

August 27, 2007

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administrative Center Drive, Courtland, Virginia on August 27, 2007 at 8:30 AM

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

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

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

Chairman Jones sought approval of the minutes of the July 23, 2007 regular session and August 1, 2007 special session. The minutes were approved as presented, as there were no additions or corrections.

Regarding highway matters, Mr. Johnson announced that in the aftermath of the recent I-35W bridge collapse, he thought they might be interested in seeing a copy of the inspection reports for each of the 140 bridges in Southampton County. For each bridge, the list included the year built, latest inspection date, most recent traffic count, and the bridge inspection score in 4 different categories. Overall scores of "4" or less may be cause for concern. He noted that the I-35W bridge scored a "4". Of the 140 bridges, 11 were deficient in at least one of the four rated categories, including:

- South Quay Bridge over the Blackwater River
- Berea Church Road over the branch
- Ivor Road over the Seacock Swamp
- Seacock Chapel Road over Round Hill Swamp
- White Meadow Road over Tararra Creek
- Trinity Church Road over Indian Branch
- Southampton Parkway E over Nottoway Swamp
- Story Station Road over Flaggy Run
- Three Creek Road over Three Creek
- Vicks Millpond Road over Flat Swamp
- Carys Bridge Road over Nottoway River

He noted that they may want to keep this in mind when developing priorities for the Secondary Six-Year Improvement Plan.

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

Mr. Lomax advised that crews had performed ditch work on Route 647. They planned to replace the pipe on Route 612 as soon as the permit came back. They were getting ready to put stone on some dirt roads throughout the County. They paved route 635 and were trapping beavers on Routes 622 and 706. Mowing should be completed throughout the County, including Route 58, prior to Labor Day.

Vice-Chairman Young asked about the status of Edgehill; he knew they were trapping beavers. Mr. Lomax advised that the outfall ditch was too small and they were going to replace the pipe.

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Supervisor Brown thanked the County Administrator for the report on the bridges. He asked what was the maintainability of the bridges? Mr. Lomax, along with local bridge experts that had been employed with VDOT for many years, advised that the life of a bridge was usually about 60 years. A score of "4" meant that some areas of the bridge needed attention, but it did not mean that it was going to collapse. They inspected bridges about every 2 years. They may have to start shifting some secondary road funds over to the bridges.

Supervisor Brown asked about proactive steps being taken regarding bridges. He noted that he did not want to see a bridge close. Mr. Lomax explained that primary bridges were included in the 6-year plan. He noted, however, that until there was an abundance of funds, they would need to prioritize bridges, and again, possibly ship some secondary road funds over to bridges.

Supervisor West asked who maintained the bridge on Tucker Swamp Road before getting to Route 460 that went over the Norfolk and Western railroad track? Mr. Lomax advised that VDOT inspected it but that it was Norfolk and Western's responsibility.

Mr. Lomax advised that there were 247 bridges in his jurisdiction and they were actively watching them and making repairs. At some point, we were going to have to start putting money on the bridges.

Supervisor Brown asked what stress tests were performed on the bridges? Mr. Lomax explained that they performed load tests. Also strain gauges were put on the bridges and/or they cored the decks and performed concrete tests.

Mr. Lomax noted that regarding bridges that ultimately needed to be replaced, they did not want to spend too much money on them resulting in their removal from the replacement list.

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

Mr. Vernie Francis, Southampton County Sheriff, reported that regarding the new litter control program the County had implemented, about 40 people had picked up 225 bags of trash along 80 miles of road.

Mr. Wes Alexander, Cooperative Extension Agent, introduced Ms. Erika Bonnet, 4-H Agent. He advised that Ms. Bonnet was employed in April, but due to budget season, the County Fair, etc., this was the first opportunity he had to introduce her to the Board. She received a Bachelor's Degree from West Virginia University and a Master's Degree at Texas A&M. They were excited about her enthusiasm.

In regards to the solid waste quantities report, Mr. Johnson clarified for Supervisor Brown that he expected the cost savings to go up exponentially.

In regards to the personnel report, Mr. Johnson advised that Matthew N. Johnson was hired in the Sheriff's Office effective 08/13/07 at an annual salary of \$29,843. He advised that W. Andrew Johnson was hired in Building Inspections effective 08/14/07 at an annual salary of \$34,547.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$2,853,469.22 were received.

**Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$2,853,469.22 be paid with check numbers 82843 through 83249. All were in favor.**

Moving to appointments, Mr. Johnson announced that included in the agenda was a copy of the most recent Recreational Task Force roster. At this point, we had one appointment remaining from the Boykins-Branchville District and two appointments pending to respectively represent the Planning Commission and Board of Supervisors. He noted that the initial meeting of the Task Force had been scheduled for September 12 at 7:00 PM.

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Chairman Jones advised that Supervisor Felts had volunteered to serve as the Board representative. Supervisor Brown indicated that he too was interested.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to appoint Supervisor Felts as the Board representative, and Supervisor Brown as the alternate, on the Recreational Task Force. All were in favor.**

Supervisor Faison advised that he would like to appoint Susan Phelps, 33278 Branch Bridge Street, Brachville, VA.

**Supervisor Faison moved, seconded by Vice-Chairman Young, to appoint Susan Phelps to the Recreational Task Force. All were in favor.**

Mr. Johnson advised that the respective terms of the following three Board of Zoning Appeals (BZA) members would expire on September 30, 2007:

Elma A. Brown	Boykins-Branchville District
Peter F. Copeland	Franklin District
Thomas E. Daisey, Jr.	Newsoms District

He stated that as they knew, appointments to the BZA were made to the Circuit Court upon recommendation by the Board of Supervisors. Terms were for 5 years meaning that these 3 terms would run from October 1, 2007 to September 30, 2012. All three were eligible for reappointment. He noted that the statute provided that Board members shall continue to serve until a successor was appointed by the Court, regardless of the expiration of their term.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to recommend the reappointment of Peter F. Copeland and Thomas E. Daisey, Jr. to the BZA, as they had indicated their willingness to continue to serve. All were in favor.**

Supervisor Faison advised that he would contact Mrs. Brown and inquire of her willingness to continue to serve. He would report back next month.

Moving to the capital funding request, Mr. Johnson announced that included in the agenda was a FY 2008 capital funding request from the Drewryville Volunteer Fire Department, which planned to utilize the proceeds to service debt on their 2004 fire truck. As they knew, beginning in FY 2000, the Board agreed to provide more than \$1.2 million over a ten (10) year period for capital improvements for fire and rescue. The allocable share for each fire department in FY 2008 was \$13,000 and for each rescue squad, \$6,500. Funds were earmarked annually for each department or squad and held in escrow pending specific approval by the Board of Supervisors. Escrowed funds continued to accrue for each department/squad if not drawn down. He advised that the table included in the agenda indicated the status of capital appropriations since FY 2000. The Drewryville Volunteer Fire Department was presently entitled to \$13,000. Through August 20, 2007, we had collectively appropriated \$864,000 for fire and rescue improvements and were holding in escrow an additional \$266,000. The request was in order.

**Vice-Chairman Young moved, seconded by Supervisors Brown and Wyche, to approve the request, \$13,000, to the Drewryville Volunteer Fire Department. All were in favor.**

Moving forward, Mr. Johnson announced that included in the agenda was correspondence from Mr. Charles Turner, Superintendent of Southampton County Schools, advising us of the Appomattox Governor's School Limited Partnership's desire to transfer title to the Governor's School Building to the Regional Board. The Appomattox Regional Governor's School for Arts and Technology was located in Petersburg and served over 330 students from 14 school districts in central and southern Virginia, including Southampton County. In order to effectuate the transfer of title, it was necessary that the school board and governing body from each participating community approve authorizing resolutions. At its August 13 meeting, the Southampton County School Board approved its resolution and was now seeking the Board of Supervisor's consideration.

Mr. Johnson read aloud the following resolution:

RESOLUTION

WHEREAS, the School Board of Southampton County participates in the Appomattox Regional Governor's School for the Arts and Technology ("Governor's School"), which is governed by the Regional Board; and

WHEREAS, the title to the building which houses the Governor's School is held by the Appomattox Governor's School Limited Partnership; and

WHEREAS, Va. Code Ann. §22.1-26 permits the Regional Board to hold title to the Governor's School building with the approval of the participating school boards and the respective local governing bodies; and

WHEREAS, the Appomattox Governor's School Limited Partnership desires to transfer title to the Governor's School building to the Regional Board as permitted by Va. Code Ann. §22.1-26; and

WHEREAS, the Board of Supervisors of Southampton County approves title to the Governor's School being vested in the Regional Board.

NOW, THEREFORE, be it resolved that the Board of Supervisors of Southampton County hereby approves of the transfer of title to the Governor's School building from the Appomattox Governor's School Limited Partnership to the Regional Board.

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

Moving forward, Mr. Johnson announced that included in the agenda was a copy of the Southampton County Planning Commission's report regarding preliminary plat approval for the Benson Woods Subdivision. 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 plats. The purpose of the subdivision plat review was only to insure that the proposed development complied with all existing ordinances. If a plat was denied, the Board was required to specifically identify the requirement that was unsatisfactory and explain what the applicant must do to satisfy the requirement. He advised that the plat depicted forty (40) residential building lots on a 24.793 acre parent parcel, ranging in size from a minimum of 20,000 square feet to a maximum of approximately 34,000 square feet in area, acceptable standards in a Residential R-2 zoning district. The lots were proposed to be served by onsite wells and a gravity sewer system which would be connected to the Courtland and Environs wastewater system via a pump station and force main. Down-gradient pump stations may have to be improved at the developers' expense as well – those impacts would be evaluated as part of the construction plan review process.

Mr. Johnson stated that the Planning Commission recommended approval of the preliminary plat, subject to the following five (5) specific recommendations:

- Surety for infrastructure improvements including roads, drainage, and utilities would be required in accordance with Section 14-102(a) of the Southampton County Code;
- A maintenance bond for the annual road maintenance in an amount as set by the Virginia Department of Transportation (VDOT) and in accordance with Section 14-102(b) of the Southampton County Code;
- A maintenance fee for the proposed roadways in an amount as determined by VDOT;
- A five year operational cost for streetlight installation in accordance with Section 14-207 of the Southampton County Code would need to be furnished by the applicant;
- Payment of Southampton County plat review fees in the amount of \$100.00.

Mr. Johnson informed that once the preliminary plat was approved, the developer had 6 months to prepare a final plat, detailed civil drawings for site improvements, and to 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.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to approve the preliminary plat, subject to the five aforementioned recommendations. All were in favor.**

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

REZ 2007:07 Application filed by O'Berry Associates LLC (owner) requesting a change in zoning classification from A-1, Agricultural to C-R1, Conditional Residential approximately 20.54 acres for the purpose of thirteen (13) residential building lots, as conditioned. The subject property is located on the north side of Oberry Church Road (Rt. 635) approximately ½ mile east of the intersection with Sedley Road (Rt. 641). The property is further identified as Tax Parcel 62-64 and is located in the Franklin Magisterial District.

Mr. Jay Randolph, Assistant County Administrator and Secretary to the Planning Commission, reported that the Planning Commission held a public hearing on this application at its June 14, 2007 meeting and deferred action until its next meeting on July 12, 2007. At that meeting, the Planning Commission recommended denial of the application on a vote of 5 to 1.

The applicant had submitted the following proffers:

- A voluntary cash proffer in the amount of \$1,728 per lot will be assessed when lots are sold and paid upon issuance of building permits
- The only use of the rezoned property will be for single family residences

Mr. Randolph advised that the proposed application would utilize 20 acres of road frontage on Black Creek and Oberry Church Roads. It was piano-key development. No new roads were being proposed and the Planning Commission took issue with that. They did not like the proposed layout of the project. The road was quite narrow and had significant traffic and they had a problem with the number of mailboxes (accesses) that would be added to the roads as a result of this project. He acknowledged that the property was in the Courtland Planning Area, as outlined in the Comprehensive Plan, and the project was proposed to be served by a private water company.

Chairman Jones opened the public hearing.

Supervisor Brown asked how this property ended up in the Comprehensive Plan if there were problems with the roads, etc.? Mr. Randolph replied that it was a natural site for future development, as it was close to the Harris Road development.

Supervisor Brown asked if the Planning Commission gave a recommendation as to the layout they would like to see? Mr. Randolph replied no. Supervisor Brown asked, did we expect a developer to put in a state road? Mr. Randolph replied yes and added that a cul-de-sac would mean only 1 access to the road.

Supervisor Brown advised that taking into consideration all of the other developments they had approved before, denying this application and expecting the developer to put in a state road was not in line.

Mr. Randolph confirmed for Supervisor Faison that we were looking at 2 roads – 3 entrances on one road and 4 entrances on the other.

Mr. Randolph advised that they were trying to move away from piano-key development and to raise the standards for development.

Supervisor West advised that they all wanted to move away from piano-key development. However, Dixie Farm Road and Black Creek Road was developed in that manner, and development had occurred all around the proposed property on both sides. Did we really want to penalize this developer with this 20 acres?

Supervisor Brown stated that he agreed with Supervisor West. He noted that continuity was important.

Supervisor West pointed out that once this 20-acre piece was filled out, that was it in that area. He thought that perhaps they should defer action and have the Planning Commission revisit it.

Vice-Chairman Young advised that there were about 15 adjoining landowners to this property and

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he did not receive the first call. Perhaps the Planning Commission needed to renegotiate with the landowner.

Supervisor Faison stated that he did not see what sending it back to the Planning Commission was going to do, as they had already heard it twice.

Supervisor Brown stated that standards had not been created and we did not need to impose impromptu standards and penalize the developer. Perhaps there was an alternate development design (layout) that could be looked at.

Supervisor West advised that one of the developers was a resident of Southampton County and made a personal investment in the property.

Mr. James Randall of 32160 Oberry Church Road spoke. He advised that the entire area was not developed – to the left of him was 28 acres and to the right of him was 1 house. He came in 6 years ago wanting to build a home on his 7.3-acre property for his mother. He was told that he did not have enough road frontage to do so, and he accepted that. The main concern he had with the proposed project was the sewer. Land perks were poor in his area. If you could build 13 homes on 20 acres, something was not right. There were 2 well drillers near him. The other developments nearby might be draining the aquifer down. And did we really need more houses? He saw 7 houses for sale on his way here and 3 more being built.

Mr. Royce Branch, co-owner/co-applicant, spoke. He advised that he was a life-long resident of Southampton County and he bought the proposed property as a personal investment. He stated that at the Planning Commission public hearing, 3 of the members said that the land was no longer suitable for agriculture.

Vice-Chairman Young advised that he thought this application should go back to the Planning Commission to be renegotiated.

Supervisor West stated that he thought this type of development had gone too far to stop it in this particular area, but he was in favor of it going back to the Planning Commission.

Supervisor Faison advised that he did not have a problem with it going back to the Planning Commission. However, in looking at this particular situation, he did not think they would be setting a precedent for the entire County by approving it.

Supervisor Brown stated that standardization and continuity was important. The number of mailboxes on the road and other safety issues were indeed concerns, but the developer was not responsible for improving state roads.

Supervisor Wyche indicated that he was in favor of sending it back to the Planning Commission.

Supervisor Felts advised that the proposed project did fit with what was already there, but there were safety concerns.

**Supervisor Wyche made a motion to send the application back to the Planning Commission.**

**Supervisor Brown advised that perhaps they should include some direction in the motion to look at a work-around to negate the number of mailboxes on the road.**

**Supervisor Wyche amended his motion to include the above suggestion of Supervisor Brown. Vice-Chairman Young seconded the motion. All were in favor.**

Moving forward, Mr. Johnson announced that the Virginia Farm Bureau had recently designed and published a new color brochure, "Welcome to Southampton County – where agriculture is a way of life." Copies were included in the front pocket of their respective agendas. The new brochure was well written and attractive, and spoke to the benefits of agriculture to Southampton County residents, the Virginia Right to Farm Act, local farming practices, general property rights, and further included some helpful tips for rural living. Mr. Gary Cross, President of the Southampton County Farm Bureau, had asked for a few moments to officially present the brochures and seek the Board's cooperation in assistance with their distribution.

Chairman Jones recognized Mr. Gary Cross.

Mr. Cross advised that he (Gary Cross), Jay Randolph, Assistant County Administrator, and Rose Bradshaw, graduate student and Southampton County citizen, met and discussed this project. Ms. Bradshaw compiled a lot of information and they condensed it down to this brochure. They thought the brochure would be beneficial to people coming into the County. They would like to place the brochures in county offices such as the Clerk's Office and Commissioner of the Revenue's Office, and to make them available to the Building Inspections Department. He noted that Mr. Johnson had indicated a desire to also place them at the Chamber of Commerce.

Supervisor West stated that he thought the brochure was great.

Supervisor Brown was very pleased with the brochure and thought that it emphasized that Southampton County was an agrarian county. He suggested that the brochure also be placed on the Virginia Tourism website and at rest stops/rest areas.

**Supervisor West moved, seconded by Supervisor Wyche, to authorize the County Administrator to assist with distribution of the brochures by making them available in county offices and including a copy with all new building permits in Agricultural zoning districts. All were in favor.**

Moving forward, Mr. Johnson announced that representatives of the Western Tidewater Community Services Board (WTCSB) were present to provide an overview of the FY 2008 Performance Contract and Budget. Pursuant to § 37.2-508, Code of Virginia, the WTCSB had prepared the plan and budget which included a comprehensive needs assessment and plan for services for mental health, mental retardation and substance abuse programs in Franklin, Southampton, Isle of Wight and Suffolk. This plan was the basis of a funding application which was submitted annually to the state each September. Each local governing body must approve the plan and budget. Once funding was approved, the WTCSB would enter into contract with the Virginia Department of Health, Mental Retardation and Substance Abuse Services to provide services which would:

- 1) address the specific needs of individual consumers;
- 2) support consumer and family participation in planning services and choice among providers;
- 3) achieve enhanced accountability for consumer and provider outcomes;
- 4) encourage private sector provision of services to the extent possible.

Chairman Jones recognized Mr. Demetrios Peratsakis, Executive Director of the WTCSB.

Mr. Peratsakis presented a brief PowerPoint presentation highlighting the WTCSB performance contract and budget. He advised that their total budget in FY 2008 was proposed at \$21,015,822 with 49% allocated for mental health programs, 10% for substance abuse, and 41% for mental retardation. On the revenue side, 16% was provided by the state, 67% by fees assessed to consumers, 4% from the federal government, 3% from the localities and 10% from cash reserves, contributions and workshop sales. He advised that the number of people they provided service to had doubled in the last 8 years. Also in the last 8 years, the number of staff members had increased from 200 to 325 employees, and staff salaries had increased by 32%. He stated that regarding Southampton County specifically, they needed to be more aggressive with school-based services. They wanted to implement services in the schools that would allow at-risk youngsters to receive counseling at no cost to the families. They also wanted to open an actual center of operation in Southampton County – a building/office in which citizens could go to receive services. There was currently a center in the City of Franklin but there was not one in Southampton County.

Mr. Peratsakis clarified for Supervisors Faison and West that they were under-serving Southampton County. There was a greater need than the demand that was being expressed. They thought that if there was an actual center or operation in Southampton County, more people would come in to utilize the services because they would know where to go for those services.

Supervisor Faison commented that the services they wanted to provide to the schools was wonderful.

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There was some discussion by the Board regarding recommending that the schools get involved with the WTCSB.

Supervisor Faison advised that he thought it would be more appropriate for the Board to *encourage* the school board to work with the WTCSB. The others supervisors agreed. Mr. Peratsakis indicated that he would share their sentiments with the school superintendent and/or school board.

**Vice-Chairman Young moved, seconded by Supervisor Brown, to approve the FY 2008 Budget and Performance Contract for the WTCSB. All were in favor.**

Moving forward, Mr. Johnson announced that included in the agenda was correspondence and a resolution adopted by the SPSA Board of Directors requesting member communities to consider flow control ordinances in light of the April 30 Supreme Court decision in *United Haulers Assn., Inc. v. Oneida Herkimer Solid Waste Authority*. Mr. John Hadfield, SPSA's Executive Director, had requested a few moments to discuss flow control and to review certain financial and operational reforms recently undertaken by SPSA. He would be accompanied by Mr. Jeff Clooney of R.W. Beck, one of the nation's top engineering and design firms, and consultant to SPSA.

Chairman Jones recognized Mr. John Hadfield. Mr. Hadfield distributed a hard copy of a PowerPoint presentation. He advised that SPSA was reducing their costs. They had deleted 39 positions, and 31 of those employees had taken early retirement. They had a plan to be debt free by 2017, which had always been the case. He noted that 38% of SPSA's budget was dedicated to debt service. He then shared the following:

#### **Financial Reform**

- Full compliance with SPSA financial management policies within 3 years
- Policies include:
  - Cash funding closure of all SPSA facilities
  - Funding a Reserve and Contingency Account
  - Provision of significant annual cash contributions which reduce reliance on debt financing of capital assets
- Moody's has re-affirmed SPSA's A3 bond rating

#### **Operational Innovation & Private Considerations**

- Streamlined operations; decentralization and some outsourcing of transportation services
- RFP issued for potential outsourcing of landfill disposal capacity
  - RFP issued June 29, 2007
  - Proposals due September 5, 2007
- Continued exploration of divestiture of Waste-to-Energy system
- Yard waste program downsized to mulch-only operation by January 1, 2008
  - SPSA has issued an RFP for a private contractor to manage composting services

Mr. Hadfield then introduced Mr. Jeff Clooney of R.W. Beck.

Mr. Clooney advised that R.W. Beck was a consulting engineering firm. They did an annual review of the SPSA system each year on behalf of the bond holders. They commented upon whether or not the system was being properly operated and maintained, would it have a useful life at least equal to the remaining term of the bond, were there adequate revenues to pay of the bonds, and were the debt service coverage requirements being met each year. He noted that the bond holders and member communities of SPSA shared some of the same interests. R.W. Beck reviewed the set of plans and projections that SPSA had developed in terms of how they planned to pay the \$250 million debt between now and 2017. He shared the following principal conclusions they had reached:

- 1) the underlying assumptions that were used in that analysis (with regard to waste quantities, increase waste generation, capital improvements, etc.) were reasonable; and

If the programs that were included in this model were implemented as proposed, it would

allow SPSA:

- 2) to continue to provide service at least through 2017;
- 3) to remain a viable financial entity until 2018;
- 4) to pay off the existing debt by 2017.

He stated that R.W. Beck supported SPSA’s financial reforms.

Mr. John Hadfield then addressed the Board regarding flow control. He advised that flow control referred to the legal right of localities to control where waste generated within their jurisdiction was taken for disposal. On April 30, 2007, the U.S. Supreme Court United Haulers decision gave local governments the authority to tell private haulers where to take their waste, under certain guidelines. Implementation of flow control in each of the eight member communities would provide an opportunity to equalize the tipping fees paid by municipal and commercial customers, which would effectively reduce the tipping fee, and reduce all reliance on the need to accept out-of-area waste at the Authority’s Waste-to-Energy plant in Portsmouth among other positive things. The estimated first year savings for Southampton County was \$607,800, and total estimated savings from 2009-2018 were \$6,505,000. While the benefits far outweighed the negatives, he did want to point out some minor negative impacts. Member communities would have administrative and enforcement responsibilities. They could also face potential litigation. However, SPSA had agreed to defend any member community from litigation that may occur following adoption and enforcement of flow control measures. Equalizing rates may cause some increases to residents who live in apartments and condominiums served by private waste disposal companies. However, the increase would likely be only \$2 per month. It would cause some increases to businesses who contract-out waste disposal to the private sector. Private haulers may receive complaints from customers for price increases, it would eliminate the option of private haulers of disposing of out-of-state waste at SPSA facilities, and haulers who owned landfills would no longer be able to dispose of the region’s solid waste at their facilities.

Supervisor West asked how many haulers would be affected? Mr. Hadfield replied, as many as 3.

Mr. Hadfield clarified for Supervisor Brown that if SPSA no longer needed to rely on the need to accept out-of-area waste, they thought the tipping fee could be reduced from \$100/ton to \$52/ton.

Mr. Hadfield clarified for Supervisor West that the cap on the tipping fee for the City of Virginia Beach limited their financial benefit resulting from the implementation of flow control.

Mr. Hadfield advised that the member communities of Isle of Wight, Chesapeake, Norfolk, and Suffolk all had (flow control implementation) public hearings scheduled.

Supervisor West stated that he saw this as a win-win. The other supervisors concurred.

**Vice-Chairman Young moved, seconded by Supervisors Brown and West, to direct the County Administrator to advertise the ordinance (included in the agenda) for public comment at the September 24, 2007 regular session.**

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

**AN ORDINANCE TO REQUIRE THE DISPOSAL OF SOLID WASTE COLLECTED OR GENERATED IN THE COUNTY AT FACILITIES DESIGNATED BY THE COUNTY**

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia:

1. That the County of Southampton, Virginia (the “County”) has found and determined and does hereby declare that:

(a) The cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach, and the counties of Isle of Wight and Southampton have created the Southeastern Public Service Authority of Virginia (“SPSA”) pursuant to the Virginia Water and Waste Authorities Act (the “Act”) in order to carry out for their common good and the common good of their citizens, the essential public service of providing for the management and disposal of solid waste in a safe,

economical, and environmentally sound manner, which service is typically and traditionally a core function of local government;

(b) SPSA has constructed and is operating an integrated solid waste management and disposal system for the benefit of its members including landfill operations, management of yard wastes, disposal of special wastes, the production and burning of refuse-derived fuel for energy recovery, recycling programs, and public environmental education, which system has been recognized as a model of quality within the solid waste industry and among local governments;

(c) The County, like each of the other cities and counties which are members of SPSA, has contracted with SPSA for long-term waste disposal services, for the payment of disposal fees in an amount sufficient to provide for the financing and operation of the regional system, and to provide for the delivery to SPSA of all or substantially all of the solid waste generated or collected by or within the County, and the form of that contract has been reviewed and declared by order of a Virginia Circuit Court to be valid, binding, and enforceable in accordance with its terms;

(d) In reliance upon its contracts with the County and other members and upon the delivery of the solid waste generated within the member jurisdictions, SPSA has issued bonds in a substantial amount to finance and construct facilities and has entered into contracts with third parties to assure the safe and environmentally sound management and disposal of the solid waste, all for the benefit of the County and other SPSA members;

(e) SPSA has been designated and is acting on behalf of the County and its other member jurisdictions to implement and operate programs in order to meet levels of solid waste recycling required by the laws of the Commonwealth of Virginia, and the common management and control of the region's waste is critical to the success of those programs and to the ability of the County to meet the requirements of Virginia law;

(f) The assurance of the continued supply of all or substantially all of the solid waste generated within the County and the other SPSA member localities is necessary to generate revenue for the successful fulfillment of SPSA's public mission and is necessary to and in the best interest of the County and its citizens, notwithstanding any anticompetitive effects;

(g) The County reaffirms its commitment to support and participate in SPSA's operation of an integrated regional solid waste disposal system to provide for the benefit of the County and its citizens a safe, environmentally sound, reliable and economical program capable of meeting long-term disposal needs, complying with state recycling requirements and carrying out the public's desire for recycling services;

(h) It is both necessary and appropriate that the County comply with the conditions and commitments of its existing contract with SPSA to deliver or cause to be delivered to SPSA all or substantially all of the solid waste generated or collected by or within the County;

(i) Other waste disposal facilities, including privately owned facilities and regional facilities are (i) unavailable; (ii) inadequate; (iii) unreliable; or (iv) not economically feasible, to meet the current and anticipated needs of the County for waste disposal capacity;

(j) This ordinance is necessary to ensure the availability of adequate financing for the continuing construction, expansion or closing of the County's facilities, including facilities owned and/or operated by SPSA, of which the County is a member, and the costs incidental or related hereto, and to provide to the County and other members of SPSA a convenient and effective way to finance SPSA's integrated package of waste disposal services;

(k) The adoption of an ordinance to require the disposal of solid waste collected or generated within the County at facilities designated by it is in the best interests of its citizens, and is necessary to the provision of an essential public service;

(l) The power of the County to adopt this ordinance is granted by Section 15.2-931 of the Virginia Code, and alternatively was and is granted as an express or necessarily implied power under the Act, specifically by Section 15.1-1269 of the Virginia Code and its successor Section 15.2-5147; and

(m) The County, relying on and exercising the powers granted to the County to contract for disposal of, and to designate in its discretion disposal facilities for, all of the solid waste generated or collected by or within the jurisdiction of the County or under the control of the County,

entered into its contract with SPSA for long-term disposal services, creating contractual obligations that under Virginia law cannot be impaired by subsequent action of the General Assembly; and

(n) The County affirms and reserves its power under the Act to contract with SPSA for the disposal of solid waste, and to grant to SPSA the right to dispose of all of the solid waste generated or collected by or within the jurisdiction of the County or under the control of the County, and the express and/or necessarily implied power to adopt ordinances necessary to give effect to such power to contract, without having to make specific findings after a public hearing.

2. There shall be added to the Southampton County Code the following:

Chapter 13 Solid Waste

Sec. 13-11. Disposal of Solid Waste collected or generated in the County.

(a) No person shall operate a private solid waste collection business within the County without first obtaining a permit from the director of public works or his designee.

(b) All solid waste generated or collected within the County shall be disposed of only at the facilities of the Southeastern Public Service Authority of Virginia or such other publicly owned and operated facilities designated by the director of public works or his designee.

(c) Subsection (b) shall not apply to:

(1) Solid waste generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or solid waste-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.

(2) Recyclable materials, which are those materials that have been source-separated by any person or materials separated from solid waste by any person for utilization in both cases as a raw material to be manufactured into a product other than fuel or energy.

(3) Construction debris to be disposed of in a landfill.

(4) Waste oil.

(d) Subsection (b) shall not prevent or prohibit disposal of solid waste at any facility which was issued a solid waste management facility permit by an agency of the Commonwealth on or before July 1, 1991, or for which a Part A permit application for a new solid waste management facility permit, including local governing body certification, was submitted to the Virginia Department of Environmental Quality in accordance with Section 10.1-1408.1B of the Virginia Code on or before December 31, 1991.

(e) It shall be unlawful for any person to dispose of solid waste generated or collected within the County at any place other than those designated pursuant to subsection (b). The director of public works or his designee following a hearing may revoke a permit to operate a private solid waste collection business obtained under subsection (a) for failure to comply with this Section, and shall have the power to seek and obtain injunctive relief from a court of competent jurisdiction to prevent violations of this Section, without a showing of irreparable harm. Operating a private solid waste collection business without a permit as required herein shall be a misdemeanor, punishable by a fine of **[\$500]**, with each day in violation constituting a separate offense.

This Ordinance shall be effective on and after January 1, 2008.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Chairman, Southampton County Board of Supervisors

Attest:

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Clerk

Approved as to form:

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Richard Railey,  
County Attorney

The Board took a 5-minute recess.

Upon returning from the recess, 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 crop production from the drought and excessive heat. Absent a federal declaration, county farmers were ineligible for federal disaster assistance. While a few areas in Southampton County may experience average yields, much of the county had missed the majority of rain showers and had been adversely affected. He advised that the Southampton County Review Committee, made up of representatives from the Virginia Cooperative Extension, the Farm Service Agency, the Natural Resource Conservation Service, and local producers estimated losses in farm income of more than \$14.5 million due to the drought and excessive heat. The Committee worksheets were included in the agenda, following the proposed resolution, illustrating the historic average yields, the expected current year yields, and the expected loss in farm income for each of the principal crops of corn, soybeans, peanuts and cotton. He noted that the most recent information he had indicated that 7 Virginia counties had been designated primary disaster areas by the U.S. Secretary of Agriculture and primary designations were currently pending for 9 other counties.

Mr. Johnson read aloud the following resolution:

**BOARD OF SUPERVISORS  
SOUTHAMPTON COUNTY, VIRGINIA**

**RESOLUTION 0807-13**

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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 27, 2007 at 8:30 a.m.

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**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**

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Motion by Supervisor \_\_\_\_\_:

**WHEREAS**, Southampton County has experienced moderate drought conditions and excessive heat over the past three months, with well-below-average rainfall and temperatures exceeding 105 degrees; and

**WHEREAS**, the drought and excessively hot weather in Southampton County caused



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thoughts and ideas about potential zone boundaries and local incentives the Board may wish to consider. He noted that if designation of an Enterprise Zone was something they would like to pursue, it would be necessary that they direct the County Administrator to advertise the required public hearing for the regular session of September 24, in order to meet the October 1 application deadline.

Chairman Jones recognized Mr. John Smolak and Mr. Jim Bradshaw.

Mr. Bradshaw presented a brief PowerPoint presentation and distributed hard copies of that presentation. He advised that an Enterprise Zone was a geographical area of a county, city or town designated by the Governor for 10-20 years. It was an economic development tool used to stimulate job creation, private investment, and revitalization. On July 1, 2005, the General Assembly passed the current Enterprise Zone Grant Act. It transitioned the program from tax credit incentives to grants – Job Creation Grant and Real Property Investment Grant. He shared the following facts regarding the Enterprise Zone Grant Act:

- Act authorizes up to 30 zones
- Current zones run out their 20-year designation period
- 30 zones will be reached as current zones expire (there were currently 57 zones)
- Authorizes initial ten-year designation period, with two five-year renewals
- Evaluated on a point system, 50% on distressed factors, 50% based on zone plans and economic development strategy
- Four zones were now available on a competitive basis (localities whose zones were expiring could reapply)

Regarding the distress criteria that Mr. Johnson mentioned, Mr. Bradshaw clarified that the distress criteria used was locality-wide and not zone-specific. He noted that they had the freedom to put a zone where it would best fit local economic development needs and potential for growth. He advised that they were proposing a joint application with the City of Franklin, which was permissible because Southampton County and the City of Franklin were adjacent jurisdictions. Each locality could identify up to 3 zones. However, one of the locality's 3 possible zone areas must be contiguous to at least one other participant's zone area as part of the joint application. Identified zones must be strategic, not just convenient, and must have the mechanism to ensure shared benefits. He advised that the proposed contiguous zone was the Cypress Cove Industrial Site in Southampton County and the Pretlow Industrial Park in the City of Franklin. The other 2 proposed (stand-alone) zones in the County were the Southampton Business Park and the Turner Tract.

**Supervisor West moved, seconded by Supervisor Brown, to authorize the County Administrator to advertise a public hearing on the Enterprise Zone application for September 24, 2007. All were in favor.**

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

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

He stated that at this time, we were well on our way in completing items 1 and 4 – the funding was included in the adopted budget last May and, following issuance of a Request for Proposals last month, we were scheduled to interview two qualified architects on August 29 and expected to contract for professional services sometime in September. Today's discussion related to number 2 above. VDOT administered the federal transportation funding enhancement program, commonly referred to as "TEA-21." The TEA-21 program was a competitive grant program often used for historic preservation (for instance, the City of Franklin was utilizing TEA-21 funding to renovate the old railroad depot). The Southampton County Historical Society had expressed an interest in applying for a TEA-21 grant to assist with their restoration of the Rebecca Vaughan House. The

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Historical Society's consultant, John Quarstein, would be preparing the actual grant application, which was due November 1, 2007. Prior to submission, however, the application must be presented at a duly advertised public hearing and formally endorse by the local jurisdiction (in our case, the Board of Supervisors). He noted that included in the agenda was a copy of the required TEA-21 application that Mr. Quarstein would be working on. Once completed, a copy would be transmitted to him (Mr. Johnson), and with the Board's concurrence, he would schedule the required public hearing.

**Vice-Chairman Young moved, seconded by Supervisor West, to authorize the County Administrator to advertise a public hearing on the TEA-21 grant application, once the application has been completed (could be September or October, depending on when the application was actually completed). All were in favor.**

Moving forward, Mr. Johnson announced that as they recalled from last month, they received a request from Horton & Dodd, P.C., on behalf of their client, Franklin-Southampton Properties, LLC, seeking the Board's consideration in requesting the City of Franklin to allow for the extension of utilities to facilitate development of a portion of their property. The property was located along Woods Trail between the Edgehill Subdivision and the City of Franklin corporate limits. This particular request related to 2 parcels (63-56 and 63-56B), although the applicant also owned several other contiguous parcels in which he planned to develop at a later date (please see exhibit included in the agenda). His immediate plans called for a 12.5 acre neighborhood shopping village and 30 residential building lots along the Franklin-Southampton border, with 5 additional phases of residential development at a future date. The first phase of residential development was already zoned Residential R-1, but the density of development would be determined by the availability of public utilities (20,000 s.f. vs. 30,000 s.f. lots). The proposed commercial development was presently zoned Agricultural A-2 and would require both an amendment to the Comprehensive Plan and a successful rezoning to move forward.

Mr. Johnson continued that because the extension of utilities would open this corridor for future development and the proposed commercial development remained subject to a comprehensive plan amendment and rezoning, it was the Board's consensus that this request really boiled down to a land use issue. With public utilities, the corridor was ready to be developed and without them, it was not (at least not substantively). Accordingly, the matter was referred to the Planning Commission for a recommendation at their August 9 meeting. A copy of their report and recommendation was included in the agenda. The report noted that the project was located in an area designated for future growth in our recently-adopted Comprehensive Plan. It further noted that, while much of the corridor remained zoned Agricultural A-2, the provision of public utilities would serve as a catalyst for growth (potentially including the 5 additional phases illustrated on the exhibit included in the agenda). The Commission recommended that we contact the City of Franklin regarding Phase 1 of the proposed project, and once we had received their response, further evaluate whether it was in our best interest to allow for the extension of utilities from Franklin, or whether there was a need to consider alternative strategies for development of our own utilities for the planned growth area (for instance, expanding the Edgehill water system to serve the corridor).

**Vice-Chairman Young moved, seconded by Supervisor Brown, to authorize the County Administrator to request to the City of Franklin to extend utilities to Phase 1 of the proposed project (Crescent Hills). All were in favor.**

Moving forward, Mr. Johnson announced that as they may recall from budget deliberations, space (or the lack thereof), had become more and more of an issue in the administrative section of the County Office Center. Presently, we had three employees working out of one 10' x 16' office in the Inspections Department and no available space for the future position of County Planner (discussed last spring, but deferred to FY 2009, pending resolution of space issues). In early July, he asked Mr. Robert Barnett, Director of Community Development, to evaluate the feasibility of the former Economic Development office (located on the corner of Main Street and Administration Center Drive) for use by the Office of Community Development (permits, inspections, erosion & sediment control, conservators of the peace, zoning, and ultimately – planning.) The space had been vacant since the Board of Equalization completed its work last December. A copy of Mr. Barnett's report was included in the agenda. In a nutshell, Mr. Barnett believed that the space would meet the needs of his department with minimal up-front investment (less than \$6,500) and modest recurring cost (\$2,160 annually for an IP address to interface with the computer system in the Office Center).

Mr. Johnson continued that the move, should the Board decide to proceed, would create some relatively minor issues that they should be aware of. While the Office of Community Development, as a matter of policy, could accept checks for permits and fees and remit them daily to the Treasurer, any customer desiring to make cash payment would have to personally visit the Treasurer's Office, a walk of some 350' along an uncovered sidewalk (an issue for the elderly or handicapped, or anyone on days of inclement weather). There would also be minor inconvenience for other county offices and employees that regularly interact with the office (for instance, the Commissioner of the Revenue interacted almost daily). In addition, the space would no longer be available to meet short-term space needs. Over the years, it had temporarily housed a number of county departments while their respective offices were renovated (Circuit Court Judge, District Court Clerk, Sheriff's Office, Emergency Dispatch, etc.) and has also been used by several reassessment firms and the Board of Equalization. Those needs would now need to be met with locally-rented space or mobile units brought onto the site. That said, the "pros" of relocation seemed to outweigh the "cons." For minimal investment, the space needs of the Office of Community Development, both now and in the immediate future, may be addressed. Their relocation would also free-up roughly 480 square feet of space in the Office Center that could be used to support remaining county departments (Finance, Information Technology, Administration).

Supervisor West stated that with the stress on the County budget right now, he thought this was good.

Supervisor Faison remarked that now when we need the building for other things, we would have a problem. Mr. Johnson advised that mobile units could be brought on site – that had actually been done before.

Mr. Johnson clarified for Supervisor West that they had evaluated possibly moving one or more non-county departments to that building, but there would be less impact to move the Office of Community Development.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to authorize the relocation of the Office of Community Development to the former Economic Development office (as outlined in the memorandum included in the agenda). All were in favor.**

Moving to the designation of surplus property, Mr. Johnson announced that they may recall adopting resolutions the past three months declaring certain property of the County surplus and ordering it to be sold or otherwise disposed of. Because they continued to identify items for surplus, they had delayed scheduling the sale until sometime this fall. Since last month, the Sheriff's Office had added another motor vehicle for surplus (the cost of repairs exceeded the value) and they had also identified several computer components (UPS, printer, plotter, monitors) that were no longer useful.

Mr. Johnson read aloud the following resolution:

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

**WHEREAS,** the herein described items of personal property owned by Southampton County no longer serve any useful purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Southampton County that the 1998 Jeep Cherokee (VIN 1J4FJ28S6WL230202) and the eight computer components listed on the attached "Schedule A" are hereby declared surplus property; and

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

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

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

Adopted, this 27<sup>th</sup> day of August, 2007.

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

Southampton County Sheriff, Vernie Francis, who was in the audience, indicated that the aforementioned vehicle needed a motor.

Mr. Johnson clarified for Supervisor Brown that they planned to schedule the sale in September.

Proceeding to the citizen request to address the Board, Mr. Johnson announced that included in the agenda was correspondence from the Hon. Spier Edwards, Mayor of Boykins, seeking time on the agenda to discuss the potential use of county personnel to enforce the Building Maintenance Code, if adopted by the Boykins Town Council. For their reference, the Virginia Uniform Statewide Building Code (VUSBC) was comprised of three parts:

- 1) Part 1 – New Construction Code – enforcement was mandatory and governed all new construction and construction trades (electrical, plumbing, HVAC, etc.);
- 2) Part 2 – Rehabilitation Code – used as an acceptable alternative to the new construction code when rehabilitating vacant, substandard or unsafe residential or commercial structures – often used for historic buildings; and
- 3) Part 3 – Maintenance Code – enforcement was optional and is intended to protect occupants and neighbors of existing buildings from health and safety hazards arising from improper maintenance and use of the structure.

Mr. Johnson advised that Southampton County had enforced Part 1 of the VUSBC since the mid-1970's. By mutual agreement, the County also assumed enforcement responsibilities for Part 1 in each of the 6 incorporated towns at that time. The towns did not pay for this service directly, but their residents paid the required permit fees to the county, presumably covering the cost of service. Southampton County had never adopted or enforced Part 3 in any town or incorporated area. He informed that enforcement of Part 1 was one of many functions of the Office of Community Development. That department was also responsible for issuance of all permits, erosion and sediment control, subdivision plat review, zoning administration, and enforcement of certain miscellaneous offenses (high weeds, junk cars, etc.) They were also beginning to assume a greater role in overall planning. The department included a total personnel complement of 4. None were presently certified as a Property Maintenance & Housing Inspector (not required since we had not adopted Part 3), which was a prerequisite to enforcement. To become certified, the Code Official and Inspector must both complete the Property Maintenance Inspection course and successfully pass the Property Maintenance & Housing Inspector certification exam. He stated that assumption of those responsibilities in Boykins could lead to similar requests from the other incorporated towns. Given the current workload, additional duties would require additional personnel. The Town of Boykins had an option of contracting with a certified maintenance inspector from another community – a current list of certified inspectors was included in the agenda for their reference.

Chairman Jones recognized the Hon. Spier Edwards, Mayor of Boykins.

Mayor Edwards thanked the Board for the opportunity to speak and thanked them for their past support and assistance with matters in the Town of Boykins. He was requesting that they allow the Southampton County Building Inspector to enforce the Building Maintenance Code, on an as-needed basis, in the Town of Boykins. One of the goals of the Town of Boykins was to make Boykins a better place to live and work. The last new home built in the Town was in the 1990's – they wanted to change that. There were numerous dilapidated structures in the Town that were eyesores and those structures were devaluing the adjoining properties. He submitted several pictures of dilapidated structures in the Town and read aloud the following letter he had received several years ago from a citizen:

July 11 2008

To: Town Council of Boykins  
Subject: Paving Rail Road Avenue and Dilapidated houses  
From: Dianne W Williams

I am writing this letter on behalf of my grandmother - Rebecca Hargrave who resides on Rail Road Avenue. There are several perplexing issues she would like to address. ① This street is the only road unpaved in town (there are days I would enjoy having my windows open, but the dust from the street is unbearable). Also when it rains a muddy mess. ② There are several dilapidated houses with overgrown weeds and brush. If these properties were located elsewhere in town this would not be an issue, because they would have been demolished. ③ Overgrown brush, weeds and small trees on the opposite side of the street.

The bottom line is Rail Road Avenue is an eyesore in the middle of town. I know funds are allocated for street improvements, which would also be aesthetically pleasing for the entire town. My Grandmother is a tax paying citizen of this town and she is entitled to all the privileges as such.

Sincerely,

Dianne W Williams

Mayor will respond to this letter.

Mayor Edwards clarified for Supervisor Brown that a lady in Maryland owned one or more of the most dilapidated structures. They had taken all of the recourses to have those houses boarded up. Supervisor Brown asked why they could not take this lady to court? Mayor Edwards replied, because they did not have the Part 3 Maintenance Code adopted. Supervisor West asked why not? Mayor Edwards replied, because they did not have an inspector.

Mayor Edwards advised that he had been told that all it took for an inspector to become certified to enforce the Part 3 Maintenance Code was to take a 3-hour course. He was asking for the County's assistance. He noted that he sought the assistance of Donald Goodwyn from the City of Franklin who was certified to enforce Part 3, but due to his workload, he declined.

Supervisor Brown stated that with all the beautification concerns in the County, it was time for us to start enforcing Part 3. We did not even have anyone certified.

Supervisor Brown cautioned that once we opened that service up to the Town of Boykins, we would be opening it up to other localities. He noted that dilapidated structures were a problem throughout the County, and not just in the Town of Boykins.

Mr. Richard E. Railey, Jr., County Attorney, advised that he and Mr. Robert Barnett, Director of

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Community Development, worked together earlier in the year and had a building demolished. Perhaps that may be an option.

Mayor Edwards advised that he was not only concerned about today, but he was also concerned about tomorrow – he did not want other buildings to get in that condition.

Supervisor Brown stated that we needed to look at this long-term.

Chairman Jones advised that we just did not have the personnel to enforce Part 3. The other supervisors concurred.

Mayor Edwards stated that he would get with the other mayors of the towns in Southampton County and they would be back.

Supervisor Faison encouraged Mayor Edwards to speak with Attorney Railey and Mr. Barnett about an immediate fix.

Mayor Edwards commented that Southampton County was a large county and did not even provide that service.

Mr. Johnson, County Administrator, advised that of the 95 counties in Virginia, few provided that service and there was a reason why.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda were several items related to the siting of an OLF in southeastern Virginia. The most recent item was correspondence from Congressman Forbes to Governor Kaine (dated August 21), seeking clarification on the Commonwealth's position in response to resolutions of opposition from all 5 Virginia counties. Similarly, he (Mr. Johnson) had contacted Bob Crouch via email on August 15 asking whether we should expect a response from Governor Kaine prior to September 15 – his response indicated that he would bring it to the Governor's attention and inform us of next steps as soon as there was anything to report. He noted that he was open to the Board's direction on what, if any action, they wished to take prior to September 15.

Supervisor West asked if perhaps there would be strength in joining with other localities in opposition to an OLF? Mr. Johnson stated, in his opinion, if a short list of sites was announced, those localities who were off of the list were not going to be as united.

Supervisor Brown stated that he thought they should wait until September 15.

Mr. Johnson clarified for Supervisor Faison that they had not taken Southampton County off of the list as of yet and had not said whether they would or would not – they really had not said anything.

Supervisor Faison stated that at this point, there was nothing to respond to.

It was consensus of the Board to wait until September 15 and see what happened.

Mr. Johnson advised that as they may have seen in *The Tidewater News*, the State Corporation Commission had published notice of the proposed and alternative routes for the Carson to Suffolk 500 kV line and had scheduled three public hearings to receive comments on the proposals. The first hearing was September 24 at Sussex Central High School (which conflicted with our regular meeting), the second was September 27 at the Suffolk City Council Chambers, and the third hearing would be February 8, 2008 in the SCC Courtroom in Richmond. Written comments would be accepted by the SCC until January 29, 2008. He stated that if the Board wished to take any official position (not necessarily required) and present it in person (as opposed to submitting written comments), the September 27 hearing in Suffolk was the most convenient forum. He was open to their direction. If they would like him to draft any official position statement, he asked them to inform him of their official position, and he would be pleased to refer it to the Planning Commission for a recommendation and prepare a resolution for their consideration at the September 24 regular session.

Supervisor West advised that he would like for Mr. Johnson to speak at the meeting in Suffolk.

It was consensus of the Board to recommend the preferred route, which would follow the present

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transmission line. It was also consensus to refer this to the Planning Commission to allow them to weigh in.

Mr. Johnson informed that Heritage Day was scheduled for September 22 – a flyer containing all the associated activities and events was included in the agenda.

Supervisor Felts advised that the Jamestown 2007 Committee was having a parade in conjunction with Heritage Day. They wanted the oldest living Southampton County resident to be the grand marshal. She requested that the supervisors participate in the parade. All of the supervisors agreed to participate.

Mr. Johnson stated that included in the agenda was an invitation from Mr. Charles Turner, Superintendent of Southampton County Schools, inviting the Board to lunch at Southampton High School following the meeting this morning (they expected to eat around 11:15 AM).

Mr. Johnson advised that included in the agenda was a press release from Congressman Forbes relative to his recent support of legislation to reduce illegal immigration. Given the Board's earlier resolution, he thought they might be interested.

Continuing with miscellaneous issues, Mr. Johnson informed that included in the agenda was a copy of certain published economic statistics for Franklin and Southampton County as compiled by the BEA. Southampton County ranked 58<sup>th</sup> out of 105 localities in total population, 65<sup>th</sup> in the per capita personal income, and 57<sup>th</sup> in total personal income.

Mr. Johnson stated that included in the agenda was a federal public notice by the Army Corps of Engineers (ACOE) regarding establishment of a compensatory wetland and stream mitigation bank on 239 acres of the Turner Tract by Southampton County. The bank was proposed to be known as the Cheroenhaka Wetland and Stream Mitigation bank. Public comments were due to the ACOE by September 7.

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

- 1) From the Town of Courtland, a copy of public notice sent to consumers regarding a recent exceedence of the total coliform standards;
- 2) From the VDH, Office of Water Programs, copied correspondence to the Town of Courtland regarding approval of their preliminary engineering report for fluoride abatement;
- 3) From the VDH, Office of Water Programs, a notice of violation to the Town of Courtland for exceeding the standard for total coliform bacteria for the month of July;
- 4) From the VDH, Office of Water Programs, a notice of violation to the Camp Darden Girl Scout Camp for exceeding the standard for total coliform bacteria for the month of July;
- 5) From the Department of Environmental Quality, public notice regarding the proposed issuance of a Prevention of Significant Deterioration permit to Hercules, Inc.;
- 6) From the VDH, Office of Water Programs, a notice of violation issued to the 460 Café for failing to collect the required bacteriological samples in the 2<sup>nd</sup> quarter of 2007;
- 7) From the VDH, Office of Water Programs, a copy of the approved waterworks construction permit recently issued to Charlie Edge for the Palm Tree Inn motel on Route 58; and
- 8) From the VDH, Office of Water Programs, copied correspondence to the City of Franklin regarding approval of plans and specifications to extend water service to Riverdale Elementary School.

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

- 1) A note of thanks from Supervisor and Mrs. Young for the plant the Board sent in memory of his mother;
- 2) An accounting of public and private funds used to support the NACo Conference, recently hosted in Richmond, VA;

- 3) A note of thanks from the Blackwater/Nottoway RiverKeeper Program for their recent appropriation;
- 4) A note of thanks from The Genieve Shelter for their recent appropriation;
- 5) A letter from Senator John Warner in response to their resolution regarding a reduction in illegal immigration;
- 6) A letter from Mrs. Elizabeth Vick opposing the siting of an OLF in Southampton County;
- 7) Correspondence from the Hon. David Britt to Pulley & Rowe seeking a status report on the collection of certain delinquent taxes; and
- 8) Memoranda from Arthur Collins, Executive Director of the HRPDC, regarding an upcoming study of how the Hampton Roads region may best address its solid waste disposal needs following expiration of the Use and Support agreements with SPSA in 2018.

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

Moving to late arriving matters, Mr. Johnson announced that at their places was a FY 2008 capital funding request from the Capron Volunteer Fire & First Aid Squad, which planned to utilize the proceeds to purchase a new Brush/Crash Unit. Also at their places was a table indicating the status of capital appropriations since FY 2000. As they could see, Capron Fire and Rescue was presently entitled to \$67,500. The request was in order.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to approve the capital funding request of Capron Fire and Rescue for \$67,500 (representing FY's 2005-08). All were in favor.**

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

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

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

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

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

#### **RESOLUTION OF CLOSED MEETING**

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

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

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

August 27, 2007

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

The motion passed unanimously.

There being no further business, the meeting was adjourned at 12:20 PM.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk