

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 October 22, 2007 at 8:30 AM

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

Walter L. Young, Jr., Vice-Chairman (Franklin)

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 West gave the invocation.

Chairman Jones noted that Vice-Chairman Young was in the hospital and would not be here tonight, and Supervisor Faison would be a little late.

Chairman Jones sought approval of the minutes of the October 22, 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

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, Delinquent Tax Collection, EMS and Fire Department Activity, Solid Waste Quantities, and Personnel.

In regards to solid waste quantities, Supervisor West commented that the attended sites program was very successful. Mr. Johnson clarified that the \$100 tipping fee recently imposed by SPSA had increased the break-even point dramatically. The timing of the implementation of the program was great.

In regards to the personnel report, Mr. Johnson advised that Dustin K. Atkins was hired in the Sheriff's Office effective 10/01/07 at an annual salary of \$29,843. Melissa L. Anderson was hired in the Accounting Department effective 10/16/07 at an annual salary of \$25,780. He informed that Carlton L. Edwards resigned from the Courtland Wastewater Treatment Plant effective 10/13/07. Richard L. Bradshaw resigned from the Sheriff's Office effective 10/14/07. He stated that Joyce A. Mayfield was terminated from the Sheriff's Office effective 10/10/07.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$2,765,364.33 were received.

Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$2,765,364.33 be paid with check numbers 83690 through 84062. All were in favor.

Moving to the citizen request to address the Board, Mr. Johnson announced that included in the agenda was correspondence from Mr. Mack R. Ballance requesting time this morning to discuss certain concerns associated with the recent prolonged road closure within the City of Franklin between the Edgehill subdivision and Southampton Memorial Hospital. Mr. Ballance subsequently advised him that, due to health issues, he would be unable to attend this morning, but wanted to make sure that his concerns were relayed to the Board. Accordingly, he had placed this matter on the agenda simply for information purposes. After hearing from Mr. Ballance, he shared his concerns by telephone with Mr. Bucky Taylor, City Manager of Franklin, and followed up with a letter, a copy of which was included in the agenda. In essence, Mr. Ballance was concerned about the prolonged road closure because it did not allow for the passage of emergency vehicles, and this detour added a minimum of 6 additional miles (12 miles round-trip) for emergency vehicles responding to this part of the County.

The Board was appreciative of Mr. Johnson's contact with Mr. Taylor, as they deemed this a valid concern.

Moving forward, Mr. Johnson announced that included in the agenda was information relative to the upcoming annual meeting of the Virginia Association of Counties (VACo). It was necessary for the Board to designate a representative prior to November 1 to cast its votes at the annual business meeting. Supervisors Jones, Young, Brown, Felts and Wyche were registered for the conference, which would be held November 11-13, in Bath County. A conference agenda was also included in the agenda for their reference. He advised that Supervisors Jones, Young and Felts would be staying at the Conference Hotel. Unless taken off of the wait list, he and Supervisors Brown and Wyche would be staying at a small inn in Warm Springs. He noted that Susan had made advance arrangements for their entire delegation to attend the annual banquet on Sunday evening.

Supervisor Wyche moved, seconded by Supervisor Felts, to designate Chairman Jones and Vice-Chairman Young as voting delegate and alternate delegate, respectively. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was an application for a fireworks display permit from Mr. Charles B. Darden, Jr., submitted pursuant to **Sec. 10-73** of the *Southampton County Code*. The display was scheduled for November 17, 2007 at approximately 8:30 PM. The rain date was November 18. Given the dry conditions, he asked them to note that this was a low-altitude display and was planned to be discharged directly over a small pond. The application was in order and a draft permit was included in the agenda for their consideration.

Supervisor Felts advised that she had been directly involved in several fireworks displays. She understood that they planned to discharge over a pond and this was a low-altitude display, which was 100' – 150'. However, although there may not be any wind down low, there may be wind at 100' – 150' that could shift the direction of the fireworks. She was a little concerned because of the dry conditions.

Supervisor West stated that he agreed with Supervisor Felts. Perhaps in issuing this permit, they could impose a stipulation that they would review it up until the schedule date of the display, and if conditions got worse, they would not allow the display to take place.

Supervisor Brown thought that the display being discharged over a pond and at low-altitude were positives that needed to be considered.

Supervisor Wyche indicated that he was ok with it because they would be discharged over water.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to issue the fireworks permit to Charles B. Darden, Jr. Chairman Jones, Vice-Chairman Young, and Supervisors Brown, Faison, Felts, and Wyche voted in favor of the motion. Supervisor West voted in opposition to the motion. The vote was 6-1 in favor of the motion, thus the motion passed.

Moving forward, Mr. Johnson announced that included in the agenda was correspondence from The Honorable William J. Howell, Speaker of the Virginia House of Delegates, seeking their consideration of organizing a local committee to help coordinate planning for a four-year

statewide commemoration of the American Civil War from 2011 through 2015. The request was reminiscent of one received from the Jamestown-Yorktown Foundation several years ago when they were requested to establish a similar committee to help celebrate Jamestown's 400th Anniversary. Despite good intentions initially, it was his understanding that the work of that committee was ultimately left up to just a handful of individuals. He was open to their direction.

Supervisor Felts stated that this was a good idea, but as Mr. Johnson mentioned, the Jamestown committee did end up consisting of just a few people.

Supervisor Faison advised that he would like for us to do this. He recognized that they had a problem with committees that were formed but not followed through. He thought that was a problem they needed to address but did not think it was something that should make them eliminate the idea of forming a committee. He thought these commemorations were very important. Maybe the Board needed to think of something they could do to encourage the committees to function. He suggested perhaps that the Board require the committee, and not the Board representative on the committee, to present a quarterly report to the Board. The committee needed to feel that its work was important.

Chairman Jones advised that Supervisor Brown had volunteered to head up this committee.

Supervisor Brown stated that he wanted to lead this committee, as this commemoration was very important to him. He spent 20 years in the military and was a student of the Civil War. He thought that when comparing the Jamestown committee to forming a Civil War committee, he thought there would be more interest in the Civil War.

Mr. Johnson advised that the letter he received indicated certain groups of people that were to be involved in the committee. Supervisor Brown advised that he would like the opportunity to provide some names as well.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to allow Supervisor Brown to head up and direct the organization of a local Sesquicentennial committee. All were in favor.

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

A proposed ordinance to exempt certain real property owned by Horizon Health Services, Inc., a charitable non-profit organization, from local real estate taxation in accordance with the provisions of Section 58.1-3651 of the Code of Virginia. The affected real property is located at 8575 Ivor Road, identified as tax parcel 15-22, and operates as the Ivor Medical Center, treating chronic diseases and acute illnesses in a defined medically underserved area. The property has a current assessed value of \$180,000 and the real estate tax for the current year is \$1,224.00.

The ordinance is as follows:

Ordinance Exempting from County Real Estate Taxation Certain Real Property Owned by Horizon Heath 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:

Chairman Jones opened the public hearing.

Mr. Ash Cutchin of 29018 Darden Point Road, Courtland, spoke. He advised that he moved back here a few years ago after being away for 37 years. He woke up one morning and had a sore throat and felt bad. He called a doctor in Franklin and was told that he could see him in 2 weeks. He then called Horizon Health Services. A doctor there saw him the same day. Horizon was a top-notch facility and he had been going there ever since.

Mr. Frank Urquhart, Vice-Chairman of the Board of Directors for Horizon Health Services spoke. He stated that they were trying to establish great medical care for the underserved.

Supervisor West advised that he thought Horizon was an outstanding facility. The comments by Mr. Cutchin were exactly what they needed to hear.

Chairman Jones remarked that it would be nice if Horizon was a little closer to Courtland.

Chairman Jones closed the public hearing.

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

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

A proposed ordinance to amend the water and sewer rate schedule for multi-family dwellings, imposing the respective base rates of \$22 for water service and \$30 for sewer service upon the first 4,000 gallons used by *each* individual dwelling unit or apartment. The proposed changes apply only to multiple family dwellings that are collectively metered and does not change any fees currently assessed to other customers.

The ordinance is as follows:

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 1st 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 1st 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.

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

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

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

A proposed resolution requesting the Commonwealth Transportation Board of Virginia to establish a project to restore the Rebecca Vaughan House, a structure listed on the National Register of Historic Places, and located on a parcel of property owned by the Southampton County Historical Society, Heritage Lane, Courtland. The project seeks to acquire up to \$360,000 in federal enhancement funds which, if acquired, must be matched with other local funding sources of at least \$90,000. The purpose of the project is to restore the property to its 1831 appearance after which it will function as a focal point for heritage tourism, serving as an interpretive center to present the historic background and context for the Southampton Insurrection of 1831.

The resolution is as follows:

**BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA**

RESOLUTION 1007-9C

October 22, 2007

At a regular 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, October 22, 2007 at 8:30 a.m.

PRESENT

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

IN RE: Restoration of the Rebecca Vaughan House

Motion by Supervisor Young:

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in Southampton.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that it requests the Commonwealth Transportation Board to establish a project for the improvement of the Rebecca Vaughan House, a structure listed on the National Register of Historic Places; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Southampton County, Virginia, acting as fiscal agent for the Southampton County Historical Society, hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if Southampton County subsequently elects to cancel this project, it hereby agrees to reimburse the Virginia Department of Transportation for the total of costs expended by the Department through the date the Department is notified of such cancellation.

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

Seconded by Supervisor West.

VOTING ON THE ITEM: YES – Jones, Young, Brown, Faison, Felts, West and Wyche.

NO – None.

A COPY TESTE:

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

Chairman Jones opened the public hearing.

Mr. Ash Cutchin of 29018 Darden Point Road, Courtland, spoke. He advised that this was a historical jewel and they could not afford to lose it. He was in favor of any additional funds they could get towards this project. He advised that once the property was renovated as it should be, they should have someone there from the black community dressed the way they were in 1831 and tell the story of what happened there from the Nat Turner perspective, regardless of how others may feel about it. He also thought there should be a white person there to tell the story from the

slave owner's perspective. This was not intended to be conflict, but just historical interpretation as accurate as could be. He strongly recommended that they approve this resolution.

Mrs. Lynda Updike of the Southampton County Historical Society spoke. She stated that they wanted to complete the restoration of the house and its transition into a museum to study the 1831 insurrection and to accurately present the facts and let people draw their own conclusions. They would also create a walking tour/trail of Courtland. In addition, they would create exhibits in the house including an electric map of the route. She was in favor of this resolution.

Supervisor Brown advised that he had some concerns with how this would be presented, as there was a lot of history here. They also needed to be careful with relocating buildings from their original places.

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

Moving forward, Mr. Johnson announced that delivered under separate cover with the agenda was a copy of the bound report: *Blackwater Regional Library – Feasibility Study of Library Space and Facility Needs*. The report was commissioned and paid for by the Blackwater Regional Library and prepared by Tymoff + Moss, a Norfolk-based architectural firm specializing in library and public facility design along with the American Library Center, Inc., a library planning firm specializing in design development and interior layout. The purpose of the report was to evaluate the existing facilities for the nine branch libraries, central library administration and bookmobile services and to offer recommendations for new and expanded facilities to meet the growing needs of library patrons within the service area. As part of their research, the consultants reviewed projected population estimates and local comprehensive plans and conducted public meetings in each locality to gather input from interested citizens and to identify community goals. In addition, each facility was surveyed for code compliance and space utilization. He advised that the library staff had requested a few moments this morning to share the results of their study and to officially present the report.

Chairman Jones recognized Mrs. June Fleming, Chairperson of the Blackwater Regional Library Board of Directors.

Mrs. Fleming introduced staff members, who were present in the audience in support of the report: Ms. Pat Ward, Director of the System, Stanya Yonker, Director of Finance and Operation who was assigned primary responsibility in coordinating the production of this report, and Iola Lamberson, Branch Manager of the Walter Cecil Rawls Library in Courtland. She also introduced Mr. Barry Moss, President of Tymoff + Moss, the company hired to do the study. She advised that the Board of Directors thought it would be best for them to contract with their own funds to have a qualified agency come in and survey all of their facilities and present a composite report to each member locality. They were here to officially present the report to the Board of Supervisors with no recommendations and no request for any action. The decisions were up to the Board of Supervisors and the report was theirs to do as they saw fit.

Mr. Barry Moss, President of Tymoff + Moss, spoke. He thanked Mr. Michael Johnson, County Administrator, and Mr. Jay Randolph, Assistant County Administrator, for providing them with growth projections. He advised that in conducting the study, they looked at building codes, population projections, space projections, etc. up to the year 2030. The Blackwater Regional Library System covered 1700 sq. miles and they looked at combining branches. The Walter Cecil Rawls Library in Courtland was one of only two libraries that they were recommending to be renovated and expanded – they were recommending new buildings for all the other libraries. They were recommending that the Rawls Library be expanded 10,000 – 20,000 sq. ft. This would cost an estimated \$3.1 million, which did not include the central administration offices which would cost an additional \$600,000.

Supervisor Brown asked, in preparing the cost analysis, did they look at any other sources for funding other than the localities? Mr. Moss replied no.

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

Moving forward, Mr. Johnson announced that Mr. Jay Randolph, Assistant County Administrator and Secretary to the Planning Commission, would be sharing a slide presentation with them regarding proposed amendments to the Southampton County Code as they related to regulation of dog kennels. A paper copy of the presentation was included in the agenda. The Planning Commission had scheduled its public hearing for these amendments on November 8 and would likely forward its recommendations soon thereafter. Once the Board received the recommendations, a second public hearing was required.

Mr. Jay Randolph presented a slide presentation explaining the new proposed regulations of dog kennels. The presentation is summarized as follows:

PROPOSED CHANGES

- Modify the definition of a commercial kennel by removing the stipulation “a place where more than 5 adult dogs are kept”
- Create a new definition for a private kennel as “a place where adult dogs are kept for personal enjoyment and are accessory to the primary use”
- Allow hunt club kennels as a permitted right for hunt clubs
- Development of site plan standards

COMMERCIAL KENNELS

- Conditional use permit required for places that:
 - Board dogs
 - Breed dogs
 - Handle dogs
 - Care for dogs
- Current conditional use process would remain in effect for commercial kennels

PRIVATE KENNELS

- 5 dogs or less: Permitted by right in A-1, A-2, RR, R-1 zoning districts
- 6 dogs to 25 dogs
- Private kennel application fee of \$100.00
- Site plan submittal
- Requires minimum of 3 acres
- Kennel to be minimum 25 feet from all property lines
- Kennel to be minimum 50 from all water sources (wells, streams, etc.)
- Kennel to be minimum 75 feet from all residences
- Care of animals (water, food, shelter) to be included in application
- Solid waste disposal to be addressed by applicant
- No commercial sales of animals- Commercial sales are more than 5 dogs sold in any calendar year
- Kennel to be screened by fencing, foliage, shrubs, or other materials approved by Zoning Administrator
- Administrative referral to Animal Control officer and Health Department
- Annual inspection by zoning staff

If applicant meets these requirements, notification is sent to all adjoining property owners for 30 day comment period. If no objections are received, permit is administratively approved

If applicant does not meet all requirements or if adjoining property owners object, then the application will be subject to a special use exception by the Board of Zoning Appeals: \$300.00 Application fee

More than 25 dogs

Special Use Exception by the BZA required: \$300.00 application fee

HUNT CLUBS

- Hunt Club Kennels
- Permitted accessory use to hunt club
- Maximum of 50 dogs
- Hunt club kennel application fee of \$100.00
- Requires minimum of 1 acre
- Kennel to be minimum 25 feet from all property lines
- Kennel to be minimum 50 from all water sources (wells, streams, etc.)
- Kennel to be minimum 150 feet from all residences
- Care of animals (water, food, shelter) to be included in application
- Solid waste disposal to be addressed by applicant
- Kennel to be screened by fencing, foliage, shrubs, or other materials approved by Zoning Administrator
- Administrative referral to Animal Control officer and Health Department
- Annual inspection by zoning staff

If applicant meets these requirements, notification is sent to all adjoining property owners for 30 day comment period. If no objections are received, permit is administratively approved.

If applicant does not meet all requirements or if adjoining property owners object, then the application will be subject to a special use exception by the Board of Zoning Appeals: \$300.00 application fee.

Chairman Jones stated that they needed to know the breeds of dogs that an applicant would be keeping. Commissioner Faison advised that he had the same concern.

Mr. Randolph advised that there were hundreds of different breeds of dogs. He did not know if they wanted to get into saying that certain breeds were ok, while other breeds were not.

Supervisor Brown asked if they had looked at the size of the housing area for the dogs? Mr. Randolph replied no, but that was something they could look at.

Supervisor West advised that there were 7 breeds of dogs that were considered more vicious by insurance companies. He knew that Rotweilers and Pit Bulls were on that list. Perhaps they needed to follow those same guidelines.

Supervisor Brown stated that as he mentioned several meetings ago, they needed to look at the possibility of leash laws for vicious breeds.

Mr. Randolph advised that he would be glad to do some research regarding vicious breeds and incorporate that into the proposed regulations.

Moving forward, Mr. Johnson announced that at the request of Supervisor Brown, included in the agenda was an emergency ordinance that would immediately prohibit open burning in Southampton County due to the dry weather conditions. As an emergency ordinance, no public hearing was required, but it was only enforceable for 60 days unless readopted in conformity with Section 15.2-1427 of the Code of Virginia, 1950, as amended (public notice, public hearing, etc.). If drought conditions persisted, readoption may be necessary. He advised that after the agendas were distributed, Governor Kaine issued a statewide burning ban. However, they still may want to consider a local ordinance.

The ordinance is as follows:

EMERGENCY ORDINANCE NO. 2007-01

**AN EMERGENCY ORDINANCE PROHIBITING OPEN BURNING FOR THE
DURATION OF DANGEROUS DRY CONDITIONS**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF SOUTHAMPTON
COUNTY, VIRGINIA AS FOLLOWS:**

Section 1. Finding. The Board of Supervisors finds that open burning is especially hazardous given the current dangerous weather conditions. An extended period without significant precipitation and continuing intermittent periods of high wind have created conditions favorable for any open burning to potentially cause serious and costly harm to persons and/or property.

Section 2. Authority, Purpose and Intent. This ordinance is adopted under the authority of Sections 27-97 and 15.2-1200 of the Code Virginia. The purpose and intent of this ordinance is to adopt measures that are necessary to secure and promote the health, safety and welfare of the citizens of Southampton County by prohibiting open burning for the duration of the current dangerous weather conditions.

Section 3. Definitions. For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Open burning” means the burning of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without first passing through a stack, duct or chimney.

“Open pit incinerator” means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion by-products emitted into the atmosphere. The term also includes trench burners, air curtain destructors and over draft incinerators. For purposes of this ordinance, open pit incineration is considered a form of open burning.

Section 4. Open Burning Prohibited. Open burning is prohibited throughout Southampton County for sixty days from adoption of this ordinance or until the Board of Supervisors declares the ban lifted.

Section 5. Enforcement and penalties. The Southampton County Sheriff, or his designee, shall enforce this ordinance. Violators shall be subject to a fine of up to \$250.00.

Supervisor Faison moved, seconded by Supervisors Felts and Wyche, to adopt the ordinance. 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 Brookview Estates 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 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 unsatisfied and explain what the applicant must do to satisfy the requirement. He advised that this plat depicted fifteen (15) residential building lots located just off Shady Brook Trail, on a 9.91 acre parent parcel, ranging in size from a minimum of 20,000 square feet to a maximum of approximately 32,000 square feet in area, acceptable standards in a Residential R-1 zoning district. The lots were proposed to be served by a small community water system and individual septic systems. The Planning Commission recommended approval of the preliminary plat, subject to the following four (4) specific recommendations:

- Surety for infrastructure improvements including roads, drainage, and utilities will be required in accordance with Section 14-102(a) of the Southampton County Code;

- A maintenance bond will need to be established for annual road maintenance in an amount set by VDOT and in accordance with Section 14-102(b) of the Southampton County Code;
- A maintenance fee as determined by VDOT for the proposed roadways will need to be established; and
- Five year operational costs for streetlight installation in accordance with Section 14-207 of the Southampton County Code will need to be furnished by the applicant.

Mr. Johnson stated 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 for Brookview Estates. All were in favor.

Moving forward, Mr. Johnson announced that on October 15, he received an unsolicited proposal, pursuant to the Public-Private Education Facilities and Infrastructure Act (PPEA), from Southampton County Infrastructure, LLC for design and construction of a new wastewater treatment plant to serve Courtland and its environs, an influent pump station and certain line work including both gravity and force main sewer. Southampton County Infrastructure, LLC had assembled a group of design and construction professionals (Mid Eastern Builders and Timmons Group) which was proposing 4 projects:

- a 1.25 MGD Tertiary Treatment Plant;
- a 1.8 MGD influent pump station;
- approximately 11,000 l.f. of 24" and 18" gravity sewer; and
- approximately 9,000 l.f. of 16" force main sewer.

He advised that PPEA was an alternative procurement tool that allowed public entities to more efficiently develop infrastructure and achieve better value for the taxpayer. In accordance with their adopted procedures, it was necessary for the Board to determine whether to accept the unsolicited proposal for publication and conceptual-phase consideration. Should they choose to accept it, they were required to post public notice and advertise for competing unsolicited proposals during the next 45 days. The proposal included a review fee of \$10,000 paid by the offeror in the event that they wished to retain outside consultants to assist in review of the proposal (which he highly recommended).

At the end of the 45-day period, the Board may decide:

- not to proceed any further with any proposal;
- proceed to a detailed review of the original proposal;
- proceed to a detailed review of a competing proposal; or
- proceed to a detailed review of multiple proposals.

Mr. Johnson clarified for Supervisor Brown that the Turner Tract and Riverdale Elementary were the most urgent reasons this was needed, but the WWTP was 27 years old and reaching capacity.

Mr. Joe Hines of the Timmons Group advised that there continued to be developer interest in the County. The more development that was approved, the quicker the capacity would be reached. He clarified that Southampton Infrastructure, LLC brought together Mid Eastern Builders and the Timmons Group to help bring this proposal to fruition.

The resolution to be considered is as follows:

**BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA**

RESOLUTION 1007-14

At a regular 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, October 22, 2007 at 8:30 a.m.

PRESENT

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

IN RE:PROCUREMENT OF WASTEWATER TREATMENT FACILITIES AND OTHER UTILITY RELATED INFRASTRUCTURE UNDER THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT

Motion by Supervisor _____:

WHEREAS, Southampton County has a pressing need to expand and improve the facilities at the Courtland Wastewater Treatment Plant and other utility related infrastructure to serve the Riverdale Elementary School and Turner Tract Industrial Park; and

WHEREAS, the means traditionally used to procure wastewater treatment facilities and other utility related infrastructure in the County, the design-bid-build process and competitive sealed bidding under the Virginia Public Procurement Act (“VPPA”) for the construction contract may result in longer lead times and greater costs than some other methods of new facility and utility infrastructure construction; and

WHEREAS, the General Assembly enacted the Public-Private Education Facilities and Infrastructure Act (“PPEA”) in 2002, which provides an alternative to the VPPA for procurement of public facilities development, design, and construction; and

WHEREAS, the Board of Supervisors of Southampton County adopted its implementing procedures for the PPEA on March 28, 2005; and

WHEREAS, the Board has received an unsolicited proposal under the PPEA from Southampton County Infrastructure, LLC on October 15, 2007, for the proposed development, design, and construction of a 1.25 MGD Wastewater Treatment Plant, a 1.8 MGD Influent Pump station, approximately 11,000 linear feet of 24” and 18” gravity sewer, and 9,000 linear feet of 16” force main sewer; and

WHEREAS, the unsolicited proposal appears to meet all the requirements of the Board’s implementing procedures; and

WHEREAS, the Board believes it would be advantageous to proceed under the PPEA and the Board’s implementing procedures to accept the unsolicited proposal for publication and conceptual-phase consideration and to consider it along with any other proposals received following the period indicated by publication; and

WHEREAS, Article IV (B) of the Board’s adopted implementing procedures identify the “competitive sealed bidding” and “competitive negotiation” methods of conducting PPEA procurements and require the Board to make specific findings before proceeding by the “competitive negotiation” method; and

WHEREAS, the Board of Supervisors finds that proceeding in accordance with “competitive negotiation” procedures under the PPEA for the procurement of the facilities described and identified herein above is likely to be advantageous to the Board and the public based upon (1) the probable scope, complexity, and urgency of the project, (2) risk sharing and the potential for added value, and (3) economic benefit from the project that might not otherwise be available.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY, AS FOLLOWS:

(1) Pursuant to the PPEA and the Board's implementing procedures, the Board accepts the unsolicited proposal for publication and conceptual-phase consideration, along with any other proposals received following the submission period indicated by publication, subject to such conditions consistent with the PPEA and implementing procedures as the County Administrator deems prudent;

(2) The Board has determined that the information contained in Volume 2 of the unsolicited proposal shall be excluded from public disclosure under the *Virginia Freedom of Information Act* on the basis that: a) it contains certain proprietary information including techniques and processes, engineered drawings, schedules and cost estimates which derives potential economic value, the use of which by other persons may obtain value from its disclosure, b) it contains information which, if publicly disclosed, would adversely affect the bargaining position or negotiating strategy of Southampton County, and c) it contains certain financial statements of Mid Eastern Builders, which are not generally available to the public through regulatory disclosure or otherwise;

(3) The County Administrator and staff will develop a proposal review and evaluation team and supporting consultants and staff as needed, meeting and evaluation procedures, and a proposed schedule for the process, including proposed dates for any consideration of information or recommendations by the Southampton County Board of Supervisors.

Seconded by Supervisor _____.

VOTING ON THE ITEM: YES –

NO –

A COPY TESTE:

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

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

Moving to old business, Mr. Johnson announced that included in the agenda was a current status report for the new Assign-a-Highway Program, which began in July. Currently, there were 46 probationers regularly picking up litter along 92 miles of roadway. In the first 3 months, more than 500 bags of litter had been collected through the program. Sheriff Francis had included a roster of roadways that have been assigned and had a map available that he would share momentarily. He noted that the program was expected to continue to grow as additional probationers were assigned responsibilities.

Chairman Jones recognized Sheriff Francis.

Sheriff Francis shared a map depicting the areas throughout Southampton County where probationers were picking up litter. Typically a probationer would pick up litter on a 2-mile stretch of roadway close to where he or she lived.

Supervisor Faison, who worked for the local probation and parole office, stated that the court criteria was different than what they had thought. Sheriff Francis advised that he had met with the court to try and expand the criteria.

Supervisor Brown advised that he knew the program was working in his area, as he had seen probationers picking up litter twice along Sunbeam Road.

Continuing with old business, Mr. Johnson advised that he had discussed their concerns from last

month regarding cats with Sheriff Francis and he was amenable to revisiting the policy of not accepting cats at the animal pound, provided that he had sufficient resources to work with. Acceptance of cats would affect animal control in a number of ways, from the volume of calls received to the number of animals sheltered at the pound. As they had seen from their monthly reports, Animal Control typically responded to 60-70 dog calls per month, often handling as many as 35 stray animals during that period. Given their other responsibilities of pound maintenance, training and certification requirements, and animal euthanasia/disposal, there was little time available for existing staff to respond to cat-related calls. An increased workload would likely require additional staffing. In addition, based upon state regulations, Sheriff Francis believed the animal pound would likely require expansion and modification. Mr. Johnson advised that because capital improvements was likely to be the greatest expense of expanding the program, they may wish to consider solicitation of architectural proposals to evaluate the animal pound for the feasibility of sheltering cats — but cautioned them not to be surprised if the recommendation was to construct a totally new facility. Given the age of the facility (20 years), the confined space, and changes in state regulations, it may be more cost effective to begin anew.

After discussion, it was consensus of the Board to have staff evaluate this and bring it back for discussion at a later date.

Supervisor Brown commented that we could perhaps require that cats be licensed in order to help offset some of the costs involved. Mr. Johnson advised that they looked at that about 15 years ago, and there was a lot of opposition.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was a copy of his letter to Governor Kaine as directed by the Board last month, and his response.

Mr. Johnson advised that included in the agenda were copies of emails that he had traded with Isle of Wight County staff members regarding a joint meeting of the two Boards and officials from the Department of Conservation and Recreation to discuss the designation process. The most likely date for the meeting appeared to be Tuesday, November 27 at 7:00 PM at the Workforce Development Center in Franklin. He would confirm the date in the next week or so.

Mr. Johnson informed that as they directed and authorized at their July meeting, they had competitively negotiated the purchase of a new refuse collection truck. Mr. Randolph, Assistant County Administrator, and Mr. Hart Council, Public Works Director, reviewed 15 proposals submitted by 8 different bidders and ultimately selected a fully-equipped Mack CTP713B at a price of \$112,975. He noted that they included \$126,000 in the FY 2008 annual budget for this purpose.

Mr. Johnson stated that included in the agenda were copies of the following reports of nonprofit agencies and organizations:

- 1) The Genieve Shelter – their latest quarterly report; and
- 2) South Centre Corridors RC&D – their annual report for FY 2007.

Mr. Johnson advised that included in the agenda was a summary accreditation report for all public school divisions in Virginia for 2007. With the exception of Southampton Middle School (SMS), all Southampton County Schools were fully accredited. He noted that SMS missed the mark in mathematics and was accredited with warning in 2007.

Mr. Johnson informed that WHRO had announced Saturday, February 23, 2008 as its date for the 5th annual Pioneer Awards Banquet. This year, the event would be held at the Virginia Beach Convention Center.

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

- 1) From the Virginia Department of Environmental Quality, public notice regarding the application of Capital Concrete, Inc. (Norfolk) to renew its groundwater withdrawal permit;
- 2) From Dominion Virginia Power, copy of a SCC order prescribing notice and inviting public comment regarding five conservation and energy efficiency pilot

- 3) programs and four demand response/load management pilot programs; and From McGuire Woods, a copy of a motion for an expedited order allowing supplemental testimony and slightly revising proposed and alternate routes of the Dominion Virginia transmission line in portions of Isle of Wight County and the City of Suffolk (copies of testimony and exhibits not copied as they did not affect Southampton County).

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

- 1) Copied correspondence from Mr. K. Bynum, a resident of Blackhead Signpost Road, to Supervisor Wyche regarding the proposed property tax rate on recreational vehicles (Supervisor Wyche's response is included under outgoing correspondence);
- 2) Copied correspondence from Lindbergh and Shirl Boone to Mr. Robert Barnett, regarding their plan to abate an ongoing setback violation on Forks of the River Road by acquiring additional property;
- 3) A copy of the Court Order reappointing Elma Brown, Peter Copeland and Thomas E. Daisey, Jr., to the Board of Zoning Appeals for another 5 year term;
- 4) A note of gratitude from Shinda Bharing and his partners to Mr. Barnett for their cooperation in resolving several issued that facilitated the opening of the Woco Express Travel Plaza on Route 460 in Ivor; and
- 5) Copied correspondence from the Virginia Department of Historic Resources regarding a proposed historic marker to be erected near Vicksville to commemorate the birthplace of Benjamin Hicks, inventor of the gasoline peanut picker.

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

Supervisor Brown advised that he would like for the Board to send a letter of congratulations to those involved with Meherrin Elementary being selected as a Blue Ribbon school.

It was consensus of the Board to have Mr. Johnson send a letter on their behalf.

Moving to late arriving matters, Mr. Johnson advised that he received from the Town of Newsoms a copy of a grant application in which they were applying for in order to improve sidewalks. They were requesting a letter of support from the Board.

Supervisor Brown moved, seconded by Supervisor Felts, to authorize the County Administrator to send a letter of support on their behalf. All were in favor.

Chairman Jones recognized Mr. Charles Turner, Superintendent of Southampton County Schools.

Mr. Turner thanked Supervisor Brown for his acknowledgement of Meherrin Elementary being chosen as a Blue Ribbon school. He advised that Meherrin Elementary was the only school in Virginia that would be giving a presentation, which was significant. He had sent letters to each of the Board members and trusted they could attend the reception tomorrow.

The Board took a 10-minute recess.

Upon returning from the recess, **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) (1) Discussion of performance and consideration of the salary of an employee in the Office of the Commonwealth Attorney; and

Section 2.2-3711 (A) (3) Discussion and consideration of the acquisition of real property for construction of a sewer pumping station where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

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.

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

Vice-Chairman Young moved, seconded by Supervisor Wyche, to reclassify the position of Jack Randall of the Office of the Commonwealth Attorney to a Grade 35 at an annual salary of \$59,088. All were in favor.

Mr. Joe Hines of the Timmons Group thanked the Board for accepting the proposal of Southampton Infrastructure, LLC. He clarified for Supervisor West that the entrance to the Turner Tract would be ready to go in about 18-24 months. He added that the elevated storage tank must be completed before utilities could be available to the site.

The Board discussed when the best time would be to have a "ground breaking" of the Turner Tract. Mr. Johnson advised that the best time would be after the master plan had been completed – without it, the Turner Tract was just a cotton field. The Board members were in agreement.

Vice-Chairman Young read aloud a letter he received from O.L. Gooding indicating that with the increased tax rate in the County, it was becoming increasingly difficult for him to pay the taxes on his fixed income.

The Board understood the concern but noted that taxes were stressful everywhere.

October 22, 2007

There being no further business, the meeting was adjourned at 11:32 AM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk