Charter Communications informing of changes to their channel lineup in our area. Also included was a copy of their newsletter entitled *charter.connections*.

She informed that included in the agenda was a copy of the signed Water Meter Reading Agreement between Southampton County and the Town of Courtland that was authorized by the Board at their April 25, 2005 regular session.

She reported that the following environmental notices were received:

- 1) From the Virginia Department of Environmental Quality, notice of a groundwater withdrawal application from the Western Tidewater Water Authority to withdraw an average of 8,344,575 gallons per day to support a public water supply in the City of Suffolk and Isle of Wight County;
- 2) From the Virginia Department of Health, notice to the Town of Courtland that a specific proposed well site in the Town has been approved for construction of a Class IIB well to be utilized as a public drinking water supply;
- 3) From the Virginia Department of Health, a copy of a Notice of Violation sent to the Town of Courtland for exceeding the primary maximum contaminant level for total coliform bacteria;
- 4) From the Virginia Department of Environmental Quality, notice of a permit application from Atlantic Wood Industries Inc., Newsoms, VA, that would allow the release of storm water associated with a regulated industrial activity into an unnamed tributary to Darden Mill Run in Southampton County;
- 5) From the Virginia Department of Health, a copy of a Notice of Violation sent to Nottoway Shores for failure to provide a licensed operator;
- 6) From the Virginia Department of Environmental Quality, notice of a permit application from Courtland and Environs Wastewater Treatment Plant, Courtland, VA, that would allow the release of treated wastewater into the Nottoway River in Southampton County;
- 7) From the Virginia Department of Environmental Quality, notice of a groundwater withdrawal application from Kinder Morgan Bulk Terminals to withdraw an

average of 116,630 gallons per day for suppression of dust associated with coal piles at Pier 9 in Newport News; and

- 8) From the Virginia Department of Health, a copy of a Notice of Violation sent to Hyder's Trailer Court for failure to provide a licensed operator.

Mrs. Williams advised that copies of the following incoming correspondence were received:

- 1) From the Franklin-Southampton Area United Way, a letter of thanks for Southampton County's employee contributions during the 2004 campaign;
- 2) From Bruce F. Jamerson, Clerk of the House of Delegates, copy of House Joint Resolution 768, which encourages local governments to support the spaying and neutering of companion animals by providing incentive to citizens;
- 3) From James O. Clarke, Project Manager of VDOT, copies of correspondence regarding the Route 460 Location Study Draft Environmental Impact Statement and Location Public Hearings;
- 4) From Randolph Cook, Resident Engineer of VDOT, a copy of correspondence sent to Supervisor Walter D. "Walt" Brown advising that the results of a speed study on Route 686 between Route 258 and Route 683 did not warrant a speed limit reduction at this time; and
- 5) From Patsy Joyner, Executive Director of the Paul D. Camp Community College Foundation, a letter of thanks and a receipt for the Board's gold sponsorship of their upcoming annual golf tournament.

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

Moving to late arriving matters, Supervisor Felts advised that she had been contacted regarding issues with a "paper street" on Sycamore Street in Sedley, but understood that it was a legal matter.

Attorney Railey advised that he would take a look at it and report back.

Supervisor Faison mentioned that he was concerned that the 55 mph speed limit at the Courtland interchange on Route 58 was too fast. We needed to continue to keep the issues with that intersection at the forefront.

Supervisor Faison commented that he had mixed emotions about the ordinance (that was passed in February limited the divisions of agricultural land) and what Mr. Tolson was trying to do.

Supervisor Brown commented that he too had concerns. That was why he was concerned that the applicants were inferring that the ordinance was being used to negate rezoning.

There being no further business, the meeting was adjourned at 10:27 AM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk