

At a **public hearing** of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive, Courtland, Virginia on February 15, 2005 at 7:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)  
Walter L. Young, Jr., Vice-Chairman (Franklin)  
Walter D. "Walt" 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)  
J. Waverly Coggsdale, III, Assistant County Administrator  
Richard E. Railey, Jr., County Attorney  
Julia G. Williams, Finance Director  
Cynthia L. Cave, Community/Economic Development Director  
Julien W. Johnson, Jr., Public Utilities Director  
Susan H. Wright, County Administration Executive Secretary

Chairman Jones called the meeting to order, and after the *Pledge of Allegiance*, Vice-Chairman Young gave the invocation.

Chairman Jones announced that the public hearing was being held to consider the following:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18 OF THE SOUTHAMPTON COUNTY CODE, 1991, SO AS TO REGULATE THE NUMBER OF LOTS AVAILABLE FOR DIVISION IN THE AGRICULTURAL DISTRICT(S), A-1 AND A-2

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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 new Section(s) 18-45 and 18-80, and reading as follows:

**Sec. 18-45. Limitation on the number of divisions of a parcel in the agricultural A-1 zoning district.**

Each tax parcel, as of the effective date of this ordinance, shall be limited to two further divisions, with said divisions complying with the minimum standards as relating to lot area, lot frontage and lot width. There shall be no further division of any parcel divided from a parent tract after the effective date of this ordinance. The provisions of Section 18-45 shall expire one year after the effective date of this ordinance.

**Section 18-80. Limitation on the number of divisions of a parcel in the agricultural A-2 zoning district.**

Each tax parcel, as of the effective date of this ordinance, shall be limited to two further divisions, with said divisions complying with the minimum standards as relating to lot area, lot frontage and lot width. There shall be no further division of any parcel divided from a parent tract after the effective date of this ordinance. The provisions of Section 18-80 shall expire one year after the effective date of this ordinance.

This ordinance shall become effective at 12:01 a.m., \_\_\_\_\_, 2005.

Mr. J. Waverly Coggsdale, III, Assistant County Administrator and Secretary of the Planning Commission, provided a brief overview on how we got to this point via a brief PowerPoint presentation entitled "*Land Division in Agricultural Zoning Districts*". He advised that the Planning Commission, citing trends in the development of rural areas in the County, expressed an interest in the formulation of a task force to study this issue and make recommendations. A Land Development Task Force, comprised of county citizens, was created and began meeting in July 2004. The Task Force, at its October 2004 meeting, identified 4 areas in which they felt merited further consideration. They were: 1) Cash proffers, 2) Land use value taxation, 3) Amendments to the subdivision zoning ordinance, and 4) Deferment of land development in agricultural zoning districts. The Task Force and Planning Commission conducted a joint meeting in October 2004 to discuss those items, particularly item 4. At the joint meeting, the Task Force recommended to the Planning Commission that the ordinance being considered this evening be adopted. He informed that the Planning Commission had already conducted the required first reading and public hearing in regard to the ordinance and recommended adoption. The proposed ordinance would limit the number of divisions of a parcel of land zoned Agricultural A-1 or Agricultural A-2 to two (2) divisions. The ordinance contained a sunset clause of twelve (12) months and could only be extended with proper notification and public hearing.

Mr. Coggsdale advised that policies regarding plats currently under review had been put in place. Divisions of land requiring no improvements such as roads and water/sewer that were signed by the subdivision agent prior to adoption of this ordinance would remain valid if recorded within 60 days of the agent's signature. Preliminary plats, as per Section 16-61 of the *Southampton County Code*, submitted to the subdivision agent as of the date of adoption would follow the approval process currently outlined in the subdivision ordinance. Adoption of this ordinance would only apply to parcels currently zoned Agricultural A-1 or Agricultural A-2. Adoption of this ordinance would not prohibit the application for rezoning of any property currently zoned agricultural. During the twelve (12) months, there would be review of rural land development alternatives, including the previous recommendations of the Task Force, public forums and education, community input, and subsequent recommendations to the Planning Commission and Board.

Chairman Jones opened the public hearing.

Mr. Bert Blythe addressed the Board. He advised that he was not so much concerned about the land, but the rights of the citizens. If they passed the ordinance, they would be taking the rights away from every citizen in this County to sell his land in the manner in which he might want to. He thought there was a large block of people who had land that did not want to sell so this ordinance did not bother them one way or another. Then there was another large group of people who had land and soon as they heard what was going on, they ran down to Mr. Coggsdale and had their land subdivided. If he was correct, the first 6 months of last year there were 48 applications submitted to split up land, and the last 6 months there were 80. He thought most of those were in the last 90 days. It looked to him that what they were trying to head off had already been done. The ordinance would only affect a small number of people that may come upon a hardship and want to sell their land. He did not think it was the answer to the problem, if there was a problem. If a man owned 120 acres of land, with this ordinance, he could only sell to 3 people. If he could have sold to 12 people, the 9 others were going to go out somewhere else in the County and find some land and buy it and build on it. So the ordinance was not going to help keep growth in one area. The way it looked to him, it was going to make it spread out.

He advised that he could understand why the Board of Supervisors would hate to go against what the Planning Commission says, and he could see why the Planning Commission would hate to go against what the Task Force says. He knew there were 3 Board members on the Task Force and thought that might present a little bit of a problem. If they agreed with something then, it would be hard to get them to change their minds and go against it tonight, but they could do it. He was sure that they all of them came in tonight with an open mind. It was his understanding that the reason they wanted to pass this ordinance was to give them time to study those other things. He did not see where that made any difference. Whether this ordinance passed or not, they would still have the same amount of time to study all those things. We had an economic development director whose job was to go out and get industry in this County. How was it going to work if you were to get industry that would put 200-300 people to work but a man could not find a place to build a house? He stated that at the close of the Planning Commission public hearing, Dr. Alan Edwards stated that they had been working on this for 15 years. He thought it was a shame that after working on something for 15 years, this was the only thing they could come up with.

Mr. Leland Beale spoke. He advised that he thought this was probably the most important issue they had faced since he had been coming over here. If you had 100 acres, you could sell 2 lots, if you had 5 acres you could sell 2 lots, and if you had 1,000 acres you could sell 2 lots. There was nothing equitable about it. It was unfair. The people they were dealing with about these lots were the heaviest taxpayers in the County. If they voted for this ordinance, they were telling the landowners of Southampton County that they were probably going to reduce their net worth by at least 50%. He knew a widow lady about his age who lived on a small farm. Sooner or later, her health problems were going to increase. She was planning to sell a lot or 2 to make it through if she had to. He knew a man who owned a 365-acre farm. He was planning on selling lots to help pay the mortgage when the rent was no longer sufficient. There were so many cases. It would be tragic on individual rights and property rights. You get taxes so high then cut a man off. The peanut program was already cut. With this ordinance, they would be confiscating the land. He asked them to think and think hard. He stated that people talked about population. The population in Southampton County in 1980 was 18,316 and it declined to 17,000 in 1990. Thirteen years later, the population was 17,700. The population was static. If they had made up their mind to vote for it, he hoped they would change their mind. He was no attorney, but he questioned the constitutionality of the ordinance and thought it would be tested in court.

Ms. Rosetta Reese and Ms. Louise Turnbow spoke. Ms. Reese stated that they felt strongly that their rights had been taken away. Since 2000, they had been trying to get their land divided among the 8 siblings for the purpose of paying taxes. They were told that they could not divide it any kind of way. Ms. Turnbow stated that in 2000, they were told that they would have to build a road to meet County specs. They did not want to build on the land so why did they need a road? They only wanted to divide it for tax purposes and so each one of them would have their little piece.

Mr. Ronnie Buchanan spoke. He stated that he was opposed to the ordinance. He had been in this County and purchased land in the mid-80s. He did not think it would be fair to adopt it. They had heard from Mr. Blythe, Mr. Beale, and the ladies who just spoke, and it was not more that he could add. If they did pass it, maybe the landowners would get a tax deduction – or maybe not.

Dr. Alan Edwards, member of the Planning Commission and Task Force addressed the Board. He advised that the Planning Commission and Task Force knew they had a problem and he thought everyone here knew it too. All they had to do was take a look at the eastern part of the County. It was coming this way. He guessed they were looking at one of the idiots who could not come up with a good solution, because he could not. He came on the Planning Commission in 1987 and this had been a topic of study and conversation at almost every meeting. It was something that they had been very truly worried about for a long time. The amendment was not a solution or a fix. They knew that. They thought this might be the last good chance that they could jump in and do something before things got out of hand. He grew up in rural Rockingham County. He left there in 1977 and came here. One of the reasons he left was what's starting to happen here. He knew they were going to experience growth but they needed to make a plan that was best for all of us. The big concept was that this was a temporary amendment to give them some time.

Ms. Susan Lyle spoke. She stated that she agreed with the gentleman who spoke before her. She and her husband moved to Rockingham County looking for a better place for their children. The Rockingham County that they knew and loved when they were dating was not the same. There was growth everywhere. As a postmaster in the County, you did not have to tell her about the growth, as they were constantly adding addresses to their routes. She agreed that the ordinance was not the solution. She hoped that within a year, they would come up with a solution that would work for the County. She was born and raised on a farm in the area. Her parents were elderly and were getting ready to pass the land on to the 3 children. She thought the ordinance would hurt them. There were 3 children that wanted to keep the farm. They did not want to develop it. They just wanted to pass it on to their children so they could have the same life that they had. The ordinance was not the solution, but she did not want to see growth come into the County like it had been. She thought it needed to be studied seriously.

Mr. Bill Worsham of the Berlin-Ivor District spoke. He advised that his son was a farmer and he was a small landowner. He was in favor of the ordinance. It would give the Task Force time to see what could be done. He asked them to 1) adopt the ordinance, 2) do everything to preserve our way of life, and 3) look at any kind of relief they could give to single income landowners. He informed that from 1997-2002, 129,000 acres of farmland was lost in the state of Virginia to development. By 2007, that number was projected to be ¼ million. By 2042, it was projected that over 1 million acres of farmland would be lost. He thought the Board, Task Force, and Planning

Commission needed to be commended. He believed in landowner rights but thought they needed to safeguard the future of Southampton County.

Mr. Dale Scott spoke. He stated that every locality wanted to control growth. Private property rights were major concerns. He thought they would be lowering land values if they passed the ordinance. With that, assessments would inevitably decrease and they would have a lower tax base. Would they have to raise taxes to recoup for lost revenue from lower land values? There were ways to control growth. He thought this was probably the wrong way to do it. Once you close the door, how do you reopen it?

Ms. Rebecca Drake spoke. She commended the Board, Planning Commission, and Task Force. She knew firsthand that they had put a lot of time into this. They had studied and gone out their way to learn as much as they could about the situation in Southampton County. She thought the ordinance was necessary at this time, even though it was not “the fix”. There was a lot of change happening in the County. They were landowners and farmers. Right now there was approximately 180 of them (corporations, sole proprietors, and partnerships that operated farm businesses) and they were dependent upon the land. What concerned her was, not to take the rights of anyone away, but when the land was sold off at will in any way, shape, or division, it cut into the jobs and the businesses of those 180 farmers. That was ok if they felt that it was time for Southampton County to no longer be agricultural-based. They could continue to leave the door open and allow anybody and any developer to come in and slice it any way they wanted. She thought they needed to take the time to look at neighborhoods and organization. She stated that an earlier speaker mentioned a lady who was planning to sell a lot to get by. As she understood it, you did not have to sell 5 acres. You could sell 25 or 50. When she was facing a struggle on her farm or if she was trying to sell her stocks and bonds, if she needed \$50,000, she needed to sell something worth \$50,000. Instead of 2 shares of stock, she may have to sell 100 shares to get \$50,000. People may have to sacrifice in the short-term. She hoped they would vote for the ordinance. There needed to be a more organized manner of growth.

Mr. Ed Daughtry addressed the Board. He stated that in 2004, there were 183 new housing units in the County. In 1998, there were 190. Everybody talked about growth and was seeing growth, but nobody could put figures on it. He kept hearing the buzz words “road stripping” and “piano key” style housing. He built a house in 1974 on a little road near Forks of the River. He did not realize that he was doing something bad. About 2 weeks ago, he was over here at a hearing and there was a whole room full of rescue squad and young people that provided that valuable service to the County. He thought, where could those young people expect to live in the future if 200 houses in the County over 600 square miles was too much? Sure they should keep studying things but he did not think they should stop things in a dead track. He thought the figures should be looked at hard if they were going to consider doing something this drastic. He advised that his wife’s family had been farming all of her life and he was not opposed to any farmer. But about 6 months ago, there was a public hearing about the County approving biosolids to be used in the County farming process. He doubted if half of the people in this room knew what biosolids were. They were basically allowing human waste from large cities to be brought in this County and spread on farms because it lowered the cost to the farmer. He had no problem if it was done right. There were people who had to make a living – prison correctional officers, nurses at the hospital – that had to have affordable housing in this County. He did not think that 200 units a year was going to make or break us. He thought they could study it without cutting it off. He presented Chairman Jones with petitions signed by residents who were opposed to the ordinance.

Ms. Mitzi Lutz spoke. She advised that she was one of the realtors in the area and that she and her husband opened a new business back in July. She thought this ordinance would hurt them. It would also make it difficult to find affordable housing in the County. She thought that perhaps a better solution would be that if you owned a small piece of land, you could divide it twice, if you owned a medium piece of land, you could divide it 3 times, etc.

Mr. Ed Moyler spoke. He stated that if they were to review one of the recent revisions of the Southampton County Comprehensive Plan, they would find in it a request and desire to have some growth in the County. The Comprehensive Plan also indicated that there was a lot of housing that may have been abandoned in the County and there needed to be some modern good housing to replace some of those. He thought that the County had spent a good deal of money in the Boykins/Branchville/Newsoms corridor to develop water and sewer in hopes that that would attract some of the housing that the Comprehensive Plan suggested. He thought this ordinance would probably delay the growth of housing in that area. He knew that a water/sewer system was not profitable to the County until they got enough users on it to support it. He hoped the County

would consider those things and some of the things that others had mentioned. He was not sure in his mind that they should just go ahead and stop all subdivisions. There might be other ways to do it. Certainly a large landowner should not be treated the same way as a small landowner.

Mr. Gary Cross addressed the Board. He advised that he was representing Southampton County Farm Bureau as President of their Board, which had over 2,300 members. About 500 of those members were producer members, meaning that they realized some income or profit from the land. While he could not say where each and every member stood on this ordinance, it was important to note that their Board was representative of the people and they thought that this ordinance was essential to give the Task Force the time needed to further evaluate the problem.

Mr. Cross advised that he was now speaking as just a citizen of Southampton County. At the Planning Commission public hearing, both sides of the issue were well represented. They heard from the seniors who were concerned about needing income from the land at some future date. The land may or may not have been all they had to fall back on. How do you distinguish from the truly needy people and the truly greedy people? Unfortunately, we lived in a society where money was the most important thing and doing right was the least important. He failed to see how some people could intentionally sell off something as permanent as land. He could understand buying and selling material things for profit, but the good Lord had given us only one Southampton County. If the current growth continued, it was accurate to say that one generation of greedy persons would sell off this entire County and forever change our way of life. At the Planning Commission public hearing, they heard from a person who had made quite a good living by selling property and equipment of retiring farmers. While he made some good observations about our current land use laws, he was more than ready to sell off the rest of us farmers in this County. He told us where there was plenty of farmland in the Midwest and that we should just bow down and let this whole County become a bedroom community for Tidewater. Mr. Cross stated that Southampton County farmers generated over \$35 million annually to our economy. Were we ready to get rid of that kind of industry in this County? At the Planning Commission public hearing, they also heard from someone who had worked for Isle of Wight School System for 30 years and had seen firsthand what uncontrolled growth had done to the schools and tax rates.

Mr. Cross advised that they would hear from some that this ordinance would stop economic growth. Economic growth and housing development were two different animals. If they were not, Ms. Cindy Cave, Economic Development Director, would be bidding on farms and building houses for the County. At the last Board of Supervisors meeting, Ms. Cave gave a report about the labor force in the County. She reported that 62% of our citizens were traveling outside of the County to gain employment. It seemed to him like there were enough homes in the County already for more industry. They may hear people talking about landowner rights. At what point did one person's rights interfere or disrupt the rights of others? When people are allowed to continue to develop property, he felt like his rights were violated. He was forced to pay more taxes, be subjected to outsiders, and his way of life was in jeopardy. No aspect of society was free of rules and regulations. We were governed each day by government at one level or another. The time had come for Southampton County to preserve our way of life through limiting growth. He pointed out that anytime you limit the supply on something, the price goes up. If you put a limit on land, people would pay the highest price for it. Southampton County could be a driving force in the future with agriculture if they were the only ones with agricultural land left. He hated to see anything bad become of this County because he thought a lot of it.

Mr. Glenn Updike spoke. He thanked the Task Force and Planning Commission for the marvelous job that they had done and were trying to do. He hoped the Board would see the wisdom of giving them the opportunity to do their job. He stated, just look around you. Do you want to live in a Chesapeake or a Virginia Beach? That's what was coming this way fast. Look who was buying the land. People out of Virginia Beach, Chesapeake, and Norfolk wanted to get out of the hustle and bustle and traffic. Our country roads could not stand the increase in population.

Mr. Rick Francis spoke. He thanked the Task Force for their work. He stated that the problem with the amendment was that temporary sometimes turned out to be permanent. He informed that the ability to sell lots had enabled him to keep land in the Francis family. This ordinance would make it harder for people to get a start in Southampton County. He thought there needed to be a mechanism in the ordinance to allow for the division of land in families. He thought the ordinance was the wrong "pill" for the problem that was perceived.

Mr. Bert Blythe asked Chairman Jones if he could speak again? Chairman Jones did not grant his request and advised that he had already had an opportunity.

Chairman Jones closed the public hearing.

Supervisor Brown advised that he had serious concerns that an heir clause needed to be added to the ordinance. Supervisors Faison, Felts, and Wyche shared his concerns. As a result, it was consensus of the Board to defer voting on the ordinance to the next regular board meeting on February 28, 2005.

The Board took a 5-minute recess, as there were 2 more items they had to attend to.

Upon returning to open session, Mr. Johnson announced that as they may remember from last year, the Board sponsored WHRO's Inaugural Pioneer Awards Celebration at the \$2,000 level. They had just recently announced plans for the 2005 event which would be held on Saturday, March 26, beginning at 6:00 PM at the Norfolk Waterside Marriott. This year's honorees would include former Virginia Governor Gerald Balilies and former U.S. Congressman G. William Whitehurst. There would be a reception at 6:00 PM, dinner at 7:00 PM, a brief awards ceremony for the two honorees, followed by an entertaining performance by The Capitol Steps, a Washington D.C.-based political satirist group. This year they had asked for the Board's consideration of sponsoring at the \$2,500 level, which would include a total of 12 tickets, free parking, a half-page program ad, and specific recognition on the night of the event. He remarked that he heard nothing but favorable comments from those that attended last year. Because time was of the essence, he wanted to bring this to their attention tonight.

**Vice-Chairman Young moved, seconded by Supervisor Faison, to sponsor the WHRO 2005 Pioneer Awards Gala at the \$2,500 level.** Mr. Johnson clarified for Supervisor Brown that it was up to the Board how they wanted to allocate the tickets. **All were in favor of the motion.**

Mr. Johnson announced that George Fiscella, one of the owners of the Hampton Roads Development, LLC, had asked him to extend an invitation to all Board members and county staff to a field trip on Thursday, March 3, to a number of communities on the Peninsula, including Newport News, Hampton, and perhaps James City County, to see firsthand a number of planned communities and facilities that he may model his proposed Highland Park subdivision after. He was interested in sharing some of his ideas and listening to some of the Board's ideas in an informal setting. He would like for the group to meet at his office in Newport News around mid-morning where he would arrange for group transportation (a small van) so that everyone would hear the same conversation. They should arrive back by 4:30 PM, as the Planning Commission had a meeting that night. Mr. Fiscella needed a final headcount by the end of this week so he could make the appropriate transportation arrangements. Mr. Johnson asked the Board members to give Susan Wright a call next week if they were unable to respond tonight.

Vice Chairman Young and Supervisors Brown, West, and Wyche indicated that they would attend. Chairman Jones indicated that he would not be able to attend. Supervisors Faison and Felts indicated that they were uncertain and would call Susan by the end of the week.

Mr. Johnson advised that County employees were hosting a benefit for the March of Dimes on Saturday, February 26, at Southampton High School in which the Hunt Family Fiddlers would perform. They had performed in Scotland, Ireland, and had been main performers at Busch Gardens. He had tickets for sale, which were \$5 each and also entitled you to entry in a raffle.

Supervisor Faison asked, didn't they need to look at incorporating what they talked about tonight (regarding a family heir clause) into the ordinance?

Mr. Johnson stated that there was certainly nothing illegal about having this discussion, but they had adjourned the public hearing and the public had gone home, so he would refrain from discussing it until the next regular board meeting.

Chairman Jones encouraged the Board members to call members of the Planning Commission if they had any questions about the ordinance.

The meeting was adjourned at 8:41 PM.