

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 September 24, 2007 at 6:00 PM

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 August 27, 2007 regular session. They were approved as presented, as there were no additions or corrections.

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

Mr. Lomax advised that they received some maintenance funds from the district and they would be reviewing and working on several secondary bridges in the County:

Route 649 (County Club Road) – Nottoway Swamp  
Route 668 (Clarksbury Road) – Tarara Creek  
Route 611 (Flaggy Run Road)

Mr. Lomax advised that they placed some road edge delineators on Route 616 per the request of the citizens in the area. They were in the process of changing all the “Reduced Speed Ahead” signs to the new speed reduction signs which feature an arrow with the speed stated above it. He noted that the new signs were a lot more reflective. He stated that they cleaned and patched the deck at South Quay Bridge on Route 189. They removed 2 trees on Route 640 that were lying on the cables of the bridge. They also repaired about 100’ of sidewalk in Boykins.

Mr. Lomax informed that they finished cutting the secondary roads and were still working on cutting the dirt roads in the Capron area and a portion of Berlin. They replaced a deteriorating culvert on Rivers Mill Road. They had been working diligently to clear trees/branches that were blocking signs. They had performed ditch work on Route 647 (River Road). They had cleaned gutters in Branchville. They were holding off on grading the dirt roads because the dirt roads were so dry right now and people were complaining about them working on them. He wanted to use calcium chloride on the dirt roads, but the best time to put that down was in late spring or early summer so it would be good for the entire summer. He stated that they spot treated Old Place Road and Farmers Bridge Road, based on the number of calls they received.

Mr. Lomax advised that they were continuing to cut grass in the Franklin area and the other portion of Berlin. He was keeping his eye on the primary roads before making the last mowing call for the season. He would probably make that call in about a month so they would not have to cut grass over the winter and could concentrate on cleaning ditches and picking up litter. He stated

that they cleaned gutters and curves on Route 671. They cleaned ditches on Routes 622, 737, and 676. They received a complaint about Railroad Avenue in Newsoms, but that portion of the road was under the railroad's jurisdiction, so they would have to partner with the railroad.

Vice-Chairman Young asked what was the status of Edgehill? Mr. Lomax replied that the trapper was out there right now trapping beavers. The environmentalist was out there last week and reviewed the ditch. After discussion with staff, he (Mr. Lomax) would like to replace the 2 pipes that were out there. They had talked about adding another pipe, but the 2 pipes currently out there had been there for almost 20 years, and that was about the life span of those pipes. He wanted to look at a bigger vision than just adding another pipe. He was looking at possibly talking to the district administrator about a metal box, which would be a lot bigger and more efficient. In the meantime, as soon as they received the permit, they would do some ditch work out there.

Supervisor Brown thanked Mr. Lomax for the support they provided to the Newsoms Town Council regarding the sidewalk project.

Supervisor Brown asked Mr. Lomax to revisit Riverdale Road in terms of a speed study. He stated that Piano-key development was continuing to occur out there and several houses had been constructed since the last speed study was conducted. A church was located in that curve and also a school from 1919 that they were trying to get recognized as a historical marker. Mr. Lomax advised that a speed study could be repeated but only after a certain amount of time. He would be glad to look into that.

Supervisor Wyche mentioned that he had received numerous calls from citizens concerned that there was no turn lane off of Route 58 onto Route 609 (Popes Station Road). He understood their concerns but had informed them that funds had not been set aside to take care of that. He mentioned to Mr. Lomax that he may want to talk to those citizens as well. Mr. Lomax stated that he could possibly be receiving some funds to be used for small safety projects. He would add this project to that list in hopes they may be able to do something if they receive the funds.

Supervisor West asked Mr. Lomax did they not, up until this year, use 3 tractors to mow the shoulders and ditch banks on secondary roads, as opposed to just 2 that were being used this year? Mr. Lomax advised that what each superintendent chose to do was sometimes different based on terrain. He would find out what they were doing, as one may have a different method than the other. Supervisor West stated that the 3 tractor method cut closer, lasted longer, and looked better, from his viewpoint. He was primarily referring to the portion of the Berlin-Ivor area that was governed by the Franklin District.

Mr. Johnson announced that the Commonwealth Transportation Board had scheduled its regional meeting regarding the 2009-2014 Six-Year Improvement Program for Tuesday, October 9, 2007 at 6:00 PM at the Chesapeake Conference Center. There was a special briefing for public officials beginning at 5:00 PM. Despite a bit of a scare last week that the proposed interchange on Route 58 east of Courtland was subject to removal from the plan, he had since confirmed that was not the case. In addition, for planning purposes, this year's proposed plan included the new Route 460 improvements in Southampton and Sussex counties. The project estimate was \$20.65 million, which did not include any interchanges. While the estimates were useful for planning purposes, the current draft did not include any funding. He advised that with their blessing and direction, he intended to be there to discuss the continued importance of the Route 58 project and encourage them to proceed with construction. He also intended to encourage them to include funding for the Ivor interchange on the new Route 460 at the same time that the roadway was constructed.

Mr. Johnson confirmed for Supervisor Brown that with no interchange in Ivor for the new Route 460, it would be a detriment to area residents and businesses.

Supervisor West stated that it would be an economic detriment to the new truck stop on Route 460. This was a very important issue.

Mr. Johnson advised that included in the agenda was a copy of the most recent speed study conducted by VDOT on Joyners Bridge Road. The study revealed an 85<sup>th</sup> percentile speed of 58 mph (average speed was 52 mph) and did not recommend a reduction in the statutory speed limit; however, the study did recommend erection of winding road warning signs on both sides of the bridge (in Isle of Wight and Southampton) with an advisory speed of 35 mph.

Mr. Johnson informed that included in the agenda were conclusions from VDOT's review of traffic control devices along Ivor Road (between Cottage Hill and Seacock Chapel) near Nottoway Elementary School. They were recommending installation of curve warning signs with an advisory speed of 45 mph.

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

In regards to the animal control report, Supervisor Brown advised that there appeared to be rising concerns regarding cats in the area, and our animal control did not currently handle cats.

Vice-Chairman Young informed that he had received a couple of calls regarding problems with cats. He noted that they were not in his district but were close.

In regards to the personnel report, Mr. Johnson advised that Brett A. Cessna was hired in the Sheriff's Office effective 09/17/07 at an annual salary of \$29,843. He stated that David Nahrebecki resigned from the Sheriff's Office effective 08/24/07.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$2,003,014.74 were received.

**Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$2,003,104.74 be paid with check numbers 83250 through 83689. All were in favor.**

Moving to appointments, Mr. Johnson announced that as they recalled from last month, the respective terms of the following three Board of Zoning Appeals (BZA) members expired on September 30, 2007:

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

He advised 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. The enabling legislation provided that Board members shall continue to serve until a successor was appointed by the Court, regardless of the expiration of their term. He stated that last month, they resolved to recommend reappointment of Mr. Copeland and Mr. Daisey, but Supervisor Faison had not yet had an opportunity to discuss the reappointment with Mrs. Brown. He had deferred sending the letter of recommendation to the Court until the final recommendation was confirmed.

Supervisor Faison advised that he had contacted Mrs. Brown and she was willing to continue to serve.

**Supervisor Faison moved, seconded by Supervisor West, to recommend the reappointment of Elma A. Brown to the BZA. All were in favor.**

Mr. Johnson indicated that he would forward all three recommendations to the Circuit Court.

Moving to the capital funding request, Mr. Johnson announced that included in the agenda was a FY 2008 capital funding request from the Courtland Volunteer Rescue Squad, which planned to utilize the proceeds to service debt on their most recent building addition. 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 Courtland Volunteer Rescue Squad was presently entitled to \$6,500. Through

September 18, 2007, we had collectively appropriated \$944,500 for fire and rescue improvements and were holding in escrow an additional \$185,500. The request was in order.

**Supervisor Faison moved, seconded by Supervisors Brown and Wyche, to approve the request, \$6,500, to the Courtlund Volunteer Rescue Squad.**

Supervisor West asked why Franklin Fire & Rescue had such a large amount in escrow? Mr. Johnson replied that they had not requested to draw down their funds since 2003. They usually did so in a lump sum. He noted that in conversations with their chief, he expected them to draw down their funds soon.

Moving forward, Mr. Johnson announced that sometime last spring, he was contacted by staff members from Isle of Wight County regarding potential interest in exploring designation of that certain segment of the Blackwater River that was coincident to Southampton and Isle of Wight counties as a State Scenic River. Last week, at their invitation, he met with Mr. Phillip Bradshaw and two of their staff members to further discuss it. After the meeting, it was their consensus that the matter would be shared in concept with both governing bodies, and if deemed meritorious in concept, officials from the Department of Conservation and Recreation (DCR) would be invited down to provide a briefing on the program and the designation process. He advised that, as they may be aware, since 1992, a portion of the Nottoway River (from Cary's Bridge, north to Route 40 at Stony Creek) had been included in the state scenic river system. The designation was intended to encourage protection and preservation of the river and provide an opportunity to consider scenic resources as part of the County's overall comprehensive planning process. The designation process generally included 4 steps:

- 1) Following a public hearing, an official request was made to DCR by both governing bodies to evaluate the river for qualification;
- 2) Survey, field evaluation and report was prepared by DCR;
- 3) Provided it qualified based upon defined evaluation criteria, legislation was introduced by local Delegates and Senators;
- 4) Legislation was passed by the General Assembly and signed by the Governor.

Mr. Johnson advised that the Isle of Wight staff agreed to contact officials at International Paper and the City of Norfolk and discuss our potential interest with them. Both were obviously major stakeholders in the Blackwater River. A copy of the program's color brochure was included in the agenda.

**Vice-Chairman Young moved, seconded by Supervisors Felts and West, to collaborate with Isle of Wight County in scheduling the required public meeting and inviting DCR officials to provide a briefing. All were in favor.**

Supervisor Brown stated that this would be a great catalyst for tourism. Supervisor West agreed and stated that the time for this was now.

Moving forward, Mr. Johnson advised that the Southeastern Public Service Authority (SPSA) Board of Directors had expressed its intention to issue certain tax-exempt revenue bonds not to exceed \$31.5 million to finance a portion of its FY 2008 Capital Improvements Program (approximately \$10 million), and to refinance its FY 2007 capital improvements (approximately \$21.5 million) under more favorable terms. State and federal law required SPSA to conduct a public hearing and to vote publicly prior to issuance of the tax-exempt bonds. In addition, the law also required approval from each respective local governing body in which any of the facilities proposed to be financed with proceeds from the tax-exempt bonds were located. He advised that following public notice, SPSA convened the required public hearing on September 7, 2007. There were no speakers. The SPSA Board expected to approve the financing at its next regular meeting on September 26. Because a small portion of the proceeds (\$21,634) would be used to finance certain improvements at the Ivor Transfer Station, it was necessary for the Board of Supervisors to approve the financing. Absent their approval, the financing would still proceed, but the portion devoted to Southampton County improvements would have to be financed as a taxable bond issue, at a higher cost to us and other member communities. Accordingly, because it reduced the expense of borrowing, it was clearly in all members' best interest to approve the resolution.

The resolution is as follows:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SOUTHAMPTON APPROVING THE PROPOSED ISSUANCE OF CERTAIN REVENUE BONDS BY THE SOUTHEASTERN PUBLIC SERVICES AUTHORITY OF VIRGINIA, A PORTION OF THE PROCEEDS TO BE USED TO FINANCE OR REFINANCE FACILITIES LOCATED IN THE COUNTY**

**WHEREAS**, the Southeastern Public Service Authority of Virginia (the “**Authority**”) anticipates making certain capital improvements and intends to finance or refinance such capital improvements through the issuance of one or more issues of revenue bonds in an aggregate principal amount up to \$31,500,000 (the “**Tax-Exempt Bonds**”) which bonds will finance or refinance the facilities described in Exhibit A, all or a portion of which are or may be located within the County of Southampton (the “**County**”) (the “**Tax-Exempt Improvements**”);

**WHEREAS**, under the Internal Revenue Code of 1986, as amended, prior to the issuance of the Tax-Exempt Bonds, the Authority must hold a public hearing and receive governmental approval of the issuance of the Tax-Exempt Bonds;

**WHEREAS**, such governmental approval can, by virtue of the location of certain of the Tax-Exempt Improvements within the County, be given as to such improvements by the County;

**WHEREAS**, Section 15.2-4906 of the Code of Virginia, 1950, as amended (the “**Local Approval Provision**”), requires that, if certain authorities created pursuant to law in Virginia hold a public hearing in accordance with federal law as a prerequisite to undertaking a tax-exempt financing, such authorities must receive approval for the financing from the governing bodies of the localities in which the improvements to be financed are to be located;

**WHEREAS**, the Authority is an authority subject to the Local Approval Provision;

**WHEREAS**, on September 7, 2007, the Authority held a public hearing (the “**Hearing**”) regarding the issuance of the Tax-Exempt Bonds pursuant to a notice of public hearing published twice, on August 25, 2007 and September 1, 2007, the last such date being not less than six days after the second publication of such notice;

**WHEREAS**, the Authority has provided to the Board of Supervisors the following: (i) a reasonably detailed summary of the comments, if any, expressed at the Hearing; (ii) a fiscal impact statement concerning the Tax-Exempt Bonds in the form specified in Section 15.2-4907 of the Code of Virginia; and (iii) the Authority’s request and recommendation that the County Council approve the issuance of the Tax-Exempt Bonds;

**WHEREAS**, failure of the Board of Supervisors to adopt this Resolution may result in the Authority’s issuance of taxable debt to finance the Tax-Exempt Improvements; and

**WHEREAS**, the Board of Supervisors has determined to approve the issuance of the Tax-Exempt Bonds; now, therefore,

**BE IT RESOLVED** by the Board of Supervisors of the County of Southampton, as follows:

**Section 1.** The Board of Supervisors hereby approves the issuance by the Authority of the Tax-Exempt Bonds.

**Section 2.** This Resolution shall take effect immediately.

Mr. Johnson clarified for Supervisor West that they planned to replace the compact at the Ivor Transfer Station.

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

Moving forward, Mr. Johnson announced that in December 2001, Supervisor West was contacted by representatives of Horizon Health Services, Inc. regarding exemption of the Ivor Medical Center facilities from local real property taxation. At the time, the *Code of Virginia* provided that certain property used for benevolent purposes could be exempted from local taxation by a three-

fourths vote of the General Assembly. Before considering such a matter, however, the General Assembly required the local governing body to adopt a resolution supporting (or refusing to support) such exemption. State law further provided that the local governing body advertise and conduct a public hearing prior to adoption of the resolution. Accordingly, the Board of Supervisors convened a public hearing in February 2002, and following receipt of public comment, adopted a resolution supporting the exemption. Because of the timing of the request, there was inadequate time for our Delegates to introduce the legislation in the 2002 session, but the plan was for the bill to be introduced in the 2003 session. Unfortunately for Horizon, during the 2003 session, the General Assembly completely changed the process when it adopted HB 1750, authorizing the local governing bodies to directly make the exemptions. Accordingly, Horizon was back again seeking their consideration. He advised that the *Code of Virginia* now provided that the Board may, by ordinance, after receipt of public comment, exempt certain nonprofit organizations from local taxation. A copy of the enabling legislation and their official request was included in the agenda. Horizon's property was presently assessed at \$180,000 – at the present rate of \$0.68/\$100, the exemption would equate to an annual savings of \$1,224 for Horizon. He understood that Sussex County had already exempted Ivor's "sister facility" in Waverly.

Supervisor West stated that Horizon Health Services, Inc. was a nonprofit 501(c) 3 organization and they provided service whether it could be paid for or not.

Mr. Johnson clarified for Supervisor Brown that the types of organizations that could be exempt from local real or personal property taxes were nonprofit organizations that used such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes.

**Supervisor West moved, seconded by Supervisor Brown, to advertise the above item for public hearing at the October 22, 2007 regular session. All were in favor.**

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

Ordinance Exempting from County Real Estate Taxation Certain Real Property Owned by Horizon Health Services Inc., a Charitable Non-Profit Organization

**WHEREAS**, Virginia Code Ann. Sec. 58.1-3651 (Cum. Supp. 2007) authorizes localities to exempt, by designation or classification, from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes;

**WHEREAS**, Horizon Health Services, Inc. is a charitable non-profit organization whose goal is to provide quality, affordable medical services by treating chronic diseases and acute illnesses in a defined medically under-served area where lack of access to primary health care continues to compromise the quality of life for local residents;

**WHEREAS**, Horizon Health Services, Inc. has acquired property located at 8575 Ivor Road, Ivor, Virginia, which is used for the provision of the described medical services;

**WHEREAS**, Horizon Health Services, Inc. requests exemption from County real estate taxation on the above-mentioned property, beginning with the 2007 tax year and continuing so long as the property is used in accordance with the charitable purposes for which Horizon Health Services, Inc. is designated;

**WHEREAS**, the real property located at 8575 Ivor Road, Ivor, Virginia has a County-assessed value of \$180,000 (\$35,900 on the land and \$144,100 on the improvements thereon), and the real estate tax for the current year is \$1,224.00;

**WHEREAS**, a public hearing thereon was duly advertised in accordance with the provisions of Virginia Code Ann. Sec. 58.1-3651; and

**WHEREAS**, the Board of Supervisors of Southampton County, Virginia, has given due consideration to the questions set forth at Virginia Code Ann. Sec. 58.1-3651(B);

**NOW, THEREFORE, BE IT ORDAINED**, that in accordance with the provisions of Virginia Code

Ann. Sec. 58.1-3651, the following Ordinance be, and the same hereby is, adopted:

*That certain real property, with improvements thereon, located at 8575 Ivor Road, Ivor, Virginia, owned by the Horizon Health Services, Inc., a charitable non-profit organization, and used by such organization exclusively for charitable purposes directly related to its mission (to provide quality, affordable medical services by treating chronic diseases and acute illnesses in a defined medically under-served area), shall be exempt from County real estate taxation so long as the Horizon Health Services, Inc. is operated not for profit and the property so exempt is used in accordance with the organization's charitable purpose. Such exemption shall become effective with the 2007 tax year.*

The vote was:

Aye:

Nay:

Abstain:

[This uncodified ordinance was adopted by the Board of Supervisors on October 22, 2007.]

Moving forward, Mr. Johnson announced that included in the agenda was a host of news articles and other material relative to recent developments in the Navy's continued search for an OLF. As they were probably aware, Governor Easley of North Carolina reactivated a dormant task force to announce alternative locations in North Carolina and they had now added six additional sites for the Navy's consideration: two in Gates County, two in Camden County, one on the Jones-Onslow County Border and one on the Duplin-Pender County Border. According to his (Mr. Johnson's) count, the Navy had fully evaluated 5 sites (the original North Carolina sites: Perquimans, Bertie, Hyde, Washington and Craven Counties), and had performed a cursory review of 17 others (11 in Virginia, 6 more in North Carolina). As shared with the Board in his memorandum of September 7, Fleet Forces had forwarded its recommendations for a short list to the Secretary of the Navy, who would decide by the end of November which, if any, of the 17 alternative sites would be further evaluated with full-fledged Environmental Impact Statements. Fleet Forces offered no hint of the nature of their recommendations. He stated that he placed this matter on the agenda to discuss what, if any, proactive measures they would like to take in this regard. While it had been suggested that negotiation of financial incentives for a host community was open for discussion, and the financial incentives may be substantial (i.e, their reference to the \$7.5 million annual grant to the City of Virginia Beach from the Virginia National Defense Industrial Authority to acquire property and relocate certain property owners from the environs of Oceana NAS), his sense from their August 1 meeting was that our peaceful and tranquil quality of life was not for sale at any price. If that was still the case, they may wish to further correspond with Governor Kaine, repeating their request to remove the Southampton sites from further consideration, while copying Admiral Anderson of Fleet Forces at Naval Station Norfolk and the U.S. Secretary of the Navy. While it may not remove the sites from consideration, at least their position would remain clear.

Vice-Chairman Young advised that he thought they needed to repeat their position.

Supervisor Faison stated that he thought everyone felt the same way about this – they all recognized the importance of national security and the importance of Oceana to the State of Virginia, but nobody wanted it in their back yard. He thought the Board needed to go on record of not wanting it here in Southampton County and they needed to voice that as loud as anybody else. He did not want it to come here because they did not protest enough.

Supervisors Felts, West, and Wyche agreed with Supervisor Faison. Supervisor Wyche added that we needed to let them know that we were not for sale.

Supervisor Brown advised that he too thought we needed to repeat our position. He asked if we had received anything in writing in reference to the official response that we sent to the Governor? Mr. Johnson advised that we did receive a letter, but it came in after the agendas were distributed. A copy of that letter was at their places. It did not say anything other than what they already knew.

Mr. Johnson read aloud the following letter:

September 24, 2007



COMMONWEALTH of VIRGINIA

Office of the Governor

Robert P. Crouch, Jr.  
Assistant to the Governor  
for Commonwealth Preparedness

September 19, 2007

The Honorable Michael W. Johnson  
County Administrator  
Southampton County  
26022 Administration Center Drive  
P.O. Box 400  
Courtland, Virginia 23837

Dear  Johnson:

Thank you for your correspondence to the Governor regarding the possible location of an Outlying Landing Field (OLF) and for attaching a copy of the resolution. The Governor has asked that I reply on his behalf.

Our information from the Navy is that it will be approximately two months before additional information *may be* available from them regarding their continued interest, if any, of these Virginia sites. You may be sure that we have conveyed to the Navy the resolutions and other expressions of concerns we have received regarding the OLF.

We respectfully ask that all interested parties now standby to see what the Navy's next steps and level of interest will be. You may be assured that the Governor remains personally interested in your concerns regarding the OLF issue.

Sincerely,



Robert P. Crouch, Jr.

Patrick Henry Building • 1111 East Broad Street • Richmond, Virginia 23219 • (804) 225-3826 • Fax (804) 225-3882 • TTY (804) 371-8015

Supervisor Brown suggested that they send a letter acknowledging that they received the correspondence that Mr. Johnson just read; however, it was still the desire of the Board to not have an OLF in Southampton County. The other supervisors concurred.

Moving forward, Mr. Johnson announced that included in the agenda was memoranda from Julien Johnson, Director of Public Utilities, seeking their consideration in increasing the water and sewer user fees for multi-family dwellings. He reminded that last July, they adopted their first rate schedule that was based upon a customer's consumption or use. The schedule was intended, overall, to be revenue neutral, and to provide an incentive to conserve water and equity in billing to our customers. Beginning in the second half of FY 2007 (January 1 – June 30, 2007), revenues began to lag and the trend had continued through the first 2 months of FY 2008. Upon review, Julien noted that the rate schedule adopted last year provided a substantial savings to the owners of multi-family dwellings because the base rate had heretofore not been applied to each respective unit. In other words, a 50-apartment building was presently being assessed the same base rate as 1 single family dwelling. Even though they were paying for the incremental usage above 4,000 gallons, their overall cost appeared inequitable. A review of several surrounding localities indicated that most of them assessed the base rate for each residential unit. Accordingly, Julien had suggested that this was a loophole that should be closed to provide greater equity in billing, and they expected it to make up for the current shortages in revenue. He advised that a non-codified ordinance was included in the agenda for their review. It had an effective date of January

1, 2008 in order that the increase may be communicated with affected customers prior to receipt of their first increased bill. The proposed changes applied only to multiple family dwellings that were collectively metered and did not change the fees currently assessed to any other customers. They would further evaluate Julien’s concerns regarding the utility deposit fees and place the matter back on the agenda for discussion for next month.

Supervisor Wyche advised that we needed to put this in place. Supervisor West stated that Mr. Julien Johnson did a great job.

**Vice-Chairman Young moved, seconded by Supervisors Felts and West, to direct the County Administrator to advertise the above item for public hearing at the October 22, 2007 regular session. All were in favor.**

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

**WATER AND SEWER RATES ORDINANCE**

BE IT ORDAINED BY THE Board of Supervisors of Southampton County, Virginia, that beginning for the billing period after January 1, 2008, the following monthly water and sewer fees are hereby prescribed for all county systems:

WATER RATES:

Base rate:	\$22 for the 1 <sup>st</sup> 4,000 gallons
Over 4,000 gallons:	\$2 per 1,000 gallons or any fraction thereof

*Multi-family units shall be assessed the base rate times the number of connected residential units plus \$2 for each 1,000 gallons (or fraction thereof) above the number of connected residential units times 4,000.*

Example: 50 residential units using an aggregate of 250,000 gallons

$(50 \times \$22) + (\$2 \times 50) = \$1,200.$

SEWER RATES:

Base rate:	\$30 for the 1 <sup>st</sup> 4,000 gallons
Over 4,000 gallons	\$5 per 1,000 gallons or any fraction thereof

*Multi-family units shall be assessed the base rate times the number of connected residential units plus \$5 for each 1,000 gallons (or fraction thereof) above the number of connected residential units times 4,000.*

Example: 50 residential units using an aggregate of 250,000 gallons

$(50 \times \$30) + (\$5 \times 50) = \$1,750.$

NARRICOT INDUSTRIES INDUSTRIAL WASTEWATER . . . . . \$1.25 PER 1,000 gallons

Any residential wastewater customers who are connected to privately-owned wells shall be assessed the base sewer rate each month.

Moving forward, Mr. Johnson announced that included in the agenda was the Planning Commission’s report regarding the Dominion Power 500 kV Transmission Line from Carson to Suffolk. As the Board was aware, their filing with the SCC included 2 routes: a preferred route which generally followed the existing transmission line just south of U.S. Route 460 and an alternate route that bisected the central part of Southampton County. He advised that the Planning Commission recommendation noted that the preferred route (parallel to the existing power transmission line) provided the greatest benefit with the least amount of impact to Southampton County. They further noted that the alternate route should only be considered if it was placed underground, in order to minimize the negative impact on the aesthetic beauty of the Southampton County countryside. At their places was a brief resolution for their consideration. If they chose to adopt it, he would present it at the SCC public meeting on Thursday in the Suffolk City Council

chambers.

Mr. Johnson read aloud the following resolution:

**BOARD OF SUPERVISORS  
SOUTHAMPTON COUNTY, VIRGINIA**

**RESOLUTION 0907-12**

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, September 24, 2007 at 6:00 p.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: SCC CASE PUE-2007-00020**

**Virginia Electric and Power Company, Carson-Suffolk-Thrasher 500 kV  
Transmission Line**

Motion by Supervisor Young:

**WHEREAS**, Virginia Electric and Power Company, doing business as Dominion Virginia Power ("Dominion"), proposes to build a new 500-kV electrical transmission line in southeastern Virginia in order to ensure continued reliable electric service in the South Hampton Roads area of Virginia and the Outer Banks of North Carolina; and

**WHEREAS**, the proposed transmission line will traverse and bisect Southampton County, beginning at Dominion's existing Carson Substation in Dinwiddie County, Virginia and proceeding to Dominion's existing Suffolk substation in the City of Suffolk, Virginia; and

**WHEREAS**, Dominion developed a network of 69 potential segments, providing up to 3,000 different routing combinations between the two existing substations in Carson and Suffolk; and

**WHEREAS**, Dominion employed a numeric screening process to characterize and quantify the characteristics and conditions of each route based upon social, environmental, and engineering criteria; and

**WHEREAS**, the aforesaid screening process yielded two preferred alternatives, hereinafter referred to as the "Proposed Route" and the "Alternate Route"; and

**WHEREAS**, the "Proposed Route" utilizes generally accepted good routing practice by reducing the need for additional right-of-way acquisition, minimizes the overall impacts to natural and human environments by requiring less clearing of woodlands, and minimizes the visual and aesthetic impacts upon the Southampton County landscape; and

**WHEREAS**, the "Proposed Route" best preserves the open, scenic and pristine nature of central Southampton County.

**NOW, THEREFORE, BE IT RESOLVED**, by the Southampton County Board of Supervisors on this 24th day of September, 2007, that this Board hereby goes on record in support of the "Proposed Route"; and

**BE IT FURTHER RESOLVED** that this Board hereby opposes the "Alternate Route," and further requests that in the unfortunate event that the "Alternate Route" is ultimately selected, that such approval shall be fully conditioned upon placement of all facilities underground.

Seconded by Supervisor West.

Voting on the Item: YES – Jones, Young, Brown, Faison, Felts, West and Wyche.

NO – None.

A COPY TESTE:

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Michael W. Johnson, Clerk  
Southampton County Board of Supervisors

Regarding miscellaneous issues, Mr. Johnson announced that he was pleased to report that they held the organizational meeting for the Recreational Task Force on September 12 with 15 of 17 members present. Staff from the Hampton Roads Planning District Commission facilitated a discussion of Task Force goals, the project schedule, existing facilities and programs and content/structure of the proposed citizen survey. The group was set to meet again in November and would review the final inventory of existing facilities and programs and an initial assessment of community needs based upon defined benchmarks from the Department of Conservation and Recreation.

Supervisor Felts commented that it was a very good turnout.

Mr. Johnson advised that Governor Kaine had submitted their request for a primary federal drought disaster designation to the U.S. Secretary of Agriculture, Mike Johanns, along with 44 additional Virginia localities. In addition to the Governor's request, U.S. Senator Jim Webb had corresponded with Secretary Johanns encouraging him to proceed with the request.

Mr. Johnson informed that included in the agenda was correspondence from the Culpeper County Administrator seeking their consideration in joining a local coalition to study and recommend certain legislative solutions to the Virginia General Assembly for problems caused by illegal aliens. He was open to their direction if they wished to participate or offer any response. He noted that the correspondence was sent to all localities in Virginia and 17 of those localities had joined the coalition as of today.

Supervisor Brown advised that Lieutenant Governor Bill Bolling had put together a task force and he was on the advisory council. They had a session coming up regarding illegal immigration. This was an important issue and he thought they needed to partner with whatever localities they could.

It was consensus of the Board to join the coalition.

Mr. Johnson advised that he was pleased to report that Southampton County EMS volunteers were well represented at the Tidewater Emergency Medical Services annual picnic and awards program. They had award nominees in 4 separate categories:

- Boykins Volunteer Rescue Squad – nominated for Outstanding EMS Agency;
- Hillarie Gardner (Ivor Rescue) – nominated for Outstanding Emergency Nurse;
- Kelly Vargo (Sheriff's Office) – nominated for Outstanding Telecommunications/Dispatch Office; and
- Will Drewery (Southampton High) – nominated for Outstanding Contributions to EMS by a High School Senior.

He noted that Ms. Vargo and Mr. Drewery were honored by their peers as the respective winners in their groups.

Supervisor West stated that he thought all nominees should be recognized in the paper.

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

- 1) From the VDH, Office of Water Programs, copied correspondence to the Girl Scout Council regarding chronic bacteriological problems with the drinking water at Camp Darden;
- 2) From the VDH, Office of Water Programs, a notice of violation to the Southampton Correctional Complex for failing to collect the required number of bacteriological water samples during the month of July;
- 3) From the VDH, Office of Water Programs, a notice of violation to the Town of Courtland for exceeding the primary contaminant level for fluoride between July 1, 2006 and June 30, 2007;
- 4) From the VDH, Office of Water Programs, a notice of violation to the Girl Scout Council for exceeding the primary maximum contaminant level for total coliform bacteria during August 2007; and
- 5) From the Virginia Department of Environmental Quality, public notice regarding the application of the Southampton Correctional Complex to renew its VDPEs permit.

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

- 1) An email from Jay Randolph providing a brief status report on ongoing projects and activities of the Planning Commission;
- 2) A copy of the FY 2007 annual report for The Genieve Shelter;
- 3) A note of gratitude from the Hornets girls softball team;
- 4) Copied correspondence from the Department of Taxation to our Commissioner of the Revenue granting an extension in filing the land book until November 1, 2007;
- 5) Correspondence from The Timmons Group confirming our recent request for a permit modification from DEQ to expand the Courtland Wastewater Treatment Plant to 1.25 mgd;
- 6) Correspondence from International Paper advising that John Rankin, the Franklin Mill Manager, will be relocating to St. Petersburg, Russia to lead a new joint venture with Illim. His successor at the Franklin mill is Jeannine Siembida, who is relocating from the Prattville, Alabama mill; and
- 7) A note of gratitude from the Emporia Rising Eagles boys basketball team, which finished their competition ranked 15<sup>th</sup> out of 81 teams.

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

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

CUP 2007:08 Application filed by Frank Bryant, owner, requesting a conditional use permit for a Commercial Dog Kennel pursuant to Section 18-37 (21) of the Southampton County Code in order to keep more than five (5) adult dogs. The property is located at 25374 Popes Station Road (Rt. 609), approximately 1 mile south of the intersection with Barrow Road (Rt. 673). The property is further identified as Tax Parcel 72-24 and is located in the Capron Voting District and Capron 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 August 9, 2007 meeting and recommended approval, subject to the following 4 conditions:

- No more than 25 dogs
- Limited to hounds/hunting dogs only
- No commercial sales
- Periodic inspections (by zoning staff) to ensure conditions are satisfactory

Mr. Randolph clarified for Supervisor West that this property was NOT adjacent to where Bill Nurney recently built a fox pen.

Chairman Jones opened the public hearing.

Mr. Frank Bryant, owner/applicant, addressed the Board. He advised that the dog pens had been on the property for 25 years. They were located about a mile away from any residence and there was electricity and running water there also.

Chairman Jones closed the public hearing.

**Supervisor Wyche moved, seconded by Supervisor Brown, to accept the Planning Commission's recommendation and approve the conditional use permit, subject to the 4 specified conditions. All were in favor.**

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

REZ 2007:08 Application filed by Lowe Brothers, a Virginia General Partnership, owner, requesting a change in zoning classification from A-1, Agricultural to C-RR, Conditional Rural Residential approximately 4.87 acres from a 113.10 acres parent tract for the purpose of one (1) single family residential building lot, as conditioned. The application is subject to the standards provided under the Timed Approach, Section 18-178 of the Southampton County Code. The subject property is located on the north side of Cottage Hill Road (Rt. 641) approximately ½ mile east of the intersection with Ivor Road (Rt. 616). The property is further identified as a portion of Tax Parcel 34-4 and is located in the Berlin-Ivor Voting District and Berlin-Ivor Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its August 9, 2007 meeting and recommended approval, subject to the following 3 proffers:

- Timed Approach Option, meaning no more than 1 lot every 3 years
- Voluntary cash proffer in the amount of \$1,728 to be paid upon issuance of building permit
- One single family residence only

Chairman Jones opened the public hearing.

Mr. Charles B. "Jimmy" Rowe, attorney representing Lowe Brothers, owner/applicant, addressed the Board. He advised that Lowe Brothers regretted that they could not be here tonight – they were in the peanut field working as late as they could. They hoped their absence would not have a negative effect upon their application. He stated that the application was in accordance with all the rules and regulations, and he was asking that it be approved.

Mr. Ash Cutchin spoke. He asked couldn't this residential building lot have been done without a rezoning? Mr. Randolph explained that a rezoning was necessary. Mr. Cutchin stated that he supported the application.

Chairman Jones closed the public hearing.

**Supervisor West moved, seconded by Supervisor Brown, to accept the Planning Commission's recommendation and approve the rezoning, subject to the 3 voluntary proffers. All were in favor.**

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

REZ 2007:09 Application filed by Patricia P. Draper and Joseph W. Person, owners, requesting a change in zoning classification from A-1, Agricultural to C-RR, Conditional Rural Residential approximately 5.00 acres of a 154.58 parent tract for the purpose of (1) single family residential building lot, as conditioned. The application is subject to the standards provided under the Sliding Scale, Section 18-179 of the Southampton County Code. The subject property is located on the south side of Peter Edwards Road (Rt. 724) approximately ¾ mile west of the intersection with Clarksbury Road (Rt. 668). The property is further identified as a portion of Tax Parcel 86-6 and is located in the Boykins-Branchville Voting District and Capron Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its August 9, 2007 meeting and recommended approval, subject to the following 2 proffers:

- A voluntary cash proffer in the amount of \$1,728 to be paid upon closing on the sale of the proposed subdivided lot
- One single family residence (in perpetuity)

Chairman Jones opened the public hearing.

Mr. Damian Dwyer, attorney representing Patricia Draper and Joseph Person, owners/applicants, addressed the Board. He advised that Mr. Person was present with him tonight. He stated that the application was in accordance with the Rural Residential standards and he was respectfully requesting their approval.

Chairman Jones closed the public hearing.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the rezoning, subject to the 2 voluntary proffers. All were in favor.**

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

Proposed amendments to Chapter 13 of the Southampton County Code so as to add a new Section 13-11, requiring that all solid waste generated or collected within Southampton County be disposed of only at the facilities of the Southeastern Service Public Authority (SPSA) or any such publicly owned and operated facilities designated by the County Administrator or his designee. Among other things, this requirement shall not apply to solid waste generated by entities engaged in manufacturing, mining, processing, refining, or conversion, nor shall it apply to recyclable materials, construction solid waste, or waste oil.

The ordinance to be considered is as follows:

**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 county administrator 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 county administrator 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 county administrator 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:

\_\_\_\_\_  
Clerk

Approved as to form:

\_\_\_\_\_  
Richard Railey,  
County Attorney

Chairman Jones opened the public hearing.

Mr. Tony Thiel, attorney representing SPSA, addressed the Board. He advised that the opportunity to implement flow control resulted from an overturned Supreme Court decision. Flow control would equalize tipping fees. The current contract tipping fee of \$28 for haulers would increase to around \$50, while the municipal tipping fee of \$100 for SPSA's member communities would reduce to around \$50. Flow control would not generate any new money – it would restore the equilibrium. He noted that the City of Norfolk and Isle of Wight County recently adopted a similar flow control ordinance.

Mr. Thiel clarified for Supervisor West that no locality that had considered flow control had rejected it.

Mr. Thiel clarified for Supervisor West that they believed there may be litigation because this was so “cutting edge”. However, SPSA had agreed to provide the defense and bear the cost of any litigation a member community may be faced with.

Mr. Thiel also clarified for Supervisor West that implementation of flow control would require private haulers to bring all of their solid waste to SPSA to be disposed of.

Supervisor West asked, was flow control not counter-productive, as it would fill up the landfill sooner? Mr. Thiel explained that it was not counter-productive. Flow control would allow SPSA to minimize out-of-area waste. He noted that the extra volume would also help with the flow needed to run the waste-to-energy plant.

Supervisor West asked if the waste-to-energy plant was for sale? Mr. Thiel replied that they were looking at some scenarios.

Mr. David Brant, representing private waste haulers, spoke adamantly against flow control. He advised that SPSA's problem was mismanagement. Currently, private haulers had a choice of where to take their waste for disposal. Flow control would force them to dispose of their waste at SPSA at whatever cost SPSA wanted to charge. Flow control was not the answer to SPSA's problems. It would shift the burden of high tipping fees from the member communities to the private haulers. He asked them to say no to flow control. He noted that the business community was not well apprised of this.

Mr. Brant confirmed for Supervisor Brown that flow control would negate the ability of private haulers to choose where to dispose of their waste. Supervisor Brown asked if his concern was that SPSA would be a monopoly? Mr. Brant replied yes and that there were no controls in place to prevent SPSA from increasing the tipping fee even higher.

Supervisor West advised that he understood that Mr. Brant was protecting his interest and he respected that, but the municipal tipping fee of \$100 had hurt Southampton County's budget.

Mr. Brant stated that SPSA was trying to speedily adopt the ordinance. He wanted the County to delay their vote and provide an opportunity for open dialogue.

Chairman Jones closed the public hearing.

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

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

An application to the Virginia Department of Housing and Community Development for designation of a joint Enterprise Zone in certain geographic areas located in the City of Franklin and Southampton County. The Virginia Enterprise Zone program is a partnership between the Commonwealth of Virginia and selected localities, intended to stimulate overall economic growth by providing certain financial incentives to business/industry operating within designated geographic zones.

Chairman Jones opened the public hearing.

Mr. John Smolak, President of Franklin-Southampton Economic Development, Inc. addressed the Board. He stated that last month, the Board authorized them to continue working on the application. Enterprise Zone designation was an important economic development tool and would help diversify the economy, create new jobs, and create higher paying jobs. Enterprise Zones would be earmarked for incentives from the Commonwealth.

Mr. Glenn Updike spoke. He stated that he had heard all the pros but wondered what this would cost the county?

Supervisor West advised that this was a competitive process. The grant to be given to them if they were successful was free.

The following letter was submitted to the Board of Supervisors for the record:

Town of Branchville  
Post Office Box 129  
Branchville, VA 23828-0129

Arthur B. Harris, Jr., Mayor

Tel: (757) 654-6638

September 20, 2007

Carl J. Faison, Supervisor  
Southampton County  
18199 Cross Keys Road  
Boykins, Virginia 23827

Dear Mr. Faison;

At the September 10, 2007 Town Council meeting the Council voted unanimously to oppose the creation of an Enterprise Zone on highway 671. The Council feels its creation will be at the expense of the rest of the county. The County should support the development of industry throughout the county rather than in just one location.

Yours truly,



Arthur B. Harris, Jr.  
Mayor

**Supervisor West made a motion to:**

- 1) Acknowledge that the application is being filed jointly with the City of Franklin;**
- 2) Authorize Franklin-Southampton Economic Development, Inc. to act as program administrator;**
- 3) Authorize the County Administrator to submit all necessary information to apply for the designation;**
- 4) Authorize the County Administrator to carry out all program administrative and reporting requirements; and**
- 5) Authorize the County Administrator to execute the required joint application agreement.**

**Supervisor Brown seconded the motion. All were in favor.**

Moving to late arriving matters, Mr. Johnson advised that VACo's annual conference in Bath County would take place November 11-13. He asked who was planning to attend? All of the supervisors, with the exception of Supervisor Faison, indicated that they planned to attend.

Supervisor Felts advised that she received a thank you note on behalf of the teacher's aids at Nottoway Elementary School thanking the Board for the funds they appropriated to be used for their pay raises. *(Note: The Board included in the FY 2008 budget an additional \$100,000 from the General Fund Reserve to be put forth to the school instruction category.)*

Supervisor Wyche recognized Mrs. Judy English, Director of Social Services. She indicated that she did not have anything to report.

Supervisor Brown advised that he would like for Mr. Johnson to attend Lieutenant Governor Bill Bolling's illegal immigration session with him on October 13. Mr. Johnson indicated that he would be pleased to attend if he did not have a conflict.

**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.**

**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.

September 24, 2007

Supervisor Brown advised that he thought they needed to further discuss the increasing problems with cats, and the fact that our animal control did not handle cats. The Board briefly discussed the issue and it was determined that our animal control did not handle cats due to a lack of funding. If the Board deemed this as an important issue, they could look at including funding in the FY 2009 budget that would enable our animal control to handle cats.

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