

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 October 25, 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, 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 24, 2010 continued session and September 27, 2010 regular session.

They were both approved as presented, as there were no additions or corrections.

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 advised that there was a lot of water in the ditches because they had never been cleaned, particularly on Delaware Road. Also the gum trees were continuing to grow taller.

Mr. Johnson informed that he touched base with VDOT about the chronic problem with the gum trees. They indicated that they planned to cut the shoulders and the back of the ditches on all the secondary roads on the last cut, which should be in the next month or so.

Supervisor Felts stated that a lot of stop signs and warning signs had been down in her area. Was this a county-wide problem? Mr. Johnson replied that he was not aware that it was a county-wide issue – it seemed to have been concentrated in the Sedley/Vicksville/Black Creek area.

Supervisor West stated that the Berlin-Ivor area did not seem to be getting VDOT attention, especially since the headquarters in that area closed. The outfall ditches were clogged up, especially on Seacock Chapel Road. He wished they had a better way to get in touch with VDOT, as right now they could get away without any recourse or accountability.

Supervisor Felts advised that she had requested several times for VDOT to clean out the ditches on Vicksville Road from Rosemont to Drake and it had not been done. Also several months ago, VDOT did some work on a bridge on Drake Road between Cobb and Vicksville. Mr. Johnson noted that it was pipes and not a bridge. Supervisor Felts continued that it was supposed to be a project, but it appeared as though they just kept “band-aiding” it because every time it rained, there was another problem.

Mr. Johnson stated that last year they put in parallel culverts and increased the size of the culverts. It seemed to have been fine until we got 13 inches of rain in 30 hours, and then it washed out again. He noted that he would touch base with VDOT and see if there was a longer term solution.

Supervisor Felts advised that VDOT had paved/rocked Rosemont Road from Peachtree to Vicksville with the exception of a small area. It was a hazard because it was like a washboard coming off of the paved road. It seemed as though they could pave that area since all this VDOT money had surfaced, at least according to the papers.

Supervisor Brown commended VDOT, especially Mr. Joe Lomax, Residency Administrator, Mr. Ben Bryant, and their crews for the outstanding job they did on Sunbeam Road. It was a very dangerous situation, as more than probably 75' of the road had washed out. They were very prompt in responding to that situation. The road was now open and all the neighbors and those who traveled that road were very happy about it.

Mr. Johnson informed Supervisor Brown that regarding the dead tree leaning across Route 258 that he had mentioned on previous occasions, he had touched base with VDOT and they were waiting on clearance from Verizon, as the tree was leaning on a Verizon telephone wire.

Supervisor Wyche indicated that he did not have anything to report other than the ditches.

Chairman Jones advised that on Route 58 west in front of Valley Proteins, the last time it rained there were 2 accidents within 1 hour. Grease was coming from the Valley Proteins trucks, and when it got wet, it was like ice.

Mr. Johnson stated that VDOT had once indicated that they planned to groove the pavement in that location – he would follow up on that.

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 Personnel, Mr. Johnson, advised that Jeffrey W. Parker was hired in the Sheriff's Office at an annual salary of \$29,843 effective 10/01/10. Michael D. Lewis 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 10/01/01. S. Lee Joyner, Jr. was hired in Public Utilities at an annual salary of \$23,383 effective 10/18/10. He informed that James A. Randolph resigned from County Administration effective 10/01/01. He noted that Mr. Randolph would be the County Administrator in Lunenburg County effective November 1.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$1,466,097.52 were received.

Vice-Chairman Young moved, seconded by Supervisor Wyche, that the bills in the amount of \$1,466,097.52 be paid with check numbers 99047 through 99378. All were in favor.

Moving forward, Mr. Johnson announced that Rita Richardson, Mayor of the Town of Windsor, called last week and asked if the Board might consider adoption of a resolution supporting the location of a passenger rail stop in the Town of Windsor. Town officials were scheduled to meet and discuss this matter this afternoon with Thelma Drake, the Director of the Virginia Department of Rail and Public Transportation. It was his understanding that the City of Franklin and Isle of Wight County would consider similar resolutions.

The resolution to be considered is as follows:

BOARD OF SUPERVISORS RESOLUTION

WHEREAS, the Commonwealth Transportation Board has recently allocated \$93.04 million in Virginia Rail Enhancement Funds for the introduction of passenger rail service along the Route 460/Norfolk Southern corridor; and

WHEREAS, an important section of the railroad corridor identified for upgrades is partially located within the Town of Windsor and Isle of Wight County; and

WHEREAS, there are multiple parcels of land located within the Town of Windsor which are serviced by sanitary sewer, portable water, fire protection, roadways and other essential infrastructure services which are also located adjacent to the corridor slated for upgrade to support passenger rail; and

WHEREAS, multimodal transportation service such as passenger rail service is an extremely important tool to support and attract economic development; and

WHEREAS, Isle of Wight County is currently developing an intermodal park directly outside the Town of Windsor which will provide economic and employment opportunities to those serviced by passenger rail.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Southampton County, Virginia supports the Commonwealth's initiative to provide passenger rail service along the Route 460/Norfolk Southern corridor and beyond; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of Southampton County, Virginia supports the Town of Windsor in its effectors to establish a passenger rail station within the Town of Windsor.

Adopted this 25th day of October, 2010

Dallas O. Jones, Chairman

Attest:

Michael W. Johnson, Clerk

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

Moving forward, Mr. Johnson announced that included in the agenda was a fireworks display permit from Howard L. Vinson, Jr., pursuant to Section 10-73 of the Southampton County Code. The display was scheduled for Christmas Eve between 8:30 and 9:15 PM on the grounds of Hunterdale Baptist Church at 23099 Sedley Road, Franklin. Similar events have been held the last several years without incident. The application was in order and a draft permit was included in the agenda.

Vice-Chairman Young moved, seconded by Supervisor West, to issue the fireworks display permit. All were in favor.

Moving forward, Mr. Johnson announced that at the recommendation of Richard E. Railey, Jr., County Attorney, included in the agenda was an ordinance amendment relating to dangerous and vicious dogs. The current ordinance was adopted in 1993 and had not been updated since. This amendment was fairly extensive and was intended to allow our local ordinance to better track the state enabling legislation. He noted that there were clean and legal blackline versions included in the agenda illustrating the proposed changes.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to authorize the County Administrator to advertise the ordinance amendment for public hearing at the next regular session of November 22, 2010. All were in favor.

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

Sec. 3-96. Dangerous and vicious dogs.

A. As used in this section:

"*Dangerous dog*" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous: (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bit; (ii) if both animals are owned by the same person; (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian; or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

"*Vicious dog*" means a canine or canine crossbreed that has: (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

B. The Sheriff of the County or his deputy, designated by the Sheriff to act as an animal warden, who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before the Southampton County General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal warden shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.2-6562 of the 1950 Code of Virginia, as amended. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the 1950 Code of Virginia, as amended. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

C. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

D. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

E. The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of \$50, in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

F. All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence: (i) of the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed; and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that: (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owners has liability insurance coverage, to the value of at least \$100,000, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.

G. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

H. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.2-6542, within 45 days of such finding by any appropriate court.

The owners shall also cause the local animal control officer to be promptly notified of: (i) the names, addresses, and telephone numbers of all owners; (ii) all the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

I. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal: (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

J. Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or

2. Class I misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

K. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

L. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under § 3.2-6556.

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

State law reference: §15.2-906

Moving forward, Mr. Johnson announced that included in the agenda was a copy of the Memorandum of Agreement for the 2010 Plastic Pesticide Container Recycling Program. Under the terms of the agreement, Virginia Department of Agriculture and Consumer Services (VDACS) provided reimbursement up to \$1,875 to Southampton County for expenses associated with the program. VDACS provided jet-rinse nozzles and granulation equipment which was operated with assistance by our Extension Agent, Mr. Neil Clark, and volunteers. Southampton County paid for expenses including trailer purchase or rental, incentive gifts for farmers and other program cost and is then reimbursed for these expenses by VDACS. Two enclosed truck trailers would be positioned behind the Extension Office for collection of containers. Mr. Clark would inspect them to assure that they had been properly rinsed prior to granulation.

The Memorandum of Agreement to be considered is as follows:

MEMORANDUM OF AGREEMENT
between
VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
and
SOUTHAMPTON COUNTY

PURPOSE:

This Agreement establishes the roles and responsibilities of the Virginia Department of Agriculture and Consumer Services (VDACS) and Southampton County in conducting the 2010 Plastic Pesticide Container Recycling Program. The Virginia Plastic Pesticide Container Recycling Program assists agricultural producers, pesticide dealers and pest control firms to recycle properly rinsed plastic pesticide containers.

PROJECT PERIOD: January 1, 2010 through December 31, 2010.

VDACS RESPONSIBILITIES:

1. **Administer the statewide Program.** VDACS shall administer and provide oversight of the statewide Program by:
 1. establishing guidelines for statewide Program;
 2. approving local government programs;
 3. scheduling the granulation of containers; and,
 4. monitoring each local program to ensure their adherence to established guidelines.
2. **Reimburse Southampton County up to the amount of \$ 1,875 to support the costs of the Program.** VDACS shall reimburse Southampton County for actual local program expenses for the administration of the 2010 Plastic Pesticide Container Recycling Program incurred during the project period (January 1 – December 31, 2010) up to \$1,875. All expenses must be directly related to the Plastic Pesticide Container Recycling Program and may include: construction, rental, and material costs related to the establishment of a collection site; salaries, wages, and fringe benefits for container inspection and administration of the Program; travel expenses, safety equipment purchases, incentives and training materials related to the Program. Reimbursement shall be made upon receipt of an activity report and expense reimbursement request, including receipts, for the project period (January 1 – December 31, 2010).
3. **Provide educational materials for use by Southampton County for distribution to participants.** VDACS shall provide, upon request, educational materials (slide series, videotapes, pamphlets, etc.) which illustrate the proper procedures for rinsing pesticide containers, pesticide container inspection checklists, wellhead protection and the overall recycling program. VDACS shall also assist Southampton County in educating participants in the recycling program, upon request.

4. **Provide training for pesticide container inspectors.** VDACS shall, upon request, train Southampton County pesticide container inspectors to properly inspect pesticide containers for cleanliness and educate participants in proper rinsing procedures. All pesticide container inspectors must complete this training.
5. **Provide jet-rinse nozzles as requested.** VDACS shall provide, upon request, a limited supply of jet-rinse nozzles to Southampton County to assist in promoting the recycling program, upon request. The jet-rinse nozzles shall be distributed to agricultural producers, pesticide dealers and pest control firms who agree to recycle their plastic pesticide containers, until supplies run out.
6. **Coordinate the scheduling for the granulation of pesticide containers.** VDACS shall coordinate the scheduling for the granulation of pesticide containers at Southampton County collection site. It is anticipated that 1-2 visits will be made during the 2010 Program to granulate the collected containers.

SOUTHAMPTON COUNTY RESPONSIBILITIES:

1. **Develop plan to administer the Recycling Program.** Southampton County shall develop a written plan for implementing and administering the Plastic Pesticide Container Recycling Program for their locality and submit the plan to VDACS for concurrence. The written plan must address the following topics:
 1. location of collection site(s);
 2. collection site(s) hours of operation;
 3. method for storing accepted containers;
 4. pesticide container inspection personnel; and,
 5. handling containers rejected by granulator.
2. **Administer the Plastic Pesticide Container Recycling Program in Southampton County.** Southampton County shall administer the local Program by:
 1. establishment of a secure, covered recycling site;
 2. employment and supervision of container inspector(s);
 3. removal of all plastic pesticide sleeves or labels prior to placement in the recycling storage facility;
 4. inspection of all plastic pesticide containers to assure cleanliness in accordance with established guidelines;
 5. assisting the recycling contractor during the processing and granulation of the containers; and,
 6. submission of an activity report and expense reimbursement request, including receipts, for the project period (January 1 – December 31, 2010) to VDACS by January 31, 2011.

3. **Execute documentation transferring container ownership to granulator.**
Southampton County shall execute and sign the documentation transferring ownership of the containers to the recycling contractor.
4. **Educate agricultural producers about proper pesticide container rinsing procedures and the Recycling Program.** Southampton County, through Virginia Cooperative Extension (VCE), shall promote the value of recycling plastic pesticide containers to the agricultural community. VCE shall educate agricultural producers about proper pesticide container rinsing procedures and the Recycling Program through the distribution of educational materials and presentations at growers' meetings.
5. **Distribute jet-rinse nozzles to participating agricultural producers.** To promote the recycling program and encourage participation, Southampton County, through VCE, shall distribute VDACS-supplied jet-rinse nozzles to agricultural producers, pesticide dealers and pest control firms agreeing to participate in the Program.

This Memorandum of Agreement has been reviewed and is recommended for approval:

Liza J. Fleeson
Program Manager
Virginia Department of Agriculture
and Consumer Services

9/23/10

DATE

Alan Grant, Ph.D.
Interim Director
Virginia Cooperative Extension

DATE

Approved by:

Michael W. Johnson
County Administrator
Southampton County

DATE

Matthew J. Lohr
Commissioner
Virginia Department of Agriculture
and Consumer Services

DATE

Vice-Chairman Young thanked Neil Clark for all the work he had done in a short period of time.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to authorize the County Administrator to endorse the Memorandum of Agreement. All were in favor.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was correspondence from WHRO seeking the Board's consideration in sponsoring their Pioneer Awards Gala on April 2, 2011. He reminded that they sponsored this event at the \$2,500 level annually from 2004-2009, until a decision was made last year to defer further sponsorship. No funds were included in the FY 2011 budget for this purpose. He was open to their direction.

It was consensus of the Board not to sponsor the event again this year.

Mr. Johnson advised that he was invited to meet with the Citizens for Responsible Government at their quarterly meeting on October 20 to answer questions. The meeting was well-attended with roughly 60 citizens present. Included in the agenda were the questions they presented (in advance) and the responses that he provided.

Supervisor Brown commended Mr. Johnson for his outstanding responses to the questions. The other Board members commended him as well.

Mr. Johnson informed that included in the agenda was a copy of the Western Tidewater Health Profile for 2010. Prepared by the local health department, the report contained some very interesting data.

Mr. Johnson reported that the following notices were received:

- 1) Notice from VDH, Office of Drinking Water, to the Southampton County Jail Farm for exceeding the PMCL for total coliform bacteria in August;
- 2) Notice from VDH, Office of Drinking Water, to the Kingsdale Moseley water system for failing to collect the required bacteriological samples in August; and
- 3) Copied correspondence from VDH, Office of Drinking Water, to the Kingsdale Moseley water system for failing to submit a Waterworks Business Operation Plan.

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

Moving to late arriving matters, Supervisor Brown stated that regarding Sunbeam Road, they needed to get the USDA, Corp of Engineers, and VDOT further involved. They did a super job in responding to the damage done to Sunbeam Road following the torrential rain. However, they needed to address what was causing this problem, which were likely beaver dams that needed to be removed.

Mr. Johnson indicated that he would organize a meeting.

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

An application to the Commonwealth of Virginia to amend the Franklin-Southampton Enterprise Zone boundaries and the local Enterprise Zone incentives. Enterprise Zone designation was a state grant program that enables distressed localities to competitively market commercial and industrial areas within their communities for new business investment.

Mr. Tommy Miller of Franklin-Southampton Economic Development, Inc. presented a brief Powerpoint presentation. He advised that they were proposing to expand the Enterprise Zone boundaries (with no deletion of the current Enterprise Zone) to include a Boykins Zone, which would encompass 593 acres of available infrastructure and future growth potential.

The proposed 593-acre Boykins Zone specifically included the following:

- Boykins-Branchville Industrial Park
 - asphalt plant under construction
- Narricot Industries
- Downtown Boykins Main Street Initiative

Mr. Miller stated that they were also proposing to amend the local Enterprise Zone incentives by adjusting certain language to meet the Virginia Code, and to lowering qualifications to further assist local company expansions and entice new small business development.

Major incentive changes were as follows:

- Machine & Tool Tax Rebate
 - Decreased the investment criteria from \$500,000 to \$150,000
- Reduced Electric Utility Tax
 - Decreased the investment criteria from \$500,000 to \$150,000
- Reduced Electric Rate (Does not apply to Southampton County)
- Welcome Wagon (*New Incentive*)
 - Local organizations and businesses will offer discounted services to new companies

Mr. Miller indicating that he was requesting the Board's approval of the Enterprise Zone boundaries and incentives amendments and approval of the following resolution:

A RESOLUTION
ENDORISING THE AMENDMENT APPLICATION FOR THE
VIRGINIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT'S
FRANKLIN SOUTHAMPTON ENTERPRISE ZONE

WHEREAS, the City of Franklin and Southampton County constitute the Franklin Southampton Enterprise Zone; and

WHEREAS, Southampton County deems it necessary to amend its boundaries of the Franklin Southampton Enterprise Zone; and

WHEREAS, Southampton County deems it necessary to amend its incentives of the Franklin Southampton Enterprise Zone; and

WHEREAS, it is required that all participating jurisdictions approve any amendment to the boundary of the Franklin Southampton Enterprise Zone.

THEREFORE BE IT RESOLVED, that the City of Franklin hereby approves the amendments to the Franklin Southampton Enterprise Zone as petitioned by Southampton County.

Adopted this 25th day of October, 2010.

Dallas O. Jones, Chairman

ATTEST

Michael W. Johnson, Administrator

Chairman Jones opened the public hearing.

Mr. Ash Cutchin spoke. He advised that he was in favor of the proposed Enterprise Zone amendments. He apologized that he was the only member of Citizens for Responsible Government here this morning.

Chairman Jones closed the public hearing.

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

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

An ordinance amending and reordaining Section 10-6 of the Southampton County Code, 1991, 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.

The ordinance to be considered is as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 10-6 OF
THE SOUTHAMPTON COUNTY CODE AS IT RELATES TO
THE REMOVAL OR REPAIR OF BUIDLINGS 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

Chairman Jones opened the public hearing.

Mr. Christopher Glenn spoke. He asked how this Code would affect the building beside Nottoway House (on Route 58)? He owned the property and hoped to remove the structure that was falling

down. However, he wanted to keep his family-owned gas station. He noted that he had gotten some permits from the building and zoning office but he thought they might be expired.

Mr. Johnson stated that this ordinance 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. He advised Mr. Glenn to speak with Mrs. Beth Lewis, Director of Community Development, about his property.

Mr. Ash Cutchin spoke. He advised that he had been concerned about a house in his subdivision that was started many years ago and was never finished. He had received an email from Mrs. Beth Lewis indicating that the property had been sold, which he was glad to hear. There needed to be something in place requiring that construction of a house be completed within a certain time frame after construction began.

Chairman Jones closed the public hearing.

Supervisor Wyche moved, seconded by Supervisor Faison, to adopt the ordinance. All were in favor.

The Board took a 10-minute break.

Upon returning to open session, Mr. Johnson announced that it was necessary for the Board to conduct a closed meeting in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purposes:

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

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;

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.

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.

There being no further business, the meeting was adjourned at 10:20 AM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk

October 25, 2010

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