

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive, Courtland, Virginia on October 24, 2005 at 8:30 AM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

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

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

Chairman Jones sought approval of the minutes of the September 26, 2005 regular meeting. They were approved as recorded, 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. Michael Johnson, County Administrator, announced that included in the agenda was copied correspondence regarding VDOT's notice of public hearing for the 2007-2012 six-year primary improvement plan. The hearing would be on Wednesday, November 2, with the Commonwealth Transportation Board (CTB) presiding from the Chesapeake Conference Center. As they were aware, the East-Courtland Interchange on Route 58 was added back to the plan last May and was the only primary highway project currently planned in Southampton County. With their blessings, he intended to participate in the hearing and encourage VDOT to move ahead with construction. He advised that also included in the agenda for their reference were copies of several emails he had received following last Thursday's fatal accident in front of the Business Park. While the East-Courtland Interchange would do little to improve safety at the site of that accident, he had encouraged all citizens who had contacted him to participate in the hearing on November 2.

Mr. Johnson advised that included in the agenda for their reference was follow-up correspondence relative to the children-at-play signs on Lakeside Drive and the memorandum of understanding for emergency debris management activities.

Mr. Joe Lomax informed Supervisor Wyche that work on Whitehouse Road would begin next month.

Supervisor Wyche advised that he also had some concerns about Route 757 (Medicine Springs Road). He did not know if they needed to do a traffic study or what. A lot of homes had been put up and there were a lot of children in that area now. People were flying through there 60-70 mph. He thought they should do a speed study and/or put some signs up lowering the speed limit.

Mr. Lomax informed that he would have a speed study done. He explained that permission to lower the speed limit had to come from the Commissioner (of Transportation).

Mr. Lomax informed Supervisor Brown that in regards to his request last month to revisit Riverdale Road in terms of a speed study, he expected to hear something very soon.

Supervisor Brown stated that the corridor from the Courtland interchange to the Nottoway House had become more of a business district, and that would become even more prevalent in the future. We needed to get better coordination of our law enforcement officers in that area. There needed to be a stigma like there was in Emporia – if you speed through there, you were going to get a ticket.

Supervisor Brown advised that he was also concerned about leaning trees on Statesville Road and especially Sandy Ridge Road which splits Sunbeam. Two trees were leaning across the highway and it would not take much for them to fall. It was a safety hazard. Mr. Lomax advised that they would look into that.

Mr. Lomax commented about the Route 58 corridor. He stated that they recently met and discussed putting up a stoplight. Some staff were worried that we may have a situation like we had at the high school in which having a stoplight may be more of a danger than not having one because it was such a change (in traffic pattern). The stoplight as well as a speed reduction was currently under investigation. They would do whatever they could in that area.

Supervisor West asked if there was any money to build up the shoulders of the roads, particularly Route 614 coming into the County from Isle of Wight? Mr. Lomax advised that he was not sure how much money was in the secondary roads 6-year budget. He would have to talk Gerry Kee (Assistant Residency Administrator). Supervisor West informed that that area was used by a lot of shipyard traffic and people exiting toward the Tidewater area out of Southampton County. It was a tremendous amount of traffic through there. Perhaps they could conduct a traffic count, as it may warrant something different than what we presently had. It would certainly be valuable for some 2-3 miles in that area. Mr. Lomax advised that they would take a look at that.

Chairman Jones stated that he assumed they still did not have any money with which to clean out ditches. Mr. Lomax advised that he received a report last week stating that they were doing ditch maintenance, grass cutting, and pipe cleaning. He asked if he had concerns about any specific area? Chairman Jones replied Old Belfield Road.

Supervisor Brown asked, hadn't it been mentioned that there was a schedule available pertaining to grass cutting and ditch maintenance in Southampton County? Mr. Lomax advised that each area did have a schedule. They were allowed to work independently and the schedule could change due to emergencies, weather, etc. They could put together a combined schedule of all the areas for him if he wanted.

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, New Housing Starts, and Cooperative Extension. Also Treasurer's Report, Delinquent Tax Collection, Fire & Rescue Financial Reports, EMS & Fire Department Activity, Reassessment, Public Safety Radio Project Status Report, and Personnel.

In regards to traffic tickets, Supervisor West stated that he agreed that selective enforcement on Route 58 from the interchange to the Nottoway House would certainly curtail some of the speeding. He wished the Sheriff had the manpower. Could we suggest it? More manpower on Route 58 would certainly be good for the County. He thought the Sheriff's Department did a tremendous job, but he thought this needed to be brought to the Sheriff's attention, even if this Board needed to fund someone. He noted that the cost of funding would certainly be returned through money received from tickets. Chairman Jones asked Mr. Johnson if he would pass that on to the Sheriff? Mr. Johnson advised that he would be glad to. Mr. Johnson pointed out that the Sheriff made available to all of his road deputies the opportunity to work overtime at their discretion to run radar on Route 58. And if they looked at the traffic tickets report, they would see that they had written a substantial number of tickets – over 6,700 in the first 9 months of this year. So they were aggressively working it. He could not speak to the number of tickets in that specific corridor. Supervisor West commended the outstanding job done by the Sheriff's Department.

In regards to cooperative extension, Mr. Wes Alexander, Cooperative Extension Agent, introduced their 4-H Agent, Cyndi Estienne, to the Board who started January 25, 2005. She graduated from Virginia Tech with a degree in Biochemistry and received her Masters from the University of Georgia. They were very happy to have her here. If they read the paper, they could see that there had been a lot of 4-H events and activities going on since January 25.

Chairman Jones welcomed her to the County and encouraged her to keep up the good work. Vice-Chairman Young commented that it had been a long time since we had a 4-H agent of her caliber.

In regards to the personnel report, Mr. Johnson advised that Pamela L. Markham was hired in the Sheriff's Office effective 09/16/05 at an annual salary of \$21,010. He informed that the annual salary of Robert L. Barnett of Planning/Zoning increased to \$57,090 effective 09/01/05 due to a promotion. The annual salary of Carlton L. Edwards of Public Utilities increased to \$41,937 effective 09/01/05 due to a license increase. The annual salary of Mark W. Patterson of the Sheriff's Office increased to \$27,332 effective 09/01/05 as the result of a 12-month regrade. The annual salary of Joni N. Necessary of the Sheriff's Office increased to \$27,332 effective 09/01/05 as the result of a 12-month regrade. The annual salary of Earl E. Skeete of the Sheriff's Office increased to \$27,332 effective 10/01/05 as the result of a 12-month regrade. He stated that Alfred K. Ridley of Public Works retired effective 11/01/05. Ernie Darden of Public Utilities was terminated effective 08/23/05. He advised that Raymond E. Merkh, who had been on active military leave, resigned from the Sheriff's Office effective 08/31/05. J. Travis Felts resigned from the Sheriff's Office effective 09/15/05. He informed that Derek W. Ayers of the Sheriff's Office remained on active military leave.

Moving forward to financial matters, Mr. Johnson announced that bills in the amount of \$2,048,641.97 were received. **Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$2,048,641.97 be paid with check numbers 72092 through 72566. All were in favor.**

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

**Supervisor Wyche moved, seconded by Vice-Chairman Young and Supervisor Brown, to approve the request of Courtland Volunteer Fire Department for \$10,000. All were in favor.**

Moving forward, Mr. Johnson announced that included in the agenda was notice from the Virginia Department of Health (VDH) that Synagro Mid-Atlantic, Inc. was seeking to modify its current biosolids use permit to include an additional 159.3 acres tended by Flaggy Run Farms on Country Club Road (Storys Station/Flaggy Run) and 553 acres tendered by Peter Copeland on New Market Road, Southampton Parkway, Smiths Ferry Road, Brookside Drive, Bethany School Road and South Quay Road. The VDH did not consider the application complete until comments were received from the local governing body or until 30 days had lapsed from the date of official notice, which was October 5, 2005. Accordingly, the Board had until November 4 to provide comments.

He informed that Synagro had provided him copies of their complete submittal, which included a nutrient management plan for each field in which biosolids were proposed for application. For the sake of brevity, he had not copied all of this information, but it was available in his office if anyone was interested. The only inconsistency he found with the submittal was that Field 1 of the Copeland application (New Market Road) was zoned Industrial M-1, and Sec. 7-66 (a) of the Southampton County Code provided that biosolids may only be applied in agricultural zoning districts. Accordingly, we needed to at least notify VDH that an application in Field 1 was inconsistent with local ordinances. He stated that as they were aware, the application of biosolids was *regulated* by the State Health Department and may be *monitored* by a locality. By ordinance of September 27, 2004, Southampton County opted to monitor the local application of biosolids and require the biosolids applicator to provide us at least 14 days advance notice. While the county had the right to take samples and order the abatement of any violation of state law or regulation, we had not officially designated a biosolids monitor and there was no staff member specifically trained in the proper application of biosolids. Accordingly, the plan for complaint resolution, if there were any, was to refer the complainant directly to VDH – which was not particularly comforting given the recent Joint Legislative Audit and Review Commission (JLARC) report. He advised that included in the agenda for their reference was a recent news article from the Richmond Times Dispatch referencing the JLARC report which noted that biosolids applications “. . . occur with little oversight, making it difficult to ensure compliance.” A summary of the JLARC report taken from VACO's most recent newsletter was also in the agenda.

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Vice-Chairman Young stated that we needed to be concerned about it. One of the locations (in which biosolids were proposed to be applied) was near the homes of some very vocal people.

Supervisor Faison advised that we certainly needed to inform VDH of the inconsistency with our ordinance. We also needed to look at getting a local monitor, since we could not depend on the state to do it, according to the JLARC report.

Supervisor Wyche stated that we needed to make sure it was monitored. Southampton County could become a dumping area for people up North.

Supervisor West asked, wasn't there money to help pay for a monitor? Mr. Johnson replied yes, it was partially reimbursable.

Supervisor Brown stated that he concurred that we needed to inform VDH about the M-1 tract being inconsistent with the ordinance. He asked, how long had the property been zoned M-1? Was it before the local biosolids ordinance was adopted? Mr. Johnson advised that he would have to double-check that. It had been rezoned fairly recently, but he did not know whether it was before or after adoption of the local biosolids ordinance.

Supervisor Brown advised that we needed to first look at whether or not we had anyone on staff that could be certified to oversee biosolids. If not, then perhaps we may need to hire someone.

Vice-Chairman Young informed that he had talked to Mr. Copeland about this. The M-1 tract on New Market Road was away from his other land and he really did not think he would have any objections to not using biosolids on that particular tract.

Mr. Johnson advised that he was clear that they wanted him to notify VDH that the application of biosolids in Field 1 would be inconsistent with our local ordinance. But he was unclear as to how they wanted him to proceed with regard to a local biosolids monitor. He stated that he was not aware of any specific certification program for biosolids monitoring. It was not a set of skills necessarily consistent with any other job in our organization. That was not to say that we could not send a county employee out to look. But we just did not have anybody that would have any experience in the application of biosolids to know if they were doing it correctly or incorrectly.

Supervisor Faison stated that we knew a person had to be in place. Perhaps Mr. Johnson could look at the staff and make a recommendation to the Board as to what could be done.

Supervisor West asked if it were even legal that the application of biosolids be done in the M-1? We had an ordinance in place. Why not R-1 or R-2? Mr. Johnson advised that he did not question that the County could stop the application of biosolids in Field 1. The ordinance that was adopted was the model ordinance recommended by the Virginia Association of Counties. With the first application that came through a year ago, we had a similar issue where one of the parcels adjacent to the Town of Courtland was zoned Residential. Synagro raised the issue that the state-enabling legislation did not authorize localities to prohibit the application by zoning district. However, he thought they did choose not to make the application in that particular field that was zoned R-1. But they did raise the question that they did not think the locality had the authority to do that. He stated that that was a question for the courts. Certainly the County could stop the application if they started, and then if Synagro wanted to appeal that, they would have to do so in a higher court.

Supervisor West stated that was a pretty nasty decision that some commercial organization could make regardless of what any resident or anyone wanted and the state was going to support it. What kind of legislation permitted that? This was a clear picture of agriculture trying to exist with homeowners, and the problem we had in the County as a result of that, and the need for land use.

Mr. Richard Railey, Jr., County Attorney, advised that they probably needed to address this at the state level in Richmond. There had to be some give and take and respect of rights of both sides.

Supervisor West stated that according to the JLARC report, we were taking in something that had a lot of toxics and a lot of questions and no one cared. Be it Richmond or whoever it was, they were not diligent and were not doing their job. We needed to protest from the local level to the state level that they had a problem.

Mr. Johnson advised that JLARC was the General Assembly’s “watchdog”. That study was actually commissioned by the General Assembly, so it would be interesting to see if there would be any legislation forthcoming in this session as a result of that study being recently released.

Supervisor West stated, so JLARC did not delve into the question of whether treated sludge was safe. That was absolutely insane.

Mr. Johnson advised that JLARC’s study was to see if the health department was appropriately regulating it, and the conclusion was that they were not. They were understaffed and underfunded.

Vice-Chairman Young asked if there were any personnel in our local health department that were qualified to monitor it? He knew they had been out regulating other solids and liquids. Mr. Johnson replied that he could inquire, but he thought biosolids monitoring was a different area of expertise from what our local sanitarians did.

Chairman Jones commented that that Valley Proteins was out dumping waste last week.

Mr. Johnson advised that Valley Proteins had agricultural waste. Biosolids was human waste.

Supervisor West stated that even with agricultural waste, chickens with the bird flu could kill you. He had problems with this, no matter what source it was from. It may be good for agriculture, but it was not always good for the environment, people, and children. We needed to protest it.

Supervisor Brown stated that he thought biosolids applications should have a more in depth coordination with the Environmental Protection Agency (EPA), and it appeared that there was not any. He could not understand why EPA had not come on board with this.

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

A proposed ordinance to amend and reordain Chapter 6 of the Southampton County Code, Erosion and Sediment Control.

Mr. Johnson stated that last month Supervisor West asked what some of the differences were between the proposed ordinance and the existing ordinance. He advised that copies of both were included in the agenda so they could compare. He noted that, among other things, Sec. 6-5 (c) [line 307] of the proposed ordinance represented a significant fee increase. Because of the extensive length and complexity of the ordinance, he did not want that to go by unnoticed.

The proposed ordinance is as follows:

## County of Southampton EROSION AND SEDIMENT CONTROL ORDINANCE

### **Section 6-1. TITLE, PURPOSE, AND AUTHORITY**

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of the Southampton County." The purpose of this chapter is to ~~prevent degradation of properties, stream channels, waters~~ and other natural resources of Southampton County by establishing requirements for the control of ~~soil erosion, sediment deposition and nonagricultural runoff~~ and by establishing procedures whereby these requirements shall be administered and enforced.

**Deleted:** conserve the land, water, air

**Deleted:** erosion and sedimentation,

This Chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4 (Sec. 10.1-560 et seq.), known as the Virginia Erosion and Sediment Control Law.

### **Section 6-2. DEFINITIONS:** As used in the ordinance, unless the context requires a different meaning:

A. "Agreement in lieu of a plan" means a contract between the plan-approving authority and the owner ~~that~~ specifies conservation measures ~~that~~ must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

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- B. **"Applicant"** means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.
- C. **"Board"** means the Virginia Soil and Water Conservation Board.
- D. **"Certified inspector"** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.
- E. **"Certified plan reviewer"** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.
- F. **"Certified program administrator"** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.
- G. **"Clearing"** means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.
- H. **"County"** means Southampton County.
- I. **"Department"** means the Department of Conservation and Recreation.
- J. **"Development"** means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.
- K. **"Director"** means the director of the Department.
- L. **"District"** or **"Soil and Water Conservation District"** refers to the Chowan Basin Soil and Water Conservation District.
- M. **"Erosion and Sediment Control Plan" or "Plan"** means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.
- N. **"Erosion Impact Area"** means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes [or to shorelines where the erosion results from wave action or other coastal processes.
- O. **"Excavating"** means any digging, scooping or other methods of removing earth materials.
- P. **"Filling"** means any depositing or stockpiling of earth materials.
- Q. **"Grading"** means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.
- R. **"Land-disturbing Activity"** means any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:
- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
  - (2) Individual service connections;
  - (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land-

**Deleted:** <#>"Conservation Plan," "Erosion and Sediment Control Plan" or "Plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.¶

disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;

- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (Sec. 10.1-604 et seq.) of Chapter 6, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Sec. 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Sec. 10.1-1163;
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Disturbed land areas of less than 10,000 square feet in size;
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (11) Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

**S.** **"Land-disturbing Permit"** means a permit issued by Southampton County for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

**T.** **"Local erosion and sediment control program" or "local control program"** means an outline of the various methods employed by Southampton County to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

**U.** **"Natural channel design concepts"** means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys it bankfull storm event within its banks and allows larger flows to access it bankfull bench and its floodplain.

**V.** **"Owner"** means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

**W.** **"Permittee"** means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

**X.** **"Person"** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

**Y.** **"Plan-approving authority"** means the Department of Building Inspections responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

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**Z.** **"Program authority"** means Southampton County which has adopted a soil erosion and sediment control program approved by the Board.

AA. "Responsible Land Disturber" means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.

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BB. "Single-family residence" means a noncommercial dwelling that is occupied exclusively by one family.

CC. "State Erosion and Sediment Control Program" or "State Program" means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

DD. "State Waters" means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.

EE. "Transporting" means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

**Section 6-3. LOCAL EROSION AND SEDIMENT CONTROL PROGRAM**

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A. Pursuant to section 10.1-562 of the Code of Virginia, Southampton County hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

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B. Before adopting or revising regulations, Southampton County shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when Southampton County is amending its program to conform to revisions in the state program. However, a public hearing shall be held if Southampton County proposes or revises regulations that are more stringent than the state program.

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C. Pursuant to Sec. 10.1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of Southampton County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

D. Southampton County hereby designates the Department of Building Inspections as the plan-approving authority.

E. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Department of Building Inspections.

**Section 6-4. SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS**

Deleted: REGULATED LAND-DISTURBING ACTIVITIES;

A. Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the Department of Building Inspections for Southampton County an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned.

Where the land-disturbing activity results from the construction of a single-family residence, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

B. The standards contained within the "Virginia Erosion and Sediment Control Regulations", the Virginia Erosion and Sediment Control Handbook and are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment

control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the State regulations shall take precedence.

- C. The plan-approving authority shall review conservation plans submitted to it and grant written approval within 45 days of the receipt of the plan if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, as provided by § 10.1-561, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

However, the plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this ordinance.

- D. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval.

When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

- E. An approved plan may be changed by the plan-approving authority when:

(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

(2) ~~The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.~~

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- F. In order to prevent further erosion, Southampton County may require approval of a plan for any land identified in the local program as an erosion impact area.

Deleted: conservation

- G. When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

- H. Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:

1. Construction, installation or maintenance of electric, natural gas and telephone utility lines, and pipelines; and;
2. Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Individual approval of separate projects within subdivisions 1 and 2 of this subsection is not necessary when Board approved specifications are followed, however, projects included in subdivisions 1 and 2 must comply with Board approved specifications. Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of Southampton County erosion and sediment control program.

- I. State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, Sec. 10.1-564.

**Section 6-5. PERMITS; FEES; SECURITY FOR PERFORMANCE**

**Deleted:** BONDING; ETC.

- A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
- B. No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.
- C. ~~An administrative fee of three hundred dollars (\$300.00) plus five dollars (\$5.00) per acre shall be paid to Southampton County at the time of submission of the erosion and sediment control plan.~~
- D. No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
- E. ~~All applicants for permits shall provide to Southampton County a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Building Official, to ensure that measures could be taken by Southampton County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity.~~

**Deleted:** Fees:

**Deleted:** Bond:

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for Southampton County to take such conservation action, Southampton County may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization, as determined by Building Official in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

- F. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

**Section 6-6. MONITORING, REPORTS, AND INSPECTIONS**

- A. Southampton County may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.
- B. The Building Department shall periodically inspect the land-disturbing activity in accordance with Sec 4VAC50-30-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

**Deleted:** In addition, the [department or position title] shall require that a designated Responsible Land Disturber will be in charge of and responsible for carrying out the land-disturbing activity.

**Deleted:** as required under the State program

If the Building Official determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

- C. Upon determination of a violation of this ordinance, the Building Official may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the Building Official may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Southampton County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Building Official may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of Southampton County.

The owner may appeal the issuance of an order to the Circuit Court of Southampton County.

Any person violating or failing, neglecting or refusing to obey an order issued by the Building Official may be compelled in a proceeding instituted in the Circuit Court of Southampton County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Building Official from taking any other action authorized by this ordinance.

#### **Section 6-7. PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS**

- A. Violators of this ordinance shall be guilty of a Class I misdemeanor.
- B. Any person who violates any provision of this ordinance shall, upon a finding of the District Court of Southampton County, be assessed a civil penalty. The civil penalty for any one violation shall be \$100, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.

**Note: The adoption of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of this section. Refer to Code of Virginia, Sec. 10.1-562 J.**

- C. The Building Official, or the owner or property which has sustained damage or which is in imminent danger of being damaged may apply to the Circuit Court of Southampton County to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

- D. In addition to any criminal penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to Southampton County in a civil action for damages.
- E. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained

pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by Southampton County.

Any civil penalties assessed by a court shall be paid into the treasury of Southampton County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

- F. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, Southampton County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection E.
- G. The Commonwealth's Attorney shall, upon request of Southampton County or the permit issuing authority, take legal action to enforce the provisions of this ordinance.
- H. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

**Section 6-8. APPEALS AND JUDICIAL REVIEW**

- A. Any applicant under the provision of this ordinance who is aggrieved by any action of Southampton County or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors of Southampton County provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Board of Supervisors of Southampton County shall be heard at the next regularly scheduled Board of Supervisors public hearing provided that the Board of Supervisors and other involved parties have at least 30 days prior notice. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisors decision shall be final, subject only to review by the Circuit Court of Southampton County.
- B. Final decisions of the Board of Supervisors under this ordinance shall be subject to review by Southampton County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Chairman Jones opened the public hearing.

Mr. Thomas White addressed the Board. He advised that he was a contractor and owned a sand pit on Route 671. He appreciated the opportunity to speak. He did not think we needed to go any further than the ordinance we already had. He had a man hired by the state come monthly to check his sand pit. We had the forestry department who checked behind all the loggers and forestry work. We had inspectors who had been doing a fine job and he suspected they were already overworked now. He thought they should leave everything like it was.

Supervisor West asked Mr. White in what ways he thought it would affect him? Mr. White replied none because he was already following the environmental rules now. People doing his type of work had already been schooled on it. There might be a homeowner pouring a slab of concrete for a garage that may not know as much about the environmental factors as contractors.

Supervisor West asked Mr. White if he saw any direct effect upon he and his business? Mr. White replied no because he was already having to follow state and other regulations that were out there now. Why should we add something else on that was already being taken care of?

Supervisor West asked, if it did not affect him, why not go ahead and approve it? Mr. White stated why approve something that was not going to help anybody and was just going to cost us more money? Supervisor West asked, so money is the concern? Mr. White replied yes.

Mr. Jimmy Lee addressed the Board. He stated that he wanted to go on record as being opposed to this. He thought it was a "stepping over" regulation. With most any project that would come to the County such as a shopping center, new development, industrial park, or new school, plans

would be drawn by an architect or engineer and it would already have an erosion and sediment control plan on it, and rightly so. But for situations that were not significant enough to require an architect or engineer, it was a burden to the individual taxpayer. If Mrs. Felts' husband wanted to add on an addition to his shop, or if Mr. West wanted to add another driveway, all of that involved land disturbance. We would have to get an engineer to develop an erosion and sediment control plan to do those things. So we were over-regulating. He did not think we needed to hire any new people or create any more complexity in the regulations. He advised that from what he read in the *Tidewater News*, out of 88 counties in Virginia, only 4 were in compliance. That told him that common sense should prevail and that it was not a very good idea. He hoped we would keep the dog swinging the tail instead of the tail swinging the dog and keep it simple. He would hate to think that anyone wanting to make improvements on their property would have to pay someone to develop an erosion and sediment control plan.

Mr. Lee thanked the Board for the opportunity to speak and stated that he hoped we could keep it simple as long as we could. He commented that most of them were probably like him in that their father was not here. But if our fathers could think that we were going to have to get a permit and develop an erosion and sediment control plan to add drainage to our farm, they would be just as surprised as what he was going to tell them right now. With the way we were going, 30 years from now we were going to have to call down to the County when we wanted to go to the supermarket. They would tell him that they had school buses running from 7:30 - 8:30 and we had logging trucks on the road at 6:30, so Mr. Lee you could go to the grocery store from 8:15 - 9:45 and be off the road by 9:45. That sounded like Buck Rogers space stuff, but the way we were going, 30 years from now it was not going to sound any more silly than if their fathers could hear what we were talking about this morning.

Supervisor West asked Mr. Lee what direct effect would this have on him? He was reading the exclusions in the ordinance and he did not see where it would affect putting in that driveway. Mr. Lee stated that he had not read the whole ordinance. But the article he read in the paper raised a red flag about more regulations. In talking about ditches this morning, he thought, being a road contractor for 38 years, that we built ditches on the road to carry water. He asked the highway (VDOT) to pull a ditch in front of his farm because the drain tile was not running right, and he found out right quick from the lady in Suffolk that the ditches were wetlands. He thought we built the ditches to carry water. If you could even get a ditch cleaned out, instead of giving you your own dirt back, it was trucked up to the high school to the interchange. So if you had a farm in Ivor, instead of giving the farmer back his dirt at a cost of maybe \$0.10 per yard, we had to pay \$7 or \$8 to truck it up to the high school because of over-regulation. This (the proposed ordinance) was another step in over-regulation. Like he had said, according to the paper, only 4 out of 88 counties in this state had adopted this. He certainly hoped they would let common sense prevail.

Mr. Larry Whitley addressed the Board. He advised that he was a farmer over in the Sedley area. He was certainly concerned with all the regulations. He did not read the complete ordinance because he had not had the opportunity. But from what he read in the *Tidewater News*, it mentioned grading. So if he wanted to grade a path, he assumed that he would fall under these same regulations. Mr. Johnson remarked no. Mr. Whitley stated that he wanted to make sure and would like it to be in writing that agriculture would be exempt from all of this regulation. Mr. Johnson replied that it was in writing.

Mr. Jimmy Lee spoke again. He stated that his son was a farmer and he was all for agriculture, but why should farmers be given a free pass and others not? He thought it was bad for everybody. He did not think Mrs. Felts' husband, because he was in the automobile repair or machine shop business, should have to get a permit to add on to his shop. He thought it was not only bad for the farmer, but it was bad for everybody.

Supervisor West stated that he wanted to know the difference between minor and major land disturbing. Also was this regulation needed in the County? Was it worthwhile?

Mr. Johnson asked them to keep in mind that this was not new. Southampton County had an erosion and sediment control ordinance now. The reason this had been brought to their attention was that our erosion and sediment control program was evaluated by the state Department of Conservation and Recreation who had state oversight of erosion and sediment control. This was the model ordinance that they very strongly suggested that Southampton County adopt because it was a little more extensive than our current ordinance on the books. Some of the things he heard this morning were exempt activities. He clarified that they were exempt now and exempt under the proposed ordinance. He pointed out that line 99, paragraph R, of the proposed ordinance

provided that all agricultural activities were exempt, just as they were in the current ordinance. He clarified that any disturbed land areas of less than 10,000 square feet in size were exempt under the proposed ordinance. He clarified for Supervisor West that that meant actually disturbing 10,000 square feet. He clarified that what Mr. Lee was referring to about 4 of 88 counties in compliance did not mean that only 4 of 88 counties had adopted erosion and sediment control ordinances. That meant that only 4 passed the test when the Department of Conservation and Recreation evaluated their programs. So we were not alone in that sense. The state had established this as a priority and they wanted to make sure that every locality had effective regulations on their books and that they were inspected and monitored for erosion and sediment control. And that was why this had been brought to their attention.

Supervisor Brown asked, when the state did their evaluation, were there any shortfalls in the current ordinance? Mr. Johnson replied yes. That was why they suggested the model ordinance. For instance, we had mentioned residential work and those types of things this morning. There was a definition included in the model ordinance called "an agreement in lieu of a plan." That meant that the plan approving authority, which was the County, and the owner could simply enter into an agreement as opposed to having to file a formal site plan.

Supervisor Brown stated that he was not for a lot of bureaucracy. He asked, if there was a shortfall, why not amend the current ordinance? Why did we have to have a new ordinance that would increase prices for land disturbance? Mr. Johnson advised that we were amending the current ordinance. As far as expense, it would not require any new personnel, but would require certification of existing personnel. That would mean more expense in that all 3 of our people would have to go to school and pass the state test. It would require a fairly extensive plan review on the local level for any plan that had to have a plan review, and there were expenses associated with that. The fees were intended to recover the direct cost associated with those things. The fees were recommended by the state in the model ordinance.

Supervisor Brown stated that he was still a little fuzzy on the deviations between the current ordinance and the shortfalls identified by the state. It appeared to him that the only change was the price increase. Was there another change? Mr. Johnson advised that there were many changes. In the agenda was a copy of the existing ordinance and the proposed ordinance. There were 7 sections in the proposed ordinance just as there were in the existing ordinance and they were titled exactly the same. However, the length of the proposed ordinance was much more extensive. There were probably 25-30 new definitions in the proposed ordinance.

Supervisor Brown stated that the proposed ordinance was more inclusive and more binding. He had some concerns with that because it appeared that bureaucracy was trying to have additional control in making this more inclusive than the original ordinance. That was why he kept asking what was the shortfall identified by the state. It was not in the definitions was it? Mr. Johnson replied yes. Supervisor Brown advised that from his perspective, the proposed ordinance provided more of a burden upon landowners.

Supervisor West stated that he thought we needed regulations to protect the environment, but we needed to protect the landowners at the same time. He would like to have another month to look at this. He thought that perhaps he had taken less time in understanding this than he should have, and people had enlightened him somewhat which he appreciated. He needed another month at least to review and prepare to make a good vote.

Vice-Chairman Young advised that he had gotten a number of calls and concerns and he could really understand where these people were coming from. You had to get a permit to clean out a ditch and sometimes you had to wait up to 6 months to get a representative from the Corp of Engineers to come. He thought we were over-regulating. He felt like we needed another month at least to look at this. He commented that he went through it but he did not really study it.

Supervisor Faison stated that he appreciated the comments because when he read it he really did not see a problem, because he did not see where the proposed ordinance caused a lot of regulations that did not exist in the current one – they were just not as defined in the current one. Because in the current one, there could be some things that a person could debate. But with the new definitions, it was clearer. However, he would also appreciate the extra time to look at it.

Supervisor Wyche remarked that he agreed.

Mr. Larry Whitely asked if it were possible for a complete set of these documents to be viewed by any citizen? Chairman Jones replied yes.

Mr. Thomas White spoke again. He stated that when he got his mining permit to dig sand, he had to put up \$1,000 per acre for the 30 acres he mined so they would have money to redo the land if he did not do it right. He did not know if this (the proposed ordinance) would mean that he would have to get another permit to dig sand or not, but it seemed to him that it would just cost him \$300 more to do what he wanted to do when he was already paying a regulated amount to the state to do what he wanted to do. It seemed to him like it was just something to make it cost more, but it would not be that much more regulating because it was being regulated already.

Supervisor Felts advised that she agreed that we needed another month.

Chairman Jones closed the public hearing.

**Vice-Chairman Young moved, seconded by Supervisor West, to defer action on this proposed ordinance for a month. All were in favor.**

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

A proposed ordinance to establish procedures for the application and disposition of requests for equalization of real estate assessments.

He read aloud the following proposed ordinance:

AN ORDINANCE TO PROVIDE FOR APPLICATION AND DISPOSITION OF REQUESTS  
FOR EQUALIZATION OF REAL ESTATE ASSESSMENT BY THE BOARD OF  
EQUALIZATION

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that pursuant to Section 58.1-3378 of the Code of Virginia, 1950, as amended, that the deadline for receipt of applications to the Southampton County Board of Equalization shall be February 15, 2006, and the deadline for disposition of applications by the Board of Equalization shall be March 15, 2006.

A copy test: \_\_\_\_\_, Clerk  
Southampton County Board of Supervisors  
Adopted: October 24, 2005

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

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

Moving forward, Mr. Johnson announced that included in the agenda was information relative to the upcoming annual meeting of the Virginia Association of Counties. It was necessary for the Board to designate a representative prior to November 1 to cast its votes at the annual business meeting. With the exception of Supervisor Faison, all Supervisors were registered for the conference. A conference agenda as well as lodging information was included in the agenda.

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

The Board took a 5-minute recess to allow the setup of a PowerPoint presentation, which would be presented next.

Upon returning to open session, Mr. Johnson announced that last March, he had the privilege of making a brief presentation to the 2005 session of the Leadership Institute at Paul D. Camp Community College. The Institute was developed by the college in 2003 to provide leadership

training for employees of local businesses, government, and service organizations. Sponsored by the Franklin-Southampton Charities, class sessions focused on leadership and human relations, business skill development, and computer skills. He advised that the Institute was always seeking real community problems in which to engage their students. He was contacted shortly after his presentation by one particular group within the class with a keen interest in focusing their efforts on the rising costs of solid waste collection and disposal. After meeting a second time with the group, they adopted as their project development of a detailed business plan to convert the existing solid waste transfer stations to secure, attended sites. He was pleased to inform that this group's work was chosen as the most outstanding in this year's class and they would be presenting their work to a larger audience at the class graduation later this month. He asked them to join him in welcoming the Southampton County Refuse Collection Team as they presented their work.

The Southampton County Refuse Collection Team consisted of Ms. Nancy Brock, Mr. Sonny Burgess, Ms. Melissa Fowler, Mr. Terry Godwin, Ms. Mary Insull, Ms. Lynorra Sumblin, Ms. Waunda Turner, and Ms. Connie Williams. Four of those team members, Mr. Terry Godwin, Ms. Mary Insull, Ms. Melissa Fowler, and Ms. Nancy Brock presented a PowerPoint presentation entitled "Southampton County Solid Waste Management Plan."

Ms. Nancy Brock led off the presentation. She noted that their logo was designed by Grady Eason, a local Southampton County resident and 2005 graduate of Southampton High School. She advised that the purpose of this plan was to identify steps necessary to convert the 14 existing dumpsites in Southampton County to attended sites. She shared photographs of our sites illustrating how they were abused with clothes and trash scattered throughout. She then showed a photograph illustrating a tidy and orderly site, which was where we would like to be.

Mr. Terry Godwin advised that the annual volume of solid waste in Southampton County in 2004 was 18,936 tons. Southampton County's daily per capita waste generation rate was 5.86 pounds, the highest of all localities serviced by the Southeastern Public Service Authority (SPSA). They suspected that folks from other counties were using our sites, or we were just particularly trashy. All business plans needed a marketing plan. Why must the County utilize attended sites? They believed attended sites would help the per capita waste generation rate come down as well as the total volume, which should save the County money. Attended sites would keep folks from outside the County from coming in and dumping and our County residents having to pick up the tab. They needed to get the word out to County residents that SPSA's tipping fee was proposed at \$58-\$59/ton next year, and up to \$80/ton in 2010. They needed to inform County residents of the hours of operation and what could and could not be dumped. They really wanted to try to minimize the disruption to the residents. The target market were the citizens of this County, but also the residents of surrounding counties that may be bringing trash into the County. Ideas for how the plan could be communicated were through press releases in the local newspaper, announcements at the Board of Supervisors meetings, local radio announcements, posting on the Southampton County website, and perhaps sending out informational pamphlets to all County residents. Also signage at the sites, advertisements in the *Tidewater News*, and perhaps postings at area businesses. Timing of the release of this marketing plan was important. You wanted to have enough time to get the information out to the residents, but you did not want to get it out too far in advance so you would have a "clean out the shed" effect from surrounding counties.

Ms. Mary Insull informed that Southampton County was currently responsible for 14 waste collection sites. They were proposing that each site be open only 3 days per week. With this schedule, 7 sites would be open within the County on any given day, Tuesday – Sunday. All sites would be paired so that at least one site would be open near most county residents 6 days per week. The following sites would be open on Tuesdays, Thursdays, and Saturdays: Berlin, Sedley, Flaggy Run, Monroe, Capron, Branchville, and Adams Grove. The following remaining sites would be open on Wednesdays, Fridays, and Sundays: Unity, Joyners Bridge, Southampton Meadows, Sebrell, Courtland, Newsoms, and Drewryville. All sites would be closed on Mondays to allow Public Works employees to service them. What could and could not be dumped? Anything that was considered household waste would be accepted. They asked that it be placed in bags to help keep the sites as neat as possible. Large items such as furniture, mattresses, and appliances were acceptable. Air conditioners, freezers, and refrigerators needed to have a freon certification sticker on them showing that the freon had been safely removed. Yard waste including grasses and leaves, and limbs and bushes less than 6 feet in length and 6 inches in diameter were acceptable. They asked that residents use private vehicles when bringing trash to the sites. Construction, demolition, and remodeling waste including roofing shingles, concrete, doors and windows, and commercial and industrial waste would not be accepted. Auto parts,

machinery, and tires were not acceptable. Flammable materials such as propane, gasoline, kerosene, paint, and explosives were not acceptable. Also dead animals were not acceptable.

Ms. Insull advised that employees would be needed for the 14 sites. They would be part-time, and therefore, not eligible for benefits. These employees would have to pass all of the pre-employment screenings that were in place by the Southampton County Human Resources Department. The employees at the attended sites would report directly to the Director of Public Works or his designee. The pay scale would be \$6.50 - \$7.50 per hour, depending on the budget. The current options for scheduling would have all of the 14 sites open 3 days per week and alternating. One option was for 14 employees to be hired to work three 12-hour days. Another option was for 28 employees to be hired to work three 6-hour days. They might want to consider limiting the number of hours the sites would be open from 12 to 10 hours a day. Isle of Wight County found that when they opened their sites for 12 hours, they really could have worked on a 10-hour schedule. She talked about some of the duties of the employees. The sites would be secured so they would need to unlock the sites when they arrived and check in with their supervisors via a cell phone. They would survey the grounds for any necessary repairs and look for illegal materials that may have been dumped. When residents came in, they would check the vehicles by either the county sticker on their vehicle or their driver's license, which would indicate which county they were from. The employees would direct the disposal of the waste and let the residents know where to take everything.

Ms. Melissa Fowler advised that as Mr. Godwin had mentioned before, SPSA had already proposed a \$59/ton tipping fee for next year, which was a 28% increase assuming only constant volume. Based on the current projections, tipping fees would increase in excess of \$80/ton by 2010. If attended sites could reduce the daily per capita waste generation rate from 5.86 pounds to 4 pounds, it would save the County about \$300,000 annually. If it were reduced further to 3.5 pounds, it would save the County about \$400,000 annually. The value of savings would only increase with time as SPSA's tipping fees increased. She informed that operational costs associated with implementing attended sites were estimated at \$216,000 - \$285,000. The expected savings were estimated at \$300,000 - \$400,000, depending on how much the attended sites would reduce the daily per capita waste generation rate. This would allow for cost-effective, better controlled, and aesthetically pleasing sites.

Ms. Fowler stated that answers to some questions would have to be determined by the County. The County would have to determine the sizes of the dumpsites, which dumpsites would be converted first, and whether public works should service the sites on a day in addition to Monday. Would there be a separate area designated for woody debris? Would there be chippers at the sites in order for limbs and grass to be chopped up? Would there be a separate area for recycling at some or all of the sites? Would the County continue to lease the sites or purchase them?

Supervisor Brown commended the team for doing an outstanding job. He stated that there were elderly citizens in the County that did not drive and had relatives from out of town take their trash to the sites. What form of identification could they use? Mr. Godwin advised that Isle of Wight County had a form for such residents and that served as identification. Perhaps Southampton County could have a similar form. Supervisor Brown advised that he thought a utility bill was a better form of identification.

The other Supervisors also commended the team for doing an outstanding job. Supervisor West remarked that this had been needed for a long time.

**Vice-Chairman Young moved, seconded by Supervisors West and Wyche, to accept the business plan and authorize the county administrator to proceed with implementation as soon as possible. All were in favor.**

Moving forward, Mr. Johnson recognized Mr. John Hadfield, Executive Director of SPSA, who would share SPSA's 2005 Annual Report and Update and answer any questions they may have.

Mr. Hadfield addressed the Board and stated that he appreciated the opportunity to talk trash with them this morning. He advised that SPSA's 2005 key environmental updates were SPSA ISO 14001 Certification, Governor's Gold Award for Environmental Excellence, Exemplary Environmental Enterprise (E3) Certification from Virginia DEQ, SPSA's Director of Recycling named Virginia's Recycler of the Year by the VRA, and National public education and outreach awards from SWANA and NAGC. He informed that SPSA was looking at waste management strategies. The SPSA Board had requested examination of all alternatives to stabilize the

municipal tipping fee. A review of the proposed Black Bear Landfill and the receipt of out-of-area waste to use as fuel were two of 13 options being reviewed. Public-private partnerships would continue to be a primary strategy. Also the private hauler contract renewal process was moving with significant progress made with at least two haulers. In addition, SPSA was looking at waste-to-energy endeavors. A major steam prospect and rising electricity costs made those endeavors particularly important. He advised that recycling continued to be important and successful. A 95-gallon recycling cart roll-out was completed in Norfolk and Franklin. Eighteen-gallon bin recycling continued to be made available in Chesapeake, Suffolk, Southampton County, and the Town of Smithfield. Also, drop-off recycling in Portsmouth and most of Isle of Wight County was meeting those communities' needs. He then talked about residential awareness and satisfaction. Continental Research conducted studies in 1995, 1998, 2000, and 2005. There was a 91% satisfaction rate with SPSA's curbside recycling program, and 90% awareness of SPSA as an environmentally responsible organization.

Regarding agreements with SPSA, Mr. Hadfield informed that the following were considerations in their efforts to educate the members on the use and support agreements renewal process:

- ❑ Conservation of natural resources and protection of the regional environment
- ❑ Array of disposal options for residents and businesses
- ❑ Economies of scale
- ❑ Attainment of federal, state, and local environmental regulations and commitments
- ❑ Regional cooperation/community participation
- ❑ Response to changing and evolving waste management needs
- ❑ Recycling and other beneficial use technologies
- ❑ Comprehensive environmental management systems in place (ISO 14001)

Their next actions were to meet with each major stakeholder, individually and collectively, review the future vision for waste management in our region, respond to concerns and issues raised, and review the benefits of working together.

He advised that that concluded his report. Were there any questions?

Supervisor West stated that there had been some talk about some of the member localities not wanting Southampton County to have as much voting power. He asked Mr. Hadfield to comment on that. Mr. Hadfield informed that if a change was presented, each member locality had to unanimously approve the change.

Mr. Hadfield mentioned that the tipping fee for next year was now proposed at \$52/ton instead of \$59. They did not want to increase the tipping fee each year any more than the CPI.

Supervisor West asked what controlled the CPI? Mr. Hadfield replied costs and outside money.

Supervisor Brown asked Mr. Hadfield to elaborate on trash being used for steam electricity. Mr. Hadfield advised that most of the electricity went to the shipyard and the leftover went to Virginia Power. They were 1 in about 100 in the United States to do such. He commented that steam prices were more definitive than fossil fuel.

Supervisor Faison asked about the Black Bear Landfill proposed to be built in North Carolina? Mr. Hadfield advised that SPSA had been in discussion and negotiation with them about whether it would be cost effective for SPSA to use that landfill in some partnership or other relationship.

Moving forward, Mr. Johnson announced that as directed at their August meeting, included in the agenda for their consideration was a copy of the proposed citizen participation plan for the 2006 comprehensive plan update. The plan provided for a series of at least 4 public information sessions in addition to the two statutorily-mandated public hearings. In addition to the public information meetings and hearings, written questionnaires and a dedicated telephone line would be utilized to solicit citizen input. County staff would also be available to make presentations to civic, business, and church organizations, as requested. He advised that the Citizen Participation Plan had been endorsed by the Planning Commission.

Supervisor Brown asked if the questionnaires would be sent to everyone? Mr. Johnson replied no. They would be available to citizens at the forums and to any citizen upon request.

Supervisor Brown stated that the questions on the questionnaire were general. He thought there needed to be a specific question pertaining to growth, as that was a very important issue in this County. Supervisor West agreed.

Mr. Johnson asked what was growth? Growth was different to different people.

Supervisor Faison advised that he thought we should let the public identify the problems.

Supervisor West stated that since there would be forums where citizens could discuss things, perhaps we should keep the questions general.

Supervisor Faison stated that there may be other issues we may not have thought about. If we defined a problem, citizens would focus in on that being the problem.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to adopt the citizen participation plan. All were in favor.**

Proceeding to the citizen request to address the Board, Mr. Johnson recognized Mr. Damian P. Dwyer, who wished to discuss interest in the establishment of a recreational trail along the route of the Lake Gaston pipeline through Southampton County.

Mr. Dwyer addressed the Board. He advised that there had been a movement nationwide to convert abandoned railways for recreational purposes. There had been some discussion about that possibility with the former Norfolk Southern railway, which was now the Lake Gaston pipeline in Southampton County. There had been discussions about it in the past, but there had not been any follow-through. Recently, a number of citizens had raised that issue once again. It was discussed in connection with the Franklin-Southampton Alliance, and the Paul D. Camp Leadership Institute. Also, Franklin-Southampton Futures, Inc. was going to recommend it as one of their year 1 goals, starting January 1, 2006. He advised that stemming from these discussions, Mr. Michael Johnson, County Administrator, was kind enough to put them into contact with representatives from the City of Virginia Beach, who owned the pipeline. They met last week. He noted that included in the agenda was a copy of an email sent by Tom Leahy of the City of Virginia Beach with regards to that meeting. Essentially, the City of Virginia Beach was very receptive to the idea of the County using the Lake Gaston pipeline for recreational purposes. Part of that was due to the fact that when they were trying to put the pipeline together, Southampton County was favorable and supportive of them. He thought they felt as though they could return the favor here now.

Mr. Dwyer continued that the recreational trail would be an unpaved trail next to the Lake Gaston pipeline. It would be used for hiking, biking, and possibly equestrian use, but no motorized use. The trail would be closed for those recreational purposes during hunting season, as hunters now used the right-of-way and it had been a permissive use. The County would be responsible for some additional grass cutting. The City of Virginia Beach currently cut the grass a couple times per year. That would need to be done a few more times. He stated that some concerns of citizens might be who was using the trail and how they were using it. He had discussed some of those issues with Vernie Francis, Southampton County Sheriff, and he had made a preliminary commitment to help with policing the trail if it were used for recreational purposes. Basically, he was here today to ask the County to contact the City of Virginia Beach requesting permission for use of the pipeline for recreational purposes. He noted that the County did not have a recreational budget at all. This was something that would be very easy to do at a low-cost or no-cost basis.

Supervisor West asked if there would be any pavilions, picnic tables, etc. along the trail? Mr. Dwyer replied that that had not been discussed. It was just too preliminary at this point.

Supervisor West asked how Virginia Beach had control over the pipeline? Mr. Johnson advised that they bought it from the railroad in fee simple.

Supervisor Brown stated that he was trying to visualize the pipeline in Southampton County. Mr. Johnson advised that the pipeline crossed the Blackwater River right at Burdette, went across right through the Village of Sedley, on up through Sebrell, then up towards the Joyner area before it entered into Sussex County.

Supervisor Faison stated that anytime we talked about recreation here, he got excited. He thought this was good. He asked if there was any preliminary feel from Virginia Beach? Mr. Dwyer referred to Mr. Leahy's email, which was positive.

**Vice-Chairman Young moved, seconded by Supervisor West, to authorize Chairman Jones to make an official written request to Mayor Oberndorf to utilize the City of Virginia Beach's property in Southampton County as a hiking and biking trail.**

Supervisor West asked about the grass cutting. Mr. Dwyer advised that as he stated before, Virginia Beach currently cut the grass a couple times per year. If the pipeline were used as a trail, it would need to be cut more frequently. He noted that there may possibly be grant money available for that. The source of such a grant would be VDOT and they were very favorable towards alternative transportation modes.

Mr. Dwyer mentioned that Mr. Leahy had preliminarily indicated that the City of Virginia Beach would be willing to fund the alterations necessary to the part of the pipeline that was above ground to make it usable for the purpose of a trail.

Supervisor Brown advised that he was concerned about terrorism and public safety due to the pipeline, and who would be responsible. Mr. Dwyer advised that all of that was to be considered. This was in a very preliminary state, but he had preliminarily talked to the Sheriff's Department. He was just asking the Board to contact the City of Virginia Beach to see if they were amenable to the County using the pipeline as a recreational trail.

Supervisor West stated that this was a good step to get into some form of recreation in the County. This may be the least expensive and certainly the desire of a lot of people to have a place to go to ride a horse or whatever. He thought we should make the request to the City of Virginia Beach.

Mr. Hunter Darden, a member of the audience, stated that he hoped they were aware of how many 4-wheelers already used that railroad. He hoped Sheriff Francis had enough extra deputies, because he was going to be worried to death every time somebody from out of town saw a 4-wheeler cross that railroad. If they were going to make this for recreation and have it closed during deer season, were they going to let the hunters stand on it?

Vice-Chairman Young advised that Mr. Laehy's email stated "the biggest conflict would be with the hunters who use the right-of-way extensively during hunting season (approximately Thanksgiving through New Years)."

Mr. Darden stated that Sheriff Francis could probably tell them how many calls he got now with 4-wheelers riding on the right-of-way. And Supervisor Felts, who lived in Sedley, knew how many folks used it to get to the store, because they did not have to cross the highway or ride down the road to get to it. It was a big issue because people had been riding that railroad on 4-wheelers for a long time. He looked at this as a way that Virginia Beach was going to make us police their property, and we were going to make some Southampton County citizens mad that had been using it for 10 years or more. That was just something for them to be aware of.

**Chairman Jones reminded that there was a motion and second on the floor. He called for a vote. All were in favor.**

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda for their reference was a copy of Governor Warner's official request for disaster designation to the U.S. Secretary of Agriculture on our behalf. Fauquier County was the only county in Virginia to have been declared a primary drought disaster area. Requests were pending in Washington for almost 20 other Virginia counties, including Southampton. He stated that as they were aware, federal disaster designation made farmers eligible for low-interest loans and any supplemental relief that may be provided by Congress.

He advised that it was his understanding that the Board had been invited by Franklin-Southampton Futures, Inc. to a brief reception and meeting on October 27 to meet the recently hired President of Franklin-Southampton Economic Development, Inc., John Smolak. He noted that included in the agenda was a copy of the position solicitation, including job description, and Mr. Smolak's resume for their reference.

Mr. Johnson informed that included in the agenda for their reference was a summary of Draper Aden Associates 17<sup>th</sup> annual water and wastewater rate survey. He hoped to have a copy of the full report with community-by-community results next month.

He reported that the following environmental notices were received:

- 1) From the Virginia Department of Health, notice that the Southampton County Office Building currently meets federal action levels for lead and copper;
- 2) From the Virginia Department of Health, notice that the Drewryville waterworks currently meets federal action levels for lead and copper;
- 3) From the Virginia Department of Health, notice that the Edgehill waterworks currently meets federal action levels for lead and copper;
- 4) From the Virginia Department of Health, recision of an earlier notice of violation to H.L. Heikens for bacteriological monitoring violations at the Nottoway Shores waterworks in August;
- 5) From the Virginia Department of Environmental Quality, notice of a VPDES permit renewal application from Southampton County for the Boykins Wastewater Treatment Plant;
- 6) From the Virginia Department of Environmental Quality, notice of a VPDES permit renewal application from International Paper for the Franklin Mill;
- 7) From the Virginia Department of Health, a Notice of Violation sent to H.L. Heikens for failure to collect the required repeat bacteriological samples in response to a positive sample in July at the Nottoway Shores waterworks (subsequently rescinded); and
- 8) From the Virginia Department of Health, a Notice of Violation sent to the Southampton Power Station for failure to collect the required repeat bacteriological samples in response to a positive sample on August 22.

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

- 1) From the Genieve Shelter thanking him for participating in a special fund-raiser at the Cold Stone Creamery in Suffolk on the evening of October 12;
- 2) From Wayne M. Cosby, Clerk of the Circuit Court, a copy of the court order reappointing Doug Chesson and Jim Bradshaw to the Board of Zoning Appeals;
- 3) From Calvin Ricks, Southampton County Forest Technician, advising him of his planned retirement from the Department of Forestry after 35 years of service on October 31;
- 4) From Cindy Estienne, 4-H Agent, in recognition of National 4-H Week, a summary of ongoing 4-H activities in Southampton County; and
- 5) From Skip James, Charter Communications, notice of price adjustments for digital cable services.

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

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

Mr. Charles Turner, Southampton County School Superintendent, announced that all of Southampton County Schools received full accreditation, but *official* accreditation reports would be released tomorrow.

Supervisor Wyche recognized Mrs. Judy English, Social Services Director, who was in the audience.

Mrs. English stated that a cold winter was coming. Heating assistance forms would be available through November 16.

Supervisor Felts introduced "Flat Stanley" (a flat paper doll cutout) that was sent to her from the Talented & Gifted students. He came with clothes and a suitcase. She had to keep a diary of his travels.

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

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

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

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

Mr. Richard Railey, County Attorney, Mrs. Julia Williams, Finance Director, Mr. Jay Randolph, Assistant County Administrator, and Mr. Julien Johnson, Public Utilities Director, were also present in the closed meeting.

Upon returning to open session, **Vice-Chairman Young moved, seconded by Supervisor 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.  
Carl J. Faison  
Walter D. "Walt" Brown, III  
Anita T. Felts  
Ronald M. West  
Moses Wyche**

**The motion passed unanimously.**

The Board briefly discussed the upcoming VACo Conference.

Supervisor Felts informed that she held a rejuvenation meeting of the Jamestown 2007 committee on October 19, 2005 and there were only 7 in attendance. Maureen Shelly, Marilyn Tennessee, Ellis Wright, Barbara Blythe, Phyllis Bradshaw, and Lynn Ramsey did not attend nor did they let her know that they would not attend. Since members of the committee were recommended by the Board, she asked each Board member to contact their respective persons and inquire whether or not they were still interested in serving.

Mr. James Randolph, Assistant County Administrator, advised that he had the pleasure of traveling with Supervisor Brown, Chief of the Chereonhaka-Nottway Indian Tribe, and other members of the tribe to the Smithsonian Institution National Museum of Natural History on October 14, 2005 for a private viewing of the Hand Site skeletal remains. It was a valuable experience and he encouraged the Board to support the Hand Site development and the endeavors of the Chereonhaka-Nottway Indian Tribe.

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