

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administrative Center Drive, Courtland, Virginia on December 17, 2007 at 8:30 AM

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

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

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

Mr. Johnson, County Administrator, announced that § 15.2-1522 of the *Code of Virginia* provided that members of the Board of Supervisors must qualify for office by taking their prescribed oath on or before the day in which their respective terms began. Accordingly, as each member of the Board was already assembled this morning, he had invited the Hon. Wayne M. Cosby, Clerk of the Circuit Court, to administer their respective oaths.

Mr. Wayne Cosby administered the following Oath of Office to each Supervisor:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a member of the board of supervisors according to the best of my ability, (so help me God).”

Mrs. Julia Williams, Finance Director, introduced Melissa Anderson, who was hired in the Accounting Department on October 16. She advised that Melissa was efficient, accurate, and had become an important asset to Southampton County.

The Board welcomed Melissa and advised that they were glad to have her as an employee.

Chairman Jones sought approval of the minutes of the November 20, 2007 special session (joint meeting with Isle of Wight County) and the November 26, 2007 regular session. They were both approved as presented, as there were no additions or corrections.

Regarding highway matters, Mr. Johnson announced that per the request of the Town of Courtland, at their places for their consideration was a resolution that would abandon a certain secondary road located at what was commonly known as The Blount Building in Courtland.

Mr. Johnson read aloud the following resolution:

**Abandonment of a secondary road per Section 33.1-151**

The Board of Supervisors of Southampton County, in regular meeting on the 17<sup>th</sup> day of December, 2007 adopted the following:

RESOLUTION

WHEREAS, a public notice was posted as prescribed under Section 33.1-151, Code of Virginia announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribe notice of the Board’s intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 1522 from intersection Route 58 to .03 miles west of intersection Route 58, a distance of .03 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, this Board abandons the above section of road and removes it from the secondary system of state highways pursuant to Section 33.1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Yeas: \_\_\_\_\_

\_\_\_\_\_

Nays: \_\_\_\_\_

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

Chairman Jones recognized Mr. Jerry Kee, Assistant Residency Administrator of the Virginia Department of Transportation (VDOT) Franklin Residency.

Mr. Kee advised that they awarded a concrete repair job on Route 58 to Denton Construction. They would be working from Southampton High School to the Greenville County line. Tomorrow they would be awarding a paving job on Route 58 – from Capron Elementary School and going east, 2.3 miles of pavement would be asphalted. He informed that they were waiting on the permit for Edgehill – they should receive it in March. They were working on the turn lanes at the new truck stop/convenience center on Route 460, and that should be completed within 30-45 days. They were performing routine maintenance throughout the County.

Supervisor Brown asked for an update on the speed study being performed on Riverdale Road. Mr. Kee advised that he had not yet received an update.

Supervisor Wyche asked about the speed study being performed on Medicine Springs Road. Mr. Kee advised that the results of the study indicated that a reduction in speed was not warranted. However, they were looking at alternative solutions to the problem.

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

In regards to the personnel report, Mr. Johnson advised that Kimberly C. Bell was hired in the Sheriff’s Office effective 12/03/07 at an annual salary of \$27,068. Eric C. Clasp was hired in the Sheriff’s Office effective 12/03/07 at an annual salary of \$29,843. He informed that the annual

salary of Dorothy Jarratt of the Clerk of the Circuit Court’s office was increased to \$46,250 due to a promotion. He stated that John Burton of the Boykins Treatment Plant resigned effective 12/19/07.

In regards to the new housing starts report, Mr. Johnson clarified for Supervisor Brown that he would attribute the downward trend to the overall trend of the housing market rather than the ordinances we had in place. He noted that there was still an abundance of land in the County already platted.

Moving to financial matters, Mr. Johnson announced that included in the agenda was the semiannual appropriations resolution for the second half of FY 2008, with total appropriations of \$24,701,621.

The semiannual appropriations resolution is as follows:

At a meeting of the Board of Supervisors of Southampton County,  
Virginia held in the Board of Supervisors Room on Monday,  
December 17, 2007

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County,  
Virginia that the following appropriations be and hereby are made  
from the Fund to the Fund indicated for the period July 1, 2007  
through June 30, 2008 for the function and purpose indicated:

From the General Fund to the General  
Operating Fund to be expended only  
on order of the Board of Supervisors:

11010	Board of Supervisors	80,362
12110	County Administration	160,194
12310	Commissioner of Revenue	133,037
12320	Board of Assessors	-
12410	Treasurer	123,980
12415	Delinquent Tax Collection	12,500
12430	Accounting	110,901
12510	Data Processing	114,140
12550	Insurance/County Code	-
13200	Registrar	73,595
21100	Circuit Court	35,808
21200	Combined District Courts	11,411
21300	Special Magistrates	719
21600	Clerk of the Circuit Court	219,039
21700	Sheriff - Bailiff	179,023
21750	Courthouse Security	33,775
22100	Commonwealth's Attorney	209,134
22200	Victim Witness	32,441

December 17, 2007

31200	Sheriff	782,007
31400	Enhanced 911	78,926
31500	PSAP Wireless E-911	22,962
31750	School Resource Officer	22,792
32200	Volunteer Fire Departments	-
32300	Volunteer Rescue Squads	-
32400	State Forestry Service	-
33100	Detention	1,292,909
33300	Probation	31,598
34000	Building Inspections	70,482
35100	Animal Control	50,915
35300	Medical Examiner	250
35500	Emergency Service/Civil Defense	34,200
41320	Street Lights	22,000
41500	Assign-A-Highway Program	26,177
42300	Refuse Collection	338,777
42400	Refuse Disposal	576,430
43000	Buildings & Grounds	234,976
51100	Local Health Department	155,199
52000	Mental Health Services	-
53220	State/Local Hospitalization	-
53240	Sr Services of Southeastern	-
53500	Comprehensive Services Act	33,932
53600	STOP Organization	-
72000	Community Concert Series	-
72200	Rawls Museum Arts	-
72500	Historical Society	15,000
73200	Walter Cecil Rawls Library	119,955
81100	Planning/Zoning	116,490
81500	Economic Development	75,000
82400	Soil & Water Conservation District	-
83500	Cooperative Extension Service	27,557
91400	Non-Departmental Operating	35,000
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	TOTAL	5,693,593

From the General Fund to the Enterprise  
Fund to be expended only on order of the  
Board of Supervisors:

89600	Enterprise Fund Water	261,219
89500	Enterprise Fund Sewer	460,820
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	TOTAL	722,039

From the General Fund to the Building Fund to be expended only on order of the Board of Supervisors:

94000	Building Fund	1,737,043
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	TOTAL	1,737,043

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

61000	Instruction	9,240,711
62000	Administration	647,204
63000	Other Direction & Management	1,300,161
64000	Operation & Maintenance Services	1,435,431
68000	School Food Service	54,670
66000	Facilities	102,013
67000	Debt Service	919,725
260	Rental Textbook	-
265	Technology	103,000
400	At Risk 4-Year Olds	64,751
450	Early Reading Intervention	22,137
500	Title I	271,388
525	Reading First Grant	97,779
550	Title VIB Special Ed-Flow Through	319,009
560	21st Century Community Learning Center	67,935
600	Title VI Innovative Educ Program	3,656
625	Title II-A Training and Recruitment	74,440
630	Title IID Ed Tech	2,931
650	Substance & Drug Prevention	6,271
800	Vocational Special Education	25,456
850	Opportunity Inc	100,000
900	Pre-School Incentive	6,795

TOTAL 14,865,463

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

65100	School Food Service	527,000
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		TOTAL 527,000

From the Virginia Public Assistance Fund to the Virginia Public Assistance Operating Fund to be expended only on order of the Social Services Board of Southampton County:

309	Welfare Administration (Eligibility)	338,378
310	Welfare Administration (Service)	200,682
311	Welfare Administration (Joint)	193,902
313	Benefit Programs	359,675
314	Welfare Administration (Energy)	10,775
319	Welfare Administration (VIEW)	53,071
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		TOTAL 1,156,483

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TOTAL APPROPRIATIONS 24,701,621

BE IT FURTHER RESOLVED that the Treasurer of Southampton County shall transfer to the accounts as indicated, the funds from time to time, as the need occurs and as funds become available.

A copy teste: \_\_\_\_\_, Clerk

Michael W. Johnson

Southampton County Board of Supervisors

12/17/07

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

Mr. Johnson advised that included in the agenda was a salary appropriation totaling \$370,168 which included salary funding for four of our five constitutional officers, and three members of the electoral board. The salaries included increases granted by the State Compensation Board, effective December 1, 2007. Employees of all constitutional officers and the Voter Registrar's staff were now covered by the county's pay and classification plan, and received raises last July.

The salary appropriations resolution is as follows:

At a meeting of the Southampton County Board of Supervisors held in the Board of Supervisors Meeting Room, Courtland, Virginia, on Monday, December 17, 2007.

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that annual salaries of personnel be and hereby are fixed as indicated, effective December 1, 2007.

COMMISSIONER OF THE REVENUE	
Harrup, John Robert	70,830
TREASURER	
Britt, David K.	71,847
COMMONWEALTH'S ATTORNEY	
Cooke, Eric A.	115,660
CLERK OF CIRCUIT COURT	
Cosby, Wayne M.	104,319
REGISTRAR/ELECTORAL BOARD	
Felts, Julian A.	3,756
Felts, Robert M., Jr.	1,878
Sykes, Marie W.	1,878
	TOTAL
	\$370,168

A copy teste: \_\_\_\_\_  
 Michael W. Johnson, Clerk  
 Southampton County Board of Supervisors  
 12/17/2007

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

Mr. Johnson informed that bills in the amount of \$2,295,480.40 were received.

**Supervisor Wyche moved, seconded by Supervisor Felts, that the bills in the amount of \$2,295,480.40 be paid with check numbers 84581 through 84971. All were in favor.**

Mr. Johnson advised that in keeping with past traditions, he was seeking their authority to provide early payroll disbursement for all employees in December. He was requesting a motion to issue payroll checks to all employees for the December pay period on Friday, December 21, 2007.

**Supervisor Wyche moved, seconded by Supervisor Felts, to authorize early payroll disbursement on December 21, 2007. All were in favor.**

Mr. Johnson informed that under separate cover was a copy of the FY 2007 Comprehensive Annual Financial Report (Audit) prepared by Creedle, Jones, and Alga, P.C., Certified Public Accountants. The schedule of findings and questioned costs appeared on page 67 of the report. He noted that the report included an unqualified (clean) opinion with no reportable conditions, no significant deficiencies, no instances of noncompliance and no findings. He pointed out that the audit was only a snapshot of the County's financial position on June 30, 2007 – there had been a number of changes since that time which were not reflected in the audit.

Mr. Johnson noted the following major items for FY 2007:

- In the general fund, we received \$1,669,784 more revenue than budgeted (page 47). Some of the more significant areas of revenue growth included delinquent tax collection,

communication sales tax, tax on recordation and wills, fines and forfeitures, and interest earned on unappropriated general funds;

- In the general fund, we spent \$648,063 less than budgeted (page 49);
- The school board underspent its local budget by \$324,648 (page 48). He noted that these funds were subsequently appropriated back to them for use in FY 2008 by resolution adopted last month;
- Accordingly, the end of year general fund balance (\$6,355,498 – page 14) exhibited positive growth and was well within recommended fiscal guidelines for a healthy organization (represented roughly 12.44% of the total budget of \$51,101,522 – recommended guidelines were between 10% and 20%);
- Your FY 2008 budget provided for up to \$888,873 to come from the unappropriated general fund reserve, if necessary, to balance.

**Vice-Chairman Young moved, seconded by Supervisor West, to receive and accept the FY 2007 annual audit. All were in favor.**

Moving to appointments, Mr. Johnson announced that as discussed last month, Ms. Teresa Beale's and Mr. J. Edward Hatfield, III's respective terms on the Industrial Development Authority would expire December 31, 2007. Supervisor Felts had indicated that Ms. Beale declined reappointment and she was seeking a successor from the Jerusalem District. Vice-Chairman Young indicated that he would contact Mr. Hatfield to determine if he was willing to serve another term. Appointments were for 4 years beginning January 1, 2008 and ending December 31, 2011.

Vice-Chairman Young advised that he had spoken with Mr. Hatfield and he was willing to continue to serve.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to reappoint Mr. J. Edward Hatfield to the Industrial Development Authority. All were in favor.**

Supervisor Felts indicated that she had an appointment to meet with someone to discuss their possible interest in serving.

Moving forward, Mr. Johnson announced that § 15.2-1416, *Code of Virginia*, required each Board of Supervisors to meet at a public place in January to organize itself by electing a Chairman and Vice-Chairman and setting the days, times and places of regular meeting to be held during the ensuing months. The employee holiday schedule for the coming year was typically adopted at the organizational meeting as well. He advised that historically (up until 1999), the Board met on the first working day each year at 9:00 AM for this specific purpose. Since 1999, the organizational matters had been deferred until the regular January meeting. If they would prefer not to have a special meeting simply to resolve organizational matters, a motion was required to establish Monday, January 28, 2008 at 6:00 PM as the annual/organizational meeting. Otherwise, a motion would be required to establish the date and time for a special organizational meeting by the Board.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to establish Monday, January 28, 2008 as the date for the 2008 Annual Meeting. All were in favor.**

Mr. Johnson advised that as a result of the Board establishing Monday, January 28, 2008 as the date of the 2008 Annual Meeting, a motion was also required to establish and set aside the following two legal holidays which would occur prior to the Organizational Meeting:

- Friday, January 18, 2008 – Lee-Jackson Day; and
- Monday, January 21, 2008 – Martin Luther King, Jr. Day

**Supervisor Wyche moved, seconded by Supervisor Brown, to fix and set aside those holidays for County employees. All were in favor.**

Moving forward, Mr. Johnson announced that included in the agenda was correspondence from WHRO relative to their fifth annual Pioneer Awards dinner, which was scheduled for Saturday, February 23, 2008 at the Virginia Beach Convention Center. As they knew, WHRO provided K-12 learning services to 19 public school divisions, 14 independent schools, and home schools, representing 286,000 students and 25,000 educators in greater Hampton Roads. Counties/Cities

served by WHRO included: Accomack, Chesapeake, Franklin, Gloucester, Hampton, Isle of Wight, Matthews, Middlesex, Newport News, Norfolk, Northampton, Poquoson, Portsmouth, Southampton, Suffolk, Virginia Beach, West Point, Williamsburg, York, and Virginia's School For The Deaf and Blind. They were again seeking their sponsorship – the Board had contributed \$2,500 each of the last three years.

**Supervisor Wyche moved, seconded by Supervisor Faison, to specially appropriate \$2,500 to WHRO for the 5<sup>th</sup> Annual Pioneer Awards Dinner and Auction. All were in favor.**

Moving forward, Mr. Johnson announced that included in the agenda was correspondence from the Hampton Roads Planning District Commission (HRPDC) seeking their consideration in renewing the Memorandum of Agreement (MOA) for the Regional Stormwater Management Program. The program had been operated by the HRPDC for the last 16 years, but the first written MOA was not developed until 2003. While Southampton County did not manage a municipal storm water system, certain operational and reporting requirements were nonetheless imposed by the Virginia Stormwater Management Act and the Virginia Erosion and Sedimentation Control Law. Since inception of the program, the 16 local governments in the Hampton Roads region had worked collectively and cooperatively to develop and implement stormwater management programs that addressed implementation of best management practices, system maintenance, water quality testing, enforcement of program standards and public education. The revised MOA included minor modifications which reflected regulatory changes by the state and federal government(s) over the past 5 years.

Mr. Johnson continued that the group's public education and information subcommittee, HR STORM, worked to cultivate a region-wide pollution prevention ethic that sought to protect and enhance area waterways through stormwater issues, augmenting and enhancing local stormwater education programs, and increasing participation by the general public in programs and activities to reduce stormwater pollution. By sharing ideas and pooling resources, localities may reduce their costs in addressing state and federal permit requirements. The HRPDC facilitated monthly meetings of the Regional Stormwater Management Committee where member communities coordinated efforts in water quality data gathering and pollutant loading studies. This data enabled localities to better target future program dollars to help improve both the management of the quantities of stormwater, as well as improving the quality of the stormwater entering the local water bodies. He noted that the agreement did not change the method of funding the program. Southampton County's pro-rata share of the \$194,624 regional program in FY 2008 was \$2,777.

**Vice-Chairman Young moved, seconded by Supervisor Faison, to authorize the County Administrator to endorse the MOA on behalf of Southampton County. All were in favor.**

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

CUP 2007:11 Application filed by Jonathan D. Warren, owner, requesting a conditional use permit for a youth camp pursuant to Section 18-37 (15) of the Southampton County Code. The property contains approximately 75 acres and is zoned A-1, Agricultural. The site is located on the west side of Ivor Road (Rt. 616) approximately ½ mile north of the intersection with Millfield Road (Rt. 605). The property is further identified as Tax Parcels 13-19, 13-19B, 13-20, 13-21, 14-8A and 14-8C and is located in the Berlin-Ivor Voting District and Berlin-Ivor Magisterial District.

Mr. Jay Randolph, Assistant County Administrator and Secretary to the Planning Commission, advised that this application first came before the Planning Commission in April 2003, and the applicant subsequently withdrew the application. Given the history of the project, he encouraged the applicant to hold a community meeting prior to submitting another application. The applicant held a community meeting in May 2007 and 20+ people were in attendance. The applicant resubmitted the application and the Planning Commission held a public hearing on October 11, 2007, and voted to defer action. The Planning Commission reconsidered the application at its November 8, 2007 meeting and deadlocked with a 4-4 vote on a motion to recommend denial.

The applicant submitted the following additional information:

## ***Oasis Camp Additional Information***

### ***Activities and Programs Overview***

Camp Oasis will be a 76-acre facility offering several programs; summer camp, after school program, weekend enrichment program, mentoring program and many other activities during the year. Oasis Camp goal is to be a non-profit 501(c)(3), which will take approximately one to two years to accomplish due to the application process.

The Summer Camp will operate for 3 months out of the year, during the months of June, July and August for camp activities. For our day campers, Monday to Friday, start time is 8:30 am and will provide a full day of activities, ending at 5:00 pm. Our resident campers, start time is at 8:00 am and will be filled with activities ending at 8:00 pm, lights out at 9:00 pm.

The After School Program will be operating during the school year. The program will be open Monday to Friday at 3:00 pm and ended at 6:00 pm.

The Enrichment and Mentoring programs will operate one to two weekends per month starting on Fridays and ending on Saturdays for all activities, during the months of September, October and November and resume again in March continuing through April and ending in May. Some of the programs are; tutoring, College Prep, Values, Peer Pressure, Multi-Cultural, Interview Training, Career Planning, Job Training Skills, Sports and many others

Community and private functions such as weddings, family reunions and retreats will occur on Fridays and Saturdays during the months of September, October and November and resume again in March and ending in May.

### ***Facility Timetable***

For the June 2009 (opening day) our facility will consist of one residential house dormitory with sleeping accommodations for campers, an administration building and dining facility. A pond/lake and other facilities, which include; hiking and biking trails, volleyball courts, tennis courts, basketball courts, baseball field, swimming pool, horseshoe pits, climbing challenges, barnyard petting farm will also be completed.

In the second phase, we will construct a Computer Learning Center to provide technique skills and education for the youth, and pavilion for covered summer camp outdoor activities. An additional residential house dormitory will be built to accommodate campers.

In the final phase we will build a recreation center toward the back of the property, which will provide an indoor facility for camp activities in inclement weather and construction an additional dormitory.

Chairman Jones opened the public hearing.

Ms. Nancy Stephenson spoke. She advised that she lived on Route 616 (Ivor Road). Her main concern was there had never been a definitive statement of what would take place on the property the other 9 months that the summer camp would not be in operation. A petition with 117 signatures opposing the application was submitted to the Planning Commission last month. She had nothing against Mr. Warren personally – she thought he was a fine man. However, there was already a 4-H center to provide activities for youth. The citizens should have a voice because they had been paying taxes.

Supervisor Faison asked how far away she lived from the proposed property? Ms. Stephenson replied, ½ mile. Supervisor Faison asked where the people who signed the petition lived? Supervisor Brown noted that he had the same question. Ms. Stephenson replied that they lived 5-6 miles away from the proposed property.

Mr. Steven Morris of 10411 Ivor Road spoke. He advised that he lived about ½ city block from Mr. Warren's property. He was concerned about the traffic, noise, and unanswered questions as to what would take place on the property. It also did not seem that Mr. Warren had a handle on supervision. It looked like anything could take place.

Supervisor Wyche advised that the applicant had clearly stated in writing what would take place on the property.

Supervisor Faison stated that if Mr. Warren confined himself to what he said he was going to do, he did not see where it would be a problem.

Mr. Mert Felts spoke. He advised that he owned and farmed property that adjoined Mr. Warren's property. When they had to spray the farm, were the Warren's going to complain? He stated that surface water currently ran from Ebenezer Church, through his field, and through Mr. Warren's property.

Mr. Richard Warren spoke. *(Note: His son, Jonathan Warren, filed the application, but Richard Warren was an essential party of this endeavor.)* He stated that the Board had in writing before them the proposed off-season uses of the property. He would establish a buffer zone at least 100 feet away from Mr. Felts' property. There would be limited activity on the property the other 9 months that the camp would not be in operation. There would be supervision at all times as required by the Health Department and his own requirements. The activities would enhance the community. He did not know any way to operate other than first class.

Supervisor Brown asked if he planned to put a security fence around the property? Mr. Warren replied yes – they would establish a security fence all the way around the property. He was a certified security instructor and operated his own security business. There would be a security guard at the front gate.

Mr. Warren clarified that during the summer, there would be approximately 20 residential campers and 15-20 day campers on the property. He clarified that professional teachers would provide tutoring and sports clinics would be taught by retired professional athletes. He also clarified that the fee for residential campers would be approximately \$98 - \$105 per week.

Supervisor West commended Mr. Warren for what he was trying to do. However, the County had a Recreational Task Force looking at recreational opportunities in the County.

Supervisor West asked Mr. Warren if he had the support of Ebenezer Baptist Church? Mr. Warren replied that he was not sure he had 100% support, but he did have support.

Supervisor West stated that he had a petition that was hand-delivered to him yesterday with signatures of people in opposition. This was potentially a good project. But agricultural encroachment was a problem, as brought up by Mr. Felts. And what about his son Jonathan? He read somewhere in the Planning Commission minutes that Jonathan was pushing him to do this. How involved would Jonathan be? Mr. Jonathan Warren advised that he lived in Northern Virginia but he planned to come down in the summer and planned to be actively involved.

Supervisor West stated that he had been contacted by a minimum of 11 people who were opposed to the project. As of yesterday, Ebenezer Baptist Church voted against supporting the project. Maybe another location for this project would be better. He just could not support it. The neighbor support was just not there.

Supervisor Wyche advised that he had listened to the pros and cons. He could not understand why Ebenezer Baptist Church would be opposed to it. He asked if there would be any activities on Sundays? Mr. Jonathan Warren advised that there would not be any activities taking place on Sundays, so they would not interfere with the church.

Mr. Jonathan Warren clarified for Supervisor Brown that they had everything ready to go to apply for 501(c) 3 status – they were just waiting for approval from the County.

Mr. Dallas Walker spoke. He advised that he was a member of the Board of Trustees of Ebenezer Baptist Church and most of the church members were not in favor of Mr. Warren's project.

Supervisor Faison asked what was the reason for the opposition? Mr. Walker replied noise and trespassing.

Supervisor Faison commented that he was surprised that a church would object to a project of this nature.

Supervisor Brown asked what was the membership size of the church? Mr. Walker replied about 300. Supervisor Brown asked how many of those 300 members lived within ½ mile of the church? Mr. Walker replied that most lived 8-10 miles away. Supervisor Brown asked where the pastor lived? Mr. Walker replied Portsmouth.

Supervisor West stated that it did not matter where the people that attended the church lived. They all had a vested interest in the church. The County needed to focus recreational activities in the proper areas.

Chairman Jones closed the public hearing.

Supervisor Brown advised that we needed to be careful about setting precedence. This County needed recreational facilities. Most people who signed a petition opposing the project lived at least 5-6 miles away. He did not understand the opposition and did not understand why Ebenezer Baptist Church would not support this project.

Supervisor Faison stated that whenever a person came forward wanting to help our youth, he was all for it. He would like to see us come to an agreement so this camp could operate. Perhaps there could be an outreach program associated with the church.

Supervisor West advised that maybe we should have Pastor Smith of Ebenezer Baptist Church or the Pastor at Millfield Baptist Church, who also opposed the project, to address the Board. Mr. Warren had not done his homework and involved the neighbors. Mr. Warren was under the impression that he had the support of Ebenezer Baptist Church, but evidently he does not.

Supervisor Wyche stated that there were 300 members of Ebenezer Baptist Church, yet only 25 members signed the petition. This opposition should have come up by now. It looked like a last minute effort by a few citizens who were opposed to it to try and drum up as much opposition as they could.

Supervisor Brown commented that he could not understand why a church would not want to use this camp as an outreach program.

Chairman Jones advised that he would like to see the Recreational Task Force look at this. Supervisor Brown stated that the Task Force could only look at it in terms of whether or not there was a need for it in the County, etc. Mr. Johnson advised that the Task Force was looking at recreational opportunities, but maybe it was not appropriate for them to look at a specific project.

Supervisor West stated that he was very concerned. He could not support it as presented.

**Supervisor West made a motion to deny the conditional use permit. There was no second to the motion, thus the motion died.**

**Supervisor Brown moved, seconded by Supervisor Faison, to table the application for 90 days. 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 second public hearing was being held to consider the following:

REZ 2007:10 Application filed by Benjamin T. Ivy, Jr., owner, requesting a change in zoning classification from A-1, Agricultural to C-RR, Conditional Rural Residential approximately 10.00 acres of a 38.41 acre parent tract for the purpose of (2) single family residential building lots, as conditioned. The application is subject to the standards provided under the Sliding Scale, Section 18-179 of the Southampton County Code. The subject property is further identified as a portion of Tax parcel 102-8-1 and is located in the Newsoms Voting District and Newsoms Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application

at its November 8, 2007 meeting and deadlocked with a 4-4 vote on a motion to recommend approval.

The applicant had submitted the following proffers:

- Voluntary cash proffer in the amount of \$1,728 per lot to be paid upon issuance of the building permit;
- One driveway entering Statesville Road for purpose of egress and ingress serving the residential land and the two newly created lots; and
- Sliding Scale will be utilized

Mr. Randolph clarified for Supervisor Brown that lots 1-7 were already cut out and there were 3 or 4 homes on the lots.

Chairman Jones opened the public hearing.

Mr. Dan Crumpler, Attorney representing Benjamin T. Ivey, Jr., applicant, addressed the Board. He clarified that the two 5-acre lots being applied for (lots A and B) were located behind lot number 7. There were a total of 12 lots on Statesville Road that had been cut out relatively recent. Of those lots, 7 belonged to Mr. Ivey, 5 belonged to someone else, and 10 of those 12 lots had been sold. Mr. Ivey was proposing to utilize the Sliding Scale. There would be a 60 foot entrance to lots A and B. Mr. Ivey had indicated that he had not received any negative complaints or concerns. Mr. Michael Drake, Planning Commissioner, was strongly against the application due to agricultural preservation reasons. The application complied with the rules set forth by this Board and the County, so they were respectfully asking that it be approved.

Supervisor West asked if Mr. Ivey lived in Chesapeake? Mr. Crumpler replied yes.

Mr. Crumpler clarified for Supervisor Brown that the road was gravel and the mailboxes would be on the road. Supervisor Brown asked why he wanted two 5-acre lots? Mr. Crumpler replied that the area was not going to be farmed and the County rules indicated that you had to do 5-acre lots. Mr. Jay Randolph clarified that 5-acres was the *maximum* lot size that could be applied for.

Mr. Michael Drake spoke. He stated that he was not speaking as a Planning Commissioner, but as a citizen. He advised that this property was being actively farmed until about 2 years ago, when they "road stripped" it. The entire farm was split in half so that it could be optimally developed. The Board tended to favor uniformity and to keep development practices in line with what already existed in that area. What existed were 2-acre lots. Why take in additional land? Why not do two 2-acre lots instead of two 5-acres lots? Wheat had been planted on the land, so somebody was going to have to tend to it.

Supervisor Brown advised that he shared his concerns, but the ordinance did allow lots to be a maximum of 5 acres in size.

Commissioner Drake stated that if they went strictly by the rules, there would be no point in being here today.

Mr. Benjamin Ivey, Jr., applicant, spoke. He advised that Stewart Drake had been farming the land. Unfortunately, the taxes on the property were more than the rent he received.

Mr. Randolph pointed out that, interestingly, the new ordinance allowed the opportunity for these lots to be developed, as road frontage was no longer a requirement. The lots would not have been allowed under the old ordinance.

Chairman Jones closed the public hearing.

**Supervisor Brown moved, seconded by Vice-Chairman Young, to approve the conditional rezoning, subject to all voluntary proffers. 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 and final public hearing was to consider the following:

ORD 01:2007 A proposed ordinance to amend the definition of a commercial kennel and to develop defined standards for private kennels and hunt club kennels through a process of administrative approval or special use exception by the Board of Zoning Appeals. The proposed changes would not affect any existing kennel permits.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on the proposed ordinance on November 8, 2007 and recommended approval.

The ordinance is as follows:

### **DOG KENNEL ORDINANCE REVISIONS**

#### **Section 18-1, Definitions**

Amend the existing definition by deleting the section shown in **bold**.

Kennel, commercial, means a place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation, **or any place where more than (5) adult dogs are kept.**

New definitions to be added:

Kennel, private, means a place where more than 5 adult dogs are kept for personal companionship and are accessory to the primary use of the property. Adult dogs are those being four months of age or older.

Kennel, hunt club, means a place where more than 5 adult dogs are kept for use in legal hunting activities and are accessory to primary use of the property as a hunt club. Adult dogs are those being four months of age or older.

#### **ARTICLE II. Agricultural District, A-1**

ADD :

(21.1) Dog Kennels, private, as specified in Section 18-50, Development Standards for private kennels.

#### SECTION 18-50

##### 1. Development Standards for private kennels, 6 dogs to 20 dogs

Any application for the keeping of dogs regulated by this section shall meet the following standards.

A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard

B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.

C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.

D. Kennel to be 25 feet from all property lines.

E. Kennel shall not be located in the front yard.

F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel), rivers, ponds, and streams.

G. Kennel shall be 75 feet from all residences.

H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator

I. Property shall contain minimum of 2 acres

J. There shall be no commercial sales of animals, defined as more than 5 dogs sold in any calendar year.

K. Annual inspection by zoning staff to ensure conditions are in order.

L. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

If applicant meets all of these requirements, the administrator shall send written notice, via first class mail, to all adjacent property owners indicating that a private kennel permit is being applied for. Additionally, the administrator shall send written notice to the Animal Control Officer and Health Department. Adjacent property owners and agencies shall have (30) days from the date of notice to

submit comments regarding the application. If all standards are met and no comments are received during the referral process, then the administrator may issue the permit. If the permit is issued administratively, the permit fee is \$100.00. If the applicant does not meet all of the above described standards or if written comments are received from adjacent property owners or agencies during the 30 day period, then the application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

## 2. Development Standards for private kennels, 21 to 50 dogs

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 from all property lines.
- E. Kennel shall not be located in the front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel), rivers, ponds, and streams.
- G. Kennel shall be 75 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 5 acres
- J. There shall be no commercial sales of animals, defined as more than 5 dogs sold in any calendar year.
- K. Annual inspection by zoning staff to ensure conditions are in order.
- L. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

If applicant meets all of these requirements, the administrator shall send written notice, via first class mail, to all adjacent property owners indicating that a private kennel permit is being applied for. Additionally, the administrator shall send written notice to the Animal Control Officer and Health Department. Adjacent property owners and agencies shall have (30) days from the date of notice to submit comments regarding the application. If no comments are received, then the administrator may issue the permit. If issued administratively, the application fee is \$100.00. If the applicant does not meet all of the above described standards or if written comments are received from adjacent property owners or agencies during the 30 day period, then the application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

## 3. Development Standards for private kennels greater than 50 dogs

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 from all property lines.
- E. Kennel shall not be located in the front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel) rivers, ponds, and streams.
- G. Kennel shall be 75 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 10 acres
- J. There shall be no commercial sales of animals, defined as more than 5 dogs sold in any calendar year.
- K. Annual inspection by zoning staff to ensure conditions are in order.
- L. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

The application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

**HUNT CLUB KENNELS (A-1 District)**

Add:

Use (32.1) Kennel, hunt club, shall be permitted as an accessory to a hunt club and is subject to the standards outlined in Section 18-51.

SECTION 18-51

1. Development Standards for Hunt Club kennels up to 50 dogs

Any application for the keeping of dogs regulated by this section shall meet the following standards.

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 from all property lines.
- E. Kennel shall not be located in front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel), rivers, ponds, and streams.
- G. Kennel shall be 150 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 1 acre
- J. There shall be no commercial sales of animals, defined as more than 5 dogs sold in any calendar year.
- K. Annual inspection by zoning staff to ensure conditions are in order.
- L. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

If applicant meets all of these requirements, the administrator shall send written notice, via first class mail, to all adjacent property owners indicating that a hunt club kennel permit is being applied for. Additionally, the administrator shall send written notice to the Animal Control Officer and Health Department. Adjacent property owners and agencies shall have (30) days from the date of notice to submit comments regarding the application. If no comments are received, then the administrator may issue the permit. If the permit is issued administratively, the permit fee is \$100.00. If the applicant does not meet all of the above described standards or if written comments are received from adjacent property owners or agencies during the 30 day period, then the application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

2. Development Standards for Hunt Club kennels more than 50 dogs

Any application for the keeping of dogs regulated by this section shall meet the following standards.

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pincher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 from all property lines.
- E. Kennel shall not be located in front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel), rivers, ponds, and streams.
- G. Kennel shall be 150 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 1 acre
- J. There shall be no commercial sales of animals, defined as more than 5 dogs sold in any calendar year.

- K. Annual inspection by zoning staff to ensure conditions are in order.
- L. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

The application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

### **ARTICLE III. AGRICULTURAL DISTRICT, A-2**

ADD :

(17.1) Dog Kennels, private, as specified in Section 18-80, Development Standards for private kennels.

#### **1. Section 18-80. Development Standards for private kennels, 6 dogs to 20 dogs**

Any application for the keeping of dogs regulated by this section shall meet the following standards.

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 from all property lines.
- E. Kennel shall not be located in the front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel), rivers, ponds, and streams.
- G. Kennel shall be 75 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 2 acres
- J. There shall be no commercial sales of animals defined as more than 5 dogs sold in any calendar year.
- K. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

If applicant meets all of these requirements, the administrator shall send written notice, via first class mail, to all adjacent property owners indicating that a private kennel permit is being applied for. Additionally, the administrator shall send written notice to the Animal Control Officer and Health Department. Adjacent property owners and agencies shall have (30) days from the date of notice to submit comments regarding the application. If no comments are received, then the administrator may issue the permit. If the permit is issued administratively, the permit fee is \$100.00. If the applicant does not meet all of the above described standards or if written comments are received from adjacent property owners or agencies during the 30 day period, then the application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

#### **2. Development Standards for private kennels, 21 to 50 dogs**

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 from all property lines.
- E. Kennel shall not be located in the front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel), rivers, ponds, and streams.
- G. Kennel shall be 75 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 5 acres
- J. There shall be no commercial sales of animals defined as more than 5 dogs sold in any calendar year.
- K. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

If applicant meets all of these requirements, the administrator shall send written notice, via first class mail, to all adjacent property owners indicating that a private kennel permit is being applied for. Additionally, the administrator shall send written notice to the Animal Control Officer and Health Department. Adjacent property owners and agencies shall have (30) days from the date of notice to submit comments regarding the application. If no comments are received, then the administrator may issue the permit. If issued administratively, the application fee is \$100.00. If the applicant does not meet all of the above described standards or if written comments are received from adjacent property owners or agencies during the 30 day period, then the application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

3. Development Standards for private kennels greater than 50 dogs

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 from all property lines.
- E. Kennel shall not be located in the front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel) rivers, ponds, and streams.
- G. Kennel shall be 75 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 10 acres
- J. There shall be no commercial sales of animals defined as more than 5 dogs sold in any calendar year.
- K. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

The application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

**HUNT CLUB KENNELS (A-2 District)**

Add:

Use (23.1) Kennel, hunt club, shall be permitted as an accessory to a hunt club and is subject to the standards outlined in Section 18-81.

SECTION 18-81: Development Standards for Hunt Club Kennels

1. Development Standards for Hunt Club kennels up to 50 dogs

Any application for the keeping of dogs regulated by this section shall meet the following standards.

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 feet from all property lines.
- E. Kennel shall not be located in front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel), rivers, ponds, and streams.
- G. Kennel shall be 150 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 1 acre
- J. Annual inspection by zoning staff to ensure conditions are in order.
- K. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

If applicant meets all of these requirements, the administrator shall send written notice, via first class mail, to all adjacent property owners indicating that a hunt club kennel permit is being applied for. Additionally, the administrator shall send written notice to the Animal Control Officer and Health Department. Adjacent property owners and agencies shall have (30) days from the date of notice to submit comments regarding the application. If no comments are received, then the administrator may issue the permit. If the permit is issued administratively, the permit fee is \$100.00. If the applicant does not meet all of the above described standards or if written comments are received from adjacent property owners or agencies during the 30 day period, then the application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

2. Development Standards for Hunt Club kennels more than 50 dogs

Any application for the keeping of dogs regulated by this section shall meet the following standards.

- A. Application to be filed with administrator listing number of dogs and breeds of dogs. Dogs shall not be of the following breeds: American Pit Bull Terrier, Rottweiler, German Sheppard, Alaskan Malamute, Husky, Doberman Pinscher, Chow Chow, Great Dane or Saint Bernard
- B. A plan shall be submitted with the application describing the method of care for the animals regarding food, water, shelter, and waste disposal.
- C. Site plan to be submitted with application showing location of kennel(s) and distances from all features described below.
- D. Kennel to be 25 feet from all property lines.
- E. Kennel shall not be located in front yard.
- F. Kennel to be 50 feet from all water sources, wells (unless solely designed for use by the kennel), rivers, ponds, and streams.
- G. Kennel shall be 150 feet from all residences.
- H. Kennel shall be screened to an appropriate height with fencing, foliage, shrubs or other material suitable as determined by the administrator
- I. Property shall contain minimum of 1 acre
- J. Annual inspection by zoning staff to ensure conditions are in order.
- K. Permit holder shall secure appropriate dog tags from the Treasurer's office annually.

The application will be presented to the Board of Zoning Appeals for consideration under the special use permit process outlined in Sections 18-482 (6a), (6b) and 6(c). The application fee for a special use permit from the BZA is \$300.00.

Chairman Jones opened the public hearing.

Mr. Bill Worsham of Appleton Road, Ivor, addressed the Board. He stated that last month a citizen addressed the Board regarding a problem with her neighbors' barking dogs. He was the neighbor she was referring to. She said that he had a blind spot where the dogs were concerned. He wanted them to hear his viewpoint as a dog owner. He advised that in 1994, he and his wife purchased their home from this neighbor. He was given permission to move his kennels from Sedley to his new home. This neighbor built her home across from him. There were no problems with the dogs and they had actually discussed the dogs several times. All of sudden, there were problems. He clarified that he had a kennel license for 20 dogs and he had a few dogs less than that most of the time. He did not have over 20 dogs as she had indicated. He put up a stockade fence the length of the kennels. He also put in a sound system so the dogs could listen to music and get used to noises. The neighbor planted trees. He used to have a runner in which he let his dogs exercise – he no longer did that. His dogs did not bark 24/7. They barked when they were being fed which was about 13 minutes. Whenever he loaded some of the dogs to take hunting or running, the dogs left behind would bark for 5-6 minutes. If a deer came in the yard, they would bark until the deer crossed. He just wanted them to hear his side of the story.

Chairman Jones asked whether or not he was in favor of the proposed ordinance? Mr. Worsham replied that he was in favor.

Mr. Raymond Drake of Newsoms spoke. He advised that he had lived here for 65 years, and for 40 of those years, he had put up with his dogs barking. One of his neighbors who had dogs suggested that he buy a tape from WalMart that played ocean waves to help drown out the dogs so he could get some sleep. Dogs had torn up his boxwoods. He had called the Sheriff's Department and complained about dogs barking. They had sent a deputy out several times, but the only thing

the deputy would do was shine a light while riding by. People who owned dogs thought that dogs did no wrong, just as a smoker did no wrong. He was against the distances that kennels could be from the property line as proposed in the ordinance. He stated that dogs urinated on the ground and you could not clean that up. If you were having a picnic and a fly landed on your hamburger, were you going to eat it or throw it in the trash can?

Mr. Drake clarified for Commissioner Brown that the dogs that had torn up his boxwoods were kennel dogs. He also clarified for Commissioner Brown that he read in the paper that they were proposing that dog kennels only had to be 25 feet from property lines.

Mr. Jay Randolph clarified that dog kennels were proposed to be a minimum of 150 feet from property lines. Mr. Drake stated that even 150 feet was ridiculous.

Supervisor West advised that he shared Mr. Drake's concerns. He thought that the distance from property lines should be greater than 150 feet. The other Board members did not share his sentiments.

Supervisor Brown stated that Southampton County was traditionally a right-to-farm and right-to-hunt County. He did not think the proposed ordinance could be any better than it was.

Chairman Jones closed the public hearing.

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

Moving forward, Mr. Johnson announced that as directed last month, he had evaluated our current policy for alcohol and substance abuse, particularly as it related to federal law and constitutional protections. Our current policy was included in the general policies and procedures section of our Personnel Manual as Section 1.22 under the title of "Drug Free Work Place." It was comprised of only 2 sentences, leaving much to interpretation and personal discretion in administering it. A copy was included in the agenda. While the current policy was brief (and vague), several provisions of federal law applied specifically to county employees as well. Among those were the *Omnibus Transportation Employee Testing Act of 1991* which required the County to establish a program to conduct pre-employment/pre-duty, reasonable suspicion, random, and post-accident alcohol and drug testing for any employee required to obtain a commercial driver's license (CDL). All of our employees with CDL's (Public Works and Public Utilities) were subjected to this provision along with certain employees of Southampton County Schools (bus drivers). He advised that the U.S. Constitution did not prohibit drug/alcohol testing of employees but case law indicated that employers should tread lightly so as not to violate the Fourth Amendment (illegal search). Accordingly, all testing must be reasonable. Generally speaking, employers may institute pre-employment/pre-duty testing for certain safety sensitive and financial positions, random testing for certain safety sensitive positions and testing for all positions based on reasonable suspicion.

Mr. Johnson informed that he had drafted a revised policy for their review and comment. Specifically, among other things, the policy:

1. Subjected the county administrator, assistant county administrator, department heads, any employee who routinely used a county automobile, and employees who operated heavy equipment and machinery to pre-employment and random testing;
2. Subjected any employee with access to public funds or access to public buildings after regular business hours to pre-employment testing;
3. Subjected all employees to submit to testing, when in the opinion of their immediate supervisors, there was reasonable suspicion that the employee was using or was under the influence of alcohol and illegal drugs;
4. Subjected all employees to submit to testing immediately after a motor vehicle accident ("fender benders" excluded) in a county-owned vehicle;
5. Established specific disciplinary actions for violation of the policy based upon the nature of the violation, ranging from 1-week suspension without pay to termination;
6. Established specific procedures and standards for testing.

Mr. Johnson advised that he had not yet had an opportunity to evaluate the fiscal impact of implementing the policy. There was a direct cost in contracting with a certified testing facility and an indirect cost in loss of employee productivity when called for a random sample. Conversely, there was an unquantifiable avoided cost if the policy effectively limited our liability, or effectively retained the public trust and confidence in county government. He stated that he would like an opportunity to further explore the issue of direct cost before asking them to officially consider adoption of the policy. Accordingly, it was placed on today's agenda only for discussion and comment. He asked them to keep in mind that, even if adopted by the Board, the policy only applied to employees under the County Administrator's direction and control – accordingly, the policy would not apply to Constitutional Officers or their employees, employees of Southampton County Social Services or employees of Southampton County Schools.

Supervisor Brown asked if schools were considered a public building? Mr. Richard E. Railey, Jr., County Attorney, replied yes – most definitely. Supervisor Brown asked if a mechanism existed whereby teachers were subject to random drug testing. He noted that this whole subject came up because of a recent tragic accident involving a teacher.

Mr. Johnson clarified that there was no federal or state mandates that required random drug testing.

Mr. Charles Turner, Division Superintendent of Southampton County Schools, who was in the audience, advised that the incident Mr. Brown eluded to was a legal matter and he would not comment on it. He stated that the School Board put policies in place that they deemed appropriate.

It was consensus of the Board to have Mr. Johnson further explore the issue of direct cost.

Mr. Johnson announced that last month, he received correspondence from Dr. Bernard Einhorn, President of the Eastern Virginia Health Systems Agency, Inc. (EVHSA) seeking consideration from all Hampton Roads localities in providing them with an appropriation equivalent to \$0.05 per capita, to bridge an urgent revenue shortfall created by the loss of State funding in FY 2008. The State Health Commissioner had agreed to add the necessary funds back to his budget in the 2008-2010 biennium, but those dollars, if approved, would not be available until after July 1, 2008. The funding they were seeking now would allow them to continue to operate from January 1, 2008 until the end of the fiscal year on June 30. EVHSR was an appointed body that was required to review all Certificate of Public Need applications submitted by health care providers in the region. Their role was to assess community need and provide a forum for citizen input. He advised that as they requested last month, he had invited Mr. Mike Byrnes, EVHSA's incoming Executive Director, to attend and answer any questions.

Chairman Jones recognized Mr. Byrnes.

Mr. Byrnes advised that Isle of Wight County, the City of Franklin, and the City of Suffolk had voted to provide support. The Peninsula voted against it and they had received a lot of questions from the City of Norfolk and the City of Virginia Beach.

Supervisor West asked why the Peninsula voted against it and why there was some resistance from the City of Norfolk and the City of Virginia Beach? Mr. Byrnes replied that EVHSA was a state-funded agency and those localities did not want to delve into providing funds to a state-funded agency.

Mr. Byrnes clarified for Supervisor West that this was a one-time funding request.

Supervisor Faison asked how they would handle the shortfall since the larger localities had declined to help? Mr. Byrnes advised that they would do the best they could. An employee had retired, which would help, but there would still be a shortage of funds.

Supervisor West stated that if people were using this service, he thought it was worth the \$902.25 being requested from Southampton County.

**Supervisor West moved, seconded by Supervisor Brown, to specially appropriate \$902.25 to EVHSR. All were in favor.**

Proceeding to old business, Mr. Johnson announced that as they recalled, O.R. McClenny, on behalf of Sheldon C. Worrell, applied in December 2006 to rezone approximately 20.57 acres from A-2 Agricultural to C-R1, Conditional Residential, for the purpose of creating 43 residential building lots on the south side of Ball Park Road in Newsoms. An additional 31 lots were proposed for residential development within the Town of Newsoms corporate limits. The applicant voluntarily proffered 14 conditions, including, among other things, a cash proffer of \$1,728 per lot and an additional \$272 per lot donation to the Newsoms Vol. Fire Department. The Planning Commission conducted its public hearing on March 8, but deferred action until May 10, when by a vote of 6-1, they recommended denial of the request. The Board of Supervisors convened its public hearing on June 25, and following the close of its hearing, resolved to table the matter for 6 months and referred it back to the Planning Commission for additional review and consideration. The Planning Commission reconsidered the proposal on November 8. Following discussion, they voted 6-2 to again recommend denial of the application. He noted that copies of the relevant excerpts from the November 8 Planning Commission and June 25 Board of Supervisors(s) meetings were included in the agenda. In accordance with Sec. 18-545 of the Southampton County Code, the Board was obligated to act upon the application within 1 year of the date of filing (December 20); otherwise the amendment was deemed approved.

Supervisor Brown stated that the Planning Commission had twice recommended denial of the application. The developer had indicated that his plans would take care of stormwater drainage issues and this development was proposed in a good location. However, the Newsoms Town Council and constituents were still concerned about the drainage in Newsoms.

Supervisor Faison advised that this development was proposed in an ideal location. And the houses in this development would not be as expensive as those in some other developments. As a result, this development could be more beneficial to the County.

Supervisor Wyche stated that the Planning Commission had done their homework. Supervisor Felts and Vice-Chairman Young agreed. Vice-Chairman Young noted that the drainage had not been a problem in the last 8 months because there had been little rain.

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

Moving forward, Mr. Johnson announced that they may recall from their February 2006 session engaging the Timmons Group to develop a Master Plan for the Courtland Wastewater Treatment Plant and its environs. The work had now been completed and Mr. Joe Hines was here this morning to present the report. The Master Plan was fully coordinated with the recently adopted Comprehensive Plan.

He stated that their work included the following 6 components:

- 1) Definition of a study area, based primarily on areas identified for future growth and development in the new Comprehensive Plan;
- 2) Assessment of the existing condition of the Courtland plant and sanitary sewer system and its ability to meet future projected need;
- 3) Development of wastewater flow projections to meet the future needs within the study area when considering expected growth rates and prospective industrial/commercial development;
- 4) Anticipation and identification of any future regulatory compliance requirements that may be imposed upon the Courtland plant;
- 5) Identification of required future improvements to the plant and collection system in order to meet the future needs; and
- 6) Development of a 5 and 10-year capital improvement program including project schedule and phasing, budget estimates, and "trigger" for implementation.

Chairman Jones recognized Mr. Joe Hines of the Timmons Group.

Mr. Hines addressed the Board and introduced Mr. Greg Issacs, Professional Engineer with the

Timmons Group. Mr. Hines and Mr. Issacs presented a PowerPoint presentation, entitled “Courtland Wastewater Master Plan”.

A snapshot of that PowerPoint presentation is as follows:

<p style="text-align: center;"><b>Courtland Wastewater Master Plan</b></p> <p>How can we meet the future wastewater treatment and collection needs of Southampton County in the Courtland Service Area?</p>	<p style="text-align: center;"><b>Master Planning</b></p> <p>What is a master plan?</p> <p>A document that establishes the needs of the system to serve designated growth and planned developments.</p> <p>Methodology --</p> <ul style="list-style-type: none"> <li>• Assess existing condition of wastewater system</li> <li>• Determine study periods and area of study</li> <li>• Wastewater flow projections</li> <li>• Regulatory outlook</li> <li>• Capital improvement program</li> </ul>
<p style="text-align: center;"><b>Existing WWTP</b></p> <ul style="list-style-type: none"> <li>• Oxidation ditch technology (secondary treatment)</li> <li>• 0.303 mgd capacity</li> <li>• Built in 1980</li> <li>• Normal Service life 25-35 yrs</li> </ul> <p><b>Existing WWTP Constraints</b></p> <ul style="list-style-type: none"> <li>• Hydraulically overloaded</li> <li>• Sewage overflows</li> <li>• Deteriorated, aging, obsolete equipment</li> <li>• Needs major electrical upgrades</li> <li>• Changing and upcoming regulatory requirements dictate WWTP upgrade in order to meet stringent discharge limits</li> </ul>	<p style="text-align: center;"><b>Study Periods</b></p> <ul style="list-style-type: none"> <li>• 5-year period = 2012</li> <li>• 10-year period = 2017</li> <li>• 20-year plus period = 2027</li> <li>• Build-out of Land Use Plan</li> </ul> <p><b>Basis for growth and flow projections</b></p> <ul style="list-style-type: none"> <li>• Southampton County Code</li> <li>• Southampton County Comprehensive Plan</li> <li>• Similar Virginia counties’ planning tools</li> <li>• Existing WWTP flow data</li> <li>• Best professional judgment</li> </ul>

**Wastewater Flow Projections**  
**Projected 2017 wastewater flows**

Existing Connections	700 connections	0.240 MGD
Existing Developments	225 connections	0.050 MGD
Residential	769 connections	0.195 MGD
Commercial	132 acres	0.515 MGD
Industrial	200 acres (Turner Tract)	0.250 MGD
<b>Projected 2017 wastewater flows</b>		<b>~1.25 MGD</b>

**Courtland WWTP Service Area**  
**Projected Wastewater Flow Summary**

Planning Year	Average Daily Flow (MGD)	Peak Daily Flow* (MGD)
2012	0.62	1.24
2017	1.25	2.50
2027	2.50	5.00
Build-Out	3.75	7.50

**Courtland WWTP Monthly Flows**

Month	Avg. Day (MGD)	% Permit* (0.303 MGD)	Peak Day (MGD)	% Permit (0.303 MGD)
Jul-06	0.245	81%	0.292	96%
Aug-06	0.218	72%	0.247	82%
Sep-06	0.252	83%	0.396	131%
Oct-06	0.256	84%	0.327	108%
Nov-06	0.294	97%	0.400	132%
Dec-06	0.262	86%	0.339	112%
Jan-07	0.249	82%	0.302	100%
Feb-07	0.222	73%	0.271	89%
Mar-07	0.229	76%	0.294	97%
Apr-07	0.222	73%	0.341	113%
May-07	0.231	76%	0.253	83%
Jun-07	0.230	76%	0.278	92%

\* Per "10 State Standards": Start planning for WWTP expansion at 80% capacity and start constructing facility at 95% capacity

**Phased approach to meeting wastewater treatment and collection needs**

- Control project costs
- Provide flexibility to address changes (growth rates, regulatory directives, technology, etc.)
- Proposed 1.25 MGD WWTP facility
- Expandable to 2.5 MGD then 3.75 MGD

**Proposed New 1.25 MGD WWTP**

**Treatment objectives**

- Meet more stringent discharge limits for BOD, TSS, N, P (Both Virginia & NC)
- Provide treatment options to provide adequate level of biological nutrient removal (BNR)
- Apply advanced processes to achieve tertiary treatment
- Provide an operable and maintainable WWTP.

**Existing Conveyance System**

- 14 Existing Pumping Stations
- 28,000 LF of Force main
- 59,000 LF of Gravity Sewer

**Recommendations**

- Replace/consolidate PS's 1, 2, & 8 with PS 1A
- Replace generator at PS 3
- Replace/consolidate PS's 4 & 9 with PS 4A
- Replace/consolidate PS's 5, 6, & 10 with PS 10A
- Replace/consolidate PS's 7 & 12 with PS 7A
- Construct emergency pump by-pass at PS 11
- Construct force main for PS 4A, 5A, & 7A

<p style="text-align: center;"><b>Drainage Basins</b></p> <ul style="list-style-type: none"> <li>• Basin “A” is the southwest of Nottoway River</li> <li>• Basin “B” is the Town of Courtland</li> <li>• Basin “C” is the area around Story’s Station Road</li> <li>• Basin “D” is the area around Delaware</li> <li>• Basin “E” is the Villages of Southampton and the surrounding area</li> <li>• Basin “F” is the Turner Tract and surrounding area</li> <li>• Basin “G” is the Edgehill development</li> <li>• Basin “H” is the area west of Blackwater River</li> <li>• Basin “I” is the area near the intersection of Woods Trail and Story’s Station</li> </ul>	<p style="text-align: center;"><b>Drainage Basin “D”</b></p> <ul style="list-style-type: none"> <li>• Service the Delaware community</li> <li>• 115,200 gpd (80 gpm) Pumping Station</li> <li>• 4” Forcemain</li> <li>• 8” Gravity Sewer</li> <li>• 2012 to 2017 Phasing Period</li> </ul>
<p style="text-align: center;"><b>Drainage Basin “E”</b></p> <ul style="list-style-type: none"> <li>• 11,000 LF of 24” &amp; 18” Gravity Sewer</li> <li>• 705,600 gpd (490 gpm) Pumping Station</li> <li>• 10” Forcemain</li> <li>• Serves the Villages of Southampton, Scottswood, and Cypress Manor</li> <li>• 2007 to 2012 Phasing Period</li> <li>• Expansion to Scottwood and Cypress Manor in 2012 to 2017 Phasing Period</li> </ul>	<p style="text-align: center;"><b>Drainage Basin “F”</b></p> <ul style="list-style-type: none"> <li>• Serves the vicinity of the Turner Tract</li> <li>• 792,000 gpd (550 gpm) Pumping Station</li> <li>• 10” Forcemain</li> <li>• 2007 to 2012 Phasing Period</li> </ul>
<p style="text-align: center;"><b>Drainage Basin “G”</b></p> <ul style="list-style-type: none"> <li>• Serves the Edgehill Development</li> <li>• 288,000 gpd (200 gpm) Pumping Station</li> <li>• 6” Forcemain</li> <li>• 2017 to 2027 Phasing Period</li> </ul>	<p style="text-align: center;"><b>Interceptor Pumping Station</b></p> <ul style="list-style-type: none"> <li>• Conveys wastewater from Drainage Basins D, E, F, &amp; G to the WWTP</li> <li>• Will be designed for phasing from 1.8 MGD (1,260 gpm) to 3.2 MGD (2,220 gpm)</li> <li>• 9,000 LF of 16” Forcemain</li> <li>• 2007 to 2012 Phasing Period</li> </ul>

Estimated CIP Project Schedule	Study Period Cost (2007\$)*		
	2007-2012	2012-2017	2017-2027
Item			
Wastewater Treatment Plant	\$15-17 million		\$9.0-10.0 million
Interceptor Pumping Station	\$3.7 million		
Interceptor Gravity Sewer & Forcemain	\$5.5 million		
Shady Brook Trail		\$0.6 million	
Construct Pumping Station “D” & FM		\$1.7 million	
New Market Gravity Sewer	\$0.9 million		
Construct Pumping Station “F” & FM	\$2.3 million		
Rose Valley Rd. Gravity Sewer	\$0.7 million		
Construct Pumping Station “E” & FM	\$1.2 million	\$1.0 million	
Scottswood Drive Gravity Sewer		\$2.5 million	
Cress Cove Gravity Sewer		\$1.0 million	
Construct pumping station “G” & FM			\$0.6 million
Construct pumping station 5A and Forcemain	\$3.6 million		
Construct pumping station 1A		\$2.3 million	
Construct pumping station 7A		\$1.1 million	
Construct Pumping Station 4A			\$1.5 million
<b>Total</b>	<b>\$34.9 million</b>	<b>\$10.2 million</b>	<b>\$12.1 million</b>

\* Construction Costs in 2007 dollars – add 5% per year construction escalation for each year added in the CIP

Mr. Hines and Mr. Isaacs also shared slides containing a map entitled “Southampton County, VA – Courtland WWTP Service Area Master Plan”, a graph entitled “Graph of flow vs. year”, a graph entitled “Courtland WWTP – Historical Average Daily Flows, and 2 maps entitled “Conveyance System Conceptual Layout”.

Mr. Hines clarified for Supervisor Brown that the water lines could be designed to run horizontal or vertical – it was up to the locality. Some localities preferred the lines on opposite sides of the street to reduce the potential of hitting lines when work was being done.

Supervisor West asked if this system would be self-supporting? There could be a perception that the Black Creek area, for example, would not benefit from this. Mr. Hines replied that the system was an economic benefit to the entire County, so all taxpayers contributing was not a bad thing.

**Vice-Chairman Young moved, seconded by Supervisor Wyche, to receive and accept the Courtland Wastewater Master Plan. All were in favor.**

Moving forward, Mr. Johnson announced that as briefly discussed last month, included in the agenda was a resolution for their consideration which would authorize him to complete, sign and submit a grant application to the Southern Rivers Watershed Enhancement Program for up to \$1 million in grant funding to be applied to a new wastewater treatment plant to serve the Town of Courtland and its environs. The deadline for proposals was mid-January 2008. The program would award \$7,000,000 statewide in the upcoming round for wastewater treatment construction system grants. Included in the agenda were several pages from the grant application manual which described the program in greater detail.

The resolution is as follows:

A RESOLUTION DIRECTING APPLICATION  
TO THE SOUTHERN RIVERS WATERSHED ENHANCEMENT PROGRAM  
FOR \$1 MILLION IN GRANT FUNDING TO  
CONSTRUCT A NEW 1.25 MGD WASTEWATER TREATMENT PLANT  
TO SERVE THE TOWN OF COURTLAND AND ITS ENVIRONS

WHEREAS, the Virginia Department of Housing and Community Development’s Southern Rivers Watershed Enhancement Program (SRWEP) is designed to “improve water quality in the streams and ground waters of the ‘southern rivers’ regions of Virginia while enhancing the quality of life for communities and their residents through construction and expansion of wastewater treatment and collection systems; and

WHEREAS, Southampton County has an urgent and pressing need to expand and improve the facilities at the Courtland Wastewater Treatment Plant to meet an ever increasing volume of flow and to serve the new Riverdale Elementary School and Turner Tract Industrial Park; and

WHEREAS, average monthly flows at the Courtland Wastewater Treatment Plant averaged 80% of the design and permit capacity for the 12-month period ending June 30, 2007; and

WHEREAS, Southampton County received an unsolicited proposal pursuant to the Public-Private Education Facilities and Infrastructure Act (“PPEA”) from Southampton County Infrastructure, LLC on October 15, 2007, for, among other things, the development, design, and construction of a 1.25 MGD Wastewater Treatment Plant; and

WHEREAS, pursuant to the PPEA and the Board’s implementing procedures, at its regular session on October 22, 2007, the Board, accepted the unsolicited proposal for publication and conceptual-phase consideration, along with any competing proposals received prior to December 10, 2007; and

WHEREAS, the aforementioned conceptual proposal estimates that the cost of constructing the 1.25 MGD Wastewater Treatment Plant will be approximately \$15.5 million.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Southampton County hereby expresses its intention to apply for up to one million dollars (\$1,000,000.00) in Southern River Watershed Enhancement Program funds, all of which will be applied to construction of a new 1.25 MGD wastewater treatment plant to serve the Town of Courtland and its environs; and

BE IT FURTHER RESOLVED that, in the absence of other state or federal grant and loan programs, the balance of funding is expected to be derived from local sources, both public and private; and

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to sign and submit all appropriate information necessary to apply for SRWEP funding.

Adopted this 17<sup>th</sup> day of December, 2007.

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

Proceeding to the First Readings, Mr. Johnson announced that at the request of the incoming Commissioner of the Revenue, two matters had been placed on the agenda for their consideration. In the judgment of the incoming Commissioner, these amendments, if adopted, would reduce burdensome and unnecessary paperwork in her office and significantly alleviate taxpayer distress.

He advised that the first was **Revalidation for Use Value Taxation**. Section 15-97 (h) of the Southampton County Code currently required each property owner to annually revalidate their application for use value assessment. Annual revalidation was an option that localities may choose to impose and was not mandated by statute. It created a flurry of activity in the Commissioner's Office each October, which was the time in which they were collaborating with the Treasurer to generate and mail the property tax bills. An ordinance was included in the agenda for their consideration that would only require revalidation every sixth year, which was consistent with the language in the statute.

Mr. Johnson clarified for Supervisor Brown that this had nothing to do with the assessment – this simply certified that the land was eligible for use value taxation.

**Supervisor Wyche moved, seconded by Vice-Chairman Young, to advertise a public hearing in which to receive comment for January 28, 2008. All were in favor.**

Mr. Johnson stated that the second was **Penalty for Failure to Return Personal Property Form**. Section 15-79 (c) of the Southampton County Code currently imposed a penalty of 10% or \$10, whichever was greater, on all personal property owners who failed to file their annual return by March 15. Since the County began prorating personal property taxes in 2003, the value of the information contained on these forms has diminished substantially for most taxpayers. The amount of the penalty had always been a source of frustration for taxpayers. Included in the agenda was an ordinance for their consideration that would reduce the penalty from 10% to 1% (or \$10, if greater).

Supervisor West asked how much revenue was currently being generated by the penalties? Mrs. Amy Carr, incoming Commissioner of the Revenue, who was in the audience, replied \$66,147. Reducing the penalty to 1% would result in a reduction of \$50,020 in revenue. However, the penalty was an undue hardship on the citizens.

**Supervisor West moved, seconded by Supervisor Wyche, to advertise a public hearing in which to receive comment for January 28, 2008. All were in favor.**

Moving forward, Mr. Johnson announced that as directed last month, included in the agenda was a resolution he had prepared regarding prohibition of smoking in restaurants. In addition, included in the agenda was a copy of an email received from a local citizen regarding this matter who heard of the Board's position while reading *The Tidewater News* last month. Interestingly enough, it was from a non-smoker who opposed the prohibition.

Mr. Johnson read aloud the following resolution:

**BOARD OF SUPERVISORS  
SOUTHAMPTON COUNTY, VIRGINIA**

**RESOLUTION**

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At a regular meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, December 17, 2007 at 8:00 a.m.

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**PRESENT**

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

**IN RE: LEGISLATION REGARDING SMOKING IN RESTAURANTS**

---

Motion by Supervisor \_\_\_\_\_:

**WHEREAS**, Southampton County traditionally requests members of the County's local delegation to the General Assembly to sponsor and/or support certain legislation; and

**WHEREAS**, the Southampton County Board of Supervisors has expressed its support of legislation that would either prohibit smoking in restaurants statewide or enable counties, cities and towns to prohibit smoking in restaurants by local.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY** that the County's delegation to the General Assembly is hereby requested to work with the respective delegations from the Cities of Norfolk and Virginia Beach to sponsor and/or support legislation that would prohibit smoking in restaurants statewide or that would authorize counties, cities and towns to prohibit smoking in restaurants through adoption of local ordinances; and

**BE IT FURTHER RESOLVED** that the Clerk to the Board of Supervisors is hereby directed to transmit a copy of this resolution to each member of the County's local delegation to the General Assembly.

Seconded by Supervisor \_\_\_\_\_.

VOTING ON THE ITEM: YES -  
NO -

A COPY TESTE:

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

Mr. Johnson clarified for Supervisor West that the General Assembly would decide how to go about preventing smoking in restaurants, whether it be a referendum or something else.

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

Moving forward, Mr. Johnson announced that included in the agenda was a resolution which encouraged certain joint economic development efforts with the Port of Hampton Roads.

Mr. Johnson read aloud the following resolution:

**BOARD OF SUPERVISORS  
SOUTHAMPTON COUNTY, VIRGINIA**

**RESOLUTION**

---

At a regular meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, December 17, 2007 at 8:00 a.m.

---

**PRESENT**

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

**IN RE: JOINT ECONOMIC DEVELOPMENT EFFORTS WITH THE PORT OF  
HAMPTON ROADS**

---

Motion by Supervisor \_\_\_\_\_:

**WHEREAS**, the Port of Hampton Roads is presently the 7<sup>th</sup> largest container port in the United States and the 3<sup>rd</sup> largest on the East Coast; and

**WHEREAS**, the Port of Hampton Roads is the only East Coast Port that can accommodate the newer, bigger and faster cargo container ships; and

**WHEREAS**, the West Coast Ports are approaching capacity and shippers from around the globe have become increasingly aware of the economic benefits of all-water shipping routes to the U.S. East Coast; and

**WHEREAS**, the volume of cargo containers processed by the Port of Hampton Roads is expected to increase by more than one hundred fifty percent over the next 20 to 25 years, processing more than five million TEU's by the year 2030; and

**WHEREAS**, half of that volume is containerized import cargo, of which 60% is expected to move through a distribution center of some type; and

**WHEREAS**, a one million square feet distribution center can process between 20,000 to 50,000 TEU's annually, creating a demand of somewhere between 20 and 60 million square feet of distribution center space in the vicinity of Hampton Roads by 2030; and

**WHEREAS**, twenty-five percent of the freight traveling to and from the Port of Hampton Roads already travels along U.S. Route 58 between Franklin and Emporia, on its way to and from Interstate(s) 95 and 85; and

**WHEREAS**, Southampton County has recently acquired more than 225 developable acres within a mile of U.S. Route 58 just west of Franklin and sold more than \$10 million in Revenue Bonds to provide the necessary infrastructure on the site for industrial development; and

**WHEREAS**, preliminary master planning indicates that the site may accommodate more than 2.25 million square feet of distribution center space in increments larger than 100,000 square feet; and

**WHEREAS**, Southampton County is planning strategically and investing sacrificially in order to harvest the value of global connections developed and maintained by the Port of Hampton Roads.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY** that it hereby seeks to establish a prosperous partnership with the Port of Hampton Roads, its marketing agents and consultants, in attracting private port-related investment and creating port-related job opportunities in Southampton County, Virginia; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors has absolutely no interest in any proposal that seeks to attract private investment by linking the project to development of an outlying landing field in Southampton County.

Seconded by Supervisor \_\_\_\_\_.

VOTING ON THE ITEM: YES -

NO -

A COPY TESTE:

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

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

Regarding miscellaneous issues, Mr. Johnson announced that in light of the continuing drought, Governor Kaine recently issued a press released encouraging voluntary water conservation and calling upon all localities to update their drought contingency plans. The long range weather outlook called for below-normal rainfall through January 2008. Accordingly, the Department of Health was now encouraging localities to initiate water conservation requirements to voluntarily reduce or eliminate non-essential uses of water. Section 16-261 of the Southampton County Code, a copy of which was included in the agenda, authorized the Board of Supervisors to declare a water supply emergency and impose specific water restrictions. He stated that while they may not feel compelled to impose those restrictions just yet, it was something for them to think about, particularly if substantial precipitation did not arrive by the end of January.

Mr. Johnson advised that included in the agenda was a copy of the audited financial statements of Franklin-Southampton Economic Development, Inc. for the fiscal year ending June 30, 2007.

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

- 1) From the Department of Health, Office of Drinking Water, copy of a notice of violation issued to Southampton County for exceeding the primary maximum contaminant level for total coliform bacteria at the Southampton County Fairgrounds for the month of November;
- 2) From the Department of Health, Office of Drinking Water, copy of a notice of violation issued to Girl Scout Colonial Coast for failing to collect the required bacteriological samples at Camp Darden in October 2007;
- 3) From the Department of Health, Office of Drinking Water, copy of a notice of violation issued to Southampton County for exceeding the primary maximum contaminant level for total coliform bacteria at the Southampton County Business Park for the month of October 2007;
- 4) From the Department of Health, Office of Drinking Water, copy of a notice of violation issued to Southampton County for exceeding the primary maximum contaminant level for total coliform bacteria in Drewryville for the month of October 2007.

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

- 1) Correspondence from SPSA's Environmental Compliance Coordinator to VDEQ

- regarding notification of a dumpster fire at the Ivor Transfer Station on November 25, 2007;
- 2) Copied correspondence from CSX Transportation to Mayor Edwards in Boykins regarding the planned increase in train speeds;
  - 3) Correspondence from Herbert Miller of the Izaak Walton League endorsing the idea of designating the Blackwater River as a State Scenic River; and
  - 4) Correspondence from Ms. Judy Brinkley of Capron regarding recent property tax increased (his written response was included under outgoing correspondence).

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

Moving to late arriving matters, Mr. Johnson confirmed that the next Mini Retreat was scheduled for Tuesday, January 15, 2008 in Drewryville – the exact location would be announced later.

Supervisor Wyche advised that it needed to be clear in *The Tidewater News* that the Board members were not doubling their salary. Supervisor West just asked a question last month regarding health coverage for Board members and no action had been taken.

Mr. Johnson clarified for Supervisor Felts that the temporary burn ban in Southampton County would automatically expire on December 22.

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

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

**Section 2.2-3711 (A) (1) Discussion of performance and consideration of the salary of an employees in the Public Utilities Department; and**

**Section 2.2-3711 (A) (3) Discussion and consideration of the acquisition of real property for a solid waste convenience center.**

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

Richard Railey, County Attorney, Jay Randolph, Assistant County Administrator, and Julia Williams, Finance 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 D. Brown, III  
Carl J. Faison  
Anita T. Felts  
Ronald M. West  
Moses Wyche

The motion passed unanimously.

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

**Vice-Chairman Young moved, seconded by Supervisor Felts, to:**

- **approve the job description for a Deputy Director of Utilities (3240) and classify the position as grade 33;**
- **to revise, amend and reclassify the Chief Utility Operator position (3215) to grade 31; and**
- **to authorize the County Administrator to fill both positions, seeking internal candidates first, and opening the search to the general public if qualified internal candidates do not apply.**

All were in favor.

**The job description for a Deputy Director of Utilities and revised job description for Chief Utility Operator are as follows:**

DEPUTY DIRECTOR OF UTILITIES – 3240  
Grade 33

FLSA Status: Non-Exempt

**General Definition of Work:**

Assists the Director of Utilities by performing difficult professional and administrative work planning, organizing and directing the operation of the Public Utilities Department; does related work as required. Work is performed under general supervision. Supervision is exercised over all plant personnel.

**Essential Functions/Typical Tasks:**

**Planning, organizing and directing water and wastewater treatment; ensuring compliance with regulatory agency requirements; maintaining records and files; preparing reports.**

*(The following tasks are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

- Oversees the operation of water and wastewater plants.
- Ensures efficient plant operation and maintenance.
- Maintains treatment plant operational, maintenance and administrative records.
- Responds to Miss Utility tickets.
- Ensures system operators receive training and meet state requirements.
- Responds to water leaks and sewer stoppages.
- Oversees the industrial pretreatment program.
- Responds to emergency calls.
- Represents County at regional meetings and seminars.
- Prepares work schedule; maintains leave records; authorizes leave and overtime.
- Analyzes operational data to determine changes and improvements required to accomplish the objectives more effectively.
- Maintains records and prepares a variety of reports for regulatory agencies concerning treatment operations.
- Compiles data and information and prepares reports for supervisor.
- Responds to complaints regarding treatment operations, water quality, etc.;
- Maintains a continuous communication with personnel to identify operational problems and develops corrective measures.
- Performs the duties of the Chief Utility System Operator when required.
- Performs related tasks as required.

**Knowledge, Skills and Abilities:**

Comprehensive knowledge of modern wastewater treatment plant principles and well operating practices; comprehensive knowledge of the hydraulic, chemical and mechanical principles pertinent to treatment plant operations; ability to effectively plan and supervise the work of others; ability to keep records and prepare reports; ability to establish and maintain effective working relationships with regulatory agency officials and associates.

**Education and Experience:**

Any combination of education and experience equivalent to graduation from an accredited community college with major course work in environmental sciences or related field and extensive experience in water or wastewater treatment plant operation including considerable supervisory experience.

**Physical Requirements:**

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for depth perception, color perception, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, assembly or fabrication of parts at or within arms length, operation of machines, operation of motor vehicles or equipment, and determining the accuracy and thoroughness of work; the worker is subject to inside and outside environmental conditions, noise, vibration, hazards, atmospheric conditions, oils, and wearing a self contained breathing apparatus. The worker may be exposed to bloodborne pathogens and may be required to wear specialized personal protective equipment.

**Special Requirements:**

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Possession of a Class I Wastewater Treatment Operator's license issued by the Commonwealth of Virginia.

CHIEF UTILITY SYSTEM OPERATOR – 3215  
Grade 31

FLSA Status: *Non-Exempt*

**General Definition of Work:**

Performs difficult technical and administrative work supervising the day-to-day operations of wastewater treatment and water supply systems; Performs difficult skilled work operating a wastewater treatment plant; does related work as required. Work is performed under regular supervision. Supervision is exercised over subordinate plant personnel.

**Essential Functions/Typical Tasks:**

**Planning, organizing and directing water and wastewater treatment; ensuring compliance with regulatory agency requirements; maintaining records and files; preparing reports; operating a wastewater treatment plant and wells; taking samples; performing tests; ensuring proper plant operation; maintaining records and files; preparing reports.**

*(The following tasks are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

- Plans, organizes and directs the operations of wastewater treatment plants, water wells and related facilities.
- Makes regular inspection of plant and equipment to ascertain that it is in proper operation at all times.
- Collects samples for testing; performs tests relating to plant operations; performs basic laboratory tests.
- Checks all plant equipment and biological and chemical systems for proper operation and takes necessary corrective actions.
- Monitors operators plant testing and laboratory work to ensure quality efficient.
- Calibrates and standardizes laboratory and plant meters and recorders.
- Makes changes in plant process as necessary to improve plant efficiency.
- Collects samples; performs daily plant testing.
- Prepares work schedule; maintains leave records; authorizes leave and overtime.
- Troubleshoots, diagnoses and repairs mechanical and electrical problems.
- Meets with plant operators to discuss operations.
- Reads meters, gauges and dials and keeps logs of readings.
- Collects plant supplies.
- Assists with the supervision and training of subordinate treatment plant personnel.
- Keeps records and prepares reports on plant operations.
- Performs related tasks as required.

**Knowledge, Skills and Abilities:**

Comprehensive knowledge of modern wastewater treatment plant principles and well operating practices; comprehensive knowledge of the hydraulic, chemical and mechanical principles pertinent to treatment plant operations; ability to effectively plan and supervise the work of others; ability to keep records and prepare reports; ability to establish and maintain effective working relationships with regulatory agency officials and associates.

**Education and Experience:**

Any combination of education and experience equivalent to graduation from an accredited community college with major course work in environmental sciences or related field and extensive experience in water or wastewater treatment plant operation including considerable supervisory experience.

**Physical Requirements:**

This is heavy work requiring the exertion of 100 pounds of force occasionally, up to 50 pounds of force frequently, and up to 20 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for depth perception, color perception, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, assembly or fabrication of parts at or within arms length, operation of machines, operation of motor vehicles or equipment, and determining the accuracy and thoroughness of work; the worker is subject to inside and outside environmental conditions, noise, vibration, hazards, atmospheric conditions, oils, and wearing a self contained breathing apparatus. The worker may be exposed to bloodborne pathogens or hazardous chemicals and may be required to wear specialized personal protective equipment.

**Special Requirements:**

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Possession of a Class I Wastewater Treatment Operator's license issued by the Commonwealth of Virginia. Possession of Class V Waterworks Operator license issued by the Commonwealth of Virginia.

*Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.*

Mr. Johnson advised that Supervisor Wyche had to leave early because he was associated with a funeral this afternoon.

Mr. Johnson also advised that Supervisor Wyche received a phone call informing that Mr. Willie Allgood had passed away.

December 17, 2007

There being no further business, the meeting was adjourned at 1:16 PM.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk