

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 April 27, 2009 at 8:30 AM

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)
Walter L. Young, Jr., Vice-Chairman (Franklin)
Walter D. Brown, III (Newsoms)
Anita T. Felts (Jerusalem)
Moses Wyche (Capron)

SUPERVISORS ABSENT

Carl J. Faison (Boykins-Branchville)
Ronald M. West (Berlin-Ivor)

OTHERS PRESENT

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

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

Chairman Jones sought approval of the minutes of the March 23, 2009 regular session. Mr. Michael Johnson, County Administrator, advised that in regards to the eminent domain resolution (resolution as to acquisition of certain specified rights-of-way or easements), John Henry Simpson was struck through in error. The minutes were approved with that correction.

Chairman Jones recognized Mr. Donald L. Hart, Jr., President of the Virginia Association of Counties (VACo).

Mr. Donald L. Hart, Jr., introduced himself to the Board and thanked them for their time. He advised that he was from Accomack County and served on their Board of Supervisors. He had served for 29 years and was actually the oldest in seniority, but the youngest in age. He wanted them to know how important Southampton County was to him, VACo, and the State of Virginia. Southampton County was one of 95 counties in Virginia. There were 94 other counties and over 540 other supervisors which stood alongside Southampton County. There was strength in numbers. He stated that his goal as President of VACo was to adopt a close relationship with and be accessible to all 95 counties – that’s why he was here today. Some of the counties he had visited indicated that they had never seen the VACo President before in their county or at their meeting. He wanted to make sure that after this year they could not say that anymore. He also wanted to keep VACo a highly professional organization and to keep it working to achieve success, not to prevent failure. He was brought up that the glass was half full. He was running his VACo presidency with a positive attitude, which is how he ran his life.

Mr. Hart continued that VACo had been working with the Governor’s Office, House, and Senate trying to get them to see that finding solutions and compromising would help solve our common problems. VACo worked through the General Assembly session. They focused on unfunded mandates, and for the first time in a long time, no unfunded mandates came out of the General Assembly this year. They were focusing with this Governor, and would focus with the next Governor, that any unfunded mandate that came across his or her desk should be vetoed. They were also working on equalization of the rights, privileges, and powers between counties, cities and towns. Cities and towns had certain privileges by right that counties did not. A little small town in Accomack County with less than 200 people had more rights than the thousands of citizens in Southampton County. They thought that was unfair and the playing field needed to be level. He was taught to squeak the wheel – if you did not squeak it, no one would know you needed some grease. He asked the Board to stay abreast of VACo’s benefit services and offerings. He asked them to join VACo’s mailing or email list if they had not already done so. He also asked

that they participate in the legislative committees if they were not already. The citizens of Southampton County needed a voice. If they were not at the table, how would anyone know what they were thinking? Make sure that a supervisor was on a committee that would be dealing with issues that Southampton County would be dealing with. The rural caucus committee was very important and it gave the rural counties more strength. VACo used to be accused of being run by the urban counties. The rural counties were working hard to make sure their voice was heard. Just to show an example of how VACo had changed, the last 3 presidents had been from rural counties, and the next 2 were from rural counties. He thanked the Board for their time. He asked them to feel free to contact him or VACo if they had any suggestions, concerns, solutions, or criticisms. He stated that he would be here for Southampton County. He would stand with them on the federal or state level. When Southampton County needed him during his term as President, he would be here. They just needed to give him 2 hours to get here.

Chairman Jones thanked Mr. Hart for coming. He stated that he was the first VACo President they had seen here.

Regarding highway matters, Chairman Jones recognized Mr. Joe Lomax, Residency Administrator of the Virginia Department of Transportation (VDOT) Franklin Residency.

Mr. Lomax asked for permission to have the email addresses of the supervisors so they could use that technology to increase interaction back and forth.

He advised that regarding Edgehill, they had completed the survey plat. They needed boundaries and some of the area for a temporary construction zone. There were 4 property owners involved, 2 on each side, and Mr. Jerry Kee, Assistant Residency Administrator, was setting up meetings with those property owners.

Mr. Lomax stated that they put in for a new contract for mowing, as they were not satisfied with the mowing last year. He did not want to call the name until it was official. Mowing should start in the next few weeks. He reminded that there was a reduced level of mowing service right now. Route 58 would receive service level B, which was 3 mowings per year. They planned to complete the first mowing between May 4 and May 20, just in time for Memorial Day.

He advised that they had met with the contractor doing the sewer work on Business 58 to ensure their work zones stayed satisfactory. They would be moving to the median on Route 58 and VDOT could not allow them, for safety reasons, to get out there and not have proper signage, crash cushions, spacing, etc. VDOT would be watching the project closely.

Mr. Lomax stated that they would be starting the surface treatment, plant mix, and slurry seal schedules soon. They would be concentrating on Route 460, portions of Route 58, and some secondary roads.

He informed that VDOT just completed a triple pipe culvert on Rose Valley Road (Route 688). It would stay uncovered for about a month, so traffic could help compact it, before putting black-top back on. They would be putting up loose rock signs to inform motorists, and VDOT would be going over it with the motor grader to make sure it stayed smooth. He noted that VDOT would not do the work at Edgehill, but rather it would be contracted out.

Mr. Lomax advised that he wrote a letter to the school board after an extensive review of the speeds in front of Southampton High School. Most of the students were supposed to be using Route 35 for entering and exiting the school. Nonetheless, VDOT recommended flashing signals and a reduced speed zone of 45 mph in front of the school.

Supervisor Felts stated that she had spoken with Mr. Kee earlier about cleaning out the ditch on Vicksville Road between Rosemont and Drake. Mr. Lomax indicated that he would check on it and have Mr. Kee contact her.

Supervisor Brown stated that he had some concerns about the ditches between Sandy Ridge and Riverdale. But his biggest concern was in regard to the impact of economic constraints on VDOT's budget. How was that impacting the maintenance schedule? Were they cutting back the schedule? Mr. Lomax explained that each year they received a budget allocation for maintenance.

They submitted their needs and the district determined how much would be allocated. Right now, it was pretty tight, but they tried to spread the wealth between the 2 counties they served for maintenance purposes. It was not affecting him greatly yet, but that was not to say it would not. They were waiting to find out if their funding request would be approved. He would likely not receive everything he asked for, and then they would have to prioritize.

Supervisor Brown stated that in light of the current economic situation, everyone needed to do their fair share. He had a farm and people tended his farm. Sometimes farmers had a tendency, when breaking and disking land, to kick dirt back in the ditches, and the ditches would fill back up.

Mr. Lomax added that sometimes farmers or landowners re-graded the land towards the ditch, and then disked it. And when there was a big rain, the runoff filled the ditch with silt. Also, some farmers were disking all the way to the edge of the ditch. It was nice to have a 4 or 5 ft. buffer between the farm and the ditch. He was seeing in some areas where they had disked all the way to the ditch, which meant they had destroyed the slope, and silt was filling up the ditch. He had seen that in 5 or 6 places just last week. He noted that timber cutting was also an issue, in that ditches were being stopped up miles off the roadway.

Supervisor Wyche advised that the flashing lights in front of Capron Elementary on Route 58 were not very bright, and motorists were paying very little attention.

Mr. Lomax stated that when they went to 4 lanes on Route 58, they only kept 2 signs – they really should have 4, as there needed to be an inside set. That would have to go through the school board and the cost would have to be incurred by the County. He would look at possibly getting some new signs, because the new signs had lights at the top and bottom which would bring more attention. He stated that the signs were expensive – about \$10,000 each. Supervisor Wyche commented that he did not know where they would get the money, but they needed the signs because it was a safety issue.

Supervisor Wyche asked if they had looked into his concerns about Bryant's Church Road? Supervisor Wyche stated that when traveling westbound on Route 58, it was very difficult to see the road sign for Bryant's Church Road, which was on the opposite side of the road. In addition, a turn land was needed.

Mr. Kee advised that the turn lane would be a big "if" because it was a construction project. As far as the road sign, he did not know if he wanted to open up that can of worms. It would be very expensive to address sign concerns county-wide. But perhaps they could do a limited amount of signs in a certain area. He would look into it.

Supervisor Wyche stated that he was also getting concerns about Indiantown Road. He had explained to them about the 6-Year plan, but he may need to get with him (Mr. Lomax) and set up a meeting and have him explain it to the citizens. Mr. Lomax indicated that he had spoken to Ms. Wright the other day and explained that Indiantown Road was on the 6-Year Plan, but it was based on funding and there was no money. Mr. Lomax stated that he would be glad to come out to a community meeting.

Supervisor Wyche advised that he was also getting concerns about potholes on the concrete section of Route 58.

Chairman Jones informed that there was water standing at the turnoff on Tennessee Road. Mr. Lomax stated that they would take care of that shortly.

Vice-Chairman Young asked if they still planned to clean out the ditch on Delaware Road between the railroad and General Thomas Highway (Route 671), that he asked about a couple months ago? Mr. Lomax advised that he would talk to the superintendents and get that lined up.

In regards to the highway abandonment of a portion of Route 622 near Zuni, Supervisor West asked that the item be tabled another month.

Regarding reports, various reports were received and provided in the agenda. They were

Financial, Sheriff's Office (Communication Center Activities, EMS and Fire Department Activities, Traffic Tickets, and Civil Papers), Animal Control, Litter Control, Building Permits, and New Housing Starts. Also, Cooperative Extension, Treasurer's Report, Delinquent Tax Collection, Solid Waste Quantities, and Personnel.

In regards to the New Housing Starts Report, Mr. Johnson, County Administrator, clarified that they had only issued 9 so far this year – 36 was the projection for the year. Supervisor Brown asked how this was affecting us? Mr. Johnson replied that it was not a major cause for alarm right now, but you would not want to see this continue for 3 or 4 years consecutively.

Chairman Jones pointed out that instead of building, people were doing more repairs and were getting permits for that.

In regards to the personnel report, Mr. Johnson advised that George W. Brunch was hired in the Commonwealth Attorney's Office effective 04/20/09 at an annual salary of \$59,088. He stated that J. Michael Blythe of the Sheriff's Office remained on active military leave effective 07/09/08.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$4,012,001.19 were received.

Vice-Chairman Young moved, seconded by Supervisor Brown, that the bills in the amount of \$4,012,001.19 be paid with check numbers 91808 through 92240. All were in favor.

Moving to appointments, Mr. Johnson announced that included in the agenda was correspondence from the Blackwater Regional Library advising that Ms. Mary Mason's term would expire on June 30 – due to employment commitments, Ms. Mason had been unable to attend regular meetings. It was necessary for the Board to appoint Ms. Mason's successor prior to June 30. Other board members from Southampton County were Mrs. Betty Sue Young and Mrs. Bernadette Whitley.

Supervisor Wyche indicated that he would seek a successor.

Mr. Johnson advised that included in the agenda was correspondence from Franklin-Southampton Economic Development, Inc. seeking the Board's consideration in nominating three (3) candidates for appointment to their Board representing Southampton County. Mr. C. Harrell Turner's first term would expire on June 30, 2009 – he was eligible for reappointment and had expressed a willingness to continue serving – accordingly, Mr. Turner may be one of three nominees submitted by the Board. They had requested our list of nominees by June 1.

Supervisor Brown advised that he had spoken with Yolanda Lee-Brown, marketing and sales representative for International Paper, and she was interested in being a nominee.

Supervisor Brown made a motion to nominate Yolanda Lee-Brown as one of three candidates to be considered for appointment to the Franklin-Southampton Economic Development Board of Directors. Vice-Chairman Young seconded the motion. All were in favor.

Supervisor Felts made a motion to nominate C. Harrell Turner as one of three candidates to be considered for appointment to the Franklin-Southampton Economic Development Board of Directors. Vice-Chairman Young seconded the motion. All were in favor.

Supervisor Felts volunteered to seek a third candidate in which to nominate.

Moving to the capital funding request, Mr. Johnson announced that included in the agenda was a capital funding request from the Hunterdale Volunteer Fire Department. They intended to utilize the funding to help service debt associated with their newest engine. As they knew, beginning in FY 2000, the Board agreed to provide more than \$1.2 million over a ten (10) year period for capital improvements for fire and rescue. The allocable share for each fire department in FY 2009 was \$14,000 and for each rescue squad, \$7,000. Funds were earmarked annually for each department or squad and held in escrow pending specific approval by the Board of Supervisors. Escrowed funds continued to accrue for each department/squad if not drawn down. The table included in the agenda indicated the status of capital appropriations since FY 2000. As they could see, the request was in order. Through April 7, 2009 they had collectively appropriated

\$1,163,500 for fire and rescue improvements and were holding in escrow an additional \$141,500.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to approve the capital funding request of the Hunterdale Volunteer Fire Department in the sum of \$14,000. All were in favor.

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

An ordinance amending Chapter 15 of the Southampton County Code by adding a new Article VIII, Sec. 15-150, et. seq., establishing a transient lodging room rental tax equivalent to two (2) percent of the total amount paid for room rental by or for any transient to any lodging facility. The transient occupancy tax was proposed for levy on hotels, motels, boarding houses, travel campgrounds and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.

The ordinance is as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15 OF THE SOUTHAMPTON COUNTY CODE, 1991, SO AS TO PROVIDE A NEW ARTICLE VIII, TRANSIENT LODGING ROOM RENTAL TAX

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is amended and reordained so as to provide a new article VIII, Chapter 15, Section 15-150, et seq. and reading as follows:

CHAPTER 15
ARTICLE VIII
TRANSIENT LODGING ROOM RENTAL TAX

Sec. 15-150. Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

Lodging facility: Any public or private hotel, motel, boarding house, travel campground, inn, apartment hotel, hostelry, tourist home or house, rooming house or other lodging place within the county where charges are made for the occupancy of any room or space occupied.

Person: Any individual, firm, partnership, association, corporation, person acting in a representative capacity, or any group of individuals acting as a unit.

Room rental: The amount of the charge imposed for the occupancy of any room or space occupied at a lodging facility.

Transient: Any individual, or group of individuals, who occupy any room or space in a lodging facility for a period of less than thirty (30) consecutive days.

Treasurer: The treasurer of the county.

Sec. 15-151. Levy and rate.

In addition to any other tax imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to two (2) percent of the total amount paid for room rental by or for any such transient to any lodging facility.

Sec. 15-152. Exceptions.

No tax shall be payable hereunder in any of the following instances:

(1) On room rental paid by any federal, state, county or city official or employee when on official business, and the government concerned either pays the rental or reimburses the employee or official.

(2) On room rental paid to any hospital, medical clinic, convalescent home or home for aged people.

Sec. 15-153. Collection.

Every person receiving any payment for room rental with respect to which a tax is levied under this article shall collect the amount of tax hereby imposed from the transient on whom the same is levied, or from the person paying for such room rental, at the time payment of such room rental is made. The taxes required to be collected hereunder shall be deemed to be held in trust by the person required to collect the

same until remitted as hereinafter required.

Sec. 15-154. Reports and remittance.

The person collecting any such tax shall make out a report upon such forms, and setting forth such information, as the commissioner of revenue may prescribe, showing the amount of room rental charges collected and the tax required to be collected and shall sign and deliver the same to the treasurer with a remittance of such tax. Such reports and remittances shall be made on or before the last day of each month covering the amount of tax collected during the preceding month. Any person operating a lodging facility regularly throughout the year may, upon written application to, and with good cause shown, and upon the written consent of the commissioner of revenue, make reports and remittances on an accounting period basis rather than upon a monthly basis; however, in no event shall any such accounting period exceed five (5) weeks in duration. In the event the commissioner of revenue gives written consent for the making of reports and remittances on such an accounting period, then the report and remittances shall be due on the last day of the month in which such accounting period ends. Any remittances made hereunder by check or money order shall be payable to the County of Southampton.

Sec. 15-155. Penalty and interest for nonpayment.

If any person shall fail or refuse to remit to the treasurer the tax required to be collected and paid under this article, or fail or refuse to submit the reports required by this article within the time and in the amount specified in this article, there shall be added to such tax by the treasurer a penalty of five (5) percent if the failure is for not more than one month, with an additional five (5) percent for each additional month, or fraction thereof, during which the failure continues, not to exceed twenty-five (25) percent in the aggregate; however, in no case shall the penalty be less than ten dollars (\$10.00) and such minimum penalty shall apply whether or not any tax is due for the period in which such return was required. In addition, there shall be added to such unpaid tax interest at the rate of eight (8) percent per annum on the amount of tax delinquent, such interest to commence on the first day of the month following the month in which such taxes are due.

Sec. 15-156. Failure to collect, report or remit tax; action by commissioner of revenue.

If any person shall fail or refuse to collect, in whole or in part, or properly to report or remit, such tax within the time required by this article, the commissioner of revenue shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the commissioner of revenue has procured such facts and information he or she shall make his or her estimate of the tax due and proceed to determine and assess against such person such estimated tax due together with the penalties and the total amount thereof shall be payable within ten (10) days from the date of such notice; however, before any determination and assessment is made by the commissioner of revenue that any person is liable for tax penalty and interest under this section, he or she shall give such person notice and an opportunity to be heard concerning such possible determination and assessment.

Sec. 15-157. Records.

It shall be the duty of every person liable for the collection and payment to the county of any tax imposed by this article to keep and preserve for a period of three (3) years such suitable records as may be necessary to determine the amount of such tax as he may have been liable for collection of and payment to the county, which records the commissioner of revenue and the treasurer shall have the right to inspect at all reasonable times.

Sec. 15-158. Cessation of business.

Whenever any person required to collect and pay to the county a tax under this article shall cease to operate or otherwise dispose of his business, any tax payable to the county shall become immediately due and payable; and such person shall immediately make a report and pay the tax due.

Sec. 15-159. Powers and duties of commissioner of revenue.

It shall be the duty of the commissioner of revenue to ascertain the name of every person operating a lodging facility in the county liable for collection of the tax levied by this article. The commissioner of revenue shall have the power to adopt rules and regulations not inconsistent with the provisions of this article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied.

Sec. 15-160. Penalty for violation of article.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be guilty of a Class 3 misdemeanor, and each violation or failure to comply shall constitute a separate offense. The punishment provided for in this section shall be in addition to any other remedy for the collection of taxes provided for by law.

Sec. 15-161. Effective date.

This ordinance shall be effective for all tax years beginning on and after July 1, 2009.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : April 27, 2009

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

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

Mr. Johnson noted that Mrs. Amy Carr, Commissioner of the Revenue, estimated that the transient lodging room rental tax would generate \$7,000-\$8,000 per year.

Moving forward, Mr. Johnson announced that pursuant to Chapter 2.5 of the Southampton County Code, included in the agenda was an application from the Tidewater Dirt Riders for a temporary outdoor entertainment permit for a motorcycle competition on Sunday, June 7, 2009. The event, with an estimated attendance of 550 participants and spectators, would be held on property owned by T.L. Bain, L.P. on Warrique Road and would include overnight camping for approximately 75 campers for one night (June 6). The application was fully consistent with the ordinance adopted at the Board's regular session of December 20, 2004, a copy of which was also included in the agenda. Their plans had been reviewed by the Southampton County Sheriff, Southampton County Health Department, Southampton County Building Official, and the Ivor Volunteer Rescue Squad. Alcohol was not permitted at the event. In accordance with Sec. 2.5-40 of the Southampton County Code, it was incumbent upon the Board of Supervisors to act on the application this morning.

Supervisor Brown asked Mr. Richard E. Railey, Jr., County Attorney, given all the sensitivity lately regarding motorcycle racing, could the Board's approval of this request be misconstrued? Attorney Railey replied that you could certainly make an argument and distinguish it from something that was open full time or a significant part of the year. With regard to the litigation we were in right now, of course this could become a subject of comment if the Board allowed it for a charity one time a year as opposed to allowing it for a private entrepreneurial enterprise. However, most anything the Board ever did could be misconstrued.

Supervisor Felts stated that the Tidewater Dirt Riders had been holding this event for the last few years with no problems at all, and all the paperwork with the Sheriff's Department, Health Department, etc. was in order.

Supervisor Brown was concerned that this could be misconstrued as a race track because it indicated the word *competition*. He just did want anything to come back to haunt them.

Supervisor Felts stated that it was a competition, but it was a one-day event.

Vice-Chairman advised that the request was fully consistent with the ordinance.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to issue the temporary outdoor entertainment permit to the Tidewater Dirt Riders. All were in favor.

Moving to the funding request, Mr. Johnson announced that included in the agenda was correspondence from Ms. Cynthia Brown, Secretary of the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation, seeking the Board's consideration of sponsorship of the Eighth Annual Indian Powwow on July 25-26, 209 at the Southampton County Fairgrounds. The event was hosted daily from 10:00 AM to 7:00 PM and drew numerous vendors, spectators and visitors. He reminded that the Board sponsored the event each of the past 2 years with a donation of \$1,000. In exchange for the sponsorship, the Foundation provided a color advertisement on the inside cover page of their Tribal Journal, *Waskehee* (a copy of last year's ad was included in the agenda). The deadline for the Board's response was June 15. He noted that public appropriations were statutorily authorized pursuant to § 15.2-953 (B) to non-profit organizations that commemorated historical events.

Mr. Johnson advised that Ms. Cynthia Brown and Mr. Ellis Wright, representing the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation were present this morning.

(Note: Supervisor Brown excluded himself from the discussion to avoid a conflict of interest.)

Chairman Jones recognized Ms. Cynthia Brown and Mr. Ellis Wright.

Ms. Cynthia Brown addressed the Board. She advised that she was Secretary of the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation, which was a 501 (c) 3 organization in Southampton County. She was also Editor of the *Waskehee*, their Tribal Journal. She was appearing before them this morning to respectfully request their support for their upcoming Powwow. In July, they would celebrate their 8th annual Powwow at the Southampton County Fairgrounds. Over the past 7 years, the costs of producing this educational event had averaged \$12,500. The event brought thousands of tourists to the area, which filled rooms in our lodging establishments and tables at our local eating places. The event brought approximately \$100,000 in tourist dollars to the area over the 2-day event. During the Powwow, they also launched the distribution of their Tribal Journal, the *Waskehee*. As they planned to publish Issue 6, they were seeking support from the business community for its publication. They were proud of their Journal, and proud that the Library of Virginia had added Issues 1-5 to its collections department, because of the history it contained of the Cheroenhaka (Nottoway) Tribe in Southampton County.

Ms. Brown continued that the Tribe recently purchased 100 acres of land on Old Bridge Road in Courtland, Virginia. The land was once part of their Reservation Lands here in the County, and their Foundation planned to use this property to develop a Tribal Education Center and Museum that would house artifacts that were a part of their cultural heritage. They also planned to develop permanent Powwow grounds where they could celebrate and share their history and culture with those visiting them during their PowWow. A major part of the project would be the construction of an interactive Native American Village, patterned after the Hand Site Excavation. The town contained long houses, which was the typical home of the Iroquoian Village. The construction of the Village would be a community project. This project would allow Southampton County to have a significant part in the early history of Southeast Virginia by adding Iroquoian Indian history to the already development Algonquian history of the Jamestown Area. They anticipated that the Annual Powwow celebrations, Tribal Education Center and Museum, and the Native American Village would become regular tourist attractions for Southampton County, attracting some 40,000 tourists, thereby strengthening the economy of the area. They appreciated the Board's past support of their Powwow, and they asked that they provide support again this year with a donation of \$2,500 for the 8th annual Powwow. They would continue to give them a prominent place in their Tribal Journal. They again appreciated the Board for what they had done in the past, and thanked them for the opportunity to share with them their plans for the future.

Vice-Chairman Young asked if the Powwow would be moved to the recently purchased land on Old Bridge Road after it was all completed? Ms. Brown replied yes, it would eventually be moved there – they had to develop the grounds for that first.

Supervisor Wyche advised that he had the privilege to attend the Powwow the last couple years, and they did a wonderful job. He would love for the Board to be able to give them \$2,500, but he would have to recommend a donation of \$1,000. Times were tight and he did not want to get into the same situation they were in with getting so many requests of support for baseball and softball teams. There were other tribes in the County, and as soon as word got out that they were doing so much for one, the others would come forth. He did appreciate the Powwow.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to sponsor the 8th Annual Powwow with a monetary donation of \$1,000. All were in favor.

Moving forward, Mr. Johnson announced that as discussed last month, § 58.1-3833 of the 1950 Code of Virginia provided that counties may impose a meals tax **only if approved in a voter referendum**. A referendum was initiated either by a resolution of the board of supervisors or by the filing of a petition signed by ten percent of the registered voters in the county. If the resolution of the board of supervisors seeking a referendum stated for what projects and/or purposes the revenues collected from the tax were to be used, then the question on the ballot would include language stating for what projects and/or purposes the revenues collected from the tax were to be

used. Counties were limited by statute to imposing a maximum tax of 4%, while cities may go up to 6.5% and towns to 8%. **Counties were restricted in their authority to levy the meals tax within the limits of an incorporated town unless the town granted the county the authority to do so.** Currently, 40 of the 95 counties in Virginia levied a meals tax. Locally, the counties of Greensville and Isle of Wight and the cities of Franklin, Suffolk and Emporia had a meals tax.

Mr. Johnson continued that in addition to food served at restaurants, a meals tax applied to grocery and convenience stores selling prepared food at a delicatessen. It did not apply to food and beverages sold through vending machines, food prepared and sold by churches, civic organizations, fire departments and rescue squads, or cafeterias in public schools, nursing homes, and hospitals. Meals tax referendums were held in seven Virginia counties in November 2008, but passed in only one (King William). Based on an estimate by Mrs. Amy Carr, Commissioner of the Revenue, a 4% meals tax in Southampton County would likely generate between \$150,000 and \$160,000 annually, currently the equivalent of 1.1¢ on the real estate tax rate.

Mr. Johnson shared the following implementation timeline:

April 28, 2009	Board consideration of resolution to initiate meals tax referendum
May 15, 2009	County Attorney forwards petition to Circuit Court for special Election
November 3, 2009	Referendum held
November 6, 2009	Election results certified by Electoral Board
February 22, 2010	Public hearing on meals tax ordinance (if approved by referenda)
July 1, 2010	Meals tax implemented

Mr. Johnson advised that he had taken the liberty of drafting a resolution for their consideration which provided that the revenues collected from a food and beverage tax would be applied to capital projects – if that was not the Board’s intention, he could revise the resolution accordingly.

The resolution is as follows:

**A Resolution to Initiate a Referendum at the
November General Election for the Imposition of a
Food and Beverage Tax in Southampton County**

WHEREAS, any county is authorized by Section 58.1-3833 of the Code of Virginia to levy a tax on food and beverages sold by a restaurant, not to exceed four percent of the amount charged for such food or beverage; and

WHEREAS, such tax shall not be levied on food and beverages sold through vending machines, but grocery stores and convenience stores selling prepared food are subject to the tax; and

WHEREAS, the Code of Virginia permits such a tax to be levied if the tax is approved in a referendum held in accordance with Section 24.2-684 and initiated by a resolution of the Board of Supervisors; and

WHEREAS, this tax shall not be levied within the Corporate limits of the Towns of Boykins, Branchville, Capron, Courtland, Ivor and Newsoms; and

WHEREAS, it is the intention of the Southampton County Board of Supervisors to initiate a referendum for the imposition of a four percent food and beverage tax by resolution of the Board; and

WHEREAS, it is the intention of the Board of Supervisors that the referendum take place during the November 3, 2009 general election; and

WHEREAS, it is the intention of the Board of Supervisors that revenues obtained through the imposition of a food and beverage tax be applied to the financing, maintenance and construction of County and School capital projects.

NOW, THEREFORE, BE IT RESOLVED by the Southampton County Board of Supervisors this 27th day of April 2009, that the Board of Supervisors, by this resolution, hereby initiates a referendum to be held during the November 3, 2009 general election for the imposition of a four percent food and beverage tax to be applied toward the financing, maintenance and construction of County and School capital projects; and

BE IT RESOLVED FURTHER, that the Board of Supervisors hereby requests the Circuit Court of Southampton County, Virginia to order an election on November 3, 2009, on the following question pursuant to Section 58.1-3833, as amended, provided that such date is at least sixty (60) days after the date on which the Court enters its order. The ballot question shall be as follows, subject to such amendments as may be required by the Circuit Court in the Order scheduling the referendum:

QUESTION: Shall Southampton County be authorized to levy a tax within the County, but not including the towns of Boykins, Branchville, Capron, Courtland, Ivor and Newsoms, as permitted by Section 58.1-3833 of the Code of Virginia, on foods and beverages sold for human consumption by restaurants and on prepared sandwiches and single-meal platters sold at delicatessen counters by grocery stores and convenience stores not to exceed four percent of the amount charged for such food and beverages to be applied toward the financing, maintenance and construction of County and School capital projects?

() **YES**

() **NO**

Supervisor Brown commented that the resolution was beautifully written.

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

Vice-Chairman Young remarked that he was in favor of anything to help keep the real estate tax rate down.

Moving forward, Mr. Johnson announced that at its meeting on April 14, the VRA Board of Directors approved the restructuring of certain outstanding bonds of SPSA as proposed by the Chief Administrative Officers of the member communities. The debt restructuring was subject to a general obligation pledge by Portsmouth, Franklin, Isle of Wight and Suffolk and a moral obligation pledge by Southampton County. It was further subject to agreement by the City of Virginia Beach to forbear its rebate under the Ash Disposal Agreement with SPSA in FY 2009 and FY 2010. It was necessary that each of the member communities take formal action to implement their respective guaranties prior to May 15, 2009. Included in the agenda for their consideration was a copy of the required resolution which implemented Southampton County's moral obligation guaranty of up to \$4,878,677 of SPSA's restructured debt. The resolution was drafted by our bond counsel, McGuireWoods, LLP.

The resolution is as follows:

At a regular meeting of the Board of Supervisors of the County of Southampton, Virginia, held on the 27th day of April, 2009, the following Board of Supervisors members were recorded as present:

PRESENT: Dallas O. Jones, Chairman
Walter L. Young, Jr., Vice Chairman
Walter D. Brown, III
Anita T. Felts
Moses Wyche

ABSENT: Carl J. Faison
Ronald M. West

On motion by Supervisor Young, seconded by Supervisor Felts, the attached Resolution was adopted by a majority of the members of the Board of Supervisors, the votes being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Dallas O. Jones, Chairman	YES
Walter L. Young, Jr., Vice Chairman	YES
Walter D. Brown, III	YES
Anita T. Felts	YES
Moses Wyche	YES

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SOUTHAMPTON (THE "COUNTY") AUTHORIZING THE GUARANTY BY THE
COUNTY OF THE TIMELY PAYMENT OF A PORTION OF PRINCIPAL OF AND INTEREST
ON CERTAIN GUARANTEED SUBORDINATED REVENUE BONDS TO BE ISSUED BY THE
SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA ("SPSA") FOR THE
PURPOSE OF REFUNDING AND RESTRUCTURING CERTAIN OUTSTANDING BONDS OF
SPSA**

WHEREAS, SPSA was created pursuant to the Virginia Water and Sewer Authorities Act by its member jurisdictions (the "Owner Communities"), which are the Cities of Virginia Beach, Norfolk, Chesapeake, Suffolk, Portsmouth, and Franklin, and the Counties of Southampton and Isle of Wight;

WHEREAS, SPSA is currently indebted to the Virginia Resources Authority ("VRA") in the amount of approximately \$129,000,000 on bonds issued for various capital expenditures;

WHEREAS, the Chief Administrative Officers of the Owner Communities drafted a proposal dated March 16, 2009, and entitled "Financial Assistance Plan for the Southeastern Public Service Authority (SPSA)" (the "CAO Proposal"), which has previously been presented to the Board of Supervisors of the County (the "Board") and which advances a number of measures intended to address SPSA's short- and long-term financial distress, including, among other things, the issuance by SPSA of its guaranteed subordinated revenue bonds (the "Guaranteed Bonds") and the purchase by VRA of the Guaranteed Bonds for the purpose of restructuring certain outstanding bonds of SPSA;

WHEREAS, pursuant to the CAO Proposal, timely payment of principal of and interest on the Guaranteed Bonds will be severally guaranteed by a general obligation pledge of the County of Isle of Wight and the Cities of Franklin, Portsmouth and Suffolk, and a moral obligation pledge of the County (together, the "Guaranteeing Communities");

WHEREAS, the terms of such guarantees are set forth in a Guaranty Agreement between the Guaranteeing Communities, U.S. Bank National Association, as trustee (the "Trustee") and SPSA (the "Guaranty Agreement"), the form of which has been presented to this meeting; and

WHEREAS, the Board has determined that it is advisable to severally guaranty the timely payment of a portion of the principal of and interest on the Guaranteed Bonds, subject to appropriation by the Board of sufficient funds therefore, pursuant to the Guaranty Agreement.

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

1. Authorization of Guaranty. The Board hereby determines that it is advisable and in the best interest of the County to severally guaranty the timely payment of a portion of the principal of and interest on the Guaranteed Bonds, subject to the provisions of Section 2 below, in the maximum amount of \$4,878,667 pursuant to the Guaranty Agreement; provided, however, the principal amount of the Guaranteed Bonds shall not exceed \$72,000,000.

2. Annual Appropriations and Payments. The County hereby agrees to pay to the Trustee pursuant to the Guaranty Agreement, subject to appropriation by the Board, sufficient funds for SPSA to make timely payment of a portion of the principal of and interest on the Guaranteed Bonds, all as set forth in the Guaranty Agreement between the Guaranteeing Communities, the Trustee and SPSA, the form of which has been presented to this meeting. The County's pledge and all payments to be made pursuant thereto shall be subject to and are expressly conditioned upon funds being appropriated for such purpose by the Board and shall not at any time constitute a legal obligation of the County with respect to the Guaranteed Bonds or for the payment of money.

The Board hereby undertakes a non-binding obligation to appropriate to SPSA or as designated by SPSA such amounts as may be requested from time to time pursuant to this Section to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future

fiscal years, and hereby recommends that future Boards do likewise.

Nothing in this Resolution is or shall be deemed to be a lending or pledge of the credit of the County to SPSA or to any holder of any Guaranteed Bond or to any other person, and nothing in this Resolution is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County.

3. Approval of Guaranty Agreement. The Guaranty Agreement, the form of which has been presented to this meeting, is hereby approved, and the County Administrator and the Chairman of the Board (the "Chairman"), or either of them, are authorized and directed to execute and deliver the Guaranty Agreement with such completions, omissions, insertions and changes as may be approved by the County Administrator or the Chairman, of either of them, such execution and delivery to conclusively evidence such approval.

4. Further Actions. The County Administrator, the Chairman and such officers and agents of the County as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the execution and delivery of the Guaranty Agreement, and all such actions previously taken by such officers and agents are ratified and confirmed.

5. Effective Date. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Southampton, Virginia, certifies that the foregoing constitutes a true, complete and correct copy of the Resolution adopted at a regular meeting of the Board of Supervisors of the County of Southampton, Virginia, held on April 27, 2009.

Clerk, Board of Supervisors,
County of Southampton, Virginia

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

Chairman Jones reminded that the Governor would be appointing a new SPSA Board. The Board of Supervisors needed to come up with 3 people to recommend as appointees to the new SPSA Board by January 1, 2010.

Supervisor Brown asked if they could get a short mission statement with a little information on what this particular position would consist of, in order to give them a better idea of the background of a person that may be best suited for the position. Mr. Johnson advised that he would be glad to put something together. The statute that was adopted by the General Assembly was vague – it indicated that the appointee must have general business knowledge. It did not specifically say that the appointee must have a law, accounting, or engineering degree, for example. However, he could put together some characteristics or qualities that would likely be helpful in serving on that Board.

Chairman Jones stated that they needed to come up with 3 people to recommend as appointees as soon as possible, because they needed to attend the SPSA meetings and see what went on before their term started.

Moving forward, Mr. Johnson announced that as directed last month, he published a solicitation for conceptual phase proposals for development, construction, and operation of a compensatory wetland and stream mitigation bank located adjacent to the Turner Tract Industrial Park off of Rose Valley Road. The bank would generate a minimum of 45 wetland credits and 12,500 stream credits. Proposals were due this past Friday, April 24, 2009, and they did receive one conceptual proposal, copies of which were at their places.

Mr. Johnson read aloud the following resolution which would officially accept that conceptual proposal for review:

WHEREAS, Southampton County has published a solicitation for conceptual phase proposals under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) for development, construction and operation of a compensatory wetland and stream mitigation bank located adjacent to the Turner Tract Industrial Park on Rose Valley Road ; and

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

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

WHEREAS, the Board received a response to its solicitation under the PPEA from Environmental Banc & Exchange, LLC and Shamrock Environmental Corporation on March 25, 2009; and

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

WHEREAS, the Board believes it would be advantageous to proceed under the PPEA and the Board’s implementing procedures to accept the solicited proposal for conceptual phase consideration; and

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

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

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

(1) Pursuant to the PPEA and the Board’s implementing procedures, the Board accepts the solicited proposal for conceptual-phase consideration, subject to such conditions consistent with the PPEA and implementing procedures as the County Administrator deems prudent;

(2) The Board has determined that the information contained in Volume 2 of the solicited proposal shall be excluded from public disclosure under the Virginia Freedom of Information Act on the basis that it contains certain financial statements of Environmental Banc & Exchange, LLC and Shamrock Environmental Corporation, which are not generally available to the public through regulatory disclosure or otherwise;

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

Mr. Johnson advised that at their places were 3 binders – the top binder contained the details of the proposal, and there were 2 additional binders – one contained the financial statements of Environmental Bank Exchange and the other contained the financial statements of Shamrock. He stated that the 2 binders containing the financial statements were proprietary, and as such, under the Freedom of Information Act, were not to be disclosed publicly.

Vice-Chairman Young moved, seconded by Supervisors Brown and Felts, to adopt the resolution. All were in favor.

Moving forward, Mr. Johnson announced that he had asked Mr. Robert Barnett, Director of Community Development, and Jay Randolph, Assistant County Administrator, to survey area localities in order to compare our current fee schedules associated with all types of growth and development activities, which included building permits, planning/zoning applications, plat approvals, site plan reviews, water/sewer facility fees, etc. Not surprisingly, that survey revealed that a number of our fees were outdated, and in some cases, no longer covered our actual costs in providing the review and/or associated services. He advised that he had hoped to have ready for their consideration this morning, in the form of First Reading, a number of ordinances. He apologized and indicated that they had not had time to get those fully developed. As a result, he would like to defer the First Reading on those items until next month, and they would look to schedule the public hearing the month following.

Chairman Jones asked the status of the planner position? Mr. Johnson advised that the planner position has been advertised. They had gone through the initial screening. He, Mr. Barnett and Mr. Randolph had conducted telephone interviews with 6 candidates. They had identified a short list of 3 that they would bring down for face-to-face interviews. They may very well be asking a Board member to sit in on that interview panel as they reached the final stages.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to defer the First Reading on the fee schedules associated with growth and development until next month. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda for their consideration was a resolution which encouraged the United States Congress to adopt legislation and appropriate funds for the removal of the environmentally-hazardous James River Reserve Fleet from the waters just off of Fort Eustis. Their consideration of this resolution was requested by the City Council of Newport News – a copy of their letter also included in the agenda.

The resolution is as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY,
VIRGINIA ENCOURAGING THE UNITED STATES CONGRESS TO ADOPT LEGISLATION
AND TO APPROPRIATE FUNDS FOR THE REMOVAL OF THE ENVIRONMENTALLY-
HAZARDOUS JAMES RIVER RESERVE FLEET

WHEREAS, the James River Reserve Fleet, commonly known as the Ghost Fleet, is moored on the James River near Fort Eustis; and

WHEREAS, in 2002, the Reserve Fleet consisted of 97 ships, 71 of which the United States Maritime Administration considered obsolete and scheduled to be removed from the Fleet and scrapped. Since 2002, several vessels have been removed from the Fleet; and

WHEREAS, the Reserve Fleet holds 7.7 million gallons of oils and fuels according to the latest government estimates, a quantity slightly less than the quantity of oil the Exxon Valdez spilled off the shores of Alaska in 1989; and

WHEREAS, the Reserve Fleet still poses a serious and increasing environmental threat to the Hampton Roads region according to a 2002 report created for the United States Maritime Administration, and a serious oil and/or gas spill from the decaying ships is no longer a mere possibility, but a probability; and

WHEREAS, a large oil or gas leak would heavily pollute the waters, shores, beaches, and wetlands of the City of Newport News, and other jurisdictions approximate to the James River, causing

hundreds of thousands to millions of dollars in environmental damage; and

WHEREAS, oil has leaked from the Reserve Fleet on several occasions since 1998 and while these small leaks have not left lasting environmental damage, they have cost approximately \$2 million to clean up; and

WHEREAS, the environmental risk is heightened by the threat of storm or hurricane related damage that could case the release of toxic and hazardous materials into the water and on to the shores of Newport News, Hampton, James City County, Isle of Wight County, Suffolk and other coastal communities in Hampton Roads and along the banks of the James River; and

WHEREAS, the United States Congress has recognized that the James River Reserve Fleet poses an ecological and economic threat to the Hampton Roads Region and has ordered the Maritime Administration to remove the fleet by 2006. In 2002, the cost to remove the obsolete vessels from the Reserve Fleet had been estimated at \$77 million.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisor of Southampton County, Virginia that it hereby urges Congress to adopt legislation and to appropriate the necessary funds for the removal of obsolete, and environmentally-hazardous vessels from the James River Reserve Fleet, in order to protect the waters, shores, beaches, and wetlands of the City of Newport News and the other jurisdictions approximate to the James River from ecological disaster; and

BE IT FURTHER RESOLVED that the County Administrator is hereby directed to forward a copy of this resolution to each member of the Virginia delegation to the House of Representatives and to both of Virginia's U.S. Senators.

Adopted this 27th day of April, 2009.

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

Moving to continued discussion of the FY 2010 budget, Mr. Johnson announced that in order to stay on schedule with the Board's adopted FY 2010 budget timeline, it was necessary that they reach consensus today on a draft FY 2010 budget for publication for public comment on May 18, 2009. It was his understanding from their previous discussions that they had reached consensus on publication of a total budget of \$56,885,219 as illustrated in the initial draft budget of April 8. He further understood that the sole change to the initial draft budget that they would like to make prior to publication was to increase the proposed personal property tax levy from \$4.00 to \$4.50 per \$100 of assessed value and to reduce the transfer-in of unappropriated general fund reserve funds by a corresponding amount.

He advised that while it did not impact publication of the draft budget, as a related matter, he further understood that it was their intention to:

- 1) Consider immediate adoption of a 2% transient occupancy tax (agenda item 9);
- 2) Consider placing a 4% food and beverage tax on the November 2009 general election ballot for consideration by the Southampton County electorate (agenda item 11);
- 3) Consider increasing other fees associated with growth and development (agenda item 14);
- 4) Direct the County Administrator to meet with local power companies and state legislators to discuss their willingness to append Southampton County to the list of counties authorized by state statute to impose a solid waste disposal fee; and
- 5) Reserve the option to consider semiannual tax collection in Fiscal Year 2011.

The Board confirmed that the items described above were indeed their intention.

Supervisor Brown moved, seconded by Supervisor Felts, to direct the County Administrator to publish the draft budget (with the one change described above) and associated tax levies in

The Tidewater News, and solicit public comment on May 18, 2009 at 7:00 PM. All were in favor.

Regarding miscellaneous issues. Mr. Johnson announced that included in the agenda was a copy of the latest I-Ride schedules, operated by Senior Services of Southeastern Virginia. As they knew, service was available in the City of Franklin, Monday through Friday, with connecting routes to Courtland on Mondays, Wednesdays and Fridays, and to Boykins, Branchville and Newsoms on Tuesdays and Thursdays. Anyone could ride for \$1.

He advised that included in the agenda was a draft schedule relative to SPSA's tentative timeline for sale of its Waste-to-Energy Plan in Portsmouth. The timeline called for receipt of final proposals from the 2 prospective offerors by May 26 with a potential closing by September 1 (assuming that one of the offers was accepted).

Mr. Johnson informed that included in the agenda was the latest salary survey by the Virginia Association of Counties relative to compensation of County Administrators and Boards of Supervisors. Also included in the agenda was a copy of recent surveys conducted in Hampton Roads and Central Virginia by local media.

He stated that included in the agenda was various correspondence related to evaluation of the Blackwater River as a state scenic river. DCR's field work (canoe trips) were expected to wrap up by the end of April. Mr. Jay Randolph and Mr. Andy Johnson participated in evaluation of two of the river segments.

Mr. Johnson advised that included in the agenda was a copy of frequently asked questions relative to the application of biosolids to farmland as fertilizer. As they knew, VDEQ had an application pending from Recyc Systems, Inc. in Southampton County.

He stated that he was pleased to confirm that Mr. Andy Johnson had achieved certification as a combination one- and two-family dwelling inspector. In order to achieve certification, Andy was required to pass 4 separate written examinations – building, electrical, plumbing and mechanical. He asked the Board to please congratulate Andy on his latest accomplishment.

Mr. Johnson informed that included in the agenda was a copy of the most recent limits in determining low- and moderate- income (LMI) eligibility. Presently, a 4-person household with an annual income of less than \$16,800 (30% of the median) in Southampton County would be considered LMI.

Supervisor Brown asked if this was a recent change? Mr. Johnson replied that he would have to go back and look at last year's (they published it annually). It floated with the median income level – he was not sure how often they adjusted the median level. He noted that the LMI income was based on the number of people in a household – the \$16,800 income was based on a 4-person household – the more people, the higher the number, the less people, the lower the number.

Mr. Johnson noted that environmental notices, incoming and outgoing correspondence, and articles of interest were also included in the agenda.

Moving to late arriving matters, Mr. Johnson announced that at their places was a copied email from Supervisor Brown seeking the Board's consideration in donating certain Native American artifacts recovered from the Turner Tract to the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation. Supervisor Brown had perused the contents of several boxes and put together about 40 artifacts that he was requesting their consideration in donating. Mr. Johnson advised that the artifacts had been placed in a separate box, and he would be pleased to pass it around for the Board to see if interested.

Supervisor Brown noted that he was a member of the Archeological Society of Virginia Nansemond Chapter. The book that he utilized showed that the Turner Tract was a long-term occupational area, and the points dated from 7500 B.C. to 1600 A.D.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to donate the artifacts described hereinabove to the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation. All were in favor.

Mr. Johnson advised that Supervisor Brown also forwarded to him a copy of the legislation, included in the agenda (amended by the General Assembly this year) relative to preservation of historical sites and asked that the County evaluate its potential application to the “Hand Site.” As a land use matter, if the Board was so inclined, it was appropriate that this matter be referred to the Planning Commission for a recommendation.

Supervisor Brown stated that this could also impact the OLF – it could be critical to that. As a result, perhaps the OLF committee should look at it as well.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to refer the matter to the Planning Commission for a recommendation. All were in favor.

The Board took a 5-minute break.

Upon returning to open session, Mr. Johnson 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) (7) Consultation with legal counsel and briefings by staff members related to actual litigation (Anthony Scodes v. Southampton County Board of Supervisors and Southampton County) where such briefing in an open session would adversely affect the litigating posture of the public body;

Section 2.2-3711 (A) (7) Consultation with legal counsel and briefings by staff members related to actual litigation (Cheverly Ltd. v. Robert L. Barnett) where such briefing in an open session would adversely affect the litigating posture of the public body; and

Section 2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose (3 separate waterworks owned by the estate of D.C. Magette, Jr.) where discussion in an open meeting would adversely affect the bargaining position of this Board.

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

Richard Railey, County Attorney, Jay Randolph, Assistant County Administrator, Julia Williams, Finance Director, Robert Barnett, Director of Community Development, and Julien Johnson, Public Utilities Director, were also present in the closed meeting.

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

RESOLUTION OF CLOSED MEETING

WHEREAS, the Southampton County Board of Supervisors had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Southampton County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by

Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed and considered by the Southampton County Board of Supervisors.

**Supervisors Voting Aye: Dallas O. Jones
Walter L. Young, Jr.
Walter D. Brown, III
Anita T. Felts
Moses Wyche**

The motion passed unanimously.

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

Supervisor Wyche advised that he would like to appoint Kay Pope to the Blackwater Regional Library Board of Directors.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to appoint Kay Pope (to succeed Mary Mason) on the Blackwater Regional Library Board of Directors. All were in favor.

Supervisor Brown advised that a couple years ago, Nottoway, Sussex, Surry, Isle of Wight, and Southampton Counties were invited to take part in a historical Peake Belt and Pipe Ceremony, which was a celebration of Native American interaction during the Thanksgiving Holidays with the Colonials. It took place in Southampton County on the grounds of the courthouse on the banks of the Nottoway River. At that ceremony, a peake belt was presented to all counties that attended. The counties that attended also presented a proclamation to the Cheroenhaka (Nottoway) Indian Tribe. They had not provided any guidance as to what was to be done with the peake belt that was given to Southampton County. Other counties had framed it with a picture of the board members that were at the ceremony, and many of them had it hanging outside or inside the board room. Sandi Plyler had copies of all the pictures that were taken. There were very nice shots of the Board members that were there accepting the peake belt, and also the presentation in which Mr. Johnson presented the proclamation. He thought it would be great if this Board would decide what was to be done with that – whether or not it should be put in a frame with a picture(s) and hung in the building.

Supervisor Felts stated that she did not have a problem with it. They did not have anything hanging in the Board Room, but the hallway did have a picture hanging on the wall right outside the Board Room. Mr. Johnson noted that that picture was presented by the Hampton Roads Partnership at the ceremonial signing of the Jamestown 400th Anniversary. Supervisor Felts stated that she thought it would be fitting for the peake belt and pictures to be framed and hung in the hallway.

It was consensus of the Board to have Mr. Johnson frame the peake belt and pictures and hang it in the hallway.

Supervisor Brown advised that some time ago, it had been brought up about the possibility of having the portraits of former chairpersons of the Southampton County Board of Supervisors hung inside the Board room to give it little more ambiance. He did not think anything was ever decided or any discussion ever took place.

Chairman Jones advised that he would rather see a group picture of the entire Board in which each former chairperson served with.

Mr. Johnson advised that he was not sure if the pictures they had were really the quality they would want. They were really looking for portrait quality pictures to hang in the Board Room. He did not have any pictures like that.

Chairman Jones asked if he had any portraits of just the past chairpersons? Mr. Johnson

replied no. Supervisor Brown stated that a family member may have a portrait.

Chairman Jones asked Mr. Johnson to check with the family members of past chairpersons and see if they had a picture that would be appropriate to hang on the wall in the Board Room. Mr. Johnson asked how far they wanted to go back? Supervisor Brown replied, as far as he could. Supervisor Brown stated that if they could not do the portraits, perhaps they could do a plaque with their names on it. Chairman Jones asked Mr. Johnson to see what he could do about acquiring the pictures.

Supervisor Brown noted that he mentioned it because the history of the County was important.

Vice-Chairman Young asked Mr. Johnson if he was supposed to have a May calendar? Mr. Johnson replied that nobody got one – Susan normally did the calendar and she was out a few days last week. He would have her do one and drop it in the mail to them.

Chairman Jones advised that they needed to name the new Wastewater Treatment Plant. One name had already been submitted – Big Mama.

Supervisor Brown stated that he thought the name should be something to reflect the history in this County.

Mr. Julien Johnson, Director of Public Utilities, advised that the tree, Big Mama, had gotten a lot of notoriety in the past month or two. Of course it was dead now, so it could be called the Big Mama Memorial Wastewater Treatment Plant. Actually the name Big Mama was brought up kind of as a joke by Mr. (Mike) Johnson. They had mentioned it jokingly in all of their meetings and everybody liked it. You could certainly go to the schools and see what the kids would come up with. Their engineering group has requested that they come up with a name.

Supervisor Brown thought the name Big Mama was good if they could have something that would associate it with the Ball Cypress Tree. People coming through may not know the significance of the name Big Mama.

Mr. Julien Johnson advised that he had been accumulating every picture of the Ball Cypress Tree that he could find to see if they could put something together to possibly put on a sign or something out in front of the plant. You would not want to name it after somebody, as they may find that offensive.

Chairman Jones stated that it would be great to have a historical plaque about the tree at the entrance of the Wastewater Treatment Plant.

Vice-Chairman Young advised that if they wanted help from the schools, Erika Bonnett, 4-H Agent, had a number of clubs that met at school or the library regularly. She did their Fair Board cover this year.

Mr. Julien Johnson stated that he was open to anything the Board wanted to do.

Supervisor Brown advised that he personally thought the name Big Mama was good, but it would be better if there was a correlation to the largest tree, Big Mama – something that would stand out to a person traveling through.

Mr. Michael Johnson pointed out that there would not be a water tower at the site. The name Big Mama would be on the building.

Mr. Julien Johnson stated that the kids may come up with something better than Big Mama. Originally it was suggested that they have a contest and have the kids come up with a name. Vice-Chairman Young advised that Erika Bonnett could definitely handle it.

Supervisor Felts advised that she was ok with that, but she kind of liked the name Big Mama, because that was Southampton's history, if they could do a historical plaque.

Vice-Chairman stated that was fine with him.

Supervisor Brown mentioned that they also had the shells that were found at the site. Mr. Julien Johnson advised that he had a case for those and he would get it fixed up and share it with the Board before displaying them.

It was consensus of the Board to have Mr. Julien Johnson handle the naming of the Wastewater Treatment Plant and development of the historical plaque.

There being no further business, the meeting was adjourned at 9:30 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk