

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 August 22, 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)
Anita T. Felts (Jerusalem)
Carl J. Faison (Boykins-Branchville)
Ronald M. West (Berlin-Ivor)
Moses Wyche (Capron)

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
James A. Randolph, Assistant County Administrator
Julia G. Williams, Finance Director
Robert L. Barnett, Building Official/Zoning Administrator
Richard E. Railey, Jr., County Attorney
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 July 25, 2005 regular meeting. They were approved as recorded, as there were no additions or corrections.

Regarding highway matters, Chairman Jones advised that Mr. Jerry Kee of the Virginia Department of Transportation (VDOT) was not present.

Mr. Michael Johnson, County Administrator, announced that included in the agenda for their reference was a copy of the recently completed speed study on Route 728, Guy Place Road. The study indicated average daily traffic of 152 vehicles per day with an 85th percentile speed of 38 mph. Given the surface characteristics, grade alignment, sight distance, and limited roadside development, the study indicated that a reduction of the 55 mph statutory speed limit was unwarranted at this time.

Mr. Johnson advised that also included in the agenda for their reference was a copy of VDOT's latest quarterly report for the Franklin Residency Office.

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

In regards to the reassessment report, Supervisor West informed for the record that the reassessment was 85% complete.

Supervisor Brown asked when the reassessment fieldwork would be completed? Mr. Johnson replied that he would estimate within the next 60 days.

In regards to the personnel report, Mr. Johnson advised that Deborah C. Ledbetter was hired in the Sheriff's Department effective 08/01/05 at an annual salary of \$21,010. Michael R. Wolfe was hired in the Sheriff's Department effective 08/08/05 at an annual salary of \$25,004. He informed that Ricky H. Wilson of the Sheriff's Department was terminated effective 07/29/05. He stated that Raymond E. Merkh and Derek W. Ayers, both of the Sheriff's Office, remained on active military leave.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$1,546,031.18 were received. **Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$1,546,031.18 be paid with check numbers 70970 through 71462. All were in favor.**

Moving forward to appointments, Mr. Johnson announced that as discussed last month, Ms. Ruth B. Claud was moving to Smithfield and had resigned her position on the Southampton County Social Services Board. Her unexpired term would conclude on June 30, 2008. Ms. Claud represented the Drewryville District. Other current board members included Norman Jones (Boykins-Branchville), Alice Scott (Berlin-Ivor), Moses Wyche (Board of Supervisors), and Sharon Ricks (Capron). The Social Services Board met on the third Tuesday of July, September, November, January, March, and May at 3:00 PM in the Southampton County Office Center. Chairman Jones had indicated that he was seeking a successor for Ms. Claud.

Chairman Jones submitted the name of Mrs. Johnnie Bradley of Southampton Parkway.

Vice-Chairman Young moved, seconded by Supervisor Faison, to appoint Mrs. Johnnie Bradley to succeed Ms. Ruth B. Claud on the Social Services Board. All were in favor.

Mr. Johnson advised that the term of Mr. Lemuel Rountree of Newsoms on the Board of Building Code Appeals would expire on September 30, 2005. Other current members included Sonny Draper (Boykins), Bob Edwards (Courtland), Morgan Munford (Sedley), and E.P. Kea, Jr. (Ivor). Mr. Rountree was eligible for reappointment. He stated that included in the agenda for their information were excerpts from the *Virginia Uniform Statewide Building Code* as it related to composition of the Board of Building Code Appeals. He noted that this Board met solely on an "as-needed" basis. Over the course of the past eleven years, it had met twice, none in the last six, hearing a total of three appeals.

Supervisor Brown indicated that he would contact Mr. Rountree and report back next month.

Mr. Johnson advised that regarding the Board of Zoning Appeals (BZA), the respective terms of Douglas A. Chesson (Berlin-Ivor) and James N. Bradshaw (Jerusalem District) would expire on September 30, 2005. Appointments were made by the Circuit Court upon recommendation by the Board of Supervisors. Terms were for 5 years meaning that these two terms would run from October 1, 2005 to September 30, 2010. Both gentlemen were eligible for reappointment. He noted that the statute, included in the agenda, provided that Board members shall continue to serve until a successor was appointed by the Court, regardless of the expiration of their term.

Supervisor West advised that he would contact Mr. Chesson. Supervisor Felts indicated that she would contact Mr. Bradshaw.

Proceeding to fire and rescue capital funding requests, Mr. Johnson announced that included in the agenda were requests for capital funding from Drewryville Volunteer Fire Department and Hunterdale Volunteer Fire Department. He reminded that beginning in FY 2000, the Board agreed to provide almost \$1.2 million over a ten (10) year period for capital improvements for fire and rescue. The allocable share for each fire department in FY 2006 was \$10,000 and for each rescue squad, \$5,000. Funds were earmarked annually for each department or squad and held in escrow pending specific approval by the Board of Supervisors. Escrowed funds would continue to accrue for each department/squad over the next ten years if not drawn down. He noted that the table included in the agenda indicated the status of capital appropriations since FY 2000. He advised that the request from Drewryville Volunteer Fire Department was \$10,000 (FY 2006 allocation) and Hunterdale Volunteer Fire Department - \$30,000 (FY 2004, 2005, and 2006 allocations). Both requests were in order.

Vice-Chairman Young moved, seconded by Supervisors West and Wyche, to approve the request from Drewryville Volunteer Fire Department for \$10,000 and Hunterdale Volunteer Fire Department for \$30,000. All were in favor.

Moving forward, Mr. Johnson announced that at its 2003 session, the General Assembly amended § 58.1-3958 of the Code of Virginia authorizing localities to increase the fees imposed on delinquent taxpayers to cover the administrative costs of collection from \$20 to \$30, when collected prior to judgment, and from \$25 to \$35, when collected after judgment. He advised that it was necessary for this Board to adopt an ordinance amending Sec. 15-78.1 of the Southampton County Code to effectuate this change and increase the fees imposed on delinquent taxpayers.

Included in the agenda for their consideration was a draft ordinance which could be considered this morning in the form of a first reading. If the Board was so inclined, it was necessary to direct the County Administrator to advertise the proposed ordinance for public comment at their September 26, 2005 regular session.

Vice-Chairman Young moved, seconded by Supervisor Faison, to direct the County Administrator to advertise the proposed ordinance for public comment at the September 26, 2005 regular session. All were in favor.

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15 OF THE SOUTHAMPTON COUNTY CODE, 1991, SO AS TO INCREASE THE FEE IMPOSED ON DELINQUENT TAXPAYERS TO COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH COLLECTION OF DELINQUENT TAXES

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is amended and reordained as follows:

Sec. 15-78.1. Payment of administrative costs and fees, etc.

(a) There is hereby imposed on delinquent taxpayers a fee to cover administrative costs which shall be in addition to all penalties and interest, and shall not exceed ~~twenty~~ *thirty* dollars ~~(\$20.00)~~ *(\$30.00)* for taxes *or other charges* collected subsequent to ~~filing of a warrant or the appropriate legal document but prior to judgment~~ *thirty (30) or more days after notice of delinquent taxes or charges but prior to the taking of any judgment with respect to such delinquent taxes or charges*, and ~~twenty-five~~ *thirty-five* dollars ~~(\$25.00)~~ *(\$35.00)* for taxes *or other charges* collected subsequent to judgment.

(b) There is also imposed on delinquent taxpayers reasonable attorney's or collection agency's fees actually contracted for, not to exceed twenty (20) percent of the taxes or other charges so collected.

(Ord. of 10-28-91, § 16-25.1; Ord. of 9-25-95; Ord. of 6-23-97)

This ordinance shall become effective at 12:01 a.m., September 27, 2005.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: September 26, 2005

Moving to the citizen request to address the Board, Chairman Jones recognized R. Spier Edwards, Jr., Mayor of Boykins.

Mayor Edwards addressed the Board. He advised that he was before them to ask them to allow Michael and Debbie McManus to hook up to the County's water and sewer lines at the old rates. He explained that Mr. McManus submitted an application to rezone his property from B-1 to R-1. The Planning Commission and the Town Council of Boykins had meetings and the Town Council voted to approve the rezoning. Five or six days later, a member of the Planning Commission informed him that he thought they had done it wrong in that they did not have a hearing. The Zoning Administrator of Boykins advised that since someone had said something about it, they probably needed to go back and do it right. The Planning Commission and Town Council went back and had hearings and it was advertised in the paper like it was supposed to be. It had been done right now. However, during the delay, Southampton County's water and sewer connection fees were increased. He stated that he took full responsibility for the Planning Commission not

doing it properly, but it would put a huge burden on Mr. and Mrs. McManus if they were required to hook on at the current rates. He was asking that they allow them to connect at the old rates.

Supervisor Faison asked when the application was submitted? Mr. Edwards replied that the application was submitted on November 5, 2005. The Planning Commission had their meeting and then it went to the Town Council who originally voted on it on December 14, 2005.

Mr. Michael McManus clarified that he originally made the rezoning request November. It went through the process and was rezoned. However, when he tried to apply for the permits, he found out there had been a procedural error, actually an advertising error on the part of the Town of Boykins. As a result, they had to reapply to rezone the property. It just got run through their zoning process within the last 30 days. During the delay, the County water and sewer connection fees went up considerably to about \$5,000. He was asking that he be allowed to connect at the old rates rather than the new rates. It was a procedural error on the Town's part, not his.

Supervisor West asked what happened from November until now. Why did the procedure take 6 months plus? Mr. McManus replied that there was a lot of red tape. The budget meetings were going on and they did not have time for the hearings and it just got dragged on through the Town Council. Supervisor West asked was there any effort by him to push this thing? Mr. McManus replied yes. Mayor Edwards affirmed that yes, Mr. McManus did come to them more than once.

Mayor Edwards stated that the Planning Commission did not meet when they were supposed to. Supervisor West asked why? Mr. McManus advised that it was a matter of everybody being in town at one time. They needed a certain number of people in town to have the meetings. Supervisor West stated that that was not this Board's problem. Mr. McManus stated that it was not his problem either. Mayor Edwards stated that it was probably his problem because with him just coming on as Mayor, he did not realize some of the things that needed to be done and the way they should be done. He went to Mr. Johnson and found out how to go about it correctly.

Supervisor Brown stated that it was clear that Mr. McManus initiated this process last year, and unfortunately, the ball was dropped. He thought the circumstances were such that this case should be grandfathered.

Supervisor Faison agreed that this case should be grandfathered. It was an unfortunate situation and he did not think they should hold their citizens accountable for something out of their control.

Vice-Chairman Young asked, if the Board did not grandfather this, wouldn't the Town of Boykins make up the difference? Mr. Edwards replied that that was something he would have to bring before the Town Council.

Supervisor Faison stated that ultimately, he thought it would fall back on Mr. McManus and he did not think he should be responsible.

Supervisor West stated that he would defer to what Supervisor Faison wanted, but he did not agree that they should overlook this if an appointed Planning Commission could not meet in a 6-month plus period of time. The burden came back on us and all the citizens in Southampton County. He did not think the Planning Commission acted in a reasonable and prudent way and he did not favor it, but he would defer to Supervisor Faison's opinion.

Mr. McManus stated that in the Town's defense, he was the first person to rezone anything in probably 12 years and the Planning Commission had not met in quite a while. He thought he was a test case. So although the Town was at fault and he did not think he should pay the increase, he could not blame them 100 percent because they were relearning everything and it was a lack of communication based on inexperience.

Supervisor Felts asked if the Planning Commission of the Town of Boykins only met on an as-needed basis? Mayor Edwards replied yes.

Supervisor Faison moved, seconded by Vice-Chairman Young, to charge Mr. McManus the old water and sewer connection rates. All were in favor.

Supervisor West wondered how many others would come before them asking to be allowed to pay the old rates. Chairman Jones asked Attorney Railey how they could avoid this in the future? Attorney Railey replied that time would take care of it.

Moving to public hearings, Mr. Johnson announced that by email from their project consultant on August 9, Hampton Roads Development, LLC, withdrew their application to conditionally rezone 179 acres from Agricultural A-2 to Residential R-2, 197 acres from Residential R-1 to Residential R-2, and 94 acres from Residential R-1 to Business B-1. He advised that pursuant to Sec. 18-544 of the Southampton County Code, applications withdrawn after first publication shall be considered as denied for the purpose of the one-year limitation on reconsideration. Accordingly, this petition, or one substantially similar, may not be reconsidered any sooner than August 2006.

Supervisor Brown stated that if he recalled correctly, Hampton Roads Development made a statement that regardless pro or con pertaining to their application, the school site was still running. He asked Mr. Johnson if he had heard anything about that? Mr. Johnson replied that he was not party to that discussion. They were having discussions directly with the School Board.

Mr. Johnson confirmed for Supervisor Faison that although Hampton Roads Development could not develop the property according to the plans that they submitted, they could develop the property in accordance with the current zoning and standards that were in place.

Mr. Jimmy Lee, a member of the audience, asked Chairman Jones if he would be permitted to speak regarding the Hampton Roads Development application even though it had been withdrawn? Chairman Jones sought the advice of Richard Railey, County Attorney. Attorney Railey advised that it was up to him whether or not he wanted to permit citizens to speak.

Chairman Jones permitted Mr. Lee to speak.

Mr. Jimmy Lee addressed the Board. He thanked Chairman Jones for voting “no” along with the rest of the Planning Commission on the Hampton Roads Development project (Villages of Southampton). He advised that the developer had stated that he had Southampton County’s best interest at heart. If that were the case, maybe Southampton County could consider buying the property from them for industrial development purposes instead of the Turner Tract. He thanked the Board for keeping Southampton County rural, as they wanted to keep their way of life.

Mr. Gary Cross of the Berlin-Ivor District spoke. He remarked that Mr. Lee brought up a good point. He then advised that his comments were on cluster development. He would like for the Board to say that cluster development may or may not be what this County needed. He commented that George Fiscella (of Hampton Roads Development) called him wanting Farm Bureau’s endorsement (of the Villages of Southampton project). Farm Bureau did not endorse the project. Mr. Cross was concerned that Southampton County did not need this kind of development. He asked if they realized how many properties were zoned R-1 and R-2? There were a lot of properties zoned this way. While we were still ahead, we needed to do something about this. We were asleep at the wheel. We needed to learn from our neighbors to the east.

Mr. Michael McManus spoke. He stated that he just moved here from Pungo and was amazed by all the development that was occurring here.

Mr. Hunter Darden spoke. He stated that he was glad to hear that the project was withdrawn, but was disappointed that he did not get to bring his newspaper articles and make his speech. He advised that there was nothing in writing about the developer giving land for the school. He was disappointed that the high-priced consultant for the School Board did not explore all the options.

Supervisor West remarked that Mr. Cross had given us some great advice.

Proceeding to preliminary plat approval of the Pines of Ivor, Mr. Johnson announced that in accordance with §15.2-2259 of the *Code of Virginia*, approval of subdivisions was classified as a *ministerial act*, meaning that the Board had no authority to exercise its discretion while reviewing the plats. The purpose of the subdivision plat review was only to insure that the proposed development complied with all existing ordinances. In fact, if a plan or plat was denied, the Board was required to specifically identify the requirement that was unsatisfied and explain what the applicant must do to satisfy the requirement. He informed that the Pines of Ivor included thirty-five (35) residential building lots, each with a minimum of 20,000 square feet in area, acceptable standards in a Residential R-1 zoning district, when served by a public water supply. The lots were proposed to be served by the Ivor Municipal Water System and septic systems subject to Health Department approval. He advised that the Planning Commission recommended approval of the plat, subject to the following five (5) specific recommendations:

- 1) A performance bond in the amount of \$297,655 for road and drainage improvements submitted to the Southampton County Board of Supervisors, Section 14-102(a) of the Southampton County Code;
- 2) A road maintenance bond in the amount of \$3,600 submitted to the Southampton County Board of Supervisors, Section 14-102(b) of the Southampton County Code;
- 3) A performance bond for the total cost of water improvements to the project (to be determined before final plat approval) submitted to the Southampton County Board of Supervisors, Section 14-102(a) of the Southampton County Code;
- 4) A performance bond for the total cost of the installation of electrical power for the project (to be determined before final plat approval) submitted to the Southampton County Board of Supervisors, Section 14-102(a) of the Southampton County Code; and
- 5) Payment for the installation of the streetlights and the five-year operational expense (to be determined before final plat approval), Section 14-207 of the Southampton County Code.

He stated that once the preliminary plat was approved, the developer had 6 months to prepare a final plat and make satisfactory arrangements for surety to warrant installation of all improvements. The final plat was then reviewed by the Board, and, if approved, must be recorded within 60 days of final approval.

Supervisor West advised that he was concerned about who would maintain the holding pond. He would like to defer approval of the preliminary plat until that was established.

Mr. Mel Hopkins of Hurt & Profitt, the engineering firm for the project, advised that as part of the final recordation plat, there would be a Homeowners' Association that would maintain that pond.

Supervisor West stated that he thought that was acceptable.

Mr. Johnson clarified for Supervisor Felts that this property was zoned R-1, and thus did not have anything to do with the ordinance passed in February that limited the number of lots available for further division in Agricultural A-1 and A-2 Districts.

Supervisor Brown advised that he realized this was a ministerial act, but he wanted to make a comment. In the past, people in this County were saying that they welcomed some development. Now they were saying no development. He was happy that the Comprehensive Plan was being updated so we could identify and plan for areas in which we wanted growth to occur. He commented that there was a lot of property already zoned R-1. Over a 20-year period, we would have 2,000 new homes.

Supervisor Faison stated that along with what Supervisor Brown stated, there was a lot of property already zoned R-1 that we could not touch and that could potentially be a problem for us. Also, he thought we would be better off allowing growth in planned areas rather than letting it occur here, there, and everywhere.

Supervisor West moved, seconded by Vice-Chairman Young, to approve the preliminary plat for the Pines of Ivor. All were in favor.

Proceeding to consideration of a lease financing resolution for the Western Tidewater Community Services Board (WTCSB), Mr. Johnson recognized Mr. Joshua Pretlow, Jr., legal counsel for the WTCSB.

Mr. Pretlow addressed the Board. He advised that he was here to ask for their favorable consideration of a resolution that would authorize the WTCSB to lease-purchase property that they presently leased and utilized as a Consumer Facility on Commercial Lane in Suffolk. The WTCSB was contemplating issuing a Lease Revenue Bond, not to exceed \$3,000,000, payable with rent paid by the WTCSB to the City of Franklin Industrial Development Authority (IDA) through its annual operating budget. Suntrust was underwriting this transaction. By issuing the bond through the City of Franklin IDA, the WTCSB would enjoy a tax-exempt status, resulting in an interest rate lower than conventional financing, thereby reducing their cost of borrowing. He advised that any loan accepted by the WTCSB, or any Community Services Board in Virginia,

must be authorized and accepted by the governing bodies of the political subdivisions that it represented. He was asking that the Board approve the resolution.

The resolution is as follows:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SOUTHAMPTON, VIRGINIA
WITH RESPECT TO A LEASE FINANCING
OF THE WESTERN TIDEWATER COMMUNITY SERVICES BOARD
FOR A CONSUMER FACILITY PROJECT**

The Western Tidewater Community Services Board (the "Borrower") was created under Chapter 10 of Title 37.1 of the Code of Virginia of 1950, as amended (the "Act"), and has been designated an "operating board" (as defined in the Act) for the City of Franklin, the City of Suffolk, the County of Isle of Wight and the County of Southampton (collectively, the "Member Localities"). The Borrower desires to purchase certain real property and the improvements thereon, which the Borrower is currently leasing, located in the City of Suffolk, Virginia to continue to serve as a Consumer Facility for the Borrower (collectively, the "Facility") by entering into a lease financing arrangement (the "Lease Financing") with the Industrial Development Authority of the City of Franklin, Virginia (the "Issuer") and SunTrust Bank.

In accordance with the Act, the Borrower has the power to apply for and accept loans as authorized by each of the governing bodies of the political subdivisions that established it. Accordingly, each of the governing bodies of the Member Localities must authorize the Lease Financing of the Borrower. Moreover, the Borrower has been authorized by the General Assembly to use funds appropriated to it to purchase, develop, lease, or otherwise obtain, in accordance with certain provisions of the Act, real property necessary to the provision of residential services.

The County of Southampton, Virginia (the "County") recognizes the need of the Borrower to obtain financing to lease purchase the Facility through the issuance by the Issuer of its Lease Revenue Bond (Western Tidewater CSB Consumer Facility Project), Series 2005 (the "Bond") in an amount not to exceed \$3,000,000. The Issuer will issue its Lease Agreement, tentatively dated as of October 1, 2005 (the "Lease Agreement"), between the Issuer and the Borrower.

The Bond will be payable solely from revenues derived by the Issuer from the "Basic Rent" to be paid by the Borrower pursuant to the Lease Agreement, which has been calculated to be sufficient to pay the principal of and interest on the Bond, from certain "Additional Rent" to be paid by the Borrower pursuant to the Lease Agreement and from funds established in the Bond Purchase Agreement to be dated the date of the issuance of the Bond (the "Bond Purchase Agreement") among the Issuer, the Borrower and SunTrust Bank, as the holder of the Bond (the "Bank"), including, if and as the Issuer shall approve, a debt service reserve fund to be funded initially from the proceeds of the Bond. The obligations of the Issuer to the Bank will be secured by the Assignment of Rents and Leases, tentatively dated as of October 1, 2005 (the "Assignment") between the Issuer and the Bank, and by the Deed of Trust, tentatively dated as of October 1, 2005 (the "Deed of Trust") from the Issuer to the deed of trust trustees named therein. Subject to the terms of the Lease Agreement, the obligation of the Borrower to pay Basic Rent and Additional Rent will be an unconditional obligation of the Borrower.

The Lease Agreement, the Bond Purchase Agreement, the Assignment and the Deed of Trust are referred to in this Resolution as the "Basic Documents."

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

1. Request for Approval of Financing. The Board of Supervisors of the County ("Board") hereby approves the transaction contemplated by the Basic Documents and particularly the Borrower's Lease Financing of the Facility and entry in the Lease Agreement. The Board considers the Facility to be an essential public need. The Board approves the issuance of the Bond and sale thereof to the Bank in such principal amount, with such interest rate per year, and with a maturity, all as to be determined by the Issuer or the Borrower. The sale price of the Bond to the Bank shall be equal to the principal amount thereof, and the prepayment provisions and other terms of the Bond shall be as provided for in the form of the Bond. The Board further approves the Borrower's use of its funds to make such payments as may be required under the Lease

Agreement and expresses its intent that the County remain a Member Locality of the Borrower for the term of the Lease Agreement.

2. **Effective Date.** This Resolution shall take effect immediately upon adoption.

Adopted: _____

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

Moving forward, Mr. Johnson announced that as they were aware, Southampton County recently solicited professional services, jointly with the City of Franklin, for a fiscal impact analysis and cash proffer study to serve as a foundation for future policies requiring new residential growth to pay its fair share for public facilities. In response to their Request for Proposals (RFP), they received 6 proposals ranging in cost from approximately \$30,000 to \$100,000. After reading the original proposals, their panel personally interviewed 4 of the 6 consultants asking them to further elaborate on their experience and qualifications and to fully outline their proposed scope of work. He advised that on the basis of the factors listed in the RFP, and other information gathered during the consultant interviews, they were recommending that the County and City jointly contract with Springsted, Inc., a public sector consulting firm specializing in housing and economic development, and public finance, among other practice groups. Springsted had performed similar work in a number of other Virginia localities including King George, Culpeper, Spotsylvania, Stafford and Frederick Counties, and the Cities of Winchester and Fredericksburg. He informed that included in the agenda were excerpts of their proposal which provided a detailed account of the proposed scope of work. In addition to a cash proffer policy, one of the project deliverables would be a Microsoft Excel-based computer model that would enable County and City staff to analyze proposed cash proffers based upon the unique characteristics of each proposed rezoning. The project was expected to take 90-120 days and cost \$34,740 plus an estimated \$2,000 in out-of-pocket expenses. Cost of the work would be funded 50/50 with the City of Franklin.

Supervisor Brown asked, in noticing that this was a joint venture, would the model be the same for both the City and the County? Mr. Johnson replied no, there would be two separate models. He noted that there would be savings associated with the joint venture, such as travel expenses, as the consultant could meet with both the City and the County on the same day, for example.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to authorize the County Administrator to contract with Springsted, Incorporated at a not-to-exceed cost of \$37,000, to be jointly funded with the City of Franklin. All were in favor.

Moving forward, Mr. Johnson announced that as they were aware, each political subdivision in Virginia was responsible for local disaster preparedness and coordination of response. To that end, our *Emergency Operations Plan* had been recently rewritten and a draft copy was provided under separate cover with the agenda. He advised that it was necessary that the plan be formally adopted, establishing the legal and organizational basis for operations in Southampton County in response to any type disaster or large scale emergency situation. The plan assigned broad responsibilities to local government agencies and supported organizations for disaster mitigation, preparedness, response, and recovery. Once adopted, the plan would be copied for distribution to all agencies and organizations having an assigned role under the plan. He noted that he was tentatively planning a brief work session later this fall to distribute the plans and discuss assigned roles with all affected parties.

It was necessary for the Board to adopt the following resolution:

**BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA**

RESOLUTION 0805-13

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, August 22, 2005 at 8:30 a.m.

PRESENT

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

IN RE: Emergency Operations Plan

Motion by Supervisor _____

WHEREAS, there is an ever present possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or hostile action, resource shortage, fire, flood, earthquake or other natural causes; and

WHEREAS, the common defense and protection of public peace, health and safety of its citizens is of paramount importance to this Board; and

WHEREAS, preservation of life and property and economic well-being of its citizens is a foremost concern.

NOW, THEREFOR, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Emergency Operations Plan of 2005 is hereby adopted; and

BE IT FURTHER RESOLVED that this plan shall serve as the legal and organizational basis for operations in Southampton County in response to any disaster or large scale emergency operation.

Seconded by Supervisor _____.

VOTING ON THE ITEM: YES – Dallas O. Jones
 Walter L. Young, Jr.
 Walter D. Brown, III
 Carl J. Faison
 Anita T. Felts
 Ronald M. West
 Moses Wyche

NO – None

A COPY TESTE:

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

Supervisor Brown stated that he looked through it, and from a military point of view, it was a very good plan.

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

Moving to the request for disaster designation and federal assistance, Mr. Johnson announced that included in the agenda for their consideration, was a copy of a resolution and correspondence to the Governor’s Office seeking his cooperation in having Southampton County declared a federal primary disaster area because of the significant damage accruing to livestock and crop production because of the drought and excessive heat. Absent a federal declaration, county farmers were ineligible for federal disaster assistance. He noted that while some areas in Southampton County may, in fact, experience average and above average yields, there were other areas that simply

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missed many of the rain showers and had been adversely affected. He advised that the Southampton County Food and Agricultural Council, made up of representatives from the Virginia Cooperative Extension, the Farm Service Agency, The Natural Resource Conservation Service, and Rural Development had reported that approximately 82,701 acres of farm land in the County had been adversely affected by the drought and excessive heat, with estimated losses in farm income of more than \$6 million. Included in the agenda were committee worksheets illustrating income for each of the principal crops of corn, soybeans, peanuts, and cotton. Livestock producers had been affected as well with pastures and forages in some parts of the County experiencing a 50% loss in average yields. Also included in the agenda was a resolution for the Board's consideration.

He read aloud the following resolution:

**BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA**

RESOLUTION 0805-14

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, August 22, 2005 at 8:30 a.m.

PRESENT

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

IN RE: Request for Disaster Designation and Federal Assistance for Southampton County

Motion by Supervisor _____:

WHEREAS, portions of Southampton County have experienced severe drought and excessive heat over the past three months, with below-average rainfall and temperatures exceeding 105 degrees; and

WHEREAS, the drought and excessive hot weather in Southampton County caused significant damage to livestock and crops produced by farmers in the County; and

WHEREAS, the Southampton County Food and Agricultural Council, made up of representatives from the Virginia Cooperative Extension, the Farm Service Agency, the Natural Resource Conservation Service, and Rural Development have reported that approximately 82,701 acres of farm land have been adversely affected in Southampton County by the drought and excessive heat with estimated losses in farm income of more than \$6 million; and

WHEREAS, the yields of the principal crops produced in Southampton County including peanuts, corn, cotton and soybeans have been seriously reduced; and

WHEREAS, pastures and forages are at a 50% loss in yields, forcing cattle and other livestock producers to feed their winter hay supply during summer months; and

WHEREAS, Southampton County farmers need federal assistance in responding to their losses.

NOW, THEREFOR, BE IT RESOLVED by the Southampton County Board of Supervisors on this 22nd day of August, 2005, that the Board hereby instructs the County Administrator to submit to the Governor of Virginia the Board's request for assistance in obtaining federal disaster designation for Southampton County and federal assistance for Southampton County farmers who have experienced crop or livestock damages/losses because of the ongoing drought and excessive heat.

- 6) From the Virginia Department of Health, a copy of correspondence sent to the Town of Courtland regarding approval of addendum no. 1 for the fluoride mitigation test wells.

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

- 1) From Paul Fraim, Mayor of Norfolk and Chairman of the Hampton Roads Mayors and Chairs Caucus, copied correspondence to the Chairman of the BRAC Commission voicing unanimous and unequivocal regional support for retention of NAS Oceana as a U.S. Navy Master Jet Base;
- 2) From Dominion Resources, Inc., a copy of the SCC order for notice and comment regarding their application to revise their market prices for electricity generation and wire charges;
- 3) From LeClair Ryan, on behalf of their client, Price George Electric Cooperative, a copy of the same SCC Order;
- 4) From LeClair Ryan, on behalf of their client, Community Electric Cooperative, a copy of the same SCC order;
- 5) From Sheriff Francis, copied correspondence to Mayor Porter of Newsoms regarding their participation in the county's new public safety communications system;
- 6) From Walter D. "Red Hawk" Brown, III, Chief of the Cheroenhaka Indian Tribe, copied correspondence to International Paper regarding their interest in donation of the "Hand Site" for a tribal reservation and subsequent development of a cultural center and museum, worship center, and stockade village; and
- 7) From the Western Tidewater Community Services Board, a note of thanks for the Board's FY 2006 appropriation.

He informed that outgoing correspondence and news articles of interest were also in the agenda.

Chairman Jones asked if there was anything to come before this Board?

Mr. Charles Turner, Southampton County School Superintendent, addressed the Board. He advised that during the public hearings regarding the Villages of Southampton, he intentionally did not speak. However, he wanted to now "clear the waters." He clarified that the school board consultant had completed his work prior to any new developments. The site on the Villages of Southampton property became site number 3. The School Board had already looked at two other sites. When the developer offered to donate the land, the site did become of interest. He stated that from a school system's standpoint, wherever houses were built, it would impact the school in that area. They were going to have to reevaluate and take into account the number of homes and the development that had come into this County. The last thing they wanted to do was built a school that was too small.

Supervisor Felts stated that she felt sure that all of the homes that had been built on Unity Road and Ivor Road would have an impact on Nottway Elementary.

Supervisor Brown stated that it was very important that we follow the Comprehensive Plan and allow development to occur in planned areas. Otherwise, it would have a negative impact on this County.

Vice-Chairman Young asked about teacher vacancies. Mr. Turner advised that all positions should be filled now.

Vice-Chairman Young asked why all the sports other than volleyball had assistant coaches? Mr. Turner replied that he was unaware of that, but would look into it. He thanked him for bringing it to his attention.

Mr. Turner advised that it *appeared* that all the schools would be fully accredited this time. He would use the word *appeared* until **officially** notified of the accredited status.

Mr. Glenn Updike stated that a study was being conducted on intermediate schools and asked Mr. Turner if their plans were to have an intermediate school? Mr. Turner replied that national studies indicated that they were not beneficial. He cautioned that you had to be aware of these "fixes". They did, however, want the middle school to be a true middle school and not a small high school. He noted that they were mindful of the study.

Mr. Gary Cross stated that the School Board consultant was trying to help the developer (Hampton Roads Development) regarding the Villages of Southampton and that showed the kind of people we were dealing with.

Moving to late arriving matters, Mr. Johnson reminded that the VACo conference at The Homestead was coming up in November. He had reserved rooms at The Homestead for Chairman Jones, Vice-Chairman Young, and Supervisor Faison. He advised that he needed to know relatively soon who planned to attend the conference.

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 purpose:

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

Section 2.2-3711 (A) (3) Discussion of the acquisition of property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and

Section 2.2-3711 (A) (1) Discussion of reclassification and promotion of a specific county employee.

Vice-Chairman Young moved, seconded by Supervisor 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, and Mr. Julien Johnson, Public Utilities Director, were also present in the closed meeting.

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

RESOLUTION OF CLOSED MEETING

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

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

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

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

The motion passed unanimously.

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

Vice-Chairman Young made a motion to create a new position in our organizational structure, “Director of Community Development”, Grade 27, to promote Mr. Robert Barnett to the new position of “Director of Community Development”, and to increase Mr. Barnett’s current salary by 10% to \$57,090. Supervisor Wyche seconded the motion. All were in favor.

Supervisor Brown stated that it appeared as though the mindset of the people in this County went from wanting some growth to wanting no growth. This was a very important issue and he recommended that we send out a survey, with a few questions, to all the citizens to get their views. He thought questions should pertain to cluster, piano-key, and sliding scale development and where that development should occur.

All of the Supervisors agreed that it was a very important issue and that we needed citizen input, but thought that sending out surveys to all County citizens would be very costly and ineffective, as most people would throw the survey away. Mr. Johnson and Chairman Jones advised that surveys had been sent out before pertaining to other issues and there was less than 10% participation.

Chairman Jones advised that he thought they should have a public forum at the high school.

Supervisor Brown was concerned that only a small percentage of citizens tend to come out to such meetings.

Supervisor Faison too was concerned about the small percentage of citizens that usually come out. He noted that Mr. Jimmy Lee stated earlier “we wanted to keep our way of life”. Mr. Faison pointed out that everybody’s way of life was not the same.

Supervisor West stated that he thought perhaps citizens did not come to meetings because they were trusting their Supervisors to do the best job that they could.

Chairman Jones commented that people would come if the subject applied to them.

Mr. Jay Randolph, Assistant County Administrator, advised that public involvement was key, especially in the update of the Comprehensive Plan. He stated that perhaps an online survey could be done, although that would only reach those with access to the Internet.

Attorney Railey advised that telephonic polls, using a scientific process, were conducted for elections (candidates), and perhaps that was something we could look in to.

Supervisor Brown agreed that telephonic polls were good but stressed that it only needed to be a few questions. He stated that we needed to do this because Southampton County 20 years from now was not going to be the way that it was now.

Supervisor West did not think that we needed to make citizens in this County give them an answer on a subject regardless of whether the citizens wanted to or not.

Essentially, it was consensus of the Board to let the staff evaluate the options and report back with cost estimates, etc.

There being no further business, the meeting was adjourned at 11:21 AM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk