

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 28, 2005 at 6:00 PM.

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 October 24, 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 a copy of his remarks regarding the East Courtland interchange made to the Commonwealth Transportation Board at its November 2 public hearing.

Mr. Johnson pleasingly informed that the Commonwealth Transportation Board (CTB) had approved the location for a new Route 460 south of the existing alignment. Their approval of this location was consistent with positions taken by the Board of Supervisors in August 2003 and July 2005. In addition to approving the new southern alignment, the CTB had directed VDOT staff to solicit private sector proposals under the Public-Private Transportation Act (PPTA) to build and finance the project. The estimated cost ranged from \$470 to \$627 million. He stated that while this was encouraging news, do not too excited yet. Secretary Homer gave a sobering reminder when he advised that, "It's clear that there's no [public] money to build this facility. . . The jury's still out on whether the private sector can find an appropriate and affordable way to build Route 460." Proposals from the private sector were expected to be received by February 2006.

Mr. Johnson advised that included in the agenda was a copy of VDOT's first quarter report for FY 2006. Eighty-five percent (85%) of all construction projects were completed within budget and 86% were completed on time.

Vice-Chairman Young informed Mr. Lomax that the ditch on Sycamore Church Road was in bad shape.

Supervisor West stated that last month, he had asked if there was any money to build up the roads, particularly Route 614 (Seacock Chapel Road) coming into Southampton County. Mr. Lomax advised that there was no money available. However, they were looking at getting some special money for Route 58. Supervisor West asked if he was aware that Ivor was part of Southampton County? Mr. Lomax replied yes, he was aware. Supervisor West stated that he would appreciate anything they could do in that area.

Supervisor Wyche advised that he had concerns about Popes Station Road (South) going back to Route 35. There was a lot of truck traffic on that section of road and there were 2 or 3 spots that flooded out when it rained. Maybe digging the ditches would help that problem.

Supervisor Brown commended Mr. Johnson for the comments he made at VDOT's public hearing (for the 2007-2012 six-year improvement plan).

Supervisor Brown advised Mr. Lomax that as stated at September's meeting, he would like the area of Riverdale Road from Sandy Ridge Road to Route 58 revisited in terms of a speed study. The houses had gone from 6 to 13, and there was also a church and fellowship hall there. And as stated at last month's meeting, he was concerned about leaning trees on Sandy Ridge Road and Statesville Road. It would not take much for them to fall and it was a safety hazard.

Mr. Lomax also commended Mr. Johnson for his presentation at VDOT's six-year improvement plan public hearing. It was very eloquent and the best he heard that evening.

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, Delinquent Tax Collection, EMS & Fire Department Activity, and Personnel.

In regards to the personnel report, Mr. Johnson advised that Gloria L. Jenkins of the Sheriff's Office resigned effective 11/03/05. He informed that Derek W. Ayers of the Sheriff's Office remained on active military leave.

Moving to financial matters, Mr. Johnson announced that included in the agenda was an appropriations resolution with a total appropriation of \$291,639.55. This sum represented the balance of local funding budgeted for school operations in FY 2005 that was not expended by the School Board. Consistent with the Board of Supervisors' policy over the past decade, he was recommending that these funds be appropriated for the School Board's use in FY 2006. 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 28, 2005

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, 2005 through June 30, 2006 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	145,819.78
61100-3000-003-9-100	Other Instructional Costs-District Sec	145,819.77
	TOTAL	<u>291,639.55</u>
		=====
	TOTAL APPROPRIATION	291,639.55

REVENUE APPROPRIATION NOVEMBER 2005
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-205-41050-0001	Transfer In From Other Funds	291,639.55
		=====
	TOTAL APPROPRIATION	291,639.55

GENERAL FUND ENTRIES FOR ABOVE APPROPRIATION:

4-100-93000-9200	Transfer out to Schools	291,639.55
3-100-41050-0005	Transfer in-General Fund Reserve	291,639.55

A copy teste: _____, Clerk
Michael W. Johnson

Southampton County Board of Supervisors

11/28/2005

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

Mr. Johnson advised that bills in the amount of \$951,094.35 were received.

Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$951,094.35 be paid with check numbers 72567 through 73127. All were in favor.

Mr. Johnson informed that in keeping with past traditions, he was seeking authority to provide early payroll for all employees in December. He was requesting a motion to issue payroll checks to all employees for the December pay period on Tuesday, December 20, 2005.

Vice-Chairman Young moved, seconded by Supervisors West and Wyche, to authorize early payroll disbursement on December 20, 2005. All were in favor.

Moving to appointments, Mr. Johnson announced that the respective terms of both Ben Lee and V.S. Pittman II on the Industrial Development Authority would expire December 31, 2005. Both were eligible for reappointment and appointments were for a 4-year term. Mr. Pittman, who represented the Capron District, had served continuously since 1994. Mr. Lee, who represented the Drewryville District, had served since 2001.

Chairman Jones advised that Ben Lee was out of town so he had not had the opportunity to speak with him. He would report back on this at December's meeting.

Supervisor Wyche stated that he had not yet talked to Mr. Pittman, but would do so and report back at December's meeting.

Mr. Johnson advised that last March, M.L. Everett, Jr. was appointed to fill the unexpired term of Waverly Coggsdale on the South Centre Corridors Resource Conservation and Development (RC&D) Council. Mr. Everett's term would expire December 31, 2005. He was eligible for reappointment.

Chairman Jones stated that he had not had a chance to talk to Mr. Everett, but would do so and report back on this next month as well.

Mr. Johnson informed that included in the agenda was correspondence from Ms. Pat Ward, Director of the Blackwater Regional Library, advising that Mrs. Joy Collier had resigned from their Board of Trustees. She was seeking their consideration in appointing a successor for her.

The appointment would be for the remainder of her term, which ran through June 30, 2006. He noted that other current members of the Board of Trustees from the County were Alice Joyner (Berlin-Ivor), Dorothy Harris (Jerusalem), Paige Sturdifen (Capron), and Mary Mason (Boykins).

Vice-Chairman Young advised that he had been looking for an appointee and would continue to do so. If unsuccessful, he would ask that another board member try and find an appointee.

Moving forward, Chairman Jones recognized Mrs. Shelley Huntington, Assistant Director of the Blackwater Regional Library.

Mrs. Shelley Huntington addressed the Board. She advised that she was here to talk about their annual report. She pointed out that Ms. Iola Scott, Branch Manager of the Walter Cecil Rawls branch here in Courtland, was also here tonight and did a phenomenal job as their local librarian. She then distributed copies of the annual report. She noted that the annual report reflected on 9 branches that covered 5 localities and a bookmobile. She knew they were most interested in Southampton County, so she would share some powerful figures and highlights regarding our local library last year. She reported that last year, over 63,000 books were checked out. She noted that they were experiencing increases system-wide, and that was not the case throughout the state or country. The Courtland branch provided 11 adult programs to 278 adults. There were 56 classroom visits that reached 2,263 children. She noted that more and more librarians were going into the schools and that reflected a partnership between the schools and the library. They met with Mr. Turner, Superintendent of Southampton County Schools, to strengthen their partnership and reinforce the library's role as partners in education. They also gave out packets to middle and high school teachers advising of their services that could help supplement the school libraries.

Mrs. Huntington reported that over 24,000 patrons visited the local library last year and they came for a lot of different reasons. They had some new services that they were proud of. One was a parenting center that provided all kinds of resources for families from books about pregnancy to children with learning disabilities. Patrons also visited to use the computers. There were 8,810 computer sessions last year, which was a 30% increase over the prior year. They found that more and more patrons were using the library not just for books, but for access to technology that they would not otherwise have. They used technology at the library for everything from downloading job applications and creating resumes to communicating with family overseas. She stated that she just wanted to share with them the happenings of the library. She thanked them for their time.

Moving forward, Mr. Johnson announced that as they recalled from last month, consideration of the following proposed Erosion and Sediment Control Ordinance was held over:

**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

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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.
- 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.

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

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.¶

- (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

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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.

- 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.

Deleted: <#> from time to time.¶

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.

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- 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.~~

Deleted: Fees:

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: 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.

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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.

He advised that notwithstanding concerns expressed at the public hearing regarding additional bureaucracy, the following factors must be considered:

- 1) Southampton County has had a local erosion and sediment control ordinance since 1976;
- 2) Sec. 10.1-562, Code of Virginia, provided that any erosion and sediment control program adopted by a county, city or town must be consistent with the state program and regulations – if a locality failed to adopt its own program, then the erosion and sediment control program shall be administered by the local Soil and Water Conservation District;
- 3) The Virginia Department of Conservation and Recreation (DCR) was charged with review of local programs and assuring that they satisfy the minimum standards of effectiveness as established by the Code of Virginia;
- 4) If, following a program review, DCR found that a local program was inconsistent with state regulations, the required corrective actions were provided in writing along with an offer to provide technical assistance in implementing the corrective actions;
- 5) If a locality failed to implement the required corrective actions, the Commonwealth may impose civil penalties not to exceed \$5,000 per day (capped at \$20,000 per violation), or revoke the local program altogether and require the local Soil and Water District to administer the program for the locality;
- 6) On August 15, 2005, following review of our local program, DCR provided Southampton County written notice of required corrective actions to fully comply with state regulations;

- 7) On September 14, 2005, in accordance with the statute, he (Mr. Johnson) filed a written corrective action plan with DCR agreeing, among other things, to undertake a comprehensive review of our local ordinance and lawfully adopt specific amendments in accordance with their recommendations by December 30, 2005;
- 8) On September 22, 2005, DCR provided him an electronic copy of their recommendations, in the form of the proposed ordinance, which was subsequently advertised for public comment last month;
- 9) The exemptions to the definition of “land-disturbing activity” contained in the ordinance were verbatim from Sec. 10.1-560, Code of Virginia.

Simply put, adoption of this ordinance and administration of a local program that fully met state standards, was a mandate. Failure to comply may subject the County to civil penalties or revocation of its local program altogether, in which case the Chowan Basin Soil and Water Conservation District would assume administration of the state program in Southampton County.

All of the Supervisors agreed that we needed to move forward with adoption of the ordinance.

Mr. Johnson clarified for Supervisor Brown that the proposed ordinance was the model ordinance recommended by the Virginia Department of Conservation and Recreation (DCR).

Mr. Richard E. Railey, Jr., County Attorney, pointed out that on page 7-13, paragraph G, of the ordinance, it should read *County Attorney* and not Commonwealth’s Attorney.

Supervisor West moved, seconded by Supervisor Wyche, to adopt the ordinance with Attorney Railey’s correction. All were in favor.

Moving forward, Mr. Johnson announced that as they were aware, the Personal Property Tax Relief Act of 1998 (PPTRA) was established as a statewide program to provide relief for owners of personal-use motor vehicles. In its original form, PPTRA was a vehicle-based entitlement program. The state was obligated to provide annual tax relief to owners of all personal use vehicles, with the relief computed on the first \$20,000 of assessed vehicle value. Accordingly, as the number and value of vehicles across the Commonwealth grew, so did the state’s annual obligation. He reported that in their 2004 legislative session, the General Assembly capped the Commonwealth’s payment for their car tax program at \$950 million. Senate Bill 5005 established what amounts to a fixed, annual block grant to localities, which must be used to provide tax relief to owners of qualifying vehicles. Southampton County’s share of the \$950 million would be based upon a fixed percentage of the total payments to all localities for tax year 2005. The Auditor of Public Accounts would certify this percentage no later than March 1, 2006. He advised that the 2004 legislation created a number of problems for local governments. First, because of the structure of the cap, it would have caused localities to calculate and adopt special multi-tiered tax rates for qualifying vehicles each year. There were also programming costs that would have to be absorbed by the locality, cash flow issues associated with the timing of payments to localities, and anticipated citizen confusion associated with the changes in the program. He informed that based upon concerns of local governments and constitutional officers, the 2005 General Assembly revisited the car tax issue, and again rewrote the program. Included in a number of budget amendments in the Appropriations Act was language that:

- provided an alternative to multi-tiered rates by providing what’s termed the “specific relief” method. This alternative was much like the current method of tax relief. Tax for personal use vehicles would be shown on the tax bill at the same rate as all other vehicles and the tax relief amount would show as a dollar amount reduction;
- established a payment schedule for earlier payments to localities;
- added an additional \$24 million to the budget for 2005 and prior year bills;
- established a September 1, 2006 termination date for the 1998 car tax program;
- allowed localities to bill taxpayers for the full amount for bills remaining outstanding after September 1, 2006.

He stated that implementing the changes to the car tax relief program caused by the 2004 and 2005 budget amendments would cause each locality to make certain policy determinations and adopt ordinances or resolutions that would effectuate those determinations. Essentially, there were 3 questions that each locality must resolve:

1. Do we use multi-tiered or “bifurcated” rates or the “specific relief” method for apportioning relief to taxpayers?

2. How will we distribute the relief? A single rate, or a different rate for specific value bands, etc.?
3. Will we choose to adopt special relief rules for low-value vehicles (less than \$1,000 in value) or tax all vehicles even if the amount owed is significant?

He advised that the Virginia Municipal League (VML) had provided all localities with a model ordinance that was designed to establish the overall framework for implementing the PPTRA changes. A copy was included in the agenda. The ordinance proposed for their consideration tonight provided for the specific relief method, distributed the relief based on a single rate, and eliminated the personal property tax for vehicles with an assessed value of less than \$1,000. He noted that other alternatives were illustrated in VML's model ordinance. In order to provide for a timely implementation of the program, the Department of Taxation had recommended that an ordinance be adopted prior to January 1, 2006. By doing so, we would be able to make accurate revenue forecasts for the FY 2007 annual budget, have adequate time to implement software modifications for the 2007 personal property tax billing if necessary, and ensure that the Treasurer's and Commissioner of the Revenue's staffs would have time for adequate training.

Supervisor Faison asked, why the specific relief model and not the other alternatives? Mr. Johnson replied that the specific relief model was the closest to the way it was now.

Supervisor West asked if this would become revenue neutral? Mr. Johnson replied that he could not answer that until March when the budget was prepared.

Supervisor West commented that the state made these so-called tax cuts, but it was the localities that ended up paying for it.

Vice-Chairman Young moved, seconded by Supervisor Faison, to authorize the County Administrator to advertise the proposed ordinance for a public hearing on December 19, 2005. All were in favor.

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

AN ORDINANCE TO PROVIDE FOR THE IMPLEMENTATION
OF THE 2004-05 CHANGES TO THE
PERSONAL PROPERTY TAX RELIEF ACT of 1998

- - - - -

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code §§ 51.1-3523 *et seq.* ("PPTRA") has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS these legislative enactments require Southampton County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to Southampton County, commencing in 2006, of a sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles, and provide the opportunity for Southampton County to fashion a program of tax relief that serves the best interests of its citizenry;

NOW THEREFORE BE IT ORDAINED by the Southampton County Board of Supervisors as follows:

§ 1. Purpose; Definitions; Relation to other Ordinances.

(a) The purpose of this Ordinance is to provide for the implementation of changes to PPTRA effected by legislation adopted during the 2004 Special Session I and 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this Ordinance that have defined meaning set forth in PPTRA shall have the same meanings as set forth in Va. Code § 58.1-3523, as amended.

(c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the Southampton County Code, this Ordinance shall control.

§ 2. Method of Computing and Reflecting Tax Relief.

(a) For tax years commencing in 2006, Southampton County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.

(b) The Board of Supervisors shall by annual ordinance set the rate of tax relief at such a level that is anticipated fully to exhaust PPTRA relief funds provided to Southampton County by the Commonwealth. Any amount of PPTRA relief not used within the County's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

§ 3. Allocation of Relief Among Taxpayers.

(a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County's annual budget relating to PPTRA relief.

(b) Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1000 or less.

(c) Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a rate, annually fixed in the Southampton County budget and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The rate shall be established annually as part of the adopted budget of Southampton County. *[NOTE: this provides for a single rate of relief applicable to the first \$20,000 of vehicle value.]*

§ 4. Transitional Provisions.

(a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the Southampton County Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in Sec. 15-78 of the Southampton County Code, as amended, from the original due date of the tax.

This ordinance shall become effective at 12:01 a.m., December 20, 2005.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: December 19, 2005

Proceeding to the citizen request to address the Board, Mr. Johnson recognized Mr. Bruce Phillips.

Mr. Phillips advised that he had submitted a request for Children-At-Play signs in the Village of Sebrell [from 17297 River Road (Sebrell Methodist Church) to 18006 River Road (St. Mary's AME Church)]. He thought he needed to address the Board regarding that, but learned he did not. He noted that Mr. Jerry Kee of VDOT was instrumental in getting the speed limit in that area lowered to 35 mph. He stated, however, that he still wanted to address the Board about another issue – The Lake Gaston pipeline (that was proposed to be used as a recreational trail). He had some concerns and had talked to others who also had concerns. He advised that he lived beside the pipeline and farmed around it and moved farm equipment along the pipeline. Farms along the pipeline were sprayed and someone walking along the pipeline might get sprayed too. Some people were concerned that people would be walking through their back yards. He was in the process of trying to get a gaming preserve approved, and he thought this was have a negative impact on that. He stated that it had been said that the recreational trail would be closed during

hunting season. He pointed out that there was some type of hunting permitted in the County in all but 3 months out of the year, whether it be deer hunting, rabbit hunting, or whatever.

Vice-Chairman Young advised that he had received a number of calls and the farmers were concerned.

Supervisor Faison stated that we needed to look at the interests of everyone in the County – hunters as well as people interested in recreation.

Supervisor West asked Mr. Phillips if he had permission to move his farm equipment up and down the pipeline? It seemed he was concerned about some trespassing on the pipeline, such as someone riding a horse, but was not concerned about other unauthorized uses of the pipeline, such as moving farm equipment. Mr. Phillips replied that he had a verbal agreement with the City of Virginia Beach (who owned the pipeline) but never did get a written agreement.

Supervisor Brown advised that he was concerned about terrorism and public safety. That was a serious concern.

Supervisor Wyche informed that he had also received a number of calls.

Mr. Phillips commented that he was also concerned that this pipeline could open up the dumping of trash by citizens.

Mr. Johnson clarified for Mr. Phillips that there was no ordinance regarding the pipeline. Chairman Jones had simply sent a letter to the Mayor of Virginia Beach inquiring whether or not they were even amenable to Southampton County using the pipeline as a recreational trail.

Going back to the request for Children-At-Play signs in the Village of Sebrell that Mr. Phillips had mentioned, Mr. Johnson advised that the area he described qualified and Mr. Phillips had filed the required petition and map. He advised Chairman Jones that they could go ahead and dispense with that request if they so desired.

The resolution is as follows:

At a meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, November 28, 2005 at 6:00 p.m.

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

IN RE: "Watch for Children" signage request

Supervisor Wyche moved that:

"The County Administrator is directed to request to the Virginia Department of Transportation to install and maintain 'Watch for Children' signage on River Road alerting motorists that children may be at play between 17297 and 18006 River Road."

Seconded by Vice-Chairman Young.

Voting on the Item: Supervisors Jones, Young, Brown, Faison, Felts, West, Wyche – YES;
None – NO.

A COPY TESTE:

Michael W. Johnson, Clerk
Southampton County Board of Supervisors

Supervisor Wyche moved, seconded by Vice-Chairman Young, to adopt the resolution directing the County Administrator to request VDOT to install and maintain the signage described above. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was an application for a fireworks permit from Pastor Howard L. Vinson, Jr., pursuant to Sec. 10-73 of the *Southampton County Code*. This display was scheduled for Christmas Eve at approximately 8:45 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.

Pastor Vinson was present and advised that he would be happy to answer any questions.

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

Moving forward, Mr. Johnson announced that included in the agenda was correspondence from Lifestar Ambulance Service, Inc., an Emporia-based corporation, advising of their planned acquisition of Medstar Ambulance Service of Courtland, effective in January 2006. Section 15.2-955 of the Code of Virginia required that the local governing body must approve by resolution all "emergency medical service organizations, or other organizations providing similar type services." Lifestar had executed an agreement with Southampton Memorial Hospital for ambulance service and intended to operate out of Medstar's existing building. They would be licensed for advanced and basic life support services.

He was seeking their adoption of the following brief resolution:

"BE IT RESOLVED that the Board of Supervisors does hereby authorize Lifestar Ambulance Service, Inc. to provide ambulance transport services in Southampton County pursuant to Section 15.2-955 of the Code of Virginia, 1950, as amended."

Representatives of Lifestar Ambulance advised that Medstar was relinquished on November 21. They were glad to be in Southampton County and looked forward to working with them.

Supervisor Wyche stated that he was familiar with Lifestar Ambulance and thought they did a fine job and would serve the County well.

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

Moving forward, Chairman Jones recognized Mr. John Hadfield, Executive Director of the Southeaster Public Service Authority (SPSA).

Mr. Hadfield addressed the Board and distributed handouts entitled "SPSA Reissuance of Certain Bonds." He advised that he was seeking their consideration of a resolution authorizing SPSA to "reissue" certain senior revenue bonds previously issued in 1993, 1998, and 2004. He stated that there were circumstances surrounding a fairly complex tax matter. (A copy of a detailed, written explanation of those circumstances was included in the agenda). Because of proposed changes in the price that SPSA pays itself for refuse-derived fuel at the Power Plant, certain actions must be taken to avoid IRS penalties or the loss of tax-exempt status on previously issued bonds. Those actions were provided for in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), and among other things, required each member community of SPSA to adopt a resolution approving the reissuance of the tax-exempt bonds. Approval of this resolution was an internal accounting matter to comply with TEFRA regulations and would not materially affect SPSA's balance sheet in any way and would not have any consequences to bondholders.

The resolution is as follows:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY
APPROVING THE REISSUANCE BY THE SOUTHEASTERN PUBLIC SERVICE AUTHORITY
OF VIRGINIA OF CERTAIN SENIOR REVENUE BONDS ISSUED IN 1993, 1998 AND 2004, A
PORTION OF THE PROCEEDS OF BONDS REFUNDED BY WHICH WERE USED TO
FINANCE OR REFINANCE FACILITIES LOCATED IN SOUTHAMPTON COUNTY**

WHEREAS, the Southeastern Public Service Authority of Virginia (the "Authority") will be deemed as a matter of Federal income tax law to "reissue" certain Senior Revenue Bonds issued in 1993, 1998 and 2004, namely its Senior Revenue Refunding Bonds, Series 1993A (Regional Solid Waste System) issued on November 18, 1993 in the principal amount of \$147,250,000 and currently outstanding in the principal amount of \$58,050,000, its Senior Revenue Refunding Bonds, Series 1998 (Regional Solid Waste System) issued on April 23, 1998 in the principal amount of \$33,535,000 and currently outstanding in the principal amount of \$33,535,000 and its Senior Revenue Refunding Bonds, Series 2004A Tax-Exempt (Regional Solid Waste System) issued on June 30, 2004 in the principal amount of \$39,390,000 and currently outstanding in the principal amount of \$39,390,000 (collectively, the "Tax-Exempt Bonds"), which bonds refunded bonds that financed or refinanced the following facilities, all or a portion of which are or were located within Southampton County (the "County"): the Franklin Transfer Station located at 30521 General Thomas Highway, Franklin, Virginia, which is situated approximately two miles west of Franklin in Southampton County; the Boykins Transfer Station located at 18449 General Thomas Highway, Boykins, Va.; the Ivor Transfer Station, which was initially located at the site of the former Southampton County Landfill, approximately two miles northwest of Ivor in Southampton County and subsequently replaced by a permanent facility located at 36439 General Mahone Boulevard, Ivor, Va.; and the funding of certain capital improvements to any or all of the facilities at the locations described herein which comprises the System, together with vehicles, rolling stock, equipment and other functionally related and subordinate items (the "Tax-Exempt Improvements");

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

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

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

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

WHEREAS, on November 14, 2005, the Authority held a public hearing (the "Hearing") regarding the reissuance of the Tax-Exempt Bonds pursuant to a notice of public hearing published twice on October 31, 2005 and November 7, 2005, the last such date being not less than six days after the second publication of such notice;

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

WHEREAS, the Board of Supervisors had determined to approve the reissuance of the Tax-Exempt Bonds; now, therefore,

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

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

Section 2. This Resolution shall take effect immediately.

Supervisor West asked, what would happen next? Would this negatively impact Southampton County? Mr. Hadfield replied no, not at all.

Supervisor Brown confirmed with Mr. Hadfield that this was a way to comply with regulations and avoid any penalties.

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

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

The Priority List for Proposed Improvements to the Secondary and Unpaved Roads of Southampton County and the FY 2007 Secondary and Unpaved Road Construction Budget.

Mr. Joe Lomax, Residency Administrator of VDOT, addressed the Board. He advised that this plan was for years 2006-07 through 2011-2012. In updating the six-year plan, they followed the priority list approved in last year's six-year plan.

Mr. Johnson stated that **Sec. 33.1-70.01, Code of Virginia, 1950**, as amended, required the County Board of Supervisors, in conjunction with VDOT, to formulate a six-year secondary road improvement plan.

He then gave an overview of the following six-year plan information provided by Mr. Lomax and Mr. Gerry Kee, Assistant Residency Administrator of VDOT:

Secondary System
 County: Southampton
 Construction Program
 Estimated Allocations

Fiscal Year	Incidental Construction	Regular Construction	Unpaved Construction	Total
2006-2007	\$93,000	\$927,318	\$223,217	\$1,243,535
2007-2008	\$93,000	\$914,727	\$219,050	\$1,226,777
2008-2009	\$93,000	\$930,863	\$220,222	\$1,244,085
2009-2010	\$93,000	\$855,045	\$198,429	\$1,146,474
2010-2011	\$30,000	\$951,521	\$200,233	\$1,181,754
2011-2012	\$30,000	\$951,521	\$200,233	\$1,181,754
Totals	\$432,000	\$5,530,995	\$1,261,384	\$7,224,379

Board Approval Date: 11/28/2005

 Joseph E. Lomax, II
 VDOT Residency Administrator Date

 Dallas O. Jones
 Chairman, Clerk, Co. Administrator Date

District: Suffolk
 County: Southampton
 Board Approval Date: 11/28/2005

Secondary System Construction Program
 (in dollars)
 2006-07 through 2011-2012

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # From To Length Traffic Count	Estimated Cost AD Date:	Scope of Work FHWA # Comments	FHWA#
Rt. 8000 ID: CWI State Forces STATE County-Wide Incidental Pri #: 0	Total County-Wide Allocation CWI TRAFFIC SER, NEW ADD, INSTALL ENTR PIPE, PRELIMINARY ENGR, 0	PE \$0 RW \$0 CON \$558,000 Total \$558,000	FERTILIZATION & SEED STATE FORCES	
Rt. 0671 ID: 17661 Contract State Regular Pri #1	GENERAL THOMAS HWY 0671-087-264, C501 Route 687 Route 650 0.85 MI 5,054	PE \$800,000 RW \$289,800 CON \$3,778,000 Total \$4,867,800 3/31/2008	5 LANE WITH TURN LANE 14003	
Rt. 743 ID: 57325 Contract State Regular Pri #2	Fullers Mill Road 0743-087-267, M501 Route 671 0.70 MI S Route 671 0.70 MI 313	PE \$306,000 RW \$497,300 CON \$1,711,000 Total \$2,514,300 1/31/2011	RECONSTRUCTION 18003	
Rt. 0646 ID: 57326 Contract STP Regular Pri #3	Governor Darden Road 0646-087-268, M501 ECL of Courtland 2.5 Mi E of ECL Courtland 2.5 Mi 472	PE \$85,000 RW \$0 CON \$1,600,000 Total \$1,685,000	RECONSTRUCTION 14003	
Rt. 646 ID: 57327 Contract STP Regular Pri #4	Governor Darden Road 0646-087- ,M 2.5 Mi E of ECL Courtland 641 2.62 MI 472	PE \$85,000 RW \$0 CON \$1,600,000 Total \$1,685,000	RECONSTRUCTION 14003	
Rt. 1503 ID: 16396 Railroad State Regular Pri #5	1503-201-225, FS721 0.07 MI N Rt. 646 # 464-221J NS Railroad 320	PE \$10,000 RW \$0 CON \$75,000 Total \$85,000	RR PROTECTIVE DEVICES 16012 RR SAFETY PROGRAM PROJECT; 90% FHWA FUNDED	
Rt. 0618 ID: 10113 Contract State Regular Pri #6	Proctors Bridge Road 0618-087- ,M NCL Ivor Rt. 617 1.79 MI 941	PE \$40,000 RW \$0 CON \$220,000 Total \$260,000	RECONSTRUCTION 14003	

District: Suffolk
 County: Southampton
 Board Approval Date: 11/28/2005

Secondary System Construction Program
 (in dollars)
 2006-07 through 2011-2012

Rt. 0616 ID: 12997 Contract State Regular Pri #6	Proctors Bridge Road 0616-243- , M Rt. 460 NCL Ivor 0.20 MI 941	PE \$25,000 RW \$50,000 CON \$250,000 Total \$325,000	RECONSTRUCTION 14003 TOWN PORTION OF PROJECT
Rt. 0692 ID: 62573 SAAP State Unpaved Pri # 0	Whitehouse Road 0692-087-P69, N501 Rt. 775 Rt. 35/58 Business 0.90 MI 80	PE \$5,000 RW \$0 CON \$357,727 Total \$362,727	Grade, Drain, & Surface Treat 16003
Rt. 0657 ID: 57355 SAAP State Unpaved Pri #1	Old Place Road 0657-087-P73, N501 Rt. 658 E Rt. 693 2.60 MI 56	PE \$50,000 RW \$0 CON \$806,138 Total \$856,138 4/30/2008	Grade, Drain, & Surface Treat 16003
Rt. 0654 ID: 1787 SAAP State Unpaved Pri #2	Rawlings Road 0654-087-P69, N501 Rt. 609 Rt. 58 0.90 MI 110	PE \$10,000 RW \$0 CON \$237,917 Total \$247,917 2/28/2011	Grade, Drain, & Surface Treat 16003
Rt. 0651 ID: 1949 SAAP State Unpaved Pri #3	Indian Town Road 0651-087-P82, N501 Rt. 653 Rt. 609 1.3 MI 90	PE \$15,000 RW \$0 CON \$300,000 Total \$315,000	Grade, Drain, & Surface Treat 16003
		Estimated Cost	
County Totals	Program Allocation:		
		PE \$1,431,000 RW \$837,100 CON \$11,493,782 Phase Allocation Total: \$13,761,882 Balance:	

Chairman Jones opened the public hearing.

Mr. Glenn Updike addressed the Board. He stated that he wished the County Administrator would ask the Supervisors to put their requests (to VDOT) in writing. On Thanksgiving Day, a tree fell across the road. If it had been at night, there could have been major problems. (Note: A Supervisor had verbally requested to VDOT at the October 24, 2005 regular session and again tonight that they take a look at leaning trees.) He asked what had been done about this request? He stated that he knew VDOT was slow. About 20 years ago, his son put flares in a curve as a part of a project. And 20 years later, VDOT finally got around to putting reflectors there. He stated that they also needed to keep the ditches cleaned out.

Mr. C. Donald Babb of Proctors Bridge Road spoke. He advised that he spoke with Mr. Johnson some time ago and he indicated to him that there were about 200 vehicles per day that traveled Proctors Bridge Road. He (Mr. Babb) was sure that half of them were tractor-trailers. He stated that some of that road was black-topped but the rest of it was rapidly deteriorating.

Pastor Mary Stevens spoke on behalf of Bishop Poquoson Road (Route 680). She stated that the road frequently flooded and the ditches would not allow the water to drain. She was the pastor of a church on that road and sometimes they had to cancel service because of the condition of the road. They made a request in June 2001 and November 2003 and they were back tonight asking them to consider paving that road.

Mr. Vanless Worrell of the Newsoms District spoke. He advised that he wanted to echo what Pastor Stevens just said. They had asked for assistance with that road before. They had some serious drainage issues in Newsoms. The church could not even have service sometimes.

Mr. Bruce Phillips addressed the Board. He advised that a number of new houses had been put up on Carys Bridge Road between Popes Station Road and Hobos Path and there were a lot of mailboxes very close to the road. There was a lot of tractor-trailer traffic on that road.

Supervisor West asked who was responsible for making sure that mailboxes were properly placed? Mr. Lomax replied VDOT.

Supervisor Brown stated that drainage ditches were a serious concern. Like he had mentioned at previous meetings, he was under the impression that a schedule was being put together pertaining to ditch maintenance in the County, as well as grass cutting, etc. Mr. Lomax and Mr. Jerry Kee advised that they would provide a schedule.

Mr. Vanless Worrell spoke again. He advised that he used to speak to Mrs. Sykes before she passed, and he tried to get up with Supervisor Brown. Who should he see about highway concerns? Chairman Jones advised that he should first try to contact the Supervisor representing his district, but he could contact any Supervisor.

Supervisor Brown advised that he always relayed concerns of his constituents to VDOT at each and every meeting.

Mr. Kee confirmed for Supervisor Wyche that Indiantown Road was last on the priority list because it had come up before, but was not ready, so it got moved to the bottom.

Supervisor Brown asked if the new Route 460 that was approved would affect the priority of Proctors Bridge Road? Mr. Johnson replied no, he did not think it would affect it.

Chairman Jones closed the public hearing.

The resolution regarding the proposed improvements to **secondary (paved)** roads is as follows:

**PRIORITY LIST FOR SECONDARY ROADS
FY 2006-07**

At a meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, November 28, 2005 at 7:00 p.m.

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

IN RE: Priority List – Proposed Improvements to the Secondary Highway System

Supervisor West moved:

November 28, 2005

WHEREAS, in accordance with Section 33.1-70.01 of the Code of Virginia, as amended, the Southampton County Board of Supervisors and the Virginia Department of Transportation held a joint public hearing in Southampton County at 7:00 p.m. on Monday, November 28, 2005 to present a Priority List of road improvements to use in formulating the 2006-2007 Secondary Road Construction Budget; and

WHEREAS, it is the desire of this Board to approve the Priority List of projects for the 2006-07 through 2011-12 Secondary Road Improvement Plan and 2006-07 Priority List of projects for the Secondary Road Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED that this Board does go on record as approving the 2006-07 through 2011-12 Priority List of Improvements to the Secondary Road System and the 2006-07 Priority List of projects for the Secondary Road Improvement Plan as attached herewith.

Seconded by Supervisor Wyche.

Voting on the Item: YES - Dallas O. Jones, Chairman
 Walter L. Young, Jr., Vice-Chairman
 Walter D. Brown, III
 Carl J. Faison
 Anita T. Felts
 Ronald M. West
 Moses Wyche

NO - None

A COPY TESTE:

Michael W. Johnson, Clerk
Southampton County Board of Supervisors

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

The resolution regarding the proposed improvements to unpaved roads is as follows:

**PRIORITY LIST FOR UNPAVED ROADS
FY 2006-07**

At a meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, November 28, 2005 at 7:00 p.m.

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

IN RE: Priority List – Proposed Improvements to Unpaved Roads

Supervisor West moved:

WHEREAS, it is the desire of this Board to establish a priority list of the unpaved roads in Southampton County to provide a guide for the Virginia Department of Transportation in developing the Six Year Plan and Construction Budget; and

WHEREAS, the priority list for unpaved roads for Southampton County was presented by the Virginia Department of Transportation based upon previous priorities adopted by this Board, as may be amended.

NOW, THEREFORE, BE IT RESOLVED that this Board does go on record as approving the attached priority list of the unpaved roads in Southampton County as its priorities for FY 2006-07.

Seconded by Supervisor Wyche.

Voting on the Item: YES – Dallas O. Jones, Chairman
 Walter L. Young, Jr., Vice-Chairman
 Walter D. Brown, III
 Carl J. Faison
 Anita T. Felts
 Ronald M. West
 Moses Wyche

NO – None

A COPY TESTE:

Michael W. Johnson, Clerk
Southampton County Board of Supervisors

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

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

REZ 09062005:01 Application filed by Durwood Scott, agent, on behalf of Bain Development LLC, owner, requesting a change in zoning classification from A-1, Agricultural to C-B-2, Conditional General Business of approximately 26.5 acres. The subject property is located east of Agri Park Drive and south of Route 58, Southampton Parkway and is further identified as Tax Map Number 76-36. The property is located in the Franklin Magisterial District and Franklin Voting 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 6, 2005 and recommended approval.

Chairman Jones opened the public hearing.

Mr. Durwood Scott, agent, addressed the Board. He advised that he was present to answer any questions.

Mr. Glenn Updike spoke. He stated that he could not understand the Planning Commission and Board of Supervisors approving all of these accesses onto Route 58. How many more people had to die?

Supervisor West advised that he thought that was a valid concern.

Supervisor Brown advised that they were working on “work arounds” and the Board was doing everything that it could. They needed a stigma like Emporia – if you speed through there, you were going to get a ticket.

Supervisor West stated that Mr. Johnson had indicated before that there were 4,000 tractor-trailers per day that traveled Route 58. That was a very dangerous highway.

Mr. Jerry Kee, Assistant Residency Administrator of VDOT, advised that they reviewed this application. The applicant originally wanted two (2) accesses onto Route 58, but they only approved one (1).

Mr. Randolph clarified for Supervisor West that no businesses had been identified for this site yet, so it was unknown at this time the amount of traffic it would attract.

Ms. Linda Brooks spoke. She asked what kind of timetable were they looking at (in getting something done about the safety on Route 58?) Mr. Kee replied, within the next 4-6 months.

Ms. Gail Phillips spoke. She advised that she read in the paper that Food Lion had set aside money for a stoplight but the stoplight had to be installed within 3 years. She asked if that were true? Chairman Jones advised that that was true. Mr. Jerry Kee advised that a stoplight was currently being evaluated.

Chairman Jones closed the public hearing.

Vice-Chairman Young moved, seconded by Supervisor Wyche to accept the Planning Commission's recommendation and approve the rezoning.

Supervisor West asked if there were any aesthetic proffers? Mr. Randolph replied no and advised that the proffers were as follows:

- Restrictions on the permitted uses that would otherwise be permitted;
- No more than one (1) additional entrance on Southampton Parkway. There would be another entrance onto Agri Park Drive;
- Owner/developer to extend public utilities to each parcel;
- Ingress/egress from Southampton Parkway and Agri Park Drive;
- Owner/developer would improve streets after site plan approval;
- Site to use a common best management practice (BMP).

Supervisor West stated that they were not proffers. We were not doing our job. It looked like a quick dollar made. He was going to vote against it.

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

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

CUP 09072005:02 Application filed by Charles B. Guynn, Jr., owner, requesting a conditional use permit pursuant to Section 18-313 (25) of the Southampton County Code in order to operate a salvage yard on property located west of the intersection of Route 58, Southampton Parkway and Route 671, General Thomas Highway. The subject property is currently zoned M-2, General Industrial and contains approximately 8.709 acres and is further identified as Tax Map Number 92-9C. The property is located in the Franklin Magisterial District and Franklin Voting District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its October 6, 2005 meeting and recommended approval with the following conditions:

- Screening of facility with privacy fencing
- No storage of inoperative vehicles
- All storage of material to be in enclosed containers, no open storage
- Annual inspection by County staff to verify compliance
- Permit to apply only to Charles B. Guynn, Jr., (non-transferable)

Chairman Jones opened the public hearing.

Mr. Charles B. Guynn, Jr., owner, addressed the Board. He stated that he would be pleased to answer any questions.

Mr. Guynn clarified for Supervisor West that he picked up scrap metal from all over and hauled it to Chesapeake. He needed a place to store his roll-of containers.

Supervisor West asked if this was good use of the property and if it was compatible with surrounding properties? Vice-Chairman Young informed that this property used to be an old landfill and was located next to the SPSA transfer station.

Chairman Jones closed the public hearing.

Vice-Chairman Young moved, seconded by Supervisor Felts, to accept the Planning Commission's recommendation and approve the conditional use permit. All were in favor.

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

CUP 09082005:03 Application filed by William Griggs, owner, requesting a conditional use permit pursuant to Sections 18-157 (5) and 18-167 of the Southampton County Code in order to construct sixteen (16) townhouses on property located west of the intersection of Southampton Parkway, Route 58 and Jerusalem Road, Route 58 Business. The subject property is currently zoned R-2, Residential and contains approximately 2.433 acres and is further identified as Tax Map Number 75-34F. The property is located in the Jerusalem Magisterial District and Jerusalem Voting District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its October 6, 2005 meeting and recommended approval with the following conditions:

- Screening of infrastructure (water system pump house)
- Fencing to buffer residential use from adjacent commercial use
- Specific construction materials (shingles, siding, etc.) to promote harmony with surrounding land uses
- Townhouses must be sold and not rented
- Creation of Homeowners Association

He pointed out that development could occur on the property by right, as it was currently zoned R-2, Residential. However, the construction of townhouses required a conditional use permit.

Chairman Jones opened the public hearing.

Mr. O.R. "Tom" McClenney addressed the Board. He stated that he was the developer of the property representing Williams Griggs, owner. He was here to answer any questions.

Mr. McClenney clarified for Supervisor Brown that there would not be any more than 3 units in any one particular building.

Supervisor Brown asked who would be responsible for keeping the grass cut? Mr. McClenney replied that the homeowners would buy into a Homeowner's Association who would maintain the grass.

Supervisor West asked how the County would enforce the Homeowner's Association? He did not think we could. Mr. Richard Railey, Jr., County Attorney, advised that we could enforce it because it was a condition of the conditional use permit.

Mr. Glenn Updike spoke. He advised that we did not need development until we first got our infrastructure in place.

Ms. Linda Brooks spoke. She asked if anyone had thought about how we would handle the additional traffic that would be created by this development? She thought that was a legitimate question.

Supervisor West stated that it was a very legitimate question. He also stated that we had growth coming into the County, but we did not have the infrastructure in place.

Chairman Jones closed the public hearing.

Supervisor Felts advised that she had not received any calls regarding this application. The Gray's (Carl and Sherry) expressed some concerns at the Planning Commission's public hearing, but Mr. McClenney addressed their concerns and they were satisfied.

Supervisor Felts moved, seconded by Supervisor Faison, to accept the Planning Commission's recommendation and approve the conditional use permit. Chairman Jones, Vice-Chairman Young, and Supervisors Brown, Faison, Felts, and Wyche voted in favor of the motion. Supervisor West voted in opposition to the motion. The vote was 6-1 in favor of the motion, thus the motion passed.

Moving to reassessment issues, Mr. Johnson announced that included in the agenda was correspondence from Blue Ridge Mass Appraisal, LLC requesting a 90-day extension to complete the real property reassessment. Section 58.1-3257 of the Code of Virginia provided that the reassessment was to be completed by December 31, except that the Circuit Court may, for good cause, extend the time for completing the reassessment for an additional three months. He informed that Blue Ridge had advised him that the revised assessment notices would now be sent to all real property owners shortly after January 1, 2006 followed by a 30-day period in which aggrieved property owners may appeal directly to the assessor for relief. Thereafter, all appeals must be filed with the Board of Equalization. He advised that Blue Ridge was asking that we petition the Circuit Court of Southampton County for a three-month extension based upon difficulties they had encountered with their software during data conversion.

Supervisor Brown asked if there would be any additional cost to the County? Mr. Johnson replied no, other than inconvenience.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to authorize the County Administrator to petition the Circuit Court for a three-month extension in accordance with the provisions of Section 58.1-3257, Code of Virginia. All were in favor.

Mr. Johnson advised that because of the extension request they just authorized, the ordinance that was adopted last month establishing the timeframe for application and disposition of requests for equalization was no longer workable. Accordingly, he had redrafted the ordinance, moving all the dates back 30 additional days. The revised ordinance provided that all applications to the Board of Equalization must be made by March 15, 2006 with final disposition no later than April 15, 2006.

Supervisor Wyche moved, seconded by Supervisor Felts, to authorize the County Administrator to advertise the ordinance for public hearing on December 19, 2005. All were in favor.

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

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

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~~ March 15, 2006, and the deadline for disposition of applications by the Board of Equalization shall be ~~March~~ April 15, 2006.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: ~~October 24, 2005~~ December 19, 2005

Mr. Johnson informed that it would be necessary for a Board of Equalization to be appointed as soon after January 1, 2006 as possible in order to properly advertise the application deadline and publish the dates of its hearings. Since the Board was court-appointed, the Board of Supervisors acted only in an advisory capacity. He advised that a resolution would be prepared at the December meeting offering their appointment recommendations to the Court. The resolution would provide one recommendation from each election district. By statute, there could only be five sitting members, so two of the recommended appointees would be utilized solely as alternates in the event that a regular member had a conflict on the day or day(s) that the Board would conduct its hearings. He stated that he would like for them to come prepared to the December 19, 2005 meeting with a recommendation for appointment from their respective districts. In order to meet the requirements of the statute, their appointments would need to be discussed collectively:

- 1) All members must be residents of the County and the majority of them must be property owners;
- 2) At least two of the five sitting members shall be real estate appraisers, real estate professionals, builders, developers, attorneys or finance professionals;

- 3) All members must, prior to service, attend and participate in a basic course of instruction by the Department of Taxation;
- 4) All members must be readily available to meet several times weekly to hear and decide appeals from aggrieved taxpayers between March 15 and April 15, 2006.

He encouraged them to discuss their ideas with Mr. John Robert Harrup, Southampton County Commissioner of the Revenue, prior to contacting any prospective appointees. He noted that members of the Board of Equalization were given a per diem of \$60 for each day they convened.

Supervisor Brown wondered how many petitioners we could expect and asked if one Board could handle it? Mr. Johnson replied that he did not know the magic number as to how many petitioners we could expect, but one Board had to handle it because that was all the statute allowed for.

Vice-Chairman asked if 30 days was enough time for the Board to hear grievances? Mr. Johnson replied that if we let it linger any longer, we would run into problems with budget projections.

Moving forward, Mr. Johnson announced that included in the agenda for their consideration was a copy of the Southampton County Planning Commission's recommendations regarding certain ordinance amendments, which were intended to limit and manage residential development in rural areas. These amendments were proposed to become effective by February 28, 2006 in order to succeed the temporary legislation adopted last year. He stated that these recommendations were the culmination of work by both the Land Development Task Force and Planning Commission. He advised that Mr. Jay Randolph, Assistant County Administrator, had prepared a brief PowerPoint presentation for their review.

Mr. Randolph presented a PowerPoint presentation explaining the Rural Residential (RR) Zoning District. He stated that Southampton County was experiencing issues and problems with the loss of agricultural land (i.e. land use conflicts, loss of rural character), safety (i.e. increased traffic on secondary highways, multiple driveway entrances), and fiscal impacts of development (i.e. infrastructure such as streets/roads, storm water, water and sewer, operational expenses such as education, law enforcement, solid waste, and fire and rescue.) As a result, the Land Development Task Force created a Rural Residential (RR) Zoning District. The RR District would utilize experiences of comparable localities, develop a process to require the rezoning and public review of new residential subdivision lots, and would apply to areas designated as agricultural by the Comprehensive Plan. The purpose was to limit conversion of agricultural lands for residential purposes, protect the rural character by discouraging "piano-key" development, require a rezoning and public review of development proposals, and allow an opportunity for voluntary proffers. He noted that it was consistent with the Comprehensive Plan and administratively manageable.

He explained that the RR District would provide for three options – Timed Approach, Sliding Scale, and Cluster Development. The Timed Approach would allow for a single lot application once every three (3) years, no limit on the maximum number of lots that could be created from a tax map parcel, and allow for the first two (2) lots not to have state road frontage unless specific conditions warranted (i.e. wetlands, sight distances). The Sliding Scale option would limit the number of times a tax map parcel could be split, based on its overall size (i.e. the larger the parcel, the more splits that may occur, up to a maximum established number.) It would allow for multiple lots to be created during one application, subject to the maximum number of lots permitted.

He advised that following were standards for the Sliding Scale:

- 40,000 square feet minimum lot requirement
- 5 acre maximum lot size (to reduce land consumption in agricultural areas)
- Shared private driveways required to limit number of access points
- Residual property that remains agriculturally-zoned may be combined with other agricultural properties

He shared the following table regarding the Sliding Scale:

Sliding Scale

Size of Tract (acres)	Total Lots Permitted by Ordinance
<25 acres	1
25 – 64.99 acres	2
65 – 104.99 acres	3
105 – 144.99 acres	4
145 – 184.99 acres	5
185 – 224.99 acres	6
225 – 264.99 acres	7
265 – 304.99 acres	8
305 – 344.99 acres	9
345 – 384.99 acres	10
385 – 424.99 acres	11
425 – 464.99 acres	12
465 – 504.99 acres	13

He advised that following were standards for Cluster Development:

- Building lots to be clustered on a portion of the property
- All lots to be served by state maintained subdivision street(s)
- Front buffer yard required with a minimum 50' of landscaping
- Lot sizes from 40,000 square feet to 5 acres
- Open space to be maintained by association or entity

He shared the following table regarding Cluster Development:

Cluster Development

Option	Open Space Preserved	Number of Lots	Maximum Lot Size	Road Setback
A	50%	10	5	100
B	60%	12	3.5	100
C	70%	20	1.5	100

Mr. Randolph advised that the following subdivisions would be exempt from the rezoning process, however, additional regulations may apply:

- Family member transfers
- Existing home sites
- Court ordered divisions
- Bona fide agricultural subdivisions
- Lot line adjustments

Supervisor Brown stated that regarding the subdivision exemption of family member transfers, it was noted that additional regulations may apply. He asked Mr. Randolph to give an example of that. Mr. Randolph advised that there was a stipulation that if you were to divide property for an immediate family member, that immediate family member must hold the property for a minimum of ten (10) years, except for the purpose of securing a construction loan for example. He clarified for Supervisor Brown that the zoning on the newly created family member lot would be the same as the parent parcel. So if the parent parcel were zoned A-1, the new lot being created would also be zoned A-1. They could farm that property, build a home on that property, or whatever they wished. If you were not a family member and you wished to subdivide off of that lot, you would be required to go through the Rural Residential process.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to advertise the proposed ordinance amendments for public hearing at the December 19, 2005 meeting. All were in favor.

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

ARTICLE VII. RURAL RESIDENTIAL DISTRICT, RR

Sec. 18-175. Purpose of the district.

This district is intended to provide for limited and low-density residential development within agricultural areas (as defined by the Comprehensive Plan) while being protective of the County's rural character and preserving open space and productive farm and timberlands. In accordance with the Comprehensive Plan, residential development in the RR District will utilize either of three (3) options in designing residential subdivisions: Timed Approach Development, Sliding scale development or Cluster Development with density bonus. Selection of one of the three options commits the parent property to that option with regards to future development rights. A pre-application meeting with County staff is required to fully explain the development options to the applicant. In addition, residential development that occurs in these areas is encouraged to locate in the woodland areas and the least productive agricultural land where the conflicts between the residential uses and the farm uses can be minimized.

Sec. 18-176. Required zoning.

All proposed residential subdivisions* in areas designated for agricultural activities by the comprehensive plan, other than those expressly exempted in the Southampton County Subdivision Ordinance, shall require a rezoning classification to the rural residential zoning classification prior to final approval of the subdivision plat by the subdivision agent. (*Subdivision). The division or re-subdivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development and as further defined in the Southampton County Subdivision Ordinance.)

Sec. 18-177. Permitted uses.

In a rural residential district, RR, structures to be erected or land to be used shall be for one (1) or more of the following uses:

- (1) Detached single-family dwellings.
- (2) Modular homes, as herein defined.
- (3) Bed and breakfast inn, with a conditional use permit.
- (4) Churches and Sunday schools, rectories, parish houses, convents and monasteries, temples and synagogues and cemeteries accessory thereto.
- (5) Cemeteries not accessory to a church with a conditional use permit.
- (6) Convalescent homes, nursing homes or homes for the aged, and family care homes, with a conditional use permit.
- (7) Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service, but not including buildings, treatment plants, water storage tanks, pumping or regulator stations, major transmission lines, storage yards and substations which are permitted with a conditional use permit.
- (8) Home occupations, rural, as defined in Section 18.1 with a conditional use permit.
- (9) Hospital or clinic for humans with a conditional use permit.
- (10) Housing or dormitory facilities associated with schools, churches, and recognized nonprofit organizations, with a conditional use permit.
- (11) Nursery schools, kindergartens, child care centers, day nursery or child day care centers with a conditional use permit.
- (12) Private schools, colleges or universities with a conditional use permit.
- (13) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, playgrounds and public boat landings except those which have been approved as a part of the subdivision plan, with a conditional use permit.
- (14) Radio or television transmission or receiving station or tower less than one hundred twenty-five (125) feet in height; tower more than one hundred twenty-five (125) feet in height with a conditional use permit.
- (15) Recreational uses or facilities, commercially operated or for a private membership, such as golf courses, country clubs, game courts, swimming pools, archery range, and fishing or boating lakes, or similar activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment, with a conditional use permit.
- (16) Stable, private, for keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least one hundred (100) feet from any side or rear lot line, with a conditional use permit.
- (17) School bus passenger shelter without advertising.
- (17.1) Wireless communication facilities per section 18-427 of this chapter.

(18) Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than twice a year on the same lot, are not conducted for more than three (3) days, and include items assembled only from households in the immediate neighborhood.

(19) Accessory buildings and uses, including but not limited to accessory private garages and other structures, swimming pools, accessory storage and accessory off-street parking and loading spaces and accessory non-illuminated or indirectly illuminated signs as follows:

a. A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building.

b. No trespassing or no hunting signs, without limitations on number or placement, limited in area to two (2) square feet.

c. A sign, limited in area to thirty-two (32) square feet for identification of a farm or estate or a subdivision or its occupants.

d. A sign, limited in area to thirty-two (32) square feet, for a church bulletin board or identification of permitted public or semi-public uses, wildlife reservations, recreational uses or clubs.

e. Temporary non-illuminated signs, limited in area to four (4) square feet, directing the way to premises which are for sale or rent.

f. A temporary, non-illuminated sign, limited in area to thirty-two (32) square feet, advertising real estate for sale or lease or announcing contemplated improvements of the real estate on which it is placed.

g. A temporary sign, limited in area to thirty-two (32) square feet, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

h. Temporary signs at appropriate locations, on or off the premises, for direction of the traveling public, truck deliveries and employees to an activity or event, a church, school, historic place, subdivision or community, a construction site or excavation, airport or other center of employment or visitor center or recreational facility in an isolated area of the county, limited in area to thirty-two (32) square feet and subject to approval of location, design, and wording, by the administrator. This permitted sign is not intended as an ordinary advertising device.

i. Temporary non-illuminated paper signs.

Sec 18-178. Development Standards-Timed Approach

Under the timed approach option, a single (1) lot subdivision from the parent tract, subject to rezoning approval by the Board of Supervisors, shall not occur more than once every three (3) years. A title search will be required as part of the rezoning application in order to verify the compliance with the time standards stated above.

In addition to the requirement listed above, the following standards shall apply:

1. The minimum acreage for the parent property to qualify for application is 25 acres. The minimum lot size for any new lot created shall be forty thousand (40,000) square feet and the maximum lot size for any new lot created shall be five (5) acres, unless otherwise approved by the Board of Supervisors or required by the County Health Department.
2. Lots shall be located to maximize continued use of the residual parcel for agricultural and silvicultural purposes.
3. The first two lots shall be located on private shared driveways that serve no more than two residences, with no frontage on the public road unless specific conditions necessitate variations and are approved by the Board of Supervisors. These conditions may include driveway sight distances, topography of the site, wetlands, soils, floodplains/floodways, and significant natural, historical and archaeological features.
4. Residual property with an agricultural zoning designation may be transferred or combined with other adjacent property that contains a similar agricultural zoning designation.
5. Unless and until transferred or combined, residual property shall be maintained and remain the responsibility of the original property owner.

Sec 18-179 Development Standards-Sliding Scale

A. Under the sliding scale development provision, the base density of a tract of land twenty five (25) acres may be allowed one (1) division. One (1) additional lot or dwelling unit will be permitted for every additional forty (40) acres encompassed by the overall tract. For example, a tract consisting of between 105 acres and 145 acres will yield three (3) new lots plus the remainder lot for a total of (4) lots. Minimum permissible lot sizes shall be encouraged so as not to allow subdivision development which is land consumptive; however, each lot must meet the minimum lot requirements for the Rural Residential (RR) District.

B. In addition to the base density permitted above, the following standards shall be met:

6. The minimum lot size shall be forty thousand (40,000) square feet and the maximum lot size for any new lot created shall be five (5) acres, unless otherwise approved by the Board of Supervisors or required by the County Health Department.

7. Lots shall be located to maximize continued use of the residual parcel for agricultural and silvicultural purposes.
8. The first two lots shall be located on private shared driveways that serve no more than two residences, with no frontage on the public road unless specific conditions necessitate variations and are approved by the Board of Supervisors. These conditions may include driveway sight distances, topography of the site, wetlands, soils, floodplains/floodways, and significant natural, historical and archaeological features.
9. Residual property with an agricultural zoning designation may be transferred or combined with other adjacent property that contains a similar agricultural zoning designation.
10. Unless and until transferred or combined, residual property shall be maintained and remain the responsibility of the original property owner.

C. In determining the overall tract size provision, staff shall base the number of lots permitted on the following, listed in order from least to most binding:

1. On the parcel shown on the latest County Tax Maps with the acreage indicated in the Real Estate records of the Commissioner of Revenue's Office, excluding street or road rights-of-way.
2. On documents of record in the Office of the Clerk of the Court (which shall take precedent over the Tax Map information.)

Sec. 18-180. Development Standards-Cluster Development with Density Bonus.

A. General Description

Cluster development in the Rural Residential (RR) District is encouraged to protect rural character and to maintain productive farmland in farm use while permitting limited development in rural areas of the County. It is intended to encourage innovative and creative design of residential development; to preserve agricultural lands and enhance the rural atmosphere and visual character of the County, and, to encourage a more efficient use of land and services in order to reduce construction costs, reflect changes in the technology of land development and minimize maintenance costs of service delivery and utility systems.

The Cluster option is more suited for tracts which are adjacent to or near more urban-like areas; serving as transition areas between more urban-like development and agricultural lands. Clustering should help to reduce potential land use conflicts (buffering agricultural lands from residential cluster development), while allowing appropriate development in areas of the County where development may be desired and likely to occur.

B. Applicability

The following provisions establish minimum performance standards associated with three (3) optional density increases which may be exercised by landowners in the RR District at the time of rezoning of the property.

The density options available shall be one (1) dwelling unit per ten (10) acres, but may be increased to one (1) dwelling unit per eight (8) acres or one (1) dwelling per five (5) acres, if certain development standards are met as conditions of density increase. These development standards are outlined in subsection (D).

C. General Standards

The following general standards shall apply to all cluster developments in the RR District:

1. The applicant shall have legal or equitable title to the property or shall otherwise have a legally documented financial interest in the real property, which is the subject of the application.
2. The proposed development shall contain a minimum of twenty five (25) contiguous acres located within the RR District.
3. All lots created through the act of subdivision shall be served by no more than one (1) point of access to an existing public road. The internal street serving the subdivision shall be constructed in accordance with the applicable minimum standards of and dedicated to the Virginia Department of Transportation.
4. In no case shall residential structures be located within one hundred (100) feet of an existing public road right-of-way. Fifty (50) feet of the one hundred (100) foot buffer yard between the lots and the public road right-of-way shall be landscaped to maintain or enhance the rural image or left in a natural setting.
5. Dedication of additional public road right-of-way adjacent to an existing public road for future widening when the highway level of service in the area necessitates widening shall be a condition of development at each of the three (3) optional densities contained in subsection (B) of this section.
6. The overall tract size as it relates to the maximum number of permitted lots and amount of preserved open space requirements shall not include land that has been determined to be unsuitable for residential development. If an environmental assessment is determined to be necessary to

provide this information to an extent that satisfies the County, the information shall be provided by the applicant and/or owner.

D. Density Options

1. The base density of one (1) dwelling unit per ten (10) acres may be permitted provided:
 - a. Clustering at a density of one (1) dwelling unit per ten (10) acres so that no more than fifty percent (50%) of the total base site area is to be included in the subdivision, including lots, road right-of-way, and other required public improvements.
 - b. Fifty percent (50%) of the site shall be permanently established in open space including farm or forest use and restricted from further residential development.
 - c. The minimum lot shall be forty thousand (40,000) square feet and the maximum lot size shall be five (5) acres, provided the health department standards for use of on-site septic systems are met.
2. The base density may be increased to one (1) dwelling unit per eight (8) acres if the following conditions are met:
 - a. Clustering at a density of one (1) dwelling unit per eight (8) acres so that no more than forty percent (40%) of the base site area is included in the subdivision, including lots, road rights-of way and other required public improvements.
 - b. Sixty percent (60%) of the site shall be permanently established in open space including farm or forest use and is restricted from further residential development.
 - c. The minimum lot size shall be forty thousand (40,000) square feet and the maximum lot size shall be three and one-half (3.5) acres in size, provided the health department standards for on-site septic systems are met.
3. The base density may be increased to one (1) dwelling unit per five (5) acres provided:
 - a. Clustering at a density of one (1) dwelling unit per five (5) acres so that no more than thirty percent (30%) of the base site area is to be included in the subdivision, including lots, rights-of-way and other required public improvements.
 - b. Seventy percent (70%) of the site shall remain in open space including farm or forest use and restricted from further residential development.

E. Open Space Requirements

Regardless of which of the three (3) density options is exercised, the following standards shall apply to any open space which may be included within and made part of the cluster development and so designated on the subdivision plat:

1. All open spaces shall be preserved for their intended purpose. Open space is land that is not to be developed for residential purposes, but may be used to enhance or compliment adjoining land uses.
2. A maintenance and operations plan with appropriate surety considerations for open space use shall be prepared and submitted to the County as part of the review process.
3. There shall be established an association, corporation, trust, foundation or other entity to insure the satisfactory maintenance of any required open space.
4. When the development is to administer open space or other facilities through an association, corporation, trust or foundation, said organization shall conform to the following requirements:
 - a. The property owner or developer must establish the entity prior to the sale of any lots within the subdivision.
 - b. The entity shall manage all common and open spaces, and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and any other land within the development and shall provide appropriate surety considerations to comply with said requirement.
 - c. The organization shall conform to the Condominium Act, Code of Virginia (1950), as amended.

The foregoing standards for open space shall not apply to any acreage of the original parent tract of land which is not included as part of the overall project application.

Sec. 18-181. Setback regulations.

Except as provided elsewhere in this chapter, structures shall be at least fifty (50) feet from any street right-of-way, except that where an addition is planned to an existing nonconforming structure, such an addition may extend or project into the required front yard provided such addition does not extend or project any closer to the street right-of-way than the original structure and provided that such addition does not exceed fifty (50) percent of the gross floor area of the existing structure, except that permitted signs may be erected up to ten (10) feet from the street right-of-way. On a U.S. highway structures other than signs shall be set back at least one hundred (100) feet from the street right-of-way and on a primary highway at least seventy-five (75) feet.

Sec. 18-182. Lot frontage.

State road frontage is not required, however, if it is provided, the minimum frontage shall be one hundred fifty (150) feet subject to the Board of Supervisors approval as outlined in the Section 18-178B(3) and Section 18-179C(3). In the event that the parcel does not contain state road frontage, a minimum twenty (20) foot ingress/egress easement consisting of an all weather surface shall be provided to serve the lot(s). If the easement serves more than three (3) lots, it shall be increased to fifty (50) feet, and the roadway must be of an all weather surface of a minimum twenty (20) feet in width.

Sec. 18-183. Minimum lot width.

Except as provided elsewhere in this chapter, the minimum lot width shall be one hundred fifty (150) feet.

Sec. 18-184. Yard regulations.

- (a) *Side.* The minimum side yard for each main structure in a RR district shall be fifteen (15) feet and the total width of the two (2) required side yards shall be at least thirty-five (35) feet.
- (b) *Rear.* Each main structure shall have a rear yard of thirty-five (35) feet or more.

Sec. 18-185. Height restrictions.

Buildings in an RR district may be erected up to thirty-five (35) feet in height; except, that:

- (1) The height limit of dwellings may be increased ten (10) feet and up to three (3) stories; provided, that there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- (2) A public or semi-public building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade; provided, that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles and television antennae and radio aerials less than one hundred twenty-five (125) feet in height, are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (4) No accessory building which is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height and no accessory building shall be more than fifteen (15) feet in height.

Sec. 18-186. Special provisions for corner lots.

- (a) Of the two (2) sides of a corner lot in an RR district the front shall be deemed to be the shortest of the two (2) sides fronting on streets.
- (b) The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.
- (c) Each corner lot shall have a minimum width at the setback line of one hundred twenty-five (125) feet.
- (d) Landscaping of corner lots shall be limited to plantings, fences or other landscaping features of no more than three (3) feet in height within the space between the setback line and the property line on the street side of the lot.

PROPOSED AMENDMENTS TO SECTION 14-3

Sec. 14-3 Exemption from chapter

All subdivisions for residential purposes require a residential zoning classification except that the agent may permit the separation of a parcel from a tract of land without complying with this requirement or other requirements of this chapter as follows:

- 1) There is no conflict with the general meaning of this chapter.
- 2) The site of an existing dwelling and its accessory buildings, whether or not occupied and regardless of the condition of the structures, may be sold as a separate lot with minimum lot area of forty thousand (40,000) square feet, whether or not in a field or pasture, if an accessway of twenty (20) foot minimum width is provided to a public street or road.
- 3) The division or partitioning of land in an estate by court order among heirs of the original owner.
- 4) A bona fide division of a tract of agricultural land for agricultural purposes. Approval through this exemption will prohibit residential zoning applications from being initiated on such newly created lots for a minimum period of ten (10) years. A statement indicating that the lots are for agricultural purposes only and are subject to the above stated time limitation will be clearly noted on the recorded plat.
- 5) The straightening of property lines of adjoining parcels for the purposes of small adjustments in boundaries, provided that none of the original lots, portions of which are sold or exchanged, shall be reduced below the minimum lot area requirements and provided all other provisions of the zoning ordinance are met including Sections 18-178 (4) and 18-179 B (9).

- 6) A single division of land into parcels where such division is for the purpose of sale or gift to a member of the immediate family of the property owner, provided:
 - a) Only one (1) such division shall be allowed per family member;
 - b) Such division shall not be for the purpose of circumventing this Ordinance;
 - c) A member of the immediate family shall be defined as any person who is natural or legally defined off-spring, spouse, sibling, grandchild, grandparent, or parent of the owner;
 - d) Such division shall otherwise comply with applicable provisions of this Ordinance and the Southampton County Zoning Ordinance;
 - e) Plats for such lot or parcel divisions shall be noted for the purpose of sale or gift to an immediate family member, and shall include a note stating the name of the immediate family member who will receive such lot or parcel and their family relationship to the property owner. Such plat shall be approved by the agent prior to recordation.
 - f) Where new streets are required to serve any such division, the new street must be constructed in accordance with VDOT street standards.
 - g) No family divisions shall be transferred for a period of ten (10) years, except for the purpose of securing a construction loan and/or bona fide refinancing. During the ten (10) year period following the creation of lots by family division, no sale of any such lot shall be made and no residential structure on such lot shall be rented to any person other than the immediate family member as defined above unless such lots are subject to involuntary transfer such as by foreclosure, death, judicial sale, condemnation, bankruptcy, divorce or any circumstance deemed appropriate by the agent upon application.
 - h) Variances as approved by the Board of Supervisors pursuant to Section 14-12.

Moving forward, Mr. Johnson announced that included in the agenda for their consideration was a copy of the Southampton County Planning Commission's report regarding final plat approval for Bethel Farms Subdivision. He noted that they may recall granting preliminary plat approval at their April 2005 regular session. He advised that the plat depicted ninety-three (93) building lots, each with a minimum of 40,000 square feet in area, which were acceptable standards in an Agricultural A-2 zoning district. The lots were proposed to be served by individual wells and septic systems subject to Health Department approval. Final approval was subject to the posting of certain sureties by the developer for unfinished improvements and payment of certain fees, which would be outlined by Mr. Jay Randolph as he made his report from the Commission. He informed that 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 the plats. The purpose of the subdivision plat review was only to insure that the proposed development complied with all existing ordinances. If a plan or plat was denied, the Board was required to specifically identify the requirement that was unsatisfied and explain what the applicant must do to satisfy the requirement. He noted that because the developer filed the preliminary plat with the county's subdivision agent prior to the adoption of Sec. 18-80 by the Board last February, it was not subject to the limitations imposed therein.

Mr. Jay Randolph reported that in accordance with the Southampton County Code, Mr. Ron Parsons, owner, had submitted a final subdivision plat for Bethel Farms Subdivision for consideration and approval. Staff had reviewed the plat and determined that it was in compliance with all applicable regulations and ordinances. Approximately 70% of the infrastructure had been constructed including both stormwater management facilities (BMPs), corresponding drainage swales, and a majority of the proposed streets. Several improvements were still pending including the hard surfacing of the roadways and development of Phase III infrastructure. The Planning Commission reviewed the final plat at its November 3, 2005 meeting and recommended approval subject to the following sureties:

- Surety in the amount of \$190,347.00 (Phase III improvements and hard surfacing of roadways) in accordance with Section 14-102(a) of the Southampton County Code;
- A maintenance bond for annual road maintenance in the amount of \$25,000.00 in accordance with Section 14-102(b) of the Southampton County Code;
- Maintenance fee for the proposed roadways in the amount of \$3,900.00; and
- Payment of Southampton County plat review fee in the amount of \$100.00

Vice-Chairman Young moved, seconded by Supervisor Wyche, to approve the final plat for Bethel Farms Subdivision. All were in favor.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda for their reference was copied correspondence from Pete Stith, Deputy County Administrator of Chesterfield County, seeking their consideration of inclusion of \$3,000 in their FY 2007 annual budget for expenses associated with the 2007 National Association of Counties (NACo) annual

meeting in Richmond. A similar request had been forwarded to all 95 Virginia counties. He reminded that we already provided \$1,000 in FY 2005 for advance planning purposes.

Vice-Chairman Young moved, seconded by Supervisor Faison, to direct the County Administrator to include \$3,000 in the FY 2007 annual budget for the 2007 NACo conference in Richmond.

Supervisor Wyche asked if the \$3,000 included the \$1,000 that we had already provided? Mr. Johnson replied no, this was in addition to that.

Chairman Jones, Vice-Chairman Young, and Supervisors Faison and Felts voted in favor of the motion. Supervisors Brown, West, and Wyche voted in opposition to the motion. The vote was 4-3 in favor of the motion, thus the motion passed.

Mr. Johnson advised that included in the agenda was correspondence from the Virginia Department of Historic Resources seeking the Board's review and comment regarding their planned nomination of the Rebecca Vaughan House in Southampton County to the National Register of Historic Places and Virginia Landmarks Register. The Rebecca Vaughan House dated back to 1795 and was the site of the last fatalities associated with Nat Turner and his band of insurrectionists on August 22, 1831. Four members of the Vaughan family were killed there – Rebecca Vaughan, her two sons, George and Arthur, and her niece, Anne Eliza. He informed that the house was moved from its original site last year and was now situated on property of the Southampton County Historical Society on Heritage Lane, Courtland.

Mrs. Lynda Updike of the Southampton County Historical Society spoke. She stated that they hoped they would be eligible for a grant if the Rebecca Vaughan House were placed on these Registers.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to support and endorse the application. All were in favor.

Supervisor Brown advised that he thought this was a great thing. We also needed to look at other sites as they related to Native American Trails.

Mr. Johnson informed that included in the agenda for their reference was a memorandum from Colonel Massengill, Interim Director of the Virginia Department of Game and Inland Fisheries (VDGIF), regarding Senate Joint Resolution 393 and the corresponding study of local firearms hunting ordinances. In summary, VDGIF concluded that there was no overwhelming support for changing the current statutes regarding local firearms hunting ordinances.

He advised that as Mr. Charles Turner, Superintendent of Southampton County Public Schools, informed last month, all 6 Southampton County public schools earned full accreditation for the 2005-06 school year. Dr. Jo Lynne DeMary, Virginia's Superintendent of Public Instruction, personally visited with the faculty and staff of Southampton County Public Schools on November 21, congratulating them on their outstanding accomplishment.

Mr. Johnson pleasingly reported that Hart Council, Southampton County Public Works Director, and Jackie Vick, Southampton County Maintenance Director, successfully completed training and passed their certification tests to apply commercial pesticides. He noted that State regulations required that an applicator must be officially certified before applying pesticides or herbicides (including RoundUp) on public property.

He informed that included in the agenda for their reference were copies of the most recent abstract of votes certified by the Electoral Board for the November 8, 2005 General Election.

Mr. Johnson advised that included in the agenda for their consideration was correspondence regarding a joint SPSA/member community decal program to visibly recognize the relationship between SPSA and its members. A mock-up of the proposed decal was also included in the agenda. SPSA was offering to furnish decals for each local public works vehicle in exchange for the community awareness benefits it would derive. Unless they advised otherwise, he intended to participate in the program.

He reported that the following environmental notices were received:

- 1) From the Virginia Department of Health, a notice of violation for exceeding the primary maximum contaminant level for total coliform bacteria at the Southampton Business Park for the month of October;
- 2) From the Virginia Department of Health, a notice of violation for exceeding the primary maximum contaminant level for total coliform bacteria at the Southampton Business Park for the month of September;
- 3) From the Virginia Department of Environmental Quality, notice of a groundwater withdrawal permit application from Busch Gardens to withdraw an average of 128,767 gallons per day for water rides, irrigation, and lake replenishment (this is a 53% reduction from their current permit allowances);
- 4) From the Virginia Department of Health, a copy of a notice of violation issued to the Town of Courtland for exceeding the primary maximum contaminant level for fluoride from July 1 to September 30, 2005;
- 5) From the Virginia Department of Environmental Quality, notice of a groundwater withdrawal permit application from Alsco, Inc. to withdraw an average of 51,233 gallons per day for a commercial laundry facility in Virginia Beach;
- 6) From the Virginia Department of Health, approval of the Cross Connection Control Program and Bacteriological Sample Siting Report for the Agri-Civic Center waterworks (County Fairgrounds);
- 7) From the Virginia Department of Health, a copy of a notice of violation issued to the Courtland Motel for failing to collect the required repeat bacteriological samples following a positive sample on August 30;
- 8) From the Virginia Department of Health, a copy of a notice of violation issued to the 460 Café for failing to collect the required quarterly bacteriological sample between July 1 and September 30, 2005;
- 9) From the Virginia Department of Health, a copy of a notice of violation issued to the Town of Capron for exceeding the primary maximum contaminant level for total coliform bacteria in their municipal waterworks during the month of September 2005; and
- 10) From the Virginia Department of Health, notice that recent sampling of the Newsoms waterworks indicates that it meets the action levels for lead and copper and is not due to be resampled for these parameters until 2008.

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

- 1) From the Virginia Department of Historic Resources, copied correspondence to International Paper emphasizing the significance of the Hand Site to Native American history and encouraging their stewardship for research and educational purposes;
- 2) From John Hadfield, SPSA's Executive Director, a note of thanks for allowing him the opportunity to address the Board last month;
- 3) From John Hadfield, SPSA's Executive Director, copied correspondence to Virginia Beach Mayor Meyera Oberdorf, clarifying SPSA's position regarding the proposed Black Bear landfill in Camden County, North Carolina;
- 4) From Rev. Hilda Montgomery, notice that David Temple A.M.E. Zion Church will celebrate 110 years of continuous ministry on November 27 (a congratulatory letter was sent and is included under outgoing correspondence); and
- 5) From the Virginia Department of Transportation, copied correspondence to VDHR regarding transmittal of the final investigative reports of historic properties affected by the Route 671 widening.

He advised 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?

Supervisor Felts advised that the local Jamestown 2007 committee met again a couple weeks ago and there were still quite a few members absent. She asked the Board to contact their respective appointees and inquire as to whether or not they were still interested in serving. She noted that those in attendance were very excited.

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;

Section 2.2-3711 (A) (3) Discussion of the disposition of publicly held property where discussion in an open meeting would adversely affect the bargaining position of the governing body; and

Section 2.2-3711 (A) (1) Discuss of prospective candidates for appointment.

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 West, 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.

Vice-Chairman Young moved, seconded by Supervisor West, to authorize the County Administrator to advertise a public hearing on December 19, 2005 to consider the private sale of four (4) separate parcels of public property, comprising an aggregate total of approximately 25 acres, in the Southampton Business Park, Agri-Park Drive, Courtland, Virginia to certain businesses or industries which, at this time, have made no public announcement of their interest in locating or expanding their facilities in Southampton County. The sale price of the aforesaid real estate is proposed to be discounted to \$4,350/acre subject to certain performance criteria related to private investment and job creation, within thirty months of conveyance. The motion was approved unanimously.

Vice-Chairman Young advised that Mr. John Robert Harrup, Southampton County Commissioner of the Revenue, had shared some concerns with him. He told him that he had worked over 1100 hours including Saturdays and Sundays and had not gotten any compensation. He wanted to

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change his office but nobody would listen. Vice-Chairman Young asked if Mr. Harrup had approached any other Supervisors? Supervisor Felts advised that he had not approached her, but someone from his office had come and talked to her, and she shared that with Mr. Johnson. The person indicated that they were not making very much and land use taxation had really put a strain on their office. Supervisor Brown stated that Mr. Harrup had really been busy with land use value taxation and he had mentioned something to him about that before. Supervisor West stated that he called Mr. Harrup regarding the reassessment and he told him then that he was not happy.

Mr. Johnson advised that Mr. Harrup came to him last month and said that he was overworking his resources. He told him that they would do anything to help and asked Mr. Harrup to tell him what he needed. He had asked him twice since then if he needed additional part-time help, additional office space, or what. Mr. Harrup just said that he did not know what to tell him. Mr. Johnson noted that Mr. Harrup came to him about a year ago about the counters. He told him to get contractors in and get some prices and let him know what it would cost and we would work with him. He had not received anything from him. Attorney Railey pointed out that as far as Mr. Harrup's salary, that was up to the State Compensation Board. Mr. Johnson advised that he did not work for the Board of Supervisors. He worked for the people of Southampton County and was directly elected just as they were. The salary of all constitutional officers was established by the Comp Board. However, there were some localities that supplemented the salaries of their constitutional officers and sheriff's deputies. He noted that we had included Mr. Harrup and his staff in the upcoming Pay and Classification Plan. They would see what the market rate was for somebody that does his job, and make a decision on his salary just as they would for everybody else.

There being no further business, the meeting was adjourned at 10:45 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk