

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administration Center Drive, Courtland, Virginia on August 23, 2010 at 8:30 AM

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
Lynette C. Lowe, Finance Director
Beth Lewis, Principal Planner
Robert L. Barnett, Director of Community Development
Sandi Plyler, Information Technology Manager
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. After the *Pledge of Allegiance*, Supervisor Faison gave the invocation.

Chairman Jones sought approval of the minutes of the July 26, 2010 regular meeting. They were approved as presented, as there were no additions or corrections.

Regarding highway matters, Mr. Jay Randolph, Assistant County Administrator, advised that included in the agenda was a spreadsheet that he had prepared to summarize issues previously raised. He would be pleased to take any concerns.

Vice-Chairman Young commented that the gum trees were continuing to grow, and some were 6 ft. tall.

Supervisor West asked if the shoulders would be cut again? Mr. Randolph indicated that he would pass that question along to VDOT.

Supervisor Felts noticed that per the spreadsheet, several stop signs had been replaced. She asked was there a stop sign rampage? Mr. Randolph advised that numerous stop signs throughout the County had been pulled up and thrown in the ditches or fields. VDOT responded quickly and placed the stop signs back in their appropriate locations.

Supervisor Brown stated that the grass was growing quickly. Also, on Route 258 before you get to Smith's Ferry Road, there was a dead tree leaning across the road. Mr. Randolph indicated that he would again notify VDOT of the dead tree.

Supervisor Faison thanked VDOT for their quick response to cutting bushes in his district.

Supervisor West thanked VDOT for the detour signs provided while Tucker Swamp Baptist Church had Vacation Bible School.

Regarding reports, various reports were received and provided in the agenda. They were Sheriff's Office (Communication Center Activities, EMS and Fire Department Activities, Traffic Tickets, Civil Papers), Animal Control, Litter Control, and Building Permits. Also, New Housing Starts, Delinquent Tax Collection, Solid Waste Quantities, and Personnel.

In regards to Personnel, Mr. Michael Johnson, County Administrator, advised that Lynette C. Lowe was hired in the Finance Department at an annual salary of \$67,650 effective 08/16/10. Christy J. Gray was hired in the Sheriff's Office at an annual salary of \$36,275 effective 08/02/10. He stated that Julia G. Williams of the Finance Department retired effective 08/01/10. Marcia L. Garriss of the Sheriff's Office retired effective 08/01/10.

Mr. Johnson introduced Lynette Lowe, new Finance Director. Chairman Jones welcomed her and indicated that the Board looked forward to working with her.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$2,017,123.81 were received.

Supervisor West moved, seconded by Supervisor Brown, that the bills in the amount of \$2,017,123.81 be paid with check numbers 98290 through 98643. All were in favor.

Moving to appointments, Mr. Johnson announced that the terms of James E. Bradshaw (Jerusalem District) and Douglas A. Chesson (Berlin-Ivor District) on the Board of Zoning Appeals (BZA) would expire on September 30, 2010. As they knew, appointments to the BZA were made by the Circuit Court upon recommendation by the Board of Supervisors. Terms were for 5 years meaning that these 2 terms would run from October 1, 2010 to September 30, 2015. Both were eligible for reappointment.

He advised that in addition, he had been unable to recover any information documenting David M. Holland's (Drewryville) reappointment following expiration of his term on September 30, 2008 – it may have simply slipped by us. The statute provided that Board members shall continue to serve until a successor was appointed by the Court, regardless of the expiration of their term – but as a housekeeping item, they may wish to officially nominate Mr. Holland for another term through September 30, 2013.

Chairman Jones indicated that David Holland was willing to continue to serve.

Supervisor West advised that Douglas Chesson was also willing to continue to serve.

Supervisor Felts indicated that she was unable to get in contact with Jeb Bradshaw, but would do so and report back next month.

Supervisor West moved, seconded by Vice-Chairman Young, to forward to the Circuit Court recommendations for David Holland and Douglas Chesson to be reappointed to the BZA. All were in favor.

Mr. Johnson informed that the term of Glenn Updike (Newsoms) on the Board of Building Code Appeals would expire on September 30, 2010. In addition, the term of Morgan Munford (Sedley) expired last year. Both gentlemen were eligible for reappointment. The Board met solely on an "as-needed" basis.

Supervisor Felts indicated that Morgan Munford was willing to continue to serve.

Supervisor Brown confirmed with Glenn Updike, who was in the audience, that he was willing to continue to serve.

Supervisor Felts moved, seconded by Supervisor Brown, to reappoint Morgan Munford and Glenn Updike to the Board of Building Code Appeals. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda were capital funding requests from the Sedley Volunteer Fire Department to assist them in servicing debt associated with Engine 81, and from the Drewryville Volunteer Fire Department to assist them in servicing debt on their 2009 Brush Truck. Capital funding in the amount of \$14,000 had been set aside for each fire department in FY 2011 and \$7,000 had been budgeted for each volunteer rescue squad. 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 they were not drawn down. The table included in the agenda indicated the status of capital appropriations since FY 2000. Both requests were in order. He noted that

through August 18, 2010, we had collectively appropriated \$1,268,500 for fire and rescue improvements and were holding in escrow an additional \$386,500.

Supervisor Wyche moved, seconded by Supervisor Felts, to approve the capital funding requests of the Sedley Volunteer Fire Department in the amount of \$14,000, and the Drewryville Volunteer Fire Department in the amount of \$14,000. All were in favor.

Moving forward, Mr. Johnson announced that on December 16, 2009, the President signed the FY 2010 Appropriations Act, which appropriated \$600 million to the Department of Transportation for National Infrastructure Investments. This appropriation was part of the larger American Recovery and Reinvestment Act (ARRA), otherwise known as the Federal Stimulus. Of this total amount, \$140 million of the funds were to be used for projects in rural areas. This grant opportunity was highly competitive and awards would be given to projects that would have a significant impact on the Nation, a metropolitan area or a region. These grants had a 20% matching requirement; however, rural projects could be funded at 100% with no local match required. All funds awarded through this process must be obligated by September 30, 2012. He advised that in coordination and with staff assistance from the Hampton Roads Planning District Commission (HRPDC), Southampton County was preparing a grant application in the amount of \$22.310 million to fund the construction of the Courtland Interchange on U.S. Route 58. He reminded that this project had been in and out of the VDOT 6 year primary plan numerous times over the past several years. This project would provide a grade separated overpass at the intersection of Jerusalem Road (US 58 Business) and Southampton Parkway (US 58). Additionally, Old Bridge Road would be realigned to connect with the overpass and the appropriate entrance and exit ramps would be provided. The right-of-way for the project had already been secured by VDOT and the state environmental permits were in place. Because this project may be funded by federal dollars, the National Environmental Policy Act (NEPA) would have to be satisfied. VDOT initiated the NEPA process for this project on July 28, 2010.

Mr. Johnson continued that this project was presented to the HRPDC Board of Directors for their support at their meeting on July 21, 2010. The HRPDC endorsed the project as being regionally significant due to the importance of Route 58, with specific recognition of the route as a primary thoroughfare for the movement of goods and services, and as a primary evacuation route for the Hampton Roads region. Additionally, this project would promote immediate job creation which was important to Southampton County and the region. Southampton County was currently considered a Federal Economically Distressed Area, a key component of the grant evaluation criteria. He stated that grant applications were due today. Included in the agenda was a resolution of support that could be included with the application. Notification of awards to the grant recipients should occur by the end of the calendar year. If successful, VDOT would administer the funds and coordinate the advertisement, bidding process and construction of the interchange. A timeline for actual construction of the interchange was still pending and dependent upon successful funding of the project.

The resolution to be considered is as follows:

A RESOLUTION ENDORSING THE COURTLAND INTERCHANGE
FOR THE TRANSPORTATION INVESTMENT GENERATING
ECONOMIC RECOVERY, PHASE 2 GRANT APPLICATION

WHEREAS, U.S. Route 58 is a National Highway Safety (NHS) designated corridor that serves as a primary evacuation route for the Hampton Roads region and northeast North Carolina; and

WHEREAS, U.S. Route 58 serves as an economic thoroughfare for the Commonwealth of Virginia connecting Interstates 95 and 85 with the Hampton Roads region and has an average daily traffic count of 21,000 vehicles including 2,300 heavy trucks; and

WHEREAS, it is the desire of the Board of Supervisors of Southampton County, Virginia to support improvements to this corridor that benefit the Nation, the Commonwealth, the region and the county; and

WHEREAS, the Federal Department of Transportation has established a grant program, TIGER II that will provide funds to improve critically important surface transportation infrastructure; and

WHEREAS, the Courtland Interchange will improve the safety, mobility and economic competitiveness for all who travel this thoroughfare by removing two at grade intersections while further promoting and maintaining a state of good repair for U.S. Route 58.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors for Southampton County, Virginia supports and endorses the Courtland Interchange in the amount of \$22.310 million for the Transportation Investment Generating Economic Recovery, Phase 2 Grant Application.

Board of Supervisors

Dallas O. Jones, Chairman

ATTEST:

Michael W. Johnson, Clerk

Supervisor Brown moved, seconded by Vice-Chairman Young, to adopt the resolution.

Supervisor Faison confirmed with Mr. Johnson that it was possible that the project would not be funded 100%. Mr. Johnson added that if not funded 100%, we would talk to VDOT and see if Primary Road Funds could be used for the rest.

Supervisor West asked, what if the project was not funded 100% and we could not use any VDOT funds? Mr. Johnson replied that they could simply turn the grant down.

All were in favor of the motion.

Moving forward Mr. Johnson announced that Mr. Randolph had received a recent request to evaluate Forks of the River Road to see if it qualified for streetlighting under the Board's adopted policy. He had visited the site and verified the existing residences. Based on their policy, Mr. Randolph had determined that two new streetlights were warranted – one at the intersection of Forks of the River Road and Smiths Ferry Road (Rt. 258) and the other approximately 800' south between 32223 and 32233 Forks of the River Road. He noted that included in the agenda was a sketch illustrating the proposed locations as well as a copy of their adopted streetlighting policy.

Supervisor Brown moved, seconded by Vice-Chairman Young, to authorize installation of the streetlights. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was official confirmation from the Department of Conservation and Recreation (DCR) that the Nottoway River qualified for an extension in its designation as a State Scenic River from Cary's Bridge (where the designation currently ended) to its confluence with the Blackwater River south of Battle's Beach. He reminded that they requested DCR to survey the river for a possible extension of the designation last September. In order to move this forward, the Board would need to adopt a resolution of public support after conducting a public hearing. If the Board so desired, the public hearing could be scheduled for next month at their regular meeting.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to schedule the public hearing for Monday, September 27, 2010 at 7:00 PM or as soon thereafter as may be heard. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was a resolution prepared by Mr. Richard E. Railey, Jr., County Attorney, which effectively asserted a lien on two (2) parcels of property that had been the subject of enforcement actions by Mr. Barnett for violations of Section 10-48 of the Southampton County Code (Weeds, Grass and Unhealthy Growth). Whereas, after

due notice, the owners failed to cut the grass (which exceeded a height of 12 inches), Southampton County contracted to have the work performed, the cost of which was now chargeable to the owners of the property. The aggregate sum of costs for both properties was \$100 (\$50 each).

The resolution to be considered is as follows:

**RESOLUTION AS TO CREATION OF LIENS SECURING EXPENSES OF ENFORCEMENT OF
THE GRASS CUTTING ORDINANCE, SEC. 10-48 OF
THE SOUTHAMPTON COUNTY CODE**

WHEREAS, Sec. 10-48 Weeds, Grass and Unhealthy Growth A. provides in pertinent part

"A. It shall be unlawful for any owner, lessee or occupant, or any agent or representative, or employee of such owner, lessee or occupant, having control of any parcel of land in the County to allow, permit, or maintain any growth, weeds, grass or unhealthy growths thereon or along the sides thereof within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use in the County to a height exceeding twelve (12) inches."

and

WHEREAS, said Sec. 10-48 further provides that when any condition exists on any lot or parcel of land in the County in violation of subsection A of this section, it shall be the duty of a designee, as determined by the Board of Supervisors, to serve or cause to be served notice upon the owner, lessee, or occupant of such lot or parcel of land, requiring the owner, lessee or occupant of such lot to cut and remove the weeds, grass, or unhealthy growths existing upon such lot or parcel within ten (10) days of service of such notice upon such owner, lessee or occupant; and

WHEREAS, said Sec. 10-48 further provides that if such owner, lessee or occupant fails to act or remove the weeds, grass, or unhealthy growth within the time specified in such notice, the Board shall, through its agents or employees, have such weeds, grass or unhealthy growth cut, and in that event, the costs and expense thereof shall be chargeable to and paid by the owner of such property and may be collected by the County as taxes and levies are collected; and

WHEREAS, Robert L. Barnett, Director of Community Development, acting as designee of the Southampton County Board of Supervisors, has provided notice to the below listed landowners, in Schedule "A" attached hereto and made a part hereof, in accordance with the provisions of Sec. 10-48, as to their violations of said Sec. 10-48; and

WHEREAS, the owners listed on Schedule "A" attached hereto and made a part hereof have failed to respond to said notices and have failed to cure such violations; and

WHEREAS, in accordance with the provisions of said Sec. 10-48, said designee has contracted for such weeds, grass or unhealthy growth to be cut so as to bring such lots into compliance with paragraph A of said Sec. 10-48; and

WHEREAS, in cutting said weeds, grass or unhealthy growth, Southampton County has incurred costs and expenses that shall be chargeable to and paid by the owners of such property, and collected by the County as taxes and levies are collected, in accordance with the provisions of Sec. 10-48; and

WHEREAS, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, such lien securing the costs and expenses of such grass cutting shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien unless, at the time of the transfer of record of the real estate to the purchaser, a statement containing the name of the record owner of the real estate and the amount of such unpaid charges, as entered in the Judgment Lien Book in the Clerk's Office where deeds are recorded, or is contained in the records maintained by the Treasurer for real estate liens, pursuant to §58.1-3930 of said Code; and

WHEREAS, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, it is necessary that a statement containing the name of the record owner of the real estate and the amount of such unpaid charges be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and in the Southampton County Treasurer's Office.

NOW, THEREFORE, be it therefore resolved by the Board of Supervisors of Southampton County, Virginia, that in accordance with Sec. 10-48 of the Southampton County Code and §§ 15.2-901 and 15.2-104 of the 1950 Code of Virginia, as amended, a lien is hereby asserted against each lot or parcel of land identified herein in Schedule "A" attached hereto for the amount identified beside said parcel or tract of land; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Southampton County, Virginia, that notwithstanding said lien hereby asserted, the amount secured by said lien shall continue to be the obligation of the owner of such real estate at the time said costs and expense are incurred; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Southampton County, Virginia, that the said Robert L. Barnett, acting as a designee of the Southampton County Board of Supervisors, shall cause a statement as provided by §15-104 of said Code, containing the name of the record owner of the real estate, the amount of such unpaid charges, and such other information as may be pertinent in identifying such real estate, to be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and in the Southampton County Treasurer's Office, as provided by §15.2-104; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Southampton County, Virginia, that all actions taken by the said Robert Barnett, as designee for the Southampton County Board of Supervisors, in accordance with the provisions of Sec. 10-48 are hereby **RATIFIED, CONFIRMED and APPROVED**.

The undersigned Clerk of the Board of Supervisors of Southampton County, 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 Southampton County, Virginia held on August 23, 2010.

SCHEDULE "A"

Lots or parcels found to be in violation of Section 10-48A of the Southampton County Code and requiring the cutting and removing of weeds, grass, or unhealthy growth existing upon such lots or parcels, in accordance with Section 10-48B.

<u>Property Address</u>	<u>Respective Owners</u>	<u>Date Invoiced</u>	<u>Costs</u>
30117 Meherrin Road Boykins, VA 23827	Toronto Branch-Gilchrist 30117 Meherrin Road Boykins, VA 23837	August 3, 2010	\$ 50.00
32019 Riverdale Drive Franklin, VA 23851	Eugene F. Cassidy 32019 Riverdale Drive Franklin, VA 23851	August 3, 2010	\$ 50.00
TOTAL			\$100.00

Supervisor Felts noticed that the owner of each property was invoiced on August 3. We'd had some rain since then. Could we add to it or send another invoice if the grass needed to be cut again? Would this resolution cover that? Attorney Railey replied yes.

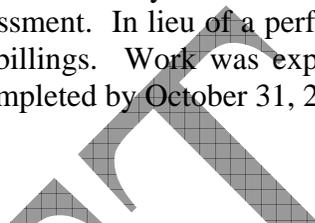
Vice-Chairman Young advised that he did not agree with it. We could make a person cut their grass that was 1' tall, but we could not get VDOT to cut the gum trees, some of which he had measured at 6' tall.

Supervisor West stated that he did agree with it and thought it sent a message that we cared about the appearance of our County.

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

Moving forward, Mr. Johnson announced that as discussed last month, our general reassessment evaluation panel, which consisted of Vice-Chairman Young, Supervisor Felts, Hunter Darden, III and Bruce Phillips representing the Board of Assessors, Amy Carr and himself, interviewed all four (4) of the companies that submitted proposals for general reassessment services. Each firm was evaluated based upon the criteria contained in our RFP, which included professional qualifications, skill and experience, a demonstrated knowledge of local conditions, the ability to meet our schedule, and price. After interviewing all four firms, the committee short-listed two for further discussion and refinement of scope of work and price. After considering all factors mentioned above, the committee reached unanimous consensus and recommended that the County contract with Wingate Appraisal Service for the work at a total price of \$221,500. He reminded that we budgeted \$180,000 in FY 2011 – whereas the project would span two fiscal years, the balance would need to be included in the FY 2012 annual budget. He advised that included in the agenda was a proposed agreement. The agreement provided that Wingate Appraisal Service would visit and verify all main structures covered in the last general reassessment and re-measure twenty percent (20%) of them to confirm accuracy. In addition they would measure and sketch all improvements constructed since the last general reassessment. In lieu of a performance bond, we agreed to withhold 15% retainage from all monthly billings. Work was expected to begin by September 30 and all appraisals were expected to be completed by October 31, 2011.

The proposed agreement to be considered is as follows:



AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2010, by and between THE BOARD OF SUPERVISORS OF THE COUNTY OF SOUTHAMPTON, VIRGINIA, party of the first part, hereinafter referred to as the "County", and WINGATE AND ASSOCIATES, LTD., a Virginia corporation trading as WINGATE APPRAISAL SERVICE, party of the second part, hereinafter referred to as "Wingate":

W I T N E S S E T H;

THAT WHEREAS, pursuant to Virginia Code Section 58.1-3252, the Board of Supervisors of the County of Southampton has voted to carry out a general reassessment of locally taxable and tax-exempt real estate in the County, and to that end has issued requests for proposals from reassessment firms; and

WHEREAS, Wingate submitted a proposal for the services requested, and, in compliance with the County's procurement ordinance and the Virginia Procurement Act, the County and Wingate have successfully negotiated for the performance by Wingate of said services;

NOW THEREFORE, in order to memorialize the agreement between the parties hereto, and in consideration of the mutual covenants, promises, and undertakings herein, the parties agree as follows:

- I Wingate shall carry out a complete, uniform, general reassessment of all locally taxable and tax-exempt real property and manufactured housing, assessed as personal property, within Southampton County, Virginia, in accordance with the terms set forth in the Request for Proposal and the proposal submitted by Wingate, dated July 13, 2010, comprised of the letter of said date, exhibits, and insurance certificates thereto attached, all of which are hereby referred to and by said reference, made a part hereof, the terms of which documents shall be binding upon the parties hereto, except as herein altered, amended, or superseded. In the event of a conflict between any provisions of the Wingate proposal, the RFP, and this agreement, the terms of this agreement shall control.
- II In accordance with the Code of Virginia, Section 2.2-4311, it is agreed that "During the performance of this contract, Wingate agrees as follows:

"The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the

provisions of this nondiscrimination clause, including the name of all contracting agencies with which the contractor has contracts of over \$10,000.

"The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that such contractor is an equal opportunity employer.

"Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

"The contractor will include the provisions of the foregoing paragraphs in every subcontract or purchase order of over \$10,000 so that the provisions will be binding upon each subcontractor or vendor."

- III Wingate shall abide by all terms contained in Code of Virginia, Section 2.2-4354 "Payment Clauses to be included in Contracts."
- IV Wingate agrees to the modifying Section 4.7, Items A-1, B, C and E, which address field listing and appraisal. Wingate agrees to measure every fifth main structure during the fieldwork. "Main structure" is understood to mean the primary structure with a 911 address posted. With reference to Item A-2, any main structure not shown on the current property field sheet, will be measured, sketched, and appropriate detail added to the County record.
- V Preliminary work shall begin by September 30, 2010, and appraisals will be completed no later than October 31, 2011.
- VI The County shall provide and pay for the following:
 - a. Adequate office space and office furnishings: The office space shall be located to provide dependable connectivity to all necessary resources on the County network. Furnishings shall include standard office furniture and filing cabinets.
 - b. Miscellaneous office supplies, postage, forms for mailing notices, preparation for notice mailing, photocopying, advertising costs, telephone service (a minimum of two lines), and high speed Internet access.
 - c. Existing appraisal detail, as well as copies of current tax maps (one of which will be aerial photography with current tax grid overlay), copies of appraisal records (cards), manufactured home records, and computer data.
 - d. All software and hardware, including maintenance, consumables, and daily

- reassessment data backups. Wingate will not be held responsible for any delays resulting from software problems or computer hardware problems.
 - e. All CAMRA beginning and ending reassessment system functions, including the creation of reassessment files and transitioning the CAMRA reassessment files to the Commissioner's CAMRA files after completion of the Reassessment Book.
 - f. Clerical assistance and all other costs for the Board of Equalization.
- VII Wingate shall provide and pay for the following:
- a. Appraisal personnel: Wingate will supply the appraisal staff with normal tools of the trade, such as calculators, measuring tapes, and transportation. Wingate shall furnish to the County for acceptance or rejection, a list of all persons to be employed. The County may require Wingate to remove from the project any person the County considers being unqualified or negligent in the performance of his or her duties, or who is guilty of misconduct, and such person shall not be employed on the project again without the County's written consent.
 - b. Clerical personnel.
 - c. Owner notification cards/door knob hangers.
- VIII Wingate agrees to cooperate with the Commissioner of the Revenue's Office in assessing new construction and property splits from January 1, 2011 through October 1, 2011, to avoid duplication of effort or omission by both offices.
- IX Wingate shall provide, at no additional cost or expense, a competent witness for court appeals or other legal actions involving its assessments filed within a period of three years from December 31, 2012.
- X **Wingate will complete all appraisal and clerical work for a total fee of \$221,500 based on the following:**

**12,779 Parcels of Real Estate @ \$16.00 per Parcel
\$204,500**

**950 Personal Property Manufactured Homes @ \$10.00 Each
\$9,500**

**Estimated 2,000 Photo Replacements or Updates @ \$3.00 Each
\$6,000**

**Reimbursement for CAMRA Field Sheet Printer Software
\$1,500**

Statements will be submitted based on the number of parcels of real estate or manufactured homes completed as of the billing date. In lieu of a performance bond, a 15% retainage will be withheld as a performance guaranty. The retainage will be due and payable upon signing and delivery of the Reassessment Book. The payment of all fees is subject to appropriations by the Board of Supervisors of the County of Southampton, Virginia.

WITNESS the following signatures and seals.

ATTEST:

WINGATE AND ASSOCIATES, LTD.

By: _____ (SEAL)
Harold C. Wingate, President

Date _____

ATTEST:

BOARD OF SUPERVISORS OF THE
COUNTY OF SOUTHAMPTON, VIRGINIA

By: _____ (SEAL)

(Title)

Date _____

Vice-Chairman Young moved, seconded by Supervisor Felts, to authorize the County Administrator to execute the agreement for general reassessment services. All were in favor.

Chairman Jones and Supervisor West remarked that they were pleased we would have a committee overseeing the general reassessment.

Moving forward, Mr. Johnson announced that in accordance with §58.1-3921 of the Code of Virginia, our Treasurer, David K. Britt, had finalized the lists for delinquent real and personal property taxes. The list covered the last 20 years for real property and the last 5 years for personal property, the maximum time allowed by statute to enforce property liens. Because of the size of the lists, they were not included in the agenda, but were available in the office to anyone that would like to see them. The total sum of all delinquent taxes, including penalties and interest, was \$1,689,964.74. Mr. Britt estimated that 75% of the delinquent amounts were from the last 2 years. §58.1-3924 provided that the governing body may publish the list in the newspaper or make it available on the county website.

Chairman Jones recognized Mr. Britt.

Mr. Britt advised that we used to publish the list in the local newspaper, but the cost to publish it was more than what they were collecting. He was seeking the Board's consideration in making the list available on the county website for the next 60 days.

Supervisor Brown asked if he could get a list of delinquent taxpayers specific to his district? Mr. Britt replied that he would have to check with Sandi Plyler, Information Technology Manager, to see if the software was capable of sorting by district.

Vice-Chairman Young moved, seconded by Supervisor Faison, to authorize the delinquent tax list to be posted as soon as possible on the county website for 60 days. All were in favor.

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

Request by Mark R. Lohenitz, owner, requesting a change in zoning map designation from M-1, Industrial District, Limited, to CA-1, Agricultural, for a tract of approximately 33.06 acres to construct one single family residence to be used as a hunting lodge. The tract is located on the east side of Joyner Road (Rt. 701) approximately 275' south of its intersection with Hugo Road (Rt. 186). The site address is 33377 Joyner Road. The property is known as Tax Parcel 111-32 and is located in the Boykins-Branchville Voting District and the Boykins Magisterial District.

Mrs. Beth Lewis, Principal Planner and Secretary to the Planning Commission, advised that this property had been used in the past as a sand pit and there were a couple of big lakes on the property. The property was about 33 acres total. It was a very pretty piece of property. There was a hunt club down the road on a different piece of property and that was where the dog kennels and all the hunt club activity would be. Four families had purchased the subject property together and wished to build a hunting lodge/vacation home. The proposed lodge would be a 4-bedroom 2-bath home. The applicant had proffered a voluntary cash proffer of \$1,728, as at some point the house may be used as a single-family home.

She stated that the Planning Commission held a public hearing on the application at its August 12, 2010 meeting and unanimously recommended approval, subject to all voluntary proffers. She noted that this was an interesting re-use of the property.

Supervisor Brown asked if they would be complaining eventually about the dogs that were down the road? Mrs. Lewis replied no, it was their dogs and their hunt club, and besides, was quite a distance away.

Chairman Jones opened the public hearing.

Mr. Mark R. Lohenitz, owner/applicant, addressed the Board. He reassured Supervisor Brown that it was their hunt club and dogs that were located down the road.

Supervisor Felts asked if someone would be utilizing the home all the time? Mr. Lohentiz replied no, but one of the owners would likely use it more often than the others because he was retired.

Mr. Ash Cutchin spoke. He stated that he was envious of the property and recommended that the Board approve the application.

Chairman Jones closed the public hearing.

Supervisor Faison moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the zoning change. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was copied correspondence from Dave Whittington, Greenville County Administrator, seeking our consideration in supporting their latest economic development initiative, the "mega-sized" Mid-Atlantic Advance Manufacturing Center (MAMaC). Located on the west side of I-95 three miles north of Emporia, the center site was slightly larger than 1,500 acres and was the only certified "mega-site" in Virginia, and one of only ten nationwide. The site had already received serious attention from Toyota and Volkswagen as they considered locations for new assembly plants. Greenville County was developing grant applications to the VEDP and the Virginia Tobacco Commission to assist in their acquisition and development of the site with such things as water and sewer improvements, natural gas lines, electrical transmission facilities, and road and railroad improvements.

Mr. Johnson stated that while conventional thinking may cause one to conclude that this project was competition to our own economic development initiatives, that type of thinking was short-sighted. Our competition was not Greenville County or Isle of Wight County or the City of Suffolk – rather it was communities in North and South Carolina, Georgia, Tennessee and Alabama. To the contrary, Southampton County stood to benefit substantially if Greenville County was successful in marketing the mega-site to a major employer. Southampton County already had more than 250 workers that commuted to Greenville County every day – more than two-thirds of Southampton County was located within 30 miles of the MAMaC. In addition to the employment opportunities the MAMaC would provide, there was also an opportunity to locate its suppliers in our own industrial parks. Included in the agenda was a resolution that supported Greenville County's efforts in developing the site and their efforts in obtaining grant funds from the VEDP and the Virginia Tobacco Commission. Mrs. Natalie Slate, Deputy County Administrator of Greenville County, was here this morning.

Chairman Jones recognized Mrs. Natalie Slate.

Mrs. Slate stated that Mr. Johnson had made a great sales pitch for her, but she would be happy to answer any questions.

Mrs. Slate clarified for the Board that the majority of the property was timberland – only about 100 acres was farmland. She thanked the Board for their support.

The resolution to be considered is as follows:

RESOLUTION

WHEREAS, in 2006, CSX retained the services of McCallum Sweeney Consulting, a site selection consulting firm that specializes in the identification of potential mega sites and the marketing of mega sites, to identify a viable mega site location in Virginia;

WHEREAS, McCallum Sweeney identified one site for CSX in the Commonwealth of Virginia that had the potential to receive the certification of McCallum Sweeney;

WHEREAS, the Mid-Atlantic Advanced Manufacturing Center (MAMaC) is located at Interstate 95, Exit 13 in Greenville County approximately three miles north of the City of Emporia along the CSX mainline rail;

WHEREAS, all certification criteria including, but not limited to, the control of all real property, the provision of 2 million gallons per day of water and wastewater services, the provision of adequate

vehicular access, electric, natural gas services and resolution of environmental issues were appropriately addressed to the satisfaction of McCallum Sweeney;

WHEREAS, McCallum Sweeney certified the MAMaC site on January 28, 2008 and MAMaC remains as the only mega site certified by McCallum Sweeney in the Commonwealth of Virginia as of this date;

WHEREAS, the development of a mega site in Southside Virginia will have a transformation impact on the economic conditions of Southampton County through the creation of new jobs, higher wages and increased business activity within the region;

WHEREAS, new marketing opportunities will be created for industrial sites within Southampton County and the region for new businesses and industries wanting to locate near the mega site, increasing investment and job creation in the region;

NOW, THEREFORE BE IT RESOLVED that the Southampton County Board of Supervisors recognizes the transformational benefits of the development of MAMaC to the citizens of Southampton County and Southside Virginia;

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Southampton County Board of Supervisors supports the development of Mid-Atlantic Advanced Manufacturing Center as a regional economic development opportunity and supports the regional effort to secure grant funds from the Virginia Economic Development Partnership and Virginia Tobacco Commission to purchase and develop the MAMaC site.

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

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was correspondence from Secretary Haymore confirming the Governor's receipt of our disaster designation request and apprising us that he had directed the State Commissioner of Agriculture to work with the USDA in developing a formal up-to-date report of agricultural losses. The report was required before the Governor could submit an official request to the U.S. Secretary of Agriculture on our behalf.

Mr. Johnson advised that included in the agenda was correspondence from ISO as it related to our latest Building Code Effectiveness survey. Our effectiveness rating had now improved from 4 to 3 for commercial/industrial construction and remained unchanged at a 3 for residential construction. The improvement was facilitated by additional certifications achieved by our inspections staff – Andy Johnson passed his Building Inspector General examination and Robert Barnett passed two additional examinations since last year. ISO ratings were used by property/casualty insurers to assist in their insurance underwriting and premium calculations for residential and commercial properties. Please congratulate the inspections staff on their accomplishments – while it may go widely unrecognized, their commitment and professionalism saved Southampton County property owners thousands of dollars annually based upon their effectiveness in administering the Building Code.

Mr. Johnson informed that included in the agenda was a request from Linda Vick, on behalf of the Citizens for Responsible Government, to utilize the Board of Supervisors Meeting Room for their next meeting on October 20 at 7:00 PM.

Vice-Chairman Young asked if this was something new? He didn't recall such requests being in the agenda before. Mr. Johnson advised that the Board of Supervisors Meeting Room was normally utilized by the Republic and Democratic Parties and the Historical Society.

Vice-Chairman Young moved, seconded by Supervisor West to authorize the use of the room. All were in favor.

Mr. Johnson stated that included in the agenda was correspondence from the Virginia Department of Historic Resources (VDHR) confirming that the nominations for the Sebrell Rural Historic District and the Rochelle-Prince House would be presented to the Virginia State Review Board

and the Virginia Board of Historic Resources at their next meeting on September 30. Both nominations, in their entirety, would be published on the VDHR website by September 1 for public review and comment. A public hearing for the Sebrell Rural Historic District was conducted by VDHR staff in Southampton County on August 11 – approximately 30 people were in attendance.

Supervisor Brown advised that there were some inaccuracies in the information submitted to VDHR, including information related to First Americans. He was in the process of typing up comments and submitting them to VDHR to try and ensure that our history was reflected accurately.

Mr. Johnson informed that Mr. Lee Copeland had recently been recognized by the International Code Council (ICC) as a Certified Building Code Official. He was now one of 59 code officials recognized by the ICC in Virginia. The Code Council certification program was the oldest, largest, and most prestigious credentialing program for construction code administration and enforcement professional in the United States. To achieve certification, Mr. Copeland was required to pass several internationally-recognized certification examinations that covered legal and management issues, as well as technical issues associated with residential and commercial building inspections and plan reviews. Please congratulate Mr. Copeland on his outstanding achievement.

Mr. Johnson reported that the following notices were received:

- 1) Notice from VDH, the Office of Drinking Water, to the Town of Courtland for exceeding the primary maximum contaminant level for fluoride in fiscal year 2010;
- 2) Notice from VDEQ advising of a groundwater withdrawal permit application filed by the James City Service Authority for the Racefield subdivision in Toano;
- 3) Notice from VDEQ advising of a groundwater withdrawal permit application filed by the Town of Capron;
- 4) Notice from VDH, the Office of Drinking Water, to the Southampton County Jail Farm for exceeding the primary maximum contaminant level for total coliform bacteria in July;
- 5) Notice from VDH, the Office of Drinking Water, to the owners of the Kingsdale-Moseley Water System for failure to distribute an annual consumer confidence report in 2009;
- 6) Notice from VDEQ advising of a biosolids land application permit modification filed by Recyc Systems, Inc. for 36 additional farms in the Capron and Branchville areas (Carter Smith, Allen Edwards, and Fox Farms);
- 7) Notice from VDH, the Office of Drinking Water, to the owners of the Kingsdale-Moseley Water system for failure to collect the required bacteriological samples in June 2010;
- 8) Notice from VDH, the Office of Drinking Water, to the Mid-Atlantic Dairy Queen for failure to collect the required bacteriological samples in the second quarter of 2010;
- 9) Notice from VDH, the Office of Drinking Water, to For Pete's Sake for failure to collect the required bacteriological samples in the second quarter of 2010; and
- 10) Notice from VDH, the Office of Drinking Water, to the Palm Tree Inn for exceeding the primary maximum contaminant level for total coliform bacteria in June.

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

Moving to late arriving matters, Supervisor Wyche stated that he was pleased to announce that Mrs. Michelle Stivers would become the Director of Southampton County Social Services effective September 1. Mrs. Stivers was currently the Acting Director.

The Board took a 10-minute recess.

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 where such briefing in an open session would adversely affect the litigating posture of the public body;

Section 2.2-3711 (A) (29) Discussion of the terms and scope of a public contract, where discussion in an open session would adversely affect the bargaining position of the public body; and

Section 2.2-3711 (A) (1) Discussion of the resignation (planned retirement) of a specific public officer and prospective candidates for assignment.

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

Richard Railey, County Attorney, Jay Randolph, Assistant County Administrator, Julien Johnson, Public Utilities Director, and John Smolak, President of Franklin-Southampton Economic Development, Inc. were present in the closed meeting along with the Board and Mr. Johnson.

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
Carl J. Faison
Anita T. Felts
Ronald M. West
Moses Wyche**

The motion passed unanimously.

Supervisor Brown advised that he, Mr. Rick Francis, and Ms. Teresa Preston recently attended a sesquicentennial meeting for the celebration of the Civil War in Richmond. They were in the process of putting together a meeting with all the committee members.

Supervisor West advised that Southampton County was the only municipality that participated in the Paul D. Camp Community College (PDCCC) Golf Tournament. It was a worthy cause, as funds were used towards scholarships, and PDCCC appreciated our participation.

There being no further business, the meeting was recessed at 11:02 AM and continued to tomorrow, Tuesday, August 24, 2010 at 6:00 PM at the Southampton Satellite Services Building (former I.P. wood building) at 24283 Old Bridge Road, Courtland, VA.

August 23, 2010

(Tomorrow's meeting was a joint planning and economic development workshop of the Board of Supervisors, Planning Commission, and Franklin-Southampton Economic Development, Inc. It would be facilitated by Dr. Michael Chandler, Professor Emeritus at Virginia Tech.)

Supervisors Brown and Felts indicated that they would be unable to attend the workshop tomorrow evening.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk

DRAFT