

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 November 27, 2006 at 6:00 PM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

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

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

Chairman Jones sought approval of the minutes of the October 23, 2006 regular meeting. They were approved as recorded, as there were no additions or corrections.

Regarding highway matters, Mr. Johnson announced that as they may be aware, in a cost-cutting measure, the Virginia Department of Transportation (VDOT) announced plans earlier this month to consolidate and eliminate 91 of its area headquarters across the Commonwealth, including the Berlin headquarters in Southampton County. The changes were expected to save the state roughly \$4 to \$6 million per year, and on the local level, would affect 14 employees. He advised that because most of the Board was unable to attend VDOT's public meeting in Suffolk on November 14, based on a conflict with the Virginia Association of Counties annual meeting, he had asked their Hampton Roads District Administrator, Dennis Heuer, to attend this morning's meeting to brief them and receive their feedback. VDOT Commissioner David Ekern had noted that the consolidation plan was not final, and that all citizen and elected official input would be considered. The final plan was due December 15<sup>th</sup>, and would not go into effect until after this winter. Included in the agenda for their reference were recent news articles from around the state, and a map illustrating the locations of the 91 headquarters scheduled for closure.

Chairman Jones recognized Mr. Dennis Heuer, VDOT's Hampton Roads District Administrator.

Mr. Heuer advised that VDOT was looking at what was the most efficient way to operate. By 2009, VDOT would outsource all of its interstates. As they outsourced, they needed to look at how they would address their mission. In making their recommendations to close 91 of its area headquarters, they were looking at how many superintendents they needed across the state, the length of the roads, travel times, etc. and the ability to retain emergency response capability. They had been looking at this for 8 months. It was underway prior to David Ekern becoming the VDOT Commissioner. As a result, Mr. Ekern wanted to look at it and that was why the deadline was December 15. There were currently 335 facilities and they would be reduced to 224 facilities. Implementation would take place in phases across the state. Approximately 600 positions would be *affected* statewide, and approximately 175 positions would be eliminated due to interstate outsourcing. VDOT was looking to operate more efficiently and with less overhead. The changes would not take effect until July, so they were giving 8 months notice.

Mr. Heuer continued that the Surry headquarters would be closed and maintained as a staging area. The Berlin headquarters would be closed and they would do away with that property. The Norfolk

headquarters would also close. He noted that the Norfolk headquarters was responsible for interstate maintenance, which would be outsourced. They were looking at the positions at Berlin possibly going to Capron and Franklin. He shared a map illustrating the travel times (of VDOT crew members) from the Capron and Franklin headquarters to the Berlin area. He emphasized that this was not done lightly, as a lot of planning was involved. He stated that the same number of current facilities we had once supported 5,000 employees and now only supported 3,500. The decision to close some of the area headquarters was the best business practice and was making the best use of the state's resources. He asked the Board to try and look it at from a business perspective.

Chairman Jones pointed out that the map indicating the travel time of 45 minutes from Franklin and Capron to Berlin was not indicative of a piece of equipment traveling that distance. Mr. Heuer acknowledged that that was correct, but perhaps they could utilize the Windsor headquarters if equipment was needed.

Supervisor Felts asked if all the crew members at Berlin would be transferred to Capron and Franklin? Mr. Heuer advised that he could not guarantee that all the crew members would be offered positions at Capron and Franklin. They would try to offer all of the crew members a position, but that position could possibly be at Capron, Franklin, or perhaps a tunnel position in Hampton Roads.

Supervisor Felts stated that response time on country roads was not the same as the interstate. Had that been considered? Also fuel cost would be higher because of longer distances and there would be more wear and tear on the equipment. Mr. Heuer advised that they had some equipment that did not get enough hours to justify even having it. They may find it to be more cost effective to rent a piece of equipment that they did not use very much.

Supervisor Felts stated that with all the additional costs associated with closing the Berlin headquarters, she just did not see the savings.

Supervisor West stated that the guys that worked out of the Berlin headquarters did an outstanding job and they were his friends and neighbors. Route 620 in the Berlin area had a lot of shipyard traffic and people traveling to Smithfield and must be maintained.

Mr. Heuer clarified for Supervisor West that they did not intend to reduce anyone's pay.

Supervisor West stated that a new Route 460 was going to be built. It was not called an interstate but would be interstate quality. How did they propose to maintain it? Mr. Heuer advised that there were 3 proposals for the construction of Route 460. One of the proposals may want the Commonwealth to do the maintenance, while another may assume responsibility for it.

Mr. Heuer clarified for Supervisor West that he was responding to the direction of the Commonwealth Transportation Board.

Supervisor West advised that with the distances that must be traveled from Capron and Franklin to Berlin and with Berlin just being disregarded, it seemed like a tremendous void to him. We had a piece of paper and engineers, but we had gotten to the point where a crowdad and a woodpecker were keeping common sense from prevailing. We had water in the roads, inadequate culverts, outflow ditches that needed cleaning out, and people getting killed. He added that we had a good channel now with Mr. Joe Lomax, Residency Administrator of the VDOT Franklin Residency, and he thought that would be broken.

Supervisor Brown advised that we needed staff available to maintain our roads. We had maintainability problems here in Southampton. Considering drive times and the present condition of the roads, they needed to make sure that the availability of staff and the maintainability of our roads stayed at least at the level it was now.

Mr. Heuer clarified that this was not all about money, but efficiency. They were looking at whether they needed as many superintendents and supervisors. Perhaps they needed more crew members. He noted that the largest portion of their budget was payroll.

Supervisor Faison advised that he shared the same concerns. He appreciated the fact that there

may be positions available elsewhere for the crew at Berlin. However, Southampton County had a lot of miles of road. He did not see how this would add to effective road maintenance.

Vice-Chairman Young asked if this was final? Mr. Heuer replied no. Vice-Chairman Young advised that the Franklin headquarters did a great job. If we got 2 more inches of rain, the Franklin headquarters would have its hands full in Franklin and would not have time to go to Berlin. He stated that there was no way you could get a piece of equipment from Franklin to Berlin in less than 1 ½ hours unless you flew.

**Supervisor West moved, seconded by Vice-Chairman Young to go on record as totally opposing the closure of the Berlin area headquarters. All were in favor.**

It was consensus of the Board to have Mr. Michael Johnson, County Administrator, send a letter on their behalf opposing the Berlin closure.

Continuing with highway matters, Mr. Johnson advised that included in the agenda was correspondence from VDOT regarding its ongoing review of the three conceptual proposals for the Route 460 Corridor Improvement Project. All three proposals had been selected to advance to the next of six procurement phases, which was a review and recommendation by an independent review panel (IRP), to be appointed by the Secretary of Transportation. VDOT had requested each of the three offerors to provide affected jurisdictions with a full copy of their proposals, and was soliciting local government feedback through January 15, 2007. He received two of the proposals last Wednesday and received the third this morning. He noted that included in the agenda was a copy of the Public-Private Transportation Act (PPTA) Process. Once the panel made a recommendation, it would go to the Commonwealth Transportation Board (CTB). The CTB could then ask for detailed proposals and enter into an agreement, which would likely be mid-year 2008.

Mr. Johnson informed that included in the agenda was copied correspondence regarding chronic flooding of numerous properties in the Edgehill subdivision. Mr. Lomax had directed VDOT staff to review the drainage calculations associated with the pipe culverts beneath Route 706 and to perform a reconnaissance survey of the outfall ditch from there to the Blackwater River. He promised to keep us informed of their findings.

Mr. Johnson advised that included in the agenda was a copy of remarks he delivered to Secretary Homer, Commissioner Ekern, numerous Transportation Board members, and District Administrator Heuer on the evening of November 2 in Chesapeake. The Courtland Interchange project remained in VDOT's six-year improvement program, but still lacked the estimated \$16.5 million needed for construction.

Mr. Johnson informed that included in the agenda were copies of the following transportation-related correspondence:

1. The official "children-at-play" sign requests for Dixie Farm and Buckhorn Quarter Road (s), approved by resolution of the Board on September 25, 2006; and
2. A copy of the recent speed limit reduction studies for Dixie Farm and Buckhorn Quarter Road(s), as requested by Supervisors Wyche and Felts.

Supervisor Brown commended Mr. Johnson for the remarks he presented at the transportation improvement program meeting.

Supervisor Brown advised that regarding Delaware Road and Checkerboard Corner, he had talked to one of his constituents who had lived there since it was developed, and he could not recall the ditches there ever being cleaned out. He asked Mr. Lomax to check on that.

Supervisor West asked Mr. Lomax what was his honest opinion as to why the roads kept flooding. Was it more rain than ever before or what? Mr. Lomax stated that probably a lot of the ditches that were on private property and had not been cleaned in a very long time. VDOT used to clean those ditches years ago. In addition, major waterways had been impeded with logs, trees, and many other obstacles from hurricanes and had not been cleaned out.

Mr. Lomax stated that regarding the Berlin closure, perhaps the motion they passed this morning and forthcoming letter would open some eyes, as they made some very valid arguments.

Vice-Chairman advised that he had had a number of calls about water in the roads.

Chairman Jones advised that he needed them to take care of a "School Bus Stop Ahead" sign in the Drewryville District.

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

In regards to the new housing starts, Supervisor Brown asked what was the projection for new homes over the next 5 years? Mr. Johnson advised that we were on track this year for 140 houses, so we would be looking at about 750 houses over the next 5 years.

In regards to the personnel report, Mr. Johnson advised that Eric W. Pulver was hired in the Utilities Department effective 10/30/06 at an annual salary of \$21,088. John C. Burton was hired at the Boykins Treatment Plant effective 11/01/06 at an annual salary of \$22,000. Kelly D. Clayton was hired in the Sheriff's Department effective 11/01/06 at an annual salary of \$28,974. David W. Nahrebecki was hired in the Sheriff's Department effective 11/15/06 at an annual salary of \$28,974. He informed that Derek W. Ayers resigned from the Sheriff's Department effective 11/06/06. Kelly B. Griffith resigned from the Sheriff's Department effective 11/28/06.

Moving to appointments, Mr. Johnson announced that as they knew, SPSA was a regional public body with membership comprised of the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach and the counties of Isle of Wight and Southampton. It was governed by an eight-member Board of Directors with one representative, and one alternate member, appointed by each member city and county. Chairman Jones had represented Southampton County on this Board since 1996 and he (Mr. Johnson) had served as the alternate member during the same period. They were both eligible for reappointment if the Board was so inclined.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to reappoint Dallas Jones to the SPSA Board of Directors and Michael Johnson as the alternate. All were in favor.**

Mr. Johnson advised that it was necessary to appoint a successor for Mrs. Julia Williams, Southampton County Finance Director, to the Western Tidewater Community Services Board. Mrs. Williams would have completed three (3) full terms on the Board on December 31, and as such, was ineligible for reappointment. We had three Southampton County representatives on the Board, one of which had historically been a county staff member. Accordingly, he was recommending for their consideration that Mrs. June Williams Steele, employee of the Southampton County Accounting Department, be appointed to succeed Mrs. Williams, for a 3-year term beginning January 1, 2007 and ending December 31, 2009.

**Vice-Chairman Young moved, seconded by Supervisor West, to appoint Mrs. June Williams Steele to succeed Mrs. Julia Williams on the Western Tidewater Community Services Board. All were in favor.**

Mr. Johnson informed that the terms of Messrs. Leon Bolton (Boykins-Branchville) and A. Meredith Felts, Jr. (Berlin-Ivor) on the Industrial Development Authority would expire December 31, 2006. Both were eligible for reappointment, although he had made no inquiries with regard to their interest. Appointments were for a 4-year term.

Supervisor Faison advised that he had spoken with Leon Bolton and he was willing to continue to serve.

**Supervisor Faison moved, seconded by Supervisor Brown, to reappoint Leon Bolton to the Industrial Development Authority. All were in favor.**

Supervisor West advised that he had spoken to A. Meredith Felts and he was willing to continue to serve.

**Supervisor West moved, seconded by Vice-Chairman Young, to reappoint A. Meredith Felts**

**to the Industrial Development Authority. All were in favor.**

Moving to financial matters, Mr. Johnson announced that included in the agenda was an appropriations resolution with a total appropriation of \$266,494.22. This sum represented the balance of local funding budgeted for school operations in FY 2006 that was not expended by the School Board. Consistent with their policy over the past eleven years, he was recommending that the funds be appropriated for the School Board's used in FY 2007. He noted that the money was equally divided for instructional costs for elementary and secondary schools.

The appropriations resolution is as follows:

At a meeting of the Board of Supervisors of Southampton County,  
Virginia on Monday, November 27, 2006

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the following appropriations be and hereby are made for the period of July 1, 2006 through June 30, 2007 for the function and purpose indicated:

From the General Fund to the School Operating Fund to be expended only on order of the Southampton County School Board:

4-205-61100-3000-002-9-100	Other Instructional Costs-District Elem	133,247.11
61100-3000-003-9-100	Other Instructional Costs-District Sec	133,247.11
	TOTAL	<u>266,494.22</u>
		=====
	TOTAL APPROPRIATION	266,494.22

REVENUE APPROPRIATION NOVEMBER 2006  
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-205-41050-0001	Transfer In From Other Funds	266,494.22
		=====
	TOTAL APPROPRIATION	266,494.22

GENERAL FUND ENTRIES FOR ABOVE APPROPRIATION:

4-100-93000-9200	Transfer out to Schools	266,494.22
3-100-41050-0005	Transfer in-General Fund Reserve	266,494.22

A copy teste: \_\_\_\_\_, Clerk  
Michael W. Johnson

Southampton County Board of Supervisors  
11/27/2006

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

Mr. Johnson advised that bills in the amount of \$1,269,600.74 were received.

**Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$1,269,600.74 be paid with check numbers 78687 through 79250. All were in favor.**

Proceeding to the public hearing, Mr. Johnson announced that the first and only public hearing was to consider the following:

CUP 2006:06 Application filed by James E. Bland, Jr. (owner) requesting a conditional use permit pursuant to Section 18-72 (13) of the Southampton County Code in order to establish a family cemetery 35' by 50' in size. The subject property is located south of Sycamore Avenue (Rt. 632) approximately ½ mile west of the intersection with Sedley Road (Rt. 641). The property is further identified as a portion of Tax Map Parcel 46-21 and is located in the Jerusalem Magisterial District.

Mr. Jay Randolph, Assistant County Administrator and Secretary of the Planning Commission, reported that the Planning Commission held a public hearing on this application at its October 12, 2006 meeting and recommended approval, subject to the following three (3) conditions:

- A fence be place around the cemetery within a reasonable time of being recorded in the Clerk's Office
- A right-of way of 15 feet be recorded in the Clerk's Office and a plat prepared and deed restriction be recorded in the Clerk's Office
- Limited to family – no commercial sales of plots

Chairman Jones opened the public hearing.

Mr. James E. Bland, Jr., owner/applicant, advised that he was present to answer any questions.

Mr. Randolph clarified for Supervisor Brown that there was an existing cemetery next to this property. That cemetery was an accessory to a church that used to be there.

Mr. Bland clarified for Supervisor Felts that this property was on a hill.

**Supervisor Felts moved, seconded by Vice-Chairman Young, to approve the conditional use permit with the three (3) conditions. All were in favor.**

Moving forward, Chairman Jones recognized Mr. Ash Cutchin of the Board of Equalization.

Mr. Cutchin advised that the Commissioner of Revenue had handed him tonight the names of 34 people wishing to meet with the Board of Equalization. The Board would meet on December 14, but appointments for that date were already filled, so they would have to schedule an additional date. As of now, they had heard 3,300 complaints on about 25% of the tax parcels in the County.

Mr. Cutchin then highlighted the following report (as Ben Lee, Chairman of the Board of Equalization, asked him to do) that was sent by the entire Board of Equalization to Chairman Jones and the Board of Supervisors:

**SOUTHAMPTON COUNTY**  
**Board of Equalization**

*Richard Francis*  
*Glen Updike*  
*Ben S. Lee*  
*Windell Francis*  
*E. Beale Carter, Jr.*

*Larry Brown*  
*Eugene M. Grizzard*  
*Leland Beale*  
*John Claud*

*Ash Cutchin*  
*Walter Beale*  
*Meredith Felts, Jr.*  
*Ernest Claud, Jr.*

November 17, 2006

The Honorable Dallas Jones, Chairman  
Southampton County Board of Supervisors  
Courtland, Virginia

Dear Mr. Jones and Honorable Board Members:

The current and former members of the 2006 Board of Equalization wish to submit this supplemental report concerning the 2005 General Reassessment and our hearings and appeals process concerning same. The items listed below are in outline format, with brief explanations as we deem necessary for clarity. The sequence of the items is random, with no particular significance as to the order of the items. Opportunities for input and suggestions were provided to the entire board, some few of whom had no suggestions. This report is from the entire Board of Equalization.

1. **Timing of Reassessments:** Six years is much too long. Properties should be assessed on a continuing basis, with reports to the taxpayer every two or four years, minimum.
2. **Training:** The one-day training session for BOE members needs to be improved. Some training time should be spent on the forms to be used by the Board during its hearings. Detailed instruction should be provided on the "assessor work sheet" or "tax card", specifically how the board is to indicate changes. In that regard, the board members feel that the form itself can be improved, with more space provided for the different types of land and timber which have specific value rates. There is practically no white space for changes written in by hand. The boxes are too small for hand-written changes to be legible.
3. **Computer Availability:** Several board members feel that in order to avoid confusion over the legibility of hand-written changes, the BOE should be provided with at least one computer system capable of making changes directly to the form, thereby avoiding the paper forms entirely. This computer is not to be considered a replacement for the one provided which allows the BOE access to the county website containing the GIS data.
4. **Compensation:** Compensation for Board of Equalization members is woefully inadequate, considering the time and sacrifices made by the members to perform the required duties. We note that our closest taxing municipality, the city of Franklin, paid its members \$20 per hour in 2006. We (the Southampton BOE members) worked approximately seven hours± per day for \$60, or about \$8.57 per hour. For those BOE members who are not retired, this payment does not even come close to covering income lost while serving.
5. **Appraisal methods:** The BOE feels that the county should definitely investigate the possibility of having a full-time, certified general appraiser on the county's staff. Such an appraiser would (or should) have first-hand knowledge of every real property transaction within the county during the assessment period. The BOE feels that the hiring of independent mass appraisal companies from outside the county lends itself to a general lack of understanding on the part of those assessors of the subtle nuances which affect local property values. This fact was demonstrated to us by the fact that Blue Ridge Mass Appraisal Company assessors (Mr. Marshall and Mr. Hickey) reported to the BOE that they did not extract any timber values when analyzing sales of property containing valuable timber. Sadly, this incomplete analytical method was done in a county which is 70% forest.
6. **Qualifications of Assessors:**
  - A. The BOE noted in Blue Ridge's proposal to the county, Paragraph 7 under Specifications, this statement .... "**The company's appraisers will visit each property in the county....**" The BOE observed that in the Blue Ridge list of employee qualifications, Mr.

Hickey appears to be the **only** Blue Ridge employee who is a qualified appraiser, licensed or certified by the Virginia Real Estate Appraiser Board, a section of the Department of Professional and Occupational Regulation. In this day and age, your hair stylist and your manicurist, as well as your attorney and your contractor, and other professional workers must be licensed by the state after demonstrating competency and experience. The BOE feels that all employees of any appraisal firm hired by the county ( at least those employees involved in inspections, sales analysis, and valuation of parcels) **MUST** be licensed or certified by the Virginia Real Estate Appraiser Board. Apparently the Department of Taxation can approve individuals who are not licensed or certified by the Real Estate Appraiser Board, and the BOE strongly disagrees with that apparent policy. **Unless an assessor (appraiser?) is licensed by the Virginia Real Estate Appraiser Board, no action can be taken by that Board in the event of incompetence by the assessor.**

**B.** If the county continues to employ mass appraisal companies from outside the immediate area, it is imperative that the county **INSIST** that the assessor appraisers consult with local appraisers, real estate brokers, and especially with qualified consulting foresters, during the analysis of all local sales and during inspection of those sales used as comparable sales. The county should employ some method to determine which such local professionals the assessor appraisers use, and to determine the extent of the assistance given by such local professionals. For example, to have lunch with a local Realtor, or casually meet one in the Clerk's office, and discuss the local market, is no substitute for a joint inspection of several of the sales, especially where valuable timber may have been included in the sale price.

**7. Generally accepted appraisal practice:**

**A. Land Use:** Numerous county tax paying citizens who appeared before the BOE expressed some form of the following statement (paraphrased): "When we complained to the assessor about our assessed value we were told...'It doesn't make any difference what value we place on your property... you have Land Use.'" The BOE feels that such a statement to a property owner by an assessor, when **market value** is mandated by the state, is not generally accepted appraisal practice, and it expresses an extreme disregard for the basic concepts of market value, such as highest and best use and zoning. It appears to the BOE that the Blue Ridge employees were relying on the Commissioner of Revenue to pacify the taxpayers with a Land Use valuation, overriding whatever value Blue Ridge assigned.

**B. Physical characteristics of land:** It appears to the BOE that the Blue Ridge assessors must come from a geographical area where pasture (as opposed to row crops) is the major use of agricultural land before it becomes residential subdivisions. And in those areas, pasture land may well be some of the highest value land. However, in Southampton County, historically the poorest quality "open" land is used for pasture and for hay production, because of its physical limitations, mainly poor drainage. Very little pasture land sells as separate components, so estimating a market value for Southampton County pasture is difficult. The BOE interviewed numerous property owners who either rent pasture as tenants or landlords, and we discovered that pasture typically rents for about half  $\pm$  the rate for tillable crop land. To lump pasture land and good quality peanut and cotton land together under a broad category called "open" and then to value them at the same rate fails to recognize the physical limitations of much of the county's poorer-quality land. When queried by the BOE regarding land and soil productivity, and its effect on value, Mr. Hickey replied, "We are not soil scientists."

**C. Sales Analysis:** The BOE analyzed numerous data presented to us by Blue Ridge in the form of a booklet which they entitled **2006 Sales Analysis**. In that booklet, the BOE found many items, such as their Land Residual computations to estimate the value of vacant residential building lots. A comparison of the land residual data with the subsequent appraised values shown elsewhere in the booklet led the BOE to believe that Blue Ridge failed to extract a value for utilities (water and sewer values) when analyzing the residential sales. Furthermore, their computed Land Residual values far exceeded sale prices of similar-sized vacant residential lots throughout the county ... as much as two and a half times in several instances. In several cases the computed Land Residual lot values exceeded \$100,000 or more for a one-acre  $\pm$  residential lot. Such a figure should have generated a red flag, and caused the analyst to double-check and possibly revise the figures. It appears to the BOE that no such double-checking and revision was made until the Board of Supervisors instructed Blue Ridge to fix the booklet. The subsequent revised booklet then showed

that many, many lot values in the land residual calculations were reduced by \$5,000 to \$6,000±. Such reductions shown in the revised booklet support our conclusion that the first set of figures was flawed. It appears to the BOE that Blue Ridge's own revised calculations (the second set) prove that the first set was incorrect.

- D. Zoning:** It appears to the BOE that no one from Blue Ridge took the time to refer to the County Zoning Map, relying instead on the old tax cards, which in many cases do not even indicate the zoning. If the county continues to allow assessor appraisers to rely solely on old tax cards as the source of zoning information, then it is imperative that each tax card accurately reflect the zoning of each parcel. Such tax cards must be updated by the Commissioner of the Revenue as necessary any time the zoning changes for a specific parcel.
- E. Changes in Value:** It appears to the BOE that Blue Ridge failed to keep abreast of recent local changes that occurred which subsequently have affected real property values. Foremost is the elimination of the peanut price support system, and elimination of the peanut quota. That action by USDA has resulted in a decrease in county-wide peanut acreage from more than 30,000 acres a few years ago to only 7,480 acres in 2005. That action also decreased the demand for local storage capacity of peanuts, including on-farm storage. We found no cotton stored in grain and peanut bins. According to one Blue Ridge assessor, Mr. Didawick, Blue Ridge used dollar values already recorded on the 1999 tax data worksheets to value many if not most of the farm outbuildings, such as barns, sheds, and metal grain bins. Six years elapsed since that 1999 assessment appraisal, during which time not only did those improvements continue to depreciate physically due to age, but we also had two devastating hurricanes, and the bottom fell out of the peanut market. Collectively those events should have made it apparent to a qualified appraiser that market values for such improvements decreased. It does not seem reasonable to the BOE that such actual diminution in value of farm outbuildings due to factors beyond the control of the property owner can be attributed to deferred maintenance, a factor which we were told to ignore.
- F. Changes in Zoning and Market Conditions:** It appears to the BOE that Blue Ridge also failed to keep abreast of other recent local changes that occurred which subsequently have affected real property values. Most noteworthy in this regard is the former moratorium on strip or piano key development of residential lots in A-1 zoning. During the assessment period, but prior to the effective date of the assessment (12/31/2005) the Board of Supervisors amended and downgraded a landowner's ability to sell an unlimited number of road-frontage lots in A-1 zoning. On sales of farms which occurred before the changes, the buyers had a much greater opportunity to develop those farms into piano-key type lots. Subsequent to the former moratorium, new zoning changes have been implemented (such as Rural Residential) which increase buyers' obligations and requirements before developing a farm into lots. Such legal changes most likely caused (have caused or will cause) farm land values to increase at a slower rate than prior to the changes.
- 8. Ratio Study:** We were informed by the Commissioner of the Revenue that the State Department of Taxation performed the required ratio study, and Blue Ridge scored a 97%. We questioned Mr. Didawick regarding the capabilities within his computer spread sheet program. Based on his answers (and recognizing that we have no way to prove our suspicions) the BOE feels that the assessors first valued the residential properties in the county, and saved their valuation of the broad category of "open" agricultural land until very near the end of the appraisal process. Then, by using a sophisticated set of "what/if" or "if/then" formulas within their spreadsheet program, they had (and used) the capability to tweak the per-acre value of "open" land up a few dollars at a time until they reached their desired ratio rate.

Once again we remind the Board of Supervisors that this report comes from the entire Board of Equalization. We spent several weeks compiling the rough draft, discussing various comments and suggestions, and finalizing the contents, the wording and the outline format. The Board of Equalization wishes to thank the Board of Supervisors for taking the time to read and digest the contents of this report, and hopefully to implement the suggestions contained herein. We trust that the next round of general reassessments will be much less stressful on all parties.

Submitted by the 2006 Board of Equalization.

Date: November 17, 2006

Signed by:

\_\_\_\_\_  
Ash Cutchin, Certified General Appraiser,  
Vice-Chairman

\_\_\_\_\_  
Reggie Gilliam  
Secretary

Supervisor Brown advised that he appreciated the facts and the recommended solutions that were presented in the report. However, he wished the entire report would have been presented that way instead of opinions with no recommended solutions being included.

The entire Board of Supervisors commended and thanked the Board of Equalization for their work and for their report.

Supervisor West asked Mr. Cutchin if he knew of any county who had a full-time assessor? Mr. Cutchin advised that Isle of Wight County was in the process.

Mr. Johnson advised that all counties did not have the authority to hire an in-house assessor – all *cities* had that authority.

Moving forward, Mr. Johnson announced that included in the agenda was an application for a fireworks permit from Reverend Howard L. Vinson, Jr., pursuant to Section 10-73 of the Southampton County Code. The display was scheduled for Christmas Eve between 8:15 and 9:00 PM on the grounds of Hunterdale Baptist Church at 23099 Sedley Road, Franklin. The application was in order and a draft permit was included in the agenda for their consideration.

Reverend Howard L. Vinson, Jr. advised that he was present to answer any questions.

**Vice-Chairman Young moved, seconded by Supervisor Brown, to issue the fireworks permit. All were in favor.**

Moving to plat approvals, Mr. Johnson announced that included in the agenda was a copy of the Southampton County Planning Commission's report regarding preliminary plat approval for Nottoway Station subdivision. In accordance with § 15.2-2259 of the Code of Virginia, approval of subdivisions was classified as a ministerial act, meaning that the Board had no authority to exercise its discretion while reviewing plats. The purpose of subdivision plat review was only to insure that the proposed development complied with all existing ordinances. If a plat was denied, the Board was required to specifically identify the requirement that was not satisfied and explain what the applicant must do to satisfy the requirement.

He advised that the plat depicted seventy-five (75) residential building lots on a 77.9 acre parent parcel, ranging in size from a minimum of 30,000 square feet to a maximum of 2.15 acres in area, acceptable standards in a Residential R-1 zoning district. The lots were proposed to be served by individual wells and septic systems subject to Health Department approval. The Planning Commission recommended approval of the plat, subject to the following four (4) recommendations:

- 1) Surety for infrastructure improvements including roads, drainage, and utilities would be required in accordance with Section 14-102(a) of the Southampton County Code.
- 2) A maintenance bond would need to be established for annual road maintenance in an amount set by the Virginia Department of Transportation (VDOT) and in accordance with Section 14-102(b) of the Southampton County Code.
- 3) A maintenance fee as determined by VDOT for the proposed roadways would need to be established.
- 4) Five-year operational costs for streetlight installation in accordance with Section 14-207 of the Southampton County Code would need to be furnished by the applicant.

Once the preliminary plat was approved, the developer had 6 months to prepare a final plat,

detailed civil drawings for site improvements, and to make satisfactory arrangements for surety to warrant installation of all improvements. The final plat was then reviewed by the Board, and, if approved, must be recorded within 60 days of final approval.

Mr. Cass Camp, representative for the developer of Nottoway Station subdivision, addressed the Board. He advised that the proposed subdivision was located on Storys Station Road and the entrance to the subdivision would be off of that road. They were proposing 60-75 lots. There was a cemetery on the property and they would maintain the integrity of that cemetery with proper fencing, etc.

Vice-Chairman Young asked how many acres were open space? Mr. Camp replied about 40 acres. He clarified that the remaining acreage was cutover and swamp. The swamp would not be developed. The other lots would be located behind the open space.

Supervisor Brown asked how far this property was from the Courtland Wastewater Treatment Plant (WWTP)? Mr. Camp replied about  $\frac{3}{4}$  mile. Supervisor Brown advised that the Courtland WWTP was going to be renovated and sewer lines would probably run parallel with Route 58. Looking at the long term return on investment, he thought that any developer within a 5-mile radius should commit to tapping onto the County's sewer lines.

**Vice-Chairman Young moved, seconded by Supervisor West, to approve the preliminary plat for Nottoway Station subdivision, subject to the four (4) recommendations. All were in favor.**

Mr. Johnson advised that included in the agenda was a copy of the Southampton County Planning Commission's report regarding preliminary plat approval for the Cypress Heights subdivision. The plat depicted fifteen (15) residential building lots on a 15.2 acre parent parcel, ranging in size from a minimum of 20,000 square feet to a maximum of 1.95 acres in area, acceptable standards in a Residential R-1 zoning district. The lots were proposed to be served by a community water system and septic systems subject to Health Department approval. The Planning Commission recommended approval of the preliminary plat, subject to the following four (4) recommendations:

- 1) Surety for infrastructure improvements including roads, drainage, and utilities will be required in accordance with Section 14-102(a) of the Southampton County Code.
- 2) A maintenance bond would need to be established for annual road maintenance in an amount set by the Virginia Department of Transportation and in accordance with Section 14-102(b) of the Southampton County Code.
- 3) A maintenance fee as determined by the Virginia Department of Transportation for the proposed roadways would need to be established.
- 4) Five year operational costs for streetlight installation in accordance with Section 14-207 of the Southampton County Code would need to be furnished by the applicant.

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

Mr. Cass Camp, representative for the developer of Cypress Heights subdivision, addressed the Board. He advised that the proposed subdivision was located past Country Club Road going towards Hunterdale. They were proposing 15 lots, one of which was a well lot. Water would be provided by C&P Water Systems, a private water company, who also owned and operated the water system at Scottswood. There would be individual septic tanks.

Mr. Camp clarified for Vice-Chairman Young that there was a deeded access to the subdivision off of County Club Road and pointed it out on the map.

**Vice-Chairman Young moved, seconded by Supervisor, Wyche, to approve the preliminary plat for Cypress Heights subdivision, subject to the four (4) recommendations. All were in favor.**

Mr. Johnson informed that included in the agenda was a copy of the Southampton County Planning Commission's report regarding final plat approval for the Sandy Creek subdivision.

They may recall granting preliminary plat approval at their April 18, 2005 regular session. As they knew, Sandy Creek was located off the north side of Harris Road and included a total of ninety-eight (98) residential building lots, each with a minimum of 40,000 square feet in area, acceptable standards in the Agricultural A-1 zoning district at the time the preliminary plat was submitted. Lots were proposed to have individual septic systems. Final approval was subject to the posting of certain sureties by the developer for unfinished improvements and payment of certain fees, including:

- 1) Surety in the amount of \$864,298 for roadway improvements;
- 2) A maintenance bond for annual roadway maintenance in the amount of \$25,000;
- 3) A \$3,900 roadway maintenance fee; and
- 4) Plat review fees of \$100.

Mr. Joe Wharton of Towne Development Corporation, developer of Sandy Creek subdivision, addressed the Board. He stated that they had been hampered by all the rain. They were almost totally complete with the stone. If they could get one week of dry weather, they could start paving. He noted that erosion and sediment control had been a nuisance. He remarked that Sandy Creek was a very, very nice community.

Supervisor West asked Bobby Tyler of Town Development Corporation (who was in the audience) where the market for the homes in the subdivision would be coming from? Mr. Tyler replied from the entire area, including Franklin as well as the Hampton Roads area. He clarified that the homes would be comparable to the 6 new houses that had already been built on Harris Road.

Supervisor Felts commented that it was a very nice subdivision.

**Supervisor Felts moved, seconded by Supervisor Wyche, to approve the final plat for Sandy Creek subdivision, subject to the four (4) conditions. All were in favor.**

Moving to old business, Mr. Johnson announced that included in the agenda were excerpted minutes from the October 12, 2006 and November 9, 2006 Planning Commission meetings as they related to William and Queen Sledge's rezoning application. They may recall referring this application back to the Planning Commission following closure of the required public hearing on September 25, 2006. He advised that the Planning Commission received additional testimony from the applicant, took it into consideration for a month, and again recommended that the application to rezone this property to Conditional Limited Industrial (C-M-I) be denied.

Supervisor Brown advised that the minutes of the October 12, 2006 Planning Commission meeting stated "Commissioner Parker moved, seconded by Commissioner Drake, to table this application and allow Mr. Sledge to reapply and put in writing exactly what he wanted to do." Supervisor Brown advised that on November 9, 2006, which was less than 30 days later, the Planning Commission voted to deny the application. He asked was the applicant told that he needed to put in writing exactly what he wanted to do prior to the next meeting on November 9?

Mr. Jay Randolph, Secretary of the Planning Commission, advised that the applicant was given ample time.

Attorney Railey advised that when you tabled something, it became the first item on the next month's agenda per *Robert's Rules of Order*.

Supervisor Brown stated that he understood that, but the applicant might not know *Robert's Rules of Order*. He was just trying to figure out whether or not the applicant knew that he had to present in writing what he wanted to do by the November 9 meeting. He wanted to make sure that the applicant was given a fair chance.

Supervisor Faison advised that regardless, he had visited the property and there was not enough space to do what Mr. Sledge wanted to do and to do it safely. Supervisor West agreed.

Supervisor Brown stated that with all due respect to the other Board members, he had a Class C license, but did not drive an 18-wheeler, so he could not make that determination.

Supervisor Wyche advised that he thought they should deny the application and that it should have

been denied when it came before the Board the first time. It was not an appropriate use of the property regardless.

**Supervisor Faison moved, seconded by Supervisor Wyche, to deny the rezoning application. Chairman Jones, Vice-Chairman Young, and Supervisors Faison, Felts, West, and Wyche voted in favor of the motion. Supervisor Brown voted in opposition to the motion. The vote was 6-1 in favor of the motion, thus the motion passed.**

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was a copy of the official abstract of votes for the general election of November 7, as certified by the Southampton County Electoral Board.

Mr. Johnson advised that included in the agenda was a copy of brief remarks delivered on their behalf at the SOL Accreditation/AYP Recognition ceremony on November 21 at Southampton High School. State Superintendent Billy Cannaday and Delegate Roslyn Tyler were there to extend their congratulations on behalf of Governor Kaine.

Mr. Johnson informed that included in the agenda was a copy of the revised holiday schedule, which was consistent with their resolution of January 23, 2006 and those granted to state employees by Governor Kaine.

Mr. Johnson advised that included in the agenda was correspondence from WHRO relative to their fourth annual Pioneer Awards dinner, which was scheduled for Saturday, February 3, 2007 at the Ferguson Center for the Arts, on the campus of Christopher Newport University. As they knew, WHRO provided K-12 learning services to 19 public school divisions, 14 independent schools, and home schools, representing 286,000 students and 25,000 educators in greater Hampton Roads. Counties/Cities served by WHRO included: Accomack, Chesapeake, Franklin, Gloucester, Hampton, Isle of Wight, Matthews, Middlesex, Newport News, Norfolk, Northampton, Poquoson, Portsmouth, Southampton, Suffolk, Virginia Beach, West Point, Williamsburg, York, and Virginia's School for the Deaf and Blind. They were once again seeking their sponsorship – the Board contributed \$2,500 last year.

**Supervisor Faison moved, seconded by Vice-Chairman Young, to sponsor the 2007 WHRO Pioneer Awards Banquet at the \$2,500 level. All were in favor.**

Continuing with miscellaneous issues, Mr. Johnson informed that included in the agenda was a copy of the executed Memorandum of Agreement for the Regional Water Supply Planning Process between the Hampton Roads Planning District Commission and its 16 member local governments. State regulations required that each local government submit a local water supply plan or participate in a regional planning effort. Cost was allocated based upon the pro-rata number of water connections in each participating community.

Mr. Johnson advised that included in the agenda for their reference was a copy of various reports from Synagro Corporation, as they related to application of biosolids in Southampton County in the month of October.

Mr. Johnson informed that as they knew, Southampton County provided financial support to a number of agencies, departments, and quasi-governmental and nonprofit organizations that offered services in the community. Many of them published annual reports and regular newsletters. Included in the agenda were copies of these publications from:

- Chowan Basin Soil and Water Conservation District;
- The Children's Center;
- South Centre Corridors Resource Conservation and Development Council;
- Southampton County Schools; and
- The Genieve Shelter

Mr. Johnson reported that the following environmental notices were received:

1. From Virginia Department of Health (VDH), Office of Drinking Water, a copied notice of violation to the Town of Courtland for exceeding the primary maximum contaminant level for total coliform bacteria in October;

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2. From Virginia Department of Environmental Quality (VDEQ), notice of a groundwater withdrawal application filed by New Kent County;
3. From VDH, Office of Drinking Water, a copied notice of violation to the Town of Courtland for exceeding the primary maximum contaminant level for fluoride;
4. From VDH, Office of Drinking Water, a copied notice of violation to Southampton County for exceeding the primary maximum contaminant level for total coliform bacteria in September at the Boykins-Branchville water system;
5. From VDH, Office of Drinking Water, a copied notice of violation to the operator of the Nottoway Shores community water system for failing to distribute the required annual Consumer Confidence Report; and
6. From VDH, Office of Drinking Water, copied correspondence indicating that we have completed the annual monitoring for lead and copper in the Boykins-Branchville System and do not have to resample until June, 2009.

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

1. From the Western Tidewater Community Services Board, a note of thanks for their FY 2007 annual appropriation;
2. From the Town of Blackstone, condolences on the tragic automobile accident in Sebrell;
3. From the Auditor of Public Accounts, correspondence to Chairman Jones regarding his review of the collections and remittances by the Treasurer, Commissioner of the Revenue, Sheriff and Commonwealth's Attorney for fiscal year 2006 – no exceptions were noted;
4. From the Genieve Shelter, a note of thanks for your recent donation of \$12,500 for purchase of land for their transitional housing project; and
5. From SPSA Chairman Leroy Bennett to Mayor Dalton Edge of Chesapeake, a response to certain financial concerns identified by the City.

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

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

Supervisor Brown advised that regarding the Regional Water Supply Plan, we needed to take a hard core look at water being taken out of the Nottoway River by the City of Norfolk. That agreement was written at the end of WWII and was revised in the 1980's. We were losing a lot of water.

Mr. Johnson clarified that it was not an agreement. Southampton County had never given its permission nor did it need to. The City of Norfolk purchased the pumping stations from the federal government following the end of WWII. They had the right under their permit from DEQ to withdraw up to 23 million gallons a day out of both the Nottoway and Blackwater River(s). They could continue to withdraw at rates not to exceed that maximum amount as long as they did not improve and expand their abilities to pump.

Supervisor Brown stated that they were in the process of expanding their pumping stations now.

Mr. Johnson clarified that they had included money in their capital improvement plan to refurbish the pump stations, but not to increase the pumping capacity. To his knowledge, they had no intention of filing any permit applications to increase what they could withdraw out of the river. If such an application were filed, it would be subject to a stringent review. He would be surprised if it were ever increased.

Supervisor Brown advised that he thought it was still something they should take a look at. He acknowledged that nothing may be able to be done about it.

Mr. Johnson advised that Southampton County was really not party to this. We did not own any property or the water rights. The City of Norfolk owned the property in fee simple and DEQ had the jurisdiction and control over the waters of the state – it was a state resource.

Supervisor Brown confirmed with Mr. Johnson that the City of Norfolk could pump 23 million gallons a day. Mr. Johnson advised that the City of Norfolk was *permitted* to pump 23 million

gallons a day, but he did not think they had ever pumped that much.

He noted that interestingly enough, the City of Norfolk had a surplus of water – this was not a major component of their water system. Their withdrawals from the Nottoway and Blackwater River(s) only accounted for about 15% of the overall water coming into the Norfolk system.

Chairman Jones asked David Britt, Southampton County Treasurer (who was in the audience), if he could address why personal property tax bills were not mailed at the same time as real estate tax bills and why both were mailed so much later this year than normal.

Mr. Britt advised that they mailed the personal property tax bills earlier than the real estate tax bills because the personal property tax bills were ready before the real estate so they went ahead and mailed them out. He advised that the Code of Virginia required the Treasurer to mail the tax bills two weeks prior to the due date, and that requirement was met for both the personal property and real estate tax bills.

Supervisor Faison stated that the work of the Board of Equalization was not complete. Some of his constituents were saying that they were not scheduled to meet with the Board of Equalization until after December 5, 2006, which was the date the taxes were due.

Mr. Britt advised that any properties that had a dispute were not subject to late penalties.

Mr. Johnson advised that there was a statutory provision that provided for reimbursement if they paid the amount on the tax bill and then the assessment was later reduced by the Board of Equalization.

The Board took a 5-minute recess.

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

**Section 2.2-3711 (A) (5) Discussion concerning prospective businesses or 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 or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the governing body;**

**Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members pertaining to probable litigation.**

**Section 2.2-3711 (A) (30) Discussion of the award of a public contract involving the expenditure of public funds, including the terms and scope of the contract, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the governing body.**

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

Mr. Richard Railey, County Attorney, Mrs. Julia Williams, Finance Director, Mr. Jay Randolph, Assistant County Administrator, Mr. Robert Barnett, Director of Community Development, and Mr. Julien Johnson, Public Utilities Director, were also present in the closed meeting. Mr. David Britt, Southampton County Treasurer, was also present during a portion of the closed meeting.

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

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

**WHEREAS, the Southampton County Board of Supervisors had convened a closed meeting**

November 27, 2006

**on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and**

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

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

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

**The motion passed unanimously.**

Chairman Jones advised that a motion was needed resulting from the closed meeting.

**Vice-Chairman Young moved, seconded by Supervisor Felts, to sign the proposed contract between David Britt (Southampton County Treasurer), the Southampton County Board of Supervisors, and Kaufman and Canoles, P.C. whereby Kaufman and Canoles, P.C. would be hired to collect delinquent real estates taxes in Southampton County. All were in favor.**

There being no further business, the meeting was adjourned at 10:30 PM.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk