

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 September 27, 2010 at 6:00 PM

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, 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 August 23, 2010 regular session.

Supervisor Brown stated that on page 123, 3rd paragraph from the bottom, first sentence, which stated, "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," was incorrect, as he (Supervisor Brown) did not attend.

The minutes were approved with the correction noted by Supervisor Brown.

Regarding highway matters, Mr. Michael Johnson, County Administrator, advised that he would be pleased to take any concerns to share with the Virginia Department of Transportation (VDOT).

Vice-Chairman Young remarked that gum trees were continuing to grow.

Supervisor Faison commended VDOT for quickly responding to issues in his district.

Supervisor West stated that bushes were growing over the shoulders into the roadways. He had been told that with this last round of grass cutting, VDOT planned to cut the shoulders. He did not know how true that was.

Supervisor Brown advised that there was still a dead tree hanging over Route 258 at the Nottoway River.

Supervisor Wyche stated that he hoped Routes 609 and 653 in his district could be paved soon.

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, Civil Papers), Animal Control, Litter Control, and Building Permits. Also, New Housing Starts, Treasurer's Office, Delinquent Tax Collection, Solid Waste Quantities, and Personnel.

In regards to Solid Waste Quantities, Supervisor Brown commended the \$2.2 million in savings over the past 50 months as a result of having attended sites.

September 27, 2010

In regards to Personnel, Mr. Johnson, advised that Tiffany A. Laney was hired in the Commonwealth Attorney's Office at an annual salary of \$46,297 effective 08/23/10. He informed that Thomas D. Barksdale was hired in the Sheriff's Office at an annual salary of \$29,843 effective 09/01/10. Jeremy C. Edsall was hired in the Sheriff's Office at an annual salary of \$29,843 effective 09/01/10. James A. Smith was also hired in the Sheriff's Office at an annual salary of \$29,843 effective 09/01/01. He stated that George W. Bruch resigned from the Commonwealth Attorney's Office effective 09/14/10. James C. Bryant resigned from Public Utilities effective 09/15/10. Robert C. Inman, III retired from the Sheriff's Office effective 09/01/10.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$3,205,103.80 were received.

Supervisor West moved, seconded by Supervisor Brown, that the bills in the amount of \$3,205,103.80 be paid with check numbers 98644 through 99046. All were in favor.

Moving to appointments, Mr. Johnson announced that as discussed last month the term of James E. Bradshaw (Jerusalem 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 this term would run from October 1, 2010 to September 30, 2015. Mr. Bradshaw was eligible for reappointment.

Supervisor Felts indicated that Mr. Bradshaw was willing to continue to serve.

Supervisor Felts moved, seconded by Vice-Chairman Young, to forward to the Circuit Court a recommendation for Jeb Bradshaw to be reappointed to the BZA. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was a capital funding request from the Branchville 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 associated with Engine 22. 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 not drawn down. The table included in the agenda indicated the status of capital appropriations since FY 2000. The request was in order. He noted that through September 20, 2010, we had collectively appropriated \$1,296,500 for fire and rescue improvements and were holding in escrow an additional \$358,500.

Supervisor Faison moved, seconded by Supervisor Wyche, to approve the capital funding request of the Branchville Volunteer Fire Department in the amount of \$14,000. All were in favor.

Moving forward, Mr. Michael Johnson, County Administrator, announced that at the recommendation of Mr. Richard E. Railey, Jr., County Attorney, included in the agenda was a minor ordinance amendment relating to the repair or removal of privately owned buildings that may endanger public health or safety. The original ordinance was adopted in 1993 and substantially amended in 2007. This amendment would simply strengthen the language that allowed Southampton County to remove or repair any such structure if the owner failed to do so after reasonable notice. In that event, the cost and expense was charged to the owners and may be collected as taxes were collected and constituted a lien on the property ranking in parity with liens for unpaid taxes.

Supervisor Wyche moved, seconded by Supervisor West, to advertise the ordinance amendment for public hearing at the October 25, 2010 regular session. All were in favor.

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

AN ORDINANCE TO AMEND AND REORDAIN SECTION 10-6 OF
THE SOUTHAMPTON COUNTY CODE AS IT RELATES TO
THE REMOVAL OR REPAIR OF BUILDINGS OR OTHER STRUCTURES
THAT MIGHT ENDANGER THE PUBLIC HEALTH OR SAFETY
OF SOUTHAMPTON COUNTY RESIDENTS

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended to read as follows:

Sec. 10-6. Buildings, other structures; removal, repair, etc.

(a) The owners of property in Southampton County, Virginia shall at such time or times as the Board of Supervisors, through its agents or employees may prescribe, remove, repair, or secure any building, wall or any other structure that might endanger the public health or safety of the residents of Southampton County, Virginia.

(b) Southampton County, through its agents or employees, may *remove, repair or* secure any building, wall or other structure that might endanger the public health or safety of other residents of Southampton County, Virginia, if the owner and/or lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure the buildings, walls or other structure.

For the purposes of this section, repair may include maintenance work to the exterior of a building to prevent the deterioration of the building or other adjacent buildings.

For the purposes of this section, reasonable notice shall include a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner, and (ii) published once a week for two (2) successive weeks in a newspaper having general circulation in the locality.

No action shall be taken by Southampton County to remove, repair or secure any building, wall or other structure for at least thirty (30) days following the latter of the return of the receipt or newspaper publication, except that the locality may take action to prevent unauthorized access to the building within seven (7) days of such notice if the structure is deemed to pose a significant threat to public safety and if such fact is stated in the notice.

(c) In the event Southampton County, Virginia, through its agents or employees, removes, repairs or secures any building, wall or other structure after complying with the notice provisions of this section, the costs or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by Southampton County, Virginia as taxes are collected.

(d) Every charge authorized by this section with which any such property has been assessed and that remains unpaid shall constitute a lien against such property owner ranking on a parity with liens for unpaid real property taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et. seq.) and 4 (§ 58.1-3965 et. seq.) of Chapter 29 of Title 58.1 of the 1950 Code of Virginia, as amended.

A locality may waive such liens in order to facilitate the sale of such property. Such liens may be waived only to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the times the liens were imposed.

(e) It shall be unlawful for any owner of any parcel of land within Southampton County, Virginia to fail to remove, repair or secure the building, wall or other structure after reasonable notice and a reasonable time to do so, as provided herein above. In addition to collection of the costs or expenses as prove for above, the County Administrator may order a civil penalty in an amount not exceeding ONE THOUSAND DOLLARS (\$1,000.00) for each violation of this ordinance.

The effective date of this ordinance shall be November 1, 2010.

For state law authority, please see § 15.2-906 of the 1950 Code of Virginia, as amended.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted: October 25, 2010

Moving forward, Mr. Johnson announced that following consideration of last month's request from Greenville County, he received a similar request for a letter of support for a proposed mega site in Sussex County. The Sussex County site was located west of the Town of Waverly along U.S. Route 460. It encompassed roughly 4,000 acres, equally distributed on the north and south sides of the highway – the southern side of the site was served by rail. While the property was currently privately-owned, Sussex County had engaged the law firm of Williams Mullins to assist them in obtaining purchase options. Like Greenville County, Sussex County intended to submit a grant application to the Virginia Economic Development Partnership (due October 1) to assist them in acquiring and developing the site. Included in the agenda was a draft letter of endorsement they had prepared for the Board's consideration. He advised that Southampton County stood to benefit substantially if Sussex County was successful in luring a major manufacturer to their site. For the same reasons articulated last month, he encouraged the Board to authorize him to endorse the letter of support on their behalf. He pointed out, not that it mattered, but in the interest of full disclosure, that Sussex County chose not to endorse Greenville County's "mega-sized" Mid-Atlantic Advance Manufacturing Center (MAMaC).

Vice-Chairman Young moved, seconded by Supervisor Felts, to authorize the County Administrator to endorse the letter of support. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was information relative to the upcoming annual meeting of the Virginia Association of Counties (VACo). It was necessary for the Board to designate a representative (prior to November 1) to cast its votes at the annual business meeting on November 9. A conference agenda was also included in the agenda for their review. Susan Wright, Administrative Secretary, had tentatively reserved a room at the conference hotel for each Board member – we would need a headcount to confirm the room reservation (or let them go to someone on the waiting list) and to register for the conference. He pointed out that the annual approved travel budget for the Board of Supervisors was \$5,900 – the cost of registration, lodging, food and mileage was expected to run approximately \$1,125 each, with modest savings possible if members carpooled. However, if more than 5 of them would like to attend, they would need to specially appropriate the additional funding. For travel planning purposes, Mr. Johnson noted that he did not plan to attend – his annual travel budget had been reduced to \$1,000 and he needed to save that in order to earn sufficient continuing education credits to maintain his credentials from ICMA (International City/County Management Association).

Chairman Jones, Vice-Chairman Young, and Supervisors Brown, Felts and Wyche indicated that they planned to attend.

Supervisors Faison and West indicated that they did not plan to attend.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was a copy of the summary report for the Summer Youth Program, made possible with funding from the American Recovery and Reinvestment Act (ARRA), more commonly referred to as the Federal Stimulus. We were able to employ two (2) summer workers, Ms. Bianca Britt and Mr. Claude Murphy. The program lasted eight (8) weeks, from June 21 through August 13 – Ms. Britt assisted Ann Darden with custodial maintenance and Mr. Murphy assisted our Public Utilities Department with grounds maintenance. Both employees performed well and both had a greater appreciation for the value of education.

Mr. Johnson advised that included in the agenda was a copy of the 2009 annual report from the Western Tidewater Free Clinic. The Clinic was located on Meade Parkway in Suffolk. Six percent (6%) of the clinic's patients were from Southampton County. County residents were eligible for free services if they had no health insurance and lived at or below 200% of the federal poverty level (\$44,100 for a family of 4). Southampton County had contributed more than \$14,000 to the clinic over the past three (3) years.

Mr. Johnson informed that included in the agenda was a copy of the first quarterly report for CASA, or Court Appointed Special Advocates. The program served 32 children in Western Tidewater in 2009 – a jurisdictional breakdown was not included in the report. Southampton County had contributed more than \$52,000 to CASA over the past three (3) years.

Supervisor Felts advised that she had been asked by Joyelle Saunders, CASA Executive Director, to serve on their Board of Directors. She had not yet responded to the request, as she wanted to

share it with the Board. She noted that Mrs. Mary E. Hilliard, Franklin City Council member, served on that Board. Attorney Railey stated that he did not think it would be a conflict of interest for Supervisor Felts to serve on that Board, as she was not directly benefiting from CASA.

Continuing with miscellaneous issues, Mr. Johnson stated that included in the agenda was a copy of the latest annual water and sewer rate report compiled by Draper Aden Associate, which reflected our most recent fee increases. Our monthly water rate for 5,000 gallons was now roughly 14% above the median (\$29 as compared to \$25.45) and our monthly wastewater rate for 5,000 gallons remained at 22% above the median (\$39 as compared to \$32). Our residential connection fee for water was equivalent to the median connection fee (\$1,000), while our residential connection fee for wastewater was 64% above the median (\$1,800 as compared to \$1,100). Our residential facility fee for water was 17% higher than the median (\$4,000 as compared to \$3,410) and, for wastewater, was not 39% higher than the median (\$6,000 as compared to \$4,325). He noted that the average system in Virginia had between 10,000 and 11,000 connections – almost 10 times our number of connections – there were clearly economies of scale in the utility business.

Supervisor Brown asked, since International Paper in Franklin shut down, had there been a rise in the water table? Mr. Johnson replied that it was predicted, but he had not seen it confirmed.

Mr. Johnson advised that included in the agenda was copied correspondence from Governor McConnell transmitting our request for federal disaster designation to U.S. Secretary of Agriculture, Tom Vilsack. We were still awaiting a response from Secretary Vilsack. Based on the Governor's loss assessment report, corn in Southampton County was at a 55% loss, cotton – 26% loss, grass – 40%, peanuts – 28%, soybeans – 18% loss, and wheat – 37%.

Supervisor West commented that he thought the loss estimates would have been higher. Vice-Chairman Young agreed, especially the loss estimate for corn. Mr. Johnson noted that although the yields were down, the prices of some crops were up.

Mr. Johnson informed that included in the agenda was a copy of the signed agreement for general reassessment services with Wingate Appraisal Service – work was expected to begin later this month.

Mr. Johnson reported that the following notices were received:

- 1) Copied correspondence from VDH, Office of Drinking Water, to Davis Magette, regarding the permit for Darden's Mill Estates;
- 2) Notice from VDH, Office of Drinking Water, to Aura, Inc. for failing to collect the required bacteriological samples from the Kingsdale-Moseley water system in July;
- 3) Copied correspondence from VDH, Office of Drinking Water, to Glenn Magette, regarding the permit for Darden's Mill Estates;
- 4) Notice from VDEQ transmitting a copy of the public notice associated with reissuance of the VPDES permit for the Boykins Wastewater Treatment Plant; and
- 5) Copied correspondence from VDH, Office of Drinking Water, to Fieldcrest Associates, LLC, regarding the permit for Fieldcrest Manufactured Home Community (formerly Lloyd Sykes Mobile Home Park).

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

Chairman Jones recognized Mr. Charles Turner, Division Superintendent of Southampton County Public Schools.

Mr. Turner advised that they had a great opening to the new school year and that all schools were fully accredited.

Supervisor Wyche recognized Mrs. Michelle Stivers, Director of Southampton County Social Services.

Mrs. Stivers did not have anything to share with the Board at this time.

September 27, 2010

(Note: Public hearings were scheduled for 7:00 PM. Because it was not yet 7:00 PM and the Board had already dispensed with all regular business, with the exception of the public hearings, the Board resolved to convene the closed 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 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, 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. Sheriff Vernie Francis was present for a portion of the closed meeting.

(Note: The closed session was recessed, as it was now 7:00 PM and the Board needed to return to open session to dispense with the scheduled public hearings.)

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.

Chairman Jones moved forward with the public hearings, as it was now 7:00 PM.

Mr. Johnson announced that the first public hearing was to consider the following:

Request by Jack Randall, applicant, on behalf of Sebrell Hunt Club, Inc., owner, for a Conditional Use Permit to operate a campground on property with the zoning designation of A-1, Agricultural. The tract is located on the north side of Rosedale Drive (private road) east of its intersection with Old Plan Road (Rt. 35). The site is approximately 2.02 acres in size and the site address is 22357 Rosedale Drive. The property is known as Tax Parcel 31-8 and is located in the Capron Voting District and the Capron Magisterial District.

Mrs. Beth Lewis, Director of Community Development and Secretary to the Planning Commission, advised that there was an existing hunt club building and accessory buildings, dog cages, etc. on the property. They were asking permission for 8 travel trailers to be used there during hunting season. Travel trailers were not a typical accessory use to a hunt club. In our zoning ordinance, the only thing it could be called was a campground. It was not a typical state park or KOA campground. The travel trailers would be used by the hunt club members when they were using the hunt club. They would like to install 8 places to plug in the electricity for the travel trailers, but all the water and sanitary use would be inside the hunt club building. There were 8 things in our zoning ordinance to be considered with campgrounds, and this application satisfactorily addressed all 8. One of the things to be considered was that "No site shall be less than 3000 square feet in area." She and Mr. Jack Randall, attorney/applicant on behalf of Sebrell Hunt Club, had a difference of opinion with regard to that. She interpreted that each travel trailer had to have a minimum of 3000 square feet in area, while Mr. Randall interpreted that all the trailers as a group had to have a minimum of 3000 square feet in area. Regardless, the application met the more restrictive of the two interpretations. There was also a letter (included in the agenda) from the Health Department indicating that they had inspected the septic system and it was satisfactory. She noted that she did not receive any phone calls or inquiries with regards to this application. She commented that the application did not appear to have any weaknesses, as it was an extension of the existing hunt club use.

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.

Chairman Jones opened the public hearing.

Mr. Jack Randall, attorney/applicant on behalf of Sebrell Hunt Club, addressed the Board.

Supervisor Felts asked if the travel trailers would be there year-round? Mr. Randall replied yes, but they would only be utilized during hunting season.

Supervisor West asked if the travel trailers were licensed and therefore subject to Southampton County personal property taxes? Mr. Randall replied yes.

Supervisor Brown asked how would you assess personal property on trailers that were not hooked up to water/sewer? Supervisor West replied that it did not matter if the trailers were hooked to water/sewer or not – they were still personal property.

Mr. Randall clarified for Supervisor Brown that they had proffered a maximum of 8 trailers.

Mr. Randall advised that Mr. Emerson Kitchen, landowner who gave Sebrell Hunt Club permission to hunt the land, was present. Also 2 other members of Sebrell Hunt Club were present. He noted that they had provided very specific conditions with regard to the travel trailers.

Mr. Bruce Phillips spoke. He advised that he was a neighbor and long-time associate of Sebrell Hunt Club. The Club was well maintained and they took good care of his property. They were an asset to the community.

Chairman Jones closed the public hearing.

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

Mr. Johnson advised that the second and final public hearing was to consider the following:

A resolution in support of legislation to extend the State Scenic River designation for the Nottoway River from its current terminus at Cary's Bridge (State Route 653) to its confluence with the Blackwater River at the North Carolina Line. The legislation effectively designates a total of 72.5 miles of the Nottoway River, from Route 40 at Stony Creek to the North Carolina line, as a component of the Virginia Scenic Rivers System.

Mr. Johnson read aloud the following resolution:

BOARD OF SUPERVISORS RESOLUTION

WHEREAS, Southampton County requested the Department of Conservation and Recreation (DCR) to conduct an evaluation of the Nottoway River from Cary's Bridge, Route 653, to its confluence with the Blackwater River at the North Carolina line; and

WHEREAS, the Department of Conservation and Recreation completed its evaluation on May 19-20, 2010 and concluded that a total of 72.5 miles of the Nottoway River meets the designation criteria of the Virginia Scenic Rivers Program; and

WHEREAS, Southampton County intends to recognize, designate and protect its environmental treasures including the Nottoway River for future generations; and

WHEREAS, Southampton County desires to develop and strengthen its partnerships between our citizens, adjoining localities and the Commonwealth of Virginia;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Southampton County, Virginia supports the scenic river designation for the Nottoway River and hereby requests that the General Assembly of the Commonwealth of Virginia amend the Code of Virginia by amending Chapter 4 of Title 10.1, Section 10.1-414, relating to Scenic Rivers:

10.1-414. Nottoway State Scenic River.

The Nottoway River in Sussex County and Southampton County, from the Route 40 bridge at Stony Creek to the ~~Careys Bridge at Route 653~~ *North Carolina Line*, a distance of approximately ~~39 1/2~~ 72.5 miles, is hereby designated a component of the Virginia Scenic Rivers System. *Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.*

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to delegates and senators representing Southampton County in the General Assembly of the Commonwealth of Virginia for inclusion in the 2011 General Assembly legislative session.

Adopted this 27th day of September, 2010.

Dallas O. Jones, Chairman

Attest:

Michael W. Johnson, Clerk

Chairman Jones opened the public hearing.

Mr. Glenn Updike spoke. He stated that he was in favor of it but wondered what effect it would have on adjoining landowners. Would it limit timbering, hunting, etc.? The state had a habit of approving things then there were problems with it down the road. The whole story had not been told or asked.

Ms. Mary Howell spoke. She stated that she agreed with Mr. Updike. Scenic river designation was a good idea but we needed to also protect the landowners.

Chairman Jones closed the public hearing.

Supervisor Brown advised that scenic river designation was a means by which we could protect the Nottoway River, especially in light of the projected shortage of water in the next 80 years. It should also help prevent litter from being thrown in the river.

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

Chairman Jones advised that the Board would now reconvene the closed session.

Mr. Johnson announced that it was necessary for the Board to reconvene the 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 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, 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. Sheriff Vernie Francis was present for a portion of 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.

September 27, 2010

**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**

Chairman Jones advised that several motions were needed as a result of the closed meeting.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to authorize the County Administrator to amend Section 3 of the Financial and Training Services Agreement with Mrs. Julia Williams to provide for total compensation to Mrs. Williams of up to \$17,000, which would carry us through the completion of the audit. All were in favor.

Vice-Chairman Young moved, seconded by Supervisor West, to appoint Mrs. Beth Lewis as Director of Community Development, including responsibilities as Zoning Administrator and Subdivision Agent, at an annual salary of \$60,143. All were in favor.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to appoint Mr. Lee Copeland as Building Official (grade 27), as defined in the Virginia Uniform Statewide Building Code, at an annual salary of \$43,600. All were in favor.

There being no further business, the meeting was adjourned at 8:10 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk